



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
2000 Volume II: Crime and Punishment

Rehabilitation and Control of Juvenile Delinquency Offenders

Curriculum Unit 00.02.01
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NOTE

There is no single cause of violence but we certainly know factors, which increase the chance of its occurrence. The office of Juvenile Justice and Delinquency Prevention lists specific risk factors in the development of delinquent behavior. These include child abuse and family disintegration, economic and social deprivation, low neighborhood attachment, parental attitudes condoning law violating behavior, academic failure, truancy, school drop-out, lack of bonding with society, fighting with peers and antisocial behaviors in early life.

Supporting parents through this very difficult stage of parenting and ensuring that they have the skills necessary to help their children and support pro-social behaviors is money well spent. Advocacy programs are also effective and fiscal sound. One such program is the Court Appointed Special Advocate, which utilizes trained volunteers, each of whom follow one child under the conservatorship of the state regardless of where the child resides and make recommendations to the judge.

Michael D. Resnick, a sociologist at the University of Minnesota in Minneapolis, in the September 1997 issue of The Journal of the American Medical Association, published the results of the most comprehensive survey ever done of adolescents. It found that the well being of adolescents "still rests in that strong feeling of being cared for by parents". In fact, the more we loved they felt and more comfortable they were in school, the fewer teenagers were likely to engage in problematic behavior, including committing violence.

The May/June 1997 issue of Juvenile Magazine raised the question: "What Ever Happened to Prevention?" It cited a 1996 report from RAND Corporation which indicated that early intention programs can prevent as many as 250 crimes per \$1 million spent while the same amount spent in prisons would prevent only 60 such crimes a year.

The same issue told us that putting young offenders in adult prisons leads to more crimes, higher prison costs, and increased violence, not to mention placing them in very real danger from the adult prison population, citing studies by Jeffrey Fagan and Baizerman.

The Federal Government has not done much well. The report on the fiscal year 1998 published by the Children's Defense Fund indicates no increase in funding for the child welfare service areas of runaway and homeless youth, child abuse state grants, child abuse discretionary activities, child welfare services, and family violence. Finally, our current direction and almost unprecedented expenditures has not solved.

After the unit the students should understand the followings:

Definition Terms:

1. What is Juvenile Court Law? - Is the system of justice, which provides for the protection and safety of the public and each minor under the jurisdiction of the juvenile court. The word minor is defined differently in each state but usually under the age of eighteen.
2. What is the function of the prosecutor? - The lawyer representing the government into a criminal case (usually a district attorney in most state criminal cases). The Federal Court has their own prosecutors.
3. What is opening statement? - Is the statement that each attorney makes to a court as he/her outlines for them the charges in the trail and what the prosecutor hopes to prove and what

evidence will show.

4. What is a judgment? -Is a final decision of the court in resolving the dispute and determining the rights remedies to the parties involved in the case.

5. What is capital crime? - Is a crime punishable by death.

6. Who is the defendant? - Is a person or entity named in the lawsuit, or accused of breaking the law.

7. Who is the magistrate judge? - Is a judge of the court of limited jurisdiction as a justice of the peace or a judge in a police court.

8. What is a waiver? - Is the act of intentionally given up a right.

9. What is a witness? - One who testifies to what he/she has seen, heard, or otherwise experienced.

10. Who is a parole? - Is a person who is in charge to supervise conditional release of a prisoner before completion of he/her sentencing. When a prisoner is released on parole, he/she must keep in constant contact with his/her parole officer to ensure that the released prisoner is obeying the condition of his/her parole. The condition is rules that he/she must obey.

11. What is a public defender? - Is a government lawyer who provides free legal defense services to persons charged with a crime who are unable to pay for a lawyer.

12. What is a crime? - Is an act or omission in violation of public law which forbids you to do the

act or commands you to do it. Almost all crimes fall into categories: felony (very serious) misdemeanors (less serious). Crimes are punishable and leave criminal record.

13. What is juvenile record? Is a record or in the custody of a juvenile agency pertaining to a juvenile and maintained in a manner so that the juvenile is identified or may be identified. A juvenile record includes records maintained in any manner, automated or manual, and retrievable in any form: handwritten files, tape recordings, computer tapes, microfilm, or any other form.

With respect to a large group of juvenile offenders, the juvenile system must be redesigned to deter youth from committing additional crimes. The goal of this unit is to prevent juvenile offenders from become career criminals. These young adolescents are the future of the next generation. Juveniles have a better chance of rehabilitation; sometimes they are so violent that they need to be taken away from the public. No matter the crime, we still have a moral obligation to try and rehabilitate. These young offenders are in a time where there can be change in life. We need to work more vigorously in this area instead of incarceration.

(flow chart available in print form)

The purpose of this curriculum unit on Rehabilitation and Control of Juvenile Delinquency Offenders is to provide information, awareness, and activities to teachers and students in grade 9 to 12 on the juvenile offenders. The curriculum will provide a positive framework on how rehabilitation of juvenile delinquency to our next generation through educational dialogue.

The first unit will deal with macro-perspective in discussions that will cover all types of juvenile crimes. The students will be expose to subject content and lesson plans that enhance critical thinking and inquiry through hands-on approach to learning about problems confronting juvenile in this country.

Giving the fact that children are not adults, and for 100 years the juvenile court system has reinforced that message. With in the period it has taught us many lessons about children. It has taught wisdom or us that children do not have the life experience that adults are expected to possess. Children are constantly learning, and the process they sometimes make mistakes, because that is how they learn. It has taught us forgiveness and perseverance, and that we should never give up on our children.

We are aware of after school programs and community based services such as Boys and Girls Clubs. These clubs provide a safe haven for children to go where they can build self-esteem, pro-social values and productive futures. Communities and organizations do what they can, some with the help of Title V grants "Delinquency Prevention Programs."

This organization helps to reduce violence in the community because program provides activities for the juvenile to do after school.

ACTIVITIES

1. Plan a visit to the juvenile detention facility. Have students write a reaction paper after the visit.
2. Movie-Title: What can we do about violence? By Bill Moyers-Part One and Part Two. Have

students write report about the movie. (Information about the movie call 1-800-257-5126 Or 609-275-1400) Highly recommended for grade 9-12.

3. Within Our Reach- Breaking the Cycle of Disadvantage by Lisbeth B. Schorr. (Page 284-290 Intensive Intervention for Population at High Risk). (Page 291-294 Breaking the Cycle of Disadvantage). Have students write report about the topics.

4. Prevention and Control of Juvenile Delinquency-By Richard J. Lundman- (Page 171-191 Community Treatment} Page 115-148 Probation And Parole).

Unit Two

OBJECTIVES:

The students should understand the following terms:

Have students work in team. Write a short essay on each of the terms listed below.

(See flow chart of rehabilitation)

Related Questions and Class Activities

What is the role of the Regional Parole Board?

What is the Prison?

What is Juvenile Training School?

What is the role of a Probation Officer?

What is a juvenile crime?

What is an incarceration?

What is the role of the Police Officer?

What is Deterrence and Punishment?

What is the role of the Family Court?

What I will teach will allow students to understand why crime does not pay. We have to discuss the impact of the crime for the person involved, his or her family, the neighborhood where the crime was committed and the

offender. First, the juveniles are miniature adults. Second, they have basic needs we all share: food, shelter, clothing, safety, and caring. Third, they are individuals who commit violence for an array of reasons.

The students will work in teams. I will devote a period to the students to have a dialogue and what effect the crime have on the neighborhood and as well on the offender. How do the students perceive juvenile crimes? I will keep my personal judgement out of the classroom. As a classroom teacher my job is to give information and awareness about the topic in question.

The activities will include group discussion on juvenile crimes and exchange of ideas about how to prevent juvenile crimes. This curriculum will also engage in subject contents and lesson plan that will provide critical thinking and understanding about juvenile offenders.

In the third unit of the seminar, students will see videos on the micro- perspectives about crime committed by juvenile. The students will discuss retribution, rehabilitation and deterrent or prevention of juvenile rather than incarceration. Lecture and discussion will focus more on rehabilitation and prevention programs that are available as an alternative in incarceration.

Students will work in teams to discuss the cost of incarceration, the cost of rehabilitation on the tax- payers. Wilson Juvenile Crime Initiative (Governor of California) as the main discussion to end the seminar discussion with the students. I will also talk about the press members who have contributed toward informing the public's awareness and understanding of the criminal justice system.

I will also discuss about prosecutors introducing mandatory minimums sentence for kids. In conclusion, the students will also discuss "Zero tolerance" which bring along "second chances" initiative which leads to rehabilitation instead of incarceration.

My goal as a teacher is to be open- minded during the discussion, give advice give to the students. This information given to student in this can be use positively or negatively to solve or to analysis this curriculum.

This unit focus students' attention with a variety of research problems that each student will attempt to solve. Students will use writing skills to solve analyzing that are developmental appropriate. Students will acquire the skills used to examine data and to process ways of analyzing the data in order to write about it. Finally, writing and problem-solving abilities of the students will improve as they practice teamwork.

Many years of research and statistical analysis finding alternatives to incarcerating juvenile offenders is a given. Incarceration is the least desired choice and alternative programs that provide better environments or real possibilities for success are what we hope to accomplish. While it is true that for some youth alternative rehabilitation will not work, for the majority of those that enter the juvenile justice system one encounter often proves to be more than enough to keep them out of serious trouble.

The goal of this unit is to crate an innovative program that will reach the juvenile in ways they can relate and respond too. The alternative to incarceration program is a rewards system that lets participants (juveniles) see the immediate consequences of their actions.

Another factor in consideration is boot camps are still a promising possibility to incarceration. Others are mandatory, highly structured community service or public programs. A sentence to a boot camp or public works program, rather than probationary period could change first time offender's attitude toward himself and society. It must be remembered, however, that boot camps and similar sanctions involve attempts to change

behaviors that have been learned over a period of years.

This unit cannot accomplish it in one or two sections. Rather, commitment must be there for a sufficiently long period of time to affect behavior patterns. One of the key challenges for a state juvenile justice system is to deter the youth offender from further transgressions. For some majority of youth offenders this is possible if we are smart in imposing sanction. The state should develop a range of tough but fair sanctions for nonviolent first time juvenile offenders, where the emphasis is on instilling values of discipline and responsibility. The sanctions should include the option of institutional setting.

United States is now the world leader in its rate of incarceration. Yet polls tell us that Americans feel no safer now than 10 years ago. We are increasingly focused on treating juvenile as adults, despite concern that current incarceration has not stemmed the tide of adult violence, and recidivism continues largely unchecked.

The inmate prison of juvenile in Connecticut has triple in the past 10 years. Despite the number of inmate increase, the system has not found a solution as to what is the best interest of the youngsters. We all know the fact, increasing incarceration or new prison construction is not the best way to deal with growing population of juveniles in this country. It is time to look for the alternative solution that will serve the interest of the community and the nation. As I have said previously, the youngsters are the future asset of this country and it is the time to find alternative to incarceration. I am not advocating that juveniles should not be punished for the crime committed. Punishing should be constructive, justifiable and measurable to the crime.

Unit Three

What is Due Process? The Fifth Amendment, which provides certain protections for persons accused of crimes, include the following: No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without a due process of law. Due process require that all provisions of the Bill of Rights in Fourth to Eighth amendment are observed in all court of law. To provide fairness which applies to every body.

It is important to observe that “Due process” includes two distinct aspects “Substantive” due process pertains to legislation itself. A law must have a purpose within the power of government to pursue, and it must be rationally related to the accomplishment of that purpose. Substantive due process against grossly unfair acts of government. “Procedural”

Due process pertains to the decision-making process followed in determining whether the law has been violated. A basic fairness in adjudication is required of those purporting to implement the law. The party who may suffer the deprivation must be told what he is accused of having done, and be offered an opportunity to defend his actions before an impartial tribunal.

The core thrust of “equal protection” is the individuals or groups that are similar must be treated in similar fashion. All within a classification must be given the same rights and privileges and be subjected to the same duties. Classification per se also are subject to examination. They must be based on relevant to the subject and not prohibited by law. Failure of the government to follow these principles can constitute forbidden “discrimination”.

The general constitutional test for acceptability of criterion for classification is whether it is rationally related to a legitimate governmental objective. The very strong presumption is that a criterion established through the legislative process is constitutional. If however, the classification is based on constitutional “suspect”

factor (such as race) or legislative “protected” factor as age in some situations) the courts will require a compelling justification. Some classification bases (such as illegitimacy) fall in between.

In this unit I will illustrate in story after story about how successful people who made mistakes as teenagers were given a second chance. The juvenile court, by not criminalizing these children, by creating a separate system of justice where they were not treated as adults, by keeping juvenile record confidential and not equating them to adult criminal records, gave this young children a chance to become productive, contributing member of community. The present system of incarceration of juvenile is not working to the advantage of the community or to the society as a whole. We have learned lessons the hard way lessons about how dangerous it is to hold children in detention with adults. Many of these incarcerated young juvenile were accused only of property crimes or non-criminal offenses, such as runaway from home or skipping school. Yet, these young juvenile were being routinely physically, mentally, and sexually abused while in incarcerated. They were not there learning from their mistakes; instead the system is creating a future criminals.

The juvenile court should provide the troubled children with an educational opportunity to succeed in the future. The system should provide children in trouble with individualized services to help steer them in the right direction. And it frequently takes one nurturing adult to make the difference and put the child on the right direction.

The juvenile court system has been unable to cure all the problems of our younger generation, the system is turning the clock back to a time when troubled children were abused, is not a solution. Policy must be based on reality and not on media coverage. We as a society must devote the time necessary to understand what is causing our children to resolve conflict with violence. Responses which call for increasingly punitive treatment do not address the underlying causes of their behavior.

The teenagers of today will become the leaders of the millennium. But they will not be able to fill those roles unless we provide the guidance and compassion they need now. We cannot afford to throw young lives away. We must take responsibility for the future of our children and make sure they feel connected to their families, and their communities. We must keep guns out of the hands of children; so that a school yards fistfight does not turn into deadly incident those ruins or ends children’s lives.

During the next century young people will be confronted with many new challenges, and a world very different from the one in which we were raised. Yet, century after century, juvenile continues to have the same needs: a loving family, a nurturing environment, a sound education, and the moral values. As this unit has demonstrates, there are many children who have been able to rebound from unbeatable circumstances to grow up to be successful, caring adults. Let’s not give up on any child, because every one of them deserves the second chance to succeed in the future.

A highly popular area of research and public interest has been the effect of violence on TV and the media. Although the portrayal of violence may temporarily increase a child’s aggressive play, and decrease his sensitivity to the problems of others, I must agree with Singer (1971), whose exhaustive survey of the literature led him to conclude: “A careful scrutiny of the formal scientific literature does not yield evidence that warrants a judgment linking the increased violence in the United States to the portrayal of violence in fiction or news reporting on TV. or movie film”(Singer, 1971,p.54).1

“Prevention programs are estimated to be at least twice as effective and significantly cheaper than law designed to increase incarceration. California already spends nearly \$4 billion per year on prison maintenance and construction. However, one study show that while an estimated 60 crimes were prevented annually per

\$1 million spend on Three Strike Laws in California, an estimated 258 crimes were prevented per \$1million spent on graduation incentives". (Source: The RAND Corporation, 1996 study) 2 "Juvenile offenders tried in adult court are twice likely to re-offend than tried and detained within juvenile system. The juvenile justice system emphasizes rehabilitation while the adult system is solely interested in incarceration and punishment of offenders. (Source: United States Dept. of Justice)

This unit has two purposes; (1) is designed to change the juvenile behavior towards crimes, (2) and is also design to change current system of incarceration. It must be remembered, however, that boot camps and other similar sanctions involve an attempt to change juvenile behaviors. This cannot be accomplished overnight. We must keep on with the program that is of a success to our future generation.

Many law enforcement officers have encountered 14 to 16 year olds who were as matured and as criminally hardened as any adult offender. This group represents only a small fraction of our youth This group commits a large percentage of all violent crimes in our community. This is a serious case, public demands that law enforcement officers recognize and respond to crime element. Discretionary waiver Or certification of juveniles into adult court creates delays in sentencing of juveniles. The uncertainty of waiver reduces any chance of deterrent reduces any chance of that adult might have on punishments on juveniles.

The state could create a legislative presumption that any youngster aged 12 or older who commits an enumerated crime of violence (for example, murder, rape, kidnapping, or armed robbery) will be tried as an adult. Showing mitigating factors that justify juvenile treatment of the offense could rebut the presumption. Where the juvenile has a previous adjudication for an enumerated offense, then the certification would be automatic. Where violence is involved, a firearm is used, or multiple offenses have occurred, the juvenile has through volitional criminal conduct moved outside the intended focus of the juvenile.

Another way to increase effective sanctions is to provide for use of juvenile offense record in adult sentencing. The problem in dealing with these young offenders is lack of information about what options is available when it comes to sentencing. Many of the previous offense may not be available or by law, may be considered legally irrelevant to sentencing for adult offenses. While the desire to forgive a youthful indiscretion is commendable, that rationale simply does not apply to a juvenile offender who continues a life of crime in adulthood. The lack of adequate juvenile criminal histories creates a void with respect to the criminal conduct of certain offenders. For example, the Bureau of Justice Statistics estimates that 38 percent of inmates incarcerated for murder in state prison in 1996 had a prior juvenile conviction and 13 percent of those inmates had record and thus juvenile convictions.

In final analysis, the health and well being of adolescents still rests in that strong of being cared for by parents. The more they felt and the more comfortable they were in school, teenagers were likely to engage in problematic behaviors, including committing violence. We need more programs to prevent young children from entering the justice system would be far more effective and less costly. In 1996 Marion Wright Edelman founded Stand For Children with its' Children's Action Teams, grassroots organizations do what they can, some with the help of Title V grants under "Delinquency Prevention Program"

As long as a disproportionate amount of funding goes to deal with problems after they've occurred, the juvenile we remain with limited resources to prevent their occurring. We should be more concern about juvenile crimes; it is our duty to provide a safe environment for them so that they can be of use to the community and to the society.

Reading and plans for curriculum development:

1. Samuel M. Davis, Rights of Juveniles
2. Susan Estrich, Getting Away With Murder
3. Barbara Flicker, Providing Counsel for Accused Juveniles-Current Policy Issues, 1983
4. Trudy R. Hayden, Confidentiality and Juvenile Court Records-Current Policy Issues, June 1983
5. David B. Kopel, Prison Blues: How America's Foolish Sentencing Policies Endanger Public Safety
6. Stephen, Wizner, "Discretionary waiver of juvenile court jurisdiction"
7. Lundman, Richard L, Prevention and Control of Juvenile Delinquency

Foot Note

1. (Singer, 1971,p.54)

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