



Juvenile Justice—Alternate Lesson Plan

Student Objectives

- Explore how different democracies treat juvenile offenders and examine the reasons for any differences in treatment.
- Compare and contrast the juvenile and adult justice systems in their own democracy.
- 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 juvenile offenders who are accused of serious violent crimes should be prosecuted as punished as adults; 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 who are accused of serious violent crimes be prosecuted and punished as adults?

Materials

- Lesson Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Worksheet
- Handout 3—Student Reflection on Deliberation
- Alternate Reading (*abbreviated and written at a lower reading level*)
- Selected Resources
- Supplemental Teacher Reading
- Deliberation Question with Arguments
(*optional—use if students have difficulty extracting the arguments or time is limited*)



Juvenile Justice—Alternate Reading

1 The headlines are frightening: two teenagers—one 13 and one 15—are arrested for beating
2 an elderly woman to death during a robbery. What will happen to these youthful offenders? Will
3 they be tried in adult court or a special juvenile court? If they are found guilty, will they be
4 sentenced to many years in adult prison or be sent to a special facility for youth?

5 A central democratic idea is that citizens are equal before the law. Young people, however,
6 are often treated differently. They lack many of the privileges and responsibilities of older
7 citizens. Often, special laws protect them.

8 When should the law treat a teenager like a child and when like an adult? For the past 100
9 years, societies in Europe and North America have wrestled with this question. Balancing the
10 needs of young people and the needs of society is particularly challenging when juveniles
11 commit serious violent offenses.

12 **Principles of Adult Criminal Justice**

13 One purpose of government is to protect society. Preventing crime and arresting and
14 punishing criminals are two ways in which government provides such protection.

15 For adult offenders, punishment has several purposes:

- 16 • Retribution. This means punishing offenders in proportion to how they have offended against
17 society.
- 18 • Deterrence. This involves discouraging people from committing such crimes in the future.
- 19 • Rehabilitation. This means helping offenders learn to live productive lives.

20 • Incapacitation. Prisoners cannot threaten the safety of society when they are in jail.

21 The importance a society places on these purposes may vary from time to time, depending on
22 attitudes, trends in crime, and other factors.

23 In democracies, the criminal justice system also protects the rights of offenders. An accused
24 person has rights intended to ensure a fair process. These rights may include the right to an
25 attorney, the right to trial by jury, and the right to confront one's accusers.

26 **Principles of Juvenile Justice**

27 Justice systems designed to deal with juveniles stress rehabilitation. Young offenders have
28 long lives ahead of them. Society has an interest in helping them make those lives productive.
29 Traditionally, juvenile proceedings have been held in private. They have been conducted by
30 specially trained officers of the court who understand the problems of youth.

31 In Europe and the United States, the first juvenile court systems were established around
32 1900. These systems have evolved over time. For example, prior to the 1960s, juveniles in the
33 United States did not have all of the procedural rights that adults enjoyed. It was believed that
34 these rights weren't necessary because of the special nature of juvenile proceedings. But
35 observers noticed that juveniles were receiving harsher treatment than they might have received
36 in adult court. Since the mid-1960s, more rights have been extended to juveniles.

37 Not all changes have provided greater protection for young people, however. In the early
38 years of juvenile-justice protection, a lawbreaker was considered a "minor," or juvenile, until the
39 age of 18. Once 18, they were tried in the adult system. Recently, however, many U.S. states
40 have begun prosecuting and punishing young offenders as adults.

41 In countries that were once part of the Soviet bloc, efforts to develop systems that protect the
42 rights of juvenile offenders are still underway. For example, Lithuania passed a new criminal
43 code in 2003. Since then, the nation has been working to develop methods to rehabilitate rather
44 than punish young offenders. Yet developing juvenile justice systems in these countries has
45 special challenges. In many cases, new laws must be enacted. Then the new juvenile justice
46 systems created by those laws must be established. But trained people to staff the systems may
47 not be available. In addition, practices from the old regime may still be in use by police and
48 others. For example, in Azerbaijan, laws have been passed to protect young people who come
49 into the criminal justice system. But putting the laws into practice is difficult. Thus, young
50 offenders may not have access to an attorney. They may be treated roughly during police
51 questioning. Finally, they may end up serving harsh prison sentences with adult offenders.

52 **Juvenile Delinquent or Adult Criminal?**

53 Treating juvenile offenders as adults has been a focus of much discussion in the United
54 States and in Europe. In response to increased juvenile crime rates, state and local U.S. officials
55 have enacted “get tough” policies. Juvenile crime has also been a concern in Russia. More than
56 150,000 juvenile offenses were committed there in 2005. In the Czech Republic, the murder of
57 an old woman by six youths ages 11 to 15 led to discussions of prosecuting juveniles as adults.

58 Shay Bilchik was head of the U.S. Office of Juvenile Justice and Delinquency Prevention
59 under President Bill Clinton. He opposes the “get tough” policy. He points out that relatively few
60 juveniles are arrested for violent crimes. Thus, getting tough will not prevent criminal violence.
61 Bilchik urges a return to rehabilitation. In Russia, the first juvenile court was established in 2004.
62 As of 2006, none of the young people convicted in that pilot program had re-offended. This
63 finding suggests that programs for young people are effective in preventing offenses by youth.

64 Other observers believe young people who commit serious crimes must be punished. They
65 argue that the juvenile system puts too many criminals back on the streets. Even though they are
66 young, these criminals commit crimes that ruin lives. To prevent this, young violent offenders
67 should be transferred to adult court. There they will receive longer sentences in adult prisons.
68 Once behind bars, these young criminals can no longer hurt the community. Supporters of this
69 approach believe it will deter other juveniles from criminal activity.

70 On the other hand, some experts argue that adult prisons are designed to punish offenders,
71 not rehabilitate them. After time in adult prison, juvenile offenders may be hardened criminals.
72 Through rehabilitation, these young people can re-enter society and lead productive lives.

73 In deciding how to handle young offenders, people also look to research. Laurence Steinberg,
74 a psychologist at Temple University, argues that adolescents are socially and biologically less
75 mature than adults. Therefore, he argues, they should be treated differently. Steinberg cites
76 research that shows that adolescents are less able to foresee their actions' consequences than
77 adults. They are also less able to control their impulses and to resist peer pressure.

78 Steinberg also points to what biologists are learning about the brain. “[B]rain maturation is
79 going on much later in development than people had thought . . . What we don’t know, and
80 where I think we need to be cautious, is how these structural changes actually play in behavior.”

81 The uncertainty about how to apply the results of brain research parallels the larger
82 uncertainty about how best to deal with juvenile offenders. Governments are trying to balance
83 the need to protect society with the goal of helping young people who have broken the law learn
84 to live productive lives. As they seek that balance, citizens must be prepared to deliberate such
85 controversial issues as when, if ever, juvenile offenders should be tried and punished as adults.



Juvenile Justice—Selected Resources

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Juvenile Justice—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 18th and early 19th 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 19th 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, the international community recognizes the need for nations to develop systems of justice for juvenile offenders. Many United Nations documents establish principles and standards for juvenile justice systems, and U.N. officials, NGOs, and governments around the world assess progress being made toward meeting those standards.



Juvenile Justice—Deliberation Question with Arguments

Deliberation Question

In our democracy should juvenile offenders who are accused of serious violent crimes be prosecuted and punished as adults?

YES—Arguments to Support the Deliberation Question

1. Serious crimes—even when committed by juveniles—require serious punishment. Adult court provides more fitting penalties for serious violent crimes than juvenile court, which puts too many violent youth back on the streets.
2. 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. By punishing violent youthful offenders as adults, the government fulfills its obligation to protect the community.
3. Getting tough with youthful offenders will prevent other young people from participating in criminal activity. When young people see someone like themselves sent to adult prison for a long term, they will be deterred from committing crimes themselves. Deterrence is an important function of criminal sentences.



Juvenile Justice—Deliberation Question with Arguments

Deliberation Question

In our democracy should juvenile offenders who are accused of serious violent crimes be prosecuted and punished as adults?

NO—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 neither biologically nor socially mature.
2. Adult prisons are the wrong “school” for youthful offenders, where they learn the ways of the hardened criminals who surround them and become more dangerous than they were before. Through formal education and rehabilitation, juvenile offenders can grow to understand and take responsibility for what they have done.
3. 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.



Lesson Procedures

Step One: Introduction

Introduce the lesson and the Student Objectives on the **Lesson Plan**. Distribute and discuss **Handout 1—Deliberation Guide**. Review the Rules of Deliberation and post them in a prominent position in the classroom. Emphasize that the class will deliberate and then debrief the experience.

Step Two: Reading

Distribute a copy of the **Reading** to each student. Have students read the article carefully and underline facts and ideas they think are important and/or interesting (**ideally for homework**).

Step Three: Grouping and Reading Discussion

Divide the class into groups of four or five students. Group members should share important facts and interesting ideas with each other to develop a common understanding of the article. They can record these facts and ideas on **Handout 2—Deliberation Activities** (Review the Reading).

Step Four: Introducing the Deliberation Question

Each **Reading** addresses a Deliberation Question. Read aloud and/or post the Deliberation Question and ask students to write the Deliberation Question in the space provided on **Handout 2**. Remind students of the Rules for Deliberation on **Handout 1**.

Step Five: Learning the Reasons

Divide each group into two teams, Team A and Team B. Explain that each team is responsible for selecting the most compelling reasons for its position, which you will assign. Both teams should reread the **Reading**. Team A will find the most compelling reasons to **support** the Deliberation Question. Team B will find the most compelling reasons to **oppose** the Deliberation Question. To ensure maximum participation, ask everyone on the team to prepare to present at least one reason.

Note: Team A and Team B do not communicate while learning the reasons. If students need help identifying the arguments or time is limited, use the **Deliberation Question with Arguments** handouts. Ask students to identify the most compelling arguments and add any additional ones they may remember from the reading.

Step Six: Presenting the Most Compelling Reasons

Tell students that each team will present the most compelling reasons to **support** or **oppose** the Deliberation Question. In preparation for the next step, Reversing Positions, have each team listen carefully for the most compelling reasons.

- Team A will explain their reasons for **supporting** the Deliberation Question. If Team B does not understand something, they should ask questions but NOT argue.
- Team B will explain their reasons for **opposing** the Deliberation Question. If Team A does not understand something, they should ask questions, but NOT argue.

Note: The teams may not believe in or agree with their reasons but should be as convincing as possible when presenting them to others.

Step Seven: Reversing Positions

Explain that, to demonstrate that each side understands the opposing arguments, each team will select the other team's most compelling reasons.

- Team B will explain to Team A what Team A's **most compelling** reasons were for **supporting** the Deliberation Question.
- Team A will explain to Team B what Team B's **most compelling** reasons were for **opposing** the Deliberation Question.

Step Eight: Deliberating the Question

Explain that students will now drop their roles and deliberate the question as a group. Remind the class of the question. In deliberating, students can (1) use what they have learned about the issue and (2) offer their personal experiences as they formulate opinions regarding the issue.

After deliberating, have students find areas of agreement in their group. Then ask students, as individuals, to express to the group their personal position on the issue and write it down (see My Personal Position on **Handout 2**).

Note: Individual students do **NOT** have to agree with the group.

Step Nine: Debriefing the Deliberation

Reconvene the entire class. Distribute **Handout 3—Student Reflection on Deliberation** as a guide. Ask students to discuss the following questions:

- What were the most compelling reasons for each side?
- What were the areas of agreement?
- What questions do you still have? Where can you get more information?
- What are some reasons why deliberating this issue is important in a democracy?
- What might you or your class do to address this problem? Options include teaching others about what they have learned; writing to elected officials, NGOs, or businesses; and conducting additional research.

Consider having students prepare personal reflections on the Deliberation Question through written, visual, or audio essays. Personal opinions can be posted on the web.

Step Ten: Student Poll/Student Reflection

Ask students: “Do you agree, disagree, or are you still undecided about the Deliberation Question?” Record the responses and have a student post the results on www.deliberating.org under the partnerships and/or the polls. Have students complete **Handout 3**.



Handout 1—Deliberation Guide

What Is Deliberation?

Deliberation (meaningful discussion) is the focused exchange of ideas and the analysis of arguments with the aim of making a decision.

Why Are We Deliberating?

Citizens must be able and willing to express and exchange ideas among themselves, with community leaders, and with their representatives in government. Citizens and public officials in a democracy need skills and opportunities to engage in civil public discussion of controversial issues in order to make informed policy decisions. Deliberation requires keeping an open mind, as this skill enables citizens to reconsider a decision based on new information or changing circumstances.

What Are the Rules for Deliberation?

- Read the material carefully.
- Focus on the deliberation question.
- Listen carefully to what others are saying.
- Check for understanding.
- Analyze what others say.
- Speak and encourage others to speak.
- Refer to the reading to support your ideas.
- Use relevant background knowledge, including life experiences, in a logical way.
- Use your heart and mind to express ideas and opinions.
- Remain engaged and respectful when controversy arises.
- Focus on ideas, not personalities.



Handout 2—Deliberation Activities

Review the Reading

Determine the most important facts and/or interesting ideas and write them below.

- 1) _____
- 2) _____
- 3) _____

Deliberation Question

Learning the Reasons

Reasons to Support the Deliberation Question (Team A)	Reasons to Oppose the Deliberation Question (Team B)

My Personal Position

On a separate sheet of paper, write down reasons to support your opinion. You may suggest another course of action than the policy proposed in the question or add your own ideas to address the underlying problem.



Name: _____

Date: _____

Teacher: _____

Handout 3—Student Reflection on Deliberation

Large Group Discussion: What We Learned

What were the most compelling reasons for each side?

Side A:

Side B:

What were the areas of agreement?

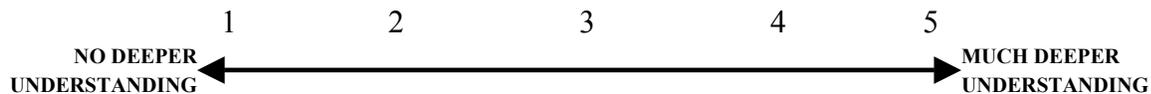
What questions do you still have? Where can you get more information?

What are some reasons why deliberating this issue is important in a democracy?

What might you and/or your class do to address this problem?

Individual Reflection: What I Learned

Which number best describes your understanding of the focus issue? [circle one]



What new insights did you gain?

What did you do well in the deliberation? What do you need to work on to improve your personal deliberation skills?

What did someone else in your group do or say that was particularly helpful? Is there anything the group should work on to improve the group deliberation?