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Topic: Criminal Law (Sentencing Goals/Juveniles)

Source: Inspired by in-class *Shipwrecked Sailors* exercise. Discussion points and hypothetical used in long activity drawn from *Street Law*, 6<sup>th</sup> Ed.

Time: 60 Minutes.

### *Goals of the Criminal Justice System & Juvenile Justice*

#### I. GOALS—Studying and applying the goals of the criminal justice system helps students:

- A. Understand the theories underlying the purposes of punishment.
- B. Apply rules and facts to different scenarios and make informed policy choices.
- C. Critically assess the effectiveness of specific rules and laws.

#### II. OBJECTIVES

- A. Knowledge Objectives—As a result of this class, students will better be able to:
  1. Understand the meaning of “deterrence,” “retribution,” “rehabilitation” and “incapacitation” in the context of criminal justice.
  2. Link types of punishments to different theories of punishment.
  3. Explain the justifications for punishing juveniles and adults differently.
- B. Skills Objectives—As a result of this class, students will better be able to:
  1. Weigh competing arguments about approaches to crime.
  2. Work with peers to prepare material and group strategies.
  3. Orally present and defend their point of view and either perform or respond to questioning.
- C. Attitude Objectives—As a result of this class, students will better be able to:
  1. Feel comfortable expressing their views about controversial topics in front of their peers.
  2. Critically analyze the role and effectiveness of law in society.
  3. Feel better equipped and educated to form opinions on important criminal law policies.

#### III. CLASSROOM METHODS

##### A. Introduce Purposes of Punishment (20 minutes)

- a. Free-write: Have students pull out a paper and give students two minutes to list all the answers that come to mind for the following question: “Why do we punish people who commit crimes?” (2 minutes)
  - i. Possible responses: Hold people responsible, out of fairness to the victim, for revenge, to make people not commit crimes again, to help criminals with their problems, to keep everyone else safe
- b. Report Brainstorming: Go around the room quickly and have each student state a reason and write the reasons on the board. (8 minutes)
- c. Lecture & Discussion: Introduce the four main goals most frequently discussed as justifications (10 minutes). Classify student’s reasons under these categories and point out that there are some goals that might overlap. When summarizing the main four categories, have students brainstorm punishments that would fulfill different types of punishment. Allow students to comment on strengths and weaknesses of the approaches.

- i. *Retribution & Restoration*: “Eye for an Eye”—Society should take on the role of punishing those who violate its laws instead of individuals taking revenge. Criminals should be required to restore victims as much as possible. Punishments imposed may include fines, restitution, incarceration, or execution.
- ii. *Deterrence*: Punishing people discourages someone from committing future crimes and discourages other people from committing crimes.
- iii. *Rehabilitation*: Criminals commit crimes because of social, educational, or psychological problems. The criminal justice system should focus on fixing these problems through rehabilitation, so that these people can become responsible members of society. Punishment may include requiring the criminal to complete an educational program or a counseling program.
- iv. *Incapacitation*: Criminals should be physically separated from the community so the community is protected from danger. Incarceration and execution are two examples of punishments.

B. Juvenile Justice Open-Ended Discussion (10 minutes)

- a. Allow students to discuss the following issues—
  - i. Why does the criminal justice system treat juveniles differently?
  - ii. Are there more goals we should have when dealing with juveniles, or should we focus on some goals more than others?
  - iii. What types of punishments make more or less sense for juveniles?
  - iv. Should parents be held responsible for juveniles’ crimes?
  - v. What type of factors should be considered to determine whether juveniles should be subjected to the same punishment as an adult (age, history, etc.)?
    1. If the discussion dies, throw in some of the hypotheticals from the textbook and ask quieter students whether they would prefer the juvenile be treated with an adult sentence and why:
      - a. 15-year-old with a long juvenile record robs an 86-year-old woman at gunpoint and brags about the robbery at school
      - b. 17-year-old with no criminal record steals a car for a joy ride and accidentally strikes and kills a pedestrian
      - c. 14-year-old who sells drugs for his older brother is robbed of the money for his brother and stabs the robber
      - d. 15-year-old with no record is arrested for carrying a handgun without a license, but she says she feels unsafe in her dangerous neighborhood without it since her brother was murdered during a drug deal the year prior

C. Activity (30 minutes)

- a. Pass out photocopy of the case problem and explain instructions (1 minute): Students will assess the goals of the criminal justice system and the sentencing of juveniles in the context of a real death penalty case. Each student act as either a prosecutor, defense attorney, or a judge. Students will first gather with other students playing their same role to discuss the case before breaking into three-

- member panels of one prosecutor, one defense attorney, and one judge to argue the case.
- b. Have a student read the case summary aloud (3 minutes).
  - c. Explain the goals of each group, answer any student questions about activity (2 minutes):
    - i. Prosecutors should argue for two minutes in favor of the death penalty for William Wayne Thompson, using the goals discussed in lecture to support their arguments. Prosecutors should also prepare for counter-arguments and prepare to respond to questions from the judge.
    - ii. Defense attorneys should argue for two minutes that the death penalty should not be used to punish William Wayne Thompson, using the goals discussed in lecture to support their arguments. Defense attorneys should also prepare for counter-arguments and prepare to respond to questions from the judge.
    - iii. Judges should listen to both arguments, ask questions of the attorneys, make a decision, and defend their decision based on the goals we discussed in class.
  - d. Number students off up to three and form three groups: (1) prosecutors, (2) defense attorneys, and (3) judges (1 minute).
  - e. Allow each student to meet with their group to brainstorm together and prepare arguments (7 minutes).
  - f. Convene panels with one prosecutor, one defense attorney, and one judge (8 minutes).
    - i. Prosecutor Arguments (2 minutes)
    - ii. Respond to Judge Questions (1 minute)
    - iii. Defense Attorney Arguments (2 minutes)
    - iv. Respond to Judge Questions (1 minute)
    - v. Judge's Ruling and Reasoning (2 minutes)
  - g. Have students return to seats and debrief.
  - h. Poll (by show of hands) whether the judges ruled in favor of the death penalty, call on judges to explain their reasoning, and allow students to comment/ask questions (5 minutes).
  - i. Explain outcome of real case/close activity (3 minutes).
    - i. Trial judge in Oklahoma sentenced him to death.
    - ii. Appellate court upheld verdict.
    - iii. Supreme Court ruled 5-3 William could not be executed.
      1. Reasoning:
        - a. Many states and all industrialized countries banned the execution of minors under 16.
    - iv. Later, in 2005, the Supreme Court decided no one under 18 can be executed.

#### IV. EVALUATION

- a. Class participation in group activity.
- b. Performance on homework assignment.

#### V. ASSIGNMENT: Reflect on our in-class discussions by writing a one-page response to Problem 16.3 (*Street Law*, 6<sup>th</sup> Ed., page 181).

### “The Case of the 15-Year-Old Murder”<sup>1</sup>

A jury has found William Wayne Thompson guilty of participating in the murder of his brother-in-law, Charles Keane. Evidence showed Charles had physically abused William and William’s sister. William and three other people kidnapped Charles, severely beat and kicked him, cut his throat and chest, shot him, and threw his mutilated body in a river. The court described the photographs of the victim’s body as “ghastly.”

William had previously been arrested for a number of serious assaults, and it was determined that William had “no reasonable prospects for rehabilitation within the juvenile justice system.” Therefore, he was tried and convicted as an adult. The jury recommended Thompson be put to death for his role in the crime.

Assume the state has no age limit for the death penalty.

Prosecutors: Using the goals of the criminal justice system and the juvenile justice system for support, prepare a two-minute argument supporting the use of the death penalty in this case.

Defense Attorneys: Using the goals of the criminal justice system and the juvenile justice system for support, prepare a two-minute argument against the use of the death penalty in this case.

Judges: Listen to both sides of the argument, ask one or two questions of each side, issue a ruling and defend your ruling to the attorneys.

#### Schedule of Sentencing:

Prosecution Argument (2 minutes)

Prosecution Responses to Judge’s Questions (1 minute)

Defense Argument (2 minutes)

Defense Responses to Judge’s Questions (1 minute)

Judge’s Ruling (2 minutes)

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<sup>1</sup> From *Street Law*, 6<sup>th</sup> Ed.