

## Juvenile Offenders—Lesson Plan

### Student Objectives

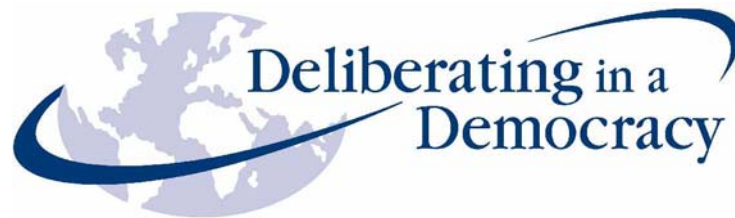
- Learn about the history and development of the juvenile justice system.
- Compare and contrast juvenile and adult justice systems.
- Analyze the reasons for supporting and opposing the prosecution and punishment of juveniles as adults.
- Identify areas of agreement and disagreement with other students.
- Decide, individually and as a group, whether governments should prosecute and then punish juvenile offenders younger than 18 as adults for serious crimes; support decisions based on evidence and sound reasoning.
- Reflect on the value of deliberation when deciding issues in a democracy.

### Question for Deliberation

*In our democracy, should juvenile offenders younger than 18 who are accused of serious crimes such as murder, rape, armed robbery, or kidnapping be prosecuted and then punished as adults?*

### Materials

- Lesson Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Worksheet
- Handout 3—Student Reflection on Deliberation
- Juvenile Offenders—Reading
- Juvenile Offenders—Selected Resources
- Juvenile Offenders—Supplemental Teacher Reading
- Juvenile Offenders—Deliberation Question with Arguments  
*(optional—use if students have difficulty extracting the arguments or time is limited)*



## Juvenile Offenders—Reading

1 In January 1690, Nicholas Carter of London, England, was accused of stealing an expensive  
2 fur hat off the head of Mr. William Cummins. Nicholas was caught and confessed his crime.  
3 After hearing the confession, a judge found him guilty and sentenced him to death. A week later,  
4 Nicholas Carter was hanged. He was 14 years old.

5 Although the punishment of Nicholas Carter was considered extreme, even in those times, it  
6 does demonstrate that adult society is often confused about how to deal with youthful offenders.  
7 Societies are constantly trying to decide when teenagers should be judged as adults and when as  
8 children. Finding this balance is particularly challenging when deciding how to punish juveniles  
9 who commit serious violent offenses.

### 10 **Principles of Juvenile Justice**

11 Youth systems attempt to rehabilitate—not punish—young offenders. Adults accused of  
12 crimes are usually subjected to formal courtroom trials, open to the public and the media.  
13 Juveniles appear at hearings with specially trained officers of the court—including judges,  
14 psychologists, and social workers—who determine guilt and innocence and prescribe  
15 rehabilitation. These hearings are usually held in private.

16 Since the 1970s, developments in the United States and Europe have reduced or eliminated  
17 certain differences between adult- and juvenile-justice systems. For example, juvenile courts  
18 today often release the identity of juveniles involved in delinquency proceedings. In the past,

19 most juvenile-justice records were destroyed after a few years to prevent the past from  
20 “haunting” rehabilitated former offenders. Today, only juvenile records involving minor offenses  
21 are destroyed; new laws state that certain juvenile records can never be destroyed.

22 However, the most important—and controversial—changes in juvenile justice involve the  
23 age at which juveniles can be tried as adults. In the early years of juvenile-justice protection, a  
24 lawbreaker was considered a “minor,” or juvenile, until the age of 18. Once young people  
25 became 18, or part of the adult majority, they were tried in the adult criminal system. Recently,  
26 however, many nations have begun prosecuting and punishing young offenders as adults,  
27 particularly for serious crimes such as murder, rape, armed robbery, or kidnapping.

28 This process of transferring juvenile cases to adult courts—sometimes called a waiver—has  
29 changed the nature of the juvenile justice system. If a waiver is granted, the juvenile can be  
30 prosecuted and sentenced as an adult offender. Some waivers are decided by juvenile court  
31 officials, who usually consider the seriousness of the crime, whether the crime was violent, the  
32 safety of the community, and the intellectual and emotional maturity of the juvenile. The juvenile  
33 court also examines any prior record of the juvenile and decides whether the juvenile can be  
34 rehabilitated through normal juvenile procedures. Increasingly in the United States and other  
35 countries, governments use mandatory transfers: juveniles charged with serious offenses are  
36 automatically transferred to adult court for prosecution and punishment. Punishments for serious  
37 adult crimes can be severe. Instead of supervision or a period of confinement in a juvenile  
38 facility, adult sentences can include long prison terms, life in prison without possibility of parole  
39 (early release), or—in the United States—the death penalty.

## 40 **Juvenile Delinquent or Adult Criminal?**

41 The question of prosecuting and punishing juveniles as adults has been a focus of much  
42 discussion recently in the United States and in Europe. In the 1990s, John Dilluio, a professor at  
43 Princeton University, warned of a “rising wave of superpredators” caused by the growing  
44 American teen population. He called for a “get tough” policy for violent juvenile offenders.  
45 Recently in the Czech Republic, a sensational murder of an old woman by six youths ages 11 to  
46 15 has also led to discussions of prosecuting juveniles there as adults.

47 Shay Bilchik, former head of the U.S. Office of Juvenile Justice and Delinquency Prevention  
48 under President Bill Clinton, dismisses the idea of a growing number of young criminals. He  
49 points to the low numbers—about one-half of one percent—of juveniles who are typically  
50 arrested for violent crimes and argues that getting tough does not prevent criminal violence.  
51 Bilchik urges a return to rehabilitation for juvenile offenders.

52 Those who favor prosecuting more juveniles as adults believe that young people who commit  
53 serious crimes such as murder, rape, armed robbery, or kidnapping must be punished for their  
54 actions. The juvenile justice system, with its emphasis on rehabilitation, puts too many young  
55 criminals back on the streets. The fact that these criminals are young teenagers doesn’t prevent  
56 them from committing crimes and ruining lives. Instead, they argue, these young people should  
57 be transferred to the adult court system, where they will receive longer sentences in adult  
58 prisons. Once behind bars, they reason, these young criminals can no longer hurt the community.  
59 They also believe the “get tough” approach will deter other juveniles from criminal activity.

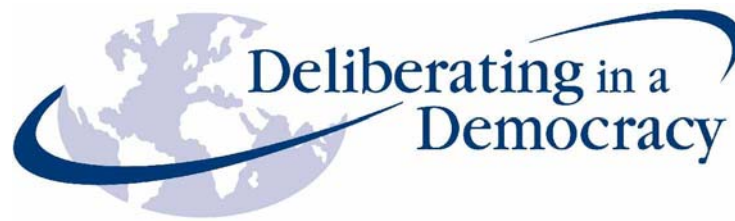
60 On the other hand, many juvenile justice experts argue that by putting juveniles in adult  
61 prisons, society in effect abandons hope for young offenders. Adult prisons are designed to

62 punish offenders, not rehabilitate them. After being punished in adult prisons and being forced  
63 into the company of adult criminals, juvenile offenders may become hardened criminals  
64 themselves. Instead, these experts believe juvenile offenders can grow to understand and take  
65 responsibility for what they have done. Through rehabilitation, these young people can re-enter  
66 society and lead productive lives.

67 According to law professor Helena Valkova of West Bohemian University, a Czech juvenile  
68 justice law passed in 2003 “defines the features of a legal system that is based on the principle  
69 that all measures, procedures, and instruments . . . must be used for the restoration of broken  
70 social relations, the integration of the young person into the wider social environment, and for  
71 delinquency prevention,” The Czech system distinguishes between two age groups: children  
72 younger than 15, and juveniles who are 15-17. “The emphasis is placed on the general  
73 importance of the notion of responsibility, which applies also to a child who is not yet criminally  
74 responsible, but is able in specific cases to judge his acts and to control them.”

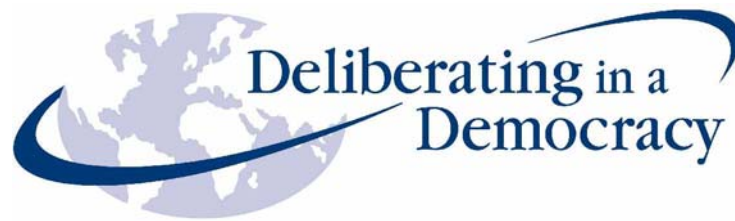
75 In deciding how to judge and punish juvenile offenders, people also look to a growing body  
76 of research about the difference between adolescents and adults. Laurence Steinberg, a  
77 psychologist at Temple University who heads the Research Network on Adolescent  
78 Development and Juvenile Justice, argues that adolescents are socially and biologically less  
79 mature than adults and therefore should be treated differently. According to Steinberg,  
80 psychological research reveals that adolescents are less able to foresee the consequences of their  
81 actions, less able to control their impulses, and less able to resist peer pressure than adults. “We  
82 argue that the reasonable adult standard is not the same as the reasonable adolescent standard.”

83 Steinberg also notes the significance of what biologists are learning about the brain. “[B]rain  
84 maturation is going on much later in development than people had thought, so there is some  
85 reason, perhaps, to say that 17-year-olds are not the same as adults. What we don’t know, and  
86 where I think we need to be cautious, is how these structural changes actually play in behavior.”



## Juvenile Offenders—Selected Resources

- Bishop, Donna, and Scott Decker, "Juvenile Justice in the United States: A Review of Policies, Programs and Trends" (Sevilla, Spain: European Society of Criminology [ESC], Thematic Working Group on Juvenile Justice, 2003), [http://www.esc-eurocrim.org/files/jjt\\_juvenile\\_justice\\_in\\_the\\_united\\_states.doc](http://www.esc-eurocrim.org/files/jjt_juvenile_justice_in_the_united_states.doc).
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- Croddy, Marshall, and Carol Suter, "Child Labor in America: Protecting Society" (Los Angeles: Constitutional Rights Foundation, 1985).
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- "Juveniles and the Death Penalty," in *Teens, Justice, and the Law: Resource Guide for the 2004 Illinois Youth Summit* (Chicago: Constitutional Rights Foundation Chicago, 2004), <http://www.crfc.org/summit2004curr.html>.
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- Rosenfeld, Sam, "Cruel Convergence," *American Prospect Online* (August 15, 2005), <http://www.prospect.org/web/page.ww?section=root&name=ViewPrint&articleId=10127>.
- Steinberg, Laurence, "Less Guilty by Reason of Adolescence. A Developmental Perspective on Adolescence and the Law," paper presented at the biennial meeting of the Society for Research in Child Development, Tampa, April 26, 2003, <http://www.mac-adoldev-juvjustice.org/srcd%20master%20lecture.pdf>.
- Valkova, Helena, "New Juvenile Justice Law in the Czech Republic" (Sevilla, Spain: ESC, Thematic Working Group on Juvenile Justice, 2003), [http://www.esc-eurocrim.org/files/new\\_juvenile\\_law\\_in\\_czech\\_republic\\_h\\_valkova\\_dec03.doc](http://www.esc-eurocrim.org/files/new_juvenile_law_in_czech_republic_h_valkova_dec03.doc).



## **Juvenile Offenders—Supplemental Teacher Reading Children and the Law in European History**

In Europe during the Middle Ages, children took part in adult activities as soon as they could. Everyone—adults and children—was needed to help grow food, tend the flocks, gather firewood, and take part in other activities necessary to survive. The average life span was only 40 years. Children were expected to work as adults and to obey adult laws. Anyone old enough to commit a crime was old enough to be punished for it.

In the 16th and 17th centuries, these attitudes began to soften. While children were still considered part of adult society and worked from an early age, most of Europe began to think of them as needing adult protection and guidance. At about this same time, the idea of **intent** was developed in the law. The concept of intent—whether a person meant to commit an offense—changed how children were treated. In England and other European societies, people came to see children as naive and innocent. Although children might accidentally cause harm, people did not believe that children knew enough about right and wrong or about the consequences of their actions to be tried as adults. These ideas were carried by English colonists to North America and became part of the laws adopted with the founding of the United States.

Socially and economically, European and American societies underwent great change during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. Often called the Industrial Revolution, this era saw the birth of steam power, mechanized factories, rail transportation, and new and powerful national economic policies designed to increase monetary wealth and international trade. The effects on common people were great and terrible. Peasant farmers and other country dwellers crowded the newly industrialized cities looking for work and relief from famine, disease, and rural poverty.

Trapped in dark and dirty tenements with their struggling families, urban children often escaped to the streets. There, they joined others who had been abandoned by their parents or orphaned in disease-ridden ghettos. In order to survive, these troubled young people turned to picking pockets, shoplifting, begging, and looting.

By the end of the 19<sup>th</sup> century, socially conscious Europeans and Americans were demanding that the children of this new industrial-age environment needed special care and attention. They campaigned for child-protection systems that included ending child labor, making school compulsory, and creating special courts for juvenile offenders.

Norway was the first country to create a modern child-protection system in 1896. The first justice system for youthful offenders, called a “Children’s Court,” was established in Chicago in 1899. Belgium, France, and Switzerland all enacted similar legislation by 1912. Today, nearly every nation has two distinct justice systems—one for adults and one for juveniles.



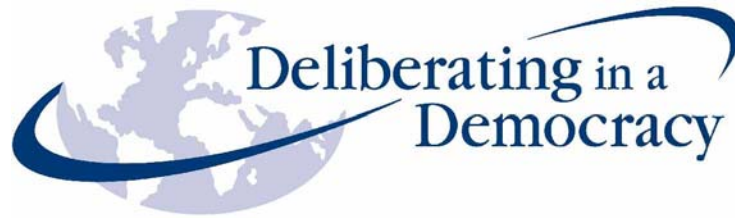
## **Juvenile Offenders—Deliberation Question with Arguments**

### **Deliberation Question**

*In our democracy should juvenile offenders younger than 18 who are accused of serious crimes such as murder, rape, armed robbery, or kidnapping be prosecuted and then punished as adults?*

### **Arguments to Support the Deliberation Question**

1. Before they can send a juvenile to adult court, judges must consider such factors as the serious and/or violent nature of the crime, the mental health of the defendant, and whether the juvenile is an ongoing threat to the community. Consideration of these factors keeps the process fair.
2. Many experts warn of a rising tide of serious violent crime committed by juveniles under the age of 15. Sometimes referred to as “superpredators,” these young criminals are viewed as a threat to the safety of society.
3. Serious crimes—even when committed by juveniles—require serious punishment. Adult court provides more fitting penalties for serious violent crimes than juvenile court.
4. Being tried and sentenced as an adult usually results in a longer jail sentence than being tried as a juvenile. Thus, the youthful offender is prevented from doing any more harm to the community.
5. Getting tough with youthful offenders will prevent other young people from participating in criminal activity. Deterrence is an important function of criminal sentences.



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### **Deliberation Question**

*In our democracy should juvenile offenders younger than 18 who are accused of serious crimes such as murder, rape, armed robbery, or kidnapping be prosecuted and then punished as adults?*

### **Arguments to Oppose the Deliberation Question**

1. Prosecuting children as adults contradicts the widespread belief that young people need guidance, protection, and rehabilitation. Research on adolescents supports the belief that teenagers deserve different treatment because they are not yet biologically or socially mature.
2. The choice to prosecute juveniles as adults often lies in the hands and hearts of individual judges. Thus, the process may not be fair or equitable.
3. Regardless of its sensational nature, the fear of a “rising wave of superpredators” is not well-supported by studies or statistics.
4. Placing juveniles in adult prisons where they are punished—not rehabilitated—means that society is abandoning these young people. They will not have the opportunity to become productive members of society.
5. Adult prisons become training grounds for youthful offenders. They learn the ways of the hardened criminals who surround them and become more dangerous than they were before.