

GROUP ACTIVITY — JUVENILE JUSTICE

Objectives:

- To teach students about considerations used to determine whether juveniles can be certified or tried as adults.
- To help students consider the pros and cons of certification.
- To help students determine, in their own terms and according to their own values, who should be tried as adults and what considerations courts and prosecutors should make.

Activity:

The first paragraph of each question is the same. Explain briefly to the students how certification works. Let them know that judges and prosecutors often consider a number of factors including the juvenile's age and record, the nature of the crime, and the possibility of rehabilitation.

For smaller classes, use only the two case scenarios in conjunction with a value line activity.

Group 1:

In most states, a judge or prosecutor can choose to try juveniles as adults for various crimes. In those states, the judges or prosecutors will often consider the juvenile's age, past record, the seriousness of the crime, and the likelihood of rehabilitating the juvenile before s/he reaches majority.

In Utah the state legislature has passed a law stating that the juvenile court no longer has jurisdiction over juveniles who are at least 16 years old and are accused of aggravated homicide. That is, all aggravated homicide, allegedly committed by someone 16 years of age or older, may be filed within the adult system.

So, under this law, a juvenile who is at least 16 years old and is accused of a capital offense (murder, using a weapon in the commission of criminal homicide, etc.) or a first degree felony may be charged in either juvenile court or in the adult system. The prosecutor decides.

1. Do you agree with the Utah law that takes jurisdiction away from the juvenile courts? Why?
2. Should 16 year old juveniles ever face the death penalty or should they face a more lenient sentence?

Group 2:

In most states, a judge or prosecutor can choose to try juveniles as adults for various crimes. In those states, the judges or prosecutors will often consider the juvenile's age, past record, the seriousness of the crime, and the likelihood of rehabilitating the juvenile before s/he reaches majority.

In Utah, prosecutors may file charges against juveniles directly in the adult system when certain circumstances exist.

- The juvenile must be at least 16 years old.
- The juvenile must have committed one of a few serious and specifically enumerated felonies such as aggravated robbery or aggravated sexual abuse.

In these cases, the juvenile may petition to have the case recalled to the juvenile court. The judge will determine whether to send the case to juvenile court by considering three things:

1. The juvenile's age
2. The juvenile's record
3. The nature and seriousness of the charge

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1. Do you think that a judge should have the power to send a case that has been filed in the adult court back to the juvenile court instead?
 2. Why do you think that the age of the juvenile is important?
 3. Do you think the criteria used by judges in recalling cases back into the juvenile court are sufficient or would you consider other things? What would you consider when deciding whether to try a juvenile in adult or juvenile court?

Group 3:

In most states, a judge or prosecutor can choose to try juveniles as adults for various crimes. In those states, the judges or prosecutors will often consider the juvenile's age, past record, the seriousness of the crime, and the likelihood of rehabilitating the juvenile before s/he reaches majority.

In Utah, prosecutors may file charges against juveniles directly in the adult system when the juvenile is at least 16 years old and has committed one of a few serious and specifically enumerated felonies. For the purpose of this exercise, presume that assault and aggravated robbery are among those felonies.

In these cases, the juvenile may petition to have the case recalled to the juvenile court. The judge will determine whether to send the case to juvenile court by considering three things:

1. The juvenile's age
2. The juvenile's record
3. The nature and seriousness of the charge

Hank is 17 years old and has been accused of assault and aggravated robbery. One Friday night, he and two of his friends were out on the town. After playing video games for hours, they ran out of money. Hank told his friends he knew where to get some more.

Hank and his friends headed out to a little grocery store on a corner near his house. The elderly couple who owned the store were closing up, but the door was not locked. Hank and his friends went through the door and into the shop.

Hank pulled a knife out of his jacket and told the 63-year-old woman to open the register. She began to open it, but wasn't moving quickly enough for Hank. He slashed her cheek with the knife. When she finally got the register opened, Hank took the \$40.00 it contained. Hank and his friends ran out the door and down the street. They were later arrested at the arcade. Hank has faced numerous robbery, shoplifting, and drug charges in Juvenile Court.

1. Do you think Hank should be tried as an adult? Why?
2. If you were a judge who had been asked to refer the case back to Juvenile Court, what would you decide? Why?

Group 4:

In most states, a judge or prosecutor can choose to try juveniles as adults for various crimes. In those states, the judges or prosecutors will often consider the juvenile's age and past record, the seriousness of the crime, and the likelihood of rehabilitating the juvenile before s/he reaches majority.

In some states, prosecutors may file charges against juveniles directly in the adult system when the juvenile is at least 16 years old and has committed a serious crime.

In these cases, the juvenile may petition to have the case recalled to the Juvenile Court. The judge will determine whether to send the case to juvenile court by considering three things:

1. The juvenile's age
2. The juvenile's record
3. The nature and seriousness of the charge

Sandy is 16 years old and has been accused of driving without a license, auto theft, and joyriding. One week-end, there was a high school dance that Sandy, a new sophomore, wanted to attend. Because she had done poorly on a test in school earlier in the week, her parents told her she couldn't go. That night, Sandy heard a knock on her bedroom window. Outside stood several of her friends asking her to go to the dance. Sandy decided to sneak out and go to the dance.

When she got outside, she realized that none of her friends had a car. The school was several miles away. As they began walking down the street, Sandy glanced at her neighbor's house. Mr. Leonard, her neighbor, had a habit of leaving his keys in his car. Sandy checked and, sure enough, the keys were in the ignition.

Sandy and her friends got into the car, with Sandy in the driver's seat, and drove to the school dance. She would return the car before midnight, she thought, and Mr. Leonard would never know it had been gone.

Unfortunately for Sandy, Mr. Leonard had seen the kids drive away in his car and called the police to report a car theft. The police stopped the car before Sandy and her friends ever reached the high school and arrested them all.

1. Do you think Sandy should be tried as an adult for any of her crimes. If so, which ones? Why?
2. If you were a judge who had been asked to refer the case back to Juvenile Court, what would you decide? Why?