



**ACCOUNTABILITY V. CONSTITUTION: THE ETHICAL DILEMMA OF
PROSECUTING JUVENILES AS ADULTS**

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ABSTRACT

Whether individuals under 18 should be tried as adults remains a persistent ethical dilemma in the criminal justice system. A drastic course of action, this form of punishment is only found valid for a certain caliber of crimes committed under current statutes. The most common crimes that are deemed “ethical” for this escalation of punishment are listed as: murder, sexual assault, gang violence, high profile drug cases, and cases involving weapons. Supreme Court cases *Kent v. United States (1966)*¹ and *Miller v. Alabama (2012)*² appeal to the constitutional rights of juveniles. *Kent v. United States (1966)* examines a sixteen year old boy who had been tried as an adult for robbery and sexual assault without a full investigation of his involvement being conducted prior to the transfer to adult court.³ This case introduces the importance of Fourteenth Amendment rights regarding the caliber of sentence for a juvenile individual. Similarly, *Miller v. Alabama (2012)* declares that mandatory life without parole is unconstitutional due to the neurological differences in reference to a fourteen year old boy on trial for murder.⁴ As a departure from the previous legislation, these cases weigh accountability and maturity among the defendants to ensure constitutional justice. This paper argues that juveniles who commit crimes comparable to the caliber of an adult, should be held accountable for the stature of said crime not only for justice, but also to ensure the safety of the public or victim(s) of the violation. This escalation must be carried out with a fair representation of due process and a consideration of constitutional rights.

¹ Kent v. United States, 383 U.S. 541 (1966).

² Miller v. Alabama, Oyez, <https://www.oyez.org/cases/2011/10-9646> (last visited Apr. 5, 2026).

³ Kent v. United States, 383 U.S. 541 (1966).

⁴ Miller v. Alabama, 567 U.S. 460 (2012).

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I. INTRODUCTION

A complex ethical and constitutional debate within the American justice system is trying juveniles as adults. The U.S. juvenile justice system has created a system that prioritizes rehabilitation over punishment. This system was created on the basis that juveniles are too immature and underdeveloped to be held to the same standard as an eighteen year old legal adult. Even with this system of safeguards in place, there have been many instances where juveniles are still tried as adults with no regard to their right to due process enlisted in the Fourteenth Amendment. This paper claims that regardless of the magnitude of the crime, the defendant must be tried with the correct representation under the Fourteenth Amendment in order to be given a constitutional verdict.

The Fourteenth Amendment states, “no state may deprive any person of life, liberty, or property, without due process of law.”⁵ Due process is the component of the justice system that grants fairness to all citizens. This right can become nebulous when a case takes an extended amount of time to go to trial, be it from controllable or uncontrollable circumstances. Additionally, the carelessness of a defense, prosecution, or law enforcement group can alter the trajectory of a trial.⁶ This delay of trial can result in prejudice, loss of evidence, and loss of witnesses.

The debate centers on whether minors can learn and grow from their crimes in juvenile detention, or whether they fully understood and deliberately chose their actions. The juvenile justice system is oriented in a way to provide ample opportunity for rehabilitation, growth, and

⁵ U.S. CONST. amend. XIV, § 1.

⁶ Richard Klein, *The Role of Defense Counsel in Ensuring a Fair Justice System*, THE CHAMPION, June 2012.

change among convicted persons. Crimes that involve murder, abuse, drug, gang, and weapons are included in this constitutional question as they are concerns for public safety. The prosecution of juveniles as adults is either seen as an act of civil safety or as unconstitutional punishment. By offering opportunities of rehabilitation, the justice system is not only respecting the defendants' constitutional rights, but also attempting to eliminate negative behavior from happening again in the future.⁷ *Reforming Juvenile Justice: A Developmental Approach* collaborated on by Bonnie et al., states in reference to juvenile rehabilitation, “holding adolescents accountable for their offending can promote positive legal socialization, reinforce a prosocial identity, and facilitate compliance with the law,”⁸ therefore affirming the positive benefits of the juvenile justice structure.

The United States Supreme Court has reviewed many cases that are related to the constitutional rights of juvenile prosecution. Cases such as *Kent v. United States (1966)*,⁹ *Miller v. Alabama (2012)*,¹⁰ *Roper v. Simmons (2005)*,¹¹ and *In re Gault (1967)*,¹² have altered the legal parameters of juvenile cases and drawn attention to the lack of constitutional protections. Each case argues the concepts of liability for the crimes committed against the neurological differences between adults and minors. The American Academy of Adolescent Psychiatry states that juvenile brains, “are guided more by the emotional and reactive amygdala and less by the thoughtful, logical frontal cortex,” affirming the presence of cognitive development in juvenile cases must be considered.¹³ These cases have helped the courts justly and appropriately try

⁷ SUBHAL PRATAP SINGH, *Rehabilitation in the Juvenile Justice System*, <http://dx.doi.org/10.2139/ssrn.4401981> (Mar. 27, 2023).

⁸ National Research Council, *Reforming Juvenile Justice: A Developmental Approach* 4-5 (Richard J. Bonnie et al. eds. 2013), <https://www.nationalacademies.org/projects/DBASSE-CEGIS-09-11/publication/14685>.

⁹ *Kent v. United States*, 383 U.S. 541 (1966).

¹⁰ *Miller v. Alabama*, 567 U.S. 460 (2012).

¹¹ *Roper v. Simmons*, 543 U.S. 551 (2005).

¹² *In re Gault*, 387 U.S. 1 (1967).

¹³ American Academy of Child & Adolescent Psychiatry, *The Teen Brain: Behavior, Problem Solving, and Decision Making*, FACTS FOR FAMILIES No. 95 (Dec. 2011).

juveniles by changing the approach to juvenile prosecution while highlighting the mishandling of previous trials.

Juveniles who commit a crime to the caliber of an adult should be held accountable for the stature of said crime to set a precedent, but also to ensure the safety of the general public or victim(s) in the case. This escalation also must be carried out with a fair representation of due process and a consideration of constitutional rights. Due process is present both for the victims and offenders in ensuring fairness throughout the justice process. Part I of this article examines the difference between rehabilitation and punishment and the history of the juvenile detention system. Part II explores the importance of due process and the Fourteenth Amendment while prosecuting juveniles while referencing cases such as *Kent v. United States (1966)*¹⁴ and *In re Gault (1967)*, which established guidelines for juvenile prosecution. Part III considers the consequences of trying juveniles as adults while referencing Supreme Court case *Miller v. Alabama (2012)*. Part IV describes the positives of trying minors as adults in terms of accountability and public safety. Part V addresses the counterarguments for juvenile prosecution while referencing maturity, rehabilitation, and potential long-last effects on defendants. Part VI and VII similarly address the ethics and future for juvenile prosecution while taking into consideration appropriate punishment, justice for victims, and potential balances for the system. Part VIII explores future developments of the prosecution of juveniles and the constitutional protections they should be afforded.

II. THE PURPOSE OF THE JUVENILE JUSTICE SYSTEM

¹⁴ Kent v. United States, 383 U.S. 541 (1966).

The juvenile justice system was created in 1899 to emphasize the difference between adult offenders and juvenile offenders.¹⁵ The difference was deemed necessary when cases occurred where the rights of juveniles were disregarded. Due to the lack of separation between adult and juvenile court, defendants under the age of 18 were being held to the same standard as adults, even if there were circumstances that differentiated their crimes.¹⁶ As the National Academies of Science, Engineering, and Medicine states, “the guiding premises are that youth who offend should be treated differently from adults who offend,” due to the neurological difference between the two.¹⁷

The difference in juvenile development is the lack of prefrontal cortex development, which means high impulsivity and lack of critical thinking in stressful situations.¹⁸ In response to this, the juvenile detention system was implemented in order to support the defendant's development out of their harmful patterns. The Human Service Agency states, “There is much more emphasis on treatment, therapy, and education rather than just punishment,”¹⁹ affirming that the judicial system is aware of the mental limitations of juveniles.²⁰ This model was implemented resultantly from the belief that adolescents are more susceptible to behavioural changes than adults, so rehabilitation is used as a tool to reduce threatening habits.²¹

The juvenile justice system seeks to rebuild and restore a minor’s life to its pre-criminal state through a range of approaches. The Columbia Undergraduate Law Review (CULR)²² highlights the most common forms of rehabilitation used by facilities as, “adjudicatory hearings,

¹⁵ Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice System Structure & Process* https://www.ojjdp.gov/ojstatbb/structure_process/overview.html (last visited Apr. 5, 2026).

¹⁶ Evie Komninakas, *Presumed Guilty: The Unconstitutionality of Juvenile Transfers to Adult Court*, COLUM. UNDERGRADUATE L. REV. (Aug. 18, 2025).

¹⁷ National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (Richard J. Bonnie et al. eds. 2013), <https://www.nationalacademies.org/projects/DBASSE-CEGIS-09-11/publication/14685>.

¹⁸ American Academy of Child & Adolescent Psychiatry, *The Teen Brain: Behavior, Problem Solving, and Decision Making*, FACTS FOR FAMILIES No 95 (Dec. 2011).

¹⁹ Human Services Agency, *Differences Between Adult and Juvenile Criminal Court*, <https://www.humanserviceagency.org/NEPrevention/forms/JuvenileVsAdultLaws.pdf>.

²⁰ Komninakas, *Presumed Guilty*, supra note 16.

²¹ Human Services Agency, supra note 18.

²² Komninakas, *Presumed Guilty*, supra note 16.

media privacy protections, and a focus on individualized rehabilitation over fixed sentencing.”²³

The reflective process prompts a deterrence in the juvenile’s mind, which as the National Library of Medicine explains, “deterrence is based on the theoretical notion that offenders learn from the negative experience of (fear of) punishment.”²⁴ Therefore, this definition affirms that the rehabilitation structure that has been adopted, is prompting a scare-factor along with growth for the defendants which elicits a deviance from crime.

The more brutal scale from juvenile to adult is even seen through the prejudice after being convicted. Defendants are depicted as convicts, felons, and inmates. However, the rehabilitation approach strays away from that as CULR explains, “The court even labels minors as ‘delinquent’ rather than ‘guilty’ to shield them from full accountability.”²⁵ The juvenile judicial system encourages growth, confidence, and change prompting people to believe that juvenile centers are beneficial for the trajectory of the youth’s lives.

The scale of the crime a juvenile defendant is convicted of is important for the nature of their prosecution in terms of public safety and extenuating circumstances. Although the rehabilitation resources encourage positive growth, some crimes must be tried at a higher caliber. For instance defendants accused of crimes that have to do with murder, abuse (sexual or physical), drugs, gangs, or weapons, must be held to a higher standard due to their direct threat to the security of others.²⁶ Such prosecutions must take place under constitutional circumstances to ensure the due process of the conviction and decide the course of action for their accountability, whether it be rehabilitation or punishment.

²³ *Id.*

²⁴ Put, Claudia E. van der, Noelle F. Boekhout van Solinge, Geert Jan Stams, Machteld Hoeve, and Mark Assink. “Effects of Awareness Programs on Juvenile Delinquency: A Three-Level Meta-Analysis.” *International Journal of Offender Therapy and Comparative Criminology* 65, no. 1 (2021): 68–91. <https://doi.org/10.1177/0306624X20909239>.

²⁵ Komninakos, *Presumed Guilty*, supra note 16.

²⁶ Tiara Greene, *Should Youth Be Charged as Adults in the Criminal Justice System?*, Am. Bar Ass’n, <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/should-juveniles-be-charged-adults-criminal-justice-system/> (last visited Mar. 12, 2026).

III. CONSTITUTIONAL PROTECTIONS AND JUVENILE DUE PROCESS

The juvenile justice system lacked awareness and priority for the defendant's constitutional rights when it was first created in 1899.²⁷ It is vital that each defendant must be presented with due process, which is explained through the Constitution.²⁸ The Fourteenth Amendment of the United States Constitution outlines that a state may not rescind a defendant's right to ample resources, care, and decency before they are sentenced to a crime in court.²⁹ The Fifth Amendment in the U.S. Constitution addresses that, "due process guarantees protect individual rights by limiting the exercise of government power,"³⁰ for juveniles this means fair treatment and a full investigation before the transfer of their case to adult court.³¹ Due to the nature of juvenile rehabilitation, due process was often pushed aside as less of a factor in the case because the defendant had the opportunity for rehabilitation therefore appealing to their constitutional rights.

As time went on, the disregard for constitutional rights became more prevalent. One of the influential developments in the presence of fundamental rights for juvenile prosecution took place in 1966 with the Supreme Court case *Kent v. United States (1966)*.³² In this case, a sixteen year old boy named Morris Kent was detained as the perpetrator in connection to multiple cases of robbery and rape.³³ During his interrogation, Kent admitted minor involvement which prompted the juvenile court to transfer his case to adult court due to the nature of his crimes being too severe.³⁴ Kent's defense called for a dismissal of the indictment due to the lack of a full

²⁷ Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice System Overview*, https://www.ojjdp.gov/ojstatbb/structure_process/overview.html (last visited Mar. 28, 2026).

²⁸ Library of Congress, *Overview of Due Process*, Amdt5.5.1, Constitution Annotated, https://constitution.congress.gov/browse/essay/amdt5-5-1/ALDE_00013721/ (last visited Mar. 30, 2026).

²⁹ U.S. Const. amend. XIV, § 1.

³⁰ Library of Congress, *Overview of Due Process*, Amdt5.5.1, Constitution Annotated, https://constitution.congress.gov/browse/essay/amdt5-5-1/ALDE_00013721/ (last visited Mar. 30, 2026).

³¹ *Kent v. United States*, 383 U.S. 541 (1966).

³² *Id.*

³³ *Id.*

³⁴ *Id.*

investigation, as guaranteed through due process.³⁵ The Supreme Court agreed and allowed his case to be remanded to investigate if the waiver of jurisdiction was viable, and due to the time that passed since the original trial the conviction was waived.³⁶ Not only was it declared that a thorough investigation must occur before transferring a juvenile to adult court, but the court requires a written statement outlining evidence to support the transfer.³⁷ The *Kent v. United States (1966)*³⁸ Supreme Court ruling paved the way for juvenile cases in the future to be handled fairly and constitutionally for the defendant.

The following year, another significant case came to light that changed the course of juvenile prosecution. The case of *In re Gault (1967)*³⁹ made significant strides towards due process considerations. Fifteen year old Gerald Gault was arrested on the charges of making a vulgar phone call and was taken to a detention home with his friend.⁴⁰ The arresting officer did not follow the appropriate steps or honor Gault's constitutional rights. Gault was not given a proper trial, was not provided representation, and did not have access to a reliable witness.⁴¹ This case was brought to the Supreme Court due to the poor police work and disregard of the defendants constitutional rights.

In this case, the police reports were not disclosed, petitions were hidden, and prejudice flooded the opinions of the public. The sentence would have been a \$50 fine and two months in jail for adults and yet Gault was sentenced to six years of juvenile detention until he turned twenty one years old.⁴² In response to this, the Gault family filed a petition on the clause of

³⁵ *Id.*

³⁶ *Kent v. United States*, Oyez, <https://www.oyez.org/cases/1965/104> (last visited Mar. 11, 2026).

³⁷ *Kent v. United States*, 383 U.S. at 541, *supra* 31.

³⁸ *Kent v. United States*, 383 U.S. 541 (1966).

³⁹ *In re Gault*, 387 U.S. 1 (1967).

⁴⁰ Administrative Office of the U.S. Courts, *Facts & Case Summary: In re Gault*, <https://www.uscourts.gov/about-federal-courts/educational-resources/educational-activities/sixth-amendment-activities/gideon-v-wainwright/facts-and-case-summary-re-gault> (last visited Mar. 12, 2026).

⁴¹ *Gault*, *supra* note 39.

⁴² *Id.*

habeas corpus, which allows for convicts to challenge their ruling in court.⁴³ The Supreme Court reviewed the case and agreed to reverse and reprimand the previous ruling due to the underscore of Gault's due process rights.⁴⁴ The Supreme Court has directly stated, "had Gault been eighteen at the time of his arrest, he would have been afforded the procedural safeguards available to adults," therefore proving the lack of rigor regarding juvenile rights.⁴⁵

The *In re Gault (1967)*⁴⁶ case prompted the Supreme Court to examine the youth correctional system. They acknowledged the difference in adolescents and adults, and emphasized that there is circumstance that prompts treating the ages differently. However, the conclusion found the importance of juveniles facing incarceration are also entitled to the due process guarantees found in the Fourteenth Amendment while still holding them accountable.⁴⁷

These two cases fundamentally changed the course of juvenile courts. *Kent v. United States (1966)*⁴⁸ introduced the importance of investigation and thoroughness in juvenile cases.⁴⁹ *In re Gault (1967)*⁵⁰ emphasized the importance of details and due process pertaining to trials and convictions for delinquents.⁵¹

IV. JUVENILE SENTENCING AND TRANSFERS

The decision to try a minor as an adult is dependent on many factors such as severity of crime, level of involvement, and the defendant's history. Certain crimes are regarded as higher profile. This is due to the danger the crime presents, the threat on public safety, and the

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Kent v. United States*, 383 U.S. 541 (1966).

⁴⁹ *Id.*

⁵⁰ *Gault*, supra note 39.

⁵¹ *Id.*

likelihood of a repeated action. The justice system is there to not just help the defendant or the victim, but also to maintain social order.

When an offender commits a crime of a highly dangerous nature, and the correct precautions are taken, the case is transferred to adult court. The most common precaution begins with the prosecutor filing a petition which then gets taken to court and assessed to gauge whether or not rehabilitation would be a beneficial course of action for the juvenile defendant.⁵² This process results in a judicial waiver, which is a motion filed by the judge to transfer the juvenile case to adult court.⁵³ The judge weighs the nature of the crime and the history of the defendant. By transferring the case to adult court, the juvenile's rehabilitative opportunities are revoked and they are treated like a cognitively developed adult. The nature of this transfer is dependent on the state due to jurisdiction; however, the majority of the power in a transfer is allocated to the prosecutor.⁵⁴ This is a demonstration of the due process considerations throughout the transfer process to adult court. The transfer process is put in place for offenders that are not compatible with the rehabilitative goals of juvenile detention.

*Kent v. United States (1966)*⁵⁵ prompted the Supreme Court to establish that juveniles must have a trial before their cases are transferred from juvenile to adult court.⁵⁶ This process ensures that transferring cases is made with transparency and respects the defendants' rights. Supreme Court cases, *Roper v. Simmons (2005)*⁵⁷ and *Miller v. Alabama (2012)*,⁵⁸ explore the differences in sentencing for adults. *Roper v. Simmons (2005)*⁵⁹ explores a seventeen year old boy named Christopher Simmons who was sentenced to death in 1993 after being tried as an adult.⁶⁰

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Office of Juvenile Justice and Delinquency Prevention, *Juvenile Transfer to Criminal Court*, https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/reform2/ch2_j.html (last visited Mar. 12, 2026).

⁵⁵ *Kent v. United States*, 383 U.S. 541 (1966).

⁵⁶ *Id.*

⁵⁷ *Roper v. Simmons*, 543 U.S. 551 (2005).

⁵⁸ *Miller v. Alabama*, 567 U.S. 460 (2012).

⁵⁹ *Roper v. Simmons*, 543 U.S. 551 (2005).

⁶⁰ *Roper v. Simmons*, Oyez, <https://www.oyez.org/cases/2004/03-633> (last visited Mar 11, 2026).

After multiple appeals to the courts to get his execution canceled, his defense team was finally able to draw on the Eighth Amendment on the grounds that due to evolving standards it is completely unethical to execute minors.⁶¹ This case was able to fully eliminate the possibility of the death penalty for juvenile offenders due to its unconstitutional nature.

*Miller v. Alabama (2012)*⁶² similarly barred the possibility of life without parole for juveniles. In this case, a fourteen year old boy was arrested for murder and sentenced to life without parole.⁶³ The state courts of Alabama upheld this request, however the Supreme Court decided to revise the punishment. Chief Justice Roberts, wrote the dissenting opinion where he claimed, “the Court’s role is to apply the law, not to answer questions about morality and social policy,”⁶⁴ implying the controversy of sparing minors just because of maturity. The final ruling claimed that the death penalty and life without parole share too many similarities in entrapment and individualized punishment to be appropriate for minors.

Fundamentally, children are underdeveloped and less mature than adults and therefore their actions can be qualified as risky.⁶⁵ Due to the lack of cognitive development, it is unconstitutional for minors to be executed or given life without parole. For example, lack of development in the pre-frontal cortex which alters one’s ability to make rational judgement, the influence of peer pressure, and the lack of emotional regulation that juveniles have must be considered.⁶⁶ The Supreme Court does agree that juveniles that commit a higher caliber of crime should be held accountable but not in any way that would compromise safety.⁶⁷

V. COUNTERARGUMENTS: GROWTH AND REHABILITATION

⁶¹ *Id.*

⁶² *Miller v. Alabama*, 567 U.S. 460 (2012).

⁶³ *Miller v. Alabama*, Oyez, <https://www.oyez.org/cases/2011/10-9646> (last visited Mar. 10, 2026).

⁶⁴ *Id.*

⁶⁵ National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (Richard J. Bonnie et al. eds., Nat’l Acads. Press 2013), <https://doi.org/10.17226/9629>.

⁶⁶ *Id.*

⁶⁷ *Roper v. Simmons*, 543 U.S. 551 (2005).

The developmental differences between juveniles and adults is a key component in the argument against juvenile transfers. The frontal cortex of minors is not developed until 25 years old, therefore meaning that the defendant's ability to think about, process, and understand what they are doing is fundamentally different from an adult.⁶⁸ With limited brain capability of impulse control, reflection, and risk assessment, it is less able to stop itself in a threatening situation or think all the way through before acting. The rehabilitation of the juvenile correctional system is the differing component of trying juveniles and adults differently. Due to the undeveloped frontal cortex of minors, their thought patterns and behaviors are relatively malleable. Therefore, the previously harmful patterns that led them to the crimes they committed, may be reversed or helped with the right access to help.

Ethically, punishing juveniles on the same scale as fully developed adults is also wrong. According to The National Library of Medicine, “there is evidence that transferred youth experience ‘cumulative disadvantage,’ including fewer work opportunities and lower paying jobs, both of which can lead to higher risk of reoffending,”⁶⁹ implying that there can be negative connotations to transferring cases to adult courts. There have also been instances that have led to the abuse and exploitation of juveniles. This exploitation has been said to have led to being taken advantage of sexually by the older offenders, or used to commit further crimes due to their malleability.⁷⁰ Oftentimes juveniles end up in solitary confinement for their own safety. However, as Tiara Greene of the American Bar Association states solitary confinement, “interferes with adolescent development and results in self-harming behaviors.”⁷¹ People argue

⁶⁸ Arain, Mariam, Maliha Haque, Lina Johal, et al. “Maturation of the Adolescent Brain.” *Neuropsychiatric Disease and Treatment* 9 (2013): 449–61. <https://doi.org/10.2147/NDT.S39776>.

⁶⁹ Susan O. Kaasa, J.R. Tatar II, A. DeZemmer & Elizabeth Cauffman, *The Impact of Waiver to Adult Court on Youths’ Perceptions of Procedural Justice*, 24 Psychol. Pub. Pol’y & L. 418 (2018), <https://doi.org/10.1037/law0000181>.

⁷⁰ Greene, supra note 26.

⁷¹ *Id.*

that trying minors as adults not only is harmful mentally, but also can lead to physical and sexual harm down the line.

The rehabilitation attempts of the youth correctional system are not just established to regulate the future crimes that the defendants may commit, but also to set them up for success. The activities that juvenile offenders may partake in are, “Yoga, meditation, personality development, counseling, vocational training, computer training, short-term courses, art and craft therapy,” because these activities exhibit calming and stimulating exercises.⁷² Convicted juveniles have trouble finding jobs, housing, qualifying for drivers licences, maintaining citizenship or immigration status, or becoming educated.⁷³ The effects of being transferred to adult court does not just affect their sentencing, but it also affects the defendant's ability to contribute to society.

The validity of punishment in the adult court system is another leading argument in juvenile prosecution. As Greene addresses, “Court intervention has been shown to increase, rather than decrease reoffending, with imprisonment negatively impacting cognitive growth of youth.”⁷⁴ Part of the reason why trying juveniles as adults is so debated, because the minors are not developed and exposed to criminal mannerisms and behavior which may lead to more harm.⁷⁵ This exposure to monstrous behavior can be detrimental as the juveniles may adopt these traits.

Trying juveniles as adults eliminates the possibility for resilience or growth. It stops their childhood and stunts their ability to cognitively develop. The rehabilitation system is oriented to allow opportunities for changing the course of the defendant's life for the better, however when a minor is tried in adult court it solidifies their life's trajectory. The defendant's constitutional

⁷² Pratap, *supra* note 7.

⁷³ Greene, *supra* note 26.

⁷⁴ *Id.*

⁷⁵ *Id.*

rights are significantly less regarded in not only adult court, but also in the adult prison systems. It is argued that harmful habits of juveniles must be given the opportunity to change, not given the opportunity to grow stronger.

VI. JUSTIFICATIONS FOR PROSECUTING JUVENILES AS ADULTS

Although rehabilitation is the top priority among the juvenile justice system, some extenuating circumstances arise that trump this service. Crimes that can prompt a transfer of courts are measured on a scale of safety and threat to the public. These are considered crimes that demonstrate immense levels of danger, intent, and preparation are seen as the biggest pressure point that must be resolved. The larger the threat on the public, the more drastic the judicial process must be.

Responsibility is also one of the strongest arguments made when trying juveniles as adults. It is vital to promote accountability and discourage this behavior from ever happening again, this is the reason for the juvenile justice system enforcing rehabilitation.⁷⁶ Justice must be served when someone is put into danger, and if the justice system did not honor this obligation, the social order of the country would not be present if people could commit crimes and consistently get away with it with no repercussions.

The nature of the crimes that juveniles commit must be measured against the threshold for adult crimes while acknowledging the fundamental difference between the two. The mental capacity at each age varies, but if a juvenile is engaging in behaviors aligned with adult criminal behavior then they are labeled a stronger threat that must be contained. When a minor participates in a criminal activity that requires immense premeditation and organization prior to

⁷⁶ National Institute of Justice, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, U.S. Dep't of Justice (2010).

the act, evidently, they are capable of these violent tendencies.⁷⁷ A prime example of this is premeditated murder which is meticulously planned and terrifyingly intricate, therefore, proving to the court that the juvenile's capacity for violence is abnormal. The impact that violent crimes committed by a juvenile can have on a community is an important point among this debate. In these cases, it is important to maintain the public image of the justice system by holding the juveniles to the same standard as adult offenders.

VII. ETHICAL AND POLICY CONSIDERATIONS

The legal system is set up to ensure not only accountability for criminals, but also to provide support and justice for the victims and their families. Ethically, there is a moral dilemma surrounding how to handle cases of this matter involving juveniles. It is important for the victims to be shown that they are cared for and that the appropriate legal consequences are being directed to the defendant. However, there are many factors that go into trying minors while respecting all of their constitutional rights.

The nature of the repercussions for minors is at a different scale and requires significantly more thought than adults. As seen in cases such as *Roper v. Simmons* (2005)⁷⁸, the typical punishments for crimes of that nature must be altered due to the cognitive differences of the defendant. The death penalty was deemed unconstitutional to be sentenced to a minor, therefore changing the rules around due to mental ability.⁷⁹ The moral responsibility of the courts sometimes overpowers the standard protocol for the crime committed.

⁷⁷ Laurence Steinberg, *A Social Neuroscience Perspective on Adolescent Risk-Taking*, 28 Dev. Rev. 78 (2008).

⁷⁸ *Roper v. Simmons*, 543 U.S. 551 (2005).

⁷⁹ *Id.*

Another ethical consideration is the possibility of change and growth through the rehabilitation resources offered in the juvenile correctional system. The courts must question what the threshold for change is with the specific defendant. When there are systems that prioritize punishment, it can worsen the outcomes for the defendant and the justice system as well. The negative implications that come along with punishment may worsen the lives of the people involved in the crime.

Prejudice is also an important component to the juvenile justice system as being accused of a crime of this manner disrupts and alters the lives of defendants, victims, and the families of those involved. Whether the prejudice is before, after, or during the process of prosecution, it can alter the outcome of the case. For example, the case of Christopher Pittman shows the impact of a delay in a juvenile case can completely alter how a jury looks at the defendant. A twelve year old child named Christopher shot and killed his grandparents. His defense team tried to waive a different sentencing due to the underdeveloped and immature nature of the defendant but there was an immense delay of trial for 21 months.⁸⁰ During this delay of trial Christopher hit puberty and went from a scrawny kid to a six foot two man. Once the trial finally came around, the jury could not fathom that the defendant was cognitively underdeveloped, and therefore tried him as an adult.⁸¹ The jury utilized prejudice to make a life altering decision, rather than believing in the evidence about his stunted cognitive development. The lack of constitutional rights for Christopher to be given a right to a fair trial is ethically inconsistent.

Some youth correctional systems have been able to create programs where juveniles can still be held accountable as adults, be treated fairly, and have access to rehabilitative services.⁸²

⁸⁰ Alison Powers, *Cruel and Unusual Punishment: Mandatory Sentencing of Juveniles Tried as Adults Without the Possibility of Youth as a Mitigating Factor*, 62 Rutgers L. Rev. 241 (2009).

⁸¹ *Id.*

⁸² Boston Bar Association, *The Juvenile Justice System: The Impact of Rehabilitation on Juvenile Custody*, <https://bostonbar.org/journal/the-juvenile-justice-system-the-impact-of-rehabilitation-on-juvenile-custody/> (last visited Mar. 14, 2026).

This is a respectable hybrid scenario that honors the rights of defendants while also being able to adequately hold them accountable and help them improve.

VIII. THE FUTURE OF JUVENILE PROSECUTION IN THE UNITED STATES

As time goes on, developments in science and technology will allow for further understanding of juvenile crime. The reasons for the crimes committed will start to become more evident. Developments in psychology and neuroscience will expose more answers to how to treat juvenile delinquency. For instance the implementation of yoga, art, and other neurological stimulants that promote tranquility, highlight the strides being taken to adhere to juvenile mood and development.⁸³ There will be more resources to respect constitutional rights while also holding people accountable for their actions.

Developments will arise that explore how juveniles who are tried as adults can get through life as normal as possible. The rehabilitation process will not just pertain to trying to change juvenile habits, but it will also encourage the offenders to re-establish their place in society and become a contributing member to their communities.

There may be more procedures dictating which cases get transferred to adult court and which maintain their status in juvenile court. This could mean psychological evaluations, tests, and clearer rules as to what is and is not viable for juvenile court, meaning that more cases will continue to arise that push the barrier of ethics and constitutional rights.

The future of juvenile prosecution will not be a problem of whether or not juveniles should be tried as adults. Rather, it will be a discussion of how to make the most ethically

⁸³ Pratap, *supra* note 7.

appropriate decisions to be mindful of juveniles constitutional rights and set them up for success in the future.

IX. CONCLUSION

The argument over trying minors as adults in the United States is incredibly complex and requires significant circumstantial factors in each case. The 14th and 8th Amendments highlight the constitutional rights to due process that all citizens are entitled to while engaging with the legal system. As juveniles, these rights are often overlooked on the clause that juvenile courts are significantly different from adult courts.

The rehabilitation goals of juvenile court are written to give defendants a second chance to better themselves and their futures. While this rehabilitation is important, some crimes do not justify the ability to redeem oneself. However, there are ways for defendants to have access to both rehabilitation and punishment that hold them accountable for their crimes.

The Supreme Court has tried cases that have influenced the trajectory of the juvenile justice system. For example cases such as *Kent v. United States (1966)*,⁸⁴ *In re Gault (1967)*,⁸⁵ *Miller v. Alabama (2012)*,⁸⁶ and *Roper v. Simmons (2005)*.⁸⁷ These cases have all contributed to the ethical stance taken on juvenile prosecution, as well as affected how the courts must operate juvenile cases. Each case was monumental in ensuring juvenile constitutional rights within the justice system.

For public safety and the victims of crimes, the prosecution of juveniles as adults is essential. It is vital that they are aware of their actions and take responsibility for the damage they caused. It is important for the courts to remember the fundamental differences from minors

⁸⁴ *Kent v. United States*, 383 U.S. 541 (1966).

⁸⁵ *Gault*, supra note 39.

⁸⁶ *Miller v. Alabama*, 567 U.S. 460 (2012).

⁸⁷ *Roper v. Simmons*, 543 U.S. 551 (2005).

to adults. There are significant neurological differences that can alter the actions of a minor, meaning that the courts must be mindful of the differences, and inadvertently on the severity of the punishment.

It is vital that a juvenile case that is transferred to adult court is handled with considerations of the 14th and 8th Amendment rights, appropriate legal framework and structure, and ability to be held accountable while still having access to rehabilitation and the ability to change. If this is achieved, then the United States legal system will be able to fairly keep order and prioritize public safety parallel to prioritizing the constitutional rights of juvenile offenders.