

Rights of Juvenile Defendants TIMELINE

First Juvenile Court Established

1899

In Cook County, Ill., the first juvenile court in the U.S. is founded on the idea that juvenile offenders need protection and treatment, not just punishment. The idea comes from the British justice system's principle of *parens patriae* (the State as parent), meaning that the state has a duty to protect children under its care. By 1925, most states have juvenile courts or probation services.



Juvenile Justice Courthouse in Panama City, Florida

Photo: choicegraphx/istockphoto

Constitutional Protections for Juveniles

1967

The Supreme Court decides *In re Gault*, holding that juveniles possess the standard constitutional guarantees of due process. Previously, juvenile justice systems withheld constitutional protections routinely given to adults. In 1975, the court decides that once juveniles are "adjudicated delinquent" in juvenile court – the equivalent of being found guilty – they cannot be tried for the same crime in an adult court. To do so, the court says, would violate the Fifth Amendment protection against double jeopardy.

Separate Justice System

1974

The Juvenile Justice and Delinquency Act requires states to keep their juvenile justice systems segregated from the adult systems. The Office of Juvenile Justice and Delinquency is created to focus on combating juvenile crime, compiling national statistics, and funding research on juvenile crime.

Preventive Detention Upheld

1984

The Supreme Court says a juvenile offender can be held, before a hearing, in a detention facility. Even though detention might seem to be punishment without any finding of guilt, the court allows the policy because its purpose is to protect the juvenile and the public.



Army Combat Boot

Photo: Wikimedia Commons

'Boot Camps' Introduced

1985

Louisiana introduces the first "boot camp" as an alternative to jail for juvenile offenders. Based on military training, the boot camp seeks to rehabilitate offenders by providing structure and discipline. By the end of the 1990s, about 400 boot camps are in operation. But questions are raised about their effectiveness. In 1998, a report from the Koch Crime Institute shows boot camps are no better than traditional programs in preventing juveniles from committing crimes again. In 2001, a 14-year-old boy dies at an Arizona boot camp after he is deprived of food and water and forced to march in 100-degree heat. His death brings to at least 31 the number of teens who have died at camps since the 1980s.

Execution of Juveniles Restricted

1988

In 1982, the Supreme Court said a jury could consider an offender's age when deciding whether to impose the death penalty. But in *Thompson v. Oklahoma*, the Supreme Court decides that, according to society's "evolving standards of decency," it is "cruel and unusual" punishment, in violation of the Eighth Amendment, to execute offenders who commit crimes when under the age of 16. A year later, the court allows executions for defendants who were 16 or 17 when they committed their crimes.



Electric Chair

Photo: Wikimedia Commons

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Zero Tolerance Policies

1989

School districts start to initiate policies that impose mandatory expulsion for drug possession or participation in gang-related activity. As these policies gain momentum, they are expanded to include tobacco-related offenses and general school disruptions. In 1994, Congress passes the Gun-Free Schools Act, which requires a one-year expulsion of any student possessing a weapon as well as mandatory criminal prosecution.

Drug Free, Gun Free School Zone

Photo: iStockphoto/



Changing Public Attitudes

1990s

During the 1980s, public perceptions about juvenile offenders change dramatically. The public believes the juvenile justice system is too lenient in punishing offenders. As a result, in the 1990s, state legislatures act to make it easier to transfer juveniles to the adult criminal justice system, give greater sentencing authority to juvenile courts; ease confidentiality rules for juvenile proceedings; and give victims a greater role in proceedings.

U.N. Treaty on Children's Rights

1995

International consensus against execution and life imprisonment of juvenile offenders is affirmed in the U.N. Convention on the Rights of the Child, which states that "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below 18 years of age." The U.S. does not ratify the convention.



United Nations Building in New York

Photo: Javier Carbajal / Wikimedia Commons

Neglect and Abuse in Juvenile Centers

2000s

A federal judge approves a settlement of a lawsuit brought on behalf of youths at an incarceration facility in South Dakota where, among other things, boys and girls were locked in isolation cells for up to 23 hours a day, for weeks or months at a time. In 2003, federal investigators find evidence of abuse and neglect at two Mississippi training schools. They cite poorly trained staffs, ill-equipped facilities and little educational training and medical care for students. In 2004, California's juvenile prisons are found to be in "deplorable" condition, understaffed and unsafe.

No Death Penalty for Juveniles

2005

The Supreme Court rules, 5-4, in *Roper v. Simmons* that the Eighth and Fourteenth Amendments protect juveniles from capital punishment. Justice Anthony Kennedy writes that "when a juvenile offender commits a heinous crime, the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity." Dissenters object to the majority's citation of "overwhelming" international consensus against the juvenile death penalty.

Life Sentence Without Parole Rejected

2010

Juvenile offenders may not be sentenced to life in prison without parole, unless they are found guilty of homicide, the Supreme Court holds. The justices say that the punishment violates the Eighth Amendment protection against cruel and unusual punishment.



Photo: wsmahar / iStockphoto