



## Juvenile Justice—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 and 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
- Reading
- Selected Resources
- Supplemental Teacher Reading
- Deliberation Question with Arguments  
*(optional—use if students have difficulty extracting the arguments or time is limited)*



## Juvenile Justice—Reading

1       The headlines are frightening: two teenagers—one 13 and one 15—are arrested for beating  
2 an elderly woman to death in the course of a robbery. What will happen to these youthful  
3 offenders? Will they be tried in adult court or a special juvenile court? If they are found guilty,  
4 will they be sentenced to many years in adult prison or be sent to a special facility for youth? To  
5 a large extent, the answers to those questions depend on where the crime was committed. In  
6 some countries and ten states in the United States, the two teenagers may be treated differently.

7       A central democratic idea is that citizens are equal before the law. Young people, however,  
8 are often treated differently because of their age. They lack many of the privileges and  
9 responsibilities of older citizens, and often they are protected by special laws. Every society  
10 struggles with how to treat adolescents—those persons who are no longer children but who are  
11 not yet considered full adults.

12       Just as adults are often confused about how to treat teenagers, societies also struggle with  
13 how to deal with youthful offenders. When should the law treat a teenager like a child and when  
14 like an adult? For the past 100 years, societies in Europe and North America have wrestled with  
15 this question. Because of social and legal history, democratic countries have come to different  
16 conclusions on how best to balance the needs of young people and the needs of society. Finding  
17 this balance is particularly challenging when deciding how to punish juveniles who commit  
18 serious violent offenses.

## 19 **Principles of Adult Criminal Justice**

20 One purpose of government is to protect society. Preventing crime and arresting and  
21 punishing criminals are two ways in which government provides such protection. Thus, a  
22 primary purpose of any criminal justice system is to protect society by apprehending and  
23 punishing criminals.

24 For adult offenders, punishment has several purposes. One is retribution—punishing the  
25 offenders in proportion to how they have offended against society. A second purpose is  
26 deterrence—discouraging the offender and other people from committing such crimes in the  
27 future. A third purpose is rehabilitation—helping offenders learn to live productive lives. Finally,  
28 punishment also has the purpose of incapacitation—if criminals are imprisoned, they can not  
29 threaten the safety of society. The importance a society places on these different purposes may  
30 vary from time to time, depending on attitudes, trends in crime, and other factors.

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

## 34 **Principles of Juvenile Justice**

35 Justice systems designed to deal with juvenile offenders emphasize rehabilitation. Young  
36 offenders have long lives ahead of them, and society has an interest in helping them make those  
37 lives productive. Traditionally, juvenile proceedings have been held in private and been  
38 conducted by specially trained officers of the court—including judges, psychologists, and social  
39 workers—who understand the problems of youth.

40 In Europe and the United States, the first juvenile court systems were established around  
41 1900. With changes in society, these systems have evolved. For example, prior to the 1960s,  
42 juveniles in the United States did not have all of the procedural rights that adults enjoyed. It was  
43 believed that these rights weren't necessary because of the special nature of juvenile  
44 proceedings. But observers of the system noticed that juveniles were receiving harsher treatment  
45 than they might have received in adult court. Since the mid-1960s, more rights have been  
46 extended to juveniles involved in the criminal justice system.

47 However, not all changes in juvenile justice in the United States have been designed to  
48 provide greater protection for young people. In the early years of juvenile-justice protection, a  
49 lawbreaker was considered a "minor," or juvenile, until the age of 18. Once young people  
50 became 18, or part of the adult majority, they were tried in the adult criminal system. Recently,  
51 however, many U.S. states have begun prosecuting and punishing young offenders as adults,  
52 particularly for serious crimes such as murder, rape, armed robbery, or kidnapping.

53 In countries that were once part of the Soviet bloc, efforts to develop systems to protect the  
54 rights of juvenile offenders are still underway. For example, following passage of a new criminal  
55 code in 2003, Lithuania has been working to develop alternative punishments to imprisonment.  
56 Current proposals in Lithuania call for raising the age of full criminal responsibility from 16 to  
57 18 years and extending the scope of measures meant to rehabilitate rather than punish young  
58 offenders. Yet developing juvenile justice systems in these countries has special challenges. In  
59 many cases, not only must new laws be enacted, but the new juvenile justice systems created by  
60 those laws must be established and staffed with trained people who are not ready or available.  
61 For example, in Azerbaijan, laws have been passed to protect young people who come into the  
62 criminal justice system. Non-government organizations that have studied the issue have found,

63 however, that putting the laws into practice is difficult. Vestiges of the system in place under  
64 Soviet rule remain, and people trained to deal with young people are unavailable. Thus, young  
65 offenders may not have access to an attorney, may be treated roughly during police questioning,  
66 and may serve harsh prison sentences with adult offenders.

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

68 The question of prosecuting and punishing juveniles as adults has been a focus of much  
69 discussion recently in the United States and in Europe. In response to increased levels of crime  
70 committed by juveniles, American officials at the state and national levels enacted “get tough”  
71 policies for violent juvenile offenders. The level of juvenile crime has also been a concern in  
72 Russia, where more than 150,000 juvenile offenses were committed in 2005. Of special concern  
73 was the fact that 53% of those offenses were committed by young people who did not come from  
74 what officials termed dysfunctional families. Recently in the Czech Republic, a sensational  
75 murder of an old woman by six youths ages 11 to 15 has also led to discussions of prosecuting  
76 juveniles there as adults.

77 Shay Bilchik, former head of the U.S. Office of Juvenile Justice and Delinquency Prevention  
78 under President Bill Clinton, opposes a “get tough” policy for juvenile offenders. He points to  
79 the low numbers—about one-half of one percent—of juveniles who are typically arrested for  
80 violent crimes and argues that such a policy does not prevent criminal violence. Bilchik urges a  
81 return to rehabilitation for juvenile offenders. In Russia, the first juvenile court was established  
82 in 2004 as a pilot program for one region of the country. As of 2006, none of the young people  
83 convicted in that court had re-offended. This finding suggests that programs tailored for young  
84 people are effective in preventing offenses by youth.

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

93        On the other hand, many juvenile justice experts argue that by putting juveniles in adult  
94 prisons, society in effect abandons hope for young offenders. Adult prisons are designed to  
95 punish offenders, not rehabilitate them. After being punished in adult prisons and being forced  
96 into the company of adult criminals, juvenile offenders may become hardened criminals  
97 themselves. Instead, these experts believe juvenile offenders can grow to understand and take  
98 responsibility for what they have done. Through rehabilitation, these young people can re-enter  
99 society and lead productive lives.

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

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

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

120 The uncertainty about how to apply the results of brain research parallels the larger  
121 uncertainty about how best to deal with juvenile offenders. As governments try to balance the  
122 need to protect society with the goal of helping young people who have broken the law learn to  
123 live productive lives, citizens must be prepared to deliberate such controversial issues as when, if  
124 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 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, 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](http://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?

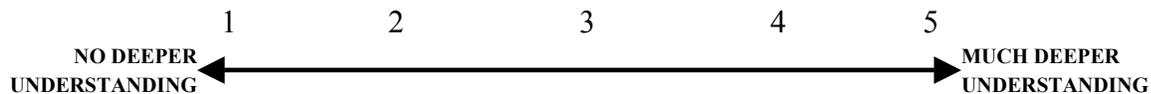
What questions do you still have? Where can you get more information?

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?