

# Judges in the Classroom Lesson Plan

## Juvenile Justice - Disposition

### **Introduction:**

The dispositional hearing is perhaps the most important stage in the system for juveniles who are found delinquent. At the hearing, the judge decides what sentence, or disposition, the juvenile offender should receive. The judge's sentence is usually based primarily on the presentence report prepared by the probation department. This report is the result of an investigation of the juvenile's social, psychological, family, and school background. Probation is the most common disposition.

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### **Objectives:**

1. To list the types of consequences and penalties judges may impose on juveniles.
  2. To use the terms of the juvenile process: disposition and offense.
  3. To identify the steps in a disposition hearing.
  4. To identify disposition possibilities for juvenile offender.
  5. To define and understand the use of disposition options in Utah.
  6. To identify the limits on the judges' role in setting dispositions on juveniles.
  7. To apply disposition rules to case studies.
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### **Grade Level:**

Grades 7-12

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### **Time:**

One class period (approximately 50 minutes)

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## **Materials:**

One copy of Handout 1 (Juvenile Disposition Case Studies) for each student

Note to judges: You may wish to bring in recent examples of dispositions that you have imposed on juveniles, perhaps substituting some of the ones you have decided for the case studies here.

## **Procedures:**

1. **Begin the class by introducing yourself** and setting the students at ease. Tell students that today's class will make them all judges and give them a chance to decide what sentence, or disposition, to impose on a group of juvenile offenders.
2. **Write the word "disposition"** on the board and ask for a definition. Disposition in the juvenile justice system is similar to sentencing in the adult criminal system.

Disposition is the process of deciding what penalties will be given to a juvenile for committing an offense.

3. **Ask students who decides** the disposition of juveniles going to court in Utah: the Juvenile Court Judge.
4. **Brainstorm with students** the possible penalties that a judge may order. Spend about five minutes on this activity.

The possible dispositions that a judge may order include:

### **Probation:**

Probation may involve restrictions concerning school, curfew, the possession of contraband, drugs, or weapons as well as individualized supervision and tracking. It can include required employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other education programs appropriate for the juvenile as determined by the school district. Monitoring and Reporting requirements can include curfews, requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer and to remain under the officer's supervision and other non-confinement conditions.

### **State Supervision**

State supervision is designed to deliver an intensified level of intervention for juveniles who have moved beyond Probation but are not yet ready for long-term removal from their homes. State Supervision focuses on juveniles who have not penetrated the juvenile justice system beyond Probation. The primary interventions of State Supervision are provided in the juvenile's own

home. Each juvenile receiving State Supervision receives a written Correction Plan outlining specific goals.

**Community Placement** is an order of disposition by the court of an adjudicated youth who is not committed to a secure facility.

In Utah, community placement involves a continuum of services that are both residential and nonresidential. The placement depends upon the juvenile's particular needs balanced with the necessary level of supervision to protect the public. Private providers play a large role in Community Placement and alternatives include proctor homes, wilderness programs, sex offender treatment group homes, and substance abuse treatment.

It may also include:  
Community-based sanctions;  
Community-based rehabilitation;  
Monitoring and reporting requirements.

### **Secure Facility**

Secure Facility is the most intrusive sentencing option under the guidelines and is reserved for the most dangerous or chronic offenders that remain in the juvenile justice system. Placements are generally long-term and involve behavioral and cognitive restructuring and an emphasis on victim reparation through restitution.

### **Other Sanctions**

Other Sanctions include fines, restitution, community service, revocation of driver's license or detention time. These sentences may be imposed in combination with other dispositions.

Note: When brainstorming the types of penalties, it is not necessary at this point to include all the details of Utah law that are included above.

5. **Identify the steps that a judge** follows in entering a dispositional order, the process of sentencing a juvenile. The judge holds a hearing to consider a variety of facts; listens to arguments from both parties and their counsel; reviews written reports; consults with the juvenile's parent or guardian on the appropriateness of the options being considered; listens to statements on the juvenile's behalf and from the victim (may be made through a representative); determines the amount of any restitution owing; and considers whether chemical dependency disposition or a special sex offender disposition alternative is available.
6. **Pass out Handout 1** (Juvenile Disposition Case Studies) and have students decide what penalty they would impose on these individuals. Put students into small groups of up to five students per group. Students are not being asked to apply Utah law or

the Utah Juvenile Sentencing Guidelines, but rather, to determine what seems like a fair penalty.

7. **After students have had a chance** to resolve the cases, debrief by getting each group to report back what disposition order it entered. Spend about 10 minutes on this debriefing.
8. **Record these answers** on the board for comparison. After each group has reported back, discuss why the various penalties were given. Make the point to students that the great differences in their outcomes reflect the problem of lack of predictability.
9. **Take about five minutes to report back** to discuss with the students your thoughts on the proper outcomes in the case studies.

Note: Each of the case studies is printed on a separate page to give the judge the option of selecting the most appropriate cases for the students.

**Case No. 1:** Bryant was charged with two counts of theft. In each case, he fished money out of a parking lot payment box while an adult stood by as a lookout. The adult was also charged with theft. Information was presented to the judge that Bryant habitually engaged in this conduct and that he used the money to support his drug and alcohol habits. According to his caseworker, he has a serious drug and alcohol problem, has not benefited from many opportunities for treatment within the community, and has never completed probation in the past without re-offending.

**Case No. 2:** B.E.W., a 13-year-old, pled guilty to two counts of taking a motor vehicle without permission and one count of second degree burglary. The probation counselor informed the court at the disposition hearing that B.E.W. had 14 referrals to court and had still continued to offend. He had been under probation supervision but had made no progress. He was detained (arrested) three times for violating conditions of parole and continued to commit new offenses. The counselor had attempted in the past to work out educational programs and counseling programs in the community but these programs had no effect and B.E.W. continued to offend. His mother asked the court to confine her son for two years because "we just can't go through this any more."

**Case No. 3:** At the age of 13, E.H. was charged with and convicted of possession with intent to deliver cocaine, based upon his participation in a sale of cocaine to an undercover officer. At the disposition hearing, the State presented a written evaluation of the juvenile; a psychologist performed the written evaluation. The report indicates that E.H.'s full scale I.Q. is 76, which is borderline retarded. Several test results suggest that he may be brain damaged and possibly subject to autism and childhood schizophrenia. It also indicates that he is hyperactive, suffers from an attention deficit disorder, and is "given to uncontrollable rages." The prosecutor described E.H.'s numerous other convictions, his failure to comply with other recent disposition orders, and the danger he presented to the community and himself.

**Case No. 4:** J.J. was found guilty of possession of cocaine. A security officer employed by an apartment complex found Jackson sitting alone in a car on apartment property. The officer was aware that Jackson was not allowed to be on the property and contacted police. A police officer arrived, searched Jackson for weapons, and found cocaine. Jackson had prior convictions for drug possession.

**Case No. 5:** A.E. pled guilty to theft in the second degree. Although he was only 12 years old at the time of this offense, he had convictions for three burglaries, five thefts, four simple

assaults, one possession of stolen property, one malicious mischief, and one theft in the second degree. Eight of these convictions were in the last two years. The caseworker described the juvenile as "extremely dangerous" and requested a psychological evaluation. This psychological report indicated that he lacked remorse or understanding of the impact on the victims and expressed a belief that there was a high risk that he would re-offend.

**Case No. 6:** A 16-year-old youth is charged with burglary in the second degree and cruelty to animals. One night he and two friends, aged 18 and 20 years, entered a children's park that featured farm animals. They chased the park's star attraction (a donkey named Pasado) into a barn, dragged it outside, tied it to a tree and beat it for 45 minutes with sticks and a metal bar. In attempting to get away, the donkey choked to death on a rope, which had been tied into a hangman's noose, and its skull had been broken from a blow to the head.

**Case No. 7:** K. was charged with two counts of first degree possession of stolen property. The charges stemmed from possession of two stolen cars. He pleaded guilty to a single count of possession of stolen property; the second count was dismissed in exchange for his plea.

10. **If time permits**, continue with this description of the juvenile disposition process. If not, jump to procedure 14 for the conclusion.
11. **Inform students** that they are now going to learn some of the details of the Utah law for juvenile disposition. Explain that, in Utah, there are Sentencing Guidelines which help Judges set the penalties for juvenile offenders. The Judge's choices in disposition are not totally determined by the Sentencing Guidelines. However, probation officers in Utah are required to make sentencing recommendations to the Judge based upon the Sentencing Guidelines.  
Probation Officers determine what the standard range is by using a sentencing grid that charts the seriousness of the current offense while taking into account prior adjudications. The resulting standard range sets the parameters for the applicable penalties. The disposition can be increased or decreased based upon Aggravating or Mitigating factors. Some Aggravating Factors include extreme cruelty, prior violent delinquent conduct, prior abuse of victim, lack of remorse, lack of cooperation, use of a weapon, and vulnerability of the victim. Some Mitigating Factors include victim participation, voluntary treatment, duress, inducement, physical or mental impairment, no prior adjudications, treatment needs exceed need for punishment, and mental retardation.
12. **Conclude with some discussion** about whether or not students believe these Guidelines should be mandatory restrictions on judges or whether judges should be free to fashion whatever penalty seems appropriate for the individual offender.

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## Handout 1

### Juvenile Disposition Case Studies

**Directions:** Read each of the case studies and then, in small groups, decide what penalty you would impose. Your choices include confinement, restitution, community service, community supervision, monetary fine, educational and rehabilitative classes, counseling, and notification and movement restrictions.

#### **Case No. 1**

Bryant was charged with two counts of theft. In each case, he fished money out of a parking lot payment box while an adult stood by as a lookout. The adult was also charged with theft. Information was presented to the judge that Bryant habitually engaged in this conduct and that he used the money to support his drug and alcohol habits. According to his caseworker, he has a serious drug and alcohol problem, has not benefited from many opportunities for treatment within the community, and has never completed probation in the past without re-offending.

**Disposition:**

#### **Case No. 2**

B.E.W., a 13-year-old, pled guilty to two counts of taking a motor vehicle without permission and one count of second-degree burglary. The probation counselor informed the court at the disposition hearing that B.E.W. had 14 referrals to court and had still continued to offend. He had been under parole supervision but had made no progress. He was detained (arrested) three times for violating conditions of parole and continued to commit new offenses. The counselor had attempted in the past to work out educational programs and counseling programs in the community but these programs had no effect and B.E.W. continued to offend. His mother asked the court to confine her son for two years because "we just can't go through this any more."

**Disposition:**

### **Case No. 3**

At the age of 13, E.H. was charged with and convicted of possession with intent to deliver cocaine, based upon his participation in a sale of cocaine to an undercover officer. At the disposition hearing, the State presented a written evaluation of the juvenile; a psychologist performed the written evaluation. The report indicates that E.H.'s full scale I.Q. is 76, which is borderline retarded. Several test results suggest that he may be brain damaged and possibly subject to autism and childhood schizophrenia. It also indicates that he is hyperactive, suffers from an attention deficit disorder, and is "given to uncontrollable rages."

The prosecutor described E.H.'s numerous other convictions, his failure to comply with other recent disposition orders, and the danger he presented to the community and himself.

**Disposition:**

### **Case No. 4**

Jeffrey Jackson was found guilty of possession of cocaine. A security officer employed by an apartment complex found Jackson sitting alone in a car on apartment property. The officer was aware that Jackson was not allowed to be on the property and contacted police. A Seattle police officer arrived, searched Jackson for weapons, and found cocaine. Jackson had prior convictions for drug possession.

**Disposition:**

### **Case No. 5**

Anthony Escoto pled guilty to theft in the second degree. Although he was only 12 years old at the time of this offense, he had convictions for three burglaries, five thefts, four simple assaults, one possession of stolen property, one malicious mischief, and one theft in the second degree. Eight of these convictions were in the last two years. The caseworker described the juvenile as "extremely dangerous" and requested a psychological evaluation. This psychological report indicated that he lacked remorse or understanding of the impact on the victims and expressed a belief that there was a high risk that he would re-offend.

**Disposition:**

### **Case No. 6**

A 16-year-old youth is charged with burglary in the second degree and cruelty to animals. One night he and two friends, aged 18 and 20 years, entered a children's park that featured farm animals. They chased the park's star attraction (a donkey named Pasado) into a barn, dragged it outside, tied it to a tree and beat it for 45 minutes with sticks and a metal bar. In attempting to get away, the donkey choked to death on a rope which had been tied into a hangman's noose, and its skull had been broken from a blow to the head. If the youth is convicted, what disposition would you impose?

**Disposition:**

### **Case No. 7**

Keith was charged with two counts of first degree possession of stolen property. The charges stemmed from possession of two stolen cars. He pleaded guilty to a single count of possession of stolen property; the second count was dismissed in exchange for his plea.

**Disposition:**

### **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.

Written by the Institute for Citizen Education in the Law, Seattle WA. More extensive lesson plans for the teachers' use in preparing students appear in ICEL publications, *Juvenile Justice in Washington State* and *Washington Supplement to Street Law*. Staff at the Washington State Office of the Administrator for the Courts (OAC) edited the lesson in 1999. For more information, contact OAC Judicial Education, 1206 Quince Street SE, PO Box 41170, Olympia, WA 98504-1170.

(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))