



Attendance - Use **computers** are for **class work only**. Cell phone should be off.

Business: Nyack Scholars Symposium – proposal due 2/15 – I have no information!

HW Wk.5	READ Ch 3	Characteristics of Juvenile Offenders	DUE
2/15	Characteristics of Juvenile Offenders,	1 Search and discuss any TWO delinquency statistics (no earlier than 2018) in the OJJPD, NIBRS, or NCVS; note specific crime and group (sex, age, race/ethnicity, etc.) (75 words). 2 Find an article that discusses that crime/group. What in the article do you agree or disagree with about the crime/group? (75 words) Total of 150 words) <ul style="list-style-type: none"> • Respond to another post (50 words) 	2/13 2/14

What **theories** do you have about the causes of juvenile delinquency?

VIDEO: What is child abuse and neglect? 2:19 min <https://www.youtube.com/watch?v=6kcKX2In0B0>

1. Why is a consistent definition important to identifying and responding to child abuse and neglect?
2. Come up with three possible responses to address existing and potential child abuse and neglect?

Acts of omission, acts of commission – how do they lead to neglect, and abuse

VIDEO: Freakonomics and juvenile crime – 4:25 min <https://www.youtube.com/watch?v=zK6gOeggViv>

CTQ: 1. Would you support or challenge *this theory*? 2. What research would help your argument?

Topic: Measures of Crime and Delinquency – (to be used for HW due Wk. 5)

To think critically about information, we have to ask: what is **the source** and **method** of the data collection?

Office of Juvenile Justice and Delinquency Protection – OJJDP.gov

View site of the **Office of Juvenile Justice and Delinquency Prevention**

Read the *About* section – Check out the FAQ for the sections of interest to you.

These answer questions as well as connect to pop up charts and national statistics.

<http://www.ojjdp.gov/ojstatbb/crime/JAR.asp>

NIBRS – National Incident-Based Recording System

Computerized reporting which is incorporated directly into data bases, including more details on the offenses.

<http://www.fbi.gov/about-us/cjis/ucr/nibrs/2012>

What is the benefit of these specific types of information?

NCVS – National Crime Victimization Survey

Victims voluntarily supply information on offenses. Offenses may/may not have been reported to police/so remain undocumented. <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=245>

What are the advantages of a self-reporting system on crime?

Look up the methodology tab. What is most significant about the method to you? Why?

What is the difference between a status offense and juvenile delinquency?

- “The Uniform Juvenile Court Act (1968) clearly limits the definition of delinquency by stating in essence, that a *delinquent act is an act designated as a crime by a local ordinance, state law, or federal law.*
- Excluded from acts constituting delinquency were vague activities such as incorrigibility, ungovernability, habitual disobedience, and other status offences, which are legal offences applicable only to children and not adults” (Cox et al, 2018, p. 161).

Child Abuse and Prevention Treatment Act (CAPTA-Federal) – authorizations 1974, 88, 96, However, a national Children’s Bureau has been running since 1912. National efforts to reduce child abuse and neglect have long histories, and fund diverse agencies that serve the well-being of at-risk children. National funding can also be given to States, each State also has an agency to address neglect and abuse of youth.

The Children’s Bureau (CB- Federal) Mission Statement: focuses on improving the lives of children and families through programs that

1. reduce child abuse and neglect,
2. increase the number of adoptions,
3. and strengthen foster care.

<http://www.acf.hhs.gov/programs/cb/resource/fediawg>

Review: “About/What We Do” webpage states that the agency has a budget of \$8 Billion to meet its goals.

Office on Child Abuse and Neglect (Federal) – national data collection center that functions within the Children’s Bureau. Look up information for possible research. <https://www.ndacan.acf.hhs.gov/>

New York State’s Office of Children and Family Services – *Mission Statement:* The Office of Children and Family Services serves New York’s public by promoting the safety, permanency and well-being of our children, families and communities. We will achieve results by setting and enforcing policies, building partnerships, and funding and providing quality services.

- OCFS directly funds a variety of community services programs to improve the lives of children, families, and vulnerable adults.
- The agency operates the Statewide Central Register for Child Abuse and Maltreatment (SCR), often called the child abuse hotline, and oversees programs and services involving foster care; adoption and adoption assistance; youth bureaus; runaway and homeless youth programs; child protective services; adult protective services; and services for victims of domestic violence (Office of Child and Family Services, 2020). Retrieved from <https://www.ny.gov/agencies/office-children-and-family-services>

Lesson Goal: Due Process and Juvenile Justice

What is the purpose of due process? – How can it impact juvenile justice?

Due process means “fundamental fairness,” but it has no fixed meaning. Specific due process may vary from one proceeding to another, depending on the jurisdiction and circumstances. For example, due process during a criminal trial is different from due process in probation or parole revocation proceedings or in prison disciplinary proceedings. What rights are due in a particular proceeding is ultimately decided by the courts (Del Carmen, 2010, p. 399).

Reference

Del Carmen, R. V. (2010). *Criminal procedure: Law and practice*. Belmont, CA: Wadsworth Cengage Learning.

APA (6th ed.) Reference for a book in-text citation.

When juvenile court was introduced in 1899, due process for the youths processed there was not among its concerns. For more than six decades juvenile court operated more like a clinic than a court of law. In the late 1960s and early 1970s the United States Supreme Court extended to juvenile defendants a few constitutional rights that the Court believed constituted “fundamental fairness.” Today, youths prosecuted in juvenile court certainly have more due process rights than were granted in that forum in the first half of the twentieth century, but they do not have the due process protections guaranteed to adult offenders (Sanborn, 2014, p.1).

Reference

Joseph B. Sanborn, J. B. (2014). Due process and juvenile justice. *The Encyclopedia of Criminology and Criminal Justice*, 1-7. New York: Blackwell Publishing. doi: 10.1002/9781118517383.wbeccj325

APA (6th ed.) Reference for an online encyclopedia in-text citation.

Lesson Goal: How are the U. S. Constitutional Amendments related to due process?

- Here’s a link to the text for all 10 Amendments <https://www.aclu.org/united-states-bill-rights-first-10-amendments-constitution>

U.S. Constitution	Key elements protected by the required due process
4 th Amendment (4 points)	<ul style="list-style-type: none">• No loss of privacy, no arrest,• No search and seizure without <i>probable cause</i>,• Required use of warrants,• Warrants are sworn statements that describe place, person or things to be arrested, searched or seized
5 th Amendment (4 points)	<ul style="list-style-type: none">• No double jeopardy.• No imprisonment,• No self-incrimination,• No loss of freedom or property without due process

6 th Amendment (4 points)	<ul style="list-style-type: none"> • Speedy trial by impartial jury, • be informed of crime, • face accusers, • right to own witnesses and counsel
8 th Amendment (2 points)	<ul style="list-style-type: none"> • No Excessive bail, fines or • No cruel and unusual punishment

GQ: How might youth be more at-risk to suffer from lack of due process?

VIDEO: Missouri Juvenile Justice System: The question of due process - 2:03 min.

<http://www.youtube.com/watch?v=3kd2dJd7Sko>

- Based on the report *Justice Rationed* (National Justice Defender Center, 2013).
- Prosecutor and probation officers work under the judge (no adversarial process)
- Inadequate legal (lawyers) representation at the time of hearings because of funding
- Out of date processes that work against the best interests of children (avoiding stigmatization)
- What is police *overreaching*? National Justice Defender Center (<https://njdc.info/>)

DEF: **Age of responsibility** – at what age does a youth understand right from wrong (*mens rea*)?

DEF: **Age of majority** – The *statutory* (stated by law) age at which youth are automatically held responsible for adult crimes is determined by the *respective state*.

DEF: **Waiver of jurisdiction** – the *decision by a judge to annul/release* the binding of the given jurisdiction to another jurisdiction, for example, from juvenile to an adult court with laws that apply to adults and adult crimes.

Key question: Can you see how releasing a case from juvenile court jurisdiction to adult jurisdiction has potential for serious life-changing outcomes due to punishments reserved for adults?

Look at the following landmark cases. While the youth were guilty of the offenses in each case, *the underlying question is, should youth be subject to adult punishment?*

Lesson Goal: Landmark Cases in Juvenile Justice

1. Morris Kent – 16 yr. old (1961)

Charge: Rape and robbery

Original decision: He confessed to crimes, and while under jurisdiction of the juvenile court, the judge ruled a waiver and ordered the case be sent to the jurisdiction of the adult court.

SC ruling: 5-4 decision: Judgments resulting in *waivers to adult court* must have full trial privileges; this included a full investigation prior to waiving rights to the Juvenile Court jurisdiction.

<https://supreme.justia.com/cases/federal/us/383/541/>

What constitutional protection did the SC decision apply?

2. Gerald Gault – 15 yr. old (1967)

Charge: Obscene phone calls to neighbor

Original decision: Judge convicted him at hearing to juvenile detention till he was 21, but Gault *did not face his accusers or contest the evidence or had parents during questioning*.

SC Ruling: Judgments resulting in *institutionalization* require due process such as facing witnesses, protection under the 14th Amendment.

<https://www.youtube.com/watch?v=8fVFgd7YyCk>

What constitutional protection did the SC decision apply?

3. Samuel Winship – 12 yr. old (1970)

Charge: Stole \$112 from a woman's purse.

Original decision: At the time, the NYCFA required only a preponderance of proof.

SC ruling: Judgements resulting in *adult charges* require same *standard of proof* for conviction as would the conviction of adult crimes. Adult judgments require proof "beyond a reasonable doubt" as the standard of guilt.

What constitutional protection did the SC decision apply?

4. Christopher Simmons – 17 yr. old – Roper v. Simmons (1989)

Charge: Premeditated homicide committed during a felony

Original decision: Guilty of the crime and merited an adult punishment.

SC Ruling: Judgements resulting in the *death penalty* is not permissible for persons under the age of 18 at the time of the offence.

What constitutional protection did the SC decision apply?

5. Terrance Graham – 16 yr. old - Graham v. Florida (2010)

Charge: Graham and three other boys participated in an armed robbery attempt of a barbeque restaurant in Jacksonville, Fl. The owner suffered physical harm. Terrance accepted a plea bargain of probation but withheld the adjudication of guilt. **Original decision:** Upon violation of probation by Terrance, he was adjudicated guilty of the charge and sentenced to life imprisonment. Because Florida had abolished its parole system, Terrance's sentence became *defacto* life imprisonment without parole.

SC Ruling: The 6 to 3 ruling majority stated *youth offenders* cannot be sentenced to imprisonment without some chance for release before the end of the sentence term.

What constitutional protection did the SC decision apply?