

# Module 1: History of the Criminal Justice System

## Instructional Design Specifications

- Program:** EDJJ Professional Development Series
- Competency:** Upon completion of Module 1, participants will be able to describe the major provisions and history of the juvenile and criminal justice systems. Participants will be aware of issues related to providing correctional education within these systems.
- Rationale:** For many correctional institutions serving youth, there is an overrepresentation of juveniles with disabilities (i.e., learning disability, emotional/behavioral disorder). Over 34% of youth in correctional education programs have been identified as having a disability that entitles them to special education services; in contrast, approximately 11% of the school-aged population has been identified as eligible for special education (Quinn, Rutherford, Leone, & Nelson, 2001) Evidence suggests that the actual prevalence of youth with disabilities in juvenile corrections is much higher. Providing appropriate services for these youth in correctional settings requires that staff understand the legal mandates that govern the provision of education services for all youth with disabilities. In addition, correctional staff should be aware of conditions that support or interfere with providing appropriate services. In correctional institutions, well designed and adequately supported education services complement rather than compromise security. Knowledge of the juvenile and criminal justice systems provide a basis for understanding subsequent modules and the provision of education services in correctional settings for youth with disabilities.
- Prerequisites:** This module consists of an overview that does not require any specific prerequisite knowledge.

## **Introduction**

This module is one in a series of training packages that have been designed for working with students with disabilities in a correctional setting; it focuses on the juvenile and criminal justice systems.

## **Objectives**

The following module is organized in a manner that provides a general outline of information related to transition services for youth with disabilities in the juvenile justice system. While the module should provide sufficient information for the instructor, additional reading or supplemental material may be provided. Material may be presented in a variety of ways including lecture and discussion. Classroom instruction should be supplemented with real life anecdotes and elaboration by the instructor and participants. Following each section, it is suggested that the mode of instruction be adjusted to maintain participant interest. For example, following a lecture on the components of an effective transition plan, participants may work together to develop such a plan.

Additionally, no time frames are provided to the instructor. This module will serve a variety of purposes for the instructor. While participants would develop a more comprehensive understanding of instructional methods and strategies through exposure to the entire module, it is understandable that time constraints may limit this possibility. The instructor may wish to separate the module into various timed sessions depending on activities, assignments, and personal experiences planned, completed, or discussed. Upon completion of instruction of this content, participants will be able to accomplish the following objectives:

1. Define the components of the criminal justice system
2. Components of the criminal justice system
3. The differences between the juvenile justice process and the criminal justice process
4. The juvenile justice process
5. The types of juvenile offenses

## Participant Activities/Assessments

The following activities are provided in order for participants to exhibit their knowledge. An equally important goal is for participants to have experience applying the information within a situation that is guided by the instructor and supported by fellow participants. The use of guided practice and collaborative work encouraged within these activities/assessments is consistent with effective instructional strategy. Naturally, the instructor is encouraged to modify the activities/assessments to meet the needs of the group and time allotted. It is suggested, however, that participants be made fully aware of all expectations at the onset of the training program.

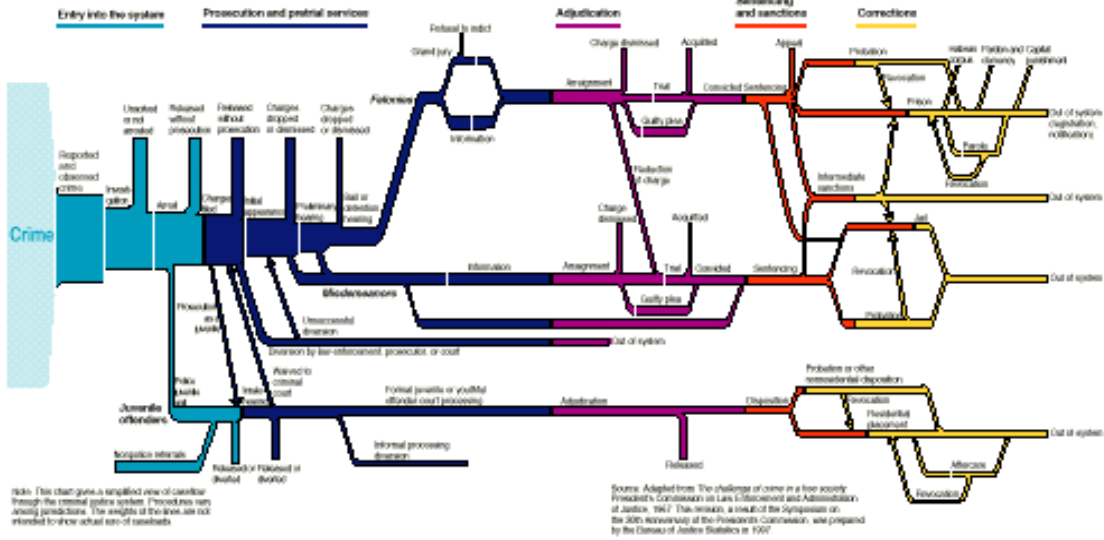
1. Split the class into small groups and have them discuss the term *discretion* from the glossary. Have a reporter from each group share their answers ... debate may occur. *Who should use discretion in the CJS process? Why?*
2. Display the following statement and questions on a worksheet, chalkboard, or transparency. Discuss each as a class. *Police officers, prosecuting attorneys, judges, and corrections officers typically wield a large amount of discretionary powers in determining the fate of offenders or suspected offenders. What problems can arise because of discretionary power? How can it work to the offenders' advantage?*
3. *Should juvenile court judges have broad discretionary powers in dealing with juvenile offenders? If not, what guidelines should they develop for the treatment of juveniles by the CJS?* Ask participants to list the pros and cons of treating juveniles differently than adults.

## **Transparencies**

This transparency presentation summarizes the content of this module. It does not include all the information contained within this module and should be used to supplement its implementation.

# Transparency 1

What is the sequence of events in the criminal justice system?



This flowchart of the criminal justice system process is available online from the Office of Justice Prevention, U.S. Department of Justice (<http://www.ojp.usdoj.gov/bjs/flowchart.htm>)

Transparency 2

**Is it Juvenile or Adult?**

**Juvenile**

**Adult**

**Petition**

**Complaint**

**Summons**

**Warrant**

**Detention Hearing**

**Arraignment**

**Adjudication Hearing**

**Trial**

**Involvement**

**Guilt**

**Depositional Hearing**

**Sentencing**

## **Transparency 3**

### **The Juvenile Justice System**

- The treatment of juvenile offenders differs from the treatment of adult offenders because of the differences between the juvenile and the adult, as well as society's protective attitudes toward youth.
- About 20% of referrals to juvenile court are for status offenses: running away, truancy, curfew violations, possession of liquor, etc.
- Another difference between juvenile and adult offenders is the importance of gang membership and the tendency of youth to engage in groupcriminal activity.
- While adults enter in the criminal justice system through arrest, juveniles may be referred through their parents, school, or other sources.

## Glossary

### **Adjudication**

The judgment made by the court in the case of juveniles. Juvenile offenders are *adjudicated* to be *delinquent* rather than found guilty of a crime.

### **Arraignment**

The hearing or court appearance at which the accused is formally charged, advised of the rights of criminal defendants, and asked to enter a plea to the charges (guilty, not guilty, or *nolo contendere*—accepting penalty without admitting guilt). If the accused pleads guilty or *nolo contendere*, the offender may also be sentenced at that time.

### **Assault**

Unlawful intentional inflicting, or attempted inflicting, of injury upon another person.

### **Aggravated Assault**

The unlawful intentional inflicting of serious bodily injury or unlawful threat or attempt to inflict bodily injury or death by means of a deadly or dangerous weapon.

**Bail**

Anyone of a number of mechanisms for pretrial release from detention of accused individuals.

**Burglary**

Unlawful entry of any residence, industry, or business, with or without force, with the intent to commit a felony.

**Community-based**

Any and all activities involving the community in efforts to reintegrate offenders.

**Corrections**

The systematic and organized efforts directed by a society that attempt to punish offenders, protect the public from offenders, change offender behavior, and compensate victims. Inciardi (1993) defines corrections as a generic term that includes techniques, governmental agencies, facilities, procedures, programs, and personnel concerned with supervision, treatment, intake, custody, confinement, or presentencing or predisposition of alleged or adjudicated offenders.

**Deterrence**

The effect that the threat of punishment has in inducing citizens to refrain from illegal activity.

**Discretion**

Latitude of free choice within certain legal bounds or decisions made that is not generally open to reexamination by others.

**Disposition**

Determination of a juvenile offender's status, given instead of a sentence and extending until the juvenile becomes an adult or until the offending behavior has been corrected.

**Due Process**

A fundamental idea wherein a person should not be deprived of life, liberty, or property without legal procedures that are fair and reasonable.

**Felony**

Serious crimes, such as armed robbery, assault, or murder, with punishment ranging from incarceration for one year or more through a death sentence.

**Fines**

A penalty that requires the offender to pay a specific sum of money within the limit set by law. Fines are often imposed in addition to probation or as an alternative to incarceration.

**Homicide**

Causing the death of another without legal justification or excuse.

**Incarceration**

Detention of a person in jail or prison. In many states, convicted offenders sentenced to less than one year are held in a local jail; those sentenced to longer terms are committed to the state prison.

**Intake**

A procedure among juvenile courts where officials evaluate social histories of accused offenders to decide whether or not to refer cases to court.

**Involvement**

The term used in the juvenile justice system rather than *guilt* to describe the judgment of the youth's participation in unlawful activity.

**Jail**

A confinement facility under local authority to hold individuals for periods in excess of 48 hours.

**Juvenile Justice System**

Various laws and courts established to have jurisdictional authority over younger persons, usually specified as under the age of 18. This system is concerned with the violations of criminal law by juveniles, status offenses, and dependent and neglected children.

**Larceny**

Unlawful taking or attempted taking of property (other than a motor vehicle) from the possession of another, by stealth, without force and without deceit, with the intent to permanently deprive the owner of the property.

**Lockup**

A temporary holding facility which by law or practice can incarcerate an individual for less than 48 hours.

**Misdemeanor**

Considered a less serious violation of the criminal law, commonly penalized by a fine and/or short jail sentence.

**Parens patriae**

A philosophy from English law in which the state assumed authority and responsibility to oversee neglected and abused children.

**Parole**

The conditional release of an adult from incarceration in a correctional institution after having served less than a full sentence, and placement under the supervision of a correctional agency empowered with the authority to reincarcerate the individual if the conditions of parole have been violated.

**Petition**

A means of referral to the juvenile justice system whereby a complaint is made to authorities concerning the youth.

**Prisons**

Large facilities operated by state or federal governments to hold persons sentenced under state or federal laws to terms of confinement of more than one year.

**Probable Cause**

The amount of proof required to support an arrest (Samaha, 1991). Inciardi (1993) noted that it is those facts that generate a reasonable belief that a crime has been committed.

**Probation**

A sentencing alternative in which incarceration is avoided and the offender remains in the community under the supervision of a probation officer.

**Prosecutor/Prosecuting Attorney**

The state or local official who represents the citizens of the community in matters of criminal law. The prosecutor coordinates the government's response to crime by pressing charges, presenting the case against the accused at the trial, and sometimes making sentence recommendations.

**Rehabilitation**

Removing or remediating presumed causes of crime by providing economic, psychological, or socialization assistance to offenders to reduce the likelihood of continuing in crime.

**Robbery**

Unlawful taking or attempted taking of property that is in the immediate possession of another by force or threat of force.

**Sentencing**

The process of placing an authorized judicial penalty on a person who pleads guilty or is convicted of a crime. Sentencing decisions have direct implications for corrections.

**Status Offense**

Noncriminal behavior, such as truancy and running away from home, which is in violation of law applicable only to juveniles (usually through age 17). Age varies by state and jurisdiction.

**Summons**

The term used in the juvenile justice system rather than *warrant* to signify authorization for a juvenile to be taken into custody or brought before the court.

**Warrant**

A document issued by a magistrate authorizing an officer to make an arrest, seize property, make a search, or carry out a judgment.