



Plea Bargaining in the Juvenile Justice System

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Summary

Over the last hundred years, the juvenile justice system experienced a growth from unlimited judicial discretion through the doctrine of *parens patriae* to legal rights for juveniles when Miranda rights were afforded to juveniles who are taken into custody [1]. Throughout this metamorphosis, the juvenile justice system had the underlying goal of rehabilitation, rather than punishment, even though this goal is not always consistently carried out by the courts.

To this end, state juvenile laws were developed that encouraged juvenile judges understand the youth's life issues, including his/her home, school and community situation and how each affected the actions of the youth. This information is tantamount to providing appropriate treatment and services to help the juvenile successfully achieve the goal of rehabilitation. The juvenile judge can then make a sentencing decision based on a full range of facts that target risk and protective factors present in the juvenile's life for the best possible outcomes [2]. The judicial decisions are often based on a balanced approach philosophy of holding the juvenile accountable for their actions, providing treatment for any delineated difficulties that the child is facing and the public safety of the community [3]. The judicial decision-making process takes a more structured and responsible approach after hearing all the facts surrounding the child's life, including the juvenile's criminal history and response to prior intervention efforts. The advantage of the juvenile justice system is the extension of jurisdiction to the family and guardians of the juvenile. Studies show that rehabilitation of the juvenile has the best chance of positive results when the family is supported and included in the intervention and treatment process.

The juvenile justice system supports a bifurcated judicial process to further the idea that judicial decisions are based on a gathering of facts of the juvenile's life and family for sentencing purposes. However, what has become a disturbing trend is the significantly high number of plea bargains by prosecutors and defense lawyers in the juvenile justice system. Plea bargaining is an accepted legal agreement so there is no argument that it can be present in the juvenile justice system. It is a method used historically to help expedite the court process and relieve the court of too many cases clogging the docket. But I question how this process is helpful in the juvenile justice system. How does plea bargaining further the rehabilitation goal of the juvenile and his/her family when the ultimate sentence is not based on a full range of knowledge about the life of juvenile and what caused the criminal behavior in the first place? Does the juvenile, whose brain is still developing, understand the gravity of pleading guilt and obtaining a criminal record? Is there undue pressure on the juvenile to confess guilt? Does the juvenile understand that their criminal record will not necessarily be expunged at age 18 or even age 21?

I don't question the role of the defense lawyer in obtaining a lesser sentence for their juvenile client, but in recent years, prosecutors have threatened waiver into the adult system if there is no plea. This poses a dilemma for the defense in that the goal is always to keep the juvenile in the juvenile justice system for a myriad of reasons, age appropriate programs and services being one of them. However, plea bargains impose pressures on the juvenile and causes them to miss an opportunity for a full trial and sentencing hearing where their entire life situation can be evaluated and given an individualized, targeted treatment and accountability sentence. I believe this defeats the purpose of the juvenile justice system and what makes it different from the adult criminal justice system.

The more that plea bargaining becomes the norm in the juvenile justice system, the less likely the goal of juvenile rehabilitation and treatment is likely to be responsibly applied. The use of plea bargaining disrupts the juvenile justice process and goals and it becomes less helpful to the juvenile offender and, in the broader sense, it is less apt to positively impact the public safety of the community and schools.

References

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