



DEV: James 1

Attendance: Please use **computers or phones** for **class work only**

READ: Chapter 1: The Juvenile Justice Historical Perspective (*Juvenile Justice*)

Key Ideas: Age of responsibility, *mens rea*, *parens patriae*, *in loco parentis*, Common law, inductive reasoning, Chicago Reform School Act (1855), New York Houses of Refuge, reform schools, **Morris Kent** case (1961), justice court waiver, **Gerald Gault** case (1964), **Winship** case (1970), **Roper** v. Simmons (2005), deinstitutionalization, therapeutic vs. legalistic approach.

Homework for MON. 2/05: READ Ch.1 Discussion post due before SAT. 02/03, 11:30 pm

- Find/discuss an article and its facts that address age of responsibility (AOR) for youth crime. Using the concept of *mens rea*, what is your reasoning for determining an AOR? (150 words)
- Respond to another post by SUN. 2/04 (50 words)

Lesson Goal: Review syllabus.

1. Communicate with the professor if you have a problem, issue or question?
2. Review your nyack.edu mail daily, and use E-360 to find and submit your work
3. Come prepared to think/share/openly discuss in class?

VIDEO: Ted Talks - The real source of youth violence. Craig Pinckney – 10:21 min.

<https://www.youtube.com/watch?v=uWNTMmktOCQ>

Discussion: What person, formal group made a difference for you when you are in the 9th grade?

Earliest Legal Parameters related to Age

DEF: “Age of Responsibility” – refers to the age at which a person is considered developmentally capable of being held responsible for their actions, *in particular, criminal*. The distinguishing concept is that criminal penalties are reserved for adults. Hence, crimes committed by “adults” will suffer adult penalties.

- **Code of Hammurabi (2270 B.C.)** – discussed juvenile/youth/child disobedience of parents
- **Talmud** – (200-500 C.E.) No corporal punishment under age 12 (females) and 13 (males). No capital punishment would be recommended for persons under the age 20. These are rabbinical reflections on the Hebrew Bible, which were considered highly authoritative for the Jewish community; two sections, *The Mishna*, and *The Gemara* (in total about 6,200 pages).
- **Roman Law** – Distinguished criminal intent as the *mens rea* (**guilty mind**) considered after the age of seven. Ages 7-14, held accountable for criminal activities (as adults) if it was proven they had the ability of forming “criminal intent” (JJ, 2011, p. 6).

What are the elements of a crime? – The parts of a crime **stated** in federal or state code. Look up a violation in the criminal code of your home state.

Video: What is *mens rea*/ *actus reus*? 3: 12 min.

<https://www.youtube.com/watch?v=CgE1rp8Q2LY>

GQ: Why is *mens rea* a critical component for juvenile justice?

GQ: How would you determine *mens rea* existed at the time of the offense?

VIDEO: Highlights of a Law & Order Episode – 3:12 min.

<https://www.youtube.com/watch?v=28RuxvIdpck>

Observe: What is the argument for *mens rea* in the video?
Is the argument clear? Can you restate it and argue why it is valid?
How is it related to juvenile justice vs. adult criminal justice?
Can you explain the importance of **facts** to establish *legal proof*?

Netflix: Women who kill, S1,E2.

1. What would you argue about age of responsibility?
2. How would you *operationalize* (*define*) it?

Operationalize: to form a statement or definition that can be used to explore/measure an idea.

Example: Immaturity – a pattern of choices that are harmful and yield poor results, moving away from goals.