



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—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.



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.