

# Judges in the Classroom Lesson Plan

## Juvenile Justice - Introduction

### **Introduction:**

In the 1960s, many people argued that the juvenile court was providing harsher treatment than the adult system without the procedural safeguards and constitutional rights that defendants would have in adult courts. Beginning in 1966, this movement found support in the U.S. Supreme Court, and several decisions were later made that began to change the theory and operation of the juvenile justice system.

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### **Objectives:**

1. Students will define the legal meaning of juvenile.
  2. Students will be able to identify various ways to treat young offenders.
  3. Students will be able to identify the current philosophy of the Utah juvenile justice system.
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### **Grade Level:**

Grades 9-12

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### **Time:**

One class period (approximately 50 minutes)

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### **Materials:**

One copy of Handout 1 (How Should Juveniles Be Treated?) for each student  
One copy of Handout 2 (Who Is a Juvenile?) for each student

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### **Procedures:**

1. **Begin the class by introducing yourself** and telling a little bit about what you do. Tell students today's class begins with their opinions. Pass out Handout 1. Tell students they have seven minutes to read the statements and mark next to each

statement whether they agree (A), disagree (D), or are undecided (U). Inform them that they should be prepared to give their answers. Remind students there are no right or wrong opinions, but that they should have reasons for their opinions. Ask students if they understand their assignment.

Note: This lesson assumes the teacher has already introduced criminal law, its purposes, and general nature.

2. **Debrief student opinions.** Ask several students to provide their opinions and reasons for each statement. Spend about two or three minutes on each statement. After students express their opinions, the judge should inform students of the law and philosophy in Utah State. Indicate that at other times in Utah and presently in some other states, the approach is different than the one presented here. Also, note that the Utah State Legislature continues to make changes to the law.

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## **Information for Handout 1**

Note: Remember these are not the answers, but they describe the juvenile justice system in Utah today. Students' opinions are always valid, provided they can give reasons for their opinions.

1. **Statement:** Juveniles who commit an offense should get the same penalty as other juveniles who commit the same offense.

**Response:** False. In Utah, Judges are provided guidance in sentencing by the Juvenile Sentencing Guidelines. Although the Guidelines are not mandatory for Judges, they are for Probation Officers recommending sentences for juveniles. This means that the Judge has discretion to order a sentence outside the recommendations of the Guidelines.

Nonetheless, the Guidelines were designed to be predictable, so that juveniles would know what penalty went with each offense. In addition to the seriousness of the offense, the criminal history of the juvenile influences what penalty an individual offender will receive. So, under the standard range for offenses, *a juvenile who has committed offenses in the past may get a different penalty* from a juvenile who is being charged for the first time, *even though they both committed the same offense*. The Guidelines aim for system-wide consistency in the level of penalties ordered for juveniles with the same current and past offenses.

2. **Statement:** It is unfair to give a juvenile a greater penalty for an offense because the juvenile has committed other offenses in the past.

**Response:** False. Prior criminal history is a key factor in determining what specific penalty to impose on a juvenile. The number of prior offenses is a key predictor of who will offend again.

3. **Statement:** Victims of crimes should have more rights than juveniles who have harmed them.

**Response:** False. There is no real question of more or less rights. In fact, Utah law reflects a national trend to identify the rights of victims. As part of the notion of juvenile accountability, victims should be compensated by the juveniles paying the victims for the injuries they inflicted.

4. **Statement:** Judges should be free to decide which sentence best fits each individual, taking into account the circumstances of each individual.

**Response:** True. The Juvenile Sentencing Guidelines are not binding on Juvenile Court Judges, and allow Judges to fashion a specific sentence to an individual juvenile offender. Although the Sentencing Guidelines establish a standard range of penalties for each offense that takes into account an offender's past criminal history and the severity of the present offense(s), Judges have flexibility by imposing a sentence or disposition of the standard range based upon aggravating and mitigating factors. The disposition may be different from that provided by the Sentencing Guidelines where the standard range would result in too harsh a penalty on the juvenile or because it may be too lenient and not take into account the safety of the public. The Juvenile Court will likely justify its disposition out of the Sentencing Guidelines in specific findings of fact made on the record. Furthermore, juveniles involved in certain sex and drug offenses may be eligible for certain treatment at the time of sentencing. The Judge will take into consideration the needs of the juvenile and the recommendations of other individuals involved in the case in determining what treatment is necessary and appropriate.

5. **Statement:** Accountability (being held responsible) is the most important part of a juvenile justice system.

**Response:** True. In Utah, one of the most important components of the system is accountability -- accountability of youth for their behavior and accountability of the community for fair and prompt imposition of sanctions.

6. **Statement:** Juveniles who break the law should be treated the same as adults who break the law.

**Response:** False. The Utah Juvenile Court system recognizes there are differences between adults and juveniles. Therefore, the Sentencing Guidelines and treatment services include consideration that juveniles can improve their behavior more easily than adults can.

Certain juveniles who are 16 and 17 are transferred directly to adult court when they commit serious violent crimes or violent crimes when they have certain criminal histories.

7. **Statement:** Juveniles should be subject to the death penalty for certain crimes.

**Response:** False. Juveniles in Utah are not subject to the death penalty. Furthermore, the United States Supreme Court has ruled that states may not execute individuals for crimes committed while still under the age of 18. *Roper v. Simmons*, 543 U.S. 551 (2005).

8. **Statement:** Juvenile hearings should be open to the public.

**Response:** True. In Utah, juvenile hearings for minors fourteen years of age and older regarding offenses that would be not a felony if committed by an adult are open to the public, unless the Judge finds good cause for the hearing to be closed.

9. **Brainstorm with the students** the definition of a juvenile. In Utah, a juvenile is any individual under the age of 18. Tell the students that sometimes the Juvenile Court has authority over individuals who are 18 years of age and older where those persons committed serious offenses prior to turning 18. The Juvenile Court and the Division of Family and Child Services and the Division of Juvenile Justice Services can handle these persons when it is necessary to carry out the Court's disposition.

However, neither the Juvenile Court nor the Division of Family and Child Services have authority over individuals beyond their 21st birthday.

The Juvenile Court can never handle offenses that are claimed to have been committed by a person 18 years or older.

- 10. Check for student understanding** of the definition of juvenile by using Handout 2. Ask students to work in pairs. Tell students they have 10 minutes to decide whether these persons are juveniles.

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## **Information for Handout 2**

**Hypothetical 1:** Claire is 15 years old. She and her 18-year-old brother, Daryl, go to the shopping mall together. Daryl convinces Claire to shoplift a part he needs to repair his car; she puts it in her vest. They are both caught.

- a. Can Claire be tried in Juvenile Court? Why or why not?

Yes, Claire can be tried in Juvenile Court since she is under 18.

- b. Can Daryl be tried in Juvenile Court? Why or why not?

No, Daryl was 18 at the time he committed the crime, so he will be tried in adult court.

**Hypothetical 2:** Jamie and his friend Pat are both 17 years old. They are caught driving a car they took without permission. Jamie turns 18 one week after his arraignment. Pat is found guilty at his adjudicatory hearing (trial) and, based on his prior adjudications, the court orders that he spend 20 weeks in confinement. After Pat has spent 8 weeks in confinement, he turns 18.

- a. Can Jamie's adjudicatory hearing (trial) take place in Juvenile Court?

Jamie's case may be heard by the Juvenile Court because he committed the offense while under the age of 18.

- b. Will Pat be transferred from the detention facility at the time he turns 18?

No, Pat will not be transferred from the facility. An automatic extension occurs when an individual turns 18 while in a juvenile facility; the extension allows the juvenile facility to continue to confine persons over 18 years old (but no older than 21).

**Hypothetical 3:** Damian, who is 17, is charged with second-degree murder.

- a. Does the Juvenile Court have authority to handle Damian's case?

No. Damian is charged with a serious offense. Juveniles aged 16 and 17 who are charged with the serious violent offenses of murder or aggravated murder are automatically transferred to adult court under Utah's Serious Youth Offender Act. Also, juveniles with certain criminal histories who are charged with violent offenses are transferred directly to adult court.

**11. Explain that in some cases involving serious offenses,** the Juvenile Court only has authority to hear the case if certain criteria are met. If those criteria are not met, the case is transferred to adult court. The juvenile no longer is considered a juvenile and if s/he commits further offenses, s/he will be tried in adult court.

Juveniles 16 and 17 years old who commit serious violent offenses when they have certain criminal histories; or who commit violent offenses after having been previously committed to a secure facility, can be transferred directly to adult court without any discretion of the Juvenile Court Judges.

Juveniles aged 16 and 17 who are charged with serious violent offenses may be transferred to adult court. Serious violent offenses that may subject a juvenile to punishment in adult court include aggravated arson, aggravated assault, aggravated kidnapping, aggravated burglary, aggravated robbery, aggravated sexual assault, discharge of a firearm from a vehicle, attempted aggravated murder, and attempted murder.

When there is a question about transferring a case to adult court, a hearing is held. After hearing, the case may remain in Juvenile Court, if the Judge finds that:

- a. The minor has never been adjudicated delinquent to an offense involving the use of a dangerous weapon if committed by an adult; and,
- b. That if the offense was committed with other persons, the minor had a lesser degree of responsibility or culpability for the offense; and,
- c. The minor's role in the offense was not committed in a violent, aggressive, or premeditated manner.

Juveniles who remain in the juvenile system have a court system that has been set up to handle only juvenile cases. This court system is not the same as the adult court system.

**12. Conclude by reviewing the objectives.** As a follow-up activity, the teacher could take the class to Juvenile Court, which is especially appropriate if you are the judge who sits in Juvenile Court.

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## Handout 1

### How Should Juveniles Be Treated? Opinion Poll

**Directions:** Read the statements below and decide whether you **agree** (A), **disagree** (D), or are **undecided** (U). Be prepared to give reasons for your opinions. There are no right or wrong answers; every opinion is good when you can give reasons for that opinion.

- \_\_\_\_\_a. Juveniles who commit an offense should get the same penalty as other juveniles who commit the same offense.
  - \_\_\_\_\_b. It is unfair to give a juvenile a greater penalty for an offense because the juvenile has committed other offenses in the past.
  - \_\_\_\_\_c. Victims of crimes should have more rights than juveniles who have harmed them.
  - \_\_\_\_\_d. Judges should be free to decide which sentence best fits each individual, taking into account the circumstances of each individual.
  - \_\_\_\_\_f. Accountability (being held responsible) is the most important part of a juvenile justice system.
  - \_\_\_\_\_g. Juveniles who break the law should be treated the same as adults who break the law.
  - \_\_\_\_\_i. Juveniles should be subject to the death penalty for certain crimes.
  - \_\_\_\_\_j. Juvenile hearings should be open to the public.
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## Handout 2

### Who Is a Juvenile?

**Directions:** Decide whether or not each of the following persons is a juvenile and answer the questions below each case or hypothetical.

1. Claire is 15 years old. She and her 18-year-old brother, Daryl, go to the shopping mall together. Daryl convinces Claire to shoplift a part he needs to repair his car; she puts it in her vest. They are both caught.
  - a. Can Claire be tried in Juvenile Court? Why or why not?
  - b. Can Daryl be tried in Juvenile Court? Why or why not?
2. Jamie and his friend Pat are both 17 years old. They are caught driving a car they took without permission. Jamie turns 18 one week after his arraignment. Pat is found guilty at his adjudicatory hearing (trial) and, based on his prior adjudications, the court orders that he spend 20 weeks in confinement. After Pat has spent 8 weeks in confinement, he turns 18.
  - a. Can Jamie's adjudicatory hearing (trial) take place in Juvenile Court?
  - b. Will Pat be transferred from the facility operated by the Division of Family and Child Services at the time he turns 18?
3. Damian, who is 17, is charged with second-degree murder. Does the Juvenile Court have authority to hear his case?

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\*Modified from summary provided by Lee Ann Miller, Senior Counsel, Assistant Attorney General, and Nancy Krier, Assistant Attorney General, appearing in the Crime and Delinquency News, Washington Council on Crime and Delinquency, Vol. XIV, No. 3 (1995).

### **Source:**

Modified and updated with permission in 2006 by the Utah Administrative Office of the Courts (AOC) for Judicial outreach in Utah. For more information regarding Utah's modifications, contact AOC Public Information Office, 450 South State Street, P.O. Box 140241, Salt Lake City, Utah, 84114.

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(For more information, go to Street Law website at [http://www.glencoe.com/sec/socialstudies/street\\_law/textbook\\_activities/chapter\\_overviews/index.php](http://www.glencoe.com/sec/socialstudies/street_law/textbook_activities/chapter_overviews/index.php))