



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 (AOR), *mens rea*, *parens patriae*, *in loco parentis*, Common law, inductive reasoning, Chicago Reform School Act (1855), New York Houses of Refuge, reform schools,

Key juvenile justice case decisions: **Morris Kent** case (1961), justice court waiver, **Gerald Gault** case (1964), **Winship** case (1970), **Roper** v. Simmons (2005), deinstitutionalization, therapeutic vs. legalistic approach.

Textbook for Course: Cox, S. M., Allen, J. M., Hanser, R. D., & Conrad, J. J. (2018). *Juvenile justice: A guide to theory, policy, and practice (9th ed.)*. Thousand Oaks, CA: Sage Publications. ISBN-13: 978-1506349008

01/24 Wk1-2	Notes	Review syllabus and assignments. Lesson Plan (LP) Plagiarism, Critical Thinking Domains (CTD), and APA format. Goals of the course, LP Wk. 1-2	-	Assignment due in designated E360 <i>Discussion box</i> . Discussion posts (250) are due <i>Sat. night</i> . Your response to someone else’s post (50) is due <i>Sun. night</i> . Number the paragraphs in your response. Always work in a Word document, then copy and paste your work into the HW discussion box so others can readily see your work. Always use <i>APA in-text citations, and complete with APA reference</i> .	-
01/31 Wk 3	Notes Ch 1	Juvenile Justice – Historical Perspective Definitions, <i>in loco parentis</i> , <i>parens patriae</i> , age of responsibility	Quiz 2/01 & HW1	HW1 <ul style="list-style-type: none"> Find/discuss a crime article and related to age of responsibility (AOR) for a crime committed by youth. What facts of the article relate to the concept of <i>mens rea</i>, and argue for determining an AOR? (150 words) Respond to another post (50 words) 	01/30 01/31

Lesson Goal: Review syllabus.

1. Communicate with the professor if you have a problem, issue or question, or cannot attend class
2. Review your nyack.edu mail daily, and use E-360 to find and submit your work
3. Come prepared to think/share ideas/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?

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

Lesson Goal: 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. The Talmud is reflection on the Hebrew Bible by Rabbis; these Rabbis were considered highly authoritative by the Jewish community. The two sections of the Talmud are *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.

Elements of a Crime

An individual commits a crime if he or she acts in a way that fulfills every element of an offense. The statute establishing the offense also establishes the elements of the offense. In general, every crime involves three elements:

1. The specific *act or conduct* (“*actus reus*”);
2. The individual’s *mental state* at the time of the act (“*mens rea*”); and
3. The *causation* between the act and the effect (typically either "proximate causation" or "but-for causation").

In a criminal prosecution, the government has the burden of proof to establish every element of a crime beyond a reasonable doubt. (Legal Information Institute, 2021)

Reference

Legal Information Institute (2021). *Elements of a crime*. Ithaca, NY: Cornell University. Retrieved from https://www.law.cornell.edu/wex/criminal_law

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: 1. What were the elements of the crime in the video?

2. What is the argument for *mens rea* in the video?

Is the argument clear? Can you restate it and argue why it is valid?

What *facts* were used to establish *legal proof*?

DEF: Operationalize – to give an idea/concept a definition that allows it to be measured/identified/observed

GQ: How would you define immaturity?

Example: Immaturity:

1. a *pattern of choices*
2. that result in *harm or moving away from stated or expected goals*
3. made by someone *lacking experience or reasoning skills*

Netflix: *Girls Incarcerated S2, E1* – watch from 2:00 to 8:47 min.

1. What would you argue about *age of responsibility*?
2. Are Rose’s problems due to immaturity? – Explain according to the operationalized definition