

# The Impact Of Court Systems On The Juvenile

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## Introduction

A criminal justice system is a set of rules and regulations to protect community members and their property. The system examines which activity is against the law and which event is considered an offense to community members. Those who are involved in such activities would be punished with fines, imprisonment or community service. Australia has a total of 9 legal systems. Eight of them are associated with the territory system, and one of them is associated with the federal system. The administration of courts mostly occurs in territories and states. Among all the criminal laws of Australia, regulatory state rules are the laws that primarily govern the daily life of the Australian people.

To maintain the law and order situation of the countries, all societies develop systems through universal or legislative laws. At the time of colon colonization, Australia developed its criminal justice system. Since that time, Australian judges have applied, interpreted and developed these laws. Like this, All the territories and states have their criminal justice systems. Because of this, the practical implications of these laws in different countries and regions are also different. To ensure a better criminal justice system, Australia mainly focused on state rules and regulations. In Australia, cases are processed in three distinct phases: the investigative component, the adjudicative component and the correctional or penal component.

Two groups have a significant influence on the criminal process. The politicians and those who are working in the media organizations. Politicians can affect the criminal process more directly than the people working in the media organizations by passing laws like truth in sentencing that increase the number of people in prison. The primary purpose of the media is to educate and inform the public about crimes and the criminal justice system. With the help of advertisements, news and crime reality shows, people get to know how an offender will be treated in Australia and how the criminal justice system of Australia works.

## Problem Statement

Juvenile delinquency is used to refer a child whose behaviour is consistently mischievous and disobedient. In other words, one can say that Juvenile delinquency involves a minor child with an age range between 10 to 17 years indulging in illegal activities (Bartollas et al., 2017). Another word for juvenile delinquency is juvenile offending. One of the reports from the Australian Bureau of Statistics

shows that in the year 2015-2016 number of children between the ages of 10 to 17 years were involved in cases of theft, drugs and public order offenses. Most of the children who come in front of the court have a history of Trauma, abuse and neglect. More than 5000 children per year had their first contact with the Juvenile Justice system (Australian Bureau of Statistics). The treatment that they get has a high impact on their personality. Sometimes, they do not indulge again in such types of activities, and occasionally, they still indulge in criminal activities. People who are innocent but get punishment, punishment can either turn them into criminals or take their own lives.

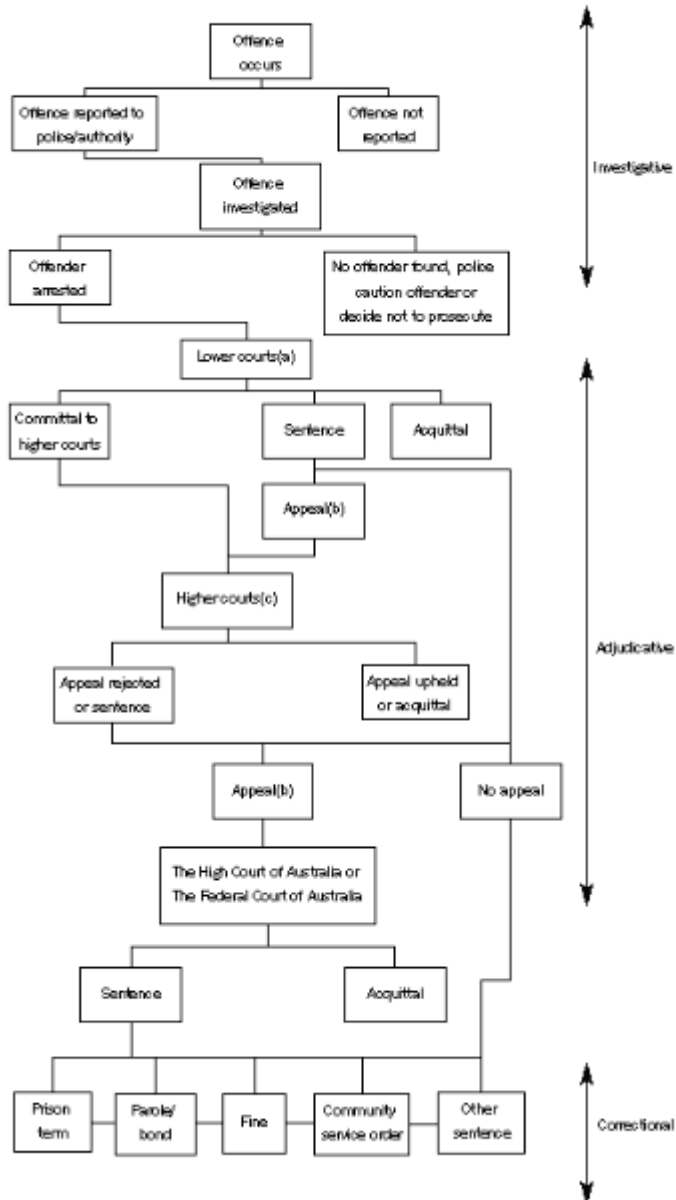
## Methodology

The methodology for this paper is on a secondary basis. Literature has been provided that supports the problem statement. Research is qualitative.

## Discussion

The diagram below shows the criminal justice system operation flow chart in Australia. It reveals the breakdown of the process and how a case will be processed in an Australian Justice system.

## OPERATION OF THE CRIMINAL JUSTICE SYSTEM IN AUSTRALIA



(Australian Bureau of Statistics)

Kalief Browder is one of the most talked about a case in recent times. Kalief was a 22-year-old boy who was apprehended in the case of a robbery that he did not commit. He spent three years on Rikers Island. He was arrested in the spring of 2010 at the age of sixteen.



Browder was born to a drug-addicted mother and was placed into child protective services at birth. He was the youngest of his other siblings and one of the five siblings who were given away on the basis of adoption. Before the arrest, in the case of robbery, Brown was charged with third-degree grand larceny on the fact that he was involved in the theft of a truck that, according to him, was never robbed but used as enjoyment as a ride.

It was the day of 15th May 2010 when the police apprehended Browder and his friend on 18th East Street in the Bronx. Browden said he and his friend were on their way to their home after the party they attended. Pn their way back a police car approached them, and the policeman said he was involved in a robbery that was reported earlier by the victim of that theft that two black guys robbed him. Now policeman first said the theft took place sometime before they got arrested after a policeman told them that the robbery took place a couple of weeks back. The policeman changed his statement because the victim of the theft, Mr Bautista, who was sitting in the back seat of the car, identified them as thieves. However, the dates provided by the Bautista changed on different occasions in the case. The policeman arrested both Browden and his friend, saying that this was a routine check and that they would be on their way back after an hour or so. For 17 hours, browden was questioned, and the very next day, he was charged with robbery and assault. Because he was on a probation period, he did not get out, but his friend was set free on the first day of arrest. The policeman said for his bail, he had to pay \$3000, which apparently his family could not afford.

Browden was imprisoned at the Rikers Island. Other inmates who were there and serving their sentences used to wash their clothes on their own with the help of soap. Most of the inmates were talking about the crimes they did and with whom. This was undoubtedly not what Browden had in his mind. So, he did not make any friendships with anyone. His mother used to come every weekend and bring clean clothes for him and take back the dirty clothes. Along with clothes, his mother gives him

some money so that he can buy himself some snacks, but this could make him a target for other prisoners in the prison as they do not have the money.

After 258 days of his arrest, Browden appeared in front of the court where the defense had submitted his notices of readings. O'Meara was the lawyer appointed for the case of Browden because they were not that well off that they could afford their lawyer. Browden told the whole scenario to the lawyer with continuous saying that he is innocent. The lawyer said if he found it, the criminal court would sentence him to 3.5 years. In all the 965 days he was imprisoned in prison, he appeared in eight different judges until he was set free on March 13th, 2013.

During his imprisonment, he was very depressed and even tried to hang himself in prison. Because he was not able to cope with the situation he was going through. The whole situation got on his nerves, and the point came where he wanted to end his life and get himself released from his imprisonment. In November 2013, he again attempted suicide and was placed at the St Barnabas Hospital. He was trying death because the experience he had with the courts and the life he spent in prison was not making him able to concentrate on his family or his career and on his education. At the end of June 6, 2015, he hung himself and put himself out of his misery.

## Findings

From the above case, from my point of view, it is the inefficiency of the court that is entirely responsible for the death of Browden. Of course, the atmosphere is one of the leading concerns, in this case, another inmate of the prison makes a high impact on the personality of another inmate. In the case of Browden, the atmosphere of the jail in which he was serving his sentence and the amount of pressure he was putting on himself, he tried many times for suicide. This is entirely possible that the victim of that robbery, My Bautista, misjudged Browden. There should have been a thorough investigation conducted on this case, as the dates mentioned by the Bautista in the case were not the exact dates if it was so obvious that these were the guys who robbed him. He should have said the correct time. Loss of a life is never right. The life period he served in prison has impacted so sorry on the mental and physical health of Browden that he preferred suicide over living in a society. Society degrades a person who commits a crime, but what if that person is innocent? Do they believe him except his parents? This is one of the questions that remains in the minds of every individual who knows about the case. Court systems should be more accurate and should punish those who are guilty.

## Juvenile Justice System of Australia

Three systems of juvenile justice are there in the Young Offender Act 1993 (SA) South Australia. Two of them are tiers of pre-court diversion that are applicable where the first offender admits to the alleged offending. When charges have been laid, the youth court determines and hears matters that

are in Dispute, no matter how big or small, alleged repeat offending, breach of obligation etc. One of the latest findings of the government of Australia says that 53 % of the people who got their first punishment will likely return before the age of 18. Young people aged 10 to 17 years were under youth justice supervision in Australia on an average day in 2015- 2016. Most of the young people are male. Six months is the average period of control during 2015 - 2016.

## Penalties for Juvenile Offenders

Juveniles who are between the ages of 12 to 17 years and who commit an offense are penalized under juvenile criminal law. This law can also be applied to adults of a period of 18 to 22 years. For those juveniles who are less than the age of 12 years, there is no prosecution for such cases. In these cases, the police will talk to the parents of the children so that they can take corrective measures. In such cases, it is highly likely that parent sends their children to the youth care office, where they will be provided with sufficient counseling that they might need.

A juvenile who commits minor crimes may be referred to the HALT juvenile crime prevention program. This provides them with the opportunity to do right about the things they have done wrong in the past. For instance, apologies to the victims to whom offense they have made. In case the juvenile does not apologize, the fact is referred to the public prosecutor, which may result in the prosecution. Another alternative for the youth would be doing community service, which is unpaid work. Juveniles who are between the ages of 16 to 17 years, if they commit an offense will get imprisonment of two years. The maximum sentence for a juvenile of age between 12 to 15 years is one year. Some of the youths require counseling so that they can never return to the same phase where they committed an offense. Other penalties include paying out a fine or damages or getting their scooter or something that they use on a regular basis.

It has been found evidence that young juvenile was once involved in the maltreatment they had from the child protection services in Australia. This shows how they treat children, which ultimately results in these children being engaged in activities that might end their careers and lives in the future. Child protection services have the sole purpose of ensuring the protection of the child in every possible way. However, this study has shown that they did not fulfill their mission. This is one of the reasons that young offenders keep on committing crimes after they get released from the pn (Malvaso et al., 2017).

## Court Process for Juvenile

When police decide to bring forward the child to the court, the court proceeds by way of arrest or by court attendance notice. The rate at which these mechanisms are used varies according to the jurisdiction. For example, in Queensland 2/3 of all, the children brought forward by way of arrest and 1/3 by way of summons. In most of the jurisdictions, they keep stats on the number of the criminal

matter heard in which children s involved. It has often been considered that young females are treated leniently under juvenile justice systems, but evidence has found that shown that they are treated with the same procedures and the same type of punishments that young male incurs (Gilmore & Manning, 2015). Many jurisdictions keep a record of the most dangerous offenses in which children are involved in more than one case. Most of the Juvenile instances are heard by the magistrate rather than by the child specialist courts. However, some of the facts are also heard at the Supreme Court or district courts as well.

According to the report published by the Australian government that says that detention makes the criminal criminalized more. It has also been said that detainees if they learned to play, get themselves released earlier than the original sentence and commit the crimes again. It has been found evident in the society of NSW. There are some children for whom detention is the last thing they want. The government has rehabilitation programs as well that will help them make them stronger from the inner side so that when they get out of prison, they will not indulge in criminal activities. It has been found evident that In juvenile justice systems courts demolish the human rights, in fact, violates human rights. During their procedural things going on in the courts, they violate the human rights of the juvenile (Cunneen et al., 2016).

The current scenario of youth incarceration and youth suicides refers to the need to look at the policies of youth incarceration and rehabilitation. According to the report published by the Australian Institute of Health and Welfare, explained that on any given night, around 1000 young people are in possession of the Australian youth detention centers. Of those 1000 people, 2/3 people are waiting for their sentence. It has also been said that from the period of 2008 to 2012 number of youth detention who did not get any sentence increased from 85 to 114 (Sheehan & Reed, 2017). However, this rate reduced down to 12.8% in 2016 (Australian Bureau of Statistics).

## Conclusions

This paper examined the impact of court systems on Juveniles. The case represented in this study was of an African American guy who got apprehended with false accusations and, after being released from prison, committed suicide. Active court systems will ensure that justice is served on an equal basis. No one is getting discriminated on any basis. There have been many cases in Australia in which rehabilitation programs have changed their lives, but there have been many other cases as well in which juveniles are treated severely, which increases their likelihood of committing crimes more. Child protection services should take notice of such activities so that such criminal activities will be reduced. There have been cases in which courts have violated the human rights of the criminals.

Although it has often been said that criminals do not possess any leverage on the humanitarian ground, human rights departments of Australia ensure that whatever the crime is, he/ she must be provided with human rights. It's their right. Every case should be viewed thoroughly so that no other man like Browden will commit suicide due to the injustice that was done to him. However, the reports

from the Australian Bureau of Statistics have shown that the number of juvenile crimes has reduced to a good ratio if compared with the previous years. Effective and efficient court systems and procedures will be of great help in reducing the crime rates if prisoners are treated in the right way so that they can change their lives with proper counseling from the government departments.

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