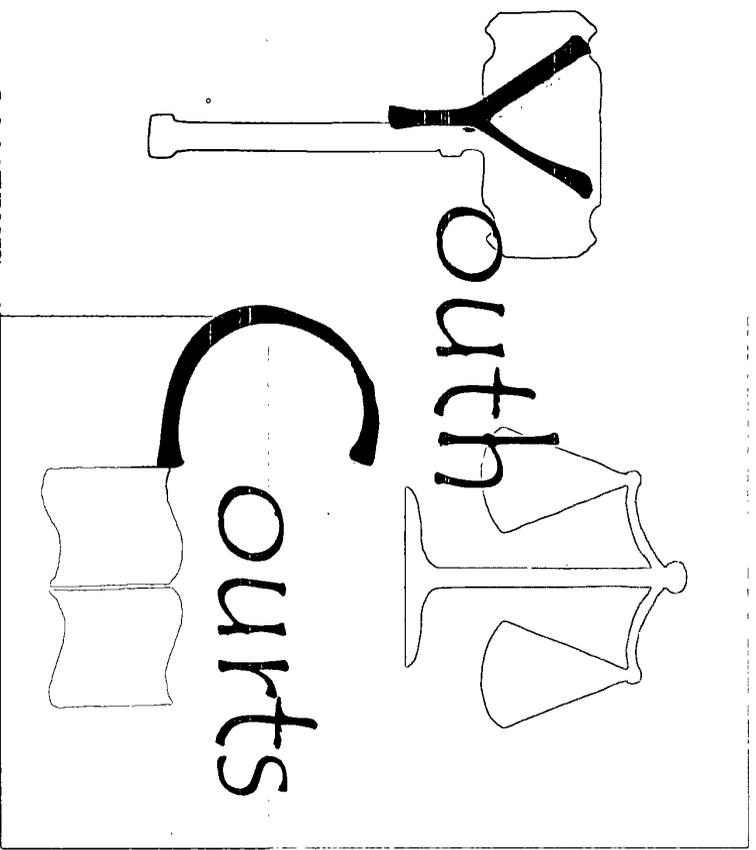


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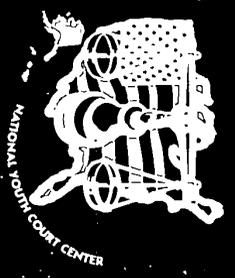
Street Law™ for



Educational Workshops

OJJDP STREET LAW™

Office of Juvenile Justice and Delinquency Prevention



NSA People Saving People



**A MESSAGE FROM THE OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PREVENTION AND STREET LAW, INC.**

198820

Youth courts are becoming a component of the juvenile justice system in communities across America. Youth courts are the result of collaboration among many people who have a stake in the community: the judiciary, law enforcement, juvenile probation, social service agencies, education, local organizations, bar associations and the young people themselves. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Youth Court Center provide a variety of training programs, technical assistance, and resources that assist local youth courts in their efforts to educate youth and adult volunteers as well as juvenile offenders.

Street Law, Inc. has developed a helpful resource of fifteen educational lessons in the publication *Street Law for Youth Courts: Educational Workshops*. We hope this publication will help you in your efforts to conduct quality educational training for juvenile offenders and for the youth who volunteer to serve on youth courts. Some of the lessons focus on the most frequent offenses for which youth offenders are referred to youth courts. Additional lessons center on the legal system, individual rights and responsibilities, and the critical role of citizen participation in the justice system. The lessons also give young people the opportunity to build skills such as anger management, conflict resolution, communication, and problem solving. Acquiring knowledge and applying these skills help young people to avoid delinquent behaviors, make better choices in the future, and become active, involved citizens.

In addition to this publication, OJJDP has provided funding and support to our partners at the American Bar Association who developed a comprehensive youth court training package. This package includes instructional manuals for youth and adult volunteers. Our other partners at the Constitutional Rights Foundation/Chicago have created a guide to help youth courts design effective service learning projects for youth offenders who are assigned community service by a jury of their peers in youth court. These service learning projects are coordinated and managed by youth court staff and adult volunteers.

We hope that *Street Law for Youth Courts: Educational Workshops* and the other youth court publications assist you in improving the quality of community service for youth offenders in youth court, and in preparing the youth volunteers in assuming their various youth court roles.



J. Robert Flores
Administrator
Office of Juvenile Justice
and Delinquency Prevention



Edward L. O'Brien
Executive Director
Street Law, Inc.



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Educational Workshops
Street Law, Inc.

TABLE OF CONTENTS

INTRODUCTION

Overview.....	1
Integrating Law-Related Education Into Your Youth Court Program.....	7
Teaching The Lessons	19
Resource Information	37

LESSONS

Crimes And Consequences	47
Victims Of Crime	63
Serving On A Jury	85
A Jury Of Your Peers: What Is the Role of Diversity in Juries?	101
Vandalism	143
Who Must Attend School?	149
Alcohol, Violence And Drunk Driving: What Risks Are You Willing To Take?	163
Bullying, Assault And Sexual Harassment	189
Shoplifting	223
Resolving Conflict Through Negotiation	235
An Overview Of The Juvenile Justice System	255
Options for Solving Conflicts	283
Triggers: Skills for Anger Management	299
What Is The Intent Of The Law?	317
Laws Are Based On Values	331



OVERVIEW

NOTE: The lessons and materials in this manual are designed to be utilized as one component of a multi-faceted youth court program. For more information on starting your own youth court program, contact the National Youth Court Center: National Youth Court Center, c/o American Probation and Parole Association, P.O. Box 11910, Lexington, KY 40578-1910, Phone: (859) 244-8215, Fax: (859) 244-8001, Email: nycc@csg.org, Web: www.youthcourt.net. Additional resource materials on youth courts are detailed in the “Resources” section.

Street Law for Youth Courts: Education Workshops has been developed to help youth court programs initiate a law-related education (LRE) program as a sentencing option for offenders who appear before the courts. The lessons may also be used to train youth court volunteers. As they learn more about the causes and consequences of various crimes, youth court volunteers will make better sentencing recommendations — focusing the respondent on the impact of his or her actions and on the repair that he or she could make.

Each lesson has step-by-step instructions for easy use by the person teaching these lessons. A professional teacher is not required for this task. However, the lessons work best when police officers, judges, lawyers and other justice system resource persons participate in the lessons.

It is highly recommended that anyone who teaches this program receive training to ensure optimal results from these lessons. For information on how to receive law-related education training that may be available in your state, please visit www.streetlaw.org or contact Street Law, Inc., at 202-293-0088. LRE training can also be obtained by contacting your state LRE coordinator. To find out contact information for your state LRE coordinator, please visit www.abanet.org/publiced/lre/lrestate.html. In addition, more resources on LRE and youth courts are detailed in the “Resources” section.

ORGANIZATION OF THE MANUAL

OVERVIEW

This section provides an outline of the design of the lessons and other materials contained in this manual and gives a basic introduction to law-related education (LRE).

INTEGRATING LRE INTO YOUR YOUTH COURT PROGRAM

This section acquaints youth court program directors with some issues attendant to incorporating law-related education (LRE) lessons into youth court programs.

TEACHING THESE LESSONS

This section provides instructors with information about teaching law-related education (LRE) lessons.

RESOURCES

This section details some of the resources available on the many aspects of youth court programs and law-related education (LRE).

THE LESSONS

There are 15 lessons in this manual, each designed to be delivered during a class that lasts between 60 and 120 minutes. Each lesson in this manual is activity-based, relevant to the lives of community members, and requires little or no pre-existing reading skill. While each lesson may be taught alone, it is best when combined with others as a coherent law-related education (LRE) program.

ABOUT THE LAYOUT AND GRAPHICS

The guide's chief design feature is that the instructor has all needed materials - including all participant handouts - directly in front of her/him incorporated directly into the step-by-step instructions for each lesson's activities. Most text has the type and layout seen on this page.

Student handouts are also provided on separate pages in larger block type for photocopying at the end of each lesson. In addition, for the ease of the instructor, the text of the handouts is arranged in sequence right within the instructor's text, using this shaded, indented type:

HANDOUT 1

SAMPLE TITLE

These shaded blocks show exactly what students see on their (larger) handouts. Some graphics and spacing may have been omitted in the shaded teacher sections for the sake of space. Answers and discussion text adjoin related parts of handout, in the normal instructor's typeface (as above).

WHAT IS LAW-RELATED EDUCATION?

Law-related education (LRE) empowers young people by providing practical information about law and the legal system. LRE encourages youth to become effective, law-abiding citizens by promoting civic responsibility and community participation. It also helps young people develop more favorable attitudes toward adults by emphasizing contact with community resource people. LRE's unique blend of content and strategies fosters the development of skills that are essential for positive youth development. Students learn substantive information about their rights and responsibilities and practice cooperative learning and positive interaction with adults and each other.

LRE teaches:

- Policy and procedures of state and local law enforcement
- Legal literacy focusing on civil, criminal, and constitutional themes
- Practical legal information
- Concepts underlying our constitutional democracy

LRE provides practice for skill development in:

- Critical thinking
- Decision-making
- Problem solving
- Communicating
- Cooperating
- Reasoning
- Managing conflict

LRE encourages participation in:

- Mentoring programs
- Mock trials/moot courts
- Community service projects
- Outreach programs sponsored by local police
- Interactive teaching strategies

LRE goes beyond questions about who, what, when, and where. LRE helps young people answer questions about why. Just as importantly, it responds to students who view the law as something that is remote, impersonal, or punitive. Through interactive teaching strategies, LRE helps students discover that the American legal system can work for them.

LAW-RELATED EDUCATION AND YOUTH COURTS

Law-related education is an ideal complement to the philosophy on which youth courts are based. The lessons in the manual are designed with the principles of restorative justice in mind. As suggested in 2001 report of the National Youth Court Center, “The Role of Restorative Justice in Teen Courts: A Preliminary Look,” by Tracy M. Godwin, the goals of restorative justice include accountability, competency development, and community protections. These lessons teach young people about the consequences of the actions on themselves, the victims, and the community at large. At the same time, the lessons give young people a forum to learn and practice new skills that help them become more positive members of the community. Since the instructors are encouraged to involve members of the community in each lesson, the workshops provide opportunities for young people to build or re-build relationships with adults in their communities. When appropriate, instructors are encouraged to invite victims of crime to share their perspectives in the lessons.

The LRE lessons contained in this manual provide a positive strategy for intervening early when a young person demonstrates unacceptable behavior. Because the topics for the lessons are based on the most common offenses reported by youth courts from around the country, the content of the lessons will help youngsters understand why their behavior was unacceptable. Moreover, the skills taught through the lessons and the opportunities to bond to members of the community who participate in these positive lessons can help create more resilient youth who are less likely to repeat their offending behavior.

The LRE lessons teach basic ideas about how disputes are settled in acceptable ways in an organized society. The law sets standards of behavior to which the community’s members are

expected to adhere. When people do not adhere to those expectations, the law imposes criminal penalties to punish the offender and/or civil penalties to make the victim whole. Students who participate in a series of LRE lessons tend to get a bigger, clearer picture of how society is organized, why we have laws, how the law-making process can be influenced and how laws can be changed, when necessary.

While the lessons in this manual teach about crimes and punishments, they also emphasize the reasons for criminal laws and the important community values (such as life, property, safety, and security) that are protected by the legal system. Considering the bigger picture, young people see not just the punitive aspects of law but also law's positive and protective elements. People are much more likely to conform their behavior to a system they see as reasonable and protective than they are to conform to rules that seem arbitrary and punitive. By providing youth with a broad view of why their community has laws, LRE seeks to mold young people into productive, law-abiding citizens.

The student-centered, interactive nature of the LRE lessons and the focus on group processes also provide youngsters with the opportunity to consider the consequences of their behaviors to themselves, their families, and their neighborhoods. Rather than having adults deliver moralizing lectures on the need to be responsible, these lessons are designed to engage students in critical thinking and group processes that can lead to peer-to-peer discussions of the need for personal responsibility. Careful debriefing of the lessons with young people can also encourage a commitment to the good of the larger community.

LRE lessons should never be taught in a vacuum. They are best when delivered in conjunction with other positive programs for youth, so that the ideas that they learn in the classroom are supplemented by meaningful interactions with various members of the community. Youth courts provide the perfect mechanism for achieving this end, as most youth sentenced by the courts also have community service hours to complete. Thus, these youth get out and work to better the community at the same time they are exploring their responsibility toward it and their role in it.

As noted throughout this introductory section, however, for LRE lessons to be effective they must be taught using student-centered, interactive strategies, and resource persons from the community must be integrated into the lessons. For more information on these topics, see the sub-sections on "What Are the Characteristics of a Good Lesson?" and "How Should I Prepare For A Visit By A Community Resource Person?" which you will find behind the section called "Teaching the Lessons."



INTEGRATING LAW-RELATED EDUCATION INTO YOUR YOUTH COURT PROGRAM

- How do the law-related education lessons fit into the purpose and goals of my youth court?
- How can I build awareness and support for this component of my youth court program?
- What mechanisms do I need to be able to refer defendants to the Street Law educational lessons? How will youth court decision-makers know about the Street Law educational lessons in order to give an appropriate sentence to defendants? How will participants be enrolled into the classes? Do new participants need any orientation to the program?
- Who should teach these lessons?
- What are community resource people? Who should I use as community resource people in my Street Law educational lessons?
- What topics should I cover in the educational portion of my youth court program?
- What logistical details do I need to consider? Where should the classes be held? When should they meet? How long should each class last? How will students get to the classes?
- How do I recognize students for completing the Street Law educational lessons?
- How do I know if this component of my youth court program is working?

HOW DO THE LAW-RELATED EDUCATION LESSONS FIT INTO THE PURPOSE AND GOALS OF MY YOUTH COURT?

In order to determine the “fit” of Street Law’s Educational Lessons for Youth Courts, ask yourself the following questions:

- What do you hope to accomplish by having a youth court program for the young people in your community?
- How can you accomplish these goals?

It is crucial to decide where LRE classes will fit into your youth court program and how they meet the purpose and goals of your overall program. Teaching educational classes

should arise as one of the answers to the second question. Most youth courts have a written mission statement or a list of guiding principles or goals. Make sure that teaching educational classes fits into your mission or goals. The general compatibility between law-related education and youth courts is addressed in the “Law-Related Education and Youth Courts” sub-section in the “Overview” section.

HOW CAN I BUILD AWARENESS AND SUPPORT FOR THIS COMPONENT OF MY YOUTH COURT PROGRAM?

You should make every effort to include all key stakeholders in the planning of this and every other component of your youth court program. You may want to organize a separate planning group for the educational component of your youth court program, or you simply may wish to use the board or planning group that you already have. Either way, this group should be designed to foster awareness and support for the educational component of the youth court program in the community or the school and involve any other key people necessary to implement a program. This committee can help to compile suggestions that will help you with implementation plans. Be sure to provide each person on the planning committee with some descriptive and introductory program information about the educational lessons prior to the time of the first meeting. If you already have an educational component to your youth court program, you may want to schedule a meeting to introduce your planning group to the idea of using these lessons with your educational component. This committee should also help you identify who will teach the lessons.

To build receptivity and support, others need to understand the educational component of the youth court program and its objectives. Schedule an “awareness” workshop with all “stakeholders.” This workshop is an introduction to LRE and should be between one and two hours in duration. Prepare a packet of background information and demonstrate a lesson from the manual. In debriefing the lesson, be sure to discuss how these lessons fit specific community needs and relate to the overall goals of your youth court program. A sample agenda for an awareness session is as follows:

- Introduction
- What is LRE? (See the sub-section on “What is Law-Related Education?” in the “Overview” section.)
- Demonstration of a lesson from the manual
- Presentation of an outline of the program plan, lessons and schedule of classes
- Questions and answers
- Request for community resource people to help with specific classes
- Closing

WHAT MECHANISM DO I NEED TO BE ABLE TO REFER DEFENDANTS TO THE STREET LAW EDUCATIONAL LESSONS?

An overview of all of the sentencing options should be provided to all youth and adult participants in your youth court program. If appropriate, provide decision-makers with a copy of the schedule of classes and a brief description of each lesson.

HOW WILL PARTICIPANTS BE ENROLLED INTO THE CLASSES?

The best model is to offer the classes on a rolling basis. Participants may thus be enrolled immediately after the youth court sentences them. Following this plan, participants do not necessarily wait until Lesson One to be enrolled in the class. Evaluations of LRE suggest that a “single dose” is unlikely to have an impact on behavior, so it is recommended that youth participate in the entire sequence if possible.

DO NEW PARTICIPANTS NEED ANY ORIENTATION TO THE PROGRAM?

The program director or the instructor should contact each new student by letter or telephone to provide a welcome to the class. Students should be provided with information on the time and location of the class. Include a copy of the class schedule.

If possible, hold orientation for new participants to acquaint them to the educational portion of their youth court sentence obligation. The orientation session agenda should include the following items:

- Introduction of the instructor and any other staff or volunteers present.
- Introductory activity/icebreaker (see the section on “What Else Do I Need To Know About Teaching Before I Get Started?” in the “Teaching the Lessons” section.)
- Program description
- Lesson
- Questions and answers

WHO SHOULD TEACH THESE LESSONS?

General selection guidelines for the instructor should include:

- Commitment to using student-centered, interactive teaching strategies;
- General familiarity with the justice system and/or with youth courts;

- Previous law-related education teaching experience (particularly important if training will not be provided);
- A good understanding of the general principles and objectives of the program;
- A demonstrated ability to communicate with youth;
- Good contacts with various members of the community; and
- Commitment to teach all 15 lessons, or a series of lessons as directed by the youth court coordinator.

WHAT ARE COMMUNITY RESOURCE PEOPLE? WHO SHOULD I USE AS COMMUNITY RESOURCE PEOPLE IN MY STREET LAW EDUCATIONAL LESSONS?

Youth conform to societal norms as a result of bonds established at school, at home, and in the community. Bonding takes place when youth have positive, relevant, interactive experiences with caring adults. Positive interactions with adults are the key to bonding. These lessons are designed to demonstrate that the adults listen to students' thoughts and ideas. The instructors are not "just another adult telling them what they can't do." Through these carefully structured, interactive lessons, the students in the educational component of your youth court program can have positive experiences with adults. Youth assess their own chances of success in society partially by the number of adults they know who have achieved legitimate success.

Obviously, the class instructor is already serving as a valuable resource person to the participants in your community or school program. However, to ensure that you build a positive education experience that bonds participants to the community, be sure to involve other resource people from the community. Examples of valuable people to include in the educational portion of your youth court program are lawyers, police officers, judges, court staff, local business people, etc.

Community and school resource people can be used to:

- Make the lessons come alive by sharing firsthand experiences,
- Answer student questions about the lesson that the instructor may not have the knowledge or background to answer,
- Provide technical assistance in implementing activities, and
- Serve as positive adult role models for participants.

Resource people should not be invited to give a lecture about a legal topic or even their job. They should instead be carefully integrated into a lesson. Community resource

people are integrated into LRE lessons when, for example, police officers observe a role-play of an arrest and then help debrief the activity by explaining police procedure. Other examples include lawyers working with student groups to prepare for a mock trial or judges observing and offering feedback on a student simulation of a sentencing hearing. The resource person is an element of a student-centered interactive lesson; the resource person is not the lesson (e.g., delivering a lecture). Each lesson in this curriculum suggests specific community resource people who would lend some professional expertise to the particular topic being covered.

WHAT TOPICS SHOULD I COVER IN THE EDUCATIONAL PORTION OF MY YOUTH COURT PROGRAM?

This manual contains law-related education lessons on the following topics:

- Shoplifting
- Vandalism
- Truancy
- Juries
- Overview of the juvenile justice system/ juvenile rights
- Bullying, sexual harassment, and assault
- Risks and alcohol
- Diversity
- Victimization
- Conflict Resolution
- Anger management/Positive communication
- Laws are based on values/intent of laws
- Consequences to crime

There are a total of 15 lessons. The time needed for each lesson is indicated in each lesson plan. (They range from 90 minutes to two hours in length.) However, if there are other topics that you want to cover, this list can be supplemented. Before developing new lessons, you may want to see if your state LRE center has tested lessons that would be appropriate. To find your state LRE center, go to <http://www.abanet.org/publiced/lre/lrestate.html>. In deciding to enhance these topics, it is necessary to consider the goals of your youth court program. It may also be helpful to consult the sections on “What Are the Characteristics of A Good Lesson?” and “What Are Student Outcomes And Why Are

They Important?” in the “Teaching the Lessons” section so that you can be sure that all the lessons in the educational component of your youth court program properly complement each other.

WHAT LOGISTICAL DETAILS DO I NEED TO CONSIDER?

WHERE SHOULD THE CLASSES BE HELD?

The following considerations are important in planning where the Street Law for Youth Courts lessons will be offered:

- The class location should be easily accessible to all participants.
- Programs held on weekdays should take into account existing extracurricular school activities.

The location should have all of the following:

- Enough room for student interaction
- Comfortable lighting and temperature
- Flexible seating arrangements
- Access to a chalkboard or flip chart

Suggestions for places where the classes might be held:

- At the police department
- At the courthouse
- In a local recreational center
- In another public building
- At the home of a community member
- At a local church
- At a local school

HOW WILL STUDENTS GET TO THE CLASSES?

It is necessary to think about how students will get to and from the class. This consideration will play a part in deciding where the classes will be held.

- Will transportation be provided?
- Will they have to rely on parents to transport them?

- Is there adequate public transportation?
- Will tokens or passes for public transportation be provided?

WHEN SHOULD THE CLASSES MEET? HOW LONG SHOULD EACH CLASS LAST?

Ask yourself these questions:

1. What time should the class be offered?
 - After school?
 - Evenings?
 - Saturdays?
 - During school?
2. How often will classes be offered?
 - Daily?
 - Twice a week?
 - Once a week?
3. How long will each class period be?
 - The classes are between 60 and 120 minutes long.

HOW DO I RECOGNIZE STUDENTS FOR COMPLETING THE STREET LAW EDUCATIONAL LESSONS?

Plan something special for students to celebrate their completion of the educational component of the youth court program. Some ideas include a graduation ceremony, special meal, field trips, special visitor, etc. A certificate of accomplishment could be awarded to participants following their last class. Plan to invite all community resource persons who assisted throughout the program. Since students begin and end the course of classes at different times, plan a recognition ceremony for once a month or once a quarter for all students who completed the class during that period of time.

HOW DO I KNOW IF THIS COMPONENT OF MY YOUTH COURT PROGRAM IS WORKING?

Two surveys are included to help you improve your program. Each student should complete the student evaluation survey as he or she completes participation in the lessons. The results of the survey will assist the program director and the instructor in determining how students viewed the program in determining whether the lessons and/or topic list need to be changed in the future. A survey to be completed by resource persons who participated in the classes is also included so that you can get their feedback and refine procedures for using them.



TEACHING THE LESSONS

- What Are the Characteristics of a Good Lesson?
- What Are Student Outcomes and Why Are They Important?
- How Should I Prepare For a Visit by a Community Resource Person?
- What Else Do I Need To Know about Teaching Before I Get Started?

WHAT ARE THE CHARACTERISTICS OF A GOOD LESSON?

The following are characteristics of a good lesson:

- Students are familiar with what they will accomplish during the lesson and what is expected of them;
- Students get immediate feedback;
- Student get recognition for applying knowledge of subject matter during various classroom activities,
- Teachers check for student understanding frequently (and especially before students begin activities with more than one direction);
- Technology is used whenever possible and appropriate;
- Students' ideas are the focus of many discussions;
- Teachers guide discussions where students feel free to express themselves;
- Students examine authentic issues in their schools and communities;
- Students use a variety of methods and materials to learn concepts and practice skills;
- Students are actively and cooperatively involved in activities;
- Student groups are flexible and heterogeneous;
- Students generate meaning and develop understanding by relating prior knowledge to new information; and
- Students learn and practice strategies for decision making and problem solving.

WHAT ARE STUDENT OUTCOMES AND WHY ARE THEY IMPORTANT?

An instructional outcome is a specific statement that identifies what a student will be able to do or know at the completion of this program. Outcomes must be something measurable, so that the teacher can evaluate student performance.

Examples: As a result of this class, students will be better able to:

- Communicate with others.
- Discuss how the law affects their lives.
- Interact appropriately with police officers and community members.
- Generate options for solving problems.

A traditional class may focus on teacher inputs (e.g., the material covered in a lecture). Successful Street Law classes include teacher (and resource person) input but have a primary focus on student outputs or outcomes.

When developing outcomes, teachers answer the following questions:

- Is this what you want the student to know or be able to do as a result of this lesson?
- Are these outcomes measurable and, if so, how?

The lessons in this manual have the specific student outcomes spelled out on the first page. Thus, while you are not responsible for writing lessons with outcomes, it is important for you to understand the importance of focusing your lesson on student outcomes in order to use these lessons correctly. As you teach these lessons, you should always keep the desired student outcomes in mind so that you achieve the desired results. Specifically, the outcome question that you should continually keep in mind is:

WHAT DO I WANT STUDENTS TO KNOW OR BE ABLE TO DO AS A RESULT OF THIS LESSON?

HOW SHOULD I PREPARE FOR A VISIT BY A COMMUNITY RESOURCE PERSON?

For information on how to use community resource people, please see the “What Are Community Resource People? Who Should I Use As Community Resource People In My Street Law Educational Lessons?” in the “Integrating Law-Related Education Into Your Youth Court Program” section.

To ensure that the experience in your LRE class/session is a positive one for both students and the resource person, you need to prepare both students and the resource person. Typically, ineffective presentations are those that are overly technical, focus on purely legal topics, are delivered in a lecture format, or are overly “preachy.” The effectiveness of presentations can be substantially increased with a refocusing of objectives, proper planning, and a small amount of training in how to use a variety of teaching styles in order to generate greater student participation.

When planning your lesson to include a resource person, ask yourself:

- What is the goal or purpose of the lesson?
- What community information is needed?
- Who can best provide this information?

When you have identified the person best suited for your lesson, use the guidelines that follow. In addition provide your resource person with a copy of the lesson and the handout for the class that they will be attending.

Careful planning is required to make the involvement of an outside resource person as meaningful and valuable as possible. Attention should be given to the following considerations:

- Topics covered by community resource people should be relevant to the lesson and scheduled to fit appropriately within the sequence of lesson activities.
- The resource person’s presentation should include participation from students. Lecture-style presentations are typically not effective.
- Visitors should present a balanced picture of the topic, including a variety of perspectives. If the visitor is most likely to present one point of view, consider inviting two resource people to help teach the same lesson. For example, invite a prosecutor and a defense attorney.

Making Arrangements:

Visit or call to invite the resource person to attend the class. Introduce yourself and give a brief introduction to the class and to your youth court program. Make sure to include the following information:

- The nature of the class (this is especially important if the resource person is unfamiliar with your youth court program)
- What you are studying
- The topics you will cover during that particular class period
- Why you want them to participate
- What follow-up activities are planned
- The date and time of the class
- The length of class period
- Age, grade level and ability level of students
- Lesson objectives
- Arrange to send your lesson plan to the resource person right away
- What questions the resource person will be asked
- How you expect the resource person to participate (e.g., Will you just ask questions or will the resource person be participating in activities with the students?)
- Location of class, where parking is available, and where the resource person should report if entering the building

Find out from the resource person:

- Audio/visual equipment requirements
- Whether he or she would invite other community resource people to attend the session
- Whether he or she would like to include materials or handouts in the presentation and who will make those copies
- If there is any other essential information
- Information the Community Resource Person would like to have included in his or her introduction

Selecting a date for the class/program visit:

- When selecting dates, allow adequate time for the resource person to plan his or her schedule. Two or three weeks in advance is desirable. Be sure any required facilities or equipment will be available.

- Do not cancel or postpone a scheduled visit unless absolutely necessary, because a community resource person sets aside valuable time from his or her own schedule. Keep in mind that it will sometimes be necessary for a resource person to postpone a visit due to unforeseen circumstances. Always be prepared with a back-up lesson plan.

Confirm the arrangements:

- To avoid confusion over details or the possibility that the resource person might forget arrangements, send a letter to the resource person, thanking him or her for agreeing to participate and clearly spelling out the arrangements you made over the telephone. (Remember to send the lesson plan, too.)
- Call the resource person a day or two in advance of the visit to give them any last minute details and to make sure that there is nothing else needed.

Preparing students for the resource person's visit:

- Acquaint the class with some basic information about the person.
- Before the day of the visit, have the class prepare thoughtful questions to ask the resource person.

Arrival of resource person and class activity:

- Inform appropriate staff of the arrival of your guest so the resource person will be expected and directed to your class.
- A proper introduction of the guest is extremely important. A brief statement concerning the guest's background and expertise helps to prepare the students for the experience and makes the guest aware of the importance of the visit.
- Use interactive strategies. Select a lesson related to the resource person's area of expertise. Keep the lesson relevant to the students' lives and avoid jargon.
- The resource person is not responsible for class management. It is important that the instructor participate fully in the lesson. This approach also models positive cooperation between adults in the community and sends students the message that the instructor values the resource person's contributions to the class.
- Have resource people participate in a role-play with students (for example, have visiting police officers play roles of young people while the class participants play the roles of police officers). Also, have the community resource person debrief the role-plays by commenting on things that participants did well and how things might be different in the real world.
- Have resource people help prepare for, administer, and debrief mock trials or moot courts. Students can play the roles of judge, attorney, or witness.

- Frequently, the guest and/or students have other commitments to keep. Start and end the presentation within the time scheduled unless the resource person clearly indicates otherwise. Some resource people will offer to meet with the students who may still have questions after class.
- Most resource people are not trained teachers. It is sometimes necessary for the instructor to help give direction to the presentation of a guest by using appropriate questions or other clues to help the resource person more effectively communicate the information desired.
- Allow sufficient time for summary and to thank the guest.

Debrief the Visit with Students:

Make sure to cover the following questions with students:

- What were the major points made by the resource person?
- How did you react to the visitor and the issues presented?
- Do you think this resource person helped you learn about the topic?
- Did the resource person have any particular biases? (If a resource person is an advocate of a particular viewpoint, it is important to introduce other viewpoints/perspectives in the debriefing discussion.)

Follow-up:

- Thank-you letters from students and/or teachers really please resource people, help improve student writing skills and encourage resource people to respond to similar requests. A thank-you letter to the resource person's supervisor will be appreciated by both and will also help encourage future visits.
- Think about inviting the resource person back to participate in another lesson with the same group of students.
- Consider inviting resource people with different viewpoints to do follow-up visits on the same topic.

WHAT ELSE DO I NEED TO KNOW ABOUT TEACHING BEFORE I GET STARTED?

This section contains tips that will help you in teaching Street Law for Youth Courts.

TIPS FOR TEACHING

1. Plan and then plan some more. Lessons that are interesting and well planned generally eliminate most classroom management problems. Prepare an agenda and class objectives for each class and share them with the students.
2. Get to know as much as possible about the students, including names and interests. Consider asking students to write a brief letter to you about themselves — their favorite performers, jobs, after school activities, people they admire, their life goals, etc. Use this information to help facilitate your class successfully.
3. Use the teaching style that works for you; kids can sense phoniness. The nature of the relationship between the instructor and student may have a greater impact on learning than any other single factor.
4. Treat students as young adults.
5. Create a positive learning environment. There should be a climate of mutual respect that is friendly and supportive.
6. Give prompt, accurate, and non-threatening feedback. Let students know that you think they are important. Stick with a student's response. If you are not satisfied with an answer, rephrase the point and give the student a second chance. However, at the same time, be prepared to hear answers that you do not agree with. Students will not always embrace your point of view.
7. If a student offers an off-the-wall answer or comment, there are several tactics that you can use to bring the class discussion back on point:
 - Ask the other students what they think. Often, other students will also disagree.
 - Ask students to articulate the other side's arguments.
8. Remember "wait time." Give students a few seconds to construct and deliver an answer after you ask a question. Failure to do this may transmit an unintended message that you don't think the students have a positive contribution to make.
9. Talk in language that students can understand. Do not use terms and phrases that are overly technical.
10. Give clear instructions. Don't give more than two directions at a time to your students.
11. Instructors should aim to improve a student's response, rather than say it's wrong. Start with an easy, open-ended question such as, "What do you think?" Follow up on students' responses with harder questions such as asking students to compare, analyze, or determine the impact.

12. Draw out shy kids by asking easy questions such as, “Do you agree with that?”
13. Acknowledge all students’ responses as attempts to learn regardless of whether they are correct or incorrect.
14. If you don’t know the answer to a question, just say so. “I don’t know” is a completely legitimate answer. You can tell the class that you’ll try to find out the answer. Another response is to work with the class to find an answer. Because the process of solving problems is often more important than the answer itself, this response helps reinforce an essential theme of the conversation.
15. Don’t allow extroverts to dominate the conversation.
16. Consider the room arrangement. Can you see each student’s face? Can you move around the class easily? Do you have close proximity to students? Avoid rows. Better arrangements are circles, semi-circles, or U-shapes. These promote interaction, a key element in learning.
17. In many cases, classroom problems can be handled by:
 - Rearranging seating
 - Establishing eye contact
 - Asking the student a question
 - Having an instructor or another staff member sit beside the misbehaving student without saying anything
 - Standing behind the misbehaving student
 - Placing your hand on the misbehaving student’s shoulder
 - Telling the misbehaving student briefly to be quiet - without preaching and making a big deal of it - and moving on
 - Discussing behavior problems in private, whenever possible
 - Give misbehaving students a job or leadership role in class. For example, students could pass out papers, sit as a judge, etc. Sometimes this extra attention and responsibility will motivate them to participate appropriately throughout the lesson.
18. Be firm, consistent, fair, and fun.
19. Always attack problem behavior, never the student who exhibits it.
20. Reinforce good behavior. Don’t draw unwarranted attention to bad behavior. Set high standards for your students, and let them know if they fall below them.

21. Realize that many things affect how people listen:
 - Environmental factors: background noise, interruptions, physical comfort, etc.
 - Teacher: accents, tone of voice, distracting mannerisms, choice of words, well-organized message, etc.
22. Remember that there are many ways to send messages to students: body language, language, and tone of voice.
23. If guests visit your class, don't let them "watch." Make them actively participate in the lesson.
24. Use visual aids, such as flipcharts, blackboards, pictures, as well as technology, whenever possible and appropriate.
25. Put directions in writing whenever possible, especially when the directions involve more than two steps. This extra work on your part will really help students with short attention spans and organizational problems. (There are some in every class.) It will also save you time from repeating directions two and three times when students are confused.

TIPS FOR USING THE VARIOUS TEACHING STRATEGIES CONTAINED IN THE LESSONS

Brainstorming

Purpose:

Brainstorming is a well-known and widely used interactive method. It encourages participants to use their imaginations and be creative. It helps elicit numerous solutions to any given problem (e.g., What should I do in this situation? How can we overcome this obstacle?)

Rules for Brainstorming:

1. No evaluation of any kind is allowed in a "thinking-up" session. If you judge and evaluate ideas as they are expressed, people will focus more on defending their ideas than on thinking up new and better ones. Evaluation must be ruled out.
2. Everyone is encouraged to "think-up" as many ideas as possible. All ideas should be encouraged. (If a range of ideas is not forthcoming in a brainstorming session, it may be because the participants are censoring their own ideas-thinking twice before presenting an idea to avoid coming up with a silly one and sounding foolish.)
3. Quantity is encouraged to build upon or modify the idea of others. Combining or modifying previously suggested ideas often leads to new ideas that are superior to those that sparked them.

Procedures:

1. Seat the participants informally.
2. Provide a flip-chart pad or blackboard for recording ideas. Check to be sure markers do not bleed through. If they do, consider folding the flipchart paper over or using more than one sheet.
3. State the problem to be addressed.
4. State the ground rules:
 - a) No evaluation of ideas and no judgment as to their worth is permitted.
 - b) Freewheeling thinking and crazy ideas are encouraged; no idea is too off the wall.
 - c) The more ideas the better - strive for quantity.
 - d) Build upon the ideas of others (combine, modify, etc.).
5. Ask for ideas and record them as fast as they come. Do not edit.
6. If using chart paper, hang it on the wall with masking tape.
7. Encourage new ideas by adding your own.
8. Discourage derisive laughter, comments, or ridicule of any ideas.
9. Continue as long as the ideas keep coming.
10. At the conclusion, discuss and evaluate the ideas generated.

Questioning

Purpose:

The technique of questioning is critical to the success of the lesson. Questions should call for reasoning at higher thinking levels and stimulate dialogue among students rather than promoting exchanges between teacher and student. Students should be encouraged to explore alternative solutions as they attempt to solve real and imaginary problems posed in the lessons.

While some questions may be useful in gauging how much students know, the primary goal should be to develop student attitudes that will lead to responsible decision-making. You will want to use questions, therefore, that lead students to analyze situations and synthesize concepts-skills that transfer from this program to their daily lives.

Procedures:

1. Don't just ask students to recall information. Have students use information to resolve dilemmas posed in hypothetical or real problems.
2. Challenge students to formulate judgments about laws or public policies. Always probe for reasons.
3. Have students generate options when confronted with a conflict and analyze the options to decide which is the best course of action.
4. In general, ask questions to ensure that students understand the material they have studied but also ask questions that require students to analyze, apply, and evaluate information.

Suggestions for Active Participation:

It is possible to structure questions so students listen to and respond to each other and not just the teacher. The following suggestions can help encourage students' active participation:

- Pose a question and have students discuss answers with a partner.
- Ask students to generate their own questions regarding material just presented in class.
- Tell students to signal by showing thumbs up (at chest level), if they agree with a statement; thumbs down, if they disagree; and thumbs to the side, if they're not sure.
- Pause at least five seconds after asking a question to allow students time to think.
- Encourage students to expand on their responses if they provide short or fragmentary answers.
- Call on more than one student per question.
- Encourage students to react to each other's responses.
- Avoid imposing your own judgment on students' responses to open questions.
- "Open" implies that a wide variety of responses may be acceptable.
- Call on non-volunteers as well as volunteers. Let students know that you plan to do this.
- Ask questions that call for clarification, elaboration, and reasons based on evidence, etc.

SMALL GROUP WORK

Purpose:

Small group activities enable students to learn cooperation skills and other important interpersonal skills. These activities can also help students learn to resolve differences.

Introducing group work:

1. Start using the group work strategy slowly. Assign two students to be part of a small group. You may wish to add a staff assistant or volunteer. Each member has a specific assignment for the group work. The staff assistant should facilitate group interaction, not direct it. The teacher should monitor the progress of the small group. Student roles in small groups can include:
 - Facilitator
 - Recorder
 - Reporter
 - Questioner
 - Restater
2. Be sure to provide extra assistance to those students who have trouble functioning in small groups. As students master working in this very small group, move to three students in a group or two students and one adult, if you desire. Eliminate the adult when you think the group can function by itself and gradually add more students. Avoid having more than five people in a small group.
3. Help students become conscious of the skills necessary for small group work. Do not expect them to work well in groups without help. One way is to let them examine individual behavior in groups by assigning “observers” to monitor group progress of the assigned task. The report of the “observers” provides the group members with an opportunity to focus on how they handled an issue. “Observers” should look for specific behaviors targeted by the instructor and identify how group members deal with problems they encounter. For example, an “observer” could be examining the group for their mastery of communication skills. When reporting to the group, observers should present their observations as descriptively and objectively as possible.

Group Size:

- As the size of the group increases, the range of ability, expertise, and skills increases. The likelihood of having someone who has special knowledge that will be helpful to the group task is greater. However, the opportunity for misbehavior also increases.
- The larger the group, the more skillful the students must be in giving everyone an opportunity to speak. Few students in your program will already have well-developed group skills. Therefore, the skills must be carefully taught and practiced over a period of time.
- The shorter the time available to complete the lesson, the smaller the group should be. Smaller groups are more easily adaptable in a short time period because they

take less time to get organized, operate more quickly, and provide a better opportunity for each student to contribute.

Characteristics of Small Group Interaction:

1. Groups of two: There is a high exchange of information and less disagreement, but these groups can be full of tension, emotion, and, very often, the potential for deadlock. In case of disagreement, there is no ally for either participant.
2. Groups of three: In this arrangement, the two stronger individuals may dominate the weakest member. Triads are, nonetheless, the most stable group structure with occasional shifting coalitions. Disagreement is easier to settle.
3. Groups of odd or even numbers: Disagreement is harder to settle in groups that have an even number of members than in those with odd numbers. Odd numbers in a group can break the deadlock or make for a majority opinion.
4. Groups of five: This group represents the most satisfying learning group size. The 2:3 division provides minority members with support. It is large enough for stimulation, yet small enough for participation and personal recognition.

Assigning Students to Groups:

- It is recommended that teachers place high, medium, and low achieving students within the same group. More creative thinking, more frequent giving and receiving explanations, and greater taking of perspective from discussion seem to occur in heterogeneous groups.
- In order to build constructive relationships between male and female students and students from different cultural backgrounds, each group should include gender and cultural heterogeneity, if possible.
- There are many useful ways teachers may assign students to learning groups. The easiest way is to assign students randomly by having them count off. The ones should go together, the twos should go together, and so forth.
- Some teachers keep learning groups together for an entire program. It is helpful to allow groups to remain stable long enough for them to be successful.
- Breaking up groups that are having trouble functioning effectively is often counterproductive because the students do not learn the skills they need to resolve problems in collaboration. Instead, explain that small group work will help students develop the skills necessary to communicate and cooperate. You may wish to consider adding an adult to the group.

Common Problems:

Typical problems that groups face and that teachers and observers should look for include:

- Respect for the rights and opinions of others. Does everyone in the group get a fair hearing?
- Willingness to compromise and to cooperate. Are there members of the group whose minds are made up and who will “lose” if they change their position and “win” if their position becomes accepted?
- Support of others. Do the members of the group support other individuals with positions similar to theirs?
- Willingness to listen. Does it appear that the members of the group are more interested in talking than in listening to what others have to say? Are their responses intended to clarify what the previous speaker has said?
- Conflict. When it appears that one or more people have different positions and these positions conflict, does the group avoid dealing with the conflict? Do they tend to operate as if they agree? Do they bring the issues on which they disagree out into the open for discussion?

Tips For Small Group Work:

- Make sure the students have the knowledge and skills necessary to do the work. If they don't, you'll know in a hurry; they won't stick to the task.
- Make the instructions to the group very clear. It is unlikely that the group will be able to follow more than one or two instructions at a time (even clear ones!).
- Allow enough time to complete the assigned task in the small group. Think creatively about ways to occupy groups that finish before other groups.
- Form groups of two to five students. Start with only two or three students per group. Five is the optimal upper limit for small group discussion.
- In striking a balance between independent and cooperative learning, don't force the issue. Use small groups only for tasks calling for cooperative work, not independent work around a small table.
- Make small group work a norm in your classroom, not a radical, once-in-a-lifetime departure from “lecture and recite.”
- Think about how your reward/evaluation strategies affect the use of small groups. Be sure to provide group rewards for group efforts.
- Be explicit in dealing with management issues within the groups. If someone must report back to the class on the group's work, be sure there is a fair process for selecting the reporter.

- Be prepared for the increased noise level that occurs during cooperative learning activities.
- In forming groups, don't stigmatize students. Heterogeneous groups are usually desirable.
- Circulate and observe/evaluate what is occurring in the groups. When you stop to visit a group, don't take it over. Think about your role in such a situation.
- Be sure that students sit in a circle-knee to knee and eyeball to eyeball. Each member must be able to see the others easily.

Role-Playing

When role-playing, participants "act out" a particular problem or situation in order to experience how another person feels, thinks, and/or reacts.

Purpose:

Furthering the development of imagination and critical thinking skills.

Promoting the expression of attitudes, opinions, and values.

Fostering student ability to develop and consider alternative courses of action.

Developing empathy for others.

Procedures:

1. Initial activities should be simple and become increasingly complex if role-playing is to be more than a dramatic exercise.
2. Do not expect polished performances initially. Give students several opportunities to role-play and to simulate historical and contemporary situations. Vary the type of activity.
3. There are four essential components to role-playing:
 - Preliminary planning and preparation by the teacher.
 - Preparation and training of the students.
 - Active class involvement in conducting the activity.
 - Careful discussion and reflection about the activity.
4. Because students may be uncomfortable or embarrassed, these activities should be presented in a relaxed, non-threatening atmosphere, and the students should realize there might be more than one way to react. Practice will help students feel more confident in these activities.
5. There should be extensive debriefing and in-depth analysis of the experience by the teacher and by the students.

Tips For Role-Playing:

1. Give students adequate information to play roles convincingly. This preparation will make it easier for the students and ensure they enjoy the exercise as they learn. Remind students that people will not necessarily agree with their temporary roles, but they should still portray them convincingly. This will help all students learn from the activity and there will be time after the activity to talk about what they really believe.
2. Make situations and problems realistic.
3. Allow students to “jump right in.” Don’t spend time on long introductions.
4. Allow students to do a role-reversal to look at opposing viewpoints and prevent stereotyping students.
5. Consider the following questions during the debriefing:
 - Was the problem solved? Why? Why not? How was it solved?
 - What alternative courses of action were available?
 - Is this situation similar to anything that you have experienced?

ICEBREAKER ACTIVITIES

Lessons will be more effective taught if the participants are engaged with each other, know their classmates, and feel comfortable with the instructor. You can use the following activities at the beginning of each session to help break the ice. This is especially important if new students are constantly being referred to the class.

1. Paired introductions

Each person meets and gets to know one other person and in turn introduces her/his partner to the entire group, including at least one positive personality trait that was noted about the partner.

2. Name Circle

Participants sit in a large circle and each person learns the name of the person on his or her right. The leader begins the activity by stating the name of the person seated to her right, followed by her own name. The person to the leader’s right repeats the leader’s name, his name, and adds the name of the persons to his right. The third person repeats the leader’s name, the second person’s name, and his name. The game continues around the circle.

3. Sandwich Boards

Each person writes on a sheet of paper “things I know” (about the context and purpose of the lesson and areas of personal expertise, and experience.) On a second sheet of

paper, each person writes “things I want to know.” The sheets of paper are joined with tape, sandwich board style, and the participants mill around identifying resources and getting to know one another.

4. Pocket or Purse

Each individual pulls out an item from his/her pocket/purse and introduces himself/herself in terms of this item, explaining why it is typical of him/her, etc.

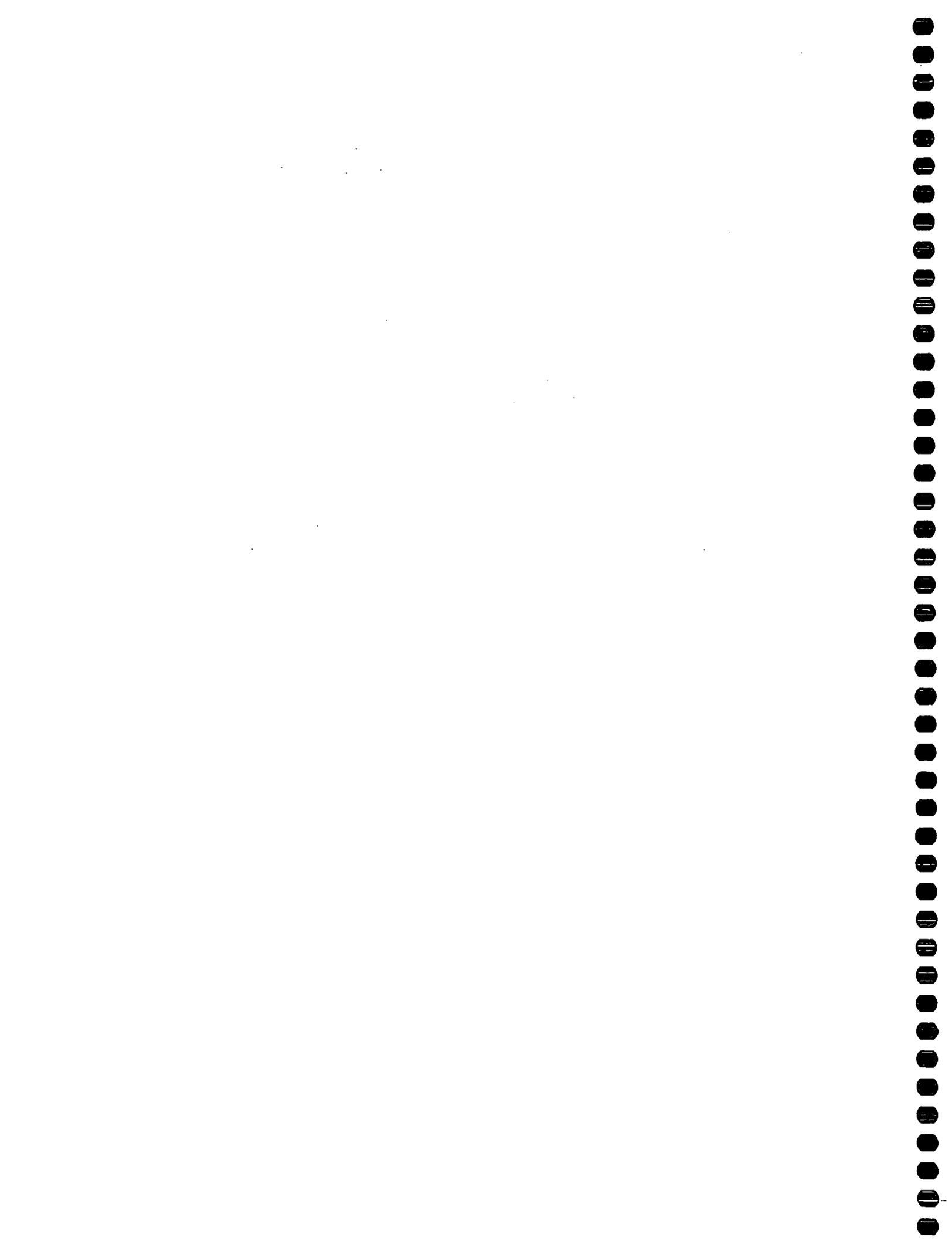
5. Birthday Line

Have the participants line up against the wall in order of their birthdays. They must do this without speaking. When the line is complete, start at one end and have each person say the date of his or her birthday.

6. The Zoo

Younger students may enjoy this icebreaker. Each person decides what animal she/he would be if they had been born one. Then all like “animals” must find each other by making the animal sound or noise. When they are congregated in groups, they should explain to each other why they are the animals they have chosen.

(This works well when breaking the class into groups.)



RESOURCE INFORMATION

ORGANIZATIONS

STREET LAW, INC.

Street Law, Inc. of Washington, DC is a non-profit law-related education organization that writes curricula, provides training for teachers, juvenile justice professionals and community police officers, and provides technical assistance to programs in the United States and around the world. For further information, contact:

Street Law, Inc.
1600 K Street, NW, Suite 602
Washington, DC 20006
email: clearinghouse@streetlaw.org
web site: www.streetlaw.org
phone: 202-293-0088
fax: 202-293-0089

STATE LAW-RELATED EDUCATION PROGRAMS

There is a national network of state-wide law-related education programs. Each state has a coordinator who promotes law-related education in the state. Contact information for state coordinators can be found at <http://www.abanet.org/publiced/lre/lrestate.html>.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP accomplishes this by supporting states and local communities in their efforts to develop and implement effective and coordination prevention and intervention programs and improve the juvenile justice system so that it protects the public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of families and each individual juvenile. A list of the juvenile justice specialists, who administer OJJDP funds on a state level, and other state resources of OJJDP, may be found on the following direct link on OJJDP's web site: www.ojjdp.ncjrs.org/resources/asp/search_states.asp. For further information, contact:

Office of Juvenile Justice and Delinquency Prevention
U.S. Dept. of Justice
Scott Peterson, Program Manager
800 K. St., NW
Washington, DC 20531
phone: 202-616-2368
fax: 202-353-9095
email: peterston@ojp.usdoj.gov
web site: www.ojjdp.ncjrs.org

NATIONAL YOUTH COURT CENTER

The National Youth Court Center, created by the Office of Juvenile Justice and Delinquency Prevention, serves as a central point of contact for youth courts in the United States. The Center, operated by the American Probation and Parole Association (APPA), provides training, technical assistance, and resource materials to developing and existing youth courts. For further information, contact:

National Youth Court Center
Tracy Godwin, Project Director
c/o American Probation and Parole Association
PO Box 11910
Lexington, KY 40578-1910
phone: 859-244-8215
fax: 859-244-8001
email: nycc@csg.org
web site: www.youthcourt.net

AMERICAN BAR ASSOCIATION

The American Bar Association has developed a volunteer training/educational package for youth volunteers. This package provides educational resources to train and enhance youth court volunteers' knowledge of the law and the justice system, as well as prepare youth to serve as prosecutor, defense attorney, jurors and other court roles. The package includes student volunteer manuals based on the four different youth court program models and an instructor's guide to assist training facilitators in designing and delivering the training program. For further information, contact:

American Bar Association
Division of Public Education
541 North Fairbanks Court
Chicago, IL 60611-3314
phone: 1-800-285-2221
web site: www.abanet.org/publiced

CONSTITUTIONAL RIGHTS FOUNDATION

The Constitutional Rights Foundation has created a guide to help youth courts develop meaningful and appropriate community service learning projects for groups of youth court volunteers or young people assigned community service by their peers in youth courts. For further information, contact:

Chuck Thomason
Constitutional Rights Foundation-Chicago
407 S. Dearborn, Suite 1700
Chicago, IL 60605-1119
phone: 312-663-9057
fax: 312-663-4321
web site: www.crfc.org

or

Charles Degelman
Constitutional Rights Foundation
601 South Kingley Drive
Los Angeles, CA 90005
phone: 213-487-5590
fax: 213-386-0459
website: www.crf-usa.org

PHI ALPHA DELTA PUBLIC SERVICE CENTER

Phi Alpha Delta, the largest law fraternity in the United States, is promoting youth courts to its members to encourage them to volunteer with local programs. For further information, contact:

Phi Alpha Delta Public Service Center
345 North Charles Street
Baltimore, MD 21201
phone: 410-347-3118
fax: 410-347-3119
email: Padpsc@aol.com
web site: www.pad.org

URBAN INSTITUTE

The Urban Institute conducted an Evaluation of Teen Courts Project, funded by the Office of Juvenile Justice and Delinquency Prevention. The evaluation project was designed to assess the impact of teen courts by collecting data on several types of individual outcomes among 400 youth handled in four different sites. The outcomes

studied include post-program recidivism and changes in the teen's perceptions of justice. The project also conducted process evaluations in each of the four study sites (i.e., Anchorage Youth Court, Alaska; Teen Court of the Tempe Justice Court, Arizona; Montgomery County Teen Court, Rockville, Maryland; and Independence Youth Court, Missouri) that explore the legal, administrative, programmatic, and case processing factors that affect the ability of teen courts to achieve their goals. For further information, contact:

The Urban Institute
2100 M Street, NW
Washington, DC 20037
Phone: 202-833-7200
Fax: 202-331-9747
web site: www.urban.org

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The National Highway Traffic Safety Administration (NHTSA), an agency of the U. S. Department of Transportation, is dedicated to seeking ways to reduce motor vehicle crashes, injuries, and fatalities and to improve highway safety programs in the United States. Each state has a Governor's Highway Safety Representative who is responsible for administering federal dollars allocated to the state to dispense locally for programs that address highway safety concerns, such as underage drinking and impaired driving. For further information, contact:

National Highway Traffic Safety Administration
U.S. Department of Transportation
400 7th Avenue, SW
Washington, DC 20590
phone: 202-366-2121
fax: 202-366-7394
web site: www.nhtsa.dot.gov

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Office of Elementary and Secondary Education is an agency of the U.S. Department of Education. The mission of the U.S. Department of Education is to ensure equal access to education and to promote education and educational excellence throughout the Nation. This mission cannot be achieved, however, unless schools are safe, disciplined, and drug-free. OESE, through its Safe and Drug Free Schools Program, helps State and local educational agencies and other public and private nonprofit organizations develop and operate drug and violence prevention programs for students at all grade levels. For further information, contact:

Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202
phone: 202-401-0113
phone: 202-260-3954 (for information on the Safe and Drug Free Schools Program)
web site: www.ed.gov/offices/OESE

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The Substance Abuse and Mental Health Services Administration (SAMHSA) is one of the operating divisions of the U.S. Department of Health and Human Services (HHS). HHS is the federal government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. SAMHSA works to improve the quality and availability of prevention, treatment, and rehabilitation services in order to reduce illness, death, disability, and cost to society resulting from substance abuse and mental illness. For further information, contact:

Substance Abuse and Mental Health Services Administration
U.S. Department of Health and Human Services
Room 12-105 Parklawn Building
5600 Fishers Lane
Rockville, MD 20857
email: info@samhsa.gov
web site: www.samhsa.gov

IMPLEMENTATION GUIDE

Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs. This Guide provides program organizers with baseline information on developing, implementing, and enhancing teen court programs within their jurisdictions. Rather than endorsing one particular model of teen court, this manual provides program organizers with a general overview of issues to consider and guides them through a decision-making process for the implementation of a teen court program that fits local needs. Sample forms and other helpful resources also are included as supplementary materials. Available free by calling the Juvenile Justice Clearinghouse at 1-800-638-8736. Portions of the document are available at the following web site: www.ncjrs.org/peerhome.htm.

NATIONAL YOUTH COURT GUIDELINES

The National Youth Court Guidelines are designed to give youth courts direction for developing and operating effective programs for the ultimate purpose of increasing program accountability and integrity of the “youth court field.” Guidelines have been developed in the following program areas:

- Program Planning and Community Mobilization
- Program Staffing and Funding
- Legal Issues
- Identified Respondent Population and Referral Process
- Program Services and Sentencing Options
- Volunteer Recruitment and Management
- Volunteer Training
- Youth Court Operations and Case Management
- Program Evaluation

Each chapter begins with a brief overview of the guidelines that are recommended for that particular program area. Afterwards, each guideline is discussed in more detail. A rationale for each guideline, as well as tips for implementing each guideline, is included. At the conclusion of each chapter there is a section that identifies some outcomes youth court programs might reasonably expect if they adhere to the recommendations made in the guidelines.

You can download a copy of the National Youth Court Guidelines from www.youthcourt.net or contact:

National Youth Court Center
c/o American Probation and Parole Association
P.O. Box 11910
Lexington, KY 40578-1910
phone: 859-244-8193
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OTHER LAW-RELATED EDUCATION CURRICULAR MATERIALS

STREET LAW: A COURSE IN PRACTICAL LAW (6TH ED., 1999)

Widely used in all 50 states, this landmark volume is the basis for similar courses around the world. The text covers the areas of criminal, tort, consumer, family, and individual rights law. The student edition features case studies, role-plays, photographs, and a “Where You Live” feature. The appendix provides the complete Constitution, a state-by-state comparison of laws, and information on careers in the law. For more information, contact Street Law, Inc. at (202) 293-0088 or clearinghouse@streetlaw.org. A special website (www.streetlaw.com) provides easy access to a wide variety of other websites for law teachers.

LAW IN YOUR LIFE (1998)

An engaging yet easy to read text especially designed for students who have not had success with more traditional materials. Throughout *Law in Your Life*, students learn practical information about their rights and responsibilities, develop legal survival skills and experience positive interaction with adults and each other. For more information, contact Street Law, Inc. at (202) 293-0088 or clearinghouse@streetlaw.org.

TEENS, CRIME, AND THE COMMUNITY (3RD ED., 1998)

TCC educates young people about crime and violence prevention. Covers conflict management and teen victimization issues such as drug and alcohol abuse, acquaintance rape, and violent crime. Students are then encouraged to apply knowledge by designing community service projects to make schools and neighborhoods safer. For more information, contact Street Law, Inc. at (202) 293-0088 or clearinghouse@streetlaw.org.

WE CAN WORK IT OUT! PROBLEM SOLVING THROUGH MEDIATION (1993)

We Can Work It Out! engages students with interactive strategies that build personal conflict management skills, such as recognizing triggers, active listening, and generating options - all while enabling them to apply their new skills during mock mediations and role-plays. The text comes with reproducible dispute scenarios. Contact Social Studies School Service at (800) 421-4246 to order.

COMMUNITY WORKS (1999)

Community Works is a highly interactive action kit with 31 lessons that ask young people to take an active role in their own education by participating in group discussions, debates, and role plays. Students engage in hands-on activities that are fun, but also that are designed to teach them how to protect themselves and their communities. The binder can be ordered from Social Studies School Service, (800) 421-4246.

POLICE AS COMMUNITY TEACHERS (1999)

The Police As Community Teachers (PACT) curriculum provides an opportunity for young people to learn about the role and responsibilities of police officers directly from their school resource officers. The manual provides SROs with 11 lessons that they can use in the classroom. Because problem-solving is based on mutual trust, police officers and students must trust each other in order to work together to solve school problems. Often, distrust of police officers can be based on second-hand information or a general lack of understanding of the officer's role in the school. *PACT* aims to open the lines of communication between the police and students. Students develop empathy for the job of the police officer and officers gain a greater understanding of the concerns that students have. Using this curriculum, SROs get the chance to use the unique position that they have in the school to impart important information to students. For information, materials, training, and technical assistance, please contact Street Law, Inc. at (202) 293-0088 or www.streetlaw.org/pact.html.

STREET LAW FOR JUVENILE JUSTICE SETTINGS

Street Law for Juvenile Justice Settings encourages students to learn about the juvenile and criminal justice systems. Lessons focus on the definition of laws, how they are made, and the role of law in our society. The highly interactive lessons allow students to examine legal issues that are important to them. Additionally, students develop problem solving and communication skills that may help keep them out of the juvenile justice system in the future. For information, materials, training, and technical assistance, please contact Street Law, Inc. at (202) 293-0088 or www.streetlaw.org/jj.html.

VIDEOTAPES

ODESSA TEEN COURT (1993 - 11 minutes)

Describes the Adult Judge Model teen court used in Odessa, Texas. To order, contact Odessa Teen Court, Municipal Court, 201 N. Grant Ave., Odessa, TX 79761, 915-335-3352.

BEAVERTON YOUTH PEER COURT (1996 - 16 minutes)

This video, written and produced by youth volunteers and staff of the Beaverton Youth Peer Court, highlights their program. To order contact Beaverton Youth Peer Court; Beaverton Police Department; Attn: Gary Dodson; P.O. Box 4755, Beaverton, OR 97076; phone: 503-526-2267; email: gdodson@ci.beaverton.or.us.

KENTUCKY TEEN COURT (1993 - 13 minutes)

This video gives an overview of the teen court system in Kentucky as operated by the KY Administrative Office of the Courts. To order, contact Teen Court Program Manager; 100 Millcreek Park; Frankfort, KY 40601; phone: 502-573-2350.

HOW TEEN COURT GAVE ME ANOTHER CHANCE (1998 - 26 minutes)

Describes the Knox County Teen Court (Adult Judge Model) and documents how two high school students created their award winning teen court web site (<http://library.thinkquest.org/2640/>). To order, contact Knox County Teen Court; 55 W. Tompkins St.; Galesburg, IL 61201.

WORLD IN ACTION: BOYS AND GIRLS OF THE JURY (1996 - 25 MINUTES)

A British television program that examines an Adult Judge Model teen court in Sarasota, Florida and considers whether teen courts would be effective in Great Britain. To order, contact Sarasota Teen Court; PO Box 48927; Sarasota, FL 34230; phone: 941-951-4278.

YOUTH COURT WEB SITES

NATIONAL YOUTH COURT CENTER

www.youthcourt.net: This website is for the National Youth Court Center and has links to websites for youth courts throughout the country. It also has links to training materials, publications, etc.

PEER JUSTICE AND YOUTH EMPOWERMENT: AN IMPLEMENTATION GUIDE FOR TEEN COURT PROGRAMS

<http://ojjdp.ncjrs.org/pubs/peerhome.htm>

ARTICLES

“Youth Court: The Colonie, New York Experience” by Patrice Lockart, William Pericak, and Scott B. Peterson. *Journal for Juvenile Justice and Detention*, National Detention Association, Volume II, Number 2, Fall 1996.

“Youth Courts: A National Youth Justice Movement” by Scott B. Peterson and Michael J. Elmendorf II. *Corrections Today*. American Correctional Association, *Juvenile Corrections Annual Journal*, December 2001.



CRIMES AND CONSEQUENCES

OUTCOMES

At the end of this lesson, students will be able to:

- Define the terms “crime” and “consequence”
- Identify the four categories of crime
- Analyze possible consequences of crime to offenders, victims and the community
- Understand and apply the concept of restorative justice to various circumstances and offenses

MATERIALS NEEDED

- Chalkboard or flip chart
- Chalk or markers (at least five colors, if possible)

HANDOUTS

- 1 Headlines

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives.
- Make copies and prepare materials needed
- If possible, write the following chart up on the board or on flipchart paper:

	Rank by Group A	Rank by Group B	Rank by Group C	Rank by Group D
Scenario One				
Scenario Two				
Scenario Three				
Scenario Four				
Scenario Five				

COMMUNITY RESOURCE PEOPLE

Invite any or all of the following resource people to assist with this session:

- A staff member from a victim's advocacy agency or the state victim's compensation office can discuss problems that victims face and what types of assistance are available.
- Victims of crimes can share their experiences with crime situations. Emphasis should be placed on the impact of the crime on them, their families, their communities, and their place of employment. Discussion should cover any help that was given to them and what else the participants feel should be done to help victims.
- Newspaper reporters who cover crime can discuss specific cases where they have witnessed the impacts of crime on individuals, families, and the community.

Send a copy of the lesson when confirming the date and location. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: WHAT IS A CRIME? (5 minutes)

1

Share outcomes with participants. If a Community Resource Person has joined you for this lesson, introduce him or her now.

2

Write the term "crime" on the board. Ask the group for a definition. Write the definition and leave it there for reference during the session.

Make sure both of the elements are included in your definition. If necessary, focus discussion in this direction.

NOTE: A crime is an act that is forbidden by law or the failure to do an act that the law requires. It is also behavior for which the government has established a punishment.

3

Ask the group to name crimes they know. Invite a student to record these on the board or flip chart.

NOTE: Be sure there is at least one crime listed from each of the categories listed below.

4

NOTE: A resource person who knows these categories should facilitate this part of the session. If the resource person is not familiar with crimes and you are not sure of the correct categories for each crime named, inform the participants. Let them know you will find the answers to any questions before the next session.

Ask students which of these crimes would NOT be considered crimes if they were committed by an adult. After they have named a few crimes, tell them that different crimes fall into different categories. Ask them if they know the name of the category for crimes that are only crimes when committed by juveniles (status offenses). Using one color of marker or chalk, have a student volunteer circle all the status offense on the board. If necessary, invite the students to add more examples.

Ask students which of the remaining crimes are most serious? After they have named a few crimes, ask them if they know the name of the category for the most serious offenses (felonies). Have a different student volunteer use a new colored marker to circle the felonies.

Ask students if they know the name of the two categories that describe less serious crimes (petty offenses and misdemeanors). Explain the differences between these categories using the definitions below. Then invite one student to use a new color to circle the petty offenses and a different student to use a new color to circle the misdemeanors.

Review the crimes they name and categorize them into the following four groups.

- Status Offense - an act that is only a crime if it is committed by a juvenile. Examples: Running Away, Curfew Violations, Truancy.
- Petty Offense - a less serious crime that is usually punishable by a fine or an extremely short period of imprisonment. Examples: Minor Traffic Violations, Littering.
- Misdemeanor - less serious crimes that are punishable by imprisonment of one year or less. Examples: Petty Theft, Vandalism, Public Drunkenness.
- Felony - more serious crimes that are punishable by more than one year of imprisonment. Examples: Robbery, Murder, Rape, Assault with a Deadly Weapon.

PART TWO: RANKING CRIMES (30 minutes)

1

Distribute “Handout 1: Headlines.”

NOTE: The following is the narrative description found under each picture. The pictures appear only on the handout.

HANDOUT 1 HEADLINES

INSTRUCTIONS:

- There are five scenarios below.
 - You will look at them three times throughout the activity. Do not begin a new part until you are instructed to do so.
 - You will have fifteen minutes to complete the tasks in each step.
 - For each part, your group will need to select a recorder to write down the decisions of the group and the reasons for your group’s decisions.
 - For each part, your group will need to select a reporter who will announce your group’s decisions to the rest of the class.
 - When you have discussed all the scenarios, compare them to each other and rank them from one to five, with one being the most serious act and five being the least serious act.
1. A group of young people is drinking beer at Esteban’s house. They decide to take his mother’s car for a drive around town. “My mother won’t mind; nothing will happen to us,” says Esteban.

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____

- How serious are the actions here compared to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences _____

PART THREE: Headline: _____

2. "I'm running away," decided Parneet. "I'll hitchhike to New York and get a job."

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compared to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences _____

PART THREE: Headline: _____

3. "This pot makes me feel great," thought Scott. "Getting high can't hurt me."

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compared to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences _____

PART THREE: Headline: _____

4. "I'll take care of you," 18-year old Seth says to 13-year old Abdullah. "You be on the lookout while I go in the window and look for money."

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compared to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences _____

PART THREE: Headline: _____

5. "Don't worry, Jihea, said Ahn. "The store won't miss the sunglasses. They don't cost much."

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compared to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences _____

PART THREE: Headline: _____

Put participants into groups of three to five and read the questions for "Part One" together as a class. (You may want to ask a student volunteer to read them.) Check to be sure each group understands the assignment and is sitting close enough together to see and talk with each other. Write the ending time on the board or flipchart paper and tell students to begin.

NOTE: If you have not already put a chart on the board to record the group's rankings, do it now. See the directions on the first page of this lesson under the heading "Preparing to Teach This Lesson." If you have more than four student groups, add a column to each additional group.

While the students are working, you and the Community Resource Person(s) should circulate around the room to listen to their discussions. Give a five-minute warning when time is nearly up.

3

When the students have finished working on Part One, have the students turn their chairs so they can all see the chalkboard or flipchart. Ask a student to come to the board to record each group's ranking on the chart. (The recorder does not need to record other information.) The first group to present will be Group A. The second group will be B, etc. Then invite each group's reporter to stand and explain his or her group's analysis to the rest of the class. Be sure the presenters explain the reasons for their decisions.

At the conclusion of the presentations, ask students:

- Do you think the various groups were very similar in their rankings? Why or why not?
- Do you think they were very different? Why or why not?
(Students will likely refer to the fact that different people have different values so they are likely to rank crimes differently. If the rankings are very similar, students will likely recognize that their judgments and values may be similar if they have had similar experiences.)

PART THREE: WHAT ARE CONSEQUENCES? (45 minutes)

1

Discuss the term "consequence" with the group and write a definition together.

A consequence is what happens, good or bad, as the result of a specific action.

NOTE: Be sure that students understand that not all consequences are bad.

2

Have participants review their handouts. Ask: Do you think the person or persons committing each act thought about the consequences of their actions or who could be affected? Ask students to explain their answers.

3

Have participants return to their original small groups and instruct them to pick a new recorder and a new reporter for their group. Then students should list three possible consequences for the people in the pictures or to others as a result of the activity shown in each picture. They should record their thoughts on the line called “Part Two: Consequences” for each scenario.

Ask students if they understand the directions for this part of the activity. Clarify, if necessary. Tell students they have fifteen minutes to complete this task. Write the ending time on the board and instruct students to begin. Give a two-minute warning when time is nearly up.

NOTE: Again the most important part of the activity is the group discussion. The instructor and the resource person should circulate to ensure that each group thoroughly discusses all of the possible consequences of the behaviors in each scenario.

NOTE: It is important for the entire group to participate in the group discussions. Those who see the possibility of several different consequences resulting from the conduct depicted will counterbalance participants who think there are no consequences. Another way to further develop this discussion is to have participants compare these situations with ones they have read or heard about in the news.

4

When the groups have completed their discussions about consequences, invite the reporter from each group to stand and share its list of consequences with the rest of the class.

At the conclusion of the group presentations, ask the class the following questions:

- Who are the victims in these scenarios? Who are the potential victims?
- Would the act pictured change a victim’s life? How? For how long?
- Could the youths in the picture become victims? In what ways? How?

Ask students what potential consequences there are to the offenders in the scenarios.

- What happens if they get caught? What if the case goes through juvenile court? What if the case gets referred to youth court?
- What happens if the offenders don’t get caught? Are there potential negative consequences to “getting away with it?”

NOTE: If a staff member of a victims’ compensation agency is present, ask him or her to discuss any additional problems victims might face.

NOTE: If victims of crime are present, they can discuss the impact of crime on themselves, their families, their places of employment, and their communities.

5

Ask participants to remain in their small groups to write a newspaper headline for the probable consequences resulting from each of the scenarios. Remind the participants of the following points:

- Each group should have a reporter and recorder.
- Students should write their headlines in the space that says: “Part Three: Headlines.”
- Be realistic - could your consequences really happen?
- Be creative!

Ask students if they understand the assignment. Clarify the directions, if necessary. Tell them they have fifteen minutes to complete the task and write the ending time on the board.

As students are working, distribute a blank piece of flipchart and marker to each group. Instruct the recorders to write their headlines for all the scenarios on the flipchart.

Again, the instructor and Community Resource Person should circulate around the room to observe students working and to assist as needed. Give a two-minute warning when time is nearly up.

6

Ask each the reporter for each group to read the headlines while another student tapes up the flipchart so the class can see it. You may want to do one scenario at a time, having each group give its headline before you move to the next scenario.

NOTE: If a reporter is present, ask him or her to take a few minutes to comment on the student headlines and to share his or her experiences covering similar stories.

PART FOUR: CHOICES (5 minutes)

1

Look at the handout again. Have participants focus on the immediate as well as the long-range effects of these acts. See if participants can think of the options that are available to each person that would help them avoid negative consequences.

2

Explain that anticipating consequences allows people to make better decisions. Ask:

- What should Esteban do? What about the other youth?
- What should Parneet do?
- What should Scott do?
- What should Seth do? What about Abdullah?
- What should Ahn do? What about Jihea?

3

The broadest scope of consequences is to the community. A whole community can become a victim. Using the above situations, ask participants if they can describe some consequences of crime to the community at large.

- Can any of these consequences be avoided?

PART FIVE: SUMMARY (10 minutes)

1

Ask participants to define “consequences” in their own words.

2

Ask participants which individuals suffer the most from the consequences of crime.

- Is it the person who commits the crime? How?
- Is it the person and/or family against whom the crime is committed? How?
- Is it the community in which the crime was committed? How?

3

If a victim’s advocate or present, ask him or her to discuss the type of assistance that is available in your area.

If victims are present, ask them to discuss any help that was given to them and what else the students think should be done to help victims.

NOTE: Be sure to leave at least five minutes for steps 4 and 5 of the summary.

4

Explain the one of the most important goals of the justice system is to restore the harm done by an offender to the victim(s), to the community, and to himself or herself. This concept is called “restorative justice.”

Pick a few headlines from the student’s work and ask students to look at the headline again. Ask students to imagine that this headline and the consequences it refers to really happened.

Now ask students to imagine they are serving on a jury and have the opportunity to give the offenders a chance to repair the harm done to the victims, community, and to the offenders themselves. Ask students: What might be an appropriate disposition, (sentence,) for this offender — one that focuses on reasonably repairing the harm done?

After a discussion of one headline, if time permits, take two or three additional headlines and repeat the questions discussions above.

5

Thank students and the Community Resource Person for their participation.

HANDOUT 1

HEADLINES

INSTRUCTIONS:

- There are five scenarios below.
- You will look at them three times throughout the activity. Do not begin a new part until you are instructed to do so.
- You will have fifteen minutes to complete the tasks in each step.
- For each part, your group will need to select a recorder to write down the decisions of the group and the reasons for your group's decisions.
- For each part, your group will need to select a reporter who will announce your group's decisions to the rest of the class.
- When you have discussed all the scenarios, compare them to each other and rank them from one to five, with one being the most serious act and five being the least serious act.

1. A group of young people is drinking beer at Esteban's house. They decide to take his mother's car for a drive around town. "My mother won't mind; nothing will happen to us," says Esteban.

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compares to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences: _____

HANDOUT 1, continued

PART THREE: Headline: _____

2. "I'm running away," decided Parneet. "I'll hitchhike to New York and get a job."

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compares to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences: _____

PART THREE: Headline: _____

3. "This pot makes me feel great," thought Scott. "Getting high can't hurt me."

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

HANDOUT 1, continued

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compares to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences: _____

PART THREE: Headline: _____

4. "I'll take care of you," 18-year old Seth says to 13-year old Abdullah. "You be on the lookout while I go in the window and look for money."

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compares to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing representing the least serious act. _____

PART TWO: Consequences: _____

HANDOUT 1, continued

PART THREE: Headline: _____

5. “Don’t worry, Jihea, said Ahn. “The store won’t miss the sunglasses. They don’t cost much.”

PART ONE: Crime analysis

Is it a crime? _____ Why or why not? _____

- If so, what category does it fit into? (status offense, petty offense, misdemeanor crime, or felony crime?) _____
- How serious are the actions here compares to the other scenarios? Rank them from one to five, with one representing the most serious act and five representing the least serious act. _____

PART TWO: Consequences: _____

PART THREE: Headline: _____



VICTIMS OF CRIME

OUTCOMES

By the end of this lesson, students will be able to:

- Describe how crime affects victims
- Determine who are most often the victims of crime
- Demonstrate how they can help people they know who are crime victims

MATERIALS

- Flipchart paper
- Markers
- Masking tape
- Paper and pencils or pens for students to use in groups
- Optional :An overhead transparency projector, transparency markers
- Optional: A referral list for organizations and agencies who help victims of crime (enough copies for each student or aa handful for those who request it)

HANDOUTS

- 1 What Do You Know About the Victims of Crime?
- 2 Who Are Victims?
- 3 If A Friend Is Hit By Crime

NOTE: If possible, use a different color paper for each handout. This will help you keep track of the handouts throughout the lessons and be sure the students are looking at the right one.

TRANSPARENCY OR POSTER (OPTIONAL)

(Optional) “Who Are Victims” – (you can use either the blank questionnaire of the student handout or the answer key in the teacher lesson plan)

PREPARING TO TEACH THIS LESSON

- Prepare and copy the materials listed above
- Write up the objectives

- Decide how you will involve students in the session as helpers, leaders, readers, etc.
- Try to allow some time after the session in case any of the students want to talk to you about the victimization of a friend or of himself or herself. Invite the Community Resource Person to help with this, if possible

COMMUNITY RESOURCE PERSON

A good Community Resource Person to invite for this session would be a victim assistance specialist or someone who has been a victim of crime – especially a victim who responded by becoming active in helping other victims. Send a copy of the lesson to the Community Resource Person when confirming the date and location of the class. When he or she has received the lesson, discuss how you will work together to teach it. (See section of front material in the section “Integrating LRE Into Your Youth Court” for strategies about how to prepare for a Community Resource Person.)

If it is not possible to invite a resource person, have two instructors teach this lesson. The topic of victimization often brings up tough emotional issues. With two leaders, one of you can help a teen who has been victimized, if that is necessary, while the other can continue with the session.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: WHAT DO YOU KNOW ABOUT THE EFFECTS OF CRIME? (30 minutes)

1

Explain the objectives of the lesson and introduce the Community Resource Person, if one is present.

2

Remind students that there may be students (or adults) in the room who have been victims of crime or who are close to people who have been victimized. Ask students to be sensitive to them and tell them if they want to talk about something that happened, they do not have to use real names, if they choose.

3

Distribute “Handout 1: What Do You Know About the Effects of Crime?”

HANDOUT 1

**WHAT DO YOU KNOW ABOUT THE
EFFECTS OF CRIME?**

Have you or someone you know been the victim of crime? Think about the impact of that crime on you or the victim you know. Use the space below to illustrate how the crime affected you or the victim you know. You can either draw it or write it out like a story or essay.

Read the instructions together as a group. Ask if students understand what they should do. Tell students they will not be required to share their work with anyone else, but they will be invited to share their stories. Answer any questions and tell students they have five minutes to complete this task. Write the ending time on the board.

NOTE: If students appear to not be able to think of any crime victims, quietly encourage them to think a little longer. If they are still stuck, invite them to write or draw about how they imagine crime affects victims.

While students are working, circulate around the room. The Community Resource Person should do the same. Give a one-minute warning, but tell students they can continue working on their journals after the discussion begins, if they need a few more minutes.

4

Invite a volunteer to share his or her journal.

NOTE: It is important that each student who wants to share his or her journals gets a chance to do so. If you see that many students wish to share, you may be able to save time by inviting those who wish to share their journals to show them to one or two students sitting near them. After a few minutes, call the class back together for a large group discussion.

After the first few students share their journals, ask the rest of the class to think about the crime victim’s injuries or losses. Record their losses on the flipchart paper or chalkboard.

After two or three volunteers have shared stories, have the class look at the injuries/losses listed on the board and to try to put them into categories. (Examples may include physical, emotional, and financial injuries. If students think of other appropriate categories, include those.) Write those categories on the chalkboard or flipchart paper from left to right.

Ask students to name examples for each category. (Point out other examples if students do not name them.)

- What are examples of physical injuries? (Examples could be cuts, bruises, wounds, contracting a sexually transmitted disease, etc.)
- What are some emotional injuries? (insomnia, fear, guilt, feeling alone, confusion, depression, increased risk-taking behaviors and recklessness, difficulty concentrating or decreased school performance, etc. – Remind students that these injuries can be serious and long-lasting)
- What are some financial injuries? (medical expenses, legal fees, loss of wages, money or property stolen, repairs required to fix property, costs of transportation, lodging, meals, and other expenses incurred through hospital and doctor visits and participation in legal proceedings, etc.)

Invite another student to tell his or her anecdote and plot it out on the grid. (See the example below.)

Physical	Emotional	Financial
Her arm was broken.	She is scared to come home from her job at night. She lost the only picture she had of her mother.	She lost \$30. How will she pay for her emergency room bill? She did not get paid for the day she called in sick after being in emergency room all night.

5

Write the heading “Effects on the Community” on the chalkboard or flipchart paper. Ask students: How did these crimes take a toll on your community? Write their answers on the chalkboard or flipchart paper.

Answers might include:

- People can become increasingly concerned or afraid.
- People lose loved ones.
- Businesses might close or move away.
- People may move away to live somewhere else.
- If enough businesses close and/or people move away, the loss in tax revenue could hurt the quality of schools and city services.

- People might eventually isolate themselves from each other, destroying the spirit of the community and surrendering control to criminals.

PART TWO: WHO ARE VICTIMS? (20 minutes)

1

Use “Handout 2: Who Are Victims?” to see how much teens know about who are crime victims.

- Tell teens that they already know some important information about crime’s victims, and this session will help them build on what they know.
- Distribute “Handout 2: Who Are Victims?” and pencils or pens, if necessary.

HANDOUT 2

WHO ARE VICTIMS?

Please respond to the following statements by marking each “T” for true or “F” for false.

- ___ Most Americans will never be victimized by crime.
- ___ The age group “65+” is most often hit by violent crime.
- ___ Women are more likely to be victimized than men.
- ___ The rich are more likely to be victims of crime than the poor.
- ___ Members of minority groups are more likely to be victimized by crime.
- ___ Criminals are more likely to target victims outside their own racial and ethnic group.
- ___ Once people become victims, not much can be done to help them.
- ___ Young people are more likely to be victims than adults.
- ___ If a person looks vulnerable, it adds to the risk of victimization.
- ___ Very few victims know their assailant.
- ___ When the victim and the assailant know one another, the victim’s chances of being injured are lower.

- Inform teens that the goal of this activity is to dispel common myths about victims of crime. So, if most teens have the wrong answers, they are not “dumb” but share common misconceptions with many other people. Remind students you will not be grading their work. Ask students to complete the questionnaire quietly and on their own in about two minutes.
- Optional: If you prepared an overhead transparency of “Handout 2: Who Are Victims?” project it now.
- After two minutes of having the students complete the handout, ask a volunteer to read each statement and ask students to raise their hands when you ask if the statement is true or false. Discuss each question and the student’s reasons for their answers. Then announce the correct answer. If a large number of students answered a question incorrectly, ask students why they think the common perception is different than the correct answer.
- Optional: If you made a transparency of Handout 2, write the correct answers in the blanks as you discuss each question. If you made a transparency of the teacher’s version, cover part of it to reveal only the question and answer being discussed at the moment.

Handout 2: Who Are Victims? - Answer key

- a.** Most Americans will never be victimized by crime.

False. Studies show that sooner or later almost everyone will be touched by crime. In 2000, U.S. residents aged 12 and older experienced about 25.9 million crimes. (Source: Rennison, Callie Marie, “National Crime Victimization Survey”, United States. U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. June 2001, NCJ 187007)

- b.** The age group “65+” is most often hit by violent crime.

False. Teenagers and young adults (aged 13 - 25) were victims of violent crimes 11 times the rate of people aged 50 or older and more than twice the rate as people aged 25 - 49. (Source: Rennison, p. 4.)

- c.** Women are more likely to be victimized than men.

False. Except for rape and assault, men are much more likely than women to be victims of crime. In 2000, men experienced violent crimes at rates 42% higher than women, were robbed at rates of 125% greater, and were victims of aggravated assaults at rates 159% greater than women. Females were victims of rape or sexual assault at rates significantly greater than males during 2000. (Source: Rennison, p. 6)

- d.** The rich are more likely to be victims of crime than the poor.

False. In general, the higher the annual household income, the less likely one is to experience a violent crime. In 2000, people in households earning greater than \$75,000 annually were victims of violent crime and aggravated assault at rates of about a third of people with lower incomes. People in households of less than \$7500 experienced the highest rate of violence of all income categories (60 per 1000 persons).

(Source: Rennison, p. 7)

- e.** Members of minority groups are more likely to be victimized by crime.

Partially True. The National Crime Victimization Survey categorizes race in two ways. First they compare Blacks, Whites and "Other Races." Then they compare Hispanics and Non-Hispanics.

In the year 2000, for every 1000 persons in that racial group, 35 African Americans, 27 Whites, and 21 persons of other races sustained a violent crime. Hispanics and Non-Hispanics were victims of overall violent crime at similar rates, although Hispanics were less likely to be victims of rape or sexual assault and more likely to be victims of robbery than Non-Hispanics.

In the year 2000, for every 1000 households in that racial group, 212 African American households and 173 White households were victims of a property crime overall. Other racial groups combined for a total of 171 households victimized by property crimes. Hispanic households sustained property crimes at rates significantly greater than Non-Hispanic homes.

(Source: Rennison, p. 9)

- f.** Criminals are more likely to target victims outside their own racial and ethnic group.

False. People are more likely to be victimized by persons of the same ethnic group.
(Source: Green, p. 5)

- g.** Once people become victims, not much can be done to help them.

False. Many communities have established victim assistance programs. These programs include rape crisis centers and other counseling programs, drug hotlines, and assistance for victims who go to court.

h. Young people are more likely to be victims than adults.

True. In general, the younger the person, the higher the rate of violent victimization. Beginning with the age group of 20 – 24, the rates of victimization declines significantly for each age group studied. For example, for every 1000 people in a particular age group:

Age	# of victims of violent crime and personal theft per 1,000 people in that age group
12 - 15	60.1
16 - 19	64.3
20 - 24	49.4
25 - 34	34.8
35 - 49	21.8
50 - 64	13.7
65 or older	3.7

(Source: Rennison, p. 6)

i. If a person looks vulnerable, it adds to the risk of victimization.

True. People who appear drunk, physically disabled, feeble, depressed, or mentally incompetent are more likely than the general population to be victimized.

j. Very few victims know their assailant.

False. More than half of violent crimes committed in the year 2000 (53% percent) were committed by a victim's acquaintance, relative, or someone else the victim knew well. The figure was even higher for rape and sexual assault, in which victims knew their assailant 62% of the time.

(Source: Rennison, p. 8)

k. When the victim and the assailant know one another, the victim's chances of being injured are lower.

False. Under these circumstances, the chances the victim will be injured are higher, but it is also less likely that the crime will be reported.

(Source: Green, p 5)

2

Ask teens some or all of these questions:

- Why are teens victims of crime more frequently than any other age group?
- What kinds of things can be done to reduce the number of teens who are victims of crime?
- What might account for why male teenagers are more frequently crime victims?

PART THREE: RECOVERING FROM VICTIMIZATION (10 minutes)

1

Inform students that it is very common for victims to go through stages of recovery and that those stages vary depending on the age of the victim. For adults, such stages usually include:

- shock/denial
- anger/rage
- feeling powerless
- guilt
- depression
- acceptance

2

Explain to students that younger victims may go through some of the same stages, but could also respond to being a victim by experiencing:

- clinging more closely to adults
- crying/irritability
- withdrawal/isolation
- panic
- changes in eating and sleeping habits
- shortened attention span
- reckless play
- denial of the event

- decrease in school performance
- unaccustomed listlessness or hyperactivity

3

Tell students that it is very important for victims of crime to take steps to recover from the experience. This does not mean they should simply forget about it or bury their emotions — that can lead to serious consequences later. Ask students to brainstorm a list of things people can do to help recover from their experience as a victim: Invite a student to come to the chalkboard to record the answers the class generates. Answers should include:

- Talk about what happened
- Seek counseling
- Get a medical exam if they are injured or are suffering physically after the crime
- Join a support group
- Learn and practice strategies to protect themselves such as how to avoid risky situations, staying alert, trusting instincts, etc.
- Contact a victim assistance group or hotline

PART FOUR: IF A FRIEND OR LOVED ONE IS HIT BY CRIME (20 minutes)

1

Ask students: “What can you do?”

- Tell teens that, whatever the reasons for violence, there is something—in fact many things—they can do about it.
- One thing they can do is to learn how to help a friend who is a victim of crime.

2

First, try not to make the situation worse for your friend. Some important information:

- Tell students that not only do victims suffer from the original crime, they often go through something called “secondary injuries.” Ask them to guess what these are. (Take two or three comments.)

Secondary injuries are those that happen to the victim as a result of the crime and the victim's involvement with the justice system—what family, friends, and the community (faith community, hospital, police, or criminal justice system) might do or say to the victim after the crime: Most secondary injuries are unintentional, but can still be traumatic. For example,

- ◇ Someone might say — “Wow, that was really dumb—to be walking down that alley at 2:00 in the morning.” The victim has already had that thought a million times since the incident.
- ◇ Someone might say, “It is God’s will.”
- ◇ The police might not let an elderly lady have her TV back until after the trial (because it is evidence), even though it is a great source of companionship for her.
- ◇ Family members, the police, or legal professionals may ask the victim questions that cause him or her to relive the trauma.

3

Ask students: What should we do when someone we know has been victimized?

- One of the best things you can do is just listen in a nonjudgemental way to what the victim says.
- There are three things to say that will help victims:
 - ◇ I’m sorry it happened.
 - ◇ It wasn’t your fault.
 - ◇ How can I help?
- If your friend has not notified the police, encourage him or her to report the crime. If possible, offer to accompany your friend.

4

Put students into pairs. Ask the pairs of students to sit together. Distribute “Handout 3: If A Friend Is Hit By Crime.”

HANDOUT 3

IF A FRIEND IS HIT BY CRIME

DIRECTIONS:

You and a partner will role-play various scenarios on this page. For each scenario, one of you will play the part of the victim, the other will be the victim's friend. (Be sure to switch roles for each scenario you do. Don't worry about the genders of the people in the scenarios, you can always change the names if necessary.)

BEFORE EACH ROLE PLAY:

Read each scenario aloud together and then take at least two minutes to prepare for your conversation.

The victim should think about:

- What are your feelings about what has happened to you?
- What information do you need in order to receive assistance and compensation?
- How can you participate in healing?
- What do you want or need from law enforcement officials and the justice system?
- What do you want or need from the offender?
- What sorts of input do you want to give to the justice process?

The friend should think about each of the following questions:

- What do you think your friend's feelings are?
- What kinds of problems could he or she have in the future?
- What could you do to help him or her with practical and emotional problems?
- Who else might be hurt or troubled because of the crime against your friend?

BEGIN EACH ROLE PLAY:

When you and your partner are ready, role-play the conversation you might have. Your conversation should be about five minutes long.

AFTER EACH ROLE PLAY:

Step out of the roles you were playing and discuss other things a friend could say or do in that situation to help someone who has been victimized.

Scenario A: Your friend Tanya was mugged on the way home from school. She is in the hospital with a broken arm and a concussion. Scenario B: Your friend Javier was hit by a drunk driver while he was on his way home from work. He is at home in a wheelchair and does not know if he will be able to walk again.

Scenario B: Your friend Javier was hit by a drunk driver while he was on his way home from work. he is at home in a wheelchair and does not know if he will be able to walk again.

Scenario C: Your friend Usman had saved money for years to buy car. Now he depends on that car to get to work and to visit his sick grandfather. Yesterday, someone stole his car and took it for a ride, hit a lamppost, and totaled the car.

Scenario D: Your friend Sheena had her purse stolen out of her locker at school. She lost money, keys, her ID, and a special locket given to her by her father who recently passed away.

Scenario E: Your friend Farah woke up to find threatening and insulting graffiti painted on the front of her house. The graffiti specifically mentioned her family's religion. Farah has not come to school for several days. You hear she is afraid to leave the house.

- Invite a student to read the directions aloud to the rest of the class. Ask students if they understand the assignment. Clarify any questions.
- Ask a volunteer to read Scenario A aloud.
- Refer students to the bulleted questions listed on the handout under the heading "Before each role play." Ask the class to suggest answers for each of the questions.

NOTE: Possible answers are in parentheses below. You can also use this information after the role-play to discuss it.

- What do you think Tanya's feelings are?

(Tanya is probably confused and upset, as well as physically ill and weak. She is probably blaming and second-guessing herself. Tanya feels vulnerable and angry, does not trust people very easily, and will need understanding friends who are willing to listen when she needs to talk about what she experienced. She will also need help to feel physically and emotionally strong again.)

- What kind of problems could she have in the future?

(Tanya's future problems could include continued fear and a feeling of vulnerability. She might also become angry about what happened to her, and she might transfer that into anger against the world and people in general or to people who look like or cause her to remember the offender. She could become cynical and mistrustful about the world.)

- What could you do to help her with her practical and emotional problems?

(Tanya's friends could provide understanding and companionship, encourage her to get counseling if she needed it to cope with her feelings, and provide other practical support. For example, they could help her make up her schoolwork by bringing her assignments and tutoring her if necessary.)

- Who else might be hurt or troubled because of the crime against Tanya?

(Tanya's family is probably frightened by and angry about the crime. They might need counseling to deal with their feelings and to better help Tanya. Her friends will be upset because she is. Classmates who walk the same route to school might be worried about being mugged. Friends who are helping Tanya cope may also have difficulties.

After the class has discussed the preparation questions above, instruct students to pick roles and role play Scenario A with their partner.

5

NOTE: After the demonstration of Scenario A, gauge how much time is left, making sure that there is at least eight minutes left for the summary and debriefing. Ideally, there would be time for the partners to role play at least one more scenario, giving each person the chance to play the role of a friend at least once.

Direct the class to work with their partner to role play as many scenarios as time will allow. Then tell students how much time they have for each scenario and write the ending time on the board. Remind students to prepare for their role plays by following the directions and thinking about the preparation questions. Students can choose whichever scenarios they wish to act out. While the partners are working, circulate around to room

to observe their role plays and to help them stay on track. If a Community Resource Person is helping with this lesson, he or she should circulate around the room, as well. Give a two-minute warning when time is nearly up.

When time is up, congratulate students on their work.

PART FIVE: WRAP UP (10 minutes)

1

Ask students:

- What did you learn in class today?
- What surprised you the most about what you learned?
- How will you respond the next time you learn a friend has been victimized?
- What do you want to know more about regarding victims?
- One of the ideas behind youth courts is that jurors and/or youth judges will try to repair the harm done to victims by the offender who is before the court. How will today's lesson affect the types of recommendations you might make if you are asked to sit on a youth court jury?
- Do victims have an option of participating in the proceedings of your youth court? If so, in what ways or at what stages do victims participate? Do victims make statements to the court? Do victims make recommendations about what they think the sanction should be? How does the participation of victims in youth courts influence the decisions made by youth judges or jurors?
- If victims do not participate in your youth court, should they? Explain your answer.
- If you are playing the part of a prosecuting attorney in your youth court, what questions could you ask the offender to find out if he or she accepts responsibility for the harm caused to the victim, to the community and to himself or herself?
- What questions could you ask the offender to find out if he or she is willing to repair that harm?
- If you are playing the part of a juror or judge in your youth court, what would you want to know about the victim and the harm to the victim before you made your sentencing recommendation?
- How would you convince other teens to do things to reduce their risk of becoming a victim?

Thank students and the Community Resource Person for participating in the session.

RESOURCES

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Justice Statistics Clearinghouse (Bureau of Justice Statistics, U.S. Department of Justice)
P.O. Box 6000
Rockville, MD 20849-6000
phone: 800-732-3277
web sites: www.ncjrs.org and www.ojp.usdoj.gov/bjs

Meeks, Linda, Philip Heit, and Randy Page, Violence Prevention. Ohio: Meeks Heit Publishing Company, Inc., 1995

National Crime Prevention Council
1000 Connecticut Avenue, NW, 13th Floor
Washington, DC 20036
phone: 202-466-6272
web sites: www.ncpc.org
www.weprevent.org

National Organization for Victim Assistance
1730 Park Road, NW
Washington, DC 20010
phone: 202-232-6682
web site: www.try-nova.org

Rennison, Callie Marie, Ph.D. "Criminal Victimization 2000; Changes 1999-200 with Trends 1993-2000" United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, June 2001, NCJ 187007

Restorative Justice On-Line Notebook (National Institute of Justice)
<http://www.ojp.usdoj.gov/nij/rest-just/index.htm>

Street Law, Inc.
1600 K Street, NW, Suite 602
Washington, DC 20006
phone: 202-293-0088
web site: www.streetlaw.org

HANDOUT 1

**WHAT DO YOU KNOW ABOUT THE
EFFECTS OF CRIME?**

Have you or someone you know been the victim of crime?

Think about the impact of that crime on you or the victim you know.

Use the space below to illustrate how the crime affected you or the victim you know. You can either draw how the crime affected the victim or write it out like a story or essay.

HANDOUT 2 WHO ARE VICTIMS?

Please respond to the following statements by marking each “T” for true or “F” for false.

- a. _____ Most Americans will never be victimized by crime.
- b. _____ The age group “65+” is most often hit by violent crime.
- c. _____ Women are more likely to be victimized than men.
- d. _____ The rich are more likely to be victims of crime than the poor.
- e. _____ Members of minority groups are more likely to be victimized by crime.
- f. _____ Criminals are more likely to target victims outside their own racial and ethnic group.
- g. _____ Once people become victims, not much can be done to help them.
- h. _____ Young people are more likely to be victims than adults.
- i. _____ If a person looks vulnerable, it adds to the risk of victimization.
- j. _____ Very few victims know their assailant.
- k. _____ When the victim and the assailant know one another, the victim’s chances of being injured are lower.

HANDOUT 3

IF A FRIEND IS HIT BY CRIME

DIRECTIONS:

You and a partner will role-play various scenarios on this page. For each scenario, one of you will play the part of the victim, the other will be the victim's friend. (Be sure to switch roles for each scenario you do. Don't worry about the genders of the people in the scenarios, you can always change the names if necessary.)

BEFORE EACH ROLE PLAY:

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- What do you want or need from the offender?
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- What kinds of problems could he or she have in the future?
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HANDOUT 3, continued

BEGIN EACH ROLE PLAY:

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AFTER EACH ROLE PLAY:

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Scenario C: Your friend Usman had saved money for years to buy car. Now he depends on that car to get to work and to visit his sick grandfather. Yesterday, someone stole his car and took it for a ride, hit a lamppost, and totaled the car.

Scenario D: Your friend Sheena had her purse stolen out of her locker at school. She lost money, keys, her ID, and a special locket given to her by her father who recently passed away.

Scenario E: Your friend Farah woke up to find threatening and insulting graffiti painted on the front of her house. The graffiti specifically mentioned her family's religion. Farah has not come to school for several days. You hear she is afraid to leave the house.



SERVING ON A JURY

OUTCOMES

As a result of this lesson, students will be able to:

- Explain what a juror does and why it is important
- Define mitigating and aggravating circumstances and explain why these concepts are important in determining an appropriate sentence for an offender
- State the steps involved in a youth court hearing
- Demonstrate trial, advocacy, and case preparation skills
- Apply listening, problem-solving, and critical thinking skills to the process of deliberation and sentencing

MATERIALS NEEDED

- Chalkboard/ flip chart
- Chalk/markers
- Overhead transparency machine (optional)

HANDOUTS

- 1 Case Studies
- 2 (From your youth court) Jury Deliberation Worksheet and Sentencing OptionsList (optional)
- 3A Case Preparation
- 3B Case Preparation

TRANSPARENCY OR POSTER

- A Riddle

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives
- Make copies and prepare materials needed
- Prepare a transparency of the riddle or write it up on the board, flipchart, or overhead machine.
- Determine which model your youth court uses:

- ◇ The Adult Judge Model (youth volunteers serve in the roles of defense attorneys, prosecuting attorneys and jurors and an adult serves in the role of the judge)
 - ◇ The Youth Judge Model (youth volunteers serve in the roles of defense attorneys, prosecuting attorneys, and jurors and judge)
 - ◇ The Youth Tribunal Model (youth volunteers serve as defense attorneys, prosecuting attorneys and as a panel of judges.
 - ◇ The Peer Jury Model (youth volunteers serve as jurors who question the defendant directly, without the intervention of youth attorneys. In some programs, an adult serves as a judge.)
- Once you know what model your court follows, make copies of the appropriate Handout 3 Case Preparation A or B.

COMMUNITY RESOURCE PEOPLE

A lawyer or judge who works with youth court would be helpful in presenting this lesson. Send a copy of the lesson when confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: THE JOB OF A JUROR (10 minutes)

1

Post “Transparency, A Riddle.” Read aloud.

TRANSPARENCY/POSTER 1

A Riddle

My job is more important than the judge’s job. I decide who wins the case.

Who am I?

After giving students a chance to think for a minute, ask students if they know the answer.

The answer is a juror.

Post and explain the objectives for this lesson. If a Community Resource Person has joined you for this lesson, introduce him or her now.

2

Ask students the following questions:

- What is the job of a juror?

The job of a juror is to listen to the facts and evidence in a trial and to determine the truth. This job is important because juries enable those who are on trial to be judged by a “jury of their peers.”

- Where does the right to a jury come from?

The right to a jury is guaranteed by the Sixth and Seventh Amendments to the Constitution. Juries make the Constitution work because they evaluate whether a defendant is treated fairly according to the rights given to all Americans.

- Why do people serve on juries?

In a philosophical sense, people serve on juries because it is their responsibility as citizens. All citizens have an interest in ensuring that our legal system promotes justice. The jury system gives the average citizen an opportunity to be part of what goes on in this country’s courtrooms and to help administer justice. In a practical sense, some people serve on juries because they are required by law to do so. We will discuss this in more detail later in the lesson.

- How do juries work in youth courts?

Generally, juries in youth courts serve only a sentencing function. This differs from juries in adult criminal courts, where the jury is charged with making the determination of guilt or innocence. In some states, jurors are also involved in the sentencing of adult criminals.

Tell students:

- Before juries or judges can decide what type of punishment or sentence is appropriate, they must consider the guidelines given to them by law. For example, laws may spell out the maximum and minimum sentences, so the punishment must fall inside that range.
- Whomever is responsible for deciding the defendant’s punishment must also take into consideration both positive and negative circumstances surrounding the offense.

- Ask students to think about a person who was convicted of murder. Can you think of any evidence that could be introduced in court that might make that person's punishment more severe?

(Examples might include: if the murder is particularly gruesome or if that is the defendant's third murder conviction, etc.) Explain that these are called "aggravating circumstances." Write that term and definition on the board or flipchart paper. (Aggravating circumstances are those factors that tend to make the crime worse.)

Ask students:

- Can you describe any circumstances that could be introduced in court that might make the punishment less severe for that same convicted murderer?

(Examples may include: if the convicted person can show the victim had previously abused him or her, if the convicted person had no prior criminal record.) Explain that these are called "mitigating circumstances." Write that term and definition on the chalkboard or flipchart paper. Mitigating circumstances are those factors that tend to make the crime less severe.

- In a youth court setting, a prosecuting attorney seeks justice by recommending a constructive sentence based on the aggravating circumstances of the case. A youth court defense attorney seeks justice by recommending a constructive sentence based on the mitigating circumstances of a case. If your youth court does not use youth lawyers, it is up to the jury to discover and evaluate the mitigating and aggravating circumstances.
- Tell students that different youth courts across the country use different models to handle the proceedings. Some have no adults directly involved in the proceeding. Some have lawyers. Ask students: Do you know which model our youth court uses? (Write the answer here: _____)

PART TWO: CASE STUDIES (35 minutes)

1

Distribute "Handout 1: Case Studies." Read aloud.

HANDOUT 1 CASE STUDIES

CASE STUDY 1: Janai

Janai is a 14 year-old female. She lives at home with her mother and four brothers and sisters. Her mother says that she behaves well at home. She obeys her curfew and no other problems have been reported. She attends school and is in the 8th grade, with below average grades. She was suspended recently for vandalism.

Janai has no prior juvenile record. She has pled guilty to her charge and is now going before the Youth Court for sentencing. She and two other girls spray painted their names on the outside of the school building.

CASE STUDY 2: LESTER

Lester is a 17 year-old male. He lives at home with his grandmother. She reports no problems with Lester's behavior at home. He is in the 12th grade, attends school regularly, and plans to graduate in the spring.

Lester has no prior juvenile record. He has pled guilty to shoplifting. The security guard stopped Lester and some friends carrying compact disks and video games out of a store in the mall.

2

If you have a jury deliberation sheet for your youth court, distribute it now.

If you have a list of sentencing options available to your youth court, distribute that now, too.

If your youth court uses the Adult Judge, Youth Judge, or Tribunal Model, distribute "Handout 3A: Case Preparation." If your youth court uses the Peer Jury Model, distribute "Handout 3B: Case Preparation."

Assign roles to the students for the first case study simulation of a youth court proceeding. Ask students to read the directions carefully now. After a few minutes, ask if everyone understands what he or she should be doing for the next twenty minutes. Answer any questions. Write the ending time on the board.

HANDOUT 3A CASE PREPARATION

Defendant:

You have 20 minutes to meet with your lawyer, the defense attorney, to plan to make the best presentation possible in the proceedings.

Attorneys:

- Defense Attorney(s):

You have 20 minutes to meet with your client, the defendant, to review the facts of the case and to prepare questions. Your questions should focus on helping the judge(s) of jury hear mitigating circumstances.

(For example, you may want to ask the defendant if he or she attends school regularly. Has he or she done anything to try to make amends for this offense? Etc. Practice asking the questions to your defendant and being sure he or she can answer the question favorably. If a truthful answer would be damaging to the defendant, do not ask the question in court.

- Prosecuting Attorney(s)

You have 20 minutes to review the facts of the case and prepare questions. Your questions should focus on helping the judge(s) or jury hear the aggravating circumstances. For example, you may want to ask if the defendant has ever been in trouble with the law before this incident?

Jurors (only assigned if your court uses the Adult Judge or Youth Judge Model)

You have 20 minutes to think about how you will make your decision. Review the jury deliberations procedures used by your youth court, if they are available. If no such worksheet is available, you should devise a series of questions you will consider before you make your decision.

For example, what types of punishments are you able to assign? What are the maximum and minimum penalties that you could assign for this type of offense? What would make you want to assign the maximum penalty? What would make you want to assign the minimum penalty? Why? How will the jury agree to a punishment? Will it vote? How many votes are necessary to have that punishment put in place?

Note: If a youth court coordinator or another adult with significant youth court experience is present, ask him or her to advise your group.

Judge (only assigned if your court uses the Youth Judge model.)

You have 20 minutes to think about how you will preside over the courtroom and this case. Questions to consider include: What legal terminology do you think will apply in this case? What procedures must you follow and be sure the rest of the young people follow? Once the preparation is complete, the proceeding will last approximately 20 minutes. How will you break this time down? You should follow timelines that are realistic in your youth court. If you are working with a bailiff and/or court clerk, you should meet with those people to be sure everyone understands their roles.

Tribunal Judges (only assigned if your court uses the Youth Tribunal Model.)

Your job combines the role of a judge and a jury. You have twenty minutes to prepare. Use the instructions listed above for judges and for jurors.

All Use the space here to write down your questions or main ideas.

HANDOUT 3B CASE PREPARATION

Defendant:

You have 20 minutes to think about how you can make the best presentation possible in the proceedings. Think about the mitigating factors you want to be sure the jury considers. Try to anticipate the aggravating factors the jury may raise and think about how you can answer those questions truthfully but without making your case worse.

Jurors

Your job as a juror is to try to fully hear and consider the mitigating and aggravating circumstances. You have 20 minutes to review the facts of the case, and prepare questions.

Think about questions you could ask that would bring out the mitigating circumstances. For example, you may want to ask the defendant if he or she is sorry for the offense. Has he or she done anything to try to make amends for this offense? Does he or she attend school regularly. Does he or she have a good employment record? Etc.

Think about the questions you could ask that would bring out the aggravating circumstances. For example, you may want to ask if the defendant has ever been in trouble with the law before this incident? How does the defendant think he or she has harmed the victim? How has he or she harmed the community?

All Use the space here to write down your questions or main ideas.

3

After everyone has had adequate time to prepare, the judge(s) should begin to role-play the first case. When the case has been presented, the jury or tribunal should be given time to deliberate. When they are finished, they should announce their sentence. Reasons for their sentence should be given.

4

After the verdict has been read, gather students and ask the following questions:

If your court uses the Adult Judge, Youth Judge, or Tribunal Models, ask these questions:

- To the prosecutor: did you like this role? Why or why not? Did you have a hard argument to make? What information would you have liked to have to make your argument easier to make?
- To the defense attorney: did you like this role? Why or why not? Did you have a hard argument to make? What information would you have liked to have to make your argument easier to make?
- To the jury: was your sentencing decision hard or easy? What factors did you take into account in making your decision? What other information would you have liked to have to make your decision easier?

If your court uses the Peer Jury Model, ask these questions:

- Was your sentencing decision hard or easy? Why?
- What factors did you take into account in making your decision?

- What other information would you have liked to make your decision easier?
- How difficult was it to find out the aggravating circumstances?
- How difficult was it to find out the mitigating circumstances?
- How useful was that information as you decided the appropriate sentence or disposition?

5

If time permits, you can reassign roles and role-play “Case Study 2.” Follow procedures 2-4 again. Be sure to leave at least ten minutes to complete the summary questions at the end of the lesson.

PART THREE: SUMMARY (20 minutes)

1

Ask students:

- What are the most important pieces of information to get out in a youth court proceeding? Why?
- Do your youth court procedures lead to a fair disposition (sentence) for youthful offenders (respondents)? Why or why not?
- Do your youth court procedures give youthful offenders the opportunity to repair the harm they caused the victims and/or the community? If not, how could the procedures and/or sentencing options change to address this goal? For example, should victims be invited to give testimony if they wish? How might this change the outcome of the hearing?
- Do the sentencing options available give the jury a chance to assign a disposition that helps the offender repair the harm done to the victim and/or the community? Why or why not? Are there other options you would like to consider?

2

Remind students that most of them will be serving on a jury to complete their youth court sentences, so they will have the chance to participate in real youth court proceedings.

3

Thank students for participating. If a Community Resource Person helped you, thank him or her, too.

HANDOUT 1 CASE STUDIES

CASE STUDY 1: Janai

Janai is a 14 year-old female. She lives at home with her mother and four brothers and sisters. Her mother says that she behaves well at home. She obeys her curfew and no other problems have been reported. She attends school and is in the 8th grade, with below average grades. She was suspended recently for vandalism.

Janai has no prior juvenile record. She has pled guilty to her charge and is now going before the Youth Court for sentencing. She and two other girls spray painted their names on the outside of the school building.

CASE STUDY 2: LESTER

Lester is a 17 year-old male. He lives at home with his grandmother. She reports no problems with Lester's behavior at home. He is in the 12th grade, attends school regularly, and plans to graduate in the spring.

Lester has no prior juvenile record. He has pled guilty to shoplifting. The security guard stopped Lester and some friends carrying compact disks and video games out of a store in the mall.

TRANSPARENCY/POSTER 1

A RIDDLE

My job is more important
than the judge's job.

I decide who wins the case.

Who am I?

HANDOUT 3A CASE PREPARATION

Defendant

You have 20 minutes to meet with your lawyer, the defense attorney, to plan to make the best presentation possible in the proceedings.

Attorneys

- Defense Attorney(s):

You have 20 minutes to meet with your client, the defendant, to review the facts of the case and to prepare questions. Your questions should focus on helping the judge(s) or jury hear mitigating circumstances.

(For example, you may want to ask the defendant if he or she attends school regularly. Has he or she done anything to try to make amends for this offense? Etc. Practice asking the questions to your defendant and being sure he or she can answer the question favorably. If a truthful answer would be damaging to the defendant, do not ask the question in court.

- Prosecuting Attorney(s)

You have 20 minutes to review the facts of the case and prepare questions. Your questions should focus on helping the judge(s) or jury hear the aggravating circumstances.

For example, you may want to ask if the defendant has ever been in trouble with the law before this incident?

Jurors (only assigned if your court uses the Adult Judge or Youth Judge Model)

You have 20 minutes to think about how you will make your decision. Review the jury deliberations procedures used by your youth court, if they are available. If no such worksheet is available, you should devise a series of questions you will consider before you make your decision.

For example, what types of punishments are you able to assign? What are the maximum and minimum penalties that you could assign for this type of offense?

HANDOUT 3A, continued

What would make you want to assign the maximum penalty? What would make you want to assign the minimum penalty? Why? How will the jury agree to a punishment? Will it vote? How many votes are necessary to have that punishment put in place?

NOTE: If a youth court coordinator or another adult with significant youth court experience is present, ask him or her to advise your group.

Judge (only assigned if your court uses the Youth Judge model.)

You have 20 minutes to think about how you will preside over the courtroom and this case. Questions to consider include: What legal terminology do you think will apply in this case? What procedures must you follow and be sure the rest of the young people follow? Once the preparation is complete, the proceeding will last approximately 20 minutes. How will you break this time down? You should follow timelines that are realistic in your youth court. If you are working with a bailiff and/or court clerk, you should meet with those people to be sure everyone understands their roles.

Tribunal Judges (only assigned if your court uses the Youth Tribunal Model.)

Your job combines the role of a judge and a jury. You have twenty minutes to prepare. Use the instructions listed above for judges and for jurors.

All Use the space here to write down your questions or main ideas.

HANDOUT 3B CASE PREPARATION

Defendant:

You have 20 minutes to think about how you can make the best presentation possible in the proceedings. Think about the mitigating factors you want to be sure the jury considers. Try to anticipate the aggravating factors the jury may raise and think about how you can answer those questions truthfully but without making your case worse.

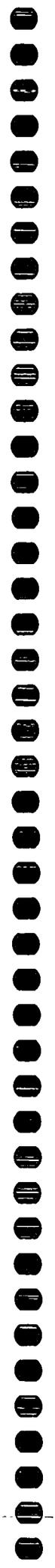
Jurors

Your job as a juror is to try to fully hear and consider the mitigating and aggravating circumstances. You have 20 minutes to review the facts of the case, and prepare questions.

Think about questions you could ask that would bring out the mitigating circumstances. For example, you may want to ask the defendant if he or she is sorry for the offense. Has he or she done anything to try to make amends for this offense? Does he or she attend school regularly. Does he or she have a good employment record? Etc.

Think about the questions you could ask that would bring out the aggravating circumstances. For example, you may want to ask if the defendant has ever been in trouble with the law before this incident? How does the defendant think he or she has harmed the victim? How has he or she harmed the community?

All Use the space here to write down your questions or main ideas.



A JURY OF YOUR PEERS: WHAT IS THE ROLE OF DIVERSITY IN JURIES?

OUTCOMES

As a result of this lesson, students will be able to:

- Identify the skills, experiences and values essential for ideal jurors
- Explain the popular concept of “a jury of your peers” and describe its application in youth courts and adult courts
- Define diversity and discuss the benefits of a diverse jury
- Define “impartial” and discuss why justice relies on impartial jurors
- Define important legal terms such as: grand jury, petit jury, summons, jury pool, jury venire, voir dire, removal for cause, peremptory challenge
- Describe the right to a jury given by the United States Constitution
- Evaluate options to create more diverse juries
- Articulate why the jury system is important in a democracy, especially in a pluralistic society

MATERIALS NEEDED

- Chalkboard and chalk or flipchart paper and markers
- (Optional) Several samples of help wanted advertisements. The ads should describe the type of candidate the employer is seeking. The particular job does not matter.

HANDOUTS

- 1 Help Wanted (enough for each student)
- 2 The Rights to Juries According to the U.S. Constitution (enough for each student)
- 3 How Are Petit Juries Selected? (enough for each student, plus an extra copy)
- 4 Options For More Diverse Juries (enough for each student)
- 5 News Flash! (enough for each student)

TRANSPARENCY OR POSTER

- 1 (Optional) *Strauder v. West Virginia*

PREPARING TO TEACH THIS LESSON

- Prepare the materials listed above.
- Write up and post the outcomes of the lesson.
- Write the definitions of petit and grand juries in flipchart paper or on a part of the chalkboard you can cover. The definitions are found in part three of the lesson.
- Take an extra copy of “Handout 3: How Are Juries Selected” and cut it into six strips. Each strip will contain information about a different stage of the process, so there will be strips for the summons, jury venire, voir dire, removal for cause, peremptory challenge, and seating the jury. If you plan to teach this lesson again, you may consider gluing or taping each strip to a note card so it will last longer.

COMMUNITY RESOURCE PEOPLE

A community resource person (CRP) would add credibility and interest to this lesson. Invite a sitting or retired trial judge, a defense attorney and/or prosecutor. Each of these people has trial experience and could help to lead the discussion about how jury selection works in your area, especially the procedures for “voir dire.”

It would also be interesting to invite the person in your area who sends the summons to potential jurors. In some communities, this person is called the registrar of the court. The clerk of your court may be able to help you identify your registrar or the equivalent person in your community.

Send a copy of this lesson to the community resource person when confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

For additional suggestions about working with community resource people, see the section in the section labeled “Integrating Law-Related Education Into Youth Court Program” in the front section of this manual.

ADDITIONAL CONSIDERATIONS

- This lesson will take just under two hours to complete. If you have less than two hours with your students, a logical place to break the lesson in half would be after you complete part three. If you must break the lesson into parts for different days, try to teach the second part on the next consecutive class.
- A number of class discussions are included in this lesson. If possible, try to arrange the desks in advance so students can interact as much as possible. Two seating arrangements that work particularly well with class discussions are “U” shapes and circles. These arrangements are not required, but may help you

generate more conversation and dialogue among students, rather than having the teacher at the center discussion.

- This lesson contains issues that are controversial and may prompt students to express strong, legitimate and opposing opinions. Teaching controversial issues is valued in the field of law-related education for many reasons: It engages students deeply and teaches students important skills such as conflict management, listening carefully and objectively, defending positions, and examining various perspectives and sets of evidence.

As you teach this lesson, we encourage you to welcome opposing opinions from students and to show them how to listen carefully to one another and to disagree without being disagreeable. These are life-long skills worth learning (and teaching).

- Optional: If you want to extend this lesson by two hours, you may want to show the movie Twelve Angry Men starring Henry Fonda. It features a jury deliberation and illustrates the importance and value of a diverse jury. If you choose to use it, show it before teaching this lesson. See the resource list at the end of the lesson for more information about the film.
- Optional: One of the topics in this lesson is “voir dire.” If you want to extend this lesson, you may consider taping and then showing a segment from Court TV that shows an actual voir dire process in action. Check Court TV’s television listings for show times or contact their website at: www.courttv.com. If you choose to show a videotape of voir dire, the best place to do it in the lesson is in Part Four.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

BEFORE CLASS BEGINS

As students are entering the classroom, choose six students who might like to read something to the class later. Give those students the “jury selection” strips from Handout 3 that you prepared earlier. Tell those students to hold on to the strips until you ask for them later in the lesson.

PART ONE: THE PURPOSES OF JURIES (10 minutes)

1

Post and explain the outcomes of the lessons for students. If a community resource person (CRP) is present, introduce him or her.

2

Ask students:

- How many of you have seen a youth court hearing or an adult trial that included jurors?

NOTE: If any students do not raise their hand or say yes, ask them if they have ever seen a jury in a television show or movie.

- What do you think our justice system would be like without juries?

Answers will vary.

3

Ask students to imagine that one person in this class is accusing another person in the class of stealing something.

- Invite a student to stand up and to accuse another student of stealing something.
- Ask the person accused if he or she did it. If the accused person accepts the accusation, both students can sit down and the instructor will pick two new students until there is a conflict. If the accused person denies the charges, both students to come to the front of the room. Tell them you will give them a way to figure out who is telling the truth.
- Explain that you (the instructor) are the king (or queen) and that you have decided that these two people should have a ten-second sword duel to decide who is right. Whoever wins is right.
- Allow the students to pretend to have a sword fight for just a few seconds and then declare the winner.
- Explain that in Medieval times, people accepted the decisions made at these “trials” just as most modern Americans accept the decisions of judges and jurors. Trial by combat was relatively swift, which helped to ease chaos in the community. At times, these combats would take the form of family feuds or even wars. Trial by combat was based on the ideas that “might makes right” and that God intervenes and protects the innocent.

4

Invite another student to stand up and to accuse another student of stealing something.

- Ask the person accused if he or she did it. If the accused person agrees to the charge, both students should sit down and the instructor picks another accuser until there is defendant who denies the charge. Tell the accuser and defendant to remain standing near their chairs. Tell them you, the king or queen, will give them a way to figure out who is telling the truth.
- Explain that the person who is accused will be held under water or will be pressed between two boards of nails. If he or she survives, he or she must be innocent. (Obviously, they will not act out this situation.)
- Ask the person who made the accusation if he or she prefers this method of finding the truth to combat. The accuser will probably prefer this method to combat because he or she is never put in harms way.
- Tell students that the Medieval idea of “trial by ordeal” was similar to the rationale behind “trial by combat.” Some people believed that because God controlled human justice, innocent people could endure great physical pain. They also believed God would protect innocent people. Of course, accusers liked this form of justice better than trial by combat because they were protected – at least until someone accused them.

5

Invite another student to stand up and to accuse another student of stealing something.

- Ask the person accused if he or she did it. If so, they can both sit down. If not, ask those two students to come to the front of the room. Tell them you will give them a way to figure out who is telling the truth.
- Explain that you, the instructor, are the king (or queen) and that you have decided that these two people should have to “swear” (promise) under oath that they are each telling the truth.
- After each student swears they are telling the truth, ask them if they have any witnesses who will swear under oath that they are telling the truth. Give each side a chance to ask loyal witnesses to raise their hand and swear under oath. Whoever has the most “swearers” (witnesses) must be right. If all else fails, the king or queen can decide.
- Ask students in the class if anyone lied when they swore for someone. (Of course, everyone will have lied since it was a made up situation.) Tell the liars that their cars will break down... so will their radios, computers, and cell phones. (Use examples your students value.)

- Explain that around the year 1000, English people believed that horrible things would happen to those who broke their word. Their crops would wither, their cattle would die, their children would become ill, etc. Because a person's word was so important, the people believed trial by oath or trial by swearing would work. Later, King Henry II incorporated these ideas when he introduced the idea of a trial by jury in the late 1100s. This idea is still in place in our trial system, where witnesses take oaths to tell the truth.
- Ask students if they still want to swear about the latest theft accusation. If no one will back up the accuser of defendant, the king (or queen) will decide the outcome.

6

Ask students:

- So, given some of the historical alternatives, how many of you would like to live in a time or place without trial by jury?

NOTE: If some students laugh and suggest they would like it, ask them if they would still like it if they were the defendants.

- Why are juries important?

Record their ideas on flipchart or the chalkboard. Do not try to get an exhaustive list, just a few ideas. Tell students they will be returning to this question later in the lesson.

- What is the connection between juries and democracy?

Answers will vary, but should reflect an understanding that when private citizens serve on juries, they are able to participate in creating justice and in giving oversight to our judicial branch of government.

Juries:

- ◇ Protect the rights of people accused of crimes
- ◇ Promote a sense of fairness because “regular” people sit in judgment
- ◇ Make it more likely that justice is impartial
- ◇ Give people a voice in government, which makes trials more democratic

PART TWO: HELP WANTED (20 minutes)

1

Ask students:

- How many of you have already served on a jury for youth court?
- How many of you know you will be serving on a youth court jury at some point?
- What do you think are the most important qualities of an effective juror?

Write a few of the students' comments down on the flip chart paper or chalkboard.

- How many of you have ever seen a "help wanted" advertisement? What do help wanted ads look like? What kinds of things do they say?

Student answers will vary, but they will probably mention that most ads include the title, salary, skills and experience required, whom to contact, etc. If many students have never seen a help wanted ad, you may want to pass a few around the class for reference.

2

Tell students that they are going to spend a few minutes planning and writing a help-wanted ad for an ideal juror. This person should be the kind of juror the students would want if they or someone they care about had to face a jury themselves in the future.

Tell students they have the option of working alone or quietly with one partner. Students who want to work with a partner should sit next to their partner now.

3

Distribute "Handout 1: Help Wanted"

HANDOUT 1 HELP WANTED

Directions:

1. Imagine you are getting ready to place an advertisement to recruit new youth court jurors.
2. Think about the skills, values, and experiences you are looking for in an effective juror?

The term “skills” describes things jurors should be able to do.

The term “values” describes things jurors should believe in.

The term “experiences” describes what jurors have gone through or observed to give them their unique perspectives.

3. Besides skills, values, and experiences, is there any other quality you are looking for in a juror?
4. Take eight minutes to write a two or three paragraph help-wanted ad for a juror. Use the space below to plan and write your help-wanted advertisement.

Ask a volunteer to read the directions aloud to the class. Clarify any questions students may have about the assignment. Write the ending time on the board. As students are working, create four columns on the chalkboard or flipchart paper: “skills” “values” “experiences” and “other.” Then circulate around the room to observe the students working. Give a one-minute warning when time is nearly up.

4

Invite four student volunteers to the board to record answers. Assign each volunteer to a different word or column, so that each time a student in the class mentions a skill, that recorder writes down the skills. Another recorder writes down the values, etc.

Ask two or three students to read their want ads. Then lead a “call out” session, in which you ask students to call out other skills that had not been mentioned yet. Do the same for “values”, “experiences” and “other.”

5

Thank the recorders and ask them to return to their chairs. Ask the class the following questions:

- If you were a prosecuting attorney, do you think you would be looking for the same “kind” of juror that the class just described?
- Why or why not?
- What might a prosecuting attorney look for that would be different than a defense attorney?

Answers will vary, but students will likely mention that a prosecutor might be looking for someone who is “tough on crime” while defense attorneys might be looking for someone who can relate to and sympathize with the offender.

PART THREE: A JURY OF YOUR PEERS (30 MINUTES)

1

Tell students they have been focusing on picking an individual juror. Ask them to consider how their criteria might be different if they were trying to select a whole jury.

Ask students:

- Should every juror have the same skills? ... experiences? ... values?

NOTE: If students in the class have already been exposed to the volunteer training materials by the American Bar Association, remind them of Lesson E “Diversity” in which they discussed ways to identify and avoid bias and stereotyping. That lesson introduces other important skills and values that can help jurors work fairly.

- What is diversity? What does it mean? If you were looking into a room that was full of a diverse group of people, what would you see?

NOTE: Let students come up with their own definition of diversity. If they do not mention the following characteristics, you should add these ideas to the discussion:

“Diversity is differences between people in their attributes or characteristics. These differences can be things you are born with (like your race or gender), and they can be things you earn or acquire (like education). A group of people can be called diverse when it includes people of different ethnicities, religious backgrounds, sexual

orientations, physical qualities, ages, economic backgrounds, political perspectives, etc. (Greene, Eleanor, Judith Zimmer, and Stephanie Bray. "Diversity and Bias Awareness," Community Works, Session 22, page 2 –13. Culver City, CA 1999.)

- Is it a good idea to have a diverse jury? If so, why? If not, why not?
- What would be the advantages of having different perspectives on a panel of jurors, if any? What might be the disadvantages, if any?

2

Tell students you have a few more scenarios to demonstrate. Invite a student to stand up and to accuse another student of stealing something.

- Ask the person accused if he or she did it. If so, they can both sit down. If not, ask those two students to come to the front of the room. Tell them you will give them a way to figure out who is telling the truth.
- Tell the person accused that he or she will have to stand trial in the country of "Faraway." The good news is that "Faraway" does have juries. The bad news is that most of the jurors are buddies of the prosecutor, have never met anyone from the United States and they do not like or trust people from here. The other bad news is that the person accused will probably have a hard time finding witnesses who are willing or able to afford the trip to "Faraway."
- Pretend to send the defendant out of the classroom, but call him or her back before he or she actually leaves.
- Explain that one of the American colonists' major complaints was that defendants were often sent to England to stand trial in front of juries who knew nothing of the life or culture in the colonies. They complained about this often, including in the Declaration of Independence in 1776.

3

NOTE: This scenario will be different. You will ask a student to accuse the community resource person (CRP) of a crime. If you do not have a CRP present, the student can accuse another student.

Subtly scan the room to notice the different races and ethnicity of students in your class. Try to pick a student accuser who is not in the same race or ethnic group as your community resource person (or many other students in the class). If your class is not racially or ethnically diverse, choose a student who is not the same gender as the CRP.

- Do NOT ask the accuser to pick someone. Tell the accuser that he or she does not know who committed the crime, but that the police have found evidence that

proves the CRP is the thief. (Again, if no CRP is available, the police would identify the other student.)

- Tell students this case is going to trial, regardless of whether the defendant admits guilt. Instruct the accuser and defendant to stand. Tell them you are the government and you will give them a way to figure out who is telling the truth.
- Explain that there will be a trial by jury, but that you (the instructor) will pick the jury. When you call on students, ask them to stand to be ready for jury duty.
- One by one, ask students from only one racial or ethnic group to stand. [If possible, pick a jury that is from a different demographic group as the CRP. If you decided earlier to pick the accuser based on gender, only pick students from the other gender group to be in the jury.]
- Ask students to look at who will be on the jury. What do they have in common? How does that group of people compare to the defendant?
- Ask the defendant if he or she is concerned about the likelihood of getting a fair trial with an unbiased jury. (The CRP/defendant should express some doubts and explain his or her concerns.)

4

Tell students: When the jury system first began in the United States, the only people allowed to serve on juries were white men with property. Over time, the property, race, and gender requirements were dropped.

In the late 1870s, the Supreme Court ruled that states cannot prevent any citizen the opportunity to serve on a jury because of his or her race. In its decision, the Supreme Court also said a state denies an African American defendant equal protection when it puts him on trial before a jury from which members of his race have purposely been excluded.

NOTE: If you made optional overhead transparency or poster 1 in advance, post it now and ask a student to read it. If not, simply read it.

OVERHEAD TRANSPARENCY OR POSTER 1
STRAUDER V. WEST VIRGINIA,
100 U.S. 303 (1879)

The Court also said that to deny any citizen the opportunity to serve on a jury because of race “is practically a brand upon them, affixed by law; an assertion of their inferiority, and a stimulant to that race prejudice which is an impediment to securing to individuals of the race that equal justice which the law aims to secure... The very idea of a jury is that it is a body of men composed of the peers or equals of the person [who is on trial.]”

- Ask students if they understand the quote. Suggest one of them try to put it in his or her own words. Clarify any misunderstandings.
- Remind students that despite this decision in the 1800s, many juries remained segregated well into the 1950s. Some people still remain concerned about the composition of juries and how it affects justice today.

5

Tell students that the questions of whether juries should be diverse and how they could be more diverse have been debated among legal scholars and people involved in the justice system for years.

NOTE: If you have already shown the film Twelve Angry Men, this would be an appropriate time to ask students how the composition of that jury influenced the verdict they reached. (Each person in the jury had something in his own background that helped him make a careful decision about the defendant. When the jurors shared their own stories, they showed their own biases and eventually worked to eliminate those biases.)

6

Read the following statement:

Many people believe that what makes youth courts unique is that young offenders are judged by a jury of their peers. Today's lesson explores the idea of a "jury of your peers."

Explain that throughout the lesson, people will be invited to share their opinions about the topics of diversity and justice and that it is likely that everyone will not agree. Remind students that differences of opinion are welcome as long as students are respectful of each other.

7

Ask students these questions:

- When you think about youth courts, what do you think the phrase "jury of your peers" means?
- If your youth court jury was made up of adults, do you think the proceeding would be fair? Why or why not? How close in age should the jury be to the defendant? What are the benefits of having jurors of various ages? What are the drawbacks?
- If the jury was all male and the offender was female, do you think the proceeding would be fair? Why or why not? What are the benefits of having a jury that includes female jurors? What are the drawbacks?

- Should the jury be from the same part of town or same neighborhood as the offender? Why or why not? What are the benefits and drawbacks of having the jury and offender from the same community?
- If the jury was all-Hispanic and the offender was Asian, do you think the proceeding would be fair? Why or why not? What are the benefits of having a jury match the ethnicity and race of the offender? What are the drawbacks?
- Are young people who go to juvenile court judged by a jury of their peers?

Most are not. The vast majority of young people who are referred to juvenile court have their cases heard are sentenced by a judge. When the juvenile court system was set up, there was an emphasis on protecting the privacy of kids who went to court. Remember, juvenile courts serve kids who are accused of being delinquent, (doing something wrong), and kids who need help from the court with things like parental custody suits, protection from neglect or abuse, etc. It is only in the last several years that some delinquency hearings in some states have been open to the public.

- Do you think adults who have juries have the right to a jury of their peers?

8

Tell students that most people think they have a right to a jury of their peers. If it is a right, where could they find it written down? Where are most of our legal rights written?

Students may name the Constitution right away. If they do not, you can prompt them by asking where they can read about the right to free speech, the right to free press, the right to bear arms, the right to not incriminate themselves in a court, etc.

Explain that many of our rights come from the Constitution and some of our rights come out of decisions that the Supreme Court has made.

9

Break the group into four parts. (You can have students count off or simply divide students by where they are sitting.)

Distribute “Handout 2: The Rights to Juries According to the U.S. Constitution”

HANDOUT 2

THE RIGHTS TO JURIES ACCORDING TO THE U.S. CONSTITUTION

Directions: Your instructor will assign you and your group to read part of this handout. After you have read that part, answer the questions right below it as a group. Your group will be the experts on that section. When all groups have finished preparing, the instructor will pick one person in your group to read the passage from the Constitution. The whole group should be prepared to answer the questions.

(If you finish before other groups, you can read the other sections of the handout, but you do not have to.)

Article III, Section 2:

"The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed..."

The right to a jury trial in criminal cases was the only explicit guarantee to appear in both the original constitution and in the Bill of Rights that was added later. In fact, while the framers of the Constitution disagreed on many points, they agreed most consistently on the need to safeguard the right to a trial by jury.*

- a.) Does Article III say that we have a right to a jury of our peers? If so, underline that part.
- b.) What type of jury does it say we are guaranteed?

Sixth Amendment:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District wherein the crime shall have been committed, which District shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

In modern times, the Supreme Court has said adults charged with felonies or misdemeanors for which they could receive jail time of six months or more are entitled to a jury. People who are accused of minor offenses that would be punishable by a fine or jury time less than six months are not entitled to a jury. Minor offenses could be things like minor traffic violations, or other petty misdemeanor crimes.

- a.) Does the Sixth Amendment say we have a right to a jury of our peers? If so, underline that part.
- b.) What type of jury does it say we are guaranteed?
- c.) What do you think it means to be impartial?

Seventh Amendment:

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

In modern times, the Court has allowed states to require defendants and plaintiff involved in lawsuits to request a jury trial. The Court has also allowed states to put limits on the length of time someone has to request a trial by jury in civil cases, also known as lawsuits.

- a.) Does the Seventh Amendment say we have a right to a jury of your peers? If so, underline that part.
- b.) What does this Amendment guarantee about juries in civil trials (lawsuits?)

Fourteenth Amendment, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws.

a.) Does this Amendment literally guarantee a jury of your peers?

* (Albert W. Alshuler and Andrew G. Deiss, "A Brief History of Criminal Jury In The United States" University of Chicago Law Review, Summer 1994, p. 2)

10

Read and clarify the directions to students. Ask each group to read and answer questions from a different part of this handout. Tell students they have three minutes to complete their part. Write the ending time on the board. Give them a one-minute warning when time is nearly up.

11

Invite a volunteer to read the excerpt from Article III while the rest of the class reads it quietly.

Ask the students who were assigned Article III these questions:

- Who found the part where the Article III that says we have a right to a jury of our peers?
It does not say that.
- What type of jury does it say we are guaranteed?
We have the right to a jury from the state where the crime was allegedly committed.

12

Invite a volunteer to read the Sixth Amendment aloud while the rest of the class reads it quietly.

Ask the students who were assigned the Sixth Amendment these questions:

- Who found the part where the Sixth Amendment says we have a right to a jury of our peers?
It does not say that.
- What type of jury does it say we are guaranteed?
We have the right to a jury that is "impartial" and from the state and district where the crime was committed.

- What do you think it means to be impartial?

Answers will vary, but students will probably suggest impartial means unbiased or unprejudiced.

B

Ask the whole class:

- Raise your hand if you know anyone who is totally without bias or prejudice.
- Suggest that sometimes people's prejudices are obvious and sometimes they are not. Ask students to think quietly about whether they have any prejudices against anyone in any of the following groups: (They should not answer aloud.)
 - ◇ Older people or younger people
 - ◇ Women or men
 - ◇ Highly educated or less educated people
 - ◇ People in any racial or ethnic group
 - ◇ People with disabilities (physical, mental, or educational)
 - ◇ People of different religions or who are not religious
 - ◇ People who are heterosexual, homosexual, or bisexual
 - ◇ People from any part of the world other than the United States
 - ◇ Attractive or unattractive people
 - ◇ People who are politically liberal, conservative, or not political
 - ◇ People with a criminal record or people who have never been caught engaging in crime
- If it is true that everyone or nearly everyone holds some sort of bias or prejudice, how can any defendant ever hope to have an impartial jury?

Discuss student responses briefly, then tell the students that the American legal system is set up in a way to give defendants (through their attorneys) the opportunity to attempt to screen potential jurors for bias. We will discuss this in more detail in part three of this lesson.

In a legal setting, the concern is not that jurors are free of every bias and prejudice, but that the jurors are willing and committed to decide a particular case on the basis of the evidence presented in the courtroom — and to not judge the defendant or case based on their own preconceptions.

- Why do you think the framers of the Amendments included the guarantee that the jury would be from the state and district where the crime took place?

One reason might be that a jury from the place where the crime was committed helps to ensure that the people on the jury can understand the perspective of people in the community that was harmed by the crime. It also makes it more likely that the jury will be able to view the defendant fairly because the jurors may know people who are similar to the defendant.

14

Invite a volunteer to read the Seventh Amendment aloud while the rest of the class reads it quietly and underlines the part about the right to a jury.

Ask students who were assigned the Seventh Amendment these questions:

- Does the Seventh Amendment guarantee a jury of your peers?
It does not.
- What does this Amendment guarantee about juries in civil trials (lawsuits)?
That people (defendants and plaintiffs) involved in lawsuits may request a jury trial.

15

Invite a volunteer to read the Fourteenth Amendment aloud while the rest of the class reads it quietly and underlines the part about the right to a jury.

Ask students who were assigned the Fourteenth Amendment this question:

- Does the Fourteenth Amendment literally guarantee a jury of your peers?
Tell students that while the word “jury” does not appear in the 14th Amendment, the U.S. Supreme Court and many legal scholars have interpreted this amendment’s “due process clause” and “equal protection clause” to give defendants the right to a fair trial and the chance for a jury that is representative of a defendant’s community. In fact, most legal challenges about jury diversity and representative juries are centered around the Fourteenth Amendment.

16

Stress this point: The Sixth, Seventh, and Fourteenth amendments do not literally and specifically guarantee a diverse or “representative” jury of the peers of a defendant, however they do guarantee the right to an impartial jury.

PART FOUR: JURY SELECTION (15 minutes)

1

Ask students:

- How are jurors picked for your youth court?

In most youth courts, juries are made up a combination of youth court volunteers and respondents who show up that day. Many youth courts attempt to get as many potential jurors as possible, through extensive recruiting and training programs.

Some youth courts post signs in schools or community centers looking for volunteers. Other youth courts might be in a school and could be made up of people taking a special youth court class, etc.

- Do you know anyone who has served on a jury in (an adult) criminal or civil case? If so, do you know how he or she was picked for jury duty?

Explain that the process for getting selected for jury duty varies slightly from place to place and for different types of juries.

2

Tell students that in the adult legal system there are two types of juries: grand juries and petit juries. Ask students:

- Do you know the difference between a grand jury and a petit jury?

A grand jury is a group of 12 – 23 people who hear preliminary evidence to decide if there is sufficient reason to formally charge a person with a crime. These people meet before the case goes to trial. There are some states that do not use grand juries.

A petit jury (pronounced “petty”) is a group of people who hear evidence in a trial and determine whether a defendant is guilty or not. In some states, juries also decide the punishment a guilty person receives. In other states, judges decide the sentence after a jury determines the person on trial is guilty. In civil cases, juries decide if a defendant owes the plaintiff (the person who is bringing the suit) money based on the facts of a lawsuit.

Ask students if they understand the difference between the two types of juries.

Tell students today’s lesson is mostly focused on petit juries. If, after the lesson, they are interested in learning more about the role of diversity in grand juries, they can do further study.

3

Tell students that some federal courts and some state courts rely on juries. Appellate courts (courts that hear appeals about lower court decisions) do not use juries. They rely on judges or panels of judges, similar to the “tribunal model” used in some youth courts.

4

Ask the six students who received strips about jury selection to bring those strips to the front of the room.

5

Distribute “Handout 3: How Are Petit Juries Selected?”

HANDOUT 3

HOW ARE PETIT JURIES SELECTED?

Step One

THE SUMMONS

The first step in selecting a jury is to call a group of potential jurors to the courthouse for “jury duty.” Most people who are asked to serve on juries get a letter in the mail called a “summons,” that tells them where and when they should report for duty. The people who get summons usually have their names picked from a list of people who have registered to vote in that state. Some states also send summons to people who have a driver’s license or an official state-issued identification card. Some communities are considering other lists to use for pulling names to receive summons. Anyone who is on those designated lists is in the “jury pool” and could be summoned for duty.

Step Two

THE JURY VENIRE (pronounced “va-nee-ray”)

Most people who appear for jury duty are not actually picked to serve on a jury because the court sends summons to more people than it needs.

Once you are summoned for duty and you show up, you are officially in the “jury venire.” Imagine you show up for jury duty and 100 other people show up for jury duty the same day. You are each assigned a number and are all waiting in a big waiting area. Then the clerk calls for jurors by number to go to a particular courtroom. Once you arrive in a courtroom, the potential of being picked for duty is much

higher. Depending on how many juries are needed that day, the rest of the people who were summoned will be sent home.

THE VOIR DIRE (pronounced “vwaa deer”)

To narrow down the group even more, lawyers representing the defendant and lawyers representing the prosecutor or plaintiff ask questions to potential jurors. Through the questioning process, lawyers try to find if a potential juror holds biases or prejudices that would affect their ability to be impartial. This questioning process is called voir dire, which means to seek the truth in French. Typical voir dire questions are “Do you know the defendant or the victim personally?” “Have you seen media coverage about this case?” “Have you made up your mind about whether the defendant is guilty?” In some places, the voir dire is done by a judge, not by lawyers.

REMOVAL FOR CAUSE

If, based on answers given in voir dire, lawyers think a potential juror would be biased against their side of the case, they can ask that juror to be removed from the pool. This is called “removal for cause.” As potential jury members are removed, the venire gets smaller.

PEREMPTORY CHALLENGES

Remember, in our adversarial system of justice, lawyers want jurors who will be sympathetic to their side of the case. In addition to removing jurors “for cause” it has been a long tradition to allow lawyers to remove certain potential jurors from the venire without stating a reason. This is called peremptory challenge. When lawyers use peremptory challenges, they base their requests on instinct and probability. The Supreme Court has ruled that judges and lawyers cannot use peremptory challenges to remove potential jurors because of their race* or gender**. There are also restrictions on the total number of peremptory challenges each side can use.

* *Batson v. Kentucky*, 476 U.S. 79 (1986)

***J.E.B. v. Alabama Ex Rel T.B.* 511 U.S. 127 (1994)

Step Three

SEATING (or empanelling) THE JURY

Once the voir dire is finished and potential jurors are removed for cause or through peremptory challenges, a jury is selected. In most criminal trials, twelve people serve on a jury and may be joined by one or two alternates. Some civil trials, cases involving lawsuits, use twelve jurors; others use six jurors.

6

Ask the student who has the term “summons” to read it to the class as the rest of the students read their handout.

NOTE: If your class has students who have difficulty reading, you can modify this part of the activity by asking a volunteer to read about “summons” while the student with the summons strip stands. Follow the same procedure for the rest of the strips.

Ask students if they understand the definition of summons.

7

Follow the same procedures for each part of the handout, pausing after each section to clarify, if necessary.

Optional: If time allows, you may consider showing a videotape from Court TV that shows an actual voir dire process in action. Be sure to plan your time so you can finish the entire lesson if you add this step.

PART FIVE : EVALUATE OPTIONS TO CREATE MORE DIVERSE JURIES (20 minutes)

1

Ask students:

- If your youth court has juries, do you think your juries are diverse? If your youth court uses a tribunal, is it typically diverse? Remember diversity refers to characteristics beyond race and ethnicity.
- Are the numbers of females and males fairly balanced?
- Are there enough people from various religious groups in your community?
- Do your juries reflect people who live in various neighborhoods of your community?
- Are there jurors with various educational levels?
- Are there jurors from various economic levels?
- Do any young people with disabilities serve on your juries?
- Are there enough people from each of the racial and ethnic groups in your community?

2

Tell students that according to research done by the American Probation and Parole Association (APPA), there are two groups who are often underrepresented among youth volunteers who participate in youth courts: males and minorities. (The study does not comment on the composition of youthful offenders who also often serve on juries.)

In 1994, the APPA found the youth court volunteer population was: 58% female, 42% male; 69% White, 16% Hispanic, 10% African American, and 4% of the volunteers came from other races. (Tracy M. Godwin, Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs, American Probation and Parole Association, Lexington, KY, 1998, pp 115 – 117)

NOTE: This publication also includes excellent suggestions for ways to recruit a more diverse youth court volunteer pool. Another publication containing helpful information and suggestions for recruiting youth court volunteers is National Youth Court Guidelines, by Tracy M. Godwin and published in 2000 by the American Probation and Parole Association and distributed by the National Youth Court Center.

3

Ask students:

- Do you have any suggestions for ways to make your youth court juries (or tribunals) more diverse?
- Can you think of new ways to recruit youth court volunteers who reflect various parts of your community?
- What steps are you willing to take in this effort?

4

Tell students to switch gears and think again about adult juries. Explain that many people are looking at ways to make adult juries more diverse, particularly after historical cases like the rape trial known as the Scottsboro case and the murder trial after the assassination of Emmitt Till. More recently some Americans were skeptical of high profile and racially-charged cases, like those cases involving O.J. Simpson, Amadou Diallo, Rodney King and others.

NOTE: If students want to learn more about these cases, you may wish to encourage them to conduct some research about a case or two and report back to you or the group about the effect of the composition of juries on the sense of justice some people perceived in those cases.

The student's next task is to evaluate some of those options to create more diverse juries. Explain that the students in this class have been selected to serve on an important citizens' committee to make recommendations about the best way to improve diversity on their community's juries.

5

Put students into groups of between three and five students. Ask students to arrange their chairs so they can easily hear other members of their group. Tell one group of students they will be the panel to make the final decision after the other groups make recommendations. These groups should read the scenarios and discuss them, but not make any final conclusions yet.

6

Distribute "Handout 4: Options For More Diverse Juries"

HANDOUT 4
OPTIONS FOR MORE DIVERSE JURIES

Directions:

1. Read and discuss the following options within your group. (If you were assigned to be in the panel making the final decision, do not complete steps 2 – 4 until after the other groups have presented their recommendations to you.)
2. After you have discussed each, rank them one to five, with one being the best option.
3. Once you have selected the best option, write down one or two sentences about why it is the best solution.
4. A member of your group should be ready to explain your recommendation to the group of state officials.

A . USE DRIVER'S LICENSE LISTS AND REGISTERED VOTER LISTS

Some states only summon potential jurors who are registered to vote. Analysts who have studied juries say that this group of people tend to be more civic minded (more likely to feel jury duty is an important responsibility of citizenship) than average people. This group also tends to be less diverse than the general public.

Many people want states to also use lists of people who are licensed to drive or who have state identification cards. Analysts say this group of people tend to be younger

and less affluent than most registered voters. They are also more likely to be angry about being called for jury duty and more likely to have criminal records than most people who are just registered to vote. (William R. Levesque, "Prosecutors Object to New Method of Jury Selection," St. Petersburg Times, December 28, 1998)

Concerns about this option: Are the driver and state identification lists accurate? Do these lists include enough people and enough of a variety of people? Should there be additional lists added to draw from for the jury pool?

B. INVEST TIME AND MONEY TO BE SURE VOTER REGISTRATION LISTS AND DRIVER'S LICENSE LISTS ARE ACCURATE

Obviously, people who do not receive their summons do not show up for jury duty, so if the addresses are wrong, there is a problem. For example, in one Wisconsin county, court officials found that 50% of the summons sent to minorities are undeliverable. In comparison, only 17% of summons to nonminorities are undeliverable. Of all the jurors summoned to serve, 3% are minorities. However, minorities comprise nearly 9% of the county's population and 37% of that county's jail population. ("Dane County Court Grant To Improve Jury Diversity," Wisconsin Lawyer, March 2001)

Concerns about this option: Where would the money come from to do the on-going research and data collection? Will this require expensive new computers or software? Is it worth it?

C. PAY JURORS MORE MONEY AND FIND DAY CARE FOR JURORS WHO NEED IT

Most people who serve on juries are paid less than minimum wage for their time. Many people try to get out of jury duty because they cannot afford to take off from work and their employers will not pay for their time on a jury. Other potential jurors have difficulty finding someone to care for their children while they serve on a jury. ("Arizona Supreme Court Committee On More Effective Use Of Juries: Summary of Recommendations" The Power Of Twelve, Arizona Supreme Court, January 8, 2002)

Concerns about this option: Where would the money come from to implement this? Our government does not require much of us -- jury duty is our way to participate in democratic justice. We should be willing to serve on juries for little or no money.

D. REQUIRE THAT JURIES REFLECT THE COMPOSITION OF THEIR COMMUNITIES.

Several states are considering ways to be sure that at least a few minorities serve on each jury so the composition of juries reflects the composition of the community.

For example, one county asks potential grand jurors to complete a questionnaire asking them if they would like to be identified as a minority. Then 21 of the 23 grand jurors are picked at random. If that group contains two minorities, the remaining jurors are picked randomly. If the original group does not contain two minorities, the remaining jurors are picked exclusively from the self-identified minority pool. (The Hennepin County Model is described in separate articles by Andrew G. Deiss and Jennifer McNulty. See source information at the end of the lesson.)

Concerns about this option: Some legal scholars think that it is unconstitutional to use racial quotas in jury selection. They say the Supreme Court has established very strict standards about when the government can consider race as a factor in any government action.

E. DON'T CHANGE SYSTEM

If we try to manipulate the composition of juries by considering race, gender, religious background, etc, we're assuming people of various groups cannot be fair. We also would be using discrimination to achieve the goal of diversity, and discrimination is not right or fair. We should not try for juries that "look like America" we should attempt to empanel jurors who "look beyond looks." (Randall Kennedy, Race, Crime, and the Law, Pantheon Books, New York, 1997, forward.)

Concerns about this option: Many Americans view the justice system with suspicion and even antagonism. They perceive the system is biased against people like them. If we do not take proactive steps to be sure all types of voices will be heard in jury boxes, we risk the general public losing confidence in justice altogether – fewer people being willing to testify as witnesses, to report crime, or to participate in any of the processes of justice.

7

Ask a student volunteer to read the directions aloud to the class. Clarify any questions students may have about the task. Tell students they have ten minutes to read the options aloud as a group and then pick the best one. Write the ending time on the board. Ask the panel to move to the front of the room, facing the other students. Invite students to begin as you circulate around the room to observe their work. Give a two-minute warning when time is nearly up.

8

Ask if any group selected option A. If so, ask a representative of that group to explain why they selected it. If more than one group selected "A", ask the second group if it had any different reasons for doing so. Follow the same steps for options B – E.

9

Ask each member of the panel to vote on the options and to give a twenty-second explanation about why he or she was most persuaded by that option.

PART SIX: SPEAK YOUR MIND (15 minutes)

1

Distribute “Handout 5: News Flash.”

**HANDOUT 5
NEWS FLASH**

Governor Considers Plan to Stop Mandatory Jury Duty

Today, in a surprising move, the Governor announced what could be a major shift for our state’s court system. Faced with a growing budget crisis, the Governor suggested that he might cut payments for jurors and let jury duty be a volunteer experience. The Governor justified the proposal saying, “Everybody complains about having to serve, anyway. You should hear some of the crazy excuses they come up with to get out of it. If somebody wants to volunteer to be on a jury, that’s great, but we can’t afford to pay ‘em. Besides, the Constitution doesn’t say we have to pay jurors and some other states are simply eliminating juries in some kinds of civil trials.”

In response to a reporter’s question about whether the Governor is concerned about a sharp decrease in the number of jurors, the Governor said that he has asked the lawyers on his staff to make recommendations about who might have to go without a jury. “Maybe we could do without juries in all lawsuits. Or we could make it so only people who face the death penalty or life in prison get a jury. Or maybe we could cut it off at someone who’s facing ten years or more in jail. Everyone else would only get a judge. That might even speed things up a bit!” the Governor said.

Opposition to the Governor’s proposal is already mobilizing. This afternoon, protesters gathered outside the Governor’s office “We’re the citizens! Don’t cut us out!” and carrying signs that read “We need more voices in our jury boxes, not fewer.” One particularly irate protester was heard saying, “What do you want, Governor? Juries made up of rich folks and people like you with nothin’ better to do?”

Clearly this battle is just beginning. And don’t be surprised if it ends up in court.

Directions: Think about the purpose of a jury. Then decide whether you think jury diversity is important. If so, think about how the Governor's proposal might affect jury diversity. Then use the space below to write a letter to the Governor explaining why you agree or disagree with his proposal. Your letter should be at least two paragraphs long. Use the space below or the back of this page to plan and then write your letter.

2

Ask several volunteers to take turns reading sections of the news flash aloud while the rest of the class reads it silently.

3

Be sure students understand the directions. Tell students they have five minutes to write their letters to the Governor. Write the ending time on the chalkboard or flipchart paper.

4

As students are working, circulate around the room to observe their work and answer questions. Give a one-minute warning when time is nearly up.

5

After five minutes, ask students to share their letters with someone they are sitting next to.

6

If time permits, ask students to raise their hands if they supported the Governor's plan. From that group, ask a student to volunteer to read his or her letter. Then switch and ask students who opposed the Governor's plan and let a volunteer from that group read his or her letter aloud.

PART SEVEN: SUMMARY AND CONCLUSION (5 minutes)

1

Ask students:

- Why is the jury system important?
- Do you think public confidence (trust) in juries will be eroded if juries are not more diverse?

2

Tell students:

- The fictional governor was right – that some adults try to avoid jury duty. If a community resource person is present, ask him or her to explain the penalties assigned to people who refuse to serve. (Note: The penalties vary from state to state.)
- According to research, 75% of jurors leave the courthouse feeling better about justice than when they arrived. In another study, 91% of jurors came away with a more favorable impression of the jury system after the trial in which they served and 99% of the jurors surveyed said they would encourage others to serve. (Dwyer, William L. In The Hands Of The People: The Trial Jury's Origins, Triumphs, Troubles, and Future in American Democracy, St. Martin's Press, New York, NY 2002 p137-138.)
- Ask students what they could do to make jury service more appealing. Why should people be eager to serve?

3

Ask students:

- How does service fit in with citizenship?
- Do you agree or disagree with this statement? Why or why not?

“Participating in juries is the most powerful symbolic evidence of democracy, second only to voting. The jury represents the people’s opportunity to participate directly in governance....” (Jeffrey N. Herman and Scott L. Berman, “Justice Gone Awry: Getting the U.S. Jury System Back On Track.” Viewpoint. Marsh and McLennan Companies, Inc., Fall 1996)

4

Thank the students and community resource person for their participation.

RESOURCES

Batson v. Kentucky, 476 .S. 79 (1986)

J.E.B. v. Alabama Ex Rel T.B. 511 U.S. 127 (1994)

Alshuler, Albert W. and Andrew G. Deiss, “A Brief History of Criminal Jury In The United States” University of Chicago Law Review, Summer 1994, p. 2

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McNulty, Jennifer, “Sociologist Testifies About How To Overcome Racial Bias In Jury Selection,” Currents. University of California, Santa Cruz. March 3, 1997.

Twelve Angry Men. Dir. Sidney Lumet. With Henry Fonda, Lee Cobb, Ed Begley, Jack Klugman, E.G. Marshall. MGM, 1957. (Note: the film is one hour and 36 minutes long.) www.courtstv.com

OVERHEAD TRANSPARENCY OR POSTER 1

STRAUDER V. WEST
VIRGINIA,
100 U.S. 303 (1879)

The Court also said that to deny any citizen the opportunity to serve on a jury because of race “is practically a brand upon them, affixed by law; an assertion of their inferiority, and a stimulant to that race prejudice which is an impediment to securing to individuals of the race that equal justice which the law aims to secure... The very idea of a jury is that it is a body of men composed of the peers or equals of the person [who is on trial.]”

HANDOUT 2

**THE RIGHTS TO JURIES ACCORDING TO THE
U.S. CONSTITUTION**

Directions: Your instructor will assign you and your group to read part of this handout. After you have read that part, answer the questions right below it as a group. Your group will be the experts on that section. When all groups have finished preparing, the instructor will pick one person in your group to read the passage from the Constitution. The whole group should be prepared to answer the questions.

(If you finish before other groups, you can read the other sections of the handout, but you do not have to.)

Article III, Section 2:

“The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed...”

The right to a jury trial in criminal cases was the only explicit guarantee to appear in both the original constitution and in the Bill of Rights that was added later. In fact, while the framers of the Constitution disagreed on many points, they agreed most consistently on the need to safeguard the right to a trial by jury.*

- a.) Does Article III say that we have a right to a jury of our peers? If so, underline that part.
- b.) What type of jury does it say we are guaranteed?

Sixth Amendment:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District wherein the crime shall have been committed, which District shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

In modern times, the Supreme Court has said adults charged with felonies or misdemeanors for which they could receive jail time of six months or more are

HANDOUT 2, continued

entitled to a jury. People who are accused of minor offenses that would be punishable by a fine or jury time less than six months are not entitled to a jury. Minor offenses could be things like minor traffic violations, or other petty misdemeanor crimes.

- a.) Does the Sixth Amendment say we have a right to a jury of our peers? If so, underline that part.
- b.) What type of jury does it say we are guaranteed?
- c.) What do you think it means to be impartial?

Seventh Amendment:

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

In modern times, the Court has allowed states to require defendants and plaintiff involved in lawsuits to request a jury trial. The Court has also allowed states to put limits on the length of time someone has to request a trial by jury in civil cases, also known as lawsuits.

- a.) Does the Seventh Amendment say we have a right to a jury of your peers? If so, underline that part.
- b.) What does this Amendment guarantee about juries in civil trials (lawsuits?)

Fourteenth Amendment, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws.

- a.) Does this Amendment literally guarantee a jury of your peers?

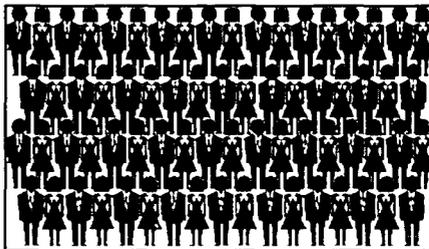
* (Albert W. Alshuler and Andrew G. Deiss, "A Brief History of Criminal Jury In The United States" University of Chicago Law Review, Summer 1994, p. 2)

HANDOUT 3 HOW ARE PETIT JURIES SELECTED?

Step One

THE SUMMONS

The first step in selecting a jury is to call a group of potential jurors to the courthouse for “jury duty.” Most people who are asked to serve on juries get a letter in the mail called a “summons,” that tells them where and when they should report for duty. The people who get summons usually have their names picked from a list of people who have registered to vote in that state. Some states also send summons to people who have a driver’s license or an official state-issued identification card. Some communities are considering other lists to use for pulling names to receive summons. Anyone who is on those designated lists is in the “jury pool” and could be summoned for duty.

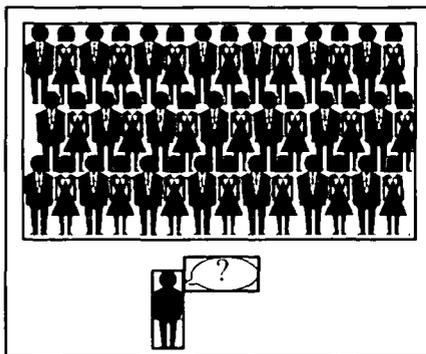


Step Two

THE JURY VENIRE (pronounced “va-nee-ray”)

Most people who appear for jury duty are not actually picked to serve on a jury because the court sends summons to more people than it needs.

Once you are summoned for duty and you show up, you are officially in the “jury venire.” Imagine you show up for jury duty and 100 other people show up for jury duty the same day. You are each assigned a number and are all waiting in a big waiting area. Then the clerk calls for jurors by number to go to a particular courtroom. Once you arrive in a courtroom, the potential of being picked for duty is much higher. Depending on how many juries are needed that day, the rest of the people who were summoned will be sent home.

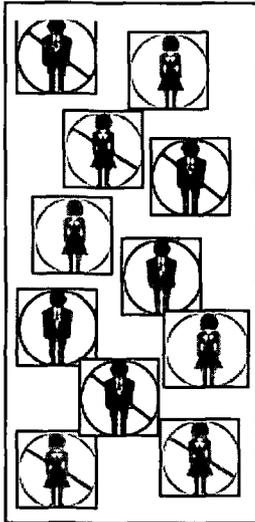


THE VOIR DIRE (pronounced “vwaa deer”)

To narrow down the group even more, lawyers representing the defendant and lawyers representing the prosecutor or plaintiff ask questions to potential jurors. Through the questioning process, lawyers try to find if a potential juror holds defendant or the victim personally?” “Have you seen media coverage about this case?” “Have you made up your mind

about whether the defendant is guilty?” In some places, the voir dire is done by a judge, not by lawyers.

HANDOUT 3, continued



REMOVAL FOR CAUSE

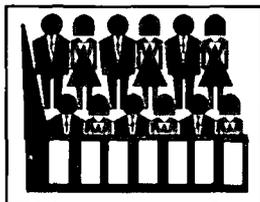
If, based on answers given in voir dire, lawyers think a potential juror would be biased against their side of the case, they can ask that juror to be removed from the pool. This is called “removal for cause.” As potential jury members are removed, the venire gets smaller.

PEREMPTORY CHALLENGES

Remember, in our adversarial system of justice, lawyers want jurors who will be sympathetic to their side of the case. In addition to removing jurors “for cause” it has been a long tradition to allow lawyers to remove certain potential jurors from the venire without stating a reason. This is called peremptory challenge. When lawyers use peremptory challenges, they base their requests on instinct and probability. The Supreme Court has ruled that judges and lawyers cannot use peremptory challenges to remove potential jurors because of their race* or gender**. There are also restrictions on the total number of peremptory challenges each side can use.

* *Batson v. Kentucky*, 476 U.S. 79 (1986)

***J.E.B. v. Alabama Ex Rel T.B.* 511 U.S. 127 (1994)



Step Three

SEATING (or empanelling) THE JURY

Once the voir dire is finished and potential jurors are removed for cause or through peremptory challenges, a jury is selected.

In most criminal trials, twelve people serve on a jury and may be joined by one or two alternates. Some civil trials, cases involving lawsuits, use twelve jurors; others use six jurors.

HANDOUT 4

OPTIONS FOR MORE DIVERSE JURIES

Directions:

1. Read and discuss the following options within your group. (If you were assigned to be in the panel making the final decision, do not complete steps 2 – 4 until after the other groups have presented their recommendations to you.)
2. After you have discussed each, rank them from one to five, with one being the best option.
3. Once you have selected the best option, write down one or two sentences about why it is the best solution.
4. A member of your group should be ready to explain your recommendation to the group of state officials.

A . USE DRIVER'S LICENSE LISTS AND REGISTERED VOTER LISTS

Some states only summon potential jurors who are registered to vote. Analysts who have studied juries say that this group of people tend to be more civic minded (more likely to feel jury duty is an important responsibility of citizenship) than average people. This group also tends to be less diverse than the general public.

Many people want states to also use lists of people who are licensed to drive or who have state identification cards. Analysts say this group of people tend to be younger and less affluent than most registered voters. They are also more likely to be angry about being called for jury duty and more likely to have criminal records than most people who are just registered to vote. (William R. Levesque, "Prosecutors Object to New Method of Jury Selection," St. Petersburg Times, December 28, 1998)

Concerns about this option: Are the driver and state identification lists accurate? Do these lists include enough people and enough of a variety of people? Should there be additional lists added to draw from for the jury pool?

B. INVEST TIME AND MONEY TO BE SURE VOTER REGISTRATION LISTS AND DRIVER'S LICENSE LISTS ARE ACCURATE

Obviously, people who do not receive their summons do not show up for jury duty, so if the addresses are wrong, there is a problem. For example, in one Wisconsin county, court officials found that 50% of the summons sent to minorities are undeliverable. In comparison, only 17% of summons to nonminorities are undeliverable. Of all the

HANDOUT 4, continued

jurors summoned to serve, 3% are minorities. However, minorities comprise nearly 9% of the county's population and 37% of that county's jail population. ("Dane County Court Grant To Improve Jury Diversity," Wisconsin Lawyer, March 2001)

Concerns about this option: Where would the money come from to do the on-going research and data collection? Will this require expensive new computers or software? Is it worth it?

C. PAY JURORS MORE MONEY AND FIND DAY CARE FOR JURORS WHO NEED IT

Most people who serve on juries are paid less than minimum wage for their time. Many people try to get out of jury duty because they cannot afford to take off from work and their employers will not pay for their time on a jury. Other potential jurors have difficulty finding someone to care for their children while they serve on a jury. ("Arizona Supreme Court Committee On More Effective Use Of Juries: Summary of Recommendations" The Power Of Twelve, Arizona Supreme Court, January 8, 2002)

Concerns about this option: Where would the money come from to implement this? Our government does not require much of us — jury duty is our way to participate in democratic justice. We should be willing to serve on juries for little or no money.

D. REQUIRE THAT JURIES REFLECT THE COMPOSITION OF THEIR COMMUNITIES.

Several states are considering ways to be sure that at least a few minorities serve on each jury so the composition of juries reflects the composition of the community. For example, one county asks potential grand jurors to complete a questionnaire asking them if they would like to be identified as a minority. Then 21 of the 23 grand jurors are picked at random. If that group contains two minorities, the remaining jurors are picked randomly. If the original group does not contain two minorities, the remaining jurors are picked exclusively from the self-identified minority pool. (The Hennepin County Model is described in separate articles by Andrew G. Deiss and Jennifer McNulty. See source information at the end of the lesson.)

Concerns with this option: Some legal scholars think that it is unconstitutional to use racial quotas in jury selection. They say the Supreme Court has established very strict standards about when the government can consider race as a factor in any government action.

HANDOUT 4, continued

E. DON'T CHANGE SYSTEM

If we try to manipulate the composition of juries by considering race, gender, religious background, etc, we're assuming people of various groups cannot be fair. We also would be using discrimination to achieve the goal of diversity, and discrimination is not right or fair. We should not try for juries that "look like America" we should attempt to empanel jurors who "look beyond looks." (Randall Kennedy, Race, Crime, and the Law, Pantheon Books, New York. 1997, forward.)

Concerns about this option: Many Americans view the justice system with suspicion and even antagonism. They perceive the system is biased against people like them. If we do not take proactive steps to be sure all types of voices will be heard in jury boxes, we risk the general public losing confidence in justice altogether – fewer people being willing to testify as witnesses, to report crime, or to participate in any of the processes of justice.

HANDOUT 5
NEWS FLASH

Governor Considers Plan to Stop Mandatory Jury Duty

Today, in a surprising move, the Governor announced what could be a major shift for our state's court system. Faced with a growing budget crisis, the Governor suggested that he might cut payments for jurors and let jury duty be a volunteer experience. The Governor justified the proposal saying, "Everybody complains about having to serve, anyway. You should hear some of the crazy excuses they come up with to get out of it. If somebody wants to volunteer to be on a jury, that's great, but we can't afford to pay 'em. Besides, the Constitution doesn't say we have to pay jurors and some other states are simply eliminating juries in some kinds of civil trials."

In response to a reporter's question about whether the Governor is concerned about a sharp decrease in the number of jurors, the Governor said that he has asked the lawyers on his staff to make recommendations about who might have to go without a jury. "Maybe we could do without juries in all lawsuits. Or we could make it so only people who face the death penalty or life in prison get a jury. Or maybe we could cut it off at someone who's facing ten years or more in jail. Everyone else would only get a judge. That might even speed things up a bit!" the Governor said.

Opposition to the Governor's proposal is already mobilizing. This afternoon, protesters gathered outside the Governor's office "We're the citizens! Don't cut us out!" and carrying signs that read "We need more voices in our jury boxes, not fewer." One particularly irate protester was heard saying, "What do you want, Governor? Juries made up of rich folks and people like you with nothin' better to do?"

Clearly this battle is just beginning. And don't be surprised if it ends up in court.

Directions: Think about the purpose of a jury. Then decide whether you think jury diversity is important. If so, think about how the Governor's proposal might affect jury diversity. Then use the space below to write a letter to the Governor explaining why you agree or disagree with his proposal. Your letter should be at least two paragraphs long. Use the space below or the back of this page to plan and then write your letter.



VANDALISM

OUTCOMES

As a result of this lesson, students will be able to:

- Define vandalism
- Consider what makes people commit acts of vandalism
- Examine the impact on the community
- Discuss strategies to prevent vandalism

MATERIALS

- Chalkboard/flip chart
- Chalk/markers

HANDOUTS

- 1 Solutions to Vandalism

PREPARING TO TEACH THIS LESSON

- Write up the lesson objectives. Do not post them until the lesson calls for it. (If you have to write them on a chalkboard, cover them with a pull-down map or something else.)
- Copy handouts and prepare all materials.
- Using the chalkboard, flipchart or transparency, write up the definition of vandalism. Keep it covered, if possible.

COMMUNITY RESOURCE PEOPLE

Invite an official from your local school, your city or a neighborhood association where property has been damaged who can discuss the costs of vandalism. The discussion could include what the school or city is unable to purchase because of the costs of vandalism (the issue of opportunity cost). Send a copy of the lesson when you confirm the date, time and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students.

During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: WHAT DO YOU THINK? (20 minutes)

1

Write the following phrase on the chalkboard or flip chart: "How would you feel if someone ..."

Ask students to think about their responses to the following situations without answering the questions aloud. (Note: Pause for a moment of quiet thought between each scenario.)

- Broke the basketball backstop at the playground where you shoot hoops?
- Kicked your portable radio and broke it?
- Slashed the tires of your bicycle or your new car?
- Spray-painted obscenities on your house?
- Tore up your plat in the community garden?
- Tore up your mother's favorite rose bush?
- . . . and then said it was a joke?

2

Get as many volunteers as possible to share their feelings on the scenarios. Ask a student to volunteer to record student comments on the chalkboard or flip chart. The goal is to get students thinking and talking about vandalism in personal - not abstract - terms.

3

Tell students that vandalism is sometimes called a victimless crime. A victimless crime is an illegal act that does not specifically harm an individual.

4

Ask students:

- Do you think there are victims in these crimes?
- How does someone who is touched by vandalism feel?

Tell students: The idea that vandalism is a victimless crime ignores the anger, fear and outrage that people feel when their property is deliberately destroyed for no apparent

reason. It also ignores the enormous costs involved in repair, clean up and replacement of vandalized property, which is estimated to cost millions of dollars each year.

Ask students: Who pays for the damage done by vandals? (Property owners, insurance companies, who then might have to raise rates, taxpayers who have to pay for damage done to public property.)

According to the 1999 National Report of Juvenile Offenders and Victims published by the U.S. Department of Justice, an estimated 137,000 juveniles were arrested for vandalism in 1997. Of those people arrested:

- 12% were female, 88% were male
- 80% were White, 17% were Black, 1% were American Indian, and 1% were Asian.

Ask students: Do these statistics surprise you? Why or why not?

Explain that these statistics obviously do not include the number of incidents in which an arrest was not made.

Ask students: How many of you have had your property damaged or stolen in the last 30 days? After the students respond, tell them that the same report cited a survey in which 33% of students surveyed said they had property damaged or stolen within 30 days of the survey. Discuss how the national figures compare to the experiences of the people in this class.

5

Ask students to come up with a definition of vandalism. Record the definition on the chalkboard or flip chart for use in the next section.

Vandalism is the deliberate destruction of property belonging to another person.

Post and discuss the lesson objectives. If a Community Resource Person has joined you for this lesson, introduce him or her now.

PART TWO: WHAT'S THE PROBLEM? (10 minutes)

1

Ask: Have you ever doodled in a meeting, class, etc? Why did you do it? Do you think the same thing motivates people to vandalize? Why or why not?

Have students work in small groups of three to five to brainstorm why they think so many young people are sometimes involved in vandalism.

Possible answers might include: for fun, on a dare, out of boredom, as an outlet for creativity, to put your identity where people will see it and notice you, to rebel against those you don't think like you or care about you, etc.

2

Have each group report their list to the large group.

3

Ask students to report on some examples of vandalism that they have witnessed personally or that they have seen around their school or community. After hearing reports of examples of vandalism from students, ask:

- How did you feel when you saw these things?
- How might the victims have felt when they saw them?
- Do you think the people doing the acts thought about the victims? Why or why not?
- Is vandalism a problem in your school or community?

PART THREE: LET'S FIND A SOLUTION (25 minutes)

1

Have students return to their small groups. Tell them that they have been asked to serve as special advisors. They must brainstorm a variety of solutions to the problem of vandalism in their community and then evaluate which solutions will be most effective.

NOTE: If a group of students is having particular difficulty thinking of responses, you may want to give them "Handout 1: Solutions to Vandalism." If you do this, ask the students to discuss each proposal and then decide which strategies would be most effective.

HANDOUT 1
SOLUTIONS TO VANDALISM

- Don't destroy or deface someone else's property or public places.
- Report any acts of vandalism that you see.
- Volunteer to help clean up a park, vacant lot, or school campus. Plant trees, bushes, and flowers.

- Clean graffiti off the walls in schools, libraries, or other public facilities. Make it a group project.
- Work with police and school officials to start a hotline to report vandalism.
- Work with your local “Neighborhood Watch” group to start a program.
- When graffiti writers are caught, they should be sentenced to remove it.
- Involve young street artists in city beautification projects.
- Give street artists a place to publicly display their (appropriate) work.

2

Give groups ten to 15 minutes to work. After they have finished give each group a chance to report their ideas and explanations.

3

Compile a list of all of the best solutions.

PART FOUR: SUMMARY (5 minutes)

1

Ask students:

- How can we work to implement these solutions that we have come up with?
- Will they work to reduce the incidence of vandalism in our community?
- Who else would be interested in working with us on the problem of vandalism?

2

Thank students and the Community Resource Person for their participation and excuse them.

HANDOUT 1
SOLUTIONS TO VANDALISM

- Don't destroy or deface someone else's property or public places.
- Report any acts of vandalism that you see.
- Volunteer to help clean up a park, vacant lot, or school campus. Plant trees, bushes, and flowers.
- Clean graffiti off the walls in schools, libraries, or other public facilities. Make it a group project.
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- When graffiti writers are caught, they should be sentenced to remove it.
- Involve young street artists in city beautification projects.
- Give street artists a place to publicly display their (appropriate) work.

WHO MUST ATTEND SCHOOL?

OUTCOMES

As a result of this lesson, students will be able to:

- Explain the reasons for laws that require children to be educated
- Identify who must attend school

MATERIALS NEEDED

- Chalkboard/ flip chart
- Chalk/markers

HANDOUTS

- 1 You Be the Judge

TRANSPARENCY OR POSTER

- 1 School Attendance Requirements

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives
- Copy handouts and prepare all materials
- Know the school attendance rules for your community
- Make a poster or overhead transparency of the generic law in the lesson or of the school attendance law that governs your jurisdiction.

COMMUNITY RESOURCE PEOPLE

Invite a school administrator, probation officer, or police officer who can talk about local school attendance laws. Send a copy of the lesson when you confirm the date, time, and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students.

During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: SCHOOL ATTENDANCE (50 minutes)

1

Share lesson outcomes with students and introduce the Community Resource Person if one is helping to teach this lesson.

TRANSPARENCY/POSTER 1

SCHOOL ATTENDANCE REQUIREMENTS FOR “ANYTOWN, USA”

Every parent or guardian who lives in this city during the school year and who has custody of a child who has reached the age of five years shall place the child in regular attendance in a public or private school or in private instruction. This responsibility of the parent lasts until the child reaches the age of 18 years.

2

Post “Transparency/Poster 1: School Attendance Requirements.” Read aloud and clarify.

3

Ask students the following questions:

- What does this law say?
- Is the law in your state different?

NOTE: Instead of using the generic law printed above, another option is to make a transparency/poster of your jurisdiction’s school attendance regulations.

- Why do we have compulsory education laws (i.e., laws that require students to attend school)?
- Will everyone understand the law? Is it clear?
- Are there any exceptions to this law?

- Think about what motivated lawmakers to pass this law. Do you agree with their intentions? Why or why not?

4

Distribute “Handout 1: You Be the Judge.” Read and clarify.

HANDOUT 1
YOU BE THE JUDGE

Read each of the cases below. For each case, think about your own answers to the questions that follow. Record your answers in the spaces provided.

1. Mary is 12 years old. She stays at home to baby-sit for her three brothers and sisters who are too young to attend school. Mary’s mother works and does not make enough money to pay both a baby-sitter and the bills.
 - a. Retell the case in your own words.
 - b. Discuss the reasons the child in the case does not attend school.
 - c. Discuss the reasons the child in the case should attend school.
 - d. If you were a judge, would you require the child to attend school?
 - e. What reasonable changes might make it easier for this child to attend school?
2. Michel and his parents are from Haiti. Haiti is not in the United States. Michel and his family came to this country illegally. Michel is eight years old. He does not attend school because he thinks that the school will report him to the government. If the government finds out that he is here, they will send Michel and his family back to Haiti.
 - a. Retell the case in your own words.
 - b. Discuss the reasons the child in the case does not attend school.
 - c. Discuss the reasons the child in the case should attend school.
 - d. If you were a judge, would you require the child to attend school?
 - e. What reasonable changes might make it easier for this child to attend school?
3. Cecilia is from Argentina. She is ten years old and does not speak English. Cecilia does not understand the teacher or the other students. She is the only Spanish-speaking person in her school.
 - a. Retell the case in your own words.
 - b. Discuss the reasons the child in the case does not attend school.

- c. Discuss the reasons the child in the case should attend school.
 - d. If you were a judge, would you require the child to attend school?
 - e. What reasonable changes might make it easier for this child to attend school?
4. Karen is blind. She is five years old. Karen's parents refuse to send her to school because they think the other children will make fun of her.
 - a. Retell the case in your own words.
 - b. Discuss the reasons the child in the case does not attend school.
 - c. Discuss the reasons the child in the case should attend school.
 - d. If you were a judge, would you require the child to attend school?
 - e. What reasonable changes might make it easier for this child to attend school?
 5. Matthew is 15 years old. He is in the ninth grade, but he hates school. Matthew plans to drop out of school when he is 16. He does not attend regularly now.
 - a. Retell the case in your own words.
 - b. Discuss the reasons the child in the case does not attend school.
 - c. Discuss the reasons the child in the case should attend school.
 - d. If you were a judge, would you require the child to attend school?
 - e. What reasonable changes might make it easier for this child to attend school?
 6. Elizabeth is 14 years old. She finished the eighth grade, but refuses to attend high school because Elizabeth belongs to the Amish religion. The Amish believe in a simple way of life. Most Amish do not use automobiles, telephones, or electricity. They wear simple clothing and live on farms. Elizabeth's parents believe that if they send Elizabeth to high school, she will not want to remain Amish. They believe she will want to leave their religion and way of life.
 - a. Retell the case in your own words.
 - b. Discuss the reasons the child in the case does not attend school.
 - c. Discuss the reasons the child in the case should attend school.
 - d. If you were a judge, would you require the child to attend school?
 - e. What reasonable changes might make it easier for this child to attend school?
 7. Sung is 16 years old. He does well in school and likes it, but things are difficult at home. His father was injured on the job and cannot work. Sung's boss just offered him a full-time position where he could make a lot more money.

Sung intends to drop out of school and help pay the bills so his mother won't have to work two jobs and so his younger brothers and sisters will have better opportunities than his parents.

- a. Retell the case in your own words.
- b. Discuss the reasons the child in the case does not attend school.
- c. Discuss the reasons the child in the case should attend school.
- d. If you were a judge, would you require the child to attend school?
- e. What reasonable changes might make it easier for this child to attend school?

5

Instruct students to begin completing the handout on their own. Tell them they have ten minutes. Write the ending time on the board. Circulate around the room to help students and monitor their progress. Give a two-minute warning. When ten minutes has gone by, tell students that they will work in groups to make a decision in each of these cases using the school attendance requirements. The groups will be given 15-20 minutes to answer the questions.

6

Divide students into groups of three to five. Circulate around the room to answer any questions that the groups might have.

7

After all of the groups have finished (15-20 minutes — or longer if necessary), ask “What could be some of the negative consequences for Mary, Michael, Cecilia, Karen, Matthew, Elizabeth, and Sung if they do not go to school? After students have discussed this, ask “What could be the negative consequences for society if education is not compulsory?” Then have each group report its decision in each case. After each group has given its decision for a particular case, inform students of the outcomes of judges in the real cases. Invite the Community Resource Person to lead this discussion if one is present.

1. Mary is 12 years old. She stays at home to baby-sit for her three brothers and sisters who are too young to attend school. Mary's mother works and does not make enough money to pay both a baby-sitter and the bills.

Mary would be required to attend school. It is not her responsibility to provide for the care of her sisters and brothers. The law clearly says that all youth between the ages of five and 16 must attend school. Since she is between those ages, Mary must attend school.

2. Michel and his parents are from Haiti. Haiti is not in the United States. Michel and his family came to this country illegally. Michel is eight years old. He does not attend school because he thinks that the school will report him to the government. If the government finds out that he is here, they will send Michel and his family back to Haiti.

Michel would be required to attend school. It does not matter that he is in the country illegally. All schools are required to give a free public education to everyone, regardless of where they came from or how they got to the United States. Schools may not require children to prove they are in the country legally.

3. Cecilia is from Argentina. She is ten years old and does not speak English. Cecilia does not understand the teacher or the other students. She is the only Spanish-speaking person in her school.

Cecilia would be required to attend school, even if she cannot speak English. The school's staff members must take steps to provide Cecilia with an education. They may teach her in Spanish and English or they may choose another plan, but they cannot ignore Cecilia.

4. Karen is blind. She is five years old. Karen's parents refuse to send her to school because they think the other children will make fun of her.

Karen must attend school, even if she is blind. All children must attend school, even if they have a disability. The school's staff members will work with Karen's parents to make sure she is in a school where she can learn. They will decide what school Karen will attend. The school must provide Karen with services to help her learn. One kind of service the school may provide is someone to read Karen's books to her. There are also many other services.

5. Matthew is 15 years old. He is in the ninth grade, but he hates school. Matthew plans to drop out of school when he is 16. He does not attend regularly now.

Matthew must attend school until he is 18. Matthew may be detained by the police if he drops out of school before the law says he may. He will be charged with truancy. Truancy is the failure to attend school. Parents can also be prosecuted for the crime of failing to send a child to school.

6. Elizabeth is fourteen years old. She finished the eighth grade, but refuses to attend high school because Elizabeth belongs to the Amish religion. The Amish believe in the simple way of life. Most Amish do not use automobiles, telephones, or electricity. They wear simple clothing and live on farms. Elizabeth's parents believe that if they send Elizabeth to high school, she will not want to remain Amish. They believe she will want to leave their religion and way of life.

Elizabeth is not required to attend school. According to a 1972 decision of the U.S. Supreme Court, Elizabeth's right to practice her religion is more important than attending school for two more years. The Amish do a good job of preparing children for life in the Amish community. Elizabeth will receive additional instruction from her parents and her community. It is not clear, however, whether courts would allow this same exception for other groups.

7. Sung is 16 years old. He does well in school and likes it, but things are difficult at home. His father was injured on the job and cannot work. Sung's boss just offered him a full-time position where he could make a lot more money. Sung intends to drop out of school and help pay the bills so his mother won't have to work two jobs and so his younger brothers and sisters will have better opportunities than his parents.

Sung must attend school, even if his family is having financial difficulty. Sung's school counselor, a social worker, or a local government official may be able to put Sung's family in contact with social service agencies that can help them manage in this difficult time.

PART TWO: SUMMARY (10 minutes)

1

Ask students the following questions:

- How does this law apply to you?
- Is it fair? Why or why not?
- Why do states think education is so important that they have laws that require children between certain ages to attend school?
- Do schools have any responsibilities? What are they?

2

Have each student tell everyone one thing that he or she learned during the class.

3

Thank students for their participation and dismiss them.

TRANSPARENCY/POSTER 1

SCHOOL ATTENDANCE REQUIREMENTS FOR “ANYTOWN, USA”

Every parent or guardian who lives in this city during the school year and who has custody of a child who has reached the age of five years shall place the child in regular attendance in a public or private school or in private instruction. This responsibility of the parent lasts until the child reaches the age of 18 years.

HANDOUT 1
YOU BE THE JUDGE

Read each of the cases below. For each case, think about your own answers to the questions that follow. Record your answers in the spaces provided.

1. Mary is 12 years old. She stays at home to baby-sit for her three brothers and sisters who are too young to attend school. Mary's mother works and does not make enough money to pay both a baby-sitter and the bills.
 - a. Retell the case in your own words.
 - b. Discuss the reasons the child in the case does not attend school.
 - c. Discuss the reasons the child in the case should attend school.
 - d. If you were a judge, would you require the child to attend school?

- e. What reasonable changes might make it easier for this child to attend school?

2. Michel and his parents are from Haiti. Haiti is not in the United States. Michel and his family came to this country illegally. Michel is eight years old. He does not attend school because he thinks that the school will report him to the government. If the government finds out that he is here, they will send Michel and his family back to Haiti.
 - a. Retell the case in your own words.
 - b. Discuss the reasons the child in the case does not attend school.
 - c. Discuss the reasons the child in the case should attend school.
 - d. If you were a judge, would you require the child to attend school?

HANDOUT 1, continued

e. What reasonable changes might make it easier for this child to attend school?

3. Cecilia is from Argentina. She is ten years old and does not speak English. Cecilia does not understand the teacher or the other students. She is the only Spanish-speaking person in her school.

- a. Retell the case in your own words.
- b. Discuss the reasons the child in the case does not attend school.
- c. Discuss the reasons the child in the case should attend school.
- d. If you were a judge, would you require the child to attend school?

e. What reasonable changes might make it easier for this child to attend school?

4. Karen is blind. She is five years old. Karen's parents refuse to send her to school because they think the other children will make fun of her.

- a. Retell the case in your own words.
- b. Discuss the reasons the child in the case does not attend school.
- c. Discuss the reasons the child in the case should attend school.
- d. If you were a judge, would you require the child to attend school?

e. What reasonable changes might make it easier for this child to attend school?

HANDOUT 1, continued

5. Matthew is 15 years old. He is in the ninth grade, but he hates school. Matthew plans to drop out of school when he is 16. He does not attend regularly now.

- a. Retell the case in your own words.
- b. Discuss the reasons the child in the case does not attend school.
- c. Discuss the reasons the child in the case should attend school.
- d. If you were a judge, would you require the child to attend school?

- e. What reasonable changes might make it easier for this child to attend school?

6. Elizabeth is 14 years old. She finished the eighth grade, but refuses to attend high school because Elizabeth belongs to the Amish religion. The Amish believe in a simple way of life. Most Amish do not use automobiles, telephones, or electricity. They wear simple clothing and live on farms. Elizabeth's parents believe that if they send Elizabeth to high school, she will not want to remain Amish. They believe she will want to leave their religion and way of life.

- a. Retell the case in your own words.
- b. Discuss the reasons the child in the case does not attend school.
- c. Discuss the reasons the child in the case should attend school.
- d. If you were a judge, would you require the child to attend school?

- e. What reasonable changes might make it easier for this child to attend school?

HANDOUT 1, continued

7. Sung is 16 years old. He does well in school and likes it, but things are difficult at home. His father was injured on the job and cannot work. Sung's boss just offered him a full-time position where he could make a lot more money. Sung intends to drop out of school and help pay the bills so his mother won't have to work two jobs and so his younger brothers and sisters will have better opportunities than his parents.

- a. Retell the case in your own words.
- b. Discuss the reasons the child in the case does not attend school.
- c. Discuss the reasons the child in the case should attend school.
- d. If you were a judge, would you require the child to attend school?

- e. What reasonable changes might make it easier for this child to attend school?

ALCOHOL, VIOLENCE AND DRUNK DRIVING: WHAT RISKS ARE YOU WILLING TO TAKE?

OUTCOMES

As a result of this lesson, students will be able to:

- Define binge drinking
- Explain the connection between alcohol abuse, violent crime, and victimization
- Define the crimes of drunk driving, driving under the influence (DUI), and driving while intoxicated (DWI)
- Explain the purpose of “zero tolerance laws” for young drivers
- Describe the legal responsibilities of parents and young people who host parties where alcohol is served
- Discuss the consequences of drinking and driving to young people and to communities

MATERIALS NEEDED

- Chalkboard with chalk or flipchart paper with markers
- An overhead transparency projector or flipchart for a poster (see note below)
- 13 pieces of construction paper or poster paper
- Optional: 3 x 5 note cards for the “each one / teach one” activity (See note below)
- Teacher Key “Sobering Facts About Alcohol and Violence” (one for each instructor and one for the teacher to cut up for students)

HANDOUTS

- 1 When Alcohol Changes Everything
- 2 The Investigation (enough handouts for each students and three or four transparencies or poster of the same handout)

TRANSPARENCIES OR POSTERS

- 1 Facts Uncovered In The Preliminary Investigation
- 2 The Investigation (enough handouts for each students and three or four transparencies or poster of the same handout)
- 3 (Optional) Teacher Answer Key – Blood Alcohol Content and Impairment

PREPARING TO TEACH THIS LESSON

- Prepare the materials listed above.
- Write up the lesson outcomes on the chalkboard or on flipchart paper.
- Using the 13 pieces of construction paper or poster paper, make 13 “signs” about the effect of alcohol at various levels of blood alcohol level. See the “Teacher BAC chart” at the end of the lesson for the information you need.
- Using an extra copy of “Sobering Facts About Alcohol and Violence,” prepare fact sheets for each student. You can do this by cutting the facts into separate strips or by putting those separate strips onto 3 x 5 note cards. (You may want to make the note cards if you plan to teach this lesson again in the future.)

COMMUNITY RESOURCE PEOPLE

A Community Resource Person would add credibility, depth, and interest to this lesson. You may consider inviting a police officer, a prosecutor with experience handling DUI or DWI cases, a representative from your local chapters of Mothers Against Drunk Driving (MADD) or Students Against Destructive Decisions (SADD), or a speaker from your local office of the American Automobile Association (AAA). See the resource section at the end of the lesson for contact information. You may also want to invite a counselor or victim’s advocate. See note below.

Send an advance copy of the lesson to the Community Resource Person. When he or she has received it, confirm the date and location of the class and discuss how you will teach the lesson together.

For additional suggestions about working with Community Resource People, consult the section “How should I prepare for a visit by a Community Resource Person” in the section labeled “Teaching the Lessons” in the beginning of this manual.

TIMING

As written, this lesson will take about two hours. This estimate is based on a class size of about 25 students. If your class is smaller, it will take less time. If it is larger, it may take longer.

If you cannot dedicate two hours to teaching this class in one session, you have two choices. First, you could break the lesson into two sessions. If you choose this option, a logical place to break the lesson is about ninety minutes into the lesson, after “Part Three: Who Is Accountable.” Be sure to leave enough time for the summary questions and discussion shown at the end of that section.

A second choice that is that you could pick and choose which parts of this lesson you want to teach in one class period. If you choose to shorten the lesson, be sure to give students

sufficient time within each activity and do not cut the summary discussion at the end. These are critical to helping students absorb and personalize the information you have taught.

ADDITIONAL CONSIDERATION BEFORE TEACHING

The topics of alcohol, drunk driving, and alcohol-related violence often bring up difficult emotional issues in people. A student in your class may have been the victim of a drunk driver or may be close to someone who was victimized. You may also have a student in your class who is struggling with alcohol addiction or know someone who abuses alcohol. Be prepared to handle this topic sensitively and to be sure that students do the same. We recommend inviting a counselor to help explain the impact of alcohol on individuals and on their communities. With two class leaders, one of you can help a teen who becomes emotional, if that is necessary, while the other can continue with the session.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: WHAT DO YOU THINK? (5 minutes)

1

Survey students with the following questions:

- Would you drive a car that you knew had faulty breaks?
Why wouldn't you do this?
- Would you drink bleach on a dare?
Why wouldn't you do this?
- Would you jump off a cliff into a river you've never seen before?
Why wouldn't you do this?

2

Ask students to think about their answers to the next three questions without answering aloud.

- Have you ever ridden in a car with a driver you know had been drinking alcohol?
Would you?

- Have you ever driven a car after you had been drinking? Would you?
- Have you ever gone on a date with someone who was drinking? Would you?

After students have thought quietly for a moment, ask students:

- How are these questions related to the first three questions? [They are all avoidable, risky activities that could result in tragedy.]
- How are these three questions different?

3

Ask students:

- If you already had a sprained ankle, would you jump off a roof?

After pausing, tell students: binge drinking is defined as drinking five or more drinks in a row in one occasion for a man and four or more drinks in a row for a woman.

According to Monitoring The Future, people who binge drink frequently are ten times more likely to drive drunk than non-bingers are.

People who binge drink frequently are sixteen times more likely to get in a car with a drunk driver than non-bingers are.

- How many people do you think report they are binge drinkers?

According to the National Institute on Drug Abuse, 31% of 12th graders reported binge drinking in the two weeks prior to being surveyed. Of eighth graders taking the same anonymous survey, 15% reported binge drinking. (Source: “Monitoring the Future: National Results on Adolescent Drug Use,” National Institute on Drug Abuse, 2000.)

According to the Harvard School of Public Health, about 44% of students on college campuses can be classified as binge drinkers, a statistic that has not changed much in nearly ten years. (Source: Wechsler et. al, (2002) “Trends in College Binge Drinking During a Period of Increased Prevention Efforts” Journal of American College Health. 50(5): 203-217.

4

Ask students:

- Is teen consumption of alcohol a big deal?

The Monitoring the Future study by the National Institutes of Health found that 80% of teens had at least tried alcohol by the twelfth grade as opposed to 49%

who had tried Marijuana. (Source: “Monitoring the Future, National Results on Adolescent Drug Use,” National Institute on Drug Abuse, 2001).

Alcohol kills over 6 times more young people than all other illicit drugs combined. (Source: Miller T. and The Pacific Institute for Research and Evaluation. Adolescent Deaths Attributable to Underage Drinking and to Illicit Drug Use.)

5

Post and review the lesson outcomes with students. If you are using a Community Resource Person for this lesson, introduce him or her.

PART TWO: ALCOHOL, VIOLENCE AND RISK (30 minutes)

1

Tell students that many people do not connect alcohol to violence aside from drunk driving. The following activity is designed to help them learn some sobering facts about alcohol and violence.

2

Begin “Each One-Teach One” activity. Using the fact strips cut from the “Teacher Answer Key: Sobering Facts about Alcohol and Violence,” distribute one fact card or strip to each student.

3

Instruct students to spend a few minutes reading the information on their fact strip. The instructor should then check to be sure the students understand the information on their cards.

4

Tell the students that they have ten minutes to circulate around the room and to teach their fact to one person at a time. The object is to share a fact and learn one from the other student. Their assignment is to teach at least five people, but only one at a time. The goal is not to memorize the facts, but to remember the most important, main ideas.

NOTE: If students do not know each other, this activity can serve as an icebreaker.

Each time two students get to together to teach and learn each other’s facts, they should learn each other’s names, too.)

5

Clarify the instructions with students. Post the ending time on the board. Ask students to begin. As students engage in the “each one / teach one” activity, the instructor(s) should circulate around the room, listening to students working. Give a one-minute warning when time is nearly up.

6

When students have completed the activity, they should return to their seats for a class discussion. Invite volunteers to tell one fact they learned from another student. As the students share their facts, the instructor should keep track by checking off on his or her original handout. If necessary, clarify facts that were misstated and answer questions that arise.

7

Ask students the following questions:

- Which facts surprised them the most?
- What dangers do people face when they associate with people who drink?
- What dangers do people who drink face?
- Do these facts influence your thinking about the risks involved with the consumption of alcohol? If so, how?
- Why do you think violence is so closely associated with alcohol?
- Why do you think are people more likely to be violent when they have been drinking?
- Why do you think people are more likely to be victims of violence when they have been drinking?

PART THREE: WHO'S ACCOUNTABLE? (45 minutes)

1

Distribute “Handout 1: When Alcohol Changes Everything.”

HANDOUT 1

WHEN ALCOHOL CHANGES EVERYTHING

Last winter, my life and my family changed forever. I remember it so clearly. My older sister, Julia, was getting ready for a big New Year's Eve party. She came into the room where I was sitting with my parents and asked if she could stay out a little later than her usual curfew. Julia reminded them that she was eighteen years old and was "practically off to college." Besides, she would be with a big group of friends and that they would be over at Robbie's house. My parents had met Robbie's parents many times before and his family lived pretty close to ours. I knew my parents would let her stay out late because she had always been the responsible one. Dad told her to be home by 2:00 a.m. Julia kissed our parents good night and teased me about staying home on such a big night.

We had a pretty quiet night at home. After midnight, I was pretty tired, but I knew Mom and Dad would wait up for Julia. Then, the phone rang. I heard my Mom say, "No, Julia's not home yet," then she was quiet for a minute and she said "Oh, my god." I ran out of my room and asked my parents what was going on. Mom said that Robbie's mother said there had been an accident on Main Street and she was calling all the parents of the kids at the party. We dressed in a hurry and drove to the crash site, less than a mile from our house.

The lights and sirens were so eerie. We had to park about a block away. I couldn't help staring at the mangled car as we approached the accident. We ran over to a police officer on the scene and my Dad asked if Julia was in the accident. The officer said, "Yes." I didn't like the way he said it. Then my mom asked if Julia was okay. The officer said "No. She's dead."

Julia's body was already in a body bag and on the way to the hospital morgue, so, we had to go to the hospital to formally identify her body. For those few minutes in the car, it seemed like it was just a bad dream. When I saw her body, though, I knew the nightmare was real. My big sister was dead. And there was nothing anyone could do to bring her back.

At first no one had all the facts. The police and our family began to investigate. If only one of the people that Julia saw that evening had been more responsible, my sister might still be alive.

(Adapted from Teens Crime and the Community: Third Edition, West Educational Publishing, 1998)

2

Ask a student volunteer to read the scenario aloud as the rest of the class reads it silently. When the student finishes reading, ask the class if they have any questions about what they read.

NOTE: If they ask you for additional details or information, tell them they will help uncover the rest of the story in few minutes.)

3

Tell students to assume they are police investigators assigned to the accident. Their preliminary investigation has uncovered the following facts. Show “Overhead or Poster 1: Facts Uncovered in the Preliminary Investigation”

TRANSPARENCY OR POSTER 1
FACTS UNCOVERED IN THE PRELIMINARY INVESTIGATION

- It was a single car accident.
- The driver was Kenny.
- Kenny had been drinking.
- Kenny was 20 years old.
- Julia was riding with Kenny.
- Robbie’s parents were upstairs during the party.
- Robbie served beer at the party.

Read and clarify the facts.

4

Invite a student to volunteer to record information on the chalkboard or flipchart in the front of the room. Ask the class whom the police should talk to about the accident. The student volunteer should list each name on the chalkboard or flipchart paper.

If students have difficulty generating names, ask the following questions to prompt them:

- Who had contact with Julia or Kenny that day?
- Who might have known about the party?

- Who might have attended the party?
- Who might know who bought the alcohol for the party?
- Who might know who sold the alcohol for the party?
- Who else made a choice or decision relating to Julia, Kenny and/or the party?

The names students think of will probably will include Kenny, Robbie, Robbie’s parents, Julia’s parents, friends at the party, friends not at the party, neighbors, police, other parents, the liquor store clerk, and the liquor store owner, etc.

5

Distribute to students copies of “Handout and Transparency 2: The Investigation.”

NOTE: Students will fill in the last two rows of the chart later in the class.)

HANDOUT AND TRANSPARENCY/POSTER 2				
THE INVESTIGATION				
	Names of People to Investigate			
1. Did he or she act irresponsibly?				
2. If so, what was the irresponsible act?				
3. What could the person have done differently?				
4.				
5.				

6

Select one of the names from the chalkboard and demonstrate how to fill in this chart. (For example: Robbie’s parents were careless when they neglected to pay attention to those at the party. They could have gone downstairs to the party to monitor it. They could have taken keys from people and made them “check in” with them before they left.)

The students should fill in their charts with the class example.

7

Put students into groups of two to four students. Ask each group to pick a recorder.

NOTE: For suggestions about structuring small group work, refer to the “Teaching Strategies” section at the front of this manual.)

Assign each group three different names from the list of people on the chalkboard or overhead. Ask students to complete the chart by deciding if anyone on their list acted irresponsibly. If so, who? Did more than one person or group act irresponsibly? Is so, write yes in the appropriate box. What was the irresponsible act? (Write down your opinions.) What could the person have done differently? (Write down your opinions.)

Tell the groups they have ten minutes to complete their charts. Write the ending time on the chalkboard or flipchart paper.

After students begin working, circulate around the room and observe their work. Give a one-minute warning when time is nearly up.

8

Have each group report back to the whole class. As groups report, record their ideas onto the blank “Transparency or Poster 2: The Investigation.” Allow for debate or discussion, if needed.

Listen for the following steps various people could have taken. Add these points to the discussion if students do not mention them:

- Friends can:
 - ◇ Appoint a designated driver
 - ◇ Not let friends drive drunk
 - ◇ Volunteer to drive if they are not drinking
 - ◇ Call a taxi, parents, or someone else for a ride
 - ◇ Insist on spending the night at someone’s home
- Party hosts can:
 - ◇ Not serve alcohol to minors or to anyone who is driving
 - ◇ Refuse to let drinking guests leave
 - ◇ Drive drinking guests home
 - ◇ Ask parents to drive a drinking guest home
 - ◇ Have drinking guests get permission to spend the night

9

Write the following questions on the poster or transparency in the fourth (blank) row: “Did this person break the law? If so, what law was broken?”

Write the following question on the poster or transparency in the fifth (blank) row:
“What legal penalty might this person face if convicted?”

Ask students to think about these questions silently for a moment and then to share their opinions with the class.

If there is a police officer or prosecutor visiting the class, ask him or her to comment on the legal liability of each listed person after students have shared their opinions. If an officer or prosecutor is not helping with this lesson, use the notes below.

- 1. Julia:** She did not break the law unless she was drinking. She is under the legal age to drink alcoholic beverages. States have differing penalties for this violation and police use their own discretion when enforcing these laws. If the police had stopped Julia and Kenny before the accident, they could have taken them to the police station. Since she was not a juvenile (under 18 years of age), the police could have held her in jail for up to eight hours and fined her for drinking. The police may have also chosen to take Julia home.
- 2. Kenny:** He may have broken laws—driving under the influence (DUI), driving while intoxicated (DWI), possessing an open container of beer, and/or manslaughter. The police must determine whether his blood alcohol content level indicated he was driving while under the influence or while intoxicated. He may also be punishable under “zero tolerance laws.” (There will be more discussion about these later in the lesson.)
- 3. Julia’s parents:** They did not break any laws.
- 4. Robbie:** He broke the law by serving beer to people under the legal age (21). Robbie would have broken the law even if he had hired someone else to serve the beer and that person served to an underage drinker. He could have asked his guests to spend the night, driven them home if he had not been drinking, had another nondrinker drive them home, asked his parents to drive them home, called his friends’ parents or a taxi for a ride, and so on.
- 5. Robbie’s parents:** They broke the laws governing social host liability, serving liquor in their home to minors, and contributing to the delinquency of minors (in some states). To hold the parents liable, the police must determine that they knew alcohol was being served.
- 6. Neighbors:** They are not legally liable.
- 7. Police:** If the police saw the teens drinking in the house, they could enter the house without a search warrant. The police can also enter the house without a warrant if they are given permission to enter by the person who answers the door. Ask students if the police could enter the house based on a neighbor’s report. Most officers will agree that they would not enter, however, answers may vary.

8. **Liquor storeowner and clerk:** This scenario is unclear about who bought the alcohol. It's against the law to sell alcohol to someone who is underage. The store could lose its alcohol license and pay a fine. (State laws vary).
9. **Friends:** They are not legally liable for the accident. However, many states have laws that allow police to issue a citation for people attending a party where alcohol is served even if there is no direct evidence those particular teens were drinking.

10

Ask the officer about the state procedures for handling drinking and driving. How does it differ for adults and teens? For each of the people listed, the officer should discuss possible penalties. Fill this information in on row 5 of the poster or transparency.

11

Ask students:

- What have you learned today that impressed you the most?
- What are some of the legal consequences of drinking and serving alcohol?
- What, if anything, have you learned today that would influence your decision to host a party where alcohol is served, attend a party, drive after drinking, or ride with a passenger who has been drinking?

PART FOUR: WHAT IS DRUNK? WHAT IS DRUNK DRIVING? **(30 minutes)**

1

Explain that the term “drunk driving” is used in a general sense to refer to drivers affected by alcohol. Legally, it does not mean the same thing it does in everyday usage.

The legal definition of drunk (driving while intoxicated or driving under the influence) refers to a person's blood alcohol concentration (BAC). The BAC indicates the grams per deciliter (g/dl) of alcohol in the blood. For example, a person who has BAC of .10 has reached a point that alcohol makes up one-tenth of one percent of his or her blood. Check to see if students understand what BAC means, and the difference between driving while intoxicated and driving under the influence.

2

Tell students to imagine they are watching a group of people who have been drinking. Ask students how would alcohol affect them physically? Ask a volunteer to come to the chalkboard or flipchart and record their responses. Likely student responses will include:

- It makes people relax
- It impairs judgment (they might say or do things they wouldn't normally do)
- It makes people sick
- It kills brain cells
- It makes people uncoordinated

Remind students that the higher the BAC, the more dramatic the physical effect.

3

Ask thirteen volunteers to come to the front of the room or to whatever side has enough room for the students to all stand next to each other in a line. Hand each student a description of different BAC level and how it impairs activity. Ask the students to huddle together and to decide which of these statements shows the most impairment and which shows the least. Then direct students to form a human continuum holding their signs for the rest of the class to see. (They will need to stand up there until you have finished discussing number six in this section.)

NOTE: If you have at least 26 students in your class, you could make two sets of signs and have two groups working at this point. If you have fewer than 13 students, you can leave some of the signs out until the class discussion and have students guess where they would fit.

4

When the volunteers have finished making their proposed continuum, ask the other students in class whether they think it is correct. If not, what suggestions do they have about who should move? Once the class has had input, check to see that the continuum is correct. Ask students to move who need to adjust their position on the continuum.

5

Ask students if they think people who have been drinking and are impaired at different levels of the continuum should be allowed to drive. Ask students to explain their answers.

6

Ask students if they would consider it safe to ride with a driver who was impaired at any level on this continuum. Have students explain their answers.

7

Using the answer key provided below, tell the class the BAC level described in each of the mini-posters. (Option, you may also post a transparency or poster of this chart and project it for students to see.)

8

Ask students if they know at which BAC level a driver is considered legally impaired.

The answer varies by states because each state is allowed to set its own definition of drunk driving. As of April 2001, 24 states, the District of Columbia and Puerto Rico defined intoxication as someone having a BAC .08 or more. The rest of the states have more relaxed definitions and say that a person is not intoxicated until they have a BAC of at least .10

Please see the map below to find your state's legal limit.

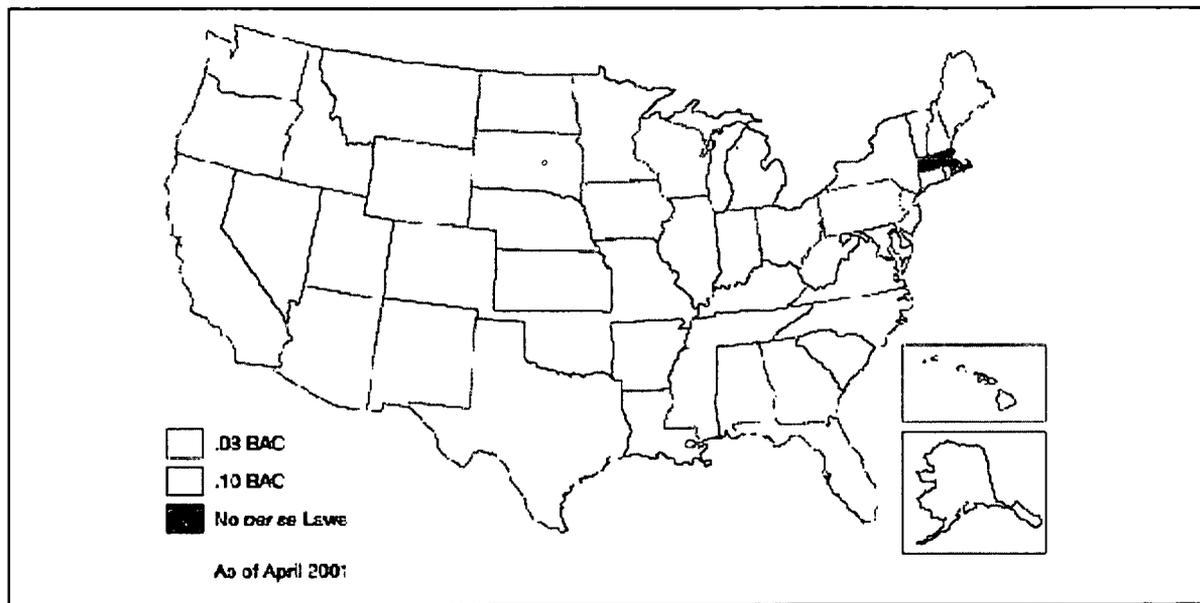
**TEACHER ANSWER KEY AND OPTIONAL TRANSPARENCY
OR POSTER 3**

BLOOD ALCOHOL LEVELS AND IMPAIRMENT

The following chart would show how much someone is impaired with various BAC level

Blood Alcohol Concentration (BAC)	
.01 - .02%	Minor impairments in judgment and memory are likely as the drinker relaxes. Usually, no apparent changes in behavior are noted.
.02 - .03%	Visual function and reaction time are impaired. Attention is divided.
.03 - .04%	Alertness, visual tracking and steering abilities are impaired. Small behavioral changes begin to be noticed.
.04 - .05%	Eye movement control, steadiness while standing, and emergency responses are impaired.
.05 - .06%	Inhibitions are lowered. Coordination is impaired. Walking, talking, and hand movements become more clumsy. Drinker has less control over actions and emotions. Ability to react is more slow.
.06 - .07%	Ability to process and judge information is impaired.
.07 - .08%	Walking, talking, and balance are visibly affected. Vision is more blurred. Judgment is impaired and drinker shows slower reaction times.
.08 - .09%	Ability to control speed and to concentrate are impaired
.09 - .10%	Vision, judgment, self-control, memory, speech, hearing, and reaction times are all severely affected. Loss of balance is common. Drinker often experiences a decrease in the sense of pain.
.10 - .20%	Irresponsible behavior and exaggerated mood swings are evident. There is significant lack of motor control and mental confusion.
.20 - .30%	A person is unable to perform tasks and is in a confused or dazed state. Unconsciousness may occur. All physical and mental abilities are severely impaired.
More than .30%	The drinker is unconscious with an irregular heartbeat and breathing pattern. Coma or death are possible because of acute alcohol poisoning. A person who is unconscious may vomit and choke. A person in a coma may have absorbed alcohol in the stomach – so even if no further alcohol is taken, the continuing absorption may risk his or her life.

Sources: "BAC and Areas of Impairment" *Setting Limits, Saving Lives* Department of Transportation HS 809 241, April 2001.



(Source: "Setting Limits, Saving Lives" Department of Transportation HS 809 241, April 2001)

9

Ask students if they have ever heard the term "zero tolerance laws." Then ask if they think the legal limits for BAC levels are different for people under the age of 21.

For many years, some states have had "zero tolerance laws" that made it illegal for drivers under age 21 to drive with any measurable alcohol in their system, regardless of the BAC limit for older drivers. In 1998, in an attempt to force all states to enact zero tolerance laws, the federal government threatened to withhold federal highway construction funds to states without zero tolerance laws. By late 1999, every state plus the District of Columbia had put zero tolerance laws into effect.

Ask students if they think zero tolerance laws are a good idea. Why or why not?

10

(Optional: If a Community Resource Person is present, ask him or her to explain whether your state defines driving under the influence differently than driving while intoxicated. If so, how are the crimes different and how are the penalties different?)

11

Ask students how the police can determine a person's BAC level.

Investigators analyze samples of breath, urine, saliva or blood.

12

Ask students if drivers must take a breathalyzer or other alcohol test if they are stopped by police.

A driver who has been stopped may choose not to take an alcohol test, but most states have “implied consent laws” in which a person who refuses to take the test may have his or her driver’s license suspended for a certain period, even if the driver is found not guilty of DWI.

PART FIVE: SUMMARY – WHAT DO ALCOHOL-RELATED VIOLENCE AND DRUNK DRIVING COST US? (10 minutes)

1

Ask students the following questions:

- Take a guess about how many alcohol-related crash fatalities in the country there are in an average year.

“In 1999, alcohol – related traffic crash fatalities numbered 15,786 according to the National Highway Traffic Safety Administration, (NHTSA).

NOTE: These statistics and those in questions two and three below are from “Setting Limits, Saving Lives” U.S. Department of Transportation HS 809 241, April 2001 page 2)

- How many people are injured in alcohol-related crashes in the country in an average year?

There are one million people injured in alcohol-related traffic crashes each year.

- How many of these victims are between the ages of 15 and 20?

According to Mothers Against Drunk Driving, over 2,300 aged 15 - 20 died in alcohol related accidents in the year 2000.

- Think about how drunk driving crashes affect people outside the immediate families of those hurt or killed in accidents. How much do you think the crashes cost society every year?

Alcohol-related crashes cost society over \$45 billion every year. Just one alcohol-related fatality is estimated to cost society \$950,000. Each alcohol-related crash resulting in injuries costs an average of \$20,000 per year.

Students are likely to be surprised by these figures. Explain that these figures include things like:

- emergency and acute health care costs
- long-term care and rehabilitation
- police and judicial services
- insurance
- disability and worker's compensation
- lost productivity
- social services for those who cannot return to work and support their families

These figures do not include the cost of pain and suffering.

2

- Tell students: Recall the questions about risk-taking in the beginning of this lesson.

In a national survey, more than 50% of graduating seniors and more than a third of 9th – 12th grade students said in the previous 30 days, they rode with a driver who had been drinking. Now you know more about the risks of alcohol and driving. Would you ride with a driver who had been drinking? Will you be a statistic or a safe passenger?

(Sources: Journal of School Health, volume 66, number 7, 1996, pp 254-260 and “Youth Risk Behavior Surveillance: 1999” United States Centers for Disease Control)

- Would you drive after drinking? One third of graduating seniors reported driving after drinking in the previous six months and 13% of high school students nationwide reported driving after drinking. Will you?

(Source: “Youth Risk Behavior Surveillance: 1999” United States Centers for Disease Control)

- Ask students to think about what they learned about alcohol and violence (aside from drunk driving.) Then ask them to give reasons for not drinking.

3

Thank the students and the Community Resource Person for their participation.

RESOURCES

Print Resources:

Arbetman, Lee, Street Law: A Course in Practical Law, Sixth Edition, West Educational Publishing, 2000.

Bombed: Teacher Resource Book, Human Relations Media, Inc. Orlando, Florida, 1996.

Driven magazine, MADD, Fall, 2001.

Greene, Eleanor, Judith A. Zimmer, and Stefanie T. Bray, Community Works: Smart Teens Make Safer Communities, Social Studies School Service, Culver City, CA, 1999.

Journal of School Health, volume 66, number 7, 1996, pp 254-260.

National Institute on Drug Abuse. "Monitoring the Future: National Results on Adolescent Drug Use," 2000.

Okie, Susan, "44% of College Students Are Binge Drinkers, Survey Finds," Washington Post, March 25, 2002, pA6.

United States. Department of Transportation. "Setting Limits, Saving Lives" HS 809 241, April 2001.

United States Centers for Disease Control. "Youth Risk Behavior Surveillance: 1999"

Zimmer, Judith A., Terrance W. Modglin and Jean F. O'Neil, Teens, Crime, and the Community, Third Edition, West Educational Publishing Company, 1998.

Organizations:

Alcoholics Anonymous (AA)
AA World Services, Inc.
P. O. Box 459
New York, NY 10163
phone: (212) 870-3400
web site: www.aa.org

Alcoholics Anonymous is a group of people who share their experience, strength and hope that they may solve their problems with drinking and help others to recover from alcoholism. There are AA groups and meetings all over the country. Use the contact information above to find a group of people near you.

Al-Anon and Alateen
1600 Corporate Landing Parkway
Virginia Beach, VA 23454-5617
phone: 888-4AL-ANON
web site: www.al-anon.org

Al-Anon's purpose is to help families and friends of alcoholics recover from the effects of living with the problem of drinking of a relative or friend. Similarly, Alateen is a recovery program for young people. Both programs are adapted from Alcoholics Anonymous. Use the contact information above to find meetings and professionals who can help.

American Automobile Association
1000 AAA Drive
Heathrow, FL 32746
phone: 407-444-7000
web site: www.aaa.com

AAA has local offices all over the country. Contact this national office to find local offices all over the country. Contact them for information and possible speakers in your area.

Mothers Against Drunk Drivers (MADD)
511 East John Carpenter Freeway, Suite 700
Irving, TX 75062-8187
phone: 214-744-MADD (6233)
web site: www.madd.org

MADD is a nonprofit, grassroots organization dedicated to supporting people who have been victims of drunk driving and underage drinking and to looking at solutions to problems of drunk driving and underage drinking. MADD has local chapters all over the country. Contact them for information and possible speakers in your area.

National Highway Traffic Safety Administration (NHTSA)
U.S. Department of Transportation
400 7th Avenue, SW
Washington, DC 20590
phone: 202-366-2121
web site: www.nhtsa.dot.gov

NHTSA is an agency of the U.S. Department of Transportation and is dedicated to seeking ways to reduce motor crashes, injuries, and fatalities, and to improve highway safety programs in the United States. NHTSA maintains statistics and fact sheets, and provides information to the media, organizations, government agencies, and the general public.

National Clearinghouse for Alcohol and Drug Information
Center for Substance Abuse Prevention
United States Department of Health and Human Services
P.O. Box 2345
Rockville, MD 20847-2345
phone: 800-729-6686
web Site: www.health.org

National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594
phone: 202-314-6000
web site: www.nts.gov

National Association of Governors' Highway Safety Representatives
750 First Street, NE, Suite 720
Washington, DC 20002
phone: 202-789-0942

Each state governor appoints someone to manage the state's highway safety program and to serve as a liaison to the community about highway safety issues. Contact the national organization listed above to find information specific to your state.

Students Against Destructive Decisions (SADD)
P.O. Box 800
Marlboro, MA 01752
phone: 508-481-3568
web: www.saddonline.org

Formerly known as Students Against Drunk Driving, SADD has a "Contract for Life" program for parents and teens. It reminds teens that their use of alcohol is against the law and suggests how teens who are endangered by drunk driving should call their parents for safe transportation home. Parents agree to provide such transportation and to temporarily postpone any questions or discussions. Parents also agree not to drive under the influence and to call home for transportation if necessary.

TEACHER KEY

**SOBERING FACTS ABOUT ALCOHOL
AND VIOLENCE**

1. A 1998 report by the United States Department of Justice determined that alcohol abuse was a factor in 40% of violent crimes committed in the United States.¹
2. Surveys have found that alcohol plays a role in at least one third of all child abuse cases.²
3. The likelihood of becoming a victim also increases greatly with the use of alcohol. In 1996, more than 65% of the victims who suffered abuse by a spouse, former spouse, boyfriend, or girlfriend reported that alcohol had been a factor. A significant number of victims had used alcohol or other drugs.³
4. One study of murder victims found that 53% had alcohol or other drugs in their system at the time of death.⁴
5. Nearly three percent of the American college population will die from alcohol-related causes.
6. Approximately 15 percent of binge drinkers have had unprotected sex as a result of drinking. Studies show that teens are less likely to use condoms when having sex after drinking alcohol than when they are sober. This places them at even greater risk for HIV infection, STDs, and unwanted pregnancy.⁵
7. According to studies about sexual assaults on college campuses, at least 75% of assailants and 55% of victims were under the influence of alcohol at the time of the assault. Another study found that alcohol was present at 90% of college rapes.⁶
8. A survey of high school students found that 18 percent of girls and 39 percent of boys say it is acceptable for a boy to force sex if the girl is stoned or drunk.⁷
9. A person can be charged and convicted of rape or sexual assault if he or she has sex with someone who is too drunk to give consent, (is incapable of saying yes or no to sex.)
10. In studies nationwide, it was reported that alcohol is involved in more than half of all rapes.⁸

TEACHER KEY, continued

11. The age when adolescents first start using alcohol, tobacco and other illegal drugs is a reliable predictor of later drug problems, especially if the person begins drinking before the age of 15. More than 40% of youth who started drinking at age 14 or younger develop alcohol dependence, compared with 10% of youth who begin drinking at age 20 or older.⁹
12. Almost 70% of drowning victims had been drinking.
13. Over 50% of fires that lead to adult deaths involve alcohol.
14. Almost 50% of people who die from falls had been drinking.

(Footnotes)

- 1 Zimmer, Judith A., Terrence W. Modglin, Jean F. O'Neil, and Andrea Carlson, Teen, Crime, and the Community, Third Edition, West Publishing Company, Washington DC, 1998
- 2 Zimmer, page 11.
- 3 Arbetman, Lee, Street Law: A Course in Practical Law, Sixth Edition. West Educational Publishing, Washington DC, 1999, page 84.
- 4 Zimmer, page 11.
- 5 Greene, Eleanor, Judith A. Zimmer, and Stephanie T. Bray, Community Works: Smart Teens Make Safer Communities, Social Studies School Service, Culver City, CA, 1999, Session 16, page 10
- 6 Harney, Kerri, "Bombed: Teacher Resource Book," Human Relations Media, Inc. Orlando, Florida, 1996, page 55.
- 7 Green, page 10.
- 8 Green, page 10.
- 9 "Substance Abuse: The Nation's Number One Health Problem" OJJDP Fact Sheet, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, May 2001.

HANDOUT 1

WHEN ALCOHOL CHANGES EVERYTHING

Last winter, my life and my family changed forever. I remember it so clearly. My older sister, Julia, was getting ready for a big New Year's Eve party. She came into the room where I was sitting with my parents and asked if she could stay out a little later than her usual curfew. Julia reminded them that she was eighteen years old and was "practically off to college." Besides, she would be with a big group of friends and that they would be over at Robbie's house. My parents had met Robbie's parents many times before and his family lived pretty close to ours. I knew my parents would let her stay out late because she had always been the responsible one. Dad told her to be home by 2:00 a.m. Julia kissed our parents good night and teased me about staying home on such a big night.

We had a pretty quiet night at home. After midnight, I was pretty tired, but I knew Mom and Dad would wait up for Julia. Then, the phone rang. I heard my Mom say, "No, Julia's not home yet," then she was quiet for a minute and she said "Oh, my god." I ran out of my room and asked my parents what was going on. Mom said that Robbie's mother said there had been an accident on Main Street and she was calling all the parents of the kids at the party. We dressed in a hurry and drove to the crash site, less than a mile from our house.

The lights and sirens were so eerie. We had to park about a block away. I couldn't help staring at the mangled car as we approached the accident. We ran over to a police officer on the scene and my Dad asked if Julia was in the accident. The officer said, "Yes." I didn't like the way he said it. Then my mom asked if Julia was okay. The officer said "No. She's dead."

Julia's body was already in a body bag and on the way to the hospital morgue, so, we had to go to the hospital to formally identify her body. For those few minutes in the car, it seemed like it was just a bad dream. When I saw her body, though, I knew the nightmare was real. My big sister was dead. And there was nothing anyone could do to bring her back.

At first no one had all the facts. The police and our family began to investigate. If only one of the people that Julia saw that evening had been more responsible, my sister might still be alive.

(Adapted from *Teens Crime and the Community: Third Edition*, West Educational Publishing, 1998)

HANDOUT AND TRANSPARENCY/POSTER 2 THE INVESTIGATION

	Names of People to Investigate			
1. Did he or she act irresponsibly?				
2. If so, what was the irresponsible act?				
3. What could the person have done differently?				
4.				
5.				

TEACHER BAC CHART

Notes for the teacher:

- Before the lesson, make each of the rows on the right side into a separate poster.
- Do not label the posters because the students will be trying to put these in order.
- If you have at least 26 students in your class, you could make two sets of signs that would allow more students to actively participate.
- Remember, the signs will need to be much bigger than they appear on this page because they will need to be visible from across your classroom.

The following chart would show how much someone is impaired with various BAC level

Blood Alcohol Concentration (BAC)	
.01 - .02%	Minor impairments in judgment and memory are likely as the drinker relaxes. Usually, no apparent changes in behavior are noted.
.02 - .03%	Visual function and reaction time are impaired. Attention is divided.
.03 - .04%	Alertness, visual tracking and steering abilities are impaired. Small behavioral changes begin to be noticed.
.04 - .05%	Eye movement control, steadiness while standing, and emergency responses are impaired.
.05 - .06%	Inhibitions are lowered. Coordination is impaired. Walking, talking, and hand movements become more clumsy. Drinker has less control over actions and emotions. Ability to react is more slow.
.06 - .07%	Ability to process and judge information is impaired.
.07 - .08%	Walking, talking, and balance are visibly affected. Vision is more blurred. Judgment is impaired and drinker shows slower reaction times.
.08 - .09%	Ability to control speed and to concentrate are impaired
.09 - .10%	Vision, judgment, self-control, memory, speech, hearing, and reaction times are all severely affected. Loss of balance is common. Drinker often experiences a decrease in the sense of pain.
.10 - .20%	Irresponsible behavior and exaggerated mood swings are evident. There is significant lack of motor control and mental confusion.
.20 - .30%	A person is unable to perform tasks and is in a confused or dazed state. Unconsciousness may occur. All physical and mental abilities are severely impaired.
More than .30%	The drinker is unconscious with an irregular heartbeat and breathing pattern. Coma or death are possible because of acute alcohol poisoning. A person who is unconscious may vomit and choke. A person in a coma may have absorbed alcohol in the stomach – so even if no further alcohol is taken, the continuing absorption may risk his or her life.

Sources: "BAC and Areas of Impairment" [Setting Limits, Saving Lives](#) Department of Transportation HS 809 241, April 2001.

BULLYING, ASSAULT, AND SEXUAL HARASSMENT

OUTCOMES

As a result of this lesson, students will be able to:

- Define and differentiate between bullying and teasing
- Describe the causes and effects of bullying
- Recognize when bullying becomes assault
- Recognize when bullying becomes sexual harassment
- Demonstrate strategies they can use to avoid being intimidated or to deal effectively with bullies
- Demonstrate what they and other bystanders can do to prevent others from being bullied and assaulted

MATERIALS NEEDED

- Flipchart paper and markers (enough for half of the class)
- Pens or pencils for each group
- Masking tape to hang posters

HANDOUTS

- 1 Personal Journal
- 2A – 2C (enough of each handout for one third of the class)
 - 2A Putting Bullying Into Perspective – Short and Long-Term Effects on Victims
 - 2B Putting Bullying Into Perspective – The Problems of Bullies
 - 2C Putting Bullying Into Perspective – What Does The Law Say About Bullying?
- 3 (Optional) Draft or Evaluate A School Bullying Policy
- 4 (Optional) What People Can Do To Stop Bullying
- 5 (Optional) Dealing with Bullying
(Optional) A Copy Of Your School's Bullying Policy, if available

PREPARING TO TEACH THIS LESSON

- Prepare the materials described above
- Write up and post the objectives for the lesson

COMMUNITY RESOURCE PEOPLE

A Community Resource Person would add credibility and interest to this lesson. Invite a school counselor, prosecutor, a community police officer or school resource officer, school administrator, or a victim's rights specialist to assist with this lesson. Send a copy of the lesson when confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

For additional suggestions about working with Community Resource People, see the section about Community Resource People in the section labeled "Integrating Law-Related Education Into Your Youth Court Program" in the front section of this manual.

TIMING

As written, this lesson will take about two hours. This estimate is based on a class size of about 25 students. If your class is smaller, it will take less time. If it is larger, it may take longer.

If you cannot dedicate two hours to teaching this class in one session, you have two choices. First, you could break the lesson into two sessions. If you choose this option, a logical place to break the lesson is about ninety minutes into the lesson, after "Part Two," the student newscasts. Be sure to leave enough time for the summary questions and discussion shown at the end of that section.

A second choice that is that you could pick and choose which parts of this lesson you want to teach in one class period. If you choose to shorten the lesson, be sure to give students sufficient time within each activity and do not cut the summary discussion at the end. These are critical to helping students absorb and personalize the information you have taught.

ADDITIONAL CONSIDERATIONS

The content and activities of this lesson may inspire students to want to talk about their own experiences with bullying after the lesson ends. If at all possible, try to arrange your schedule to be available to students who approach you privately after the lesson. If a counselor or other community resource person is helping you with the lesson, ask him or her to stay as well.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students.

During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: WHAT DO YOU THINK? WHAT DO YOU KNOW? **(25 minutes)**

1

Point out and describe the purpose and outcomes of the lesson. If a Community Resource Person is assisting with this lesson, introduce him or her now.

2

Distribute “Handout 1: Personal Journal.”

HANDOUT 1 **PERSONAL JOURNAL**

You will not be required to share this journal with anyone, but you will be invited to share it if you wish.

Think about a time when someone intimidated you or when you witnessed someone being bullied. This could have happened at school, in your neighborhood, at home, anywhere.

How did it feel to be intimidated? (Or, if you’re thinking about something that happened to someone else, how do you think it felt to that person?)

What did the bully do? What actions or words did he or she use?

Why do you think the bully did those things or said those things?

Ask a volunteer to read the directions aloud. Tell students they have five minutes to work quietly and independently on their journals. Write the ending time on the board. Ask students to begin working on their journal.

NOTE: Normally, the instructor would walk around the room and check students’ work during this time. In this instance, out of respect for their privacy, do not.)

While students are working, write three questions on the board or the flipchart paper:

“How did it feel?”

“What did the bully do?”

“Why might the bully have done it?”

Give a one-minute warning when time is nearly up, but tell students they can continue working quietly if they need more time.

3

Ask students who feel comfortable sharing a story to tell the rest of the class what they saw or what they experienced. Before students begin sharing stories, ask them not to use the names of the bullies or of the victims to protect their privacy. If they choose to say the story is about themselves, that is fine, but not expected.

NOTE: If no student chooses to share a story, wait quietly for a few moments. They may be trying to work up the nerve to speak. If no one comes forward, use an example from “Optional Handout 5: Dealing With Bullying.”

Allow two or three students to share their stories. (Note: If additional students wish to share their stories, try to let them. If there are too many stories for the time allotted, encourage anyone who wishes to share his or her story to tell someone sitting nearby.)

4

Focus the students’ attention on the second question: “What did the bully do?” Ask students:

- From the stories already told, what types of bullying behaviors do we know about?
- Can you name other types of bullying behaviors?

NOTE: It is not necessary to name or categorize each of the behaviors listed below.)

The students responses will likely fall into these categories and include:

- ◇ physical aggression: physical harm (punching, poking, pinching, shoving, hitting, choking, biting, spitting) destroying property
- ◇ social aggression: spreading rumors, gossip, racial slurs, exclusion from a group, ranking or rating, manipulating peer relationships
- ◇ verbal aggression: name-calling, insulting, teasing, threatening, telling cruel jokes

- ◇ intimidation: phone calls, playing mean or embarrassing tricks, ganging up or cornering, demanding servitude, money or property, mean looks or silence
- ◇ written aggression: threatening or humiliating notes or graffiti
- ◇ sexual harassment: comments or actions of a sexual nature that make the victim uncomfortable, taunting about sexual orientation or perceived sexual orientation, using indecent gestures
- ◇ racial, cultural, and ethnic harassment: racial slurs, taunting and teasing about race, religion, disabilities, social status, or family problems, comments or actions that make the recipient feel uncomfortable

Sources: Marla Bonds, “Bully-Proofing Your Middle School,” spring 2000, <http://www.naesp.org>

Hilda Clarice Quiroz, “Youth, Culture and Diversity,” COPS in Schools: Keeping Our Kids Safe, U.S. Department of Justice, Office of Community Oriented Policing Services and the National School Safety Center, 2000.

5

Ask students: Do you think girls and boys bully in different ways? If so, how?

Research shows that the stereotypical bully is a boy, but girls are often bullies, too. Girls are more likely to use verbal and psychological aggression than physical intimidation. A girl is more likely to start a hurtful rumor or to exclude another child from a group. Some people dismiss “girl bullying” as simply girls being girls, but ignoring this behavior can be very harmful.

6

Ask students what subjects or topics seem to be the most common sources for bullying in their schools.

Research shows that in middle school, girls who mature early are commonly victims of harassment. Interestingly, although most victims do not look very different than their classmates, they are taunted most often because of their physical appearance. In high school, much of the teasing and bullying is based on gender and on sexual orientation.

7

Turn students’ attention to the notes under the question “How did it feel?” Ask students to discuss the effect of bullying on victims. Their discussion will likely include:

- frightening
- frustrating
- helpless
- humiliating
- like being rejected
- isolating, lonely
- like being persecuted
- hopeless
- anxious
- embarrassing
- ashamed
- hurt
- unsafe
- confusing

Tell students that research shows that these feelings become stronger when a child is hurt in physical ways. These feelings often become overwhelming when a child is threatened not to tell. They become more serious when a child feels like no one cares about what is happening or that they do not belong at a school.

8

Turn students' attention to the question "Why might the bully have done it?" Ask students to discuss this question. If their responses do not include the following information, please add these points to their discussion. Point out that there are exceptions and these traits or experiences are not common in every bully.

- Bullies have learned that bullying works.
- Bullies feel powerful and in control at the time of the incident.
- Often, beneath a tough exterior, bullies have problems that make them want to be aggressive. For example, many bullies are physically or emotionally abused at home.
- Bullies may feel they have to prove something. Many bullies are not successful at school, in sports, or socially, so they act in a way to make them look more powerful. For example, a kid who is short may feel he has to prove something to the bigger kids.

- Bullies often target those they can easily upset or over whom they can easily assert their power. They pick victims who react “weakly.” They often pick someone who is younger or smaller in size.
- Bullies tend to be more aggressive in nature.
- Bullies may think bullying humor is acceptable and popular, particularly in light of media images like “real television” and “shock radio jocks” that show it is entertaining to humiliate, embarrass, or destroy others.
- Bullies may think their actions are no big deal, especially when bystanders do nothing about it.
- Some bullies may feel forced to bully by other people.

(Important note: Even though you are finished with the students’ lists on the board for the moment, save them for a later part of the lesson.)

9

Ask students:

- So, what is bullying, then? (Have them put the definition in their own words.)
- Sometimes people get confused about the difference between teasing and bullying. What do you think is the difference?

Teasing, when it does not hurt feelings, can be a way of showing friendship or that you like someone and want to get their attention. People who tease might say they were just kidding. Most people are sorry for the kind of teasing that hurts someone’s feelings.

Bullying is much more serious than teasing. Bullies intend to hurt the person and typically hurt the person over and over again. Sometimes, bullies do it in places or ways they will not get caught.

- Tell students these elements are part of most accepted definitions of bullying:
desire to hurt + hurtful action + a power imbalance + repetition + evident enjoyment by the bully + sense of being oppressed on the part of the victim
- Explain each part of this definition and ask students how closely it matches their definitions.

PART TWO: PUTTING BULLYING INTO PERSPECTIVE

(60 minutes)

1

Put students into groups of four or five students. Ask groups to sit so that each member has a writing surface and can easily see and hear other members of the group.

2

Explain that each group is assigned to write a news story about the significance of bullying for a radio or television broadcast. You will give them the facts they need to include, but they can include other information if time allows and if they wish. The broadcast will be done live and will be two minutes long. Clarify the directions for anyone who is unclear. Tell students the groups will have 15 minutes to prepare their stories. Write the ending time on the board.

3

Pass out Handout 2A to one group, 2B to a different group, and 2C to a third group. If you have more than three groups, give the fourth group “A,” the fifth group “B” etc. Give multiple copies to each group so students do not have to share.

HANDOUT 2A

PUTTING BULLYING INTO PERSPECTIVE – SHORT AND LONG-TERM EFFECTS ON VICTIMS

Directions:

1. Read the information listed below.
2. Decide as a group whether you want to write a news story for radio or for television.
3. Write a story that incorporates the facts on this page. Try not to simply recite the facts in a list. Make it interesting. If time allows and you want to include other facts, stories, or perspectives, you may. Remember, your story should take no more than two minutes to read.
4. Remember to watch the clock so you finish writing your story on time. Be sure to leave at least three minutes to rehearse reading your story. You have a total of fifteen minutes to prepare.

5. Decide who will report the story to the rest of the class. You can have more than one reporter.
6. Practice reading the story for your group and make whatever changes you think are necessary.

FACTS:

- The **short-term effects** of being bullied are well documented*. People who have been bullied might:
 - ◇ fail at school work
 - ◇ begin to miss a lot of school
 - ◇ become ill with stomach-aches, headaches, fatigue, and symptoms of nervousness and chronic worrying
 - ◇ display unexpected mood swings
 - ◇ withdraw from family and friends
 - ◇ have trouble concentrating
 - ◇ lose interest in school or wherever the bullying occurs
 - ◇ argue and/or fight more
 - ◇ change friends or social groups
 - ◇ display suspicious bruises or scratches
 - ◇ frequently lose money or property
 - ◇ avoid lunch time, recess, social activities or specific students or groups
- The **long-term effects** of being bullied are also well documented*. People who have been bullied are more likely to:
 - ◇ become clinically depressed
 - ◇ be much more truant or drop out of school
 - ◇ develop discipline problems
 - ◇ have lowered self-esteem or pride
 - ◇ begin bullying others
 - ◇ plan acts of revenge or retaliation
 - ◇ run away
 - ◇ attempt or succeed at suicide

- Victims are usually younger, smaller, and weaker than the bully, or are different from other children or teens in some obvious way.
- Victims often lack confidence and are anxious. They have difficulty sticking up for themselves.

* Source: Quiroz, Hilda Clarice, "Youth Culture and Diversity" COPS in Schools: Keeping Our Kids Safe, U.S. Department of Justice, Office of Community Oriented Policing Services and the National School Safety Center, 2000, p. 147

HANDOUT 2B

PUTTING BULLYING INTO PERSPECTIVE – THE PROBLEMS OF BULLIES

Directions:

1. Read the information listed below.
2. Decide as a group whether you want to write a news story for radio or for television.
3. Write a story that incorporates the facts on this page. Try not to simply recite the facts in a list. Make it interesting. If time allows and you want to include other facts, stories, or perspectives, you may. Remember, your story should take no more than two minutes to read.
4. Remember to watch the clock so you finish writing your story on time. Be sure to leave at least three minutes to rehearse reading your story. You have a total of fifteen minutes to prepare.
5. Decide who will report the story to the rest of the class. You can have more than one reporter.
6. Practice reading the story for your group and make whatever changes you think are necessary.

FACTS:

- Bullies often blame their victims.
- Often, bullies are emotionally and/or physically abused at home.
- One in four children who bully will have a criminal record before the age of 30.

- Bullies are much more likely than non-aggressors to grow up to batter their spouses and abuse their children.
- Bullies who are identified by a caring, adult mentor can learn attitudes or relationship skills that curb or replace bullying behaviors.
- Bullies can be influenced by positive peer pressure when peers do not tolerate bullying and when their classmates support more positive behaviors.
- Bullies who have severe mental health problems should be identified, diagnosed, and treated or there may be serious consequences for the entire community.
- Bullies should be supported (not condemned) on their road to learning acceptable social behaviors.
- Most researchers agree that if we ignore the problems of bullies, and simply focus on punishing them, their behavior and problems will persist.

HANDOUT 2C

PUTTING BULLYING INTO PERSPECTIVE – WHAT DOES THE LAW SAY ABOUT BULLYING?

Directions:

1. Read the information listed below.
2. Decide as a group whether you want to write a news story for radio or for television.
3. Write a story that incorporates the facts on this page. Try not to simply recite the facts in a list. Make it interesting. If time allows and you want to include other facts, stories, or perspectives, you may. Remember, your story should take no more than two minutes to read.
4. Remember to watch the clock so you finish writing your story on time. Be sure to leave at least three minutes to rehearse reading your story. You have a total of fifteen minutes to prepare.
5. Decide who will report the story to the rest of the class. You can have more than one reporter.
6. Practice reading the story for your group and make whatever changes you think are necessary.

FACTS:

- Bullying is often a form of assault and, therefore, punishable by the law.
 - ◇ Assault is an intentional physical act or a threat of attack with a clear or obvious ability to carry out that threat, so that the victim feels danger of physical attack or harm. It is not necessary for actual injury to occur before a person can be charged with assault. The only requirement is that the person intended to do harm.
 - ◇ People who are assaulted can bring criminal charges against their assailant or they can sue their wrongdoers in a civil court.
- Bullying is often a form of sexual harassment, and therefore, punishable by law.
 - ◇ Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that is of a sexual nature that occurs in a workplace or a school.
 - ◇ According to recent a Supreme Court case, school boards and school officials can be held responsible (sued) if the school leadership showed deliberate indifference to “student on student” harassment that was severe enough to prevent victims from enjoying educational opportunities.
 - ◇ In a separate case, the Supreme Court ruled that students who were harassed by teachers can claim damages (money in a lawsuit) from the school.
 - ◇ Victims of sexual harassment can also sue their harassers directly.
- Bullying also breaks the law when it becomes:
 - ◇ extortion – using threats to obtain the property of another
 - ◇ theft
 - ◇ battery – intentional unlawful physical contact by one person upon another without consent. Like assault, actual injury is not necessary for a battery charge. The only requirement is that the person intended to do bodily harm.
 - ◇ weapons possession
 - ◇ murder
 - ◇ arson - the deliberate and malicious burning of another person’s property.
 - ◇ hate acts or crimes

- ◇ hazing
- ◇ rape or sexual assault
- ◇ a violation of civil rights (may include bullying based on racial or ethnic prejudice or sexual harassment)
- ◇ slander-spoken expression about a person that is false and damages that person's reputation

4

Instruct students to begin working in their groups. As the students work, set up a desk in the front of the room where the students will sit to broadcast their stories. Then circulate around the room observing and assisting students. Give a three-minute warning when time is nearly up.

5

When the preparation time is up, invite a group to present its newscast. Tell students in other groups to listen carefully.

6

After each group reads its news story, ask the following questions to the presenters and to the rest of the class:

- What information surprised you the most?
- What information most persuaded you to pay attention to the problem of bullying?
- What would you tell a younger brother, sister, or friend about bullying?

7

At the conclusion of the newscasts, thank students for their work to this point.

PART THREE: WHAT CAN YOU DO? (30 minutes)

NOTE: You have a choice about which option to take in teaching the next part of the lesson.

Option A: involves reviewing a school bullying policy or writing one. This option is recommended for youth courts that are in school settings.

Option B: involves analyzing what victims, bystanders, and adults can do to stop intimidation and bullying.

If time permits, you could do both activities, or you could continue this lesson on a later day.

Option A: Develop Or Evaluate A School Policy On Bullying

It would be a good idea to invite a school counselor or administrator to co-facilitate this part of the lesson.

1

Ask students if their school has an anti-bullying policy. If so, do they think it is effective? If not, what should be changed?

2

If your school has an anti-bullying policy and if it is available, hand it to students now. Ask them to read it quietly.

3

If your school does not have a bullying policy, ask students:

- Do you think having a school policy would make a difference in bullying?
- What do you think should go into a school policy about bullying?

4

Put students into pairs to evaluate their current school bullying policy or to create a new policy.

5

Distribute “Optional Handout 3: Draft or Evaluate A School Bullying Policy.”

OPTIONAL HANDOUT 3

DRAFT OR EVALUATE A SCHOOL BULLYING POLICY

Directions:

With a partner, draft a written policy on bullying for your school. The website Bully Online reports that the steps listed below must be taken to stop bullying. How will your school policy incorporate those ideas?

If your school has a policy already, does it meet the guidelines for effective anti-bullying policies? Why or why not?

- There is a whole-school anti-bullying spirit and culture to which both staff and students are genuinely committed.
- Everyone knows and understands what bullying is and why bullies bully.
- Everyone knows and understands that bullying is unacceptable.
- Bystanders, especially adults, stop bullying incidents immediately.
- The bully is held accountable for his or her actions in a firm but kind and supportive manner, without physical punishment. (Remember, the bully typically is deeply unhappy and has low self-esteem.)
- After the bully is identified, he or she is supervised and supported in learning appropriate ways of interacting with other students.
- All students are taught to be assertive.
- All students are taught to stop bullying and to step in and/or report it.
- All students are empowered to help both the target and the bully.

Write your recommendations for a policy on the flipchart paper you have been given. Be as specific as possible. For example, if you think all students should be taught to be assertive, how should that be done?

(adapted from: "Full Court Press," Homicide: Life on the Streets – Lessons in Law, written by Street Law, Inc. for CourtTV, 2001, pp 3 – 4)

6

Review the criteria for a good school policy listed on “Optional Handout 3.” Tell students they will have 15 minutes to work on their policies. At the end of that time, they will be invited to share the most important parts of their policy with other students. Write the ending time on the board.

7

As students are working, give each group several pieces of blank flipchart paper and a marker. Then circulate around the room to observe and assist them. Give a one-minute warning when time is nearly up.

8

Ask students to post their policy recommendations on the walls. Invite all students to walk around or look around the room at the other policies. Give them about five minutes to do so.

9

Ask the following questions:

- What recommendations are the most common?
- Which recommendations are most likely to be implemented? Why?
- Which parts of the policy would you be willing to be involved in?
- Do you think these recommendations should be given to our school administrators? Why or why not?

Option B: Analyze what victims, bystanders, and adults can do to stop bullying.

1

Lead a discussion about the critical role of by-standers to bullying. Ask students the following questions:

- If about 85% of a school population is bystanders (neither bullies nor victims), how often do you think these people intervene in bullying?

Researchers have found that adults intervene in 4% of incidents; peers intervene in 11% of incidents.

- When you have seen someone intervene, did the bullying stop?

Most students report that when someone intervenes, the bullying decreases or stops.

- What do you think are the consequences if bystanders do nothing?

If undetected and untreated, bullying creates a climate of fear and anxiety that can harm all students (not just intended victims) physically, emotionally, and academically.

2

Write three headings on the board: “Victims” “Bystander” “Adults”

Ask students to brainstorm what these people can do to stop intimidation and bullying. Write down two or three suggestions for each category.

3

Tell students that considerable research has been done to examine which strategies work and which do not. It has been found that no one solution works well in every situation. People should use a variety of strategies. It is particularly useful to switch strategies when one is not working.

4

Distribute “Optional Handout 4: What People Can Do To Stop Bullying”

NOTE: “Optional Handout 4: What People Can Do To Stop Bullying” is not shown here because it is a chart. See the actual handout at the end of the lesson.

Ask students to read the handout quietly. If there are students who may have difficulty reading it, ask volunteers to take turns reading parts to the class.

5

Tell students they will be working with a partner to discuss situations and decide what they think should be done in each. Move students to sit with their partner (or have them pick partners) now.

NOTE: The situations in this handout are based on true stories. Feel free to adapt them to your group as appropriate, or you may wish to have your students develop their own situations for discussions. If you choose the latter option, the students should have written the situations (and you should have approved them) prior to this class.

6

Distribute “Optional Handout 5: Dealing with Bullying” to each student.

**OPTIONAL HANDOUT 5
DEALING WITH BULLYING**

Directions:

For each situation described below, discuss and try to agree on answers to these questions:

- What can the victim do?
- What can peers of the victim and bully do?
- What can the adults involved in the victim’s life or the bully’s life do?
(Consider parents, guardians, teachers, counselors, school administrators, recreation center workers, religious leaders, etc.)

Unless your instructor has assigned a situation to you and your partner, you can pick whichever situation interests you the most to begin. You may not be able to finish all the situations in the amount of time given, but try to do as many as possible without rushing.

- A. A Muslim boy reports that his sister and her friends are often harassed verbally, teased, pushed and had their hijabs (their veils) torn off by students at their school. His family, recent immigrants with limited English, do not know what to do. They didn’t know if it was religious bigotry or if it was bias against them because they are immigrants from another country. His sister is thinking about dropping out of school and he is trying to switch schools.
- B. Two ninth grade girls are regularly teased on the bus. One day, a group of boys call the girls “queers” and “dykes” and publicly embarrasses them. The boys corner them, brushing up against them in a sexual way. The boys also threaten them, “You better watch out. We will get you.” The bus driver is present throughout the incident, but does not intervene. According to one of the girls, since the bullying began, her grades have suffered, she has been drinking more alcohol, and she has thought about suicide.
- C. An eighth grade girl has been called ugly every day at school for a number of years. Some of her classmates move her desk to the corner of the room every day to remind her that she is an outcast. She says that what hurts the most are

their mean stares. She says she feels like she is dying and she has forgotten how to laugh. She does not speak much at home or at school and she doesn't like to eat any more. She says her teachers try to stop the bullying when they see it, but she dreads the lunch bell, which for her, signals forty minutes of terror.

D. A Black student growing up in a predominantly White neighborhood loved to play sports. He says he made friends with everyone. When he got to high school, there were many more Black students. Many of the students — Blacks and Whites — teased him because his friends were mostly White and because he made honor roll. They called him “white wash” and “sell out.” He has been in therapy, but still is still very angry. He's pretty sure he's going to blow up on someone some day, “not in a Columbine sort of way,” but he does think about lashing out at the bullies — both girls and boys — and having them know the kind of pain he has suffered.

E. He dreads gym class. Starting in the beginning of his freshman year, something bad happened every day. He was kicked in the groin, shoved into the water heater, spat on, kicked, pushed, and beaten. He had his pants thrown in the toilet twice and his shoe thrown in the urinal. His classmates routinely hid his clothes and took his glasses. A few students made sexually inappropriate comments. In response, he has been in a fight (and been suspended) and refused to change for gym class, which hurt his grade in the class. When he wrote down a list of things that had been done and gave it to his gym teacher, she took it to the principal. The other boys called him a liar. The principal told him to “shut up and learn to take it,” although he did suggest that the boy could change in a different bathroom before gym class.

These stories are all based on true stories reported in the student's own words on www.bullying.org and www.safeschools-wa.org

7

Review the directions with students. Make sure they understand the assignment. Tell them they have ten minutes to work with their partner. Write the ending time on the board. Instruct students to begin. As students are working, circulate around the room to observe and to assist as necessary. Give a one-minute warning when time is nearly up.

8

Call the group back together for a large group discussion. Ask one pair of partners to read a situation and to describe the strategies they recommend. Continue this discussion until all scenarios have been discussed.

NOTE: If time permits, you can extend this activity by asking students to consider all the situations. You can also have small groups of students do role-plays for each scenario, having students portray the bully, the victim, peer bystanders, and adults. They should demonstrate how others could intervene in a positive way. Allow about 35 minutes for a role-play activity and the appropriate discussion after each role-play.

PART FOUR: SUMMARY AND CLOSURE (10 minutes)

1

Ask students the following questions:

- What is the most important thing you learned in class today?
- What are some of the effects of bullying on victims? What are some of the effects of bullying on the rest of the community?
- If you experienced bullying and believed the bully broke the law, would you try to press charges or sue? Why or why not?
- If you did want to take a case of bullying to court, what steps can you take?
- Describe one way you can stop this problem.
- If you were tempted to bully someone, what could you do instead?
 - ◇ If a case involving bullying came before your youth court...
 - ◇ ... what sentencing recommendations might you make to help the bully understand the consequences of his or her actions?
 - ◇ ...what sentencing recommendations might you make to help the bully repair whatever is causing him or her to bully?
 - ◇ ... what sentencing recommendations might you make to help the bully learn more appropriate interactions?
 - ◇ ... what sentence or disposition could you assign to help repair the harm done to the victim?
 - ◇ ... assuming the victim of bullying did not want to testify before your court (or could not testify) how would you get the information you would need to know about the effect of bullying on that person so you could make an appropriate recommendation about the bully's sentence or disposition?

2

Thank students for their participation and insights. Thank the Community Resource Person, if one is present.

RESOURCES

Bonds, Marla, "Bully-Proofing Your Middle School," Middle Matters, Spring 2000, National Association of Elementary School Principles, <http://www.naesp.org>

Brandsberg-Engelmann, Jennifer, "Full Court Press," Homicide: Life on the Streets – Lessons in Law a project of Street Law, Inc. and CourtTV, 2001.

This videotape and lesson plans includes lessons about bullying, policing the police, transfer of juveniles to adult courts, due process rights, police procedures and witnesses, and lawful/unlawful use of deadly force to protect property and people. To order this curriculum, contact Street Law, Inc at: 202-293-0088 ext. 220 or Street Law's website: www.streetlaw.org/homicide.html

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Educational Forum on Adolescent Youth Bullying Proceedings. American Medical Association. 2002

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Green, Eleanor, Judith A. Zimmer, and Stefanie T. Bray, Community Works: Smart Teens make Safer Communities, Social Studies School Service, Culver City, CA 1999, Session 10. This curriculum is a joint project of Street Law, Inc. and National Crime Prevention Council. To learn more about the curriculum, check the website: www.streetlaw.org or call 202-293-0088.

Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools, Human Rights Watch.

This report describes the effect of hatred and a hostile climate on youth, where harassment occurs in schools, the roles of school staff in making situations worse or better for kids, and legal standards that apply to cases of harassment. The report can be ordered by contacting HRW at: www.hrw.org

Quiroz, Hilda Clarice, "Youth, Culture and Diversity," COPS in Schools: Keeping Our Kids Safe, U.S. Department of Justice, Office of Community Oriented Policing Services and the National School Safety Center, 2000.

Viadero, Debra, "Beating the Bullies," Education Week, August/September, 1997, www.edweek.com/tm/vol-09/01bully.h09

www.bullying.org: This website is operated and for kids to create a supportive community to express their experiences with bullying and to get ideas about effective strategies in coping. It contains poems, stories, music submitted by children of all ages from around the world.

www.education.unisa.edu.au/bullying/: This website is operated by Dr. Ken Rigby, a leading researcher and expert in bullying. He reviews current professional studies and provides information about how bullying affects kids and how it can be reduced.

www.safeschoolscoalition.org/: This website is part of a project in Washington state that gathers first-hand accounts of the experiences of gay and questioning youth in schools. The project also supports students, parents, teachers, and all school staff in their efforts to keep schools safe for all children.

www.stopbullyingnow.com: This website is administered by Stan Davis, who describes ways to identify bullying, strategies for victims and for supporting bullies. He also describes what strategies do not work and offers seminars, videos, workshops, and free PowerPoint presentations about this topic.

HANDOUT 1
PERSONAL JOURNAL

You will not be required to share this journal with anyone, but you will be invited to share it if you wish.

Think about a time when someone intimidated you or when you witnessed someone being bullied. This could have happened at school, in your neighborhood, at home, anywhere.

How did it feel to be intimidated? (Or, if you're thinking about something that happened to someone else, how do you think it felt to that person?)

What did the bully do? (What actions or words did he or she use?)

Why do you think the bully did those things or said those things?

HANDOUT 2A

PUTTING BULLYING INTO PERSPECTIVE – SHORT AND LONG-TERM EFFECTS ON VICTIMS

Directions:

1. Read the information listed below.
2. Decide as a group whether you want to write a news story for radio or for television.
3. Write a story that incorporates the facts on this page. If time allows and you want to include other facts, stories, or perspectives, you may. Remember, your story should take no more than two minutes to read.
4. Remember to watch the clock so you finish writing your story on time. Be sure to leave at least three minutes to rehearse reading your story. You have a total of fifteen minutes to prepare.
5. Decide who will report the story to the rest of the class. You can have more than one reporter.
6. Practice reading the story for your group and make whatever changes you think are necessary.
 - The **short-term effects** of being bullied are well documented*. People who have been bullied might:
 - ◇ fail at school work
 - ◇ begin to miss a lot of school
 - ◇ become ill with stomach-aches, headaches, fatigue, and symptoms of nervousness and chronic worrying
 - ◇ display unexpected mood swings
 - ◇ withdraw from family and friends
 - ◇ have trouble concentrating
 - ◇ lose interest in school or wherever the bullying occurs
 - ◇ argue and/or fight more
 - ◇ change friends or social groups

HANDOUT 2A, continued

- ◇ display suspicious bruises or scratches
- ◇ frequently lose money or property
- ◇ avoid lunch time, recess, social activities or specific students or groups
- The **long-term effects** of being bullied are also well documented*. People who have been bullied are more likely to:
 - ◇ become clinically depressed
 - ◇ be much more truant or drop out of school
 - ◇ develop discipline problems
 - ◇ have lowered self-esteem or pride
 - ◇ begin bullying others
 - ◇ plan acts of revenge or retaliation
 - ◇ run away
 - ◇ attempt or succeed at suicide
- Victims are usually younger, smaller, and weaker than the bully, or are different from other children or teens in some obvious way.
- Victims often lack confidence and are anxious. They have difficulty sticking up for themselves.

* Quiroz, Hilda Clarice, "Youth Culture and Diversity" COPS in Schools: Keeping Our Kids Safe, U.S. Department of Justice, Office of Community Oriented Policing Services and the National School Safety Center, 2000, p. 147

HANDOUT 2B

**PUTTING BULLYING INTO PERSPECTIVE –
THE PROBLEMS OF BULLIES**

Directions:

1. Read the information listed below.
2. Decide as a group whether you want to write a news story for radio or for television.
3. Write a story that incorporates the facts on this page. Try not to simply recite the facts in a list. Make it interesting. If time allows and you want to include other facts, stories, or perspectives, you may. Remember, your story should take no more than two minutes to read.
4. Remember to watch the clock so you finish writing your story on time. Be sure to leave at least three minutes to rehearse reading your story. You have a total of fifteen minutes to prepare.
5. Decide who will report the story to the rest of the class. You can have more than one reporter.
6. Practice reading the story for your group and make whatever changes you think are necessary.

FACTS:

- Bullies often blame their victims.
- Often, bullies are emotionally and/or physically abused at home.
- One in four children who bully will have a criminal record before the age of 30.
- Bullies are much more likely than non-aggressors to grow up to batter their spouses and abuse their children.
- Bullies who are identified by a caring, adult mentor can learn attitudes or relationship skills that curb or replace bullying behaviors.
- Bullies can be influenced by positive peer pressure when peers do not tolerate bullying and when classmates support more positive behaviors.

HANDOUT 2B, continued

- Bullies who have severe mental health problems should be identified, diagnosed, and treated or there may be serious consequences for the entire community.
- Bullies should be supported (not condemned) on their road to learning acceptable social behaviors.
- Most researchers agree that if we ignore the problems of bullies, and simply focus on punishing them, their behavior and problems will persist.

HANDOUT 2C

PUTTING BULLYING INTO PERSPECTIVE – WHAT DOES THE LAW SAY ABOUT BULLYING?

Directions:

1. Read the information listed below.
2. Decide as a group whether you want to write a news story for radio or for television.
3. Write a story that incorporates the facts on this page. Try not to simply recite the facts in a list. Make it interesting. If time allows and you want to include other facts, stories, or perspectives, you may. Remember, your story should take no more than two minutes to read.
4. Remember to watch the clock so you finish writing your story on time. Be sure to leave at least three minutes to rehearse reading your story. You have a total of fifteen minutes to prepare.
5. Decide who will report the story to the rest of the class. You can have more than one reporter.
6. Practice reading the story for your group and make whatever changes you think are necessary.

FACTS:

Bullying is often a form of assault and, therefore, punishable by the law.

- Assault is an intentional physical act or a threat of attack with a clear or obvious ability to carry out that threat, so that the victim feels danger of physical attack or harm. It is not necessary for actual injury to occur before a person can be charged with assault. The only requirement is that the person intended to do harm.
- People who are assaulted can bring criminal charges against their assailant or they can sue their wrongdoers in a civil court.

Bullying is often a form of sexual harassment, and therefore, punishable by law.

- Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that is of a sexual nature that occurs in a workplace or a school.

HANDOUT 2C, continued

- According to recent a Supreme Court case, school boards and school officials can be held responsible (sued) if the school leadership showed deliberate indifference to “student on student” harassment that was severe enough to prevent victims from enjoying educational opportunities.
- In a separate case, the Supreme Court ruled that students who were harassed by teachers can claim damages (money in a lawsuit) from the school.
- Victims of sexual harassment can also sue their harassers directly.

Bullying also breaks the law when it becomes:

- extortion – using threats to obtain the property of another
- theft
- battery – intentional unlawful physical contact by one person upon another without consent. Like assault, actual injury is not necessary for a battery charge. The only requirement is that the person intended to do bodily harm.
- weapons possession
- murder
- arson- the deliberate and malicious burning of another person’s property.
- hate acts or crimes
- hazing
- rape or sexual assault
- a violation of civil rights (may include bullying based on racial or ethnic prejudice or sexual harassment)
- slander-spoken expression about a person that is false and damages that person’s reputation.

OPTIONAL HANDOUT 3

DRAFT OR EVALUATE A SCHOOL BULLYING POLICY

Directions:

With a partner, draft a written policy on bullying for your school. The website Bully Online reports that the steps listed below must be taken to stop bullying. How will your school policy incorporate those ideas?

If your school has a policy already, does it meet the guidelines for effective anti-bullying policies? Why or why not?

- There is a whole-school anti-bullying spirit and culture to which both staff and children are genuinely committed.
- Everyone knows and understands what bullying is and why bullies bully.
- Everyone knows and understands that bullying is unacceptable.
- Bystanders, especially adults, stop bullying incidents immediately.
- The bully is held accountable for his or her actions in a firm but kind and supportive manner, without physical punishment. (Remember, the bully typically is deeply unhappy and has low self-esteem.)
- After a bully is identified, he or she is supervised and supported in learning appropriate ways of interacting with other students.
- All students are taught to be assertive.
- All students are taught to stop bullying and to step in and/or report it.
- All students are empowered to help both the target and the bully.

Write your recommendations for a policy on the flipchart paper you have been given. Be as specific as possible. For example, if you think all students should be taught to be assertive, how should that be done?

(adapted from: "Full Court Press," Homicide: Life on the Streets – Lessons in Law, written by Street Law, Inc. for CourtTV, 2001, pp 3 – 4)

OPTIONAL HANDOUT 4

WHAT PEOPLE CAN DO TO STOP BULLYING

Victim	Bystander	Parents, Teachers, Other Adults
Know and understand what bullying is and why bullies bully	Know and understand what bullying is and why bullies bully	Know and understand what bullying is and why bullies bully
Know and understand that bullying is unacceptable	Know and understand that bullying is unacceptable	Know and understand that bullying is unacceptable
Avoid the bully or certain places where it does not feel safe	Speak out against the bully	Take a stand. Defy the research that says adults intervene in only 4% of incidents. Always intervene when they see bullying and stop it (for example, saying "You can't do that here.")
Ignore the bully	Include the student being bullied in group and activities	Let all students know that bullying is not okay
Break eye contact with the bully	Show empathy for the victim (for example, listen and give advice)	Model good relationships (at home, school, recreation centers, etc.)
Talk in a calm and brave voice	Get together with other bystanders to tell the bully to stop	Help all children learn positive activities such as sports
Join a group of other students	Get adult help	Help students understand what it feels like to be a victim
Talk to yourself in a positive way to maintain your self-esteem	In a quiet setting, try to find out what is really bothering the bully	Try to help that person, if possible. Involve other adults to stop bullying before it starts.
Turn and walk away	Believe that they share with adults the responsibility for keeping schools safe and caring	Be sympathetic to bullies yet clear that their bullying behavior will not be accepted
Tell the bully assertively to stop threatening him or her (for example, "I don't like what you're doing – stop it." "Get a life – leave me alone.")	Learn skills to be an effective peer mediator	Teach students who bully more appropriate ways to conduct relationships
Use humor to defuse the situation (for example, "Look, Johnny, lay off. I don't want you to be late for school.")	Surprisingly, onlookers tend to blame victims for the treatment they receive. Bystanders should learn to see when the bully is at fault.	Teach the difference between teasing and bullying
Get help from an adult, friend or peer when a potentially threatening situation arises or when other strategies are not working	Take a stand. Defy the research that says peers intervene in only 11% of incidents.	Teach the difference between flirting and sexual harassment
Do not fight back: Experience shows counter-aggression increases the likelihood of continued victimization		Provide ways for students to report bullying situations anonymously or privately.
		Maintain adequate supervision of students

If these strategies are used in isolation, they are not likely to work. There should be a comprehensive approach that doesn't rely solely on the victim "to be brave," the bully to "just stop," or the bystanders to "save the day." These solutions must be used together to reduce aggressive, bullying behaviors.

OPTIONAL HANDOUT 5 DEALING WITH BULLYING

Directions:

For each situation described below, discuss what various people might do to try to stop the bullying. Consult the chart on “Optional Handout 4: What People Can Do To Stop Intimidation and Bullying?” for more ideas.

Try to agree on answers to these questions:

- What can the victim do?
 - What can peers of the victim and bully do?
 - What can the adults involved in the victim’s life or bully’s life do? (Consider parents, guardians, teachers, counselors, school administrators, recreation center workers, religious leaders, etc.)
- A. A Muslim boy reports that his sister and her friends are often harassed verbally, teased, pushed and had their hijabs (their veils) torn off by students at their school. His family, recent immigrants with limited English, do not know what to do. They didn’t know if it was religious bigotry or if it was bias against them because they are immigrants from another country. His sister is thinking about dropping out of school and he is trying to switch schools.
- B. Two ninth grade girls are regularly teased on the bus. One day, a group of boys call the girls “queers” and “dykes” and publicly embarrasses them. The boys corner them, brushing up against them in a sexual way. The boys also threaten them, “You better watch out. We will get you. “ The bus driver is present throughout the incident, but does not intervene. According to one of the girls, since the bullying began, her grades have suffered, she has been drinking alcohol more, and she has thought about suicide.
- C. An eighth grade girl has been called ugly every day at school for a number of years. Some of her classmates move her desk to the corner of the room every day to remind her that she is an outcast. She says that what hurts the most are their mean stares. She says she feels like she is dying and she has forgotten how to laugh. She does not speak much at home or at school and she doesn’t like to eat any more. She says her teachers try to stop the bullying when they see it, but she dreads the lunch bell, which for her, signals forty minutes of terror.

OPTIONAL HANDOUT 5, continued

- D. A Black student growing up in a predominantly White neighborhood loved to play sports. He says he made friends with everyone. When he got to high school, there were many more Black students. Many of the students — Blacks and Whites — teased him because his friends were mostly White and because he made honor roll. They called him “white wash” and “sell out.” He has been in therapy, but is still very angry. He’s pretty sure he’s going to blow up on someone some day, “not in a Columbine sort of way,” but he does think about lashing out at the bullies — both girls and boys — and having them know the kind of pain he has suffered.
- E. He dreads gym class. Starting in the beginning of his freshman year, something bad happened every day. He was kicked in the groin, shoved into the water heater, spat on, kicked, pushed, and beaten. He had his pants thrown in the toilet twice and his shoe thrown in the urinal. His classmates routinely hid his clothes and took his glasses. A few students made sexually inappropriate comments. In response, he has been in a fight (and been suspended), and refused to change for gym class, which hurt his grade in the class. When he wrote down a list of things that had been done and gave it to his gym teacher, she took it to the principal. The other boys called him a liar. The principal told him to “shut up and learn to take it,” although he did suggest that the boy could change in a different bathroom before gym class.

(These stories are all based on true stories reported in the student’s own words on www.bullying.org and www.safeschoolscoalition.org)



SHOPLIFTING

OUTCOMES

As a result of this lesson, students will be able to:

- Define shoplifting
- List some consequences of shoplifting to young people, storeowners and the community

MATERIALS NEEDED

- Chalkboard/flip chart
- Chalk/markers
- Shoplifting Facts Teacher's Edition (one copy of this cut into different strips so that each "fact" is a different slip of paper.)

HANDOUTS

- 1 Shoplifting: Who Shoplifts and Why?

PREPARING TO TEACH THIS LESSON

- Write up the lesson objectives. Do not post them until the lesson calls for it. (If you have to write them on a chalkboard, cover them with a pull-down map or something else.)
- Copy the handout and prepare all materials.
- Take one copy of "Handout 1: Shoplifting Facts - Teacher's Edition" and cut it into different strips so that each "fact" is a different slip of paper.

COMMUNITY RESOURCE PEOPLE

A Community Resource Person would add credibility and interest to this lesson. Invite the owner of a store where teens are regular customers to be a resource person for this session. He or she can answer questions and explain shoplifting from a store owner's point of view. Send a copy of the lesson when confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students.

During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: WHAT IS SHOPLIFTING? (70 minutes)

1

Divide students into groups of three to five people. Tell students that each group will be assigned a role. They should answer the question that they are given based upon the role that their group is assigned.

Half of the groups should be given the role of “store owner.” Give the group of “Store Owners” a sheet of flipchart paper and a marker. Ask them to label it “Store Owner’s Point of View” and then to list as many responses as they can come up with to the phrase: “As a store owner, it really bothers me when teens.....”

The other half of the group should be given the role of “Teens.” Give the group of “Teens” a sheet of flipchart paper and a marker. Ask them to label it “Teen’s Point of View” and then to list as many responses as they can come up with to the phrase: “As a teen, it really bothers me when storeowners.....”

2

Give the groups 5-10 minutes to discuss, brainstorm, and record their responses. Write the ending time on the board. While the students are working, circulate around the room to observe their discussions.

3

Have the groups post their Point of View pages and report on their discussion.

4

After all of the groups’ lists have been exhausted, explain to students that this lesson will focus on shoplifting.

5

Post the objectives and review them with the students. If a Community Resource Person has joined you for this lesson, introduce him or her now.

Ask students to come up with a definition of shoplifting.

Shoplifting is a form of larceny or theft. It is the crime of taking goods from a store without payment or intent to pay.

NOTE: Make sure that employee theft is a part of the discussion and definition.

Employee theft is a form of theft related to shoplifting in which employees take things for themselves, allow their friends to take things, do not charge for an item, charge a customer an improperly reduced price, or abuse an employee discount.

6

Distribute one fact strip (“Handout 1: Shoplifting Facts,” cut up into fact strips) to each student. If there are leftover fact strips, you may distribute more than one to each student. Tell students that the fact strips are to help them with the next activity.

TEACHER’S EDITION
SHOPLIFTING FACTS

1. Who shoplifts?
Amateurs make up the largest number of people who shoplift - not professional thieves. Amateurs are “everyday” people who steal on impulse - because they see something that they want or simply for a thrill.

2. Who shoplifts?
Amateurs who tend to believe that they won’t be caught or sent to jail.

3. Who shoplifts?
Most are customers who steal frequently from places where they regularly shop.

4. Who shoplifts?
Some are professional thieves who make their living by stealing and then selling the goods (but this is a much smaller group than the amateurs).

5. Who shoplifts?
Drug addicts who steal to support their habit.

6. Who shoplifts?
Desperate people who steal because they need food - but this group makes up only a very small number of shoplifters.

7. Who shoplifts?
Kleptomaniacs are a tiny minority of shoplifters. These people have a mental disorder that makes it difficult for them to overcome their urge to steal.

8. About 24% of apprehended shoplifters are between the ages of 13 and 17, even though this age group accounts for less than 10% of the overall U.S. population.

9. Shoplifters are caught 13 times more often than employees who steal.

10. Employers lose more money to employee theft than they do to shoplifting. 30% of business failures in the United States are due to shoplifting and employee theft.

11. Why do people shoplift?
Many people want to see if they can get away with it.

12. Why do people shoplift?
“I’ve spent plenty of money in this store. What’s wrong with getting a little back?”

13. Why do people shoplift?
“This is a big store; they can afford it.”

14. Why do people shoplift?
“They’ll never miss this.”

15. Why do people shoplift?
“Stores just write it off as a business expense.”

16. Why do people shoplift?
“I don’t have enough money.”

17. Why do people shoplift?
“I just wanted to see if I could get away with it this once. I’ve never done it before.”

18. Why do people shoplift?
“My friend pressured me and I wasn’t determined enough to say no. I have trouble making my own decisions sometimes.”

Students should spend a few minutes reading the information on their fact strips. Then tell the students they have eight minutes to circulate around the room and teach their fact to one person at a time, until they have spoken to every person. The object is to share a fact and learn one from every other student. Write the ending time on the board. Give students a two-minute time warning.

When the students have finished circulating around the room, distribute "Handout 1: Shoplifting - Who Shoplifts and Why."

HANDOUT 1
SHOPLIFTING - WHO SHOPLIFTS AND WHY?

Based on your research today, who shoplifts?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

What percentage of shoplifters who are caught are between the ages of 13 and 17?

Based on your research today, name four reasons, rationalizations, or excuses shoplifters are likely to give when they are caught:

1. _____
2. _____
3. _____
4. _____

Ask students to take four minutes to complete as much of Handout 1 as possible. After four minutes, ask volunteers to share their answers.

7

Divide students into 4 groups. Tell students that they are going to work in their groups to discuss some of the costs and consequences of shoplifting. They should complete the following tasks:

- Brainstorm a list of the costs and consequences of shoplifting for their particular group.
- Write a story that illustrates these costs and consequences.

Tell students that they will present their stories to the rest of the class. Encourage students to be creative in their presentations.

The group assignments are as follows:

- Group 1 should focus on the costs of shoplifting to the individual who gets caught shoplifting.
- Group 2 should focus on the costs of shoplifting for young people in general.
- Group 3 should focus on the costs of shoplifting for the storeowners.
- Group 4 should focus on the costs of shoplifting for the community.

Tell students they have 15 minutes to complete their two tasks, (brainstorming a list of costs and consequences and writing a story). Write the ending time on the chalkboard.

8

Circulate while students are working to answer questions. If a storeowner or merchant is assisting you teach this lesson, he or she should help group 3.

Below are sample lists of some possible costs and consequences. If any group is having trouble brainstorming, you may help them out with some suggestions from this list.

- Group 1 (the costs of shoplifting to the individual who gets caught shoplifting) Examples: when salespeople or security officers catch shoplifter, they often call the police, who then arrest the suspects and take them to the police station; the case may be referred to juvenile court; everyone may find out about the arrest because investigators often interview the shoplifter's parents, neighbors, and teachers; even though juvenile court and police records are supposed to be confidential, often the information gets out.
- Group 2 (the costs of shoplifting for young people in general) Examples: shoplifting results in higher prices for everyone; there may be fewer jobs available if storeowners lose money to shoplifters; teen shoplifting puts a strain on the relationship between teens and storeowners because storeowners become

suspicious of all young people; people in the community may have a negative impression of young people in general because of the incidents of teen shoplifting that they hear about.

- Group 3 (the costs of shoplifting for the storeowners) Examples: Storeowners lose money every time an item is stolen; storeowners have to raise prices to compensate for the money they lose to shoplifters; raising prices may drive customers away; storeowners may have to spend additional money for special security devices to prevent shoplifting; the more time and money storeowners have to spend on security, the less time and money they have to devote to customer service and to improving their business; when a storeowner prosecutes a shoplifter, there are legal fees involved.
- Group 4 (the costs of shoplifting for the community) Examples: storeowners may close stores in the neighborhood if they lose too much money to shoplifting; there are less jobs available when storeowners have to lay off workers because revenue is very low; potential customers will have to travel further away to get the things they need if neighborhood stores close; customers will have to pay higher prices because storeowners must raise them to compensate for the stolen merchandise or for security equipment or guards; there is the potential for racial tension.

9

When all of the groups have finished working, have them make their presentations. After the group representing individuals who get caught presents their story, ask:

- Do you know someone who has been caught shoplifting? (Unless it was you, please do not identify that person.)
- If so, how does his or her experience compare with the information we just heard in this story?

After the group representing young people in general presents their story, ask:

- Have you seen any of these problems in your community? If so, which ones?
- Do you think you have ever been treated suspiciously because of actions of other teenaged shoplifters? If so, how do your experiences compare with the experience we just heard in this story?

After the group representing store owners presents their story, ask:

- Have you ever noticed these problems for store owners where you and your family shops? If so, how do those store owner's experiences compare to those we just heard in this story?
- (If a store owner or merchant is helping to teach this lesson, ask him or her to discuss the impact of shoplifting on business.)

After the group representing the community presents their story, ask:

- Have any stores in your neighborhood gone out of business? If so, how did it affect your community?

PART TWO: SUMMARY (10 minutes)

1

Ask the resource person:

- Is shoplifting a problem for local storeowners? How?
- What are some of the most common ways the storeowners deal with the problem of shoplifting?

2

Ask students to pick one partner to work with who is sitting next to them. You will ask the partners to discuss the following questions. After each question, give students a few minutes to discuss their answers with their partners. Then move on to the next question.

- Describe two ways shoplifting affects people.
- What would you say to a friend who was pressuring you to shoplift?
- What would you do if you saw someone shoplifting?
- List one thing you learned in class today that surprised you.

3

Thank students and the Community Resource Person for their participation and dismiss them.

TEACHER'S EDITION
SHOPLIFTING FACTS

1. Who shoplifts?
Amateurs make up the largest number of people who shoplift - not professional thieves. Amateurs are "everyday" people who steal on impulse - because they see something that they want or simply for a thrill.

2. Who shoplifts?
Amateurs who tend to believe that they won't be caught or sent to jail.

3. Who shoplifts?
Most are customers who steal frequently from places where they regularly shop.

4. Who shoplifts?
Some are professional thieves who make their living by stealing and then selling the goods (but this is a much smaller group than the amateurs).

5. Who shoplifts?
Drug addicts who steal to support their habit.

6. Who shoplifts?
Desperate people who steal because they need food - but this group makes up only a very small number of shoplifters.

7. Who shoplifts?
Kleptomaniacs are a tiny minority of shoplifters. These people have a mental disorder that makes it difficult for them to overcome their urge to steal.
About 24% of apprehended shoplifters are between the ages of 13 and 17, even though this age group accounts for less than 10% of the overall U.S. population.

9. Shoplifters are caught 13 times more often than employees who steal.

10. Employers lose more money to employee theft than they do to shoplifting.
Thirty percent of business failures in the United States are due to shoplifting and employee theft.

11. Why do people shoplift?
Many people want to see if they can get away with it.

TEACHER'S EDITION, continued

12. Why do people shoplift?

"I've spent plenty of money in this store. What's wrong with getting a little back?"

13. Why do people shoplift?

"This is a big store; they can afford it."

14. Why do people shoplift?

"They'll never miss this."

15. Why do people shoplift?

"Stores just write it off as a business expense."

16. Why do people shoplift?

"I don't have enough money."

17. Why do people shoplift?

"I just wanted to see if I could get away with it this once. I've never done it before."

18. Why do people shoplift?

"My friend pressured me and I wasn't determined enough to say no. I have trouble making my own decisions sometimes."

HANDOUT 1

SHOPLIFTING - WHO SHOPLIFTS AND WHY?

Based on your research today, who shoplifts?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

What percentage of shoplifters who are caught are between the ages of 13 and 17?

Based on your research today, name four reasons, rationalizations, or excuses shoplifters are likely to give when they are caught:

1. _____
2. _____
3. _____
4. _____

RESOLVING CONFLICT THROUGH NEGOTIATION

OUTCOMES

As a result of this lesson, students will be able to:

- Define negotiation
- Use the basic steps in the negotiation process
- Discuss how teens and storeowners can work together to resolve problems

MATERIALS NEEDED

- Chalkboard/flip chart
- Chalk/markers
- An overhead transparency projector (optional)

HANDOUTS

- 1 The Negotiation Process - for each student
- 2 Downtown - for each student
- 3 Teens' Points of View - for half the students
- 4 Storeowners' Points of View - for half the students
- 5 Negotiation Journal - for each student

NOTE: If possible, you may want to copy each handout onto a different color paper. This will make it easier for you and for the students to be sure everyone is looking at the right page.

TRANSPARENCY OR POSTER

- 1 The Negotiation Process

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives.
- Copy handouts and prepare all materials.
- If you are not able to make or project a transparency of The Negotiation Process, make a poster of it on flipchart paper.

NOTE: It is helpful, but not required, to have completed the lessons called “Shoplifting” and “Options for Solving Conflicts.” If you and the students have not done these lessons, you may want to take a moment at the beginning of the lesson to review:

- ◇ The term: “party to a dispute”
- ◇ The difference between negotiation, mediation, and adjudication

COMMUNITY RESOURCE PEOPLE

A Community Resource Person would add credibility and interest to this lesson. Invite a professional mediator from your community to be a resource person for this session. Because a mediator is familiar with the mediation process - a process that is very similar to the negotiation process - he/she can assist you in explaining the negotiation process, preparing the groups for the negotiation, keeping the negotiation on track and debriefing the negotiation. Send a copy of the lesson when you confirm the date, time and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: PREPARING FOR THE NEGOTIATION (45 minutes)

1

Discuss the lesson objectives. If a Community Resource Person has joined you for this lesson, introduce him or her now.

Ask students to define “negotiation.” Use the definition below to confirm or revise their definition. Ask a student volunteer to write it up on the chalkboard or on flipchart paper.

Negotiation is a process in which the people involved in a dispute talk to each other about their problem and try to reach a solution acceptable to all.

If students have trouble coming up with a definition, remind them that we discussed negotiation in the lesson called Options for Solving Conflict (if they have done the lesson).

Distribute “Handout 1: The Negotiation Process.”

HANDOUT 1

THE NEGOTIATION PROCESS

It is helpful to think of negotiation in three phases: preparation, negotiation, and follow up

PHASE ONE: PREPARING TO NEGOTIATE

To use the negotiation process to help resolve a problem, each party to the dispute should take the following steps before meeting with the other party to the dispute.

- Come to the discussion with a sincere interest in settling the problem. (If you want to yell at the other person, or just tell him or her what is making you mad, you are not ready to negotiate.)
- Try to identify the issue that is causing the conflict as clearly as possible.
- Think about the issue that is really causing the problem. Try to separate the demands (what each party says it wants, also known as positions) from why each party wants or needs that demand, (also known as interests).
- Sort out your own feelings about the problem so that you can understand your real interests.
- Try to consider the issue from the perspective of the other party. What are the concerns and feelings on the other side of the conflict?
- Identify two workable solutions that you think might resolve the problem.

PHASE TWO: NEGOTIATING

To use the negotiation process to help resolve a problem, each party to the dispute should take the following steps during the negotiation meeting.

- It is helpful to decide if both parties want to establish ground rules for the negotiation. For example, do not interrupt, do not insult or disrespect the other party, etc. If you decide to make ground rules, it is helpful to write them down now.
- Work together to identify the real issue(s) that need to be resolved.

Each side shares what it is most concerned about, why this is important to them, and identifies the most important issues it wants solved. Each side talks about their positions and interests. This step of gathering information is most effective when each party discusses its feelings by starting with “I think...” or feel...” instead of “You are...” or “You did...” While this is happening, listen carefully to the other person’s perspective. Pay attention to the other party’s body language. Do not let anger get in the way of listening and working out the problem. It is very important that you hear and understand what is being said. Ask questions if you do not understand or want more information. Take a break to cool off if necessary.

- Think together about a variety of solutions to the problem. The purpose of this brainstorming step is to formulate a list of many ideas without evaluating them or criticizing each other’s ideas. It is okay to come up with wild ideas and to build on each other’s suggestions.
- Identify the two or three most workable solutions. Make sure you are realistic about the ideas you choose. When evaluating options, be sure that each solution meets the needs of both sides. Consider the consequences of each solution and discard those that are impractical. Will this solution cost too much time, money, or energy?
- Repeat the main points of the agreement to be sure that both parties understand it. It is a good idea to write down the agreement.
- Decide what should happen if the agreement is broken.

PHASE THREE: AFTER NEGOTIATING

To use the negotiation process to help resolve a problem, each party to the dispute should take the following steps after the negotiation meeting:

- Decide what to tell others about how the problem was handled.
- Discuss the problem again if the agreement does not seem to be working.

3

Ask students to read the handout silently for a few minutes and to mark it up with questions they want to ask about vocabulary or what something means. Then ask the Community Resource Person or various students to read parts of the handout to the class. Pause briefly after each step to make sure that students understand the steps.

The point here is to keep the pace brisk and hit the main points in the negotiation process. Later you will walk them through this process again as they do their role-play.

4

Tell students that they are going to be participating in a negotiation between teens and storeowners. When the negotiation begins, they will be following the steps that are on the handout. Each side will work separately before the negotiation actually starts.

5

Distribute “Handout 2: Downtown.” Ask various students to volunteer to read “Handout 2: Downtown” aloud. As they are reading or when they are finished, clarify any confusing terms or issues.

HANDOUT 2
DOWNTOWN

Many teens in your community like to go downtown to hang out and look around in the stores.

In the past few months, many of the downtown stores have seen an increase in incidents of shoplifting, particularly stores that sell CDs, sneakers, jeans, magazines and candy - products that are especially of interest to teens. The owners of these stores suspect that teens are responsible for the shoplifting. They are especially suspicious of groups of teens that come into their stores.

Teens claim that when they're in stores, salespeople often ignore them as customers and treat them as would-be shoplifters. They are often followed as they walk around the store.

Recently, several stores have made policies that no one under 16 can enter the store without a parent or guardian. The policies also allow no more than two young people aged 16-18 to enter a store together. Other teens have to wait outside until the pair inside leaves. Some stores have even hired security guards to enforce this policy and keep a close eye on teens in general. In a few incidents, angry confrontations between teens and security guards have also involved the police.

Teens have met in the local community center to discuss the problems of this new policy and the stereotyping of teens. They do not want to violate the store policies and risk getting in trouble with the police. Storeowners have talked about the shoplifting problem in their retailers' association. They are also worried about negative publicity during the upcoming holiday season. Each side has selected representatives who have agreed to sit down together to see what can be done about this problem.

6

Divide students into two groups: one group to play the teens and the other to play the storeowners.

NOTE: If there are more than ten students in your class, divide students into four groups instead of two. If there are more than twenty students in your class, divide the students into six groups instead of two. The goal is to have as many students actively participating as possible. If you do this, you will have two or three simultaneous negotiations taking place. You and the Community Resource Person can each assist different negotiation groups.

7

Distribute “Handout 3: Teens’ Points of View” to one group and “Handout 4: Storeowners’ Points of View” to the other.

HANDOUT 3
TEENS’ POINTS OF VIEW

You are one of the representatives selected by your fellow teens to meet with the storeowners to discuss their new anti-teen policies. You think these new policies are unfair because people should have the right to shop where they want with as many people as they like. You like to hang out and shop with your friends downtown.

You don’t like being ignored when you are a customer in a store. You also don’t like constantly being under suspicion. You know that there are some teens who have shoplifted CDs and other things, but neither you nor your friends have. You spend a lot of money downtown and would like to be respected as a valuable customer. If things don’t get better, you and your friends will start to hang out at the new mall that has opened up across town.

Other teens at the meeting shared stories of being treated rudely by salespeople and security guards. Some of them even thought they were being treated badly because of their race or ethnic group. You are worried about the anger that is developing and the trouble that these policies have caused you and your peers. You would really like to see this meeting with the storeowner representatives improve the situation before it gets totally out of hand.

Questions to answer in preparation for the negotiation:

1. Who does your group represent? What is your role? What are your feelings about the situation?
2. What problem needs to be discussed?
3. What is your starting position?
4. List all your possible needs and interests related to this problem.
5. Which ones are most important to you?
6. List two additional workable solutions other than your current position.
7. Prepare a list of questions that you would like to ask the other side.

Look at “Handout 1: The Negotiation Process” and re-read Phase I. Are you really ready to negotiate?

HANDOUT 4

STOREOWNERS' POINTS OF VIEW

You and the other members of the retailers' association think the new policies limiting the number and age of teens allowed in stores are necessary because of the increase in shoplifting you have experienced in your stores. Many of the teens travel in large groups. Further, they are noisy and they roam around your store messing up the shelves and touching merchandise that they don't buy. The teens scare adult business away. It is hard to keep an eye on them while you are attending to other customers.

Because of these problems, you and other storeowners have recently hired security guards. Although this is expensive, you think that it will be worth it in the long run. You have heard some stories about the guards being too rough with the teens. You have also heard that some salespeople and security guards have used racial and ethnic slurs. However, you have instructed all of your employees to treat all customers - including teens - with respect.

You and your fellow storeowners are worried about the competition from the new mall with its superstores. This recent trouble with the teens could hurt your business during the holiday season. You'd really like to see this meeting with the teens improve the situation.

Questions to answer in preparation for the negotiation:

1. Who does your group represent? What is your role? What are your feelings about the situation?
2. What problem needs to be discussed?
3. What is your starting position?
4. List all your possible needs and interests related to this problem.
5. Which ones are most important to you?
6. List two additional workable solutions other than your current position.
7. Prepare a list of questions that you would like to ask the other side.

Look at “Handout 1: The Negotiation Process” and re-read Phase I. Are you really ready to negotiate?

8

Give students 15-20 minutes to prepare for the negotiation. Write the ending time on the board. While the students are preparing, you and the Community Resource Person should circulate around the room to listen to students working. Try to be sure they are on track without leading them too much. Give a two-minute warning when the preparation time is almost over.

PART TWO: NEGOTIATING A PLAN (25 minutes)

1

After the separate parties have done their preparation work, put the teams of negotiators together in a group. Seat the “teens” and “storeowners” across from each other.

NOTE: If your class size is large and there is no more than one negotiation happening, try to have each set of negotiators sit close enough to see the transparency/poster but far enough apart so they do not distract each other.

Restate the goal for this session. Explain that they will explore possible ways to improve the situation between teens and the storeowners. If problems are left unaddressed, they tend to escalate and get worse. This makes life harder for both groups. One way to effectively deal with these problems is to set up a meeting between a group of teens and storeowners. This role-play simulates such a meeting.

2

Tell students that the two sides will be negotiating with each other using the steps of the negotiation process that were discussed earlier that are now posted. Post “Transparency/Poster 1, The Negotiation Process.”

TRANSPARENCY/POSTER 1
THE NEGOTIATION PROCESS

PHASE ONE: PREPARING TO NEGOTIATE

- Decide if you have a sincere interest in negotiating
- Identify issue(s), demand(s), and interest(s) as clearly as possible
- Consider other perspective(s)
- Identify two workable solutions

PHASE TWO: NEGOTIATING

- Establish and write down ground rules
- Each side talks about their positions and interests. Both sides listen carefully and work together calmly to identify the real issue(s) that need to be resolved.
- Brainstorm a variety of solutions.
- Identify the two or three most workable solutions. Repeat the main points of the agreement.
- Decide what should happen if the agreement is broken.

PHASE THREE: AFTER NEGOTIATING

- Decide what to tell others about how the problem was handled.
- Discuss the problem again if the agreement does not seem to be working.

3

Ask each set of “teens” and “storeowners” to select one person to help keep the negotiation on track. This person will help the groups remember to follow the proper steps in the negotiation. This person will also participate in the negotiation for his or her side.

4

Ask students to begin negotiating. Tell them they have up to twenty minutes to complete the process. Write the ending time on the board. As the students are working, circulate around the room to listen to their negotiation sessions.

5

Tell students that they are now finished with the negotiation. Congratulate them on doing a good job. Ask students to move to their original chairs or to turn so the whole class is facing forward or towards each other for a large group discussion.

PART THREE: SUMMARY (20 minutes)

1

Ask all students to step out of their roles so they can think and talk about the role-play. Ask the following questions.

- What did it feel like to negotiate?
- Was this a difficult conflict to negotiate?
- Are you satisfied with the agreement?
- Would it work in real life?
- Did you think the process was fair to both sides? Explain.
- What skills worked in this negotiation? Which ones did not work?
- What strategies worked in this negotiation? Which ones did not work?
- Do you think this negotiation got to the heart of the conflict?
- Do you think both groups in real life would uphold the agreement?
- What problems will occur?

2

If a Community Resource Person is helping to teach this lesson, ask him or her the following questions:

- How did this process compare to the “real world” of mediation and negotiation?
- How is it similar?
- How is it different?

3

If the students already completed Lesson 2: Options for Resolving Conflicts, ask the following questions:

- Could this conflict have been handled using informal discussion? Would the outcome have been better?
- With mediation?
- With court litigation?

4

Distribute “Handout 5: Negotiation Journal.”

HANDOUT 5
NEGOTIATION JOURNAL

Name: _____

Date: _____

I learned _____

I was surprised... _____

I will use this process again the next time I... _____

One thing I learned about myself as a negotiator is... _____

One thing I learned about teens and storeowners is... _____

One thing I would like others to know about resolving conflicts through negotiation is... _____

Ask students to begin writing their journal entry. Be sure students understand the journal is to help them reflect on what they learned. (Note: These journal entries will give you an excellent opportunity to find out what students learned from this lesson. Think carefully about whether you intend to return them to the students at a later time. If you are going to respond, explain that to students now. Be clear that you are not grading or “correcting” what they write — just reading and responding. If you prefer not to respond, or if this is impossible, do not tell students you will respond.)

Tell students they have ten minutes (or whatever time is left) to quietly and independently complete this journal. Write the ending time on the board. As students are writing, circulate around the room to observe their work. At the appropriate time, collect their journals.

5

Thank students and the Community Resource Person for their participation and dismiss them.

HANDOUT 1

THE NEGOTIATION PROCESS

It is helpful to think of negotiation in three phases: preparation, negotiation, and follow up

PHASE ONE: PREPARING TO NEGOTIATE

To use the negotiation process to help resolve a problem, each party to the dispute should take the following steps before meeting with the other party to the dispute.

- Come to the discussion with a sincere interest in settling the problem. (If you want to yell at the other person, or just tell him or her what is making you mad, you are not ready to negotiate.)
- Try to identify the issue that is causing the conflict as clearly as possible.
- Think about the issue that is really causing the problem. Try to separate the demands (what each party says it wants, also known as positions) from why each party wants or needs that demand, (also known as interests).
- Sort out your own feelings about the problem so that you can understand your real interests.
- Try to consider the issue from the perspective of the other party. What are the concerns and feelings on the other side of the conflict?
- Identify two workable solutions that you think might resolve the problem.

PHASE TWO: NEGOTIATING

To use the negotiation process to help resolve a problem, each party to the dispute should take the following steps during the negotiation meeting.

- It is helpful to decide if both parties want to establish ground rules for the negotiation. For example, do not interrupt, do not insult or disrespect the other party, etc. If you decide to make ground rules, it is helpful to write them down now.
- Work together to identify the real issue(s) that need to be resolved.

Each side shares what it is most concerned about, why this is important to them, and identifies the most important issues it wants solved. Each side talks about their positions and interests. This step of gathering information is most effective when each party discusses its feelings by starting with “I think...” or feel...” instead of

HANDOUT 1, continued

“You are...” or “You did...” While this is happening, listen carefully to the other person’s perspective. Pay attention to the other party’s body language. Do not let anger get in the way of listening and working out the problem. It is very important that you hear and understand what is being said. Ask questions if you do not understand or want more information. Take a break to cool off if necessary.

- Think together about a variety of solutions to the problem. The purpose of this brainstorming step is to formulate a list of many ideas without evaluating them or criticizing each other’s ideas. It is okay to come up with wild ideas and to build on each other’s suggestions.
- Identify the two or three most workable solutions. Make sure you are realistic about the ideas you choose. When evaluating options, be sure that each solution meets the needs of both sides. Consider the consequences of each solution and discard those that are impractical. Will this solution cost too much time, money, or energy?
- Repeat the main points of the agreement to be sure that both parties understand it. It is a good idea to write down the agreement.
- Decide what should happen if the agreement is broken.

PHASE THREE: AFTER NEGOTIATING

To use the negotiation process to help resolve a problem, each party to the dispute should take the following steps after the negotiation meeting:

- Decide what to tell others about how the problem was handled.
- Discuss the problem again if the agreement does not seem to be working.

HANDOUT 2 DOWNTOWN

Many teens in your community like to go downtown to hang out and look around in the stores.

In the past few months, many of the downtown stores have seen an increase in incidents of shoplifting, particularly stores that sell CDs, sneakers, jeans, magazines and candy - products that are especially of interest to teens. The owners of these stores suspect that teens are responsible for the shoplifting. They are especially suspicious of groups of teens that come into their stores.

Teens claim that when they're in stores, salespeople often ignore them as customers and treat them as would-be shoplifters. They are often followed as they walk around the store.

Recently, several stores have made policies that no one under 16 can enter the store without a parent or guardian. The policies also allow no more than two young people aged 16-18 to enter a store together. Other teens have to wait outside until the pair inside leaves. Some stores have even hired security guards to enforce this policy and keep a close eye on teens in general. In a few incidents, angry confrontations between teens and security guards have also involved the police.

Teens have met in the local community center to discuss the problems of this new policy and the stereotyping of teens. They do not want to violate the store policies and risk getting in trouble with the police. Storeowners have talked about the shoplifting problem in their retailers' association. They are also worried about negative publicity during the upcoming holiday season. Each side has selected representatives who have agreed to sit down together to see what can be done about this problem

HANDOUT 3

TEENS' POINTS OF VIEW

You are one of the representatives selected by your fellow teens to meet with the storeowners to discuss their new anti-teen policies. You think these new policies are unfair because people should have the right to shop where they want with as many people as they like. You like to hang out and shop with your friends downtown.

You don't like being ignored when you are a customer in a store. You also don't like constantly being under suspicion. You know that there are some teens who have shoplifted CDs and other things, but neither you nor your friends have. You spend a lot of money downtown and would like to be respected as a valuable customer. If things don't get better, you and your friends will start to hang out at the new mall that has opened up across town.

Other teens at the meeting shared stories of being treated rudely by salespeople and security guards. Some of them even thought they were being treated badly because of their race or ethnic group. You are worried about the anger that is developing and the trouble that these policies have caused you and your peers. You would really like to see this meeting with the storeowner representatives improve the situation before it gets totally out of hand.

Questions to answer in preparation for the negotiation:

1. Who does your group represent? What is your role? What are your feelings about the situation?
2. What problem needs to be discussed?
3. What is your starting position?
4. List all your possible needs and interests related to this problem.
5. Which ones are most important to you?
6. List two additional workable solutions other than your current position.
7. Prepare a list of questions that you would like to ask the other side.

Look at "Handout 1: The Negotiation Process" and re-read Phase 1. Are you really ready to negotiate?

HANDOUT 4

STOREOWNERS' POINTS OF VIEW

You and the other members of the retailers' association think the new policies limiting the number and age of teens allowed in stores are necessary because of the increase in shoplifting you have experienced in your stores. Many of the teens travel in large groups. Further, they are noisy and they roam around your store messing up the shelves and touching merchandise that they don't buy. The teens scare adult business away. It is hard to keep an eye on them while you are attending to other customers.

Because of these problems, you and other storeowners have recently hired security guards. Although this is expensive, you think that it will be worth it in the long run. You have heard some stories about the guards being too rough with the teens. You have also heard that some salespeople and security guards have used racial and ethnic slurs. However, you have instructed all of your employees to treat all customers - including teens - with respect.

You and your fellow storeowners are worried about the competition from the new mall with its superstores. This recent trouble with the teens could hurt your business during the holiday season. You'd really like to see this meeting with the teens improve the situation.

Questions to answer in preparation for the negotiation:

1. Who does your group represent? What is your role? What are your feelings about the situation?
2. What problem needs to be discussed?
3. What is your starting position?
4. List all your possible needs and interests related to this problem.
5. Which ones are most important to you?
6. List two additional workable solutions other than your current position.
7. Prepare a list of questions that you would like to ask the other side.

Look at "Handout 1: The Negotiation Process" and re-read Phase I. Are you really ready to negotiate?

TRANSPARENCY/POSTER 1

THE NEGOTIATION PROCESS

PHASE ONE: PREPARING TO NEGOTIATE

- Decide if you have a sincere interest in negotiating
- Identify issue(s), demand(s), and interest(s) as clearly as possible
- Consider other perspective(s)
- Identify two workable solutions

PHASE TWO: NEGOTIATING

- Establish and write down ground rules
- Each side talks about their positions and interests. Both sides listen carefully and work together calmly to identify the real issue(s) that need to be resolved.
- Brainstorm a variety of solutions.
- Identify the two or three most workable solutions. Repeat the main points of the agreement.
- Decide what should happen if the agreement is broken.

PHASE THREE: AFTER NEGOTIATING

- Decide what to tell others about how the problem was handled.
- Discuss the problem again if the agreement does not seem to be working.

HANDOUT 5
NEGOTIATION JOURNAL

Name: _____

Date: _____

I learned _____

I was surprised... _____

I will use this process again the next time I... _____

One thing I learned about myself as a negotiator is... _____

One thing I learned about teens and storeowners is... _____

One thing I would like others to know about resolving conflicts through
negotiation is... _____

AN OVERVIEW OF THE JUVENILE JUSTICE SYSTEM

OUTCOMES

As a result of this lesson, students will be able to:

- Summarize juvenile court process and procedures
- Define legal terms used in the juvenile justice process
- Explain “due process of law”
- Describe the due process rights of juveniles
- Describe the protections provided to citizens by the 5th, 6th, and 14th Amendments to the United States Constitution
- Compare juvenile court to youth court

MATERIALS NEEDED

- Chalkboard/ flip chart
- Chalk/markers
- Overhead transparency machine, sheets, and markers, if possible.
- A podium (optional)

HANDOUTS

- 1 The Case of Gerry Gault
- 2 Important Terms for the Juvenile Justice System
- 3 Our Key Arguments for Gerry Gault’s Appeal
- 4 Juvenile Justice System

TRANSPARENCY OR POSTER

- (Optional) Transparency of “Handout 4: Juvenile Justice System”

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives.
- Copy handouts and prepare all materials.

- If you do not already know, find out how the term “juvenile” is defined in your community. Is someone considered a juvenile until the age of 16? 18? 21?
- Know the local procedures for intake, detention hearings, initial hearings, adjudicatory hearings, and disposition hearings.
- Students may ask you what circumstances would allow a juvenile to be tried in an adult court. If you do not already know, find out how your local courts handle this and in what circumstances.
- Find out if your local or state juvenile court system is an “open court.” Is the public allowed to observe cases involving delinquency? If so, under what circumstances?
- Check with court personnel or your State Bar Association to find out about your state’s procedures for expunging juvenile records. Are records literally destroyed? Are they annulled? Are serious crimes expunged, too? At what age are records expunged? Are arrest records expunged, too?
- Find out the requirements for when a juvenile’s parents must be contacted.
- Write up the definition for the word “juvenile.” The definition appears later in the lesson, but you should check your local jurisdiction. (See note above.) Alternative: If you have access to an overhead transparency machine, make a transparency of the definitions. This will allow you to use the transparency again for another class.

COMMUNITY RESOURCE PEOPLE

A Community Resource Person would add credibility and interest to this lesson. Invite a member of the court staff or a lawyer who specializes in juvenile court to assist with this lesson. It is particularly helpful if this person is also familiar with youth court. Send a copy of the lesson when confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: THE CASE OF GERRY GAULT (25 minutes)

1

Share lesson outcomes with the students.

2

Ask the students:

- Have you ever made an obscene phone call?
- If so, did you get caught?
- What happened as a result?
- What would you think if you heard someone got caught and ended up in a juvenile detention hall (the juvenile's version of prison) for six years?

Pass out "Handout 1: The Case of Gerry Gault" and "Handout 2: Important Terms for the Juvenile Justice System." Read the story aloud.

HANDOUT 1

THE CASE OF GERRY GAULT

Read this true story about what happened to Gerry Gault. As you read it, mark it up. Circle words you don't understand. Underline or highlight the parts you want to talk about or that make you mad.

Gerry Gault, aged 15, was picked up by police and taken from his home to a **juvenile detention center**. He was not sure what he was in trouble for. His parents were at work. The police did not call to tell them what was happening to their son. After they finally tracked him down and rushed to take him home, his parents were told he would not be released. He would have to spend the night in a juvenile detention home (much like a jail for kids). Gerry and his parents were still not told what the **charges** were against Gerry. They were told that a **hearing** would be held the next day.

At the hearing, the Gaults learned that their neighbor, Mrs. Cook, had called the police and complained that Gerry had made an obscene phone call to her home. Mrs. Cook did not show up for the hearing. Instead, a police officer **testified** about what Mrs. Cook had said. Gerry blamed the call on a friend and said he did not make the obscene remark. There were no lawyers present and no **record** was made of the court testimony.

Gerry and his family attended a second hearing six days later. Again, no records were kept of the proceedings and the neighbor who accused him did not attend the hearing. At a third meeting with the judge, the hearing officer said that Gerry had admitted making the call at the previous two hearings. Gerry and his parents denied this, but there was no record to prove that either side was right.

The juvenile court did not allow juries. Instead, a judge decided the punishment. The judge found that Gerry was **delinquent** and ordered him to a state reform school where he would have to stay until he was a legal adult, which would be when he turned 21 years old. If an adult in that same state had been found guilty of making an obscene phone call, he would have been either fined \$50.00 or sent to a county jail for no longer than 60 days.

NOTE: At the conclusion of the story, be sure to briefly clarify the words in bold for students. Make sure the students know what each word means as applied to juvenile court. Refer students to the definitions on Handout 2.

HANDOUT 2

IMPORTANT TERMS FOR THE JUVENILE JUSTICE SYSTEM

Detention center:	This is a facility where juveniles are held before a hearing (trial). It is similar to jail facilities for adults.
Hearing:	Any appearance in court before a judge by a juvenile. There are many types of hearings. Several important ones will be discussed later in this lesson.
Charges:	The formal accusation that the juvenile has committed an offense.
Testify:	To give evidence under oath at a hearing. "Testimony" is evidence given under oath at a hearing.
Record:	A transcript or recording made of all testimony given.
Juvenile:	_____
Delinquent:	(noun) A juvenile who has been adjudicated (convicted) in a juvenile court of committing an illegal act. (adjective) legally involved in an illegal act — the same as "guilty" in an adult criminal setting.
Due Process:	This legal term means providing fair procedures in court. According to the United States Constitution, legal proceedings must be carried out according to established rules and principles in order to be fair.

Detention hearing:	At this meeting, the judge or hearing commissioner must decide if it is appropriate to keep the juvenile detained. The judge attempts to balance the need to keep the community with the right of the juvenile to be as unrestricted as legally appropriate.
Initial hearing:	At this initial meeting with the judge, a juvenile hears the charges against him or her. The juvenile should have a lawyer present for this meeting. The juvenile will speak with probation officers and social workers and be given a date to return to court. Some states do not have initial hearings; in these states there is often an intake meeting.
Adjudicatory hearing:	This is a fact-finding hearing. This is where all the facts and evidence are presented by both sides. The judge will decide if the juvenile is delinquent, (guilty) or not delinquent, (not guilty).
“Preponderance of the evidence” and “beyond a reasonable doubt	These terms refer to the “weight of the evidence.” A preponderance of the evidence means that more than 50% of the evidence supports finding the juvenile delinquent or involved. Beyond a reasonable doubt means that a reasonable person would have no doubt that this juvenile is delinquent based on the evidence presented.
Disposition hearing :	This type of hearing determines what punishment will be given to the delinquent juvenile; it is called sentencing in adult court.

Clarify all of the facts of the case with students by asking the following questions:

- Who was involved?
- What happened?

4

Make two columns on the board with the headings “Fair” and “Unfair.” Ask the class what they think of the case. Have students think briefly about what they would list in each column. Write some of their reactions on the board in the correct columns.

5

Assign the students to groups of three. (Refer to the “Teaching Strategies” section in the front of this manual for tips on small group work.) Each group should select a recorder who will divide a sheet of paper into two columns, labeled “Fair” and “Unfair,” to record the group’s answers. Each group should identify and discuss the fair and unfair things that happened to Gerry Gault during the legal proceedings.

Example:

Fair	Unfair
<ul style="list-style-type: none"> • A juvenile court judge heard Gerry’s case. 	<ul style="list-style-type: none"> • The police didn’t call Gerry’s parents first.
<ul style="list-style-type: none"> • Mrs. Cook made a complaint before he was arrested. 	<ul style="list-style-type: none"> • Mrs. Cook didn’t show up to court to testify.
<ul style="list-style-type: none"> • He went to court. 	<ul style="list-style-type: none"> • The punishment is too harsh for the offense.
<ul style="list-style-type: none"> • There was a hearing before he was sentenced. 	<ul style="list-style-type: none"> • The sentence Gerry got is more harsh than the sentence an adult who committed the same offense would have gotten
<ul style="list-style-type: none"> • He was not held in adult jail. 	<ul style="list-style-type: none"> • Gerry did not have a lawyer at the hearing.

6

In a discussion, have the groups contribute their ideas on what was fair and unfair. List all contributions on the chalkboard/flip chart. Discuss their reasons for the events being fair or unfair.

7

Ask students:

- Do you think the overall result of this case was fair?
- Why or why not?
- What were the most unfair things that happened to Gerry?

Mark these entries in the “unfair” column.

8

Tell the students that Gerry's parents also thought the case was handled unfairly based on many of the reasons you identified. They appealed the case. To appeal a case means to take a case to a higher court for a rehearing. Gerry's parents thought that Gerry had been denied his due process rights, so they appealed it. Eventually the case went to the U.S. Supreme Court. Explain to students that they will learn more about this in a few minutes, after the class has a chance to define some terms.

PART TWO: WHAT IS A JUVENILE? (10 minutes)

1

Introduce the resource person. Explain that the resource person is very familiar with the juvenile justice process and will help to explain the US Supreme Court's decision in this case and its impact on the local juvenile justice system.

2

Write the term "juvenile" on the chalkboard/flip chart. Ask students to brainstorm possible definitions for the word. After students have brainstormed definitions, have them write down this one onto their Handout 2:

A juvenile is any person who is not an adult. State laws decide the age limit for juveniles. In most states, a juvenile is anyone under the age of 18.

Write the local law here:

3

Write the term "delinquent" on the chalkboard/flip chart. Ask students to brainstorm possible definitions for the word.

A delinquent is a juvenile convicted in juvenile court of committing an illegal act. Juvenile court is a special court system designed especially for juveniles.

In some states, a juvenile who is 16 years old or older and charged with a serious crime can be tried as an adult. If convicted, he is a criminal, not a delinquent.

Write the local law here:

PART THREE: DUE PROCESS (40 minutes)

1

Remind students that Gerry's parents did not think that Gerry's case was handled very fairly for many of the same reasons that they have identified. The legal reason that they used to appeal the case was a denial of due process. Write the words "due process" on the chalkboard or flip chart to begin a discussion of due process of law with the students. Refer students to Handout 2 for a definition.

Due process is a legal term that means providing fair procedures in court. The Constitution of the United States requires that the government provide a citizen with due process before taking action that affects a citizen's life, liberty, or property. The concept of due process is elastic. It stretches or shrinks (like a rubber band) depending on specific situations. For example, capital punishment requires much greater due process protection than suspending a student from public school for a few days. The Gault case examined whether Gerry had been denied his due process rights. The legal proceedings must be carried out according to established rules and principles in order to be fair.

Point out to students that they have already established that Gerry's case was not fair.

Ask students:

- Do you think Gerry Gault received due process of law?
- Why do you think he did or did not?
- Would he have received more due process protection if his case had been referred to youth court?

2

Briefly discuss with students the role of the U.S. Supreme Court. The Court, located in Washington, D.C., rules on constitutional issues and issues of federal law. It makes its rulings on cases that are important to many people in the country. It is the "highest court in the land," which means that all other courts must follow its rulings.

Tell students that Gerry Gault's case was a real case. The Supreme Court heard the appeal of Gerry Gault and made its decision in 1967. At the time of Gerry's case, there were no nationally established rules and procedures that had to be followed in juvenile court.

3

Refer the students back to their list of fair and unfair actions in the Gerry Gault case. Ask students:

- What issue do you think the U.S. Supreme Court had to decide in the case of Gerry Gault?

The question brought before the Court was a constitutional question dealing with the Fourteenth Amendment: Were Gerry's Fourteenth Amendment due process rights violated?

NOTE: The Fourteenth Amendment says that “. . . **nor shall any State deprive any person of life, liberty, or property, without due process of law . . .**”

Tell students they are going to serve as lawyers for Gerry and that they will prepare arguments that could help Gerry once his case goes to the Supreme Court. Explain that at the end of the activity, they will present their arguments to Gerry and his parents. (Note: They are presenting their arguments to Gerry and his parents instead of to the Supreme Court because that would require students to argue the alternative point of view and there is not sufficient time to prepare students to do so.) Break students into two groups. Each group should select a recorder and a presenter. Distribute “Handout 3: Our Key Arguments for Gerry Gault's Appeal”

HANDOUT 3

**OUR KEY ARGUMENTS FOR
GERRY GAULT'S APPEAL**

Name: _____

I am making arguments for Gerry that relate to his rights according to the 5th or 6th (circle one) Amendments to the United States Constitution.

Preparation Notes:

In most cases, when people appeal their cases to the United States Supreme Court, they focus their argument on the parts of the Constitution that relate to situations. The Court does not decide whether someone is guilty or innocent, rather whether that person or group of people was treated fairly according to the law and Constitution. As you and your classmates prepare to help Gerry win his appeal, you should focus on the 14th amendment, the 5th amendment, and the 6th amendment.

Directions:

Read the Amendments below with your group. Discuss how each amendment might help Gerry. Record your notes in the space provided. After you have discussed your amendments, select two people to present your group's best arguments to the Supreme Court. You have fifteen minutes to accomplish these tasks.

FIFTH AMENDMENT: (interpretation follows)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

- *To bring a "presentment" or "indictment" means to formally charge a person with committing a crime.*
- *A grand jury determines whether there is enough evidence to bring the accused person to trial.*
- *A person may not be tried more than once for the same crime. This is called double jeopardy.*
- *No person's life, liberty, or property may be taken away except by lawful means, called the due process of law.*
- *Members of the armed services are subject to military law.*
- *In times of war or natural disaster, civilians may also be put under martial law.*
- *Persons may not be forced in any criminal case to give evidence or testimony against themselves in court. In other words, an accused person may refuse to answer questions on the grounds that answers might tend to incriminate himself or herself.*
- *When the government takes someone's private property for public use, it must pay a fair price for it.*

How can the 5th amendment help Gerry? Which right(s) might have been violated?

SIXTH AMENDMENT:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

- *An accused person has the right know the charges against him or her.*
- *An accused person has the right to a speedy in the state where the crime allegedly took place. This ensures that an accused person will not be held in jail for a lengthy period as a means of punishing the accused without a trial.*
- *An accused person is entitled to a public trial.*
- *Accused people have the right to have a lawyer present. (In 1963, the Supreme Court ruled in Gideon v. Wainwright, that if a defendant who is charged with a serious criminal offense cannot afford a lawyer, the court will provide one.)*
- *Accused people have the right to question those who testify against them. Also, accused people have the right to call witnesses to speak in their favor at the trial. This enables a jury to hear both sides before deciding the guilt or innocence of the person accused.*

How can the 6th amendment help Gerry? Which right(s) might have been violated?

FOURTEENTH AMENDMENT: (excerpt)

... nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

- *States cannot make or enforce laws that take away rights given to all citizens by the federal government.*
- *States cannot act unfairly or arbitrarily toward, or discriminate against, any person.*

How can the 14th amendment help Gerry? Which right(s) might have been violated?

Assign one group to focus on the 5th Amendment and the other group to focus on the 6th Amendment. Ask students to circle which one they are working on at the top of their handouts. (Both groups should also know the Fourteenth Amendment.)

Read the “preparation notes” and “directions” together as a class. Clarify any procedural questions the students may have. Write the ending time on the board. Tell students to begin working.

As students are working, you and the Community Resource Person should each monitor one group to help them stay focused and to answer their questions. Give a three-minute warning, when time is nearly up.

When time is up, ask students to face forward for presentation. You and the Community Resource Person can play the part of Gerry and his parents. Tell each group’s presenters they have three minutes to make their most effective case. Assign a student to be the timer. Have the presenters make their arguments.

4

Tell students that everything changed for juveniles accused of crimes because of the real case of *In re Gault*. It was the case in which the Supreme Court established many of the rights juveniles have in court today. Review each of the rights now accorded juveniles based on the 1968 U.S. Supreme Court case *In Re Gault* (the official name of Gerry’s case).

NOTE: “In re” means “in the matter of” in Latin.

The U.S. Supreme Court decided that Gerry Gault did not receive due process of law. The Court said that the Fourteenth Amendment of the U.S. Constitution guarantees that no one, including juveniles, can be deprived of life, liberty, or property without due process of law. This decision ensures that juveniles are given due process rights in juvenile court, and it lists the rights that juveniles must have when they are in juvenile court.

In this case, the Supreme Court ruled that juveniles have the following rights when accused of offenses for which they can be incarcerated:

- I) Right to notice of charges: Juveniles and their families must be told exactly what they are accused of far enough in advance of their hearings to be able to prepare their case.
- II) Right to counsel: Juveniles must be told they have a right to a lawyer. If a juvenile does not have enough money to pay the lawyer, the court must appoint one.
- III) Right to confront and cross-examine witnesses: Juveniles are entitled to hear the testimony of any witnesses and their accusers. Testimony is the information a

witness gives under oath. Cross-examination provides the accused juvenile or a lawyer for the accused juvenile the chance to ask the witness questions that challenge the reliability of the witness' testimony.

- IV) Privilege against self-incrimination (self-incrimination is testimony that a person gives that might connect him or her with a crime) and the right to remain silent: Juveniles must be told they have a right to refuse to answer a question or give testimony against themselves. Juveniles also must be told they have a right to remain silent and that anything they say may be used against them.

NOTE: In a few states, juveniles have the right to a jury. The Supreme Court did not grant this right, because the justices thought confidentiality in juvenile court was more important. Today, there is a movement to change many of the confidentiality rules and "open" up the juvenile court.

Write the local law here:

PART FOUR: TODAY'S JUVENILE COURT (30 minutes)

1

After discussing these rights and procedures, refer back to The Case of Gerry Gault. Ask the students the following questions and have the resource person comment on each reply:

- Would the procedure the police used to take Gerry into custody be legal today? Would the way that the police handled contacting Gerry's parents be legal today? Why or why not?

In Gerry Gault's case, the answer is no. The arresting officer and courts must notify parents within a reasonable amount of time. The definition of reasonable will vary depending on the situation and the circumstances. Most officers try to reach the parents/guardians before doing anything with a juvenile. This is policy in many police departments.

- What is a "complaint?" Was there a complaint against Gerry? Who made it?

The word complaint has many meanings. In this legal context, it refers to a written document that includes a statement of the harm done to the complainant, Mrs. Cook.

Complaints can take a variety of forms. In Gerry's case, the complaint was made when Mrs. Cook called the police and told them that Gerry had made an obscene phone call to her.

- What information should the police officer or court give Gerry's parents?

Gerry has the right to notice of charges. If he is detained, then a detention hearing must be held in a reasonable amount of time. His parents must be notified of when the hearing will be held. His parents must also be given a written notice of explicit charges against him.

- What are "charges?" What were Gerry's charges?

Charges are the crime(s) that someone is accused of committing. The charge against Gerry was that he made an obscene phone call.

- What is a "hearing?"

A hearing is the name for the juvenile court proceeding held before a judge or a hearing commissioner. At a hearing, individuals present information so that the judge may make a decision about the juvenile. There are several hearings in the juvenile court process. For example, at the detention hearing, the judge or hearing commissioner must decide if the community will be safe if the juvenile is released and must also determine if the juvenile will appear for his next hearing. Other types of hearings will be identified as we follow Gerry through the juvenile court system.

- Who else would be present at Gerry's hearing today?

Gerry is entitled to an attorney to represent him (right to counsel) at the detention hearing and at all other hearings. Gerry's parents would also be allowed to attend the hearing.

The courts are required to hold a detention hearing within a day or two after a juvenile is detained. The purpose of the detention hearing is to decide if the juvenile should be released while waiting for the next court date or if the community would be more safe if the juvenile is held in detention between hearings.

Why should there be a reasonable amount of time before other hearings?

Gerry's family and his lawyer must have adequate time to prepare a case to defend Gerry against the charges. In Gerry's case, he had to go to court the very next day. This would not be enough time for his lawyer to prepare for the hearing. Note that Gerry did not have a detention hearing.

- What is "testimony?" What is the "record?" Who would testify at Gerry's hearing today?

Testimony is the witness' answers under oath to questions from the lawyers. The testimony of all of the witnesses makes up the record of the hearing. The **record**

is a recording or a written transcript of everything that is said during a hearing. There must be a record made of all court proceedings. Often the record is used when cases are appealed, like Gerry's was. The complaining witness must testify at the adjudicatory hearing. There may also be other witnesses who testify at the hearing. The respondent (juvenile who is accused of committing the delinquent act) chooses whether or not to testify. In Gerry's case, Ms. Cook would have had to testify. Gerry could have testified if he had wanted to, but he was not required to. Either side could also have called other witnesses.

- Would Gerry have to tell the officers of the court anything that he said or did regarding the phone call?

No, Gerry has the privilege against self-incrimination. He has the right to remain silent because anything he says could be used against him.

- How would Gerry's case have been different if it had been referred to youth court?

If Gerry's case had been referred to youth court, there would have been teens fulfilling many of the courtroom roles. In some youth courts, young people would serve as jurors, some as attorneys, and some as judges. Gerry would have received a different sentence also.

Write the local youth court procedures here:

2

Distribute "Handout 4: Juvenile Court Process." It might also be helpful to make this handout into a poster or a transparency so that students may follow along during the discussion.

3

NOTE: The handout is not shown here, because it is a chart.

Using the Gerry Gault case as an example, have the resource person trace the rest of Gerry's experience with the local juvenile court system. The chart shows the general procedures that occur after a juvenile is taken into custody.

NOTE: The due process procedures described above apply to juvenile cases anywhere in the United States. However, juvenile cases are handled differently depending on the locale. It is necessary to have a lawyer or court staff person help with this

lesson. The names and types of hearings and other terms referred to in this section may differ slightly according to state rules and procedures. It might also be informative to have the resource person identify and describe the local juvenile detention centers.

Write the local procedures here:

- What happens when the police first take Gerry into custody?

The police fill out a report about their contact with Gerry Gault and call his parents or guardians. Gerry does not have to answer questions about the offense. The officer may let Gerry go or may place him in a youth **detention facility** or **receiving home**. A detention facility or receiving home is where juveniles stay (or are detained) until their first hearing. This is not part of a juvenile's punishment, although he or she would be locked in and unable to leave.

Write the local law here:

- What happens at juvenile court intake?

The officer refers the charges to the juvenile court. If released, Gerry and his parents will be given an appointment to meet with a court intake officer within 48 hours. If Gerry were detained, the intake interview would be conducted at the detention facility. Gerry could be asked if his plea to the charge will be guilty or not guilty. A lawyer should be present. The intake counselor can decide to detain Gerry or leave him in the custody of his parents. The intake officer then files a petition to the court and an initial hearing is set. Often, it is at this point in the juvenile court process that the case would be referred to youth court.

Write the local procedures here:

- How long can Gerry be detained before a hearing is required?

If Gerry is detained, he must have a **detention hearing** within a reasonable period of time to determine if he will remain in the custody of the courts or be released to his parents.

Write the local law here:

- What happens at the initial hearing?

If Gerry is released to his parents and not placed in the detention home, his first hearing would be called an **initial hearing**. At the initial hearing, the charges against Gerry are read. In both cases, he will speak with probation officers and social workers and be given a date to return to court. A lawyer should be present. Gerry may also be given the choice of participating in a court alternative program such as Street Law. Many states do not have initial hearings; in these states there is often an intake meeting. Check your local procedure.

Write the local law here:

- What is an adjudicatory hearing?

Since Gerry says he did not make the obscene phone calls, the courts and lawyers must plan for the adjudicatory hearing.

An **adjudicatory hearing** is a fact-finding hearing. This is where all the facts and evidence are presented by both sides. The judge will decide if the juvenile is delinquent (guilty) or not delinquent (not guilty).

At this time, the juvenile court prosecutor and Gerry's lawyers present the evidence. They may ask witnesses to testify. Gerry has the right to confront and cross-examine all witnesses. The person who accused Gerry should also be present at the hearing. The judge will then decide if Gerry made the obscene phone call.

Write the local law here:

- Does the prosecutor have to prove the case by a preponderance of evidence or beyond a reasonable doubt to have the judge find a youth delinquent?

The prosecutor doesn't have to meet either burden of proof. Since the responsibility of the court is to do what is best for the youth and protect the community, the prosecutor only has to show the judge reasonable evidence of delinquency. If the judge thinks the youth committed the act that he is charged with, the judge finds the youth delinquent.

NOTE: The terms "preponderance of evidence" and "beyond a reasonable doubt" refer to the "weight of the evidence." A preponderance of the evidence means that more than 50% of the evidence supports finding the juvenile delinquent. Beyond a reasonable doubt means that a reasonable person would have no doubt that this juvenile is delinquent based on the evidence presented.

In adult criminal trials, defendants must be found guilty beyond a reasonable doubt. In the 1970 case of *In re Winship*, the Supreme Court ruled that juveniles charged with a criminal act must be found "delinquent by proof beyond a reasonable doubt."

Write the local law here:

- What happens after the judge announces the decision?

If Gerry is found not delinquent, he will be released. If he is found delinquent, he will have a disposition hearing. Disposition will often take place on the same day as the adjudicatory hearing. Before the disposition hearing, the judge will read the reports produced by social workers. The judge will make the final decision about what happens to Gerry.

Write the local law here:

A **disposition** hearing determines what punishment will be given to the delinquent juvenile; it is called sentencing in adult court. There are a variety of options open to the judge, including probation, suspended sentence, restitution, referral to community treatment programs or services, and sentencing to a community residential program. Occasionally, youths may be sent out of state to participate in a special program.

Upon recommendation of the probation staff, or completion of restitution, a community treatment program, or the correctional school, the juvenile returns to the court for the last hearing. This hearing is for release of custody. The judge reviews the juvenile's progress and determines whether the juvenile will get into more trouble. The juvenile is then released to the custody of parents or guardians. In some cases, when the person is finally released, he/she is an adult.

- What happens to juvenile court records?

In most states, the juvenile court records are sealed and cannot be opened without a judge's order. They are confidential and cannot be used against the youth in court when he or she is an adult.

If time permits and a Community Resource Person is present, ask him or her to lead a discussion about "sealed" and "expunged" records and to clarify how the procedures work in your community. Specific questions to discuss include:

- ◇ What are the differences between sealed and expunged records?
- ◇ Under what circumstances might a sealed record be opened?
- ◇ Does our state allow for juvenile records to be expunged? At what age could this happen?
- ◇ Is it possible in our state to expunge records of police contact?
- ◇ Ask students: In states where it is possible to expunge juvenile records, what criteria do you think courts consider when they decide whether they will expunge a juvenile's record?

Answers might include:

- ◇ The youth has stayed "clean" for a particular period of time - how long?
- ◇ Good reports from school officials and other people unrelated to the youth

- ◇ Any other proof that the youth is rehabilitated)
- ◇ Ask students: Why might a state not allow juvenile records to be expunged?

Answers might include:

- ◇ In the face of rising violent crimes, most states have passed laws that require if someone is convicted in an (adult) criminal court, the pre-sentence reports should include prior juvenile records. This new requirement is because many judges and prosecutors say they need the information to determine the most appropriate sentence for offenders between the ages of 18-24, the age group most likely to be involved in violent crimes. They say that otherwise, such convicted adults may be treated as first offenders even when they have extensive juvenile court records of violent crimes.)
- ◇ If juveniles want to get their records expunged, what steps should they take? Do they need a lawyer? What is a petition and where should they go to file it? Do they have to specifically request that all records, (arrests, complaints, referrals, court orders, diversion programs, adjudication, confinement/residence at a detention center) are expunged or will a general request cover everything?
- ◇ The resource person could lead a discussion of the reality of “sealed” files. Once a record is sealed, people asking questions will be told the case does not exist. However, the record may be reopened if the youth is adjudicated delinquent a second time or is convicted of a felony in some states.

Write the local law here:

- How is this process different in youth court?

Is it possible in our state to expunge records about youth court involvement and other involvement in other diversion programs? If so, what is the process? Would the same process work for expunging records of police contact? How would records of involvement in any of diversion program be expunged?

Write the local law here:

PART FIVE: SUMMARY (5 minutes)

1

Ask the students:

- What is the role of the juvenile court? What is the role of youth court? Are they different? Why or why not?
- Does the court resolve conflicts? What conflict was resolved in Gerry's case?
- Why is it necessary to use the court to resolve conflicts? Are there other alternatives?
- Will this lesson help you understand your experience with the court?
- What new information will be the most helpful to you? What will be the least helpful?
- Is there anything else that you still don't understand?
- What other questions do you have?
- Is there anything else you would like to know about the juvenile court? Youth court?
- If you think of a question later about juvenile court, where could you get the answer? If you think of a question later about youth court, where could you get the answer?

2

Have each student tell everyone one thing that he or she learned during the class.

Thank students and the Community Resource Person for their participation and dismiss them.

HANDOUT 1

THE CASE OF GERRY GAULT

Read this true story about what happened to Gerry Gault. As you read it, mark it up. Circle words you don't understand. Underline or highlight the parts you want to talk about or that make you mad.

Gerry Gault, aged 15, was picked up by police and taken from his home to a **juvenile detention center**. He was not sure what he was in trouble for. His parents were at work. The police did not call to tell them what was happening to their son. After they finally tracked him down and rushed to take him home, his parents were told he would not be released. He would have to spend the night in a juvenile detention home (much like a jail for kids). Gerry and his parents were still not told what the **charges** were against Gerry. They were told that a **hearing** would be held the next day.

At the hearing, the Gaults learned that their neighbor, Mrs. Cook, had called the police and complained that Gerry had made an obscene phone call to her home. Mrs. Cook did not show up for the hearing. Instead, a police officer **testified** about what Mrs. Cook had said. Gerry blamed the call on a friend and said he did not make the obscene remark. There were no lawyers present and no **record** was made of the court testimony.

Gerry and his family attended a second hearing six days later. Again, no records were kept of the proceedings and the neighbor who accused him did not attend the hearing. At a third meeting with the judge, the hearing officer said that Gerry had admitted making the call at the previous two hearings. Gerry and his parents denied this, but there was no record to prove that either side was right.

The juvenile court did not allow juries. Instead, a judge decided the punishment. The judge found that Gerry was **delinquent** and ordered him to a state reform school where he would have to stay until he was a legal adult, which would be when he turned 21 years old. If an adult in that same state had been found guilty of making an obscene phone call, he would have been either fined \$50.00 or sent to a county jail for no longer than 60 days.

HANDOUT 2

IMPORTANT TERMS FOR THE JUVENILE JUSTICE SYSTEM

- Detention center:** This is a facility where juveniles are held before a hearing (trial). It is similar to jail facilities for adults.
- Hearing:** Any appearance in court before a judge by a juvenile. There are many types of hearings. Several important ones will be discussed later in this lesson.
- Charges:** The formal accusation that the juvenile has committed an offense.
- Testify:** To give evidence under oath at a hearing. “Testimony” is evidence given under oath at a hearing.
- Record:** A transcript or recording made of all testimony given.
- Juvenile:** _____

- Delinquent:** (noun) A juvenile who has been adjudicated (convicted) in a juvenile court of committing an illegal act.
(adjective) legally involved in an illegal act — the same as “guilty” in an adult criminal setting.
- Due Process:** This legal term means providing fair procedures in court. According to the United States Constitution, legal proceedings must be carried out according to established rules and principles in order to be fair.
- Detention hearing:** At this meeting, the judge or hearing commissioner must decide if it is appropriate to keep the juvenile detained. The judge attempts to balance the need to keep the community with the right of the juvenile to be as unrestricted as legally appropriate.
- Initial hearing:** At this initial meeting with the judge, a juvenile hears the charges against him or her. The juvenile should have a lawyer present for this meeting. The juvenile will speak with probation officers and social workers and be given a date to

HANDOUT 2, continued

return to court. Some states do not have initial hearings; in these states there is often an intake meeting.

Adjudicatory hearing: This is a fact-finding hearing. This is where all the facts and evidence are presented by both sides. The judge will decide if the juvenile is delinquent, (guilty) or not delinquent, (not guilty).

“Preponderance of the evidence” and “beyond a reasonable doubt” These terms refer to the “weight of the evidence.” A preponderance of the evidence means that more than 50% of the evidence supports finding the juvenile delinquent or involved. Beyond a reasonable doubt means that a reasonable person would have no doubt that this juvenile is delinquent based on the evidence presented.

Disposition hearing : This type of hearing determines what punishment will be given to the delinquent juvenile; it is called sentencing in adult court.

HANDOUT 3

**OUR KEY ARGUMENTS FOR
GERRY GAULT'S APPEAL**

Name: _____

I am making arguments for Gerry that relate to his rights according to the 5th or 6th (circle one) Amendments to the United States Constitution.

Preparation Notes:

In most cases, when people appeal their cases to the United States Supreme Court, they focus their argument on the parts of the Constitution that relate to situations. The Court does not decide whether someone is guilty or innocent, rather whether that person or group of people was treated fairly according to the law and Constitution. As you and your classmates prepare to help Gerry win his appeal, you should focus on the 14th amendment, the 5th amendment, and the 6th amendment.

Directions:

Read the Amendments below with your group. Discuss how each amendment might help Gerry. Record your notes in the space provided. After you have discussed your amendments, select two people to present your group's best arguments to the Supreme Court. You have fifteen minutes to accomplish these tasks.

FIFTH AMENDMENT: (interpretation follows)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

- *To bring a "presentment" or "indictment" means to formally charge a person with committing a crime.*

HANDOUT 3, continued

- *A grand jury determines whether there is enough evidence to bring the accused person to trial.*
- *A person may not be tried more than once for the same crime. This is called double jeopardy.*
- *No person's life, liberty, or property may be taken away except by lawful means, called the due process of law.*
- *Members of the armed services are subject to military law.*
- *In times of war or natural disaster, civilians may also be put under martial law.*
- *Persons may not be forced in any criminal case to give evidence or testimony against themselves in court. In other words, an accused person may refuse to answer questions on the grounds that answers might tend to incriminate himself or herself.*
- *When the government takes someone's private property for public use, it must pay a fair price for it.*

How can the 5th amendment help Gerry? Which right(s) might have been violated?

SIXTH AMENDMENT:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

- *An accused person has the right know the charges against him or her.*
- *An accused person has the right to a speedy in the state where the crime allegedly took place. This ensures that an accused person will not be held in jail for a lengthy period as a means of punishing the accused without a trial.*
- *An accused person is entitled to a public trial.*
- *Accused people have the right to have a lawyer present. (In 1963, the Supreme Court ruled in *Gideon v. Wainwright*, that if a defendant who is charged with a serious criminal offense cannot afford a lawyer, the court will provide one.)*

HANDOUT 3, continued

- *Accused people have the right to question those who testify against them. Also, accused people have the right to call witnesses to speak in their favor at the trial. This enables a jury to hear both sides before deciding the guilt or innocence of the person accused.*

How can the 6th amendment help Gerry? Which right(s) might have been violated?

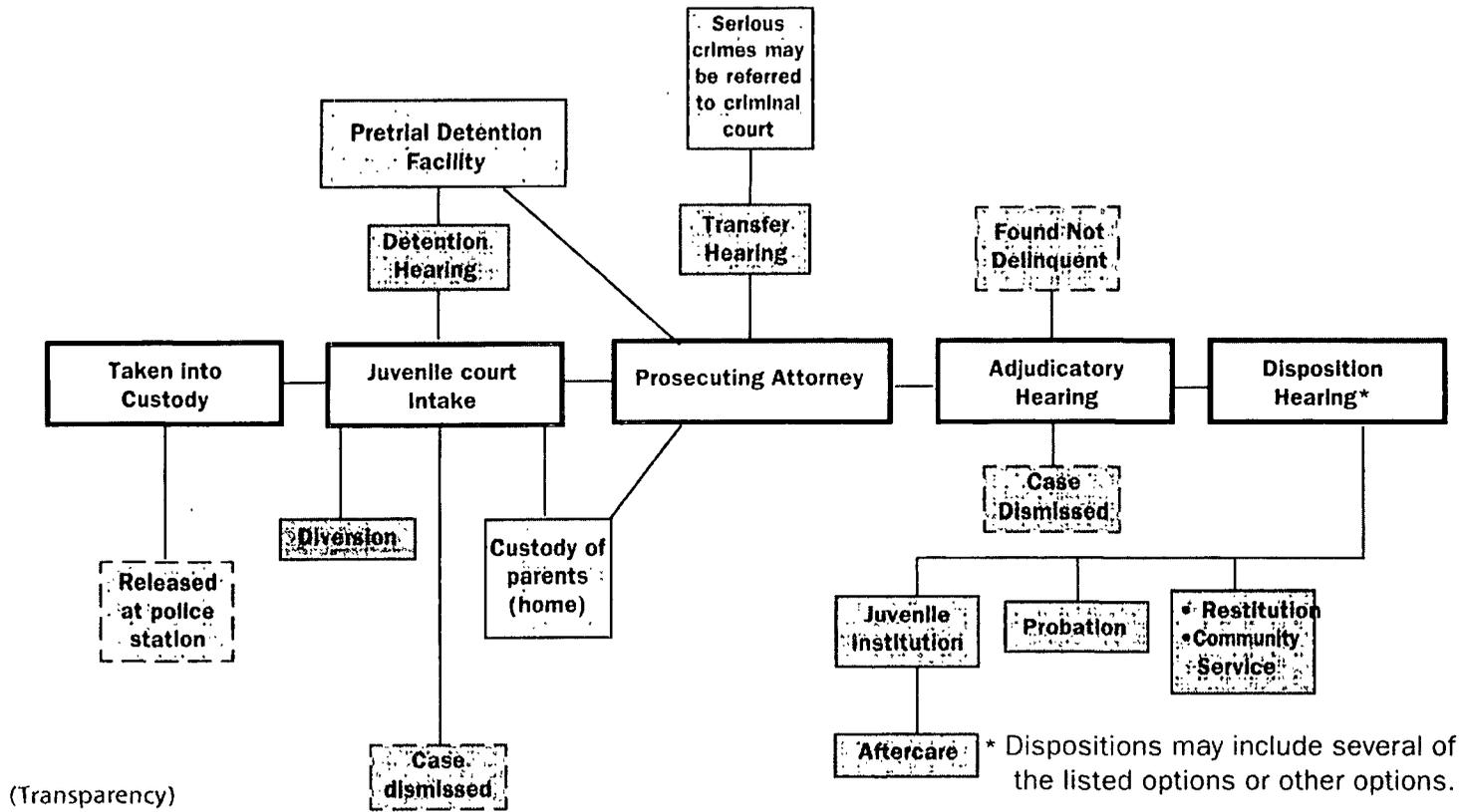
FOURTEENTH AMENDMENT: (excerpt)

... nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

- *States cannot make or enforce laws that take away rights given to all citizens by the federal government.*
- *States cannot act unfairly or arbitrarily toward, or discriminate against, any person.*

How can the 14th amendment help Gerry? Which right(s) might have been violated?

JUVENILE JUSTICE SYSTEM



Youth Courts often fit in the “diversion” stage of the juvenile justice system.

HANDOUT 4

OPTIONS FOR SOLVING CONFLICTS

OUTCOMES

As a result of this lesson, students will be able to:

- Define and identify positions and interests in a conflict
- Discuss options for formal and informal resolution of problems
- Identify and evaluate options for resolving conflicts

MATERIALS NEEDED

- Chalkboard/ flip chart
- Chalk/markers

HANDOUTS

- 1 Options for Resolving Conflicts
- 2 The Case of Gerry Gault (from the Juvenile Justice lesson)
(You may want to use this handout to review the facts of this case if significant time has passed since you taught the Juvenile Justice lesson. You might also use this handout if there are students in this class who did not participate in that lesson or if you are teaching the lessons in a different sequence.)
- 3 Practice Session: Resolving Conflicts Through Mediation

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives.
- Copy handouts and prepare all materials.
- Using the chalkboard, flipchart paper, or an overhead transparency, create a very large “Position chart” that looks like the one in the lesson. At this point, you should only include the top and side axes showing the terms and definitions of “positions” and “interests” on the left axis and “Gerry,” “Gerry’s Parents” and “Mrs. Cook” on the top axis.

COMMUNITY RESOURCE PEOPLE

A Community Resource Person with some background in mediation or conflict resolution would add credibility and interest to this lesson. Send a copy of the lesson when

confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important to allow sufficient time to complete the debrief, with the students. During the debrief the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: A LOOK AT THE CONFLICT BETWEEN GERRY GAULT AND MRS. COOK (20 minutes)

1

Share lesson outcomes with the students. If a Community Resource Person has joined you for this lesson, introduce him or her now.

2

If you have already taught the Juvenile Justice lesson, this step will be a review. Otherwise, the students will be seeing this handout and these facts for the first time. Distribute them and briefly review the facts of the scenario between Gerry Gault and Mrs. Cook from the lesson “An Overview Of The Juvenile Justice System.” The handout is called “The Case of Gerry Gault.”

3

Tell students that we are going to be talking about the conflict involving Gerry Gault. We are going to analyze the underlying conflict that these people are involved in and not necessarily the court case that followed the initial conflict. Ask the students to answer the following questions:

- Who besides Gerry was involved in this conflict?
Mrs. Cook, Gerry’s parents, Gerry’s friend who made the phone call with him, etc.
- What do you remember about how the conflict began?
Gerry Gault was accused by Mrs. Cook, his neighbor, of making an obscene phone call to her. Gerry admitted that he was there with his friend when the call was made, but he said that he did not make the obscene remarks.
- How did the conflict end?
The case went to court. Gerry was adjudicated delinquent and sent to training school.

- What did it “cost” Gerry?

He spent time at a training school. He got a reputation of being a trouble-maker. He disappointed his parents. He damaged his relationship with his neighbor. He now has a juvenile record.

- What did it “cost” his parents?

Their son was sent away for some time. They were embarrassed. Their reputation was damaged. They had to pay money for a lawyer. They had to invest some time to attend court hearings. Their relationship with their neighbor was damaged.

- What did it “cost” Mrs. Cook? What could it have “cost” Mrs. Cook, if she had come to court, as she would have to today?

Her reputation with her friends and neighbors was damaged. The Gaults were angry with her. She had to spend some time talking to the police.

- Did it benefit Gerry?

He learned about the court process. He persuaded the U.S. Supreme Court to give all juveniles certain rights in court. He learned that there are consequences to his actions.

- His parents?

They were eventually able to get justice for their son. They were able to ensure that other juveniles are treated fairly in court. Etc.

- Mrs. Cook?

Gerry got punished, the phone calls stopped.

- Did this really settle the conflict?

Probably not.

4

Ask students what each person wanted to happen after the alleged phone call was made. Explain that what people want is called a position. Positions are what people say they want or must have. Some people call these demands.

5

Ask students to think quietly about about the positions of Gerry Gault and others in the conflict. If you made the “Positions chart” in advance, show it now. If you have not prepared it in advance, follow the instructions earlier in the teacher directions.

Ask students what positions Gerry holds. Write down a few positions on the chart. (See the chart below step 7 for possible answers.) After you have modeled a few examples, invite students to fill it in to come to the board to fill in the chart for themselves.

6

Explain the term “interests” to students. Interests are the reasons why people want what they say they want. Interests are what people need, value, hope, and fear. The best way to find out people’s interests is to ask them why they have a certain position. There may be more than one interest for each position.

7

Ask students to think about the interests of the people in the conflict. Add students’ ideas to the chart on the chalkboard or flip chart or transparency: Example:

	Gerry Gault	Gerry’s Parents	Mrs. Cook
Positions (What each says he or she wants)	<ul style="list-style-type: none"> To not be punished. To be found innocent. 	<ul style="list-style-type: none"> To have Gerry treated fairly. For Gerry not to get a juvenile record. 	<ul style="list-style-type: none"> To get Gerry punished for what he did. To not be harassed any more and to have the phone calls stop.
Interests (Why each has a certain position)	<ul style="list-style-type: none"> He was playing around and he didn’t mean any harm by the phone call. He and his friends were bored and looking for something to do. He didn’t actually make the obscene remark. He has never gotten in trouble with the police before. He just wants to live peacefully in his neighborhood. 	<ul style="list-style-type: none"> To have Gerry not be punished They are afraid that their son’s future or reputation will be damaged. They are worried that they will have to pay lots of legal bills. They feel guilty that they might be partially responsible for what happened. They want to live peacefully with their neighbors. They don’t want their son to be sent away. 	<ul style="list-style-type: none"> She was deeply hurt and offended by this obscene phone call and her piece of mind has been damaged. She was frightened by the phone call. Young people need to know that there are consequences for their actions. If Gerry did something wrong, he needs to be punished. She wants to live peacefully with her neighbors.

PART TWO: OPTIONS FOR RESOLVING CONFLICTS (60 minutes)

1

Distribute “Handout 1: Options for Resolving Conflicts.” If a Community Resource Person is helping with the lesson, he or she may want to handle the next three steps of

the lesson. Briefly explain each of the four options to the students: Informal Discussion, Negotiation, Mediation, and Court Litigation.

2

NOTE: Since there will be more opportunities in later sessions to discuss and weigh these options, the goal here is just to briefly introduce these four options to students so that students can analyze them using the Gault conflict.

Read or have students read aloud the descriptions of each option for resolving conflicts. Make sure they understand the definitions for each and the differences between the options.

HANDOUT 1

OPTIONS FOR RESOLVING CONFLICTS

INFORMAL DISCUSSION — A process where people (individuals or groups) meet to discuss their conflict with no special rules about how to behave. The people in conflict talk directly to each other and no third party is there.

NEGOTIATION — A process in which the people talk directly to each other about their conflict to try to find a solution that they agree on. Negotiation has rules for behavior and it is voluntary.

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INFORMAL

↓

FORMAL

Explain that the handout represents the continuum of conflict resolution.

3

Once students understand these four options and have a more complete picture of what each person in the Gault conflict wants and why they want it (their positions and interests), they will play the roles of Gerry, his parents, and Mrs. Cook. They will be able to choose the option they think might best resolve this conflict.

4

Divide the class into three smaller groups and assign each group one of the three roles (Gerry, Gerry's parents and Mrs. Cook). If your class is so large that there would be more than six in each group, you may want to divide the group six ways, with two groups assigned to Gerry, two groups assigned to Mrs. Cook, and two groups assigned to Gerry's parents.

NOTE: If parents are present, be sure to involve them in this role-play.

5

Have the groups select a recorder/reporter.

6

Each group should decide which option they would choose to settle this conflict from their character's point of view. Remind students to use what they know about the positions and interests of the part they are playing. They will need to explain the reasons for their decision.

Have each group select their first and last choices for dealing with the conflict from the four options. They should be able to explain the reasons for both choices. Tell students they have five minutes to complete this task. Post the ending time on the board. While the students are working, circulate around the room to observe their discussions. The Community Resource Person should do the same, if possible.

7

Have the student reporter from each group tell their conflict resolution choices and explain their reasons. Record each group's responses on the chalkboard or flip chart, including their reasoning behind their decisions.

8

Ask students:

- Is one of the options more fair than the others? Which one? Why? If we were talking about a different conflict, would your answer be the same?

- Is one of the options less fair? Which one? Why? If we were talking about a different conflict, would your answer be the same?
- Gerry actually went to court. Did it work out for him? What went wrong? Could the conflict have been resolved more easily using one of the other options? How? Why would this option have been easier?
- Would things have worked out differently for Gerry if his case had been referred to youth court? How?
- Mrs. Cook did not actually make an appearance in court. If she had, do you think it would have worked out better for her? What could have gone wrong? What could have gone right? Do you think she was satisfied with the result when Gerry went to court? Could she have been satisfied with the outcome if she had used one of the other options? More satisfied? Why?
- Would it benefit Gerry to use informal discussion? Negotiation? Mediation? Court Litigation? How?
- Would it benefit Gerry's parents to use informal discussion? Negotiation? Mediation? Court litigation? How?
- Would it benefit Mrs. Cook to use informal discussion? Negotiation? Mediation? Court litigation? How?
- Would it cost Gerry to use informal discussion? Negotiation? Mediation? Court litigation? What?
- Would it cost Gerry's parents to use informal discussion? Negotiation? Mediation? Court litigation? What?
- Would it cost Mrs. Cook to use informal discussion? Negotiation? Mediation? Court litigation? What?

9

Tell students that, whatever their choices were, the conflict between Gerry Gault and Mrs. Cook did go to court, and the U.S. Supreme Court case that resulted set up an important precedent (the way similar cases are to be decided from then on) for juvenile court process.

10

Brainstorm a list of situations where discussion, negotiation, or mediation is a better option than court litigation.

Ask students:

- Could any of these options resolve conflicts that you have in your own lives? Which types? Would these options always work? Why or why not?

- What types of conflicts might be best resolved with informal discussion? Why? What types of conflicts might be best resolved with negotiation? Why? What types of conflicts might be best resolved with mediation? Why? What types of conflicts should go to court litigation? Why?
- Would you try to use any of these methods for resolving conflicts? Why or why not? What problems might you encounter? Could these problems be overcome? What additional information would you need?

11

Distribute “Handout 3: Practice Session: Resolving Conflicts Through Mediation”

HANDOUT 3

**PRACTICE SESSION: RESOLVING CONFLICTS
THROUGH MEDIATION**

STEPS IN A TYPICAL MEDIATION SESSION:

STEP 1: INTRODUCTION:

The mediator makes the parties feel at ease and explains the ground rules for behavior during the mediation. These ground rules can include such things as agreeing to remain seated and agreeing that any party may request a break to collect itself. The mediator’s role is not to make a decision but to help the parties reach a mutually acceptable agreement. The mediator explains that he/she will not take sides. Confidentiality is explained to the parties at this time.

STEP 2: TELLING THE STORY

Each party tells what happened. The person bringing the complaint usually tells his or her side of the story first. No interruptions are allowed. Then the other party explains his or her version of the facts.

STEP 3: IDENTIFYING POSITIONS AND INTERESTS

The mediator tries to make certain that each disputant is clearly understood. The mediator also helps to identify the issues and needs of the disputants. This is done by listening carefully to each side, summarizing each person’s view, and asking if these are the facts and issues as each party understands them. Sometimes, the mediator will ask the disputants to summarize each other’s perspective in order to check for understanding.

STEP 4: IDENTIFYING ALTERNATIVE SOLUTIONS

The disputants brainstorm possible solutions to the problem. Wild ideas are welcome and no idea is criticized at this point. The mediator makes a list and then asks each party to explain his or her feelings about each possible solution.

STEP 5: REVISING AND DISCUSSING SOLUTIONS

Based on the feelings of the parties, the mediator may help the disputants change some of the possible solutions and helps to identify a better solution to which both parties can agree.

STEP 6: REACHING AN AGREEMENT

The mediator helps the parties reach an agreement that both sides can accept. The agreement is written down. The parties also discuss what will happen if either of them fails to live up to the agreement or if the agreement is not working for them.

MEDIATION SCENARIO: GET AWAY FROM MY BENCH

Participants:

Teens: _____ and _____

Senior citizens: _____ and _____

Center Program Director and Mediator: _____

Scenario:

Charles Place is a community center. The center holds programs for neighborhood people of all ages. Many of the programs are during the day for senior citizens; there is an after-school program for teens.

Outside of the center is a grassy area with chessboards and benches. The senior citizens enjoy congregating in this area, sitting on the benches speaking with one another before and after their programs. The teenagers come after school for their programs at the center. They, too, meet each other outside of the center in nice weather. The students and senior citizens have not been getting along with each other lately. Many of the seniors and teenagers have pre-judged each other.

The students carry radios with them and play loud music. The seniors say the music disturbs them. They are unable to carry on a conversation or concentrate on their chess games with the music blaring.

The teens complain that the senior citizens have been at the center all day and when the teens get out of school, there is no space for them. The teenagers say that the “old people” take up all the benches, so there is nowhere for them to sit down. The teens say the senior citizens are always yelling at them to turn down their music and to be quiet, so they can play chess, but they’ve been quiet all day at school and want to relax now.

Mr./Ms. _____, the center’s Program Director, suggested the two groups select representatives and to try to mediate their problems.

Divide the students into groups of five: two teenagers on one side, two senior citizens on the other side, and one mediator, who is also the center program director.

Ask students to read the problem on the handout. Do not discuss it at this point.

12

Ask the two parties (teens and senior citizens) to prepare for the mediation session by meeting separately to answer the questions below the scenario. While the two parties are meeting, the mediator should prepare for the meeting by reviewing the steps in a typical mediation session. Tell students they have ten minutes to prepare for the mediation session. Write the ending time on the board.

13

When it is time to start, bring the five members of the group together so they can all see and hear one another clearly. Ask the mediator to begin the meeting by reviewing the process. Then the mediator (center program director) should facilitate the meeting using the top portion of the handout. Remember, the mediator should not “decide” the solution — he or she should simply facilitate it.

14

After the Mediation Session is completed, ask students the following questions:

- Do you think the mediation worked out? Why or why not?
- Was the agreement fair to all sides of the dispute? Why or why not?

- Do you think the process was fair? Why or why not?
- How do you think the agreement made would compare with taking the issue to court?
- Did the mediators help the disputants reach a workable solution? (Did they put the disputants at ease? Did they summarize each side of the story carefully and accurately? Did they help facilitate the process of reaching a solution without suggesting an appropriate solution themselves?)
- New page 99 (see comments above about graphics)
- New page 101 (drop shading for student handout — also missing last part of the handout — see page 79 in new materials)
- New Page 103 — see earlier notes about handout 1

PART THREE: SUMMARY (5 minutes)

1

End the class with a discussion of how students can use alternate ways to solve their problems so that there will be no future court contact. Ask students:

- What will it cost you to remain in trouble with the court?
- Think about a conflict in your life. What will it cost you to remain in that conflict?
- Are there any benefits to remaining in conflicts or in trouble with the courts?
- What can you do differently to stay out of trouble or to stay out of conflicts?

2

Have each student tell everyone one thing that he or she learned during the class.

3

Thank students and the Community Resource Person for their participation and dismiss them.

HANDOUT 1

OPTIONS FOR RESOLVING CONFLICTS

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INFORMAL

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FORMAL

HANDOUT 2

THE CASE OF GERRY GAULT

Read this true story about what happened to Gerry Gault. As you read it, mark it up. Circle words you don't understand. Underline or highlight the parts you want to talk about or that make you mad.

Gerry Gault, aged 15, was picked up by police and taken from his home to a **juvenile detention center**. He was not sure what he was in trouble for. His parents were at work. The police did not call to tell them what was happening to their son. After they finally tracked him down and rushed to take him home, his parents were told he would not be released. He would have to spend the night in a juvenile detention home (much like a jail for kids). Gerry and his parents were still not told what the **charges** were against Gerry. They were told that a **hearing** would be held the next day.

At the hearing, the Gaults learned that their neighbor, Mrs. Cook, had called the police and complained that Gerry had made an obscene phone call to her home. Mrs. Cook did not show up for the hearing. Instead, a police officer testified about what Mrs. Cook had said. Gerry blamed the call on a friend and said he did not make the obscene remark. There were no lawyers present and no record was made of the court testimony.

Gerry and his family attended a second hearing six days later. Again, no records were kept of the proceedings and the neighbor who accused him did not attend the hearing. At a third meeting with the judge, the hearing officer said that Gerry had admitted making the call at the previous two hearings. Gerry and his parents denied this, but there was no record to prove that either side was right.

The juvenile court did not allow juries. Instead, a judge decided the punishment. The judge found that Gerry was **delinquent** and ordered him to a state reform school where he would have to stay until he was a legal adult, which would be when he turned 21 years old. If an adult in that same state had been found guilty of making an obscene phone call, he would have been either fined \$50.00 or sent to a county jail for no longer than 60 days.

HANDOUT 3

PRACTICE SESSION: RESOLVING CONFLICTS THROUGH MEDIATION

STEPS IN A TYPICAL MEDIATION SESSION:

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The mediator makes the parties feel at ease and explains the ground rules for behavior during the mediation. These ground rules can include such things as agreeing to remain seated and agreeing that any party may request a break to collect itself. The mediator's role is not to make a decision but to help the parties reach a mutually acceptable agreement. The mediator explains that he/she will not take sides. Confidentiality is explained to the parties at this time.

STEP 2: TELLING THE STORY

Each party tells what happened. The person bringing the complaint usually tells his or her side of the story first. No interruptions are allowed. Then the other party explains his or her version of the facts.

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STEP 5: REVISING AND DISCUSSING SOLUTIONS

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HANDOUT 3, continued

STEP 6: REACHING AN AGREEMENT

The mediator helps the parties reach an agreement that both sides can accept. The agreement is written down. The parties also discuss what will happen if either of them fails to live up to the agreement or if the agreement is not working for them.

MEDIATION SCENARIO: GET AWAY FROM MY BENCH

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The students carry radios with them and play loud music. The seniors say the music disturbs them. They are unable to carry on a conversation or concentrate on their chess games with the music blaring.

The teens complain that the senior citizens have been at the center all day and when the teens get out of school, there is no space for them. The teenagers say that the “old people” take up all the benches, so there is nowhere for them to sit down. The teens say the senior citizens are always yelling at them to turn down their music and to be quiet, so they can play chess, but they’ve been quiet all day at school and want to relax now.

Mr./Ms. _____, the center’s Program Director, suggested the two groups select representatives and to try to mediate their problems.



TRIGGERS: SKILLS FOR ANGER MANAGEMENT

OUTCOMES

As a result of this lesson, students will be able to:

- Describe the words, actions, or body language that “trigger” anger in themselves and others.
- Compare and contrast others’ triggers with their own.
- Identify a range of choices they can make when their anger is triggered.
- Give assertive negative feedback.
- Receive negative feedback without getting upset.
- Use active listening skills.

MATERIALS NEEDED

- Chalkboard or flip chart
- Chalk or markers

HANDOUTS

- 1 Triggers
- 2 How to Give Negative Feedback
- 3 How to Receive Negative Feedback

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives.
- Copy handouts and prepare all materials.

COMMUNITY RESOURCE PEOPLE

A Community Resource Person with some background in mediation or conflict resolution would add credibility and interest to this lesson. Send a copy of the lesson when confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson is timed in order to allow sufficient time to complete the debrief with the students. During the debrief, the students can discuss the information learned, clarify any concerns, and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: TRIGGERS (45 minutes)

1

Write the word “trigger” on the flipchart or board. Ask students to call out the first thing that come to mind. Record their first ten responses. Ask: Are triggers dangerous? (After they respond, suggest that triggers are only dangerous when pulled.)

Explain that to many people, the word has more than one meaning. In some circumstances, the term triggers refers to words or non-verbal behavior that produce anger or other negative emotional reactions. Write the definition of trigger on the board.

Ask: “Can you see why this might have the name trigger?” Ask: Can you think of any examples of triggers that fit this definition? (If students do not mention these, suggest derogatory terms, name-calling, profanity, spitting, dangerous driving, etc.)

2

Share the lesson outcomes with the students and introduce the Community Resource Person, if one is present to help teach this lesson.

3

- Ask the students to think quietly about the last time they were very angry. Then ask students to think quietly about these questions:
- What set you off?
- Did certain words trigger your anger?
- Did someone else use body language like gestures, facial expressions, postures, or other physical signals to make you angry?

After students have thought quietly about those questions, distribute “Handout 1: Triggers” and say “Using your memory of the last time you were very angry, take a few minutes to write down your responses to the following questions after we read it aloud.” Ask a volunteer to read the handout.

HANDOUT 1 TRIGGERS

Triggers are words or non-verbal behavior that produces anger or other negative emotional reactions.

Please write down your responses to each of the following questions:

1. What are my TRIGGER words?
2. What kinds of body language are TRIGGERS for me?
3. How do I know I'm angry? How do I feel? What do I do?
4. How do I react to my TRIGGERS?

NOTE: Define body language. Make sure students understand the term.

4

After they have jotted down a few responses on their handouts, organize the students into small groups. The groups should have between three and five students. Ask the students to sit close together so they can easily see and hear each other. Each group should choose a reporter and a recorder.

5

Each group should discuss their triggers and come up with a comprehensive list.

6

The recorder should put the group's responses to the four questions on flip chart paper. Have each group display their answers to the class. The reporter for each group should give a brief summary of their responses.

7

Have students compare and contrast the answers posted. What are the most common triggers (verbal and non-verbal)? Are there any triggers that appear on all of the lists?

8

Get students to think about the responses by asking the following questions:

- How are the triggers alike?
- How are the triggers different?
- What does this tell you about each other?
- What does this tell you about triggers?
- Which triggers make the most people mad?
- What are the most common signs that a trigger is getting you angry?

The point here is to help students learn their own warning signs or anger cues, so that they can recognize their anger and to recognize that they have common ‘triggers’ and reactions. Some examples of anger warning signs are raised voice, tense muscles, faster heartbeat, speaking faster, sweaty palms, foul language use, etc.

- What are the most common reactions to triggers?

9

Use the groups’ answers to Handout 1, question 4 (How do I react to my TRIGGERS?) and ask students:

- What are the consequences of these reactions? What you do when you are angry?

Example: The anger trigger might be “He called me a name.” The behavior might be “I pushed or punched him.” The consequence might be “We got into a fight and both of us got suspended.”

10

Tell students that there may be consequences not only for themselves, but also for others that may have been affected.

- Who might be affected by angry reactions?

Example: There may have been an injury to someone who tried to break up a fight, or someone’s parent may have had to miss a day of work to go to a school conference or to juvenile court.

Students have a choice in how they respond when their anger is triggered. No one is “forced to fight.” Instead, one “chooses to fight.” No one is forced to scream at someone or to lose control. Instead, one chooses to act out in a rage.

11

Point out that there are productive and unproductive reactions. Ask:

- Is there ever a time when it is a good idea to ignore an anger-provoking act?

There may be times when students think that it is a good idea just to ignore a trigger. For example, one benefit is that the conflict will not escalate at that moment. To determine if the trigger should be ignored, the following questions should be asked: Is this problem worth continued attention? Is it really important? Is my anger justified? Is there a practical or productive response to my anger?

- What could be the dangers of ignoring an anger-provoking act?

You may bury your emotions and then explode later in a bigger way than you might have if you had simply addressed the problem when it occurred.

12

Ask students:

- Why is it important to learn how to stay calm when dealing with someone who triggers your anger?

13

Remember back to the last time you were angry. Picture the scene.

- What words were spoken? What actions were taken?
- What was it like? Did you or someone else yell? Were you or someone else agitated? Did you or someone else use a profane gesture or push someone? What else happened?

14

Ask students:

- How did you feel when seeing these angry reactions in yourself? In the other person who was involved in the dispute?
- What would have happened differently if your trigger had not been pulled and you had remained calm?
- What is likely to happen if you approach someone in anger to give him or her a negative message?

15

Tell students that, while anger is a strong emotion, they probably already have strategies they use to get their anger under control. Ask students what techniques they use. Write their responses on the board or flip chart. Supplement students' suggestions with the following strategies, clarifying where necessary:

- Deep breathing: Remind students of some of the signs of anger (tense muscles, faster heartbeat, etc.). In basketball, taking deep breaths is often part of a successful player's foul shot routine.
- Backward counting: Slowly and silently counting backwards from 20 to 1 helps you remove yourself mentally. It also gives you a chance to calm down.
- Thinking of a pleasant image: Imagine a scene you find relaxing and practice focusing on that scene when you feel yourself getting angry.
- Talking to yourself: Select a specific phrase, such as "Stay cool" or "Get over it" or "I have a choice here" to repeat over and over while you get yourself under control.

16

Point out that, even though we think of ourselves as "out of control," we often pick some times to blow up and stay calm at other times. For example, there's a difference between how we handle our anger with strangers, our friends, and with our grandmother. In other words, we are able to control our anger when we really want to.

17

Ask students:

- When someone uses one of the triggers that make you the angriest, do you think you could calm down? If not, why not?
- Is there any way to make triggers less infuriating and provocative to you? To other people?

18

Tell students that, while anger may be a normal and natural human feeling, it is not always easy to give or receive. Nor is it easy to give or receive disappointment, displeasure, or criticism. We consider this negative feedback. But it is important for us to learn "to take it" and then deal with it correctly. If we can do this, conflict will become a problem-solving situation.

PART TWO: GIVING NEGATIVE FEEDBACK (25 minutes)

1

It is essential for us to be able to give negative feedback so that we stand up for our rights while respecting the rights of the person with whom we are in conflict. When we can do this, it will be far more likely that we can resolve the problem without conflict or harm.

2

The skill of “giving negative feedback” means expressing criticism, disappointment, anger, or displeasure calmly, without losing your temper or fighting.

3

Ask: “Have you ever seen someone give negative feedback in a very effective way? If so, what did he or she do?” Distribute “Handout 2: How to Give Negative Feedback.” Read and explain the steps in the process. Write the steps on the chalkboard or flip chart.

HANDOUT 2

HOW TO GIVE NEGATIVE FEEDBACK

The skill of “giving negative feedback” means expressing criticism, disappointment, anger, or displeasure calmly, without losing your temper or fighting.

1. Stay **CALM** and ask if you can talk to the person.
2. Say something **POSITIVE**. For example, “Your friendship is important to me.”
3. **TELL** the person what’s on your mind or what your point of view is. For example, “I think....” “I feel...”
4. **GIVE** a reason or example of your situation.
5.
 - a. Ask how the other person feels.
 - b. Ask the other person to do something different or differently.
6. **THANK** the person for listening.

Scenarios

- A. You and your brother (or sister) share a room. Your brother (or sister) leaves clothes and sports equipment on the floor and the desk chair. You like things to be neater, and get angry when you see the “messy” room. You want the situation to improve.
- B. You and your father are arguing because your father calls you by a nickname in front of your friends, and this embarrasses you. You feel that you long ago outgrew that nickname. You speak to your father about this situation.
- C. Just as you are getting ready to pay for your movie ticket, someone you know cuts in line in front of you. She doesn’t even say, “Excuse me.” You have been waiting in line for a long time. You are angry and want to tell her about it.

4

Discuss and brainstorm the reasons for each step with the students and give some tips on how to do each.

1. Stay calm and ask if you can talk to the person.

- Ask: Why would this help?

It is better than demanding or confronting another person in an angry way. It makes it more likely that the other person will listen without losing his or her temper. It’s probably best to have this discussion without other people present.

2. Say something positive. For example, “Your friendship is important to me.”

- Ask: Why say something positive to someone who has made you mad?

This works best if you have some relationship with the other person (such as ongoing acquaintance, friend, girl/boyfriend, teacher, boss, co-worker or peer, or family member). Taking this step might make the other person more receptive to hearing a negative message.

- Ask: What else could you do if being positive is unreasonable? Can you just talk to the person and ask him to listen to you for a minute?

If you are polite and calm, you may be able to keep control of the situation this way.

3. Tell the person what's on your mind or what your point of view is. For example, "I think....." "I feel..."

- Ask: Does the other person know you are mad and why? Did you trigger him?

This is the KEY step. The point here is to relate your feelings and thoughts rather than placing blame on the listener. The best way to do this by starting with "I think" or "I feel," instead of "you are" or "you did." It is important to be specific about what you think or feel, and to avoid labeling the other person (as "crazy" or "mean"). Remember that the other person may not be aware that he or she has upset you and will certainly be more likely to change his or her behavior once he or she knows that it is creating a problem.

4. Give a reason or example of your situation.

- Ask: Why is it important to give an example?

This will help make sure the other person understands what you've said. It also gives the other person a clear picture of why you became so angry. Doing this will make it easier for you to state what you want to see happen and/or for the other to say how he or she feels.

5.a Ask how the other person feels.

b. Ask the other person to do something different or differently.

- Ask: Why ask this person to change? Will he do it? Will it just make him more angry?

Be as specific as possible about what you want the other person to DO, not what you want him or her to think or feel. You may need to stop and think about exactly what it is that you want the other person to do. For example, instead of saying "stop being a thief," you might say, "please give me back my money."

It is important to keep the other person's feelings in mind, even if you choose not to act upon them. This is also a way of showing that you respect the other person and can listen to his or her needs.

6. Thank the person for listening.

- Ask: How can you show the person that you aren't still mad?

If you thank him or her for his or her attention, this shows respect for the other person who has heard you out. This makes it less likely that he or she will repeat the act that's made you angry.

5

Ask for student volunteers to role-play Scenario A on the handout. Remind students that they should follow the steps that have just been discussed, even if they do not think they would do it in conflicts in their own lives.

As the students do the role-play, coach them in the skills of giving negative feedback as needed by whispering reminders, pointing out a skill, encouraging, and praising.

6

When the volunteers complete the role-play, ask:

- (The volunteer who gave negative feedback:) How did it feel?
- (The volunteer who was on the receiving end what it felt like:) Was it easier to deal with than a situation where the other person could be yelling and angry?
- (The other students:) What did you think or feel as observers? Do you have any advice for either of the participants?

7

Go back to the five steps and discuss with all the students the rationale for giving negative feedback. This skill has the potential for bringing about a change in someone else's behavior as well as helping you feel better by getting anger off your chest.

8

Divide students into pairs and have them role-play scenarios B and C on the handout. Then have them reverse roles (giver and receiver) and do the remaining scenario.

Have the person giving negative feedback use the steps in Handout 2 to remind him or her of the skills that he or she is supposed to be practicing. Students should follow the steps even if they do not think they would use them in their own lives.

9

When everyone is done, bring the students back together for discussion of their roles. Ask:

- How did it feel to give negative feedback? What was most difficult about giving negative feedback? What was easiest? Did you follow all of the steps? If you didn't, why not? Could you have done anything better?

- How did it feel to be on the receiving end? Did your partner do a good job of giving negative feedback? Did he or she follow all of the steps? Which steps does he or she need to work on? Is there anything that you would have done differently?

10

Ask:

- What skills did you use in these roleplays?
- Did anyone do an excellent job?
- Did your partner use good skills?
- Which skills were demonstrated well?
- Which skills need to be practiced more?

11

Give all students credit for good work in learning an important and hard skill.

PART THREE: RECEIVING NEGATIVE FEEDBACK (25 minutes)

1

Tell students that sometimes using the skill of giving negative feedback does not end the conflict but instead may set up a situation in which they'll need to receive negative feedback. This is another skill of standing up for our rights while respecting the rights of the person with whom we are in conflict. It is really the opposite of giving negative feedback, which is the skill that we have just learned.

2

Tell student that "receiving negative feedback" means listening and responding without getting upset when someone criticizes you.

3

Distribute "Handout 3: How to Receive Negative Feedback." Discuss the steps in this

HANDOUT 3

HOW TO RECEIVE NEGATIVE FEEDBACK

Receiving negative feedback means listening and responding without getting upset when someone criticizes you.

1. Stay calm and LISTEN to what the other person has to say.
2. ASK the person to explain or give an example if you don't understand.
3. LISTEN to the other point of view and ASK what the person wants you to do.
4. AGREE, if you can, and APOLOGIZE, if you should.
5. ASK to tell your side of the situation.

Scenarios

- A. You missed curfew for the second time this week. Now your dad says you can't go out for the next week.
- B. Your mom is angry because your room is a mess. She says that there are dirty clothes all over and that she is sick and tired of cleaning up after you.
- C. You are a half-hour late to meet your friend at the movies. This is the third time this has happened. She is upset.

4

Discuss and brainstorm the reasons for each step and give some tips on how to do each.

1. Stay calm and listen to what the other person has to say.

- Ask: Why should you listen to someone who has made you mad?

Listening calmly shows respect for another person's feelings and may help calm the person down.

2. Ask the person to explain or give an example if you don't understand.

- Ask: Why?

If you don't understand exactly what has angered the other person, it will be hard for you to agree to change what you're doing or explain your side.

3. Listen to the other point of view and ask what the person wants you to do.

- Ask: Why should you do anything?

This shows that you're willing to consider the other's complaint or criticism and his or her ideas for changing the situation. It also soothes the person's anger and shows that you have listened.

4. Agree, if you can, and apologize, if you should.

- Ask: Would you "lose face" if you apologized? What alternatives do you have?

If you can understand and accept the other's viewpoint, simply apologizing and agreeing to try the other's solution can help restore a friendship or keep more trouble from breaking out.

5. Ask to tell your side of the situation.

- Ask: Why is this step important?

This will give you a chance to correct any wrong information the other person may have about what you have said or done. It will also give you the opportunity to tell your side.

5

Ask for student volunteers to role-play scenario A on the handout. Remind students that they should follow the steps that have just been discussed, even if they do not think they would do it in conflicts in their own lives.

As the students do the role-play, coach them in the skill of receiving negative feedback by whispering reminders, pointing out a skill, encouraging, and praising.

6

When the volunteers have finished, ask:

- The volunteer who received negative feedback: How did it feel? Was it hard? Which steps were the hardest?
- The volunteer who was on the giving end: What did it feel like? Did they use all of the steps?

7

Go back to the steps and discuss with all the students the rationale for receiving negative feedback. If you don't understand exactly what has angered the other person, it will be hard for you to agree to change what you're doing or explain your side. At times it makes sense to accept negative feedback from someone else instead of getting into an unproductive argument. Picking your battles is a smart way to survive. If you allow another person to make you lose control, then that person wins, not you. There may be negative consequences for challenging negative feedback, such as defying a person in an authority position.

8

Divide students into pairs and have them role-play one of the remaining scenarios on the handout. Then have them reverse roles (giver and receiver) and do the final scenario.

Have the person receiving negative feedback use the steps in Handout 3 to remind him or her of the skills that he or she is supposed to be practicing. Students should follow the steps even if they do not think they would use them in their own lives.

9

When everyone is done, bring students back together for feedback. Ask:

- How did it feel to receive negative feedback? What was most difficult about receiving negative feedback? Did you follow all of the steps? If you didn't, why not? Could you have done anything better?
- How did it feel to be on the giving end? Did the student do a good job of receiving negative feedback? Did he or she follow all of the steps? Which steps does he or she need to work on? Is there anything that you would have done differently?

10

Ask:

- What skills did you use in these roleplays? Were they different than the skills used in the first set of roleplays?
- Did anyone do an excellent job?

- Did your partner use good skills?
- Which skills were demonstrated well?
- Which skills need to be practiced more?

11

Give all students credit for good work in learning another important and hard skill.

PART FOUR: SUMMARY (5 minutes)

1

Ask students:

- Do you think you will use these steps outside of class? Why or why not?
- Would the skills work in helping to defuse conflict situations?
- Is it a problem that the other person involved in the conflict may not be in the class and may not have learned these steps? Is there any way to solve this problem? Can you defuse the situation by yourself?

2

Have each student think about one thing he or she learned during the session. Ask students to write them down or tell a partner. After a few minutes of reflection, invite a few volunteers to share their ideas with the rest of the class.

3

If a Community Resource Person has assisted you, thank him or her. Thank the students for their participation and dismiss them.

HANDOUT 1 TRIGGERS

Triggers are words or non-verbal behavior that produces anger or other negative emotional reactions.

Please write down your responses to each of the following questions:

1. What are my TRIGGER words?

2. What kinds of body language are TRIGGERS for me?

3. How do I know I'm angry? How do I feel? What do I do?

4. How do I react to my TRIGGERS?

HANDOUT 2

HOW TO GIVE NEGATIVE FEEDBACK

The skill of “giving negative feedback” means expressing criticism, disappointment, anger, or displeasure calmly, without losing your temper or fighting.

1. Stay **CALM** and ask if you can talk to the person.
2. Say something **POSITIVE**. For example, “Your friendship is important to me.”
3. **TELL** the person what’s on your mind or what your point of view is. For example, “I think.....” “I feel...”
4. **GIVE** a reason or example of your situation.
5.
 - a. Ask how the other person feels.
 - b. Ask the other person to do something different or differently.
6. **THANK** the person for listening.

Scenarios

- A. You and your brother (or sister) share a room. Your brother (or sister) leaves clothes and sports equipment on the floor and the desk chair. You like things to be neater, and get angry when you see the “messy” room. You want the situation to improve.
- B. You and your father are arguing because your father calls you by a nickname in front of your friends, and this embarrasses you. You feel that you long ago outgrew that nickname. You speak to your father about this situation.
- C. Just as you are getting ready to pay for your movie ticket, someone you know cuts in line in front of you. She doesn’t even say, “Excuse me.” You have been waiting in line for a long time. You are angry and want to tell her about it.

HANDOUT 3

HOW TO RECEIVE NEGATIVE FEEDBACK

Receiving negative feedback means listening and responding without getting upset when someone criticizes you.

1. Stay calm and LISTEN to what the other person has to say.
2. ASK the person to explain or give an example if you don't understand.
3. LISTEN to the other point of view and ASK what the person wants you to do.
4. AGREE, if you can, and APOLOGIZE, if you should.
5. ASK to tell your side of the situation.

Scenarios

- A. You missed curfew for the second time this week. Now your dad says you can't go out for the next week.
- B. Your mom is angry because your room is a mess. She says that there are dirty clothes all over and that she is sick and tired of cleaning up after you.
- C. You are a half-hour late to meet your friend at the movies. This is the third time this has happened. She is upset.

WHAT IS THE INTENT OF THE LAW?

OUTCOMES

As a result of this lesson, students will be able to:

- Identify at least two purposes for laws in our society
- Identify at least one intent of those who create laws
- Identify and analyze problems in the application of laws
- Practice generating alternative solutions to problems
- Practice identifying and evaluating consequences and solutions to problems
- Communicate effectively with others

MATERIALS NEEDED

- Blackboard/flip chart
- Chalk/markers

HANDOUTS

- 1 No Vehicles in the Park
- 2 Who Can Go in the Park?

TRANSPARENCY OR POSTER

Who Can Go To The Park? Student Answer Grid

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives.
- Copy handouts and prepare all materials.
- Make an overhead transparency called “Who Can Go To The Park - Student Answer Grid.” If you do not have an overhead projector or overhead transparencies, make a poster following the example given. You can make the grid on the board, on an overhead transparency, or on flipchart paper.
- Read this lesson carefully and try to answer some of the questions about local laws and law-making in advance. In particular, you should be aware of:

- Who makes laws in your community. (Is it a city council? A county legislature?) You should also know who is in charge of that law-making group. (Is there a chairperson for the county council?)
- Who is the mayor of your city? The county executive (if you do not have a city mayor.) Generally speaking, be able to use titles appropriate to your jurisdiction.
- Who should students contact if they want to give propose or suggest changes to local legislation?
- What is the process for creating and amending local laws?

If you are planning to invite a city council member or the local government leader, he or she may be able to answer these questions.

COMMUNITY RESOURCE PEOPLE

Invite a city council member or city administrator to assist you with this lesson. Send a copy of the lesson when you confirm the date, time and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: LAWS AND ORDINANCES (5 minutes)

1

Review the outcomes of the lesson with students. If a Community Resource Person has joined you for this lesson, introduce him or her now.

2

Ask the following questions to begin the lesson. Record students' answers on the board or flip chart paper. Note: These questions are based on your local specifics; be sure to insert the correct terms where applicable.

- Who governs our [city/county/township/etc.]? Who makes the laws?

The answer to this question varies from state to state. Check local information. In many communities the city council or another established governmental body is elected. They make laws for the city.

- Do you know any city laws?

City laws are sometimes called ordinances. Some examples may include dog leash laws, parking laws, zoning, smoking bans in restaurants and other public places, etc.

- Who is in charge of the city council?

Again, the answer to this question varies. Check local information. In many cities, an administrative manager or the chairperson of the city council is in charge.

- Who is the mayor in our city? Who are the members of our city council?

Use the titles and names that are appropriate for your jurisdiction.

PART TWO: NO VEHICLES IN THE PARK (50 minutes)

1

Distribute copies of “Handout 1: No Vehicles in the Park.” Read aloud as the group follows along.

HANDOUT 1

NO VEHICLES IN THE PARK

Washington has a lovely, quiet park right in the center of the city. The city council wants to make sure that the park stays safe and unpolluted. The members do not want the park disturbed by city noise. In the park you can find grass, trees, flowers, playgrounds, a road, and picnic areas. To make sure that the park stays this way, the city council passes a law.

At all entrances to the park the following sign is posted:

NO VEHICLES IN THE PARK

2

Ask the following questions:

What Is the Intent of the Law?

- What does this law say?
- Why did the city council pass this law? What is it designed to do?
- Will everyone understand this law? Is it clear?

3

The class should be divided into small groups. If possible, put students into eight groups with a maximum of five students in each group. Name each group A - G.

Tell the students that many citizens are dissatisfied with this law and are planning to protest the council's decision to pass this law. The students will serve as council members. They should imagine that various residents have complained and want the council to make exceptions to the law. They will consider cases that follow and decide if they would allow an exception to the rules. Remind students to consider the intent of the law and what the law actually says.

4

Distribute "Handout 2: Who Can Go in the Park?"

HANDOUT 2 WHO CAN GO IN THE PARK?

1. Mario Velazquez lives on one side of town and works on the other. He will save 10 minutes if he drives through the park.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
2. There are many trash barrels in the park. People put litter there to help keep the park clean. The sanitation department wants to go in to collect the trash.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?

3. An ambulance with a seriously injured victim of a car accident needs to get to the hospital quickly. The shortest route is through the park.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
4. Two police cars are chasing a suspected bank robber. If one officer cuts through the park, she can trap the suspect's car between the patrol cars.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
5. Some of the children who visit the park want to ride their bicycles there.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
6. Mr. Thomas wants to take his baby to the park in a baby stroller.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
7. The government donates a military tank to the city. It is to be placed in the park as a monument to the town's veterans who died in a war.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?

8. Takisha likes to go to the park with her friends. Takisha uses a wheelchair that has a motor.
- What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?

After distributing the handout, ask different groups to start with different scenarios. For example, group A could start with case 1 and group B could start with case 2. When those groups finish that scenario, they can finish as many of the other scenarios as possible. Instruct students they have twenty minutes to complete their work. Write the ending time on the chalkboard. While the students are working, circulate around the room to listen to their discussions. The Community Resource Person should do the same, if one is present.

Have students read each of the situations. They should make the following decisions for each of the scenarios presented:

- Will they allow the vehicle in the park? Why or why not?
- What alternative solutions can they suggest?

5

While the groups are working, project the overhead transparency or poster that shows the Student Response grid. (If you were unable to make one, write one on the board that looks like the example at the end of this lesson.) After you post the grid, circulate around the room to observe students at work. When the groups are ready to report, ask each group for its decision and record responses for each case on the grid. Be sure to ask each group for its rationale in reaching a decision for each scenario as well. Remind students that there are no right or wrong answers.

6

Lead a discussion on the difference in the decisions and why the students think these differences occur. Let the groups that have different answers share some of their most compelling arguments for the decision that they came to. Allow other groups to respond to these arguments. If necessary, use the following questions to help the discussion:

1. Mario Velazavez lives on one side of town and works on the other. He will save 10 minutes if he drives through the park.

- Will you allow Mario to drive through the park? Why or why not?
- Is it important for Mario to be at work on time?
- Wouldn't it save energy and gas if he were allowed to drive through the park?
- Suppose he oversleeps and could lose his job if he's late?
- What might happen if you only allow Mario to drive through the park?

2. There are many trash barrels in the park. People put litter there to help keep the park clean. The sanitation department wants to go in to collect the trash.

- Will you allow the sanitation department to drive through the park? Why or why not?
- Will people expect a large park in the truck? Will people be careful if they do not expect a large truck in the park?
- Will people come to a dirty park?
- Is it unhealthy to allow trash to pile up in the park?
- Will people be careful if they do not expect a large truck in the park?
- How will the trash get removed if sanitation workers cannot come to pick it up?

3. An ambulance with a seriously injured victim of a car accident needs to get to the hospital quickly. The shortest route is through the park.

- What other alternative trash control methods can you suggest?
- Will you let the ambulance drive through the park? Why or why not?
- Will a speeding vehicle be dangerous?
- What if the patient will die if the ambulance is not permitted to cut through the park?
- What if the person is only sick (not dying)?
- If you decide to let emergency vehicles in the park, how do you define an emergency vehicle?

4. Two police cars are chasing a suspected bank robber. If one officer cuts through the park, she can trap the suspect's car between the patrol cars.

- Will you allow the police car to drive through the park?
- Does it matter if the bank robbers are armed and dangerous?
- What if the bank robbers had already shot an innocent bystander?
- Would it make any difference if this were the only opportunity for the police to catch the robber?
- Will small children be aware of the possibility of a police car speeding through the park?
- If you allowed emergency vehicles in the last example, does a police car qualify as an emergency vehicle? Why or why not?

5. Some of the children who visit the park want to ride their bicycles there.

- Will you allow the children to ride their bicycles in the park? Why or why not?
- Is a bicycle a vehicle?
- Does it matter if the children used their bicycles as transportation to the park?
- Does it matter if there are special bike paths in the park?
- Would you allow skateboards, rollerblades, or scooters?

6. Mr. Thomas wants to take his baby to the park in a baby stroller.

- Will you allow the baby stroller in the park? Why or why not?
- Is a stroller a vehicle?
- How would parents with small children get to the park if they were prohibited from using a stroller?
- Is it fair to prohibit people with small children from bringing a stroller to the park?

7. The government donates a military tank to the city. It is to be placed in the park as a monument to the town's veterans who died in a war.

- Will you allow the tank in the park?
- In normal use, a tank is a vehicle. Is it still a vehicle when it is a monument?

8. Takisha likes to go to the park with her friends. Takisha uses a wheelchair that has a motor.

- Will you allow the wheelchair in the park?

- Is a motorized wheelchair a vehicle?
- Are there laws that protect a person's right to take a wheelchair into the park?

NOTE: The Americans with Disabilities Act protects a the rights of a person in a wheelchair to have access to a public park.

7

Lead a discussion about the differences that came up when students talked about their decisions and reasons for each scenario. Ask students why they think those differences occur.

PART THREE: REWRITING THE LAW (15 minutes)

1

Ask the students the following questions:

- Is the law clear as it is written?
- Does it need to be rewritten?
- What needs to be changed?
- How should “emergency” situations be provided for in the law? Who should decide what constitutes an emergency?
- What is the appropriate penalty for violating this law?
- Should the penalty be written into the law?
 - ◊ What are the benefits, if any, to putting the penalty in writing?
 - ◊ What are the downsides, if any, to putting the penalty in writing?

2

Work with a partner to rewrite the law. Share your new version of the law with others. Which is the best version? Why?

PART FOUR: SUMMARY (10 minutes)

1

Ask students the following questions:

- Has the rewritten law eliminated all of the problems? Look back at each of the cases on Handout 2 and discuss any potential problems that could still arise even though the law has been rewritten.
- Should a law's intent be considered when interpreting what it means? Explain.
- If you think a local ordinance should be re-written, what steps can you take to make it happen? Whom should you contact? What if you wanted to change a state or national law? What steps can you take and whom should you contact? (If students do not know these answers, you or the Community Resource Person should try to give them the information they need.)
- Do youth courts take the intent of the law into account when they make decisions? Should they? How can the decision-making process be revised to consider the intent behind the laws?
- How can we use the information that we learned in today's lesson?

HANDOUT 1

NO VEHICLES IN THE PARK

Washington has a lovely, quiet park right in the center of the city. The city council wants to make sure that the park stays safe and unpolluted. The members do not want the park disturbed by city noise. In the park you can find grass, trees, flowers, playgrounds, a road, and picnic areas. To make sure that the park stays this way, the city council passes a law.

At all entrances to the park the following sign is posted:

NO VEHICLES IN THE PARK

HANDOUT 2

WHO CAN GO IN THE PARK?

1. Mario Velazquez lives on one side of town and works on the other. He will save 10 minutes if he drives through the park.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
2. There are many trash barrels in the park. People put litter there to help keep the park clean. The sanitation department wants to go in to collect the trash.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
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3. An ambulance with a seriously injured victim of a car accident needs to get to the hospital quickly. The shortest route is through the park.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
4. Two police cars are chasing a suspected bank robber. If one officer cuts through the park, she can trap the suspect's car between the patrol cars.
 - What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
5. Some of the children who visit the park want to ride their bicycles there.
 - What does the law say about whether this vehicle would be allowed in the park?

HANDOUT 2, continued

- Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
6. Mr. Thomas wants to take his baby to the park in a baby stroller.
- What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
7. The government donates a military tank to the city. It is to be placed in the park as a monument to the town's veterans who died in a war.
- What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?
8. Takisha likes to go to the park with her friends. Takisha uses a wheelchair that has a motor.
- What does the law say about whether this vehicle would be allowed in the park?
 - Do you think this scenario violates the intent of the law?
 - Will you allow the vehicle in the park? Why or why not?
 - What alternative solutions can you suggest?

TRANSPARENCY OR POSTER
**WHO CAN GO TO THE PARK?
STUDENT ANSWER GRID**

Case	Group A	Group B	Group C	Group D	Group E	Group F	Group G
Commuter							
Trash Trucks							
Ambulances							
Police Cars							
Bicycles							
Baby Strollers							
Tank							
Wheelchair							

What is the Intent of the Law?

LAWS ARE BASED ON VALUES

OUTCOMES

As a result of this lesson, students will be able to:

- Identify values held by different persons
- Examine differing values
- Discuss how society's laws are based on values

MATERIALS NEEDED

- Chalkboard/ flip chart
- Chalk/markers

HANDOUTS

- 1 Laws are Based on Values

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives
- Copy handouts and prepare all materials
- If you do not already know, find out about local curfews, school dress codes, state requirements for compulsory school attendance and whether your state allows for the death penalty.

COMMUNITY RESOURCE PEOPLE

Invite a lawmaker from the local, state, or national legislature who can discuss how laws are made reflecting a variety of values. Send a copy of the lesson when you confirm the date, time, and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a debrief or summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: WHAT ARE VALUES? (50 minutes)

1

Review lesson outcomes with students. Introduce the Community Resource Person, if one is assisting you today.

2

Write the word “value” on the chalkboard or flip chart. Ask students to define it. Record student answers. Ask the following questions to spark a thorough discussion (especially if students have trouble coming up with a definition):

- Is it what something costs?
- Can it be something that has no price?

3

Have students give the value of some things they own or have at their homes. (Examples: sports jacket, bike, TV, etc.)

4

Tell students that there is another meaning for the word “value.” A “value” is also a standard or a strongly held belief upon which you base your actions or decisions. Your family, church, and other influences in your life set these standards. Ask the students if they can identify any actions that they take that are based on their values. (Examples: do not lie, respect your grandmother, get a good education, etc.)

5

Ask the students if people have different values. Have them give examples. (Examples: going or not going to church, having or not having an abortion, etc.)

6

Distribute “Handout 1: Laws are Based on Values,” and read it aloud. Give students a few minutes to think about their answers, then have them mark “yes” or “no” on the handout.

HANDOUT 1

LAWS ARE BASED ON VALUES

1. Do you think that students should be at home early on school nights? Why or why not?

2. Do you think students should be able to wear anything they want to school? Why or why not?

3. Would you fly in an airplane piloted by a woman? Why or why not?

4. Do you approve of a man having more than one wife? Why or why not?

5. Do you think that anyone over 21 should have the right to own a gun? Why or why not?

6. Would you allow people to say anything they want? Anywhere they want to? Why or why not?

7. Do you think having an education is important? Why or why not?

8. Would you approve of the death penalty for someone who killed your sister? Why or why not?

9. Would you approve of the death penalty if a person kills a friend during an argument? Why or why not?

10. Do you think it's okay for your parents to punish you any way they want if you do something wrong? Why or why not?

7

Invite students to pick one partner and to sit next to that person. (Encourage them to pick someone across the room so they will have the chance to stretch their legs.) Students should take eight minutes to discuss their Handout 1 and answers with their partner. Write the ending time on the chalkboard or flipchart paper. You and the Community Resource Person, (if one is present,) should circulate around the room to listen to their discussions. Give a one-minute warning when time is nearly up.

Read each question and have the students take a position by a show of hands. Tell those who answer “yes” to raise their hands. Tell those who answer “no” to point their thumbs down. After each question, ask a few students to share the reasons for their answer with the class. Use the discussion points that follow only if students do not raise them or if you want to clarify any points.

1. Do you think that students should be at home early on school nights?

What values do curfews reflect? Do you share these values? Explain why or why not. Discuss whether there is a curfew law in your city. Since your students may be involved with the court, discuss the meaning of a “court ordered curfew.”

2. Do you think students should be able to wear anything they want to school?

What values do dress codes reflect? Do you share these values? Explain why or why not. Dress and grooming are normally the responsibility of students and parents. However, students are expected to be dressed appropriately as determined by school officials in accordance with community standards. Students should be reasonably neat and clean while at school. Courts have generally allowed restrictions to be placed on students where school officials have been able to show that the dress or grooming of a student:

- a. Presents an obvious health or safety hazard in the school;
- b. Is disruptive to the educational process;
- c. Is disruptive in the school or classroom; or
- d. Is contrary to a reasonable requirement of a course or school activity.

3. Would you fly in an airplane piloted by a woman?

What values do laws against gender discrimination reflect? Do you share these values? Explain why or why not. The decision to ride in the plane would be a personal choice and not legally considered to be gender discrimination unless the airline denied a woman a job as a pilot because of her gender.

4. Do you approve of a man having more than one wife?

What values do restrictions on marriage reflect? Do you share these values? Explain why or why not. Bigamy is a crime in all states. State marriage and divorce laws reflect our values supporting monogamous relationships and the sanctity of the nuclear family. Do you know of other cultures where the laws support or allow multiple spouses?

5. Do you think that anyone over 21 should have the right to own a gun?

What values do restrictions on gun ownership reflect? Do you share these values? Explain why or why not. The issue of gun control versus the right to bear arms is very controversial. Many argue that adults should have the right to own guns either for their own protection or enjoyment (e.g., hunting or target practice) and that this right should not be taken away from law-abiding citizens. Others argue that the availability of guns to all people contributes to a more violent society.

6. Would you allow people to say anything they want? Anywhere they want to?

What values do protections for free speech reflect? Do you share these values? Explain why or why not. The First Amendment generally guarantees freedom of speech unless the speech is obscene, defamatory or threatening. Some would argue that there should be more restrictions on expression because of the overly violent and sexual nature of some speech. Ask students when and where they would regulate freedom of speech (e.g., no loud speaker in a hospital zone).

NOTE: The First Amendment protects against government (not private) limits on speech. Also, while government is usually not allowed to censor the content of speech, government can make reasonable regulations that deal with the time, place and manner in which individuals express themselves.

7. Do you think having an education is important?

What values do compulsory (required) education reflect? Do you share these values? Explain why or why not. Every child who is living within a state and is between the ages of six and twenty-one (or younger or older as specified by state law) and not a graduate of high school has the right to an education provided at the state's expense. However, there is no right to free education beyond high school. In addition, all states have compulsory attendance laws that mandate that all children between the ages of six and sixteen (or younger or older according to state law) must attend school.

Many view a strong education system as a key component of equal opportunity in our society.

8. Would you approve of the electric chair for someone who killed your sister?

What values does the death penalty reflect? Do you share these values? Explain why or why not. The most controversial form of sentencing is the death penalty. More than thirty-five states now have laws that authorize capital punishment in certain cases.

Some of the values involved in approving capital punishment are: the sanctity and value of the victim's life; the impact on the victim's family; the need to deter crime; the need to hold the killer accountable for his/her actions; and the need to make society safe and civilized. Some of the values involved in disapproving of the use of capital punishment are: that it fails to deter other murders; that life is sacred and the use of capital punishment violates that tenet; that legal appeals in capital cases involve great delay and expense; and that the death penalty is cruel and unusual punishment.

9. Would you approve of the death penalty if a fifteen-year old kills a friend during an argument?

The Supreme Court has ruled that the death penalty is permissible for juveniles who commit capital offenses. A majority of the states that permit the death penalty authorize it for crimes committed at age 16 or above. For the values involved, see answers from 8 above.

10. Do you think it's okay for your parents to punish you any way they want if you do something wrong?

What values do laws against child abuse and neglect reflect? Do you share these values? Explain why or why not. All states have laws that protect children from neglect and abuse. The legal definition of child abuse includes physical abuse, abandonment, and failure to provide adequate support or care.

Some of the values involved in allowing parents the right to choose any method of punishment are: the parents know what works and what doesn't for their children; family matters are private and should be free from government interference; family values and traditions differ; and interfering in family matters strains the relationship among all family members.

Some of the values involved in not allowing parents the right to choose any method of punishment are: children have basic human rights that must be protected by the government; violence breeds violence and this cycle must be broken to save future children; and parents have no intrinsic right to treat children in a manner that is harmful.

8

Ask students if law addresses any of these values. If so, ask them what they think the laws are.

PART TWO: SUMMARY (5 minutes)

1

Ask students:

- Should people have different values?
- Should everyone be alike?
- What is good about having different values? How is it sometimes a problem?

2

Brainstorm other laws that are based on values. Discuss the values involved. (Examples: no smoking, drinking age, environmental laws, NC-17 movies and magazines, laws regulating abortion, bicycle helmets, recycling laws, animal protection laws, etc.)

3

If a Community Resource Person is helping with class, ask him or her to discuss what happens when lawmakers with different values disagree. Is this the best way to make laws for our community or our country? How do lawmakers protect values and concerns of people who hold view not shared by the majority of lawmakers? What role do courts play in this process of protecting the values of people?

4

Have each student tell everyone one thing that he or she learned during the class.

5

Thank students and Community Resource Person for their participation and dismiss them.

HANDOUT 1

LAWS ARE BASED ON VALUES

1. Do you think that students should be at home early on school nights? Why or why not?

2. Do you think students should be able to wear anything they want to school? Why or why not?

3. Would you fly in an airplane piloted by a woman? Why or why not?

4. Do you approve of a man having more than one wife? Why or why not?

5. Do you think that anyone over 21 should have the right to own a gun? Why or why not?

6. Would you allow people to say anything they want? Anywhere they want to? Why or why not?

HANDOUT 1, continued

7. Do you think having an education is important? Why or why not?

8. Would you approve of the death penalty for someone who killed your sister? Why or why not?

9. Would you approve of the death penalty if a person kills a friend during an argument? Why or why not?

10. Do you think it's okay for your parents to punish you any way they want if you do something wrong? Why or why not?



With support from the Office of Juvenile Justice and Delinquency Prevention, the National Youth Court Center Web site contains numerous valuable resources for youth courts. Check the Web site to find training announcements, resources to download, a current list of active youth courts across the nation, discussion/bulletin boards, the quarterly youth court newsletter (*In Session*), and many other resources to support youth courts.

Log on to
www.youthcourt.net



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