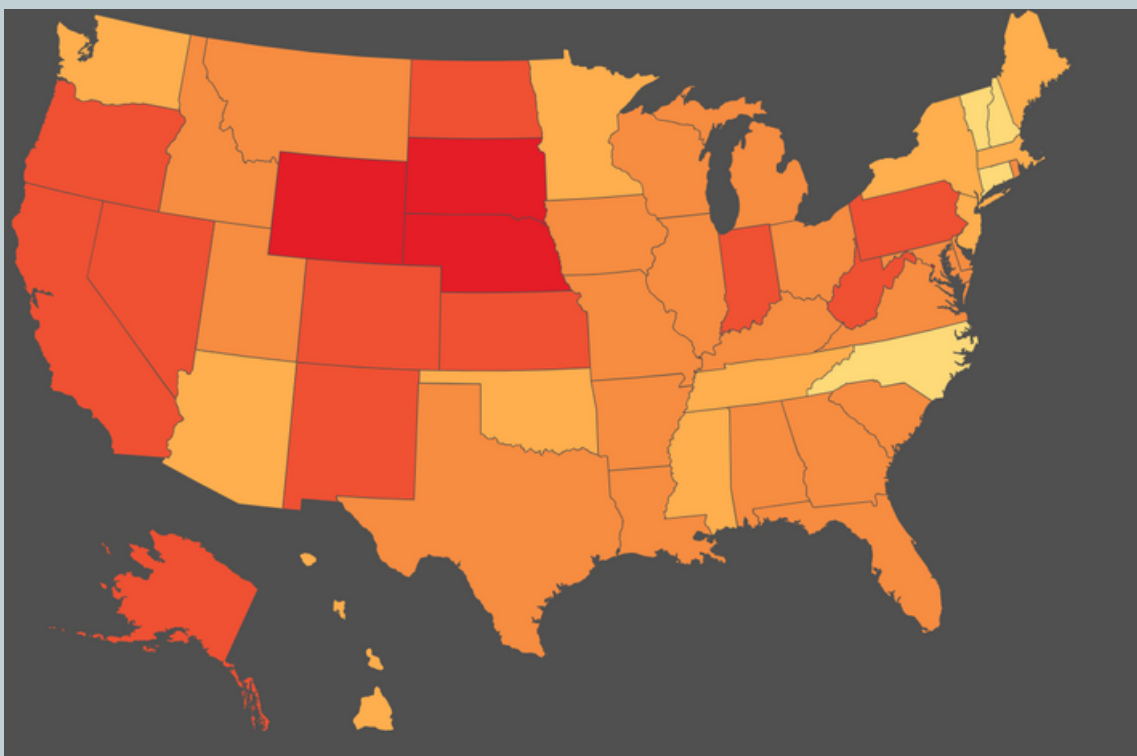


Juvenile detention

To what extent is juvenile repression adapted to children's specific conditions?



Young prisoners in uniform



Number of youth incarcerated per 100,000 people, State by State

I. A relative impact of juvenile courts on children protection

A. Creation of the juvenile courts to adapt their repression

- A former system that treated children as adults, without considering the fact that they are young and can evolve.
- A call for a different system for children, a system where they can be helped (House of refuge).
- Beginning of the XXth century: creation of the juvenile courts all around the country (first Court in 1899 in Illinois).
- Will of "rehabilitation" and no longer of "punishment" through juvenile detention.

B. Instauration of a more strict system of juvenile repression

- Prosecutors were trying to send children to criminal courts even though they were not adapted for them and sanctions were unlimited.
- Idea that juvenile courts are just meant for small crimes and that serious crimes should be heard in front of a criminal court.
- 1978: Juvenile offender Act, The state of New York says that every murder committed by a child above 13 must be brought in front of a criminal court.
- More and more children were brought in front of criminal instead of juvenile courts, which led to stricter repression and more children incarcerated in adult's prisons.

II. Criticism that led to a less harsh system

A. Criticism of juvenile detention

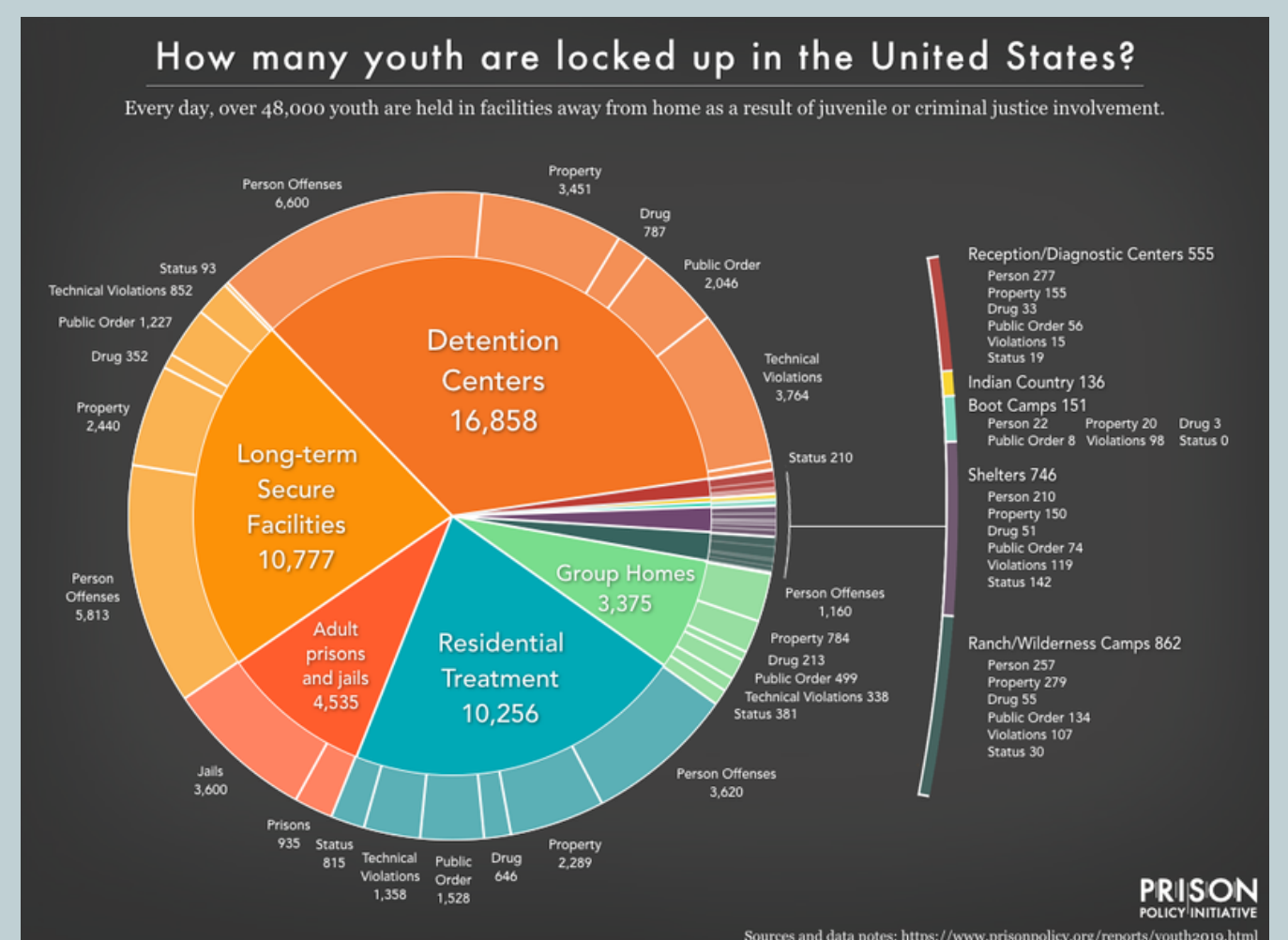
- A recidivism encouraging system (30% of recidivism children) particularly for children in adult's prisons.
- Overcrowded prisons that put children in inhuman conditions of detention, no education and no chance of reintegration. They are also more likely to commit suicide.
- A system increasing racial discrimination : 44% of incarcerated children are african-american, for only 16% of the youth population.
- A system that doesn't take into account the physic and moral disparities between adults and children.

B. The evolution in favor of a less repressive system

- Several studies since the beginning of the XXIst century, have shown that a child is still growing and can change.
- In 2005 the "Roper V. Simmons" decision of the Supreme Court forbade death sentences for children under 18.
- In 2012 the "Miller V. Alabama" decision of the Supreme Court forbade mandatory life sentences without parole for children.
- However, judges can still decide to give life sentences without parole and 25 States allow them to do it.



The United States Supreme Court



Pie chart : repartition of youth locked up in United States