Should the Law Treat Kids and Adults Differently?

By Jessica Reaves

When a child kills, does he instantly become an adult? Or does he maintain some trappings of childhood, despite the gravity of his actions?

These are the questions plaguing the American legal system today, as the violent acts of juvenile offenders continue to make headlines.

Wednesday, 14-year-old Nathaniel Brazill was found guilty of second-degree murder for killing his English teacher last year. The charge usually carries a prison term of up to 30 years, but Brazillé's defense team is hopeful the sentencing judge will be more lenient in this case. They have a powerful ally: Jeb Bush. "There is a different standard for children," the governor said after Brazill was sentenced. "There should be some sensitivity that a 14-year-old is not a little adult."

In March, another Florida jury sentenced 14-year-old Lionel Tate, who killed a younger girl while practicing wrestling moves on her, to life in prison without parole. The concurrent Brazill and Tate trials served to heighten the public misconception that juvenile violent crime is on the rise; in fact, recent figures show a precipitous drop over the last five years.

Are we seeing a drop because children are thinking more carefully about their crimes, knowing they could receive adult sentences? All but five states allow children of any age charged with murder to be tried as adults. The death penalty generally isn't an option — at least not for defendants under the age of 16; The U. S. Supreme Court has ruled capital punishment unconstitutional for anyone who hasn't celebrated their 16th birthday. Some states, however, will consider 16- and 17-year-olds for the death penalty.

Or are there other factors? Defense attorneys might offer a different argument: Since the bulk of the drop-off in juvenile crime predates most states' embrace of harsher penalties for young offenders, it is disingenuous to assume any connection between the two.
The fundamental question is, are children capable of understanding the consequences of their actions? Maybe not; recent studies suggest that the brain's prefrontal lobe, which some scientists speculate plays a crucial role in inhibiting inappropriate behavior, may not reach full development until age 20.

It's unlikely that America's thirst for vengeance will be sated by scientific theory. We are, as a nation, very much in favor of treating child criminals as adults — a recent ABC news poll showed 55 percent of us believe the crime, not the perpetrator's age, should be the determining factor in sentencing.

Below, a few of the arguments posited by both sides of the juvenile crime debate. At the end, there is an email address; we invite you to send us your comments. Let us know what you think.

**Should the U.S. justice system treat juvenile violent offenders as adults?**

**YES**

The end result of a heinous crime remains the same, no matter who commits it. Our justice system depends upon holding perpetrators responsible for their actions.

Harsh sentencing acts as a deterrent to kids who are considering committing crimes. Trying children as adults has coincided with lower rates of juvenile crimes. Light sentences don't teach kids the lesson they need to learn: If you commit a terrible crime, you will spend a considerable part of your life in jail.

Kids today are more sophisticated at a younger age; they understand the implications of violence and how to use violent weapons. It is absurd to argue that a modern child, who sees the effect of violence around him in the news every day, doesn't understand what killing really is. The fact that child killers know how to load and shoot a gun is an indicator that they understand exactly what they're doing.

**NO**

The juvenile prison system can help kids turn their lives around; rehabilitation gives kids a second chance. Successful rehabilitation, many argue, is better for society in the long run than releasing someone who's spent their entire young adult life in general prison population. A young person released from juvenile prison is far less likely to commit a crime than someone coming out of an adult facility.

Children don't have the intellectual or moral capacity to understand the consequences of their actions; similarly, they lack the same capacity to be trial defendants.

Children shouldn't be able to get deadly weapons in the first place. Adults who provide kids with guns used in violent crimes should be held at least as accountable as the kids themselves.
It's remarkably easy to find a seasoned defense lawyer who believes the current system is too vulnerable to racism: Statistically, black juvenile offenders are far more likely to be transferred to adult courts (and serve adult time) than their white peers who've committed comparable crimes.

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