



Understanding Criminal Justice

Curriculum Unit 95.03.03
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INTRODUCTION

For many people, the criminal justice system may seem intimidating. Most people have never even seen the inside of a jail. Their only experience with police officers may have been a quick stop on the highway for a speeding ticket. For people who have never been charged with a crime, facing criminal charges can be disturbing. However, our system of justice aims to prevent people from being unfairly convicted. It guarantees many legal rights to anyone charged with a crime. This unit is designed to discuss those rights and give students a basic understanding of the steps in the criminal justice system.

The purpose of writing this unit on 'Understanding Criminal Justice is to raise the level of awareness in students, so that at an earlier age, they will avoid participating in activities that will lead them into criminal situations. Students will use this knowledge to change their attitudes about the society in which they must live. Students in grades 4-6 will benefit from this unit most. However, the general information can be used with children in all grades. Students will learn, what is crime and criminal law? They will look at characteristics of some serious crimes and will discuss Constitutional rights of juveniles as it equips students with critical thinking and problem solving skills.

It is suggested that teachers use this unit to with students to foster a sense of awareness of our criminal justice system and to create a safe, orderly, nurturing and supportive environment for our children.

BACKGROUND

According to the National Defense Fund, in a brochure on 'Cease Fire: In the War Against Children', polls show people are concerned about crime. A gun takes the life of a child every two hours, which is the equivalent of a classroomful every two days. Homicide is now the third leading cause of death from elementary and middle school children aged 5 to 14. Between 1979 and 1991, nearly 50,000 children were killed by firearms. This is equivalent to the number of American battle casualties in the Vietnam War. Juveniles account for an appallingly high and rapidly growing share of homicide offenders as well as victims. The number of arrests for murder and non-negligent manslaughter for adults rose 11 percent between 1982 and 1991. The number of

juvenile arrests rose 93 percent. Another generation of young men and women are being lost to drugs, crime and to crushed hopes. The president and Congress scramble to support a crime bill that will spend 22 billion dollars over the next five years, mostly on police and prisons. ¹

There has been an increase in rates of many crimes in the United States over the last decade. The response to increased crime rate has been increased law enforcement activity, with the incarceration rate more than doubling. We are spending more on police, court and jails, but more babies continue to be born with drugs in their blood. Punishment alone hasn't solved the problem. All of this has a direct impact on the children we serve because those children come to school. About 11 per cent of our children are enrolled in some kind of special class with some kind of handicap. An estimated 82 per cent of all American prisoners cost in excess of \$20,000 per year per prisoner with some states sometimes reaching \$75,000 per person per year. We're closing schools and opening prisons. How in the world can we stay competitive if we give 100 per cent entitlement to prisoners and one in six children enter Head Start?. There is a direct correlation between states that have a high graduation rate and a low crime rate. ²

We must succeed in our effort to stop self-destructive behavior. We must end our surrender to violence and ethical collapse because it destroys our youths. Violence as an American lifestyle whether it is done with tongue, gun, or pen must stop. This kind of behavior can lead to more serious problems that may become criminal in nature.

Many of us look at the children in New Haven and other urban cities as children at risk. Our youths must stand up and resist the violent culture. They must not continue to allow drugs and guns in their schools. We must teach our children to be good citizens. Our children need to learn about the law and the Constitution, so that they may be able to protect themselves.

Criminal activities are a way of life for many of our children. Their parents, relatives and friends need to be good role models. We've got to keep our children in school. How can we keep them in school? We must take back our children from violence, drugs and other crime. The long term solution to our problem of prison, is to increase the ability of our educational system to assure that young people will not drop-out before finishing high school.

Schools are often the forum in which delinquent behavior originates. Most delinquents perform poorly in school and are unhappy in the school environment. Many delinquents are dropouts who leave school at an early age but have no job opportunities. There are also many elements that delinquents share in their home lives. Their parents are frequently heavy drinkers who are involved in crime themselves and are unable to provide emotional or financial support for their children. Discipline is inconsistent and often relies on physical force.

WHAT IS CRIME?

Crime is a serious violation of the law. States and communities have the principal responsibility for public safety in America. The federal government, through the Federal Bureau of Investigation, has jurisdiction over certain crimes, such as kidnapping, bank and robbery. State police have important highway safety responsibilities and cooperate with local authorities in the arresting of criminals. However, community police forces continue to be the principal means of law enforcement and public safety. The sheriff and his deputies are still the principal enforcement and arresting officers in rural counties. States and communities also have the principal responsibility for maintaining prisons and correctional institutions.

Black youths are especially likely to come into contact with the criminal justice system. Black juveniles were five times more likely than their white peers to be arrested for violent crimes.

Nationally the number of Black youths in custody increased by 30 percent between 1985 and 1989, while the number of white youths held declined 26 percent. Black youths represented 42 percent of the youths in public juvenile facilities (primarily detention centers and training schools) on a one-day count in 1989. ³

CRIME AND THE COURTS

Courts are political institutions that attempt to resolve conflicts in society. Some of the nation's most important decisions have been made by courts rather than legislative or executive bodies.

At the lowest level are Minor Courts. These are minor courts. These may be municipal courts, magistrates courts, police courts, traffic courts, family courts, and small claims courts. They are presided over by justices of the peace, magistrates or police judges, who are not always trained in the law. These courts are concerned principally with traffic cases, small claims, divorce and child custody, juvenile offenses, and misdemeanors, although they may hold preliminary hearings to determine whether a person accused of a felony shall be held in jail or placed under bond.

Trial Courts, sometimes called district courts, circuit courts, superior courts, chancery courts, country courts, or common pleas courts handle major civil and criminal cases arising out of statutes, common law, and state constitutions. Juries are used in these courts, and judges are generally qualified in the law. These courts handle criminal cases involving felonies and important civil suits. A high percentage of cases decided by state courts originate in the major trial courts; trial courts make the initial decisions in cases before the supreme court gets involved.

Supreme Courts are the court of last resort. These courts consist of three to nine judges, and most of their work is devoted to cases that have already gone to courts before. These cases were not resolved, so they are called cases on appeal. These cases consider questions of law rather than questions of fact. These cases do not need a jury. State supreme courts are the most important and visible judicial bodies in the states.

The problem in law enforcement is the conflict between our commitment to due process, which is firmly embedded in the Bill of Rights in the U.S. Constitution and our determination to control crime through police, prosecution, courts, and prisons. This kind of thinking suggests that we are faced with an on-going situation between limiting crime and maintaining civil liberty.

Research indicates that increasingly it seems that bureaucracy in the criminal justice system is responsible for problems in both crime control and due process.

Former Chief Justice Warren F. Burger (1970) argued that rising crime in America is partly due to inadequacies in our system of criminal justice. The present system of criminal justice does not deter criminal conduct.

THE EFFECTIVENESS OF PUNISHMENT

It is difficult to determine the extent to which punishment serves to deter convicted offenders from committing further crimes. Studies into effectiveness of various forms of the treatment of criminals lead some researchers to the conclusion that nothing works. In a more positive light, available research studies seem to indicate that lenient penalties such as fines, probation, suspended sentences and severe measures are about equally effective in preventing future criminality. Accordingly, there has been an international trend away from custodial treatment. Short-term sentences are seen as particularly harmful because they tear the offender away from his family and occupation and expose him to criminal indoctrination in prison and to social isolation after his release. Long-term sentences are also viewed with growing skepticism, despite more than 150 years of prison reform, because of the adverse side effects of even the best institutions. These ill effects include acclimatization to prison atmosphere, association with prison subcultures, infantilism, mental illness, and in general a decline in fitness for responsible life in a free community.

COMMUNITY BASED POLICING

Many cities are employing community based policing as a method to reduce crime at the community level. The question is asked does increased police protection significantly reduce crime? There is a common belief that increased police manpower and increased police expenditures can significantly reduce crime in the cities. There is very little evidence to support that community based policing make a difference. So many other factors may affect crime rates in cities. The size, density, youth unemployment, race, and poverty are few of several factors that make police activities insignificant. The amount of police activity in a given community can increase crime reporting, which tends to give an unclear picture of actual crime rate. The reduction of crime in America is a definite goal.

There are many conflicting views of crime in America. It is sometimes argued that this nation's high crime rate is a product of its social heterogeneity, which is the multiethnic, multiracial character of the American population. Blacks in the United States are often victims of crime far more frequently than whites. A huge part of the black population is in the young crime prone age (fifteen to twenty-four years), and these youths are more likely than not, to live outside husband-wife families. Researchers indicate that the streets of the nation's black inner cities produce a subculture which increases crime.

THE ROLE OF THE SCHOOL

Many children in today's society lack understanding of the world in which they live. The present conditions of their world virtually remains unseen. The role of schools is to educate its children, so that they can grow up to be productive citizens. They must have a safe, orderly and positive environments in order to achieve success.

When a crime is committed in a community, it is in a way caused by everyone. People do not live in the world alone, the criminal grows up with people. People are affected by their social experiences. If children want to murder or break a school window, their environment has taught them how and have given them a reason. And

if they are punished by the community, it is because the community feels guilty their crime, for failing to provide positive experiences in schools, for not protecting them from severe cruelty, neglect, starvation, and rejection. Those in the community who most demand their punishment are usually those who feel most guilty for their own failures, real or imaginary. If they could forgive themselves, accept themselves, they could forgive the delinquents, accept and teach them, and so in doing, convert them before they become hardened unconvertible criminals.

It is not an easy process to change the behavior of people. The job is too big for any one school, teacher, policeman, judge, psychologist or social worker. It takes many people to make an ordinary little boy or girl into a hardened criminal. It will take many people to make a criminal into a good citizen.

Every little boy or girl in trouble should be examined by a doctor, psychologist, a reading specialist, a social worker, and his home and neighbor should be studied. Intelligent steps can then be taken by this team of people working with the community council and community based police, with cooperation of the boy or girl what everybody needs: security, affection, adventure, a chance to get recognition, to learn, and to give others the best that he or she has to give.

Every city has some special programs for handling delinquents. As our society becomes more secular, the official agencies, such as, police, social workers, etc. are used more often. In a friendly neighborhood, when children at play break a window, the parents may talk it over and decide who pays; but in a neighborhood where people do not know each other, they may call the police. The two misdeeds are the same, but the crime rate is higher in one place than another.

It takes all of us working together to save our children. Sometimes a youth commits a crime which so angers the community that letting it go without punishment is impossible. The problem is what punishment to one person may be a reward to another. Sending a person to jail may be just what he has been hoping for, an opportunity to get away from his mother, father or gang, relax, and get three meals a day.

A good amount of evidence suggests that the majority of juvenile delinquents and criminals have been neglected or otherwise punished as infants and children. We can reduce crime by preventing punishment of infants and small children. Children at an early age can and will decide on their behavior good or bad by age four.

We as educators, community workers, and politicians can not afford to ignore that we have responsibilities in educating and training our children for a better society.

LESSON PLAN I

DESTRUCTIVE BEHAVIORS IN MY WORLD

OBJECTIVE: Students will realize that clear values are a resource of behavior in clarifying needs and wants.

Keep a destructive behavior diary in 'Notes to Myself' for one week. Each day list every destructive act of behavior you see or come in contact with. Record the time of the incident, how many persons were involved, and where the incident took place (home, school, etc.) At the end of one week, review the incidents in your

journal, answering the following questions:

1. What needs were the persons trying to satisfy?
2. In what ways were the person's acts destructive?
3. What values do you think the persons held?
4. How else might the persons have acted to satisfy their own needs.

LESSON PLAN IA

MAGIC CONTAINER

OBJECTIVE: Students will clarify feelings and wants.

Form a circle with four or five students near you. Your teacher will give each group a container. Think about some things you would like to own that would fit into it. Then have each member name some things he would fit into it. Then have each member name some things he would like to have in the 'Magic Container.'

LESSON PLAN II

FREEDOM AND POWER

OBJECTIVE:

Students will verbalize ways in which they give up freedom and control in their lives by relinquishing decisions to other people.

CONCEPTS:

Making decisions give us power and freedom in our lives. People who are easily influenced by other people or mass media lose their power and freedom.

PROCEDURE:

Make a sign that says Power and Freedom. Hold the sign and read the following examples of situations where people give up their power and freedom by letting others make the decisions for them. Each time an example is read, tear off part of the sign.

1. The commercial on television said this was the best kind.
2. I don't know what to do, you decide for me.

3. I would like to go to the play, but my friend has decided that a whole group of us should go hang out on the corner.
4. I do whatever my friend does.
5. I would really like to do my homework but I know that all of the boys would laugh at me.

FOLLOW UP: DISCUSSION:

Ask students to give examples from their own lives of how they give up power and freedom by letting others decide for them.

CARTOON:

Have students make a cartoon that shows a situation where the characters give up freedom and power by letting other people or mass media influence their decisions. Have them explain why they think the characters in their cartoon would be happy or unhappy with their decisions.

Lesson Plan III

RECOGNIZING VALUES

OBJECTIVE:

Given decision situations, students will state what the decider is giving up in making a certain decision.

CONCEPT:

Getting something you want often means giving up something you have. Decisions are a commitment of personal resources-time, energy, money, relationships, goals, and self. Deciding is acting on our values. Our decision strategy includes an attempt to achieve, avoid or preserve either resources or values.

PROCEDURE:

Discuss the following decision situations in terms of what values are being demonstrated.

1. Mr. High must decide if he will cheat on his income tax return. (money vs. honesty)
2. A group of boys has dared Jeff to steal something from the local store. He must decide if he wants to take up the dare or not.(social acceptance vs. honesty)
3. Jenny must decide if she will go along with her friends and do something she knows her parents will not approve. (peer approval vs. parent approval)

FOLLOW-UP: BOOK ANALYSIS:

Have students choose a character from a book they have read recently. Have them describe a decision the character made that was different from what they would have decided in the same situation. Identify the character's values and how they differ from the student's.

Lesson Plan IV

PREDICTING CONSEQUENCES

OBJECTIVE:

Students will predict the possible consequences of the decisions they make.

CONCEPT:

Each decision has consequences in terms of effects on goals, people, money, time, values and relationships. The better we are able to predict the consequences of different actions, the better we will be able to select an alternative that will be acceptable. When we don't troubleshoot, we make decisions that have unacceptable results.

PROCEDURE:

Discussion: Can you think of a time when you made a decision and were unhappy with the way things turned out?

Did you think out beforehand what might possibly happen?

INTRODUCE CONCEPTS:

Give students the following situations. Have them make a decision and then describe several consequences (good or bad) or their chosen action, in small groups, role play one outcome.

These are situations that call for a decision between only two alternatives. Students should list several possible consequences for each of the two possible decisions. Based on these consequences, they should then try to make the best decision. Their role play, however, may demonstrate the effects of either making the right or the wrong decision, but should somehow communicate to the audience why this decision was a good one or a bad one for this individual.

1. Faced with the decision to steal a car and to go for a joy ride, I decided to . . .
2. Faced with the decision of whether to do homework, I decided to . . .

3. Faced with the decision to carry a gun or knife to school, I decided to . . .

COMMERCIAL:

Have students select a current TV commercial that is especially effective. Then have them do the following: Identify what is being sold and what the appeal is (more attractive, happier, more spare time, etc.). If you choose to buy this product or take part in this activity, what would you gain? What would you be giving up? Would it be worth it?

Lesson Plan V.

THE CRIMINAL JUSTICE OFFICIALS

The following people are part of the criminal justice system.

Invite members from the following list of officials to come in to your classroom to talk about the criminal justice system. Help children to understand the importance of being a good citizens and to avoid the criminal justice systems.

Talk about good citizenship and various community helpers.

POLICE:

Enforce specific law, investigate specific crimes, search people, vicinities, building and sometimes arrest or detain people.

PROSECUTORS:

File charges or petitions for adjudication, seek indictments, drop cases and reduce charges.

JUDGES OR MAGISTRATES:

Set bail or conditions for release, accept pleas, determine delinquency, dismiss charges, impose sentences, and revoke probation.

CORRECTIONAL OFFICIALS:

Assign to type of correctional facility, award privileges, and punish for disciplinary infractions

PAROLING AUTHORITY:

Determine date and conditions of parole and revoke parole.

Endnotes

1 Children Defense Fund. Cease Fire: In the War Against Children. Washington, D.C. 1991.

2 Ibid.,

3 Ibid.,

Reading List

Ibbons, D.C. *Crime and Delinquency*. Addresses specific policy or program implications or issues-social, political and economic-of great topical interest to the professional involved with the criminal justice system.

Glenwick, D.. *Criminal Justice and Behavior*. Provides a means of communication among mental health professionals, behavioral scientists, researchers, and practitioners in the area of criminal justice.

Resource List

After school Programming/Family Support

Rhrddlen Centers for children and Family

2770 Broadway

New York, NY 10025

212-866-0700

Comprehensive Community Building

Urban Strategies Council

672 Thirteenth Street, Suite 200

Oakland, Ca. 94612

510-893-2404

Conflict Resolution and Peer Mediation

Resolving Conflict Creatively

163 Third Avenue, #239

New York, NY 10003

212-387-0225

Violence Prevention Curriculum For Adolescents

Education Development Center, Inc.

55 Chapel Street, Suite 24

Newton, Ma 02160

800-255-4276

School Safety

National School Safety Center

4165 Thousand Oaks Blvd, Suite 290

Westlake Village, Ca. 91362

805-373-9977

General Information

National Crime Prevention Council

1700 K St., NW, 2nd Floor

Washington, D.C. 20006-3817

202-466-6272

Children Defense Fund

25 E. Street, NW

Washington, D.C. 20001

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