

COURT

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Abstract

There is a fine line between the psychology of sending a child to a juvenile corrections facility based on punishment versus rehabilitation. The importance of guilt, punishment, and rehabilitation in the juvenile justice system has long been recognized. The essence of this concept, meanwhile, has yet to be adequately characterized when shown in a court of law. The goal of juvenile correctional facilities is to protect citizens and the community from crimes committed by juveniles, to hold juveniles accountable for their actions, and to provide personalized evaluations to rehabilitate and help deter further offending.¹ Prior to being sent to a juvenile correctional facility, there are many emotions that may be present in a legal proceeding. Guilt is likely to have a profound role, especially in the adolescent stage of a person's life. Guilt is defined as a negative moral emotion experienced after violating a social norm. It causes guilt, which motivates the transgressor to make amends. Feeling guilty, according to this line of reasoning, permits the transgressor to rectify

¹*Child Protection*, Cookcountycourt.org (2022), <https://www.cookcountycourt.org/ABOUT-THE-COURT/Juvenile-Justice-Child-Protection/Child-Protection>, (last visited Apr 1, 2022).

his/her wrong behavior and rejoin society.² Juvenile correctional facilities are meant to rehabilitate a child, but the psychology behind the reasoning of sending a child to court can destroy a child's future. It is based on the adults and their decisions to save the child or break them. When a troubled youth is sent to court, we rely on the judges and the court to make the decision as to whether they believe the child should be sent to juvie, but it comes down to whether or not they want the child to be punished and reflect upon their misdeeds or do they immediately believe what the child needs is rehab.

² Shoko Watanabe & Sean M. Laurent, *Feeling Bad and Doing Good*, 51 *Social Psychology* 35-49 (2020), <https://econtent.hogrefe.com/doi/full/10.1027/1864-9335/a000390>, (last visited April 1, 2022).

Is the Court's Approach That Uses Incarceration of Juvenile Delinquents based upon The Psychology of Guilt or Truly as a Rehabilitative Method?

The Psychology of Punishment

Though most theorists recognize a number of goals associated with punishing offenders, including deterring criminals from committing crimes, deterring the community from committing crimes, rehabilitation, treatment, isolation and incapacitation of criminals, and retribution, there is a different question about which of these or other factors motivate an individual's punishment preference. According to a study on psychology justice, offenders' punishment judgements are controlled by harm-base retributive psychology.³ Some studies, for instance, evaluate the degree to which an individual's mentality on punishment correspond with the federal sentencing policies in order to understand whether the policies are at odds with the public concept of justice. Ginneken and Hayes have researched the degree to which a person's punishment judgements precisely reflect criminal law propositions incorporated

³ John M. Darley & Thane S. Pittman, *The psychology of compensatory and retributive justice*, 7 *Personality and Social Psychology Review*, pgs. 324–336 (2003), https://journals.sagepub.com/doi/abs/10.1207/s15327957pspr0704_05, (last visited April 2, 2022).

in state statutes and in the Model Penal Code.⁴ On most occasions, a person's punishment judgment shadows the damage generated by the crime. For instance, most people and judges believe that an individual who steals ten dollars from their neighbor should be punished less severely than one who has stolen a hundred and fifty thousand dollars from the same neighbor.⁵ In most scenarios, judges focus on the harm caused in determining punishment sentencing as indicated in their sentencing practices.

Generally, most people are interested in punishing offenders for the suffering they cause and imposing a punishment for their crimes against society. In society, punishment reflects a moral reaction to a wrong. The drive to punish offenders on the grounds of the moral nature of the offence seems independent of the punishment's ability to satisfy other objectives of sentencing like deterrence. A disciplinary approach has been defined as the "automatic" sentencing technique

⁴ Esther FJC van Ginneken & David Hayes, *'Just' punishment? Offenders' views on the meaning and severity of punishment*, 17 *Criminology & Criminal Justice* 62-78 (2016), <https://journals.sagepub.com/doi/full/10.1177/1748895816654204>, (last visited April 1, 2022).

⁵ James McCafferty, Ed., *Capital Punishment: The Challenge of Crime in a free society*, pgs. 181–184 (2017), <https://www.taylorfrancis.com/chapters/edit/10.4324/9781315081809-16/capital-punishment-challenge-crime-free-society-james-mccafferty>, (last visited April 2, 2022).

using psychological matter.⁶ When laypersons are asked to rank approaches for sentencing, they mainly opt for retribution as the most effective method.

As seen in the study, people's reactions towards an accident or a crime determine the type of punishment an offender needs to undergo, which in most scenarios lead to attention to adventitious harm.⁷ For instance, the severity of an accident and the injuries to the victim determine the punishment the offender receives. If the accident causes death, the more blame and responsibility people and judges attribute to the individual who caused the accident. One justification for this is human beings are determined to make defensive attributions.⁸ When damages occur, people are afraid that the same harm may occur to them. To insure that such harm doesn't happen to them, they impose greater punishment on the offenders. For instance, in a situation where a parked car rolls down a hilly region, the judge may lessen the sentence if the vehicle hits a tree and injures no one. On the other hand, if the car hits someone, the judge will more than likely give a harsher sentence. People may

⁶ Aaron Rappaport, *The institutional design of punishment* UC Hastings College of the Law (2018), https://repository.uchastings.edu/cgi/viewcontent.cgi?article=2689&context=faculty_scholarship, (last visited Apr 2, 2022).

⁷ Michael Shader, *Risk factors for delinquency: An overview*, <https://www.ojp.gov/pdffiles1/ojjdp/frd030127.pdf>, (last visited Apr 2, 2022).

⁸ Matthew Talbert, *Moral responsibility*, Stanford Encyclopedia of Philosophy (2019), <https://plato.stanford.edu/entries/moral-responsibility/>, (last visited Apr 2, 2022).

apportion blame in this way even if the driver's behavior and state of mind were similar on the two occasions. Generally, the severity of the crime impacts the court's judgement.

The Psychology of Rehabilitation.

The concept of rehabilitation relies on the presumption that some factors cause offensive behavior. This viewpoint does not ignore the fact that people make choices to break the law, but it affirms that these decisions are not an outcome of pure “free will.” An offender’s decision to engage in a crime depends on the individual’s environment, biological makeup, and psychological development.⁹ People are different and are free to express their feelings. Individual differences impact how people act and their likelihood to commit crimes. Some people have criminogenic risk factors like a deficiency in parental love and supervision, manifestations of antisocial values, impulsive temperaments, and vulnerability to delinquent peers. Such individuals are more prone to indulging in criminal activities than people without those attributes and

⁹ Shichun Ling, Rebecca Umbach & Adrian Raine, *Biological explanations of criminal behavior Psychology, Crime & Law* (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6640871/>, (last visited April 2, 2022).

experiences.¹⁰

The rehabilitation approach is particularly effective in a situation where the criminal behavior is caused by external factors and was not only an irrational choice but was not a free-will choice. If criminal activities depended on free-will choices, nothing about a person would require adjustment or fixing. In a situation where certain factors accelerate crimes, then logically, re-offending can be minimized if correctional institutions can adjust the factors and impact on the behaviors of the criminals. For instance, interactions with delinquent peers make most youths believe in crime-causing beliefs such as “it is cool to use drugs”; thus, diverting teenagers to different peer groups and shifting their beliefs to ones that do not value criminal activity. This can hinder their return to criminal activities.¹¹

Rehabilitation requires a “medical model.” When a person is sick, the cause of their illness is diagnosed and later “treated.” An individual’s medical issues are unique to them, which also makes their treatment unique. Thus,

¹⁰ Matthew Cracknell, *Post-release reforms for short prison sentences*, 65 *Probation Journal* 302–315 (2018), <https://journals.sagepub.com/doi/abs/10.1177/0264550518776779?journalCode=prbb>, (last visited April 1, 2022).

¹¹ *Interactions between youth and law enforcement* 1, Literature Review OJJDP, (2018), https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/interactions_between_youth_and_law_enforcement.pdf, (last visited Apr 2, 2022).

medical intervention is individualized.¹² Patients with similar diseases may receive different treatment and their stay in the hospital may be for a different duration due to differences in age or prior health conditions. Correctional rehabilitation centers embrace the same approach, where causes of criminal behavior are uncovered, and medication is individualized. In other words, rehabilitation is also known as “treatment”. Correctional and medical treatment are similar in that they assume that professionals have the relevant knowledge to cure the “clients” illness by incorporating individualized treatment.¹³

Rehabilitation focuses on assisting offenders and society.¹⁴ Treatment of offenders is conducted with the hope to offer the attitudes and skills to prevent crimes and live a productive life. The attempt aims at exposing offenders to change. The main idea of the process is to ensure that offenders do not get imprisoned again when

¹² Simon A. Moss, Eunro Lee, Alan Berman, Daile Rung, *When do people value rehabilitation and restorative justice over the punishment of offenders?*, 14 *Victims & Offenders*, pgs 32–51 (2018),

https://www.researchgate.net/publication/328936933_When_do_People_Value_Rehabilitation_and_Restorative_Justice_Over_the_Punishment_of_Offenders, (last visited April 1, 2022).

¹³ *Treatment of Prisoners*, American Bar Association (2010), https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjust_standards_treatmentprisoners/, (last visited Apr 2, 2022).

¹⁴ *Rehabilitation - what is rehabilitation?*, American Law and Legal Information, <https://law.jrank.org/pages/1933/Rehabilitation-What-rehabilitation.html>, (last visited Apr 2, 2022).

set free. It aims to ensure that the criminal's experience during their sentencing changes behavior, which helps them avoid a second term.

History Juvie and Present Juvie

The concept of juvenile status within the justice system is moderately new. In the United States, the initial juvenile court emerged in Illinois in 1899. Before integrating juvenile courts, children and youth were sentenced and punished the same way as adults. With time, it became obvious there was the need for understanding child development and opting for more sensitive techniques to make changes in the justice system.

In 1880 and 1920, during the progressive era, social constrains in the United States was affected by the great immigration wave and a rise in urbanization.¹⁵ As an outcome of these changes, thousands of poor children were left homeless which increased criminal activities in the country. In the beginning, children convicted of a crime were jailed as adults. Later, policymakers and social activist noticed that children were learning adults' criminal behavior and when they left the prison facilities, they continued their life choices with advanced criminal activities. The negative experience led to the need to separate jails for adult and juvenile criminals. Though

¹⁵ Steven Schlossman & Michael Sedlak, *The Chicago Area Project Revisited**, 29 *Crime & Delinquency*, pgs. 398-462 (1983), <https://journals.sagepub.com/doi/10.1177/001112878302900305>, (last visited April 1, 2022).

such changes were made, even now, minors who indulge in murder crimes are transferred to adult courts in most states.¹⁶

The early juvenile facilities emphasized learning skills because of the belief that delinquency was an outcome of the social surrounding and was a survival tactic. If young offenders mastered some skills, they could make significant contributions to society after serving their sentence. During the progressive period, the three kinds of the juvenile justice theories that appeared in the United States were new reformatories, different facilities for juvenile women and Houses of Refuge.¹⁷ House of Refuge components mainly emphasized reeducation of young juveniles and integrated indeterminate sentencing, apprenticeships, and religious training. The houses were grouped in a military approach to promoting discipline and regulation, though they were often overcrowded and overworked. Later in the 1800s, reformations were made where cottages and foster homes were established on farms.¹⁸

¹⁶ Malcolm C Young & Jenni Gainsborough, *Prosecuting juveniles in Adult Court* (2000), <https://www.prisonpolicy.org/scans/sp/juvenile.pdf>, (last visited Apr 2, 2022).

¹⁷ *Juvenile justice history*, Center on Juvenile and Criminal Justice, www.cjcj.org/mobile/Education1/Juvenile-Justice-History.html, (last visited Apr 2, 2022).

¹⁸ Ashika Sethi, *A brief history of foster care in the United States CASA of Travis County* (2021), https://www.casatavis.org/a_brief_history_of_foster_care_in_the_united_statesn (last visited Apr 2, 2022).

In the 1950s and 60s, there was a concern about the effectiveness of the juvenile justice system due to differences in treatment based upon the policy and theoretical preferences of juvenile court judges. Young offenders received different sentencing from individual judges based upon their personal philosophy, temperament, and mood. In the 60s, the Supreme Court adjusted some of the legal protections offered to juveniles and which led to the introduction of process protections like the right to counsel and the requirement that formal hearings were needed when the young offender had to be transferred to an adult court or was sentenced for a long period.¹⁹ In the 80s, juvenile crimes increased, which brought about the perception that the system was too lenient. Some states passed punitive laws like mandatory sentences and transfer to adult courts for some crimes. In the 90s, the crime rate increased among youths which led to overcrowding in prisons. Due to this, several states reduced the number of youths in correctional centers. In the 21st century, most states are striving for reformation in the juvenile justice system.²⁰

Recently there have been lawsuits against Juvenile Detention Centers for their treatment of children. A

¹⁹ *Proposition 21: Juvenile Crime; Initiative Statute*, https://lao.ca.gov/ballot/2000/21_03_2000.html, (last visited Apr 2, 2022).

²⁰ Giudi Weiss, *The Fourth Wave: Juvenile Justice Reforms For The Twenty-First Century*, National Institute of Corrections (2022), <https://nicic.gov/fourth-wave-juvenile-justice-reforms-twenty-first-century>, (last visited Apr 2, 2022).

federal judge has given the green light to a class-action lawsuit against the Florida Department of Juvenile Justice over the use of solitary confinement for kids, notably disabled kids. The lawsuit was originally brought on behalf of individual children in 2019, but it was recently approved as a class action on behalf of thousands of juveniles by U.S. District Judge Robert Hinkle.²¹ When speaking about the class action lawsuit, Leonard J. Laurenceau, staff attorney for the Southern Poverty Law Center said, “We have compelling evidence that state officials have known for years about the damaging effects of solitary confinement but have refused to address them. We will also prove that the way Florida uses solitary confinement constitutes discrimination against children with disabilities in violation of the Americans with Disabilities Act and the Rehabilitation Act.”²² There are also statistics of how solitary confinement in juvenile detention centers have disproportionately affected people of color by making them have harsher sentences. According to nationwide data collected in October 2019, black adolescents are

²¹ *Judge rules Florida lawsuit can have all children in solitary as plaintiffs*, Florida Justice Institute (2022), https://www.floridajusticeinstitute.org/uncategorized/judge-rules-florida-lawsuit-can-have-all-children-in-solitary-as-plaintiffs/?utm_source=rss&utm_medium=rss&utm_campaign=judge-rules-florida-lawsuit-can-have-all-children-in-solitary-as-plaintiffs, (last visited Apr 1, 2022).

²² Jim Saunders, *Florida faces class-action lawsuit over keeping minors in solitary confinement*, Orlando Weekly (2022), <https://www.orlandoweekly.com/news/florida-faces-class-action-lawsuit-over-keeping-minors-in-solitary-confinement-30210095>, (last visited Apr 2, 2022).

more than four times as likely as their white peers to be arrested or placed in juvenile facilities. In 2015, the imprisonment rate of Black youth was 5 times higher than that of white youth, an all-time high.²³

Nonetheless, many laws have been implemented advocating for the rights of minors and provisions have been put into place to protect them from injustice and mistreatment. Juveniles have previously been given several legal safeguards. In *Miller v. Alabama*, the Supreme Court ruled that mandatory life sentences without the possibility of parole for minors are unconstitutional.²⁴ According to *Roper v. Simmons*,²⁵ individuals who commit a murder before the age of 18 are not eligible for the death penalty, while *Graham v. Florida*²⁶ bans life in prison for minors guilty of non-homicidal acts.²⁷

²³ *Black Disparities in Youth Incarceration*, The Sentencing Project (2022), <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>, (last visited Apr 1, 2022).

²⁴ *Miller v. Alabama*, No. 10–9646, 63 So. 3d 676, and No. 10–9647, 2011 Ark. 49, ___ S. W. 3d ___, reversed and remanded, <https://www.law.cornell.edu/supremecourt/text/10-9646>, (last visited April 1, 2022).

²⁵ *Roper v. Simmons*, 543 U.S. 551 (2005), 112 S. W. 3d 397, affirmed, <https://www.law.cornell.edu/supct/html/03-633.ZS.html>, (last visited April 1, 2022).

²⁶ *Graham v. Florida*, 560 U.S. 48 (2010), <https://supreme.justia.com/cases/federal/us/560/48/>, (last visited Apr 1, 2022).

²⁷ Josh Rovner, *Juvenile Life Without Parole: An Overview*, The Sentencing Project (2022), <https://www.sentencingproject.org/publications/juvenile-life-without-parole/>, (last visited Apr 1, 2022).

Judges' and Parents' Reasoning as to why they send Kids to Juvie

The public policy purpose of the juvenile court system is that youths are different from adults and their behavior can change, so the purpose of sending children to juvie is treatment, rehabilitation, and community protection.²⁸ Restrictions are placed on public access to juveniles as there is an assumption that juvenile criminals can be treated successfully and prevent incrimination. Sending these kids to juvie will give them a sense of remorse and will possibly make them want to change their lifestyles and behaviors. Some court proceedings are confidential to safeguard privacy. The juvenile system observes a psychological casework guideline by preparing a detailed evaluation of the young criminal and formulating a plan to meet their needs. Judges and parents concentrate on rehabilitating juveniles rather than imposing punishment. The system lacks flexibility as the main goal is to treat the young criminals and not necessarily punish them. More often than not, they dismiss any troubled youth in need of help and either send them to rehab or juvie. Intervention with juvenile offenders is associated with reducing recidivism,

²⁸ *Juvenile injustice: Charging youth as adults is ineffective, biased, and harmful*, Human Impact Partners (2019), <https://humanimpact.org/hiprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/>, (last visited Apr 2, 2022).

especially for high-risk offenders.²⁹ The rehabilitation programs are linked to positive outcomes in most cases. The purpose of parents and judges sending the children to juvie is so that the child learns their lesson.³⁰ We can understand how juvie is essentially a “jail for kids”, but nonetheless, these parents and judges choose juvie to get them to understand why their actions have consequences.

Pros and Cons of Consequentialism

Consequentialism is an ethical approach integrated by judges to determine whether something is right or not depending on the consequences.³¹ For example, society believes that lying is wrong. But according to consequentialism theory, if deception helps save another person's life, it is right. Consequentialism theory undergoes criticism as it is challenging to predict the outcome of an action over time. No one knows the future with certainty. In some situations, the approach leads to

²⁹ Colleen M. Berryessa, *Potential Impact of Research on Adolescent Development on Juvenile Judge Decision-making*, 69 *Juvenile and Family Court Journal* 19-38 (2018), <https://onlinelibrary.wiley.com/doi/abs/10.1111/jfcj.12114?af=R>, (last visited Apr 1, 2022).

³⁰ Sonja Meijer, *Rehabilitation as a Positive Obligation*, 25 *European Journal of Crime, Criminal Law and Criminal Justice* 145-162 (2017), https://www.academia.edu/31946580/Rehabilitation_as_a_Positive_Obligation, (last visited Apr 1, 2022).

³¹ Peter Ellis, *Ethical concepts. Consequentialism: pros and cons*, 4 *Journal of Kidney Care*, pgs. 322-324 (2019), <https://www.magonlinelibrary.com/doi/abs/10.12968/jokc.2019.4.6.322>, (last visited April 1, 2022).

objectionable decisions, even if the consequences are arguably good. For instance, in a case where an economist suggests that the world economy will be more robust, and most people will be wealthier, healthier, and happier if 3% of the population is enslaved. Most people would never agree to this, though most people will benefit from the strategy. As classic consequentialism denotes when judging from the outcomes, "the end justifies the means."³²

Adopting consequentialism theory in society would have harmful consequences in general as it is challenging to predict the moral decisions that other people make, which would cause high uncertainty regarding human behavior. According to Peter Ellis in his article on Ethical Concepts, this would cause a collapse in mutual trust in the society as most people would be afraid that prejudice towards their families or other groups would more highly impact moral decisions than in a situation where people incorporate general ethical rules on the grounds of consequentialism.³³

Pros and Cons of Rehabilitation

The idea of rehabilitation is to prevent offenders from going back to prison after they are free. After experiencing the prison environment, criminals avoid

³² *Question: A note on consequentialism* , WhatisAnything (2021), <https://whatisanything.com/a-note-on-consequentialism/>, (last visited Apr 2, 2022).

³³ Peter Ellis, *Ethical concepts. Consequentialism: pros and cons.*, 4 *Journal of Kidney Care* 322–324 (2019), (last visited April 2, 2022).

committing crimes that would end up in jail.³⁴ Some believe that prisoners learn new crimes strategies while locked up with other convicts. After they are released, there is a high possibility of making connections and indulging in more deep criminal activities.³⁵

To offer improved rehabilitative services, most institutions offer psychiatrists to help caregivers and the juveniles handle young offenders' mental disorders and psychological issues.³⁶ Jails also provide education programs such as degree programs and classroom settings. These techniques positively affect the prisoners and have helped them conquer a background with little or a lack of education.³⁷ When such prisoners are

³⁴ *Rehabilitative effects of imprisonment*, Crime Museum (2021), <https://www.crimemuseum.org/crime-library/famous-prisons-incarceration/rehabilitative-effects-of-imprisonment/>, (last visited April 2, 2022).

³⁵ Craig Haney, *The psychological impact of incarceration: Implications for post-prison adjustment* ASPE (2001), <https://aspe.hhs.gov/reports/psychological-impact-incarceration-implications-post-prison-adjustment-0>, (last visited April 2, 2022).

³⁶ Clair White, *Treatment Services in the Juvenile Justice System: Examining the Use and Funding of Services by Youth on Probation*, Sage Journals (2017), <https://journals.sagepub.com/doi/full/10.1177/1541204017728997>, (last visited April 2, 2022).

³⁷ Adeluiesia Buen, Eunro Lee & Simon A. Moss, *Fostering Openness to Rehabilitation and Reintegration of Criminals into Society in a Fearful World: The Moderating Role of Regulatory Focus*, 15 *Victims & Offenders*, pgs. 103-118 (2019), <https://researchers.cdu.edu.au/en/publications/fostering-openness-to-rehabilitation-and-reintegration-of-crimina>, (last visited April 1, 2022).

released, they have better opportunities of getting jobs and of being law-abiding citizens.

The rehabilitation process is challenging. It involves the segregation of offenders from the general public. Spending more years in prison can make inmates go farther into a criminal life while others learn from the experience and never commit crimes again.

Do Judges send Kids to Juvie for Rehab or Punishment?

Judges can sentence young offenders found delinquent by issuing a disposition order. Though sometimes judges sentence young criminals with a duration of incarceration, the most common methods are probation and more lenient options.³⁸ Though some offenders are imprisoned, their sentence is not similar to an adult criminal defendant. In most cases, juvenile incarceration involves placement into foster homes or house arrest. At times, judges order the juveniles to stay for a short duration in detention facilities, followed by probation.

When a younger offender has committed a severe crime, a judge may order a longer imprisonment period in a protected detention facility. Such sentences may last for months or several years. When young offenders have committed certain crimes, they may be sentenced to

³⁸ Barry C. Feld, *Punishing Kids in Juvenile and Criminal Courts*, 47 *Crime and Justice*, pgs. 417-474 (2018), <https://www.journals.uchicago.edu/doi/abs/10.1086/695399?journalCode=cj>, (last visited April 1, 2022).

regular prisons. When the criminal is near the age of majority and has committed severe crimes, they receive a blended sentence which includes juvenile detention initially and later transfers to adult prison. Generally, the severity of harm caused by the offender determines whether the judges send the kids to juvie for rehab or punishment. The content of the victim statements impacts judgements about criminal sentencing. The emotional harm to victims presented in the statement act as a heuristic for theorizing significantly unknowable facts. The emotional nature of the victim influences the decisions made by the judges and juries as they allow their emotions to influence their sentencing decisions.³⁹

Solution

There should be a federal law implemented that requires all judges as well as jury to follow a strict guideline as to the reasoning behind the juvenile sentencing. The guidelines should require the judges and jury to review the case thoroughly and to sentence every child as fairly as they can without any prejudice. Juvenile correctional facilities should serve as a rehabilitation center rather than a place for strictly punishment. We occasionally

³⁹ Lincoln B. Sloas & Cassandra A. Atkin-Plunk, *Perceptions of Balanced Justice and Rehabilitation for Drug Offenders*, 30 Criminal Justice Policy Review 990-1009 (2018), https://www.researchgate.net/publication/323859836_Perceptions_of_Balanced_Justice_and_Rehabilitation_for_Drug_Offenders, (last visited April 1, 2022).

witness loopholes in the legal system, where judges make the decision to try minors as adults. Most offenders under the age of 18 ought not be held in a correctional facility that seems to be a prison.

Even for adults, prison in such a tough setting is extremely destructive to their mental health. Thus, detaining minors in this method is simply unacceptable. Youth are a vulnerable group, and they are highly susceptible to false confessions (together with those who are mentally ill). As a result, it is critical that the youth are not persecuted severely. It is vital that kids receive close guidance and direction throughout this crucial stage of teenage growth. Kids with severe mental illnesses account for most of the convicts. Community-based mental health therapy, instead of incarceration, will be far more beneficial to this demographic.⁴⁰ Metal bars and enhanced security simply serve to further stigmatize the child as a criminal. When a person commits a crime at such a young age, it is more likely that the crime was motivated by financial constraints and education than one of sheer anger. Our justice system should focus on helping these kids rather than tossing them in prison with the title “criminal” written across their forehead.

⁴⁰ Mohamed A. Arafa, LL.B., LL.M., *Attempted Criminal Offences in Egyptian Criminal Law 'Study and Analysis on How to Apply the General Legal Principles of Therapeutic Jurisprudence (TJ) in Criminal Law Particularly to Attempted Criminal Crimes'*, SSRN Electronic Journal (2008), <https://ned.academia.edu/MohamedArafa>, (last visited April 1, 2022).