



## Juvenile Justice/The Real Deal

Curriculum Unit 00.02.06  
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### INTRODUCTION

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In 1997 the House of Representatives passed the Juvenile Crime Control Act. The passing of this act would make it easier to try juveniles as adults in the Federal system. Recently, in Michigan, a 13 year old, Nathaniel Abraham was on trial for the first-degree murder in a 1997 shooting of an 18 year old. Prosecutors believed that Nat should be prosecuted and punished for this crime as an adult.

"Arizona teacher shot at middle school, teen sought for questioning", read the local paper headlines. As a teacher in the middle school these headlines shock me or do they really. With the ever increasing trend of violence in schools, the issue of "Kids Behind Bars" is frightening.

Currently, I am a special education teacher, teaching 8th grade students in an inclusion program. My position allows me to collaborate with the regular education teachers in all subject areas. The population of the students in which I teach are learning disabled, mentally retarded or seriously emotionally disturbed. The students in the class that are not identified as special education are slow- learners and children at risk.

Many times throughout the school year our students are arrested for various crimes, some not so minor. It is my intention through this unit to educate the students of the laws, their rights and the consequences of violating the laws.

This unit will be mainly integrated into the history and English curriculum. In complying with the district-wide standards for social studies, the unit will present the concepts of the constitution, criminal laws concerning juveniles and the treatment of the offenders. The areas of delinquency, neglect, abuse, harassment and emancipation will be addressed. The following is an outline that will be used for this unit.

#### I. The Constitution

- A. The Bill of Rights
- B. The rights of the juvenile

## II. What is Criminal Law?

- A.The law concerning juveniles
- B.Juvenile Crime

## III. Kids Doing Adult Time

- A. Treat and Rehabilitate
  - a.Community Treatment
  - b. Residential Treatment
  - c. Nonresidential Treatment
  - d. Institutionalization

## IV. Innovative Ideas

- A.Visitors and Trips to Inform
  - a.Criminal Lawyer to Visit the Classroom
  - b.Connecticut Court Visitation
  - c. Local Police Visits
  - d.Trip to the Local Detention Center

A child who commits a crime needs to be punished. But does he or she need to be tried and punished as an adult. Does this youth need to be placed in an adult facility or in a safe but disciplined environment. Children should be held accountable for their actions. In this unit I hope to explore the rights of the children in accordance with the law.

The total time allotted for this unit would be eight weeks. This would include the visits and the trips that are to take place. It is my hope to enhance this unit with a trip to our nations capital, with visits to our senators and representatives office's.

## GENERAL STATEMENT

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On May 7, 1997, the house of representatives passed the Juvenile Crime Control Act of 1997, which would make it easier to try juveniles as adults in the federal prison. This bill actually provides billions of dollars to states to change their juvenile codes and get tougher on youth offenders.

## INTRODUCTION

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In this unit it is my intent to educate and inform the students of their rights under the constitution and under this new law passed. My intention is also to review the various methods of treatment available for youthful offenders including incarceration in adult facilities.

Crime is an illegal act committed by a person who has criminal intent. For many years it was presumed that anyone under the age of 14 was unlikely to have criminal intentions.

Juvenile crime denotes the various offenses committed by children or youths under the age of 18.

For many years, since ancient times the legal systems have been able to distinguish between the juvenile and the adult criminals. Looking back into the 19th century, the punishments for juvenile offenders were often severe and sometimes considered harsh. The death penalty could be imposed.

In 1824, the 1st institution for juvenile offenders was founded. It was called the House of Refuge. It was founded in New York City and the purpose was to separate institutionalized youths from the adult criminals. By the mid to late 19th century other state institutions for juvenile offenders were being established. Many of these early institutions were very rigid with the youths.

As early as the second half of the 19th century there was much attention to the special need for different legal procedures that would protect the rights of the juvenile. In the late 1800's several states to provide special hearings for the children in the courts. The first court specifically for juveniles was created in 1899 in Chicago. The main goal of such courts was to avoid the harsh treatments juveniles received in the past. At this time in history the courts viewed a juvenile in trouble as a juvenile in need of help not severe punishment. As a result we now have special programs in the communities, schools, child-guidance clinics and juvenile aid bureaus to assist the police departments.

We now have completed a full circle in our legal system with the passing of the Juvenile Crime Control Act of 1997. The courts want to treat the juvenile offenders once again as adults in the trial and the punishment phases.

But how do we break the vicious cycle of juvenile delinquency? It is evident that in the absence of radical new measures to tackle this problem of juvenile delinquency, juvenile crime will sow the seeds of new growth on criminality in this new millennium. The issues of juvenile crime have deep roots and it is multifactorial. Low-income and unemployment environments interact with school failure and low self-esteem. This exposing younger school leavers to a higher risk of a life of crime and substance abuse. Many juveniles need monitoring and closer guidance that can not be given by the parent who is trying so hard to keep the family together. The lawmakers need to implement a plan that begins at home and continues through the school and the extended community. Large businesses should directly involve themselves in these issues, the child should not be given

the doom of the adult prison as a sentence. There should be government involvement and monies to assist in juvenile justice system.

Some innovative ideas to prevent crimes committed by the juvenile would consist of an intense monitoring process including truancy, drop-out rates, structured links between school and home and the community, extra curricular activities, after school tutoring, vocational training ,mentors and counseling.

After the juvenile has spent time incarcerated the statistics show that rehabilitation has not taken place within the prison walls. The juvenile will be a repeat offender and meet up with the same judges and prosecutors once again. Juveniles should be protected as adults are protected by the Constitution.

#### OBJECTIVES:

- \* To know the rights of individuals under the Constitution
- \* To learn what the Bills of Rights are and what they protect
  
- \* To be aware of the specific rights of juveniles in the U.S. Judicial System
  
- \* To become more knowledgeable in the steps of juvenile proceedings
  
- \* To review landmark juvenile cases

#### **1. To know the rights of individuals under the Constitution of the United States.**

For nearly one hundred eighty years the Constitution with its Bill of Rights has served the people of the United States of America both as a plan of government and as a safeguard of their rights and liberties. Written for a small weak nation, it has kept its pace with huge growth and progress of this fine nation. The following are a sample of questions that may be asked and answered:

How are American citizens protected from injustices?

What two kinds of liberties are preserved by our Constitution?

The members of the Constitutional Convention planned the Constitution so wisely that only twenty-five amendments (including the Bill of Rights) have been added since the beginning.

## **2.To learn what the Bill of Rights are and how they protect us:**

The first ten amendments to the Constitution are called The Bill of Rights. These first ten amendments contain a list of personal liberties, or rights, which can not be taken away by a law of Congress, the President, or the Supreme Court. The scope of the Bill of rights is to guarantee individual freedom in the U.S.. These amendments have been extremely crucial to the legal development of the U.S.. They have accomplished three main goals. One is that the people have rights with which no government shall interfere. The second is that they secure our rights. And lastly they, the 1st amendment helps to protect the democratic government by barring any criminal proceedings against those who criticize the government and those who hold unpopular beliefs and by providing a safe haven for those who are oppressed in other countries.

The Sixth Amendment gives people accused of crimes the right to a prompt, public trial. The accused has a right to an attorney and they must be present when accused of the crime and when all the evidence is given against them.

The 8th amendment is the particular amendment that the students will closely look at. the amendment prohibits the government from administering cruel and unusual punishments, imposing fines, or requiring excessive bail.

The amendments that have been made have increased our rights and freedoms.

## **3.To know your rights as a juvenile in the court of law:**

We have noted already the 1997 passing of the Juvenile Crime Control Act which does make it easier to try juveniles as adults when they have committed adult crimes. The courts also try and punish the youths as adults even if this means being placed in an adult correctional facility. Again the students must also scrutinize the Bill of Rights to be aware of their rights and protect themselves.

Between 1992 and 1995, 41 states passed laws making it easier for juveniles to be tried as adult.

After trying the youthful offender as an adult now what exactly do we do with them? What really happens to all these kids? There is no specific treatment plan that has proven the most effective. Effectiveness is typically measured by recidivism rates which means the percentage of children who subsequently commit additional criminal acts, or repeat offenders. In the unit we will explore the least to the more severe type of punishment for the juveniles. The least would be the community hours or a monetary payment for the crime and possible probation. On the other end the most severe would be incarceration with adult convicted of similar crimes. In between the two range counseling, group homes, residential placements in with other youths. Rehabilitation is the avenue that many judges would best benefit the person and society as a whole. The goal should be to have the juvenile reestablish a healthy relationship back in the community. Many law makers also feel strongly that we have an obligation to help to prevent the juveniles from crime, preventative medicine for the soul. Treating our kids who can be successfully reclaimed in prison takes money, patience, time and compassionate personal , now can we make that happen?

## **4. To become knowledgeable in juvenile proceedings:**

The students will review and understand the steps in a juvenile proceeding. There are two categories in juvenile Court cases, Delinquency and Neglect and abuse. They will also become more aware of the Juvenile court system in the State of Connecticut.

The courts for Juvenile Matters come under the Family Division of the Superior Court. They are concerned with all cases of children under the age of 16 and many of these cases deal with youth 16-18 years of age. In the State of Connecticut there are fifteen Juvenile Court Districts.

They are usually divided into two categories.

### 1. Delinquency

Cases involve actions which, if committed by an adult, would be a crime. A delinquent child is described as one who before his/her 16th birthday has violated or attempted to violate, any federal or state law, order of the Superior Court or municipal or local ordinance.

Examples of the cases the court might hear:

- a. The child runs away from home;
- b. The child is beyond the control of the parent or guardian;
- c. The child has participated in indecent or immoral behavior;
- d. The child has been truant;
- e. The child is constantly defiant in a school setting;
- f. The child is 13 years of age or older and engaging in sexual intercourse with another juvenile.

A serious Juvenile Offender is a juvenile over 14 years of age who:

- a. is charged with committing a capital felony or a felony as defined in class A, B, C or D for an adult, which crimes include, but are not limited to, murder, arson, rape, kidnapping, armed robbery and 1st or 2nd degree assault; or
- b. has been previously convicted of two felonies and is charged with a third felony (Serious Juvenile Repeat Offender).

A juvenile charged in this category may be transferred to Criminal Division of Superior Court, may be tried as an adult and, if found guilty, may be sentenced as an adult.

All children that are involved with the Superior Court/Juvenile Matters have certain constitutional rights. These are:

- a. to receive adequate, timely notice of the charges;
- b. to confront and cross-examine witnesses;
- c. to be represented by a lawyer and to have one paid for by the state if the parent cannot afford one;
- d. to be heard and present evidence on their own behalf;
- e. to remain silent;
- f. to appeal to a higher court a decision made in a Juvenile Matters hearing;
- g. to have guilt proven beyond a reasonable doubt;
- h. if charged with delinquency and being held in a detention center, to request release on bail.

Children do not have the right to a public trial or a trial by jury. The sole purpose is to give the child in trouble time to grow up without public attention to mistakes or inappropriate behavior. Therefore, when a child is brought before Juvenile Matters for any reason, the court hearings are private and all the information is treated confidential. The sees this as protecting the best interest of the child. The recordings of the hearings,evidence and testimony of a child before the court are remained sealed except to the child's attorney and probation officers.

All the police and court records may be erased if:

- a. a child is found not to be a delinquent as charged;or
- b. a child has completed the orders of the court and is discharged.

If no other juvenile court proceedings are brought against the child for two years after discharge and the child has not been convicted of a crime after turning 16, they can petition the court to have the records erased.

## \* To review landmark Juvenile cases;

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In Re Gault, 387 U.S.1(1967), " There are rights granted to adults which are withheld from juveniles. But, under our Constitution, the condition of a boy does not justify a kangaroo court."

In 1964, a 15 year old boy, Gerald Gault was arrested when a neighbor complained of receiving an indecent phone call. No one told the 15year olds parents that he was in jail. He was not allowed to see a lawyer. The next day he was brought before a judge, no evidence presented, no witnesses testify, no record is made of the hearing. If an adult, he would receive a maximum fine of \$50.00 and 2 months in jail. Gerald is sentenced to 6 years, in reform school. In the state of Arizona where this took place there is no appeals in juvenile cases.

In 1967 the Supreme Court heard this case. Judge Fortas, stated that..." due process of law is the primary and indispensable foundation of individual freedom (Amendment XIV).

In re Gault requires that due process rights of notice, counsel, cross-examination and the right against self-incrimination must be provided to children facing delinquency dispositions in the Juvenile Court system.

The state of Michigan vs Nathaniel Abraham:

This trial of Nathaniel Abraham, a 13 year old being charged as an adult for the first-degree murder under a 1997 Michigan law that sets no age minimum age for the prosecution of children as adults.

Nathaniel was only 11years old at the time of the shooting death of Ronnie Green on October 29,1997. His attorneys argued, in vain ,that he was functioning at the time at the level of a six to eight year old. The state said they had no evidence to substantiate their charges.

## LESSON PLAN #1

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A Mock Trial

Grade Level: 8-12/ American History

Objectives: A mock trial ia a valuable learning experience in many ways. It may be used to help students learn about:

1. Specific areas of law
2. Courtroom procedures
3. Roles of courtroom personal
4. How the courts resolve conflicts peacefully



Purpose: While learning the details of the trial process and procedures, students are also developing a number of critical skills that are necessary life skills:

1. Critical analysis of problems
2. Strategic thinking
3. Questioning skills
4. Listening skills
5. Skills in oral presentation
6. Skills in presenting an argument
7. Skills in preparing and organizing materials

What is needed the most in a mock trial is the cooperation among students to make it a success. Participation in a mock trial helps the students to better understand the roles that the various actors play in the justice system and also the difficult conflicts those persons must resolve daily in performing their jobs. Mock trials help the students to gain an understanding of the legal mechanism through which society chooses to resolve much of its disputes.

Resources: You can have a guest attorney help with the basic fundamentals of the mock trial.

Activities and Procedures:

- a. The mock trial should include and involve every student in the class for the entire unit.

Students not assigned specific active roles lose interest quick.

- b. The trial itself has room for the roles other than attorneys and witnesses. They include:
  - a. Judges
  - b. Clerks
  - c. Members of the jury
  - d. Court artist
  - e. Video camera operator( you can tape the entire trial so the students can view it later on)

## LESSON # 2

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A Day at the Court House

Grade Level: 7-12

Objective: The students will observe a court session and answer the questions on the report sheet. This is a worksheet designed to increase student awareness of the court room proceedings through observation.

Purpose: to provide the students with an understanding of the operation of the Court System.

Arrange for a trip to your local court house. Explain that a class will be observing and ask if it is possible to watch an actual criminal case in action. In addition arrange for the students to interview the judge after viewing the proceedings. The following is an example of an interview worksheet the students can use.

### FIELD REPORT

A Day at the Courthouse

Name \_\_\_\_\_ Class \_\_\_\_\_ Date \_\_\_\_\_

Name of the Courthouse \_\_\_\_\_

Address \_\_\_\_\_ Reporting Time \_\_\_\_\_

Contact Person \_\_\_\_\_

Name of the Judge interviewed \_\_\_\_\_

A. Things to look for and report on while in the courtroom:

1) Describe the general environment of the courthouse. Are the facilities crowded? Are they noisy or calm? Are they business like?

2) When watching the criminal proceedings in session, try to answer the following:

- a. What is the nature of this case?
- b. Describe the work of the prosecuting and defense attorneys
- c. Describe the questioning of one witness during the trial
- d. Describe the actions and attitudes of the judge

B. Questions to ask the Judge when interviewed:

1) Does the court have a backlog of cases? If so, why?

2) What percentage of cases before the court end in plea bargaining? What is your opinion of this?

3) What percentage of those convicted by the court are locked up in a correctional institutions? Fined? Put on probation?

## **LESSON # 3**

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### STRETCHING OUR LEGAL VOCABULARY

Building a vocabulary is essential especially when learning about a new subject. Students can start their own legal notebooks by entering the following terms and defining them. They can use this list to help them better understand the legal reading and also the courtroom proceedings.

Appeal Arraignment

Attachment Bail

Beyond a reasonable doubt Certification

Clerk Commitment

Complaint Contract

Court monitor Cross-examination

Defendant Deposition

Due process Felony

Hearsay Indigent

Injunction Jurisdiction

Juvenile Leading question

Misdemeanor Negligence

Parole Plaintiff

Plea Precedent

Probable cause Probation

Prosecution Public defender

Rehabilitation Restitution

Stipulation Subpoena

Summons Suspended Sentence

Tort Venue

Waiver Witness

## **BIBLIOGRAPHY & SUGGESTED READING LISTS FOR TEACHERS**

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- 1) Kids Behind Bars, New Youth Connections; May/June 1998. A very interesting piece concerning the youth in adult facilities and the statistics and problems.
- 2) Jail School Last Chance for Some Young Offenders, Miami Herald; June 22,1997. Citing an alternative way to deal with the youthful offenders.
- 3) After Doing Time, Teens Serve Burgers, Christian Science Monitor; October 15,1997.
- 4) Violence in Schools, CQ Researcher; September11,1992. A writing that was quite informative of the growing incidence of violence in our schools throughout the country.
- 5) Unequal Justice: A Question of Color, Indiana U Press; 1993 A look at crime and violence in the country and how it relates to the color of skin.
- 6) The Child Savers: The Invention of Delinquency, University of Chicago Press;1977. This work is to inform us of the inequities of the juvenile justice system.
- 7) Within Our Reach, Breaking the Cycle of Disadvantage, DoubleDay; 1988. This book explains the plight of the cycle of the disadvantaged and how to break this cycle and create effective change.
- 8) Protect Your Legal Rights. Simon & Shchuster Inc., New York, 1983. This is a look at the rights of both juveniles and adults

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