



LP 02/06 – 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 in class. Please refrain from engaging phone during the class.

<p><b>Wk.4</b> 2/06 REA D Ch 2</p>	<p>Measures of juvenile offending, measures of crime, types of data and studies, status offenses, landmark cases for juvenile justice.</p>	<p>HW2</p>	<p><b>HW2:</b> READ: Ch.2 and, <a href="https://www.baltimoresun.com/maryland/bs-md-juvenile-justice-michael-20161218-story.html">https://www.baltimoresun.com/maryland/bs-md-juvenile-justice-michael-20161218-story.html</a> Discuss Michael’s case. Use concepts of AOR, and <i>mens rea</i> or <i>parens patriae</i>. What other options would you have pursued, and why? (150 words) - due 2/06 Respond to another post (50 words) – due 2/07</p>	<p>HW2 2/06  2/07</p>
<p><b>Wk 5</b> 02/13 REA D Ch 3</p>	<p>Characteristics of Juvenile Offenders, UCR, DOJ statistics and trends, socialization model</p>	<p>HW3</p>	<p><b>HW3:</b> READ Ch. 3, and 1 Search and discuss any TWO delinquency statistics (2018) from OJJDP, NIBRS, or NCVS; note specific crime and group. 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 2/13  2/14</p>

**Lesson Goal: What are measures for crime, and the nature of youth crime?**

**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=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?

**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>

**UCR – Uniform Crime Report (FBI)**

Material/data is collected by the FBI, the data comes from voluntary reporting by state and local policing agencies.

The UCR crime data is based on crime type. It does not combine acts of crime that occur at the same time (for example, robbery and homicide, nor does it include information about victims.

What are the benefits and disadvantages of UCR?

**NIBRS – National Incident-Based Recording System**

**VIDEO: What is NIBRES (FBI) and its value for measuring crime?** – 7:13 min.

<https://www.youtube.com/watch?v=RcR-RwHcsdE>

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?

“the NIBRS identifies with precision when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators” (NIBRS, 2022).

## 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

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.

#### What is the purpose of due process?

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 (6<sup>th</sup> ed.) Reference for a book in-text citation.

### Juvenile due process:

#### Can you give practical reasons why juvenile due process should be different from adult criminal due process?

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.wbecj325

APA (6<sup>th</sup> 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 <sup>th</sup> Amendment (4 points)	<ul style="list-style-type: none"><li>• No loss of privacy, no arrest,</li><li>• No search and seizure without <i>probable cause</i>,</li><li>• Required use of warrants,</li><li>• Warrants are sworn statements that describe place, person or things to be arrested, searched or seized</li></ul>

5 <sup>th</sup> Amendment (4 points)	<ul style="list-style-type: none"> <li>• No double jeopardy.</li> <li>• No imprisonment,</li> <li>• No self-incrimination,</li> <li>• No loss of freedom or property without due process</li> </ul>
6 <sup>th</sup> Amendment (4 points)	<ul style="list-style-type: none"> <li>• Speedy trial by impartial jury,</li> <li>• be informed of crime,</li> <li>• face accusers,</li> <li>• right to own witnesses and counsel</li> </ul>
8 <sup>th</sup> Amendment (2 points)	<ul style="list-style-type: none"> <li>• No Excessive bail, fines or</li> <li>• No cruel and unusual punishment</li> </ul>

**VIDEO:** Prosecutors drop criminal charges in Newport News due to 'bad interrogation – 5:39 min.  
[https://www.youtube.com/watch?v=Vybt0VHRj\\_k](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 authority/binding of the jurisdiction on the case. The *waiver* (release) allows another jurisdiction to assume authority over the case, for example, a waiver from juvenile court then allows an adult court judge/adult criminal law to be applied to that case.

**GQ:** How might youth be more at-risk because 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 have parents present during questioning, nor did he face his accusers or get to contest the evidence.*

### 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 of youth when related to *adult charges* require same *standard of proof* for conviction as would the conviction of adult crimes. *Adult judgments of guilty* require proof that is *beyond a reasonable doubt*.

**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 of *death penalty* is not permissible for persons who were 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 to avoid the adjudication of guilty.

**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 an imprisonment without parole* (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.