Juvenile Justice System, juvenile Courts, and Corrections

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The given case example refers to a young man known as Jim who could travel through time. Jim has had serious infractions with the juvenile justice system in the recent past. In the case, Jim has the choice to pick between two periods in history. They include the 21st century and the colonial periods in America. The first step is to assess what would happen to him if he were to commit such infractions in the American colonial period. The infractions include breaking and entering with aggravating assault circumstances. In the American colonial period, there are different forms of punishment that Jim would face. There are many differences between the colonial period and the 21st century and thereby the crime would be treated differently. Juvenile criminal justice just like other aspects of society changes over time and thereby the crimes would be treated differently. Understanding these differences can allow individuals to ascertain the changes that have been observed within the juvenile justice system in the last several decades.

First, during the American colonial period, if a home or house was broken into, there would be two different sets of treatment. If it were to be broken into during the night, the breaking would have been considered to be a burglary. However, if it were to be broken into during the day, it would have been treated as housebreaking. Another point to note that would be different during the colonial times is that the term ‘aggravating circumstances of assault’ would not have been used. The criminal offense would have been considered to be a theft using violence or burglary with the use of violence. However, theft and burglary using violence were considered to be a serious crime. This is evident through the various forms of punishment that were given to some of the offenders of such criminal acts. The most common type of punishment that was used at the time was whipping and branding.

Branding was a form of punishment where the offenders would be branded through the use of marks of their bodies so that other people in the society would know what type of crime they had perpetrated in the society. Branding was seen to be great of deterrence since other people in the society would refrain from such crimes due to the embarrassment that was associated with the punishment (Klein, 2014). In branding, the perpetrator of a crime was labeled using a mark that was supposed to be visible for all people. In some instances, the mark would remain for the rest of an individual’s life. Whipping is a form of punishment where the offenders would be beaten using a whip for the infractions that they had conducted at the societal level. Whipping would take place in a public place with the aim of embarrassing the suspects and instilling fear among other people so that they would avoid being involved in such activities. In some instances, suspects would receive stock time also known today as jail time in addition to whipping and branding.

In the 21st century, the crime of breaking and entering with aggravating circumstances of assault is also considered to be a serious criminal offense regardless of whether it has been conducted by a juvenile or not. Jim would thereby be faced by serious repercussions if he committed the same crime in the modern world. Burglary is a felony since it involves unlawful entering into another person’s property without their permission. However, it is a misdemeanor and would not attract serious punishment such as murder. Some of the forms of punishment that could be accorded to Jim include jail term usually less than a year, criminal fines, and criminal restitution. Criminal r restitution refers to where an offender or criminal is forced by a court of law to repay the property that was stolen to repair any damages of property that happened as a result of the burglary.

Additionally, Jim would also be faced with serious punishment due to the aggravating factors that are present in the case (Krisberg, & Austin, 2013). In the scenario, there were aggravating circumstances of assault when he broke and entered the house. Such assault could have led to serious harm or injury on individuals who were on the property when the crime took place. The aim of the court would be to determine what form of injury or bodily harm was suffered by the individuals who were assaulted. Such a determination would allow the court in passing a ruling on the type of punishment or sentence that should be served by Jim.

Another aspect to note about the colonial times is that district attorneys and public prosecutors never existed. Instead, members of the community would decide the fate of a defendant. They would also determine whether there was enough evidence for the prosecution of an offender to take place. The same is very common in the 21st century. Courts through the public prosecutors are supposed to determine whether the evidence produced in court is enough to warrant a given form of punishment to be given to an individual. The same is also evident in the United States juvenile justice system. The jury is supposed to determine whether the suspect is guilty or not. The jury is chosen from the members of the public and this is very similar to what used to be done in the past.

References

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