**Juvenile Justice in the United States**

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**Abstract:** This lesson aims to introduce students to the history of juvenile law in the United States, the differences between Juvenile and Criminal Law, and the different ways in which courts treat juvenile delinquency cases. The second day focuses on the Minnesota Juvenile Justice system.

**Credits**: Parts of this lesson plan were adapted from the following sources:

* Model Street Law Lesson Plan by Adrian Martinez Madrone. *Available at*: <http://www.law.washington.edu/Clinics/Streetlaw/lessons/JuvenileJustice_Gault.pdf>
* Model Street Law Lesson Plan by Maren Anderson. *Available at:* <http://www.law.washington.edu/Clinics/Streetlaw/lessons/JuvenileJustice_CaseSteps.pdf>.
* The Office of Justice Programs. *Available at:* <http://www.ojp.state.mn.us/cj/system/steps.html#juv>
* Frontline Juvenile Justice. *Available at*: <http://www.pbs.org/wgbh/pages/frontline/shows/juvenile/>.

**Objectives:**

Through this lesson, the students will:

* Garner a basic understanding of juvenile law
* Critically think about the ways in which juvenile justice is applied in the courts.
* Analyze fact patterns and determine how they would decide the case.

**Grade Level:**

High School (9-12)

**Time to complete:**

Two 80 minute class periods. This lesson plan could be done in two 50 minute class periods if the class is at a more advanced level.

**Materials needed:**

* PowerPoint Presentation
* Student PowerPoint Presentation
* Internet connection if teacher wants to show pictures from pbs.org and videos from Youtube.
* Student Handouts: Juvenile Justice Student Instructions, Juvenile Justice Case Studies: 4 Cases, 4 Outcomes, Reflection on Trying Juvenile as an Adult,

**Procedure:**

**Day 1:**

* Present background and information about Juvenile Justice via a PowerPoint Presentation
* Activity 1: Break students into groups of four
  + Hand out “4 cases, 4 outcomes, What would you do if you were the judge?” and give students about 10-15 minutes to work through it. Only give the students the “facts” of each case.
  + If the class needs more structure and the teacher wants them to practice their written language skills, use the role/sentence starter sheets as a guide
  + Reconvene as a group:
    - Quickly brief the class on the facts of each case
    - Ask the volunteer to tell the class how they would decide the case and why they would decide it that way
    - Ask the class to give input and feedback
  + Update the students on the actual outcome of each case and ask them their opinions.

**Day 2:**

* Review material from Day 1
* Shift focus of class from national juvenile law to juvenile justice in Minnesota
* Juvenile Law jeopardy
* If Time: Individual Opinion “Do you think that sentencing juveniles to death or life in prison without parole is Cruel and Unusual Punishment?”

**TEACHER BACKGROUND DAY 1**

**LEGAL BACKGROUND**

**History**

Juvenile offenders in the United States have not always been treated differently than adult criminals. It was not until 1899 that states began forming separate juvenile courts. The first juvenile court was established in Cook County, Illinois in 1899. The court operated under the philosophy of parens patriae -- "the State as parent." The court felt that it was the state’s obligation to both protect the public’s interest but also to act as a guardian of the interests of the children involved. This new juvenile court differed from an adult criminal court in many ways:

* The ultimate goal was rehabilitation rather than punishment
* Flexible, able to tailor to the juvenile’s specific needs
* Strict confidentiality in order to avoid any unnecessary stigmatization of minors.

Due to the goal of rehabilitation rather than punishment, juveniles in the court had no due process rights. This rule changed in 1967 when the Supreme Court ruled in the case *In Re Gault* that juveniles have a right to due process.

***In Re Gault***

*In Re Gault* was a landmark case in juvenile justice. Gerald Gault was a 15 year old boy accused of making an indecent phone call to his neighbor, Mrs. Cook, on June 8, 1964. When he was taken into custody, both of Gerald’s parents were at work and the police made no attempt to contact either parent. Without informing his parents, the police took Gerald to the Children’s Detention Home. When Gerald’s mother arrived home at 6:00 p.m. she could not find her son. When she tracked him down, the supervisor of the home said that Gerald would have a hearing the next day. The day of the hearing the police filed a petition with the court that was not given to the parents. The Gaults did not see the petition until more than a month later.

On the day of the hearing Gerald’s mother and brother were with him in the judge’s chambers. The complainant, Mrs. Cook, did not appear. The judge committed Gerald as a juvenile delinquent to the State Industrial School until Gerald was 21 years old. No appeal of this decision was allowed. Gerald’s attorneys petitioned the Supreme Court asserting that the following rights were denied: notice of the charges, right to counsel, right to confrontation and cross examination, privilege against self incrimination, right to transcript of the proceedings, and right to appellate review. In an 8-1 decision, the Supreme Court ruled in favor of Gault finding that youths have the following rights

* Right to receive notice of the charges
* Right to counsel
* Right to confrontation,
* Right to exercise the privilege against self incrimination
* Right to receive a transcript of the proceedings, and
* Right to appellate review.

**CRIMINAL LAW VS. JUVENILE JUSTICE**

**Goals of each system**

To fully understand the differences between criminal law and juvenile law, the goals of each are of law must first be examined. Law can serve many purposes, punishment, prevention, incapacitation, and rehabilitation. In general, criminal law focuses on the first three goals while juvenile law focuses on the last goal. The criminal justice system assumes that the criminal sanctions should be proportional to the offense. Punishment is used to encourage deterrence of future crimes. In contrast, the juvenile justice system believes that juvenile offenders are young enough to be influenced to improve their behavior. The court system believes that juveniles are developmentally different than adults and therefore should be treated differently under the law. The juvenile justice system focuses on rehabilitation rather than punishment.

**Public vs. Private**

The criminal justice system is open to the public. The public has the right to view court proceedings and may access criminal records. In the juvenile justice system, the belief in the ability to rehabilitate the offender places encourages limitations on the access to juvenile records. The court wants to avoid stigmatizing the offender for life for an offense done when he or she was a juvenile. To further protect privacy, court proceedings may be private.

**Trials, Hearings, Bail and Juries**

An adult defendant is given a trial based largely upon facts of the case. The defendant may apply for bail or bond and has the right to a trial by jury.

The juvenile justice system uses a casework approach, again due to the focus on rehabilitation. An assessment of the youth’s history is performed to determine specific needs. The juvenile is given a hearing which incorporates both legal facts and social history. The youth does not have an automatic right to bail or bond and may be detained to prevent harming his/herself or others. Finally, not all states guarantee youths the right to a jury trial.

**Guilty vs. Delinquent**

An adult defendant can be found “guilty” and sentenced based upon the severity of the crime. A juvenile offender is judge “delinquent” and given a sentenced based upon the individual facts of that specific youth’s crime and history. The disposition can be for an indeterminate amount of time such as when the youth is “rehabilitated or reaches the age of majority.” This disposition may also include restitution from the youth or others, such as the parents.

**TEACHER BACKGROUND DAY 2**

**JUVENILE JUSTICE IN MINNESOTA**

The following material was adapted from The Office of Justice Programs and can be found at:

<http://www.ojp.state.mn.us/cj/system/steps.html#juv>

**Overview**

In Minnesota, the juvenile justice system differs from the adult criminal justice system in several ways, including some of the terminology used. For example, an adult is arrested by police, charged with a crime, found guilty by a court, sentenced to an adult correctional facility and incarcerated for a specified period of time. A juvenile is apprehended by police, petitioned for an offense, found to have committed an offense by a court, and receives a disposition to be placed in a juvenile correctional facility.

This is a general overview of the steps in Minnesota's juvenile justice system.

**Age**

To be considered a juvenile, the individual must be younger than 18 years of age at the time the offense occurred.

**Apprehension**

In general, police officers and other law enforcement apprehend juveniles. Juveniles between 10 and 17 years of age are referred to the juvenile court. There cases are considered as rehabilitative or justice-related. Cases involving juvenile under age 10 are sent to juvenile court as a child in need of protection or services. The case is considered a social services-related case, generally involving the juvenile`s mental and physical health. The juvenile court may be in the juvenile's county of residence or the county where the offense occurred.

**Courts**

Law enforcement officials refer the case to a probation officer or to a county attorney, depending on the county's intake procedure. After intake, if enough evidence exists to prosecute the case, the county attorney files a petition with the juvenile court asking it to make a finding of delinquency. This starts the formal court processing of the case.

The court then sets a date for the arraignment, when the youth appears before the court for the first time to answer the charges. If the youth admits to the charges, the court can immediately determine the disposition. The disposition is the conclusion of a juvenile case by the court and the subsequent consequence. The court may also decide to order a predisposition investigation and set a later date for the disposition hearing. If the youth denies the charge, a trial date is set.

In general, juvenile court trials are bench trials, meaning there is no jury and the judge is the sole fact-finder. The judge determines if the offense is proven and the juvenile delinquent. If this is found, the judge will set a date for the disposition hearing to determine the rehabilitation. However, not all juveniles follow this path and may instead experience one of the following two options:

**Certified as adult**

A juvenile who is was 14 or older at the time of the offense and charged with a felony may be certified as adult and tried in criminal, or adult, court. This results in the juvenile receiving an adult sentence. Juveniles charged with first degree murder, which includes premeditated murder, who were age 16 or 17 at the time of the offense, are required by Minnesota Statutes to be certified as adults and sent to criminal court, where they receive an adult sentence if they are found guilty of the offense.

**Extended Jurisdiction Juvenile**

A juvenile between the ages 14 and 17 at the time of the offense and charged with a felony may instead have their case tried as an Extended Jurisdiction Juvenile prosecution. EJJ cases essentially mean that the juvenile is given a juvenile disposition and the adult sentence is stayed - meaning the juvenile is first given the chance to complete the terms of the juvenile disposition. If the juvenile fails to complete the juvenile disposition, the adult sentence, which may include incarceration in an adult correctional facility, takes effect.

**Corrections**

There are multiple options for rehabilitation or correction with juvenile cases. The juvenile may be committed to the commissioner of corrections. This means the juvenile is placed in a juvenile correctional facility or placed on probation. Probation may follow incarceration and can include house arrest, face-to-face contacts with probation officers and drug testing. Other dispositions do not require commitment to the commissioner of corrections and include therapy, foster home placement and drug treatment. There are roughly 100 dispositions a judge may use to fit the needs of a juvenile. Juveniles may receive more than one disposition in court.

Juveniles completing the terms of the disposition are usually age 21 or younger, but in some cases may be up to age 26. In most cases a record about an offense committed while a juvenile is not public information.

Watch Brandon Hein video: <http://www.youtube.com/watch?v=AZ0P66NGQ0U&feature=related>

Ask the students what they think about the case. Encourage class discussion.