



LP 02/07 – Wk. 4

DEV: The fear of the Lord is the beginning of knowledge, but fools despise wisdom and instruction (Proverbs 1:7).

Attendance: Please remain engaged to session. Please remain on-camera during the entire class.

Business: Nyack Scholars Symposium (Thurs. 04/07) “Rethinking Christian Education: Diversity, Inclusion and Mission. Proposal due 2/15.

For example:

How does a *Biblical/ministerial* perspective impact youth due process, correction... youth probation... alternative “sentencing”?

Format: 1. Goal/understand, 2. Key terms 3. Current events/issues 4. Two studies 5. Discussion questions

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|--|---|----------------------|---|-----------------------------------|
| <p>Wk 5 READ Ch 3 2/14</p> | <p>Characteristics of Juvenile Offenders, UCR, DOJ statistics and trends, socialization model</p> | <p>HW3</p> | <p>HW3: READ Ch. 3, and 1 Search and discuss any TWO delinquency statistics (2018) from OJJPD, NIBRS, or NCVS; note specific crime and group. (100 words) 2 Find an article that discusses that crime/group. What in the article do you agree or disagree with about the crime/group? (150 words) • Respond to another post (50 words)</p> | <p>HW3 2/12 2/13</p> |
| <p>Wk 6 2/21</p> | <p>Exam 1 (Ch. 1-3, and LPs) Zoom and laptop required</p> | <p>EXAM 1</p> | <p>Study guide will go out on Mon. 2/15 Group Assignments will be made for final presentation.</p> | <p>2/21</p> |

GQ: What *theories* do you have about the connections between types of abuses and juvenile delinquency?

READ: Ch. 2 Defining and measuring of offenses by and against youth

Key concepts/terms: Measures of juvenile offending, measures of crime, types of data and studies, status offenses, landmark cases for juvenile justice: Kent ‘61, Gault ‘67, Simmons ‘70, Winship ‘89, Graham ‘10.

VIDEO: Freakonomics and juvenile crime – 4:25 min <https://www.youtube.com/watch?v=zK6gOeggViw>

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?

Sources:

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?

DEF: 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).

Lesson Goal: Due Process and Juvenile Justice

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

NOTE: Below is an APA format *block quote*. According to APA, quotes of more than 40 words are to be wholly indented and the in-text citation follows the period of the last sentence.

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 renovation 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 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.wbecj325

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 <i>protected by the required due process</i> |
|---|---|
| 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 |

NOTES continue on next page.

VIDEO: Prosecutors drop criminal charges in Newport News due to 'bad interrogation – 5:39 min.

https://www.youtube.com/watch?v=Vybt0VHRj_k

1. Take notes of what actions/language you think are unethical?
2. What violations do you sense take place in the interrogation?

VIDEO: You have the right to remain silent – California bill strengthens Miranda for kids – 4:50 min.

<https://www.youtube.com/watch?v=Z-VW8Ldw6YI>

1. What rule or language would you use for Miranda rights for youth?
2. What rules would you put in place for interrogation (write up one or two specific sentences)

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 move the case to another jurisdiction, for example, from juvenile to an adult court with laws that apply to adults and adult crimes.

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/>)

GQ: 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?

Lesson Goal: Landmark Supreme Court rulings 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.

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 that 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 *de facto* 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?

Lesson Goal: What is the importance of the term *de facto*?

DEF: de facto (Latin) 1. in reality: ACTUALLY; 2. became the leader de facto. 2. Especially: being such in effect though not formally recognized; a de facto state of war (Merriam Webster, 2022).

Reference

Merriam Webster (2022). Definition of de facto. *Merriam Webster*. Retrieved from <https://www.merriam-webster.com/dictionary/de%20facto>

APA Reference format for company (and no author) website quote or source of information.