

Play by the Rules

Chapter 2: Juvenile Justice System

Objectives: The student will be able to

- Define the term “juvenile”;
- Explain Miranda warnings;
- Explain the difference between the juvenile justice system and the adult system; and
- Show an understanding about proper behavior during a police stop or arrest.

Alabama Course of Study, Seventh Grade Civics: Objective 5

Character Education: Citizenship, fairness, cooperation, diligence, courage, punctuality, self-control and self-respect

Materials: *Play by the Rules* book and **Worksheets 2-1** and **2-2**

Method(s): Directed reading, cooperative activities and brainstorming

Activities:

Review: Have the students share the answers to the first five questions of the Batter-Up Questions (**Worksheet 1-2**). Remind them to work on it throughout the remainder of the *Play by the Rules* course.

Directed Reading:

1. Have students read the introductory paragraph and the paragraph “What is a Juvenile?” on p. 9.
 - a. Are juveniles treated the same as adults under the law? *No. There is a separate juvenile court that works to rehabilitate in conjunction with punishment.*
2. Finish reading pp. 9-11.
 - a. Ask students to define “juvenile.” *A juvenile is a person not yet considered an adult for purposes of criminal or civil liability. Generally, persons under age 19 are considered juveniles.*
 - b. What are some of the differences in juvenile and adult court terms? *Refer to chart on p. 9.*
 - c. Explain how a juvenile should act if arrested. Elicit details from students. *Remain respectful, cooperative and truthful, do not bad mouth or walk away, obey all reasonable requests asked of you, etc. (p. 10).*

Miranda Warnings & the Bill of Rights

1. Read the following case to the students:

Miranda vs. Arizona, 384 U.S. 436 (1966):

Ernesto Miranda was a poor Mexican immigrant living in Phoenix, Arizona, in 1963. Miranda was arrested after being identified in a police lineup. Miranda was charged with rape and kidnapping, and interrogated for two hours while in police custody. The police officers questioning him did not inform him of his Fifth Amendment right against self-incrimination, or of his Sixth Amendment right to the assistance of an attorney.

As a result of the interrogation, he confessed in writing to the crimes with which he was charged. His written statement also included an acknowledgement that he was aware of his right against self-incrimination. During the trial, the prosecution used Miranda's confession to obtain a conviction, and he was sentenced to 20 to 30 years in prison on each count. This case was taken to the U.S. Supreme Court.

2. Ask the students the following questions:

- a. What arguments can be used by Miranda to overturn his conviction? *He was not told that he had the right to remain silent (Fifth Amendment), or that he had the right to an attorney (Sixth Amendment).*
- b. What arguments can be used by the State of Arizona to uphold the conviction? *During questioning by the police, Miranda admitted to the rape and kidnapping. His written statement acknowledged that he was aware of his right against self-incrimination.*
- c. If you were on the U.S. Supreme Court, would you rule that Miranda's rights had been violated or not? *Allow students to vote by raising their hands. Ask students to give a few reasons why they voted as they did.*

3. Read aloud the Court's decision to the students:

The U.S. Supreme Court ruled that the Fifth Amendment protected individuals from being forced to confess. The Court also held that persons accused of serious crimes have a fundamental right to an attorney, even if they cannot afford one. As a result of the Supreme Court decision, "Miranda warnings" were established.

4. Ask the students if they know the rights stated in the Miranda warnings? List them on the board.

- a. *You have the right to remain silent.*
- b. *Anything you say can and will be used against you in a court of law.*
- c. *You have the right to have an attorney present before any questioning.*
- d. *If you cannot afford an attorney, one will be appointed to represent you before any questioning.*

5. Divide the students into small groups of three to five.

6. Distribute **Worksheet 2-1**, "Miranda Warnings & the Bill of Rights."

7. Tell the groups to take each sentence of the Miranda warnings and summarize it in their own words. For example, you might reword "You have the right to remain silent" to "You do not have to speak if you don't want to."

8. Tell the groups to then match each sentence of the Miranda warnings to the appropriate amendment in the Bill of Rights located on **Worksheet 2-1** that provides the basis for the right.
9. Tell the students to discuss the questions within their groups.
10. After completion of the activity, hold a class discussion.

Directed Reading Continued:

1. Under what conditions can a juvenile be tried as an adult?
If you are 14 or over and commit a delinquent act, the district attorney may petition to have you transferred to adult court. Usually, this will only happen if you have been before the court several times or if it is a serious crime. If you are 16 or over and are charged with committing certain violent crimes such as murder, robbery, rape, use of a weapon in committing crimes or drug trafficking, you will automatically be tried in adult court. (p. 14)
2. Will a juvenile's record follow him/her into adult life? Why? Why not?
Sealing or destroying a juvenile record is not done automatically. You must ask the court to have it sealed. Agencies such as the FBI, the Department of Public Safety and schools do not seal their records. (p. 14)

Evaluation: Observation, feedback/questioning, cooperative activities, accuracy of activities and Scoreboard (for Scoreboard directions see "Assessment.")

Outside Resource Person (ORP): The following ORPs might be utilized: local judge, attorney, Department of Youth Services employee, juvenile probation officer, law enforcement officer or school resource officer (SRO).

Taking Home the Law: Students should take home **Worksheet 2-2** and complete it with their parents or guardians. Review this worksheet briefly at the beginning of the next day.

Extra Innings: TG p. 133