

Title: Criminal Justice

Corresponding Student Center Pages: How Courts Work; Your Day in Court – The Punishment Phase

Age Level: Grades 6-12

Suggested Time Needed: 2-3 class periods

Description: Most of the activities in this lesson are group activities. In part 1, students will use previous knowledge to form definitions for some different categories of justice. In part 2, students will look at criminal, or corrective justice, to identify the goals and types of punishments. In part 3, students will learn about restorative justice, and research and report about problem-solving courts.

Educational Objectives: After completing this activity, students will:

- Be able to form their own definitions of the categories of justice.
- Evaluate the goals of punishment for criminals.
- Compare and contrast common criminal punishments.
- Gain a deeper understanding of the application and benefits of restorative justice in the court system.

Guiding Questions:

- What is justice?
- What are some different types of justice?
- What are the types of punishments for those found guilty of a crime?
- What is/are the ultimate goal(s) of punishment?
- How is restorative justice different from the other types?
- Who benefits from restorative justice?
- What is a problem-solving court?

Missouri Grade Level and Course Level Expectations:

- Role of citizens and governments in carrying out constitutional principles – Identify rights included in the Bill of Rights.
- Identify and use library and media sources for social science inquiry.

Materials List:

- Access to laptops or computer lab and the internet
- Worksheet – Concepts of Justice
- Worksheet – Focus on Criminal Justice (2 sides)
- FACT SHEET #1 – “Problem-Solving Court Fact Sheet” (2 sides)
- FACT SHEET #2 – “Drug Court Fact Sheet” (2 sides)

Procedure:

Part 1 – Concepts of Justice

1. Ask students to think about the use of the word “justice,” and if they can list any examples of when the word is used (i.e., in the Pledge of Allegiance).
2. Introduce several quotations about justice. Below are examples, though you may be familiar with others as well.
 - a. Quote 1: *It is in justice that the ordering of society is centered.* Aristotle.
 - b. Quote 2: *The administration of justice is the firmest pillar of government.* George Washington.
 - c. Quote 3: *In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same.* Albert Einstein
 - d. Quote 4: *Injustice anywhere is a threat to justice everywhere.* Martin Luther King, Jr.
3. Allow students to look up the definition of justice in the dictionary or on the internet, or post the dictionary definition.
4. Distribute **STUDENT WORKSHEET – “Concepts of Justice”** and ask students to summarize the meaning of the word Justice in the top box.

Justice. Noun.

- 1) Fairness, 2) Moral rightness, 3) A scheme or system of law in which every person receives his/her/its due from the system, including both rights and punishments.
5. Direct their attention to the left-hand column, to the words Distribute, Procedure, and Correct. Ask them to write what they think each word means in the appropriate box.
6. Then allow students to look up the definitions of the 3 words in the dictionary or on the internet, or post the dictionary definitions for their use. Tell them to correct and/or complete their summaries in each box.
 - a. **Distribute: Verb.** To give shares of something, to deal out.
 - b. **Procedure: Noun.** An established or official way of doing something.
 - c. **Correct: Adjective.** Free from error. **Verb.** To put right or fix an error.
7. Explain that now they are to combine these to determine the meaning of 3 traditionally accepted types of justice, and write their thoughts in the boxes on the right-hand side. Allow time for them to write something in all 3 boxes.
 - a. **Distributive Justice:** Benefits and burdens in society are distributed fairly and shared equally. Everyone gets their fair share.
 - b. **Procedural Justice:** The process for solving disputes and making decisions is fair for everyone. Everyone gets treated fairly and equally by the system.
 - c. **Corrective Justice:** If one person commits an injustice, another person (or society) therefore suffers an injustice. Corrective justice involves making this situation equal again by somehow righting the wrong.
8. Conclusion, part 1: Summarize and check for understanding. Explain that the next activity will take a closer look at Corrective Justice, with a focus on the criminal justice system.

Part 2 – Criminal Justice

1. Review the concept of Corrective Justice, which is concerned with righting wrongs.
2. Lead students in a discussion covering the following points:

DISCUSSION POINTS:

 - a. Someone commits a crime – what needs to happen to correct that wrong?
 - b. Is justice served by simply administering punishment? Does punishment alone make the situation equal again, or right the wrong? Ask students to begin considering their own opinions.
 - c. After the accused person has received due process, a fair trial, and other constitutional rights, and is determined to be guilty of the crime, legal action follows.
 - d. This legal action has 4 main purposes:
 - i. Retribution – What do you think this means?
(Administer punishment and revenge)
 - ii. Incapacitation – What do you think this means?
(Protect the community by making it impossible for the offender to continue committing the crime)
 - iii. Deterrence – What do you think this means?
(Deter or discourage the offender from committing the crime again
AND deter or discourage others from attempting similar crimes)
 - iv. Rehabilitation – What do you think this means?
(Helping the offender to change their attitudes and behaviors so they will no longer commit the crime, but rather will contribute as a positive member of society)
 - e. Think about The Bill of Rights – The 8th Amendment. Any action taken must not be cruel or unusual.
 - f. Think about the current budget crisis we are in. Any action taken should be a wise use of taxpayer dollars.
 - g. Return to the fact that we’re talking about justice and its meaning and application. Any action taken should be just and fair.
3. Distribute **STUDENT WORKSHEET – “Focus on Criminal Justice”** and explain that it lists some of the most common forms of legal action resulting from crimes. Point out that the purposes and other considerations you discussed are listed at the bottom.
4. Divide the class into 10 groups, and assign each group one topic. They are to meet with their group, discuss the topic, answer the questions on the reverse side of the worksheet, and prepare to report back to the class. Allow groups to work for 15 minutes.
5. At the end of 15 minutes, instruct students to return to the front of their worksheet. One at a time, call on groups to report on their topic. The rest of the class should write down the main points in the chart.
6. When this is complete, instruct students to go back through and identify which are purely punishment, and which go beyond punishment to focus on the needs of the victims, offenders, and the community. Discuss.

7. Conclusion, part 2: Summarize and end with these thought questions: *What might be the consequences or results of a system that only administers punishment when trying to attain justice? What are some unintended consequences of punishment? Is true justice attained by punishing only?*

Part 3 – Restorative Justice

1. Begin by posing the thought questions from the previous activity. *What might be the consequences or results of a system that only administers punishment when trying to attain justice? What are some unintended consequences of punishment? Is true justice attained by punishing only?*

Example answers:

- i. over-crowded or full prisons
 - ii. high recidivism rate (recidivism = habitual relapse into crime)
 - iii. families are left behind to fend for themselves
 - iv. one-sided system that does nothing for the human beings involved
2. Review the idea from the previous activity that our criminal justice system includes other types of legal action in response to crime, in addition to punishment.
3. Introduce the term **Restorative Justice**. Restoration literally means putting things back as they were. In application, Restorative Justice focuses on the needs of victims, offenders, and the community.
4. Ask students to write down a few ideas about the following problem. Allow 5 minutes.
 - a. Consider this – If you were to offer advice to President of the United States for a plan to have the country crime-free by the year 2050, what would it include?
 - b. Now remember that the country does not have unlimited funds, so putting every offender in prison for life is not a viable option. You are going to need a method that stops people from committing crimes.
 - c. Why do people commit crimes? Why do they commit crimes again after being released from prison?
5. Ask for responses and discuss the various suggestions and ideas for pros and cons.
6. Explain that law enforcement and the court system at both the federal and state levels have introduced valuable partnerships, generally called **Problem-Solving Courts**. These “courts” are intense programs designed to either offer an alternative to imprisonment, or assist with successful re-entry following release from prison.
7. Each problem solving court usually deals with only one kind of offense or offender. Among the most common is some type of **Drug Court**. Drug Courts vary from court to court, but all assist offenders to break their substance addiction, in hopes of preventing them from re-offending.
8. Each student will work with a partner to complete the following activity. Once they have selected their partner, give one student **FACT SHEET #1 – “Problem Solving Court Fact Sheet.”** Give the other student **FACT SHEET #2 – “Drug Court Fact Sheet.”**
9. They are to read their fact sheet individually, and prepare a list of (at least 3) main points to use to explain it to their partner. Allow 10 minutes for students to read and prepare a list of main points.

10. Allow 5 minutes for the first student of each pair to explain problem solving courts to their partner. The partner should ask at least one question.
11. Allow 5 minutes for the second student of each pair to explain drug courts to their partner. The partner should ask at least one question.
12. Conclusion, part 3: Use volunteers to summarize and check for understanding.
13. OPTIONAL EXTENSIONS:
 - a. Instruct students to explore the section about punishment on the Judicial Learning Center’s website at <http://judiciallearningcenter.org/your-day-in-court/> and follow the links to learn more about the United States Sentencing Guidelines.
 - b. Learn more about Drug Courts at <http://www.nadcp.org/learn/all-rise>. Watch videos and public service announcements.
 - c. Research another type of problem-solving court aside from drug court. Examples include DWI court, youth court, mental health court, veteran court, gang court, family court, fathering court, community court, etc.
 - d. Propose a problem-solving court for your school. What types of offenses would it target? Would it emphasize prevention, alternative to other punishments, or working with offenders after they’ve already been punished? Write out a plan to propose to the school, with your expected results.
 - e. Instruct students to learn more about U.S. Probation Officers and their role in the administration of justice. Start at the Judicial Learning Center’s webpage on The Players in the Courtroom: <http://judiciallearningcenter.org/the-players-in-the-courtroom/> and follow the link found under “U.S. Pretrial Services and Probation.”
14. Review the Guiding Questions
 - What is justice?
 - What are some different types of justice?
 - What are the types of punishments for those found guilty of a crime?
 - What is/are the ultimate goal(s) of punishment?
 - How is restorative justice different from the other types?
 - Who benefits from restorative justice?
 - What is a problem-solving court?

STUDENT WORKSHEET

Concepts of Justice

Justice is....	
<i>DEFINE</i>	<i>APPLY</i>
Distribute means....	What is Distributive Justice?
Procedure means...	What is Procedural Justice?
Correct means...	What is Corrective Justice?

STUDENT WORKSHEET

Focus on Criminal Justice

LEGAL ACTION FOR A CRIME. A Judge can order one or more of these to a guilty person.	NOTES
Imprisonment: The defendant is sentenced to a term in jail or prison.	
Suspended Sentence: The sentence is ordered but does not have to be served. The defendant may have to serve later if re-arrested on another charge or violates a condition set by the court.	
Probation/Supervised Release: Instead of going to prison, or additional time after being released from prison. The defendant is released to the supervision of a probation officer. Conditions are set by the court that must be met. Violations can result in prison time.	
Substance Abuse Treatment: The defendant must participate in a treatment program. This may be ordered to occur while they are in prison, or to occur while they are on probation. If during probation, it may be at own expense.	
Home Confinement: The defendant serves the sentence at home. There are special conditions set by the court, which may include wearing an electronic monitor. May be allowed to leave the home for legitimate school or work duties.	
Fine: The defendant is ordered to pay an amount of money to the government.	
Restitution: The defendant is required to make payments to the victim(s) to make up for their loss or injury.	
Community Service: The defendant is ordered to contribute work, at no pay, to the betterment of the community.	
Work Release: The defendant must return to prison at night or on the weekends, but is allowed to work in the community under special conditions.	
Death Penalty: The defendant is sentenced to die by execution.	

Purposes –

Does it –Punish? – Incapacitate? – Deter the Offender and Others? – Rehabilitate the Offender?

Is it just and fair? Is it cruel or unusual?

Is it a wise use of taxpayer dollars?

STUDENT WORKSHEET - SIDE 2 **Focus on Criminal Justice**

1. What is your topic?
2. Does it punish? Explain.
3. Does it incapacitate the person? Explain.
4. Does it deter the offender from doing it again? Explain.
5. Does it deter others from trying the same crime? Explain.
6. Does it rehabilitate the offender in some way? Explain.
7. For what types of crimes would you think it would be fair and just? Give examples.
8. For what types of crimes would you think it would be unfair or unjust, cruel or unusual? Give examples.
9. Is it relatively expensive or relatively cheap? Is it worth the money? Is it a wise use of taxpayer dollars?
10. Is it purely punishment? Or does go beyond punishment, with some attention given to the needs of the victim, offender, and community? Explain.
11. Be prepared to summarize for the class.

FACT SHEET #1

Problem-Solving Courts Fact Sheet

What Are Problem-Solving Courts?

Problem-solving courts began in the 1990s to accommodate offenders with specific needs and problems that were not or could not be adequately addressed in traditional courts. Problem-solving courts seek to promote outcomes that will benefit not only the offender, but the victim and society as well. Thus problem-solving courts were developed as an innovative response to deal with offenders' problems, including drug abuse, mental illness, and domestic violence. Although most problem-solving court models are relatively new, early results from studies show that these types of courts are having a positive impact on the lives of offenders and victims and in some instances are saving jail and prison costs.

In general, problem-solving courts share some common elements:

- **Focus on Outcomes.** Problem-solving courts are designed to provide positive outcomes for victims, society and the offender (e.g., reducing recidivism or creating safer communities).
- **System Change.** Problem-solving courts promote reform in how the government responds to problems such as drug addiction and mental illness.
- **Judicial Involvement.** Judges take a more hands-on approach to addressing problems and changing behaviors of defendants.
- **Collaboration.** Problem-solving courts work with external parties to achieve certain goals (e.g., developing partnerships with mental health providers).
- **Non-traditional Roles.** These courts and their personnel take on roles or processes not common in traditional courts. For example, some problem-solving courts are less adversarial than traditional criminal justice processing.
- **Screening and Assessment.** Use of screening and assessment tools to identify appropriate individuals for the court is common.
- **Early identification of potential candidates.** Use of screening and assessment tools to determine a defendant's eligibility for the problem-solving court usually occurs early in a defendant's involvement with criminal justice processing.

Source - Indiana Judicial Center at www.in.gov

The problem-solving court approach focuses on defendants whose underlying medical and social problems (e.g., homelessness, mental illness, substance abuse) have contributed to repeating contacts with the justice system. The approach seeks to reduce recidivism and improve outcomes for individuals, families, and communities using methods that:

- involve ongoing judicial leadership;
- integrate treatment and/or social services with judicial case processing;
- closely monitor and immediately respond to behavior;
- show collaboration with community-based and government organizations.

During the last decade, these methods have shown significant promise in producing more-effective outcomes for some of the most chronic repeat offenders.

Source- National Center for State Courts at www.ncsc.org

The past decade has been a fertile one for court reform. All across the country, courts — in concert with both government and community partners — have been experimenting with new ways to deliver justice. This wave of innovation goes by many names and takes many forms.

- Domestic violence court in Massachusetts.
- Drug court in Florida.
- Mental health court in Washington.
- Community court in New York.

Each of these specialized courts targets different kinds of concerns in different kinds of places. And yet they all share a basic organizing theme — a desire to make courts more problem-solving and to improve the kinds of results that courts achieve for victims, litigants, defendants and communities.

Problem-solving courts use their authority to create new responses to chronic social, human and legal problems — including problems like family dysfunction, addiction, delinquency and domestic violence — that have proven resistant to conventional solutions like prison time. They seek to change the future behavior of defendants and ensure the well-being of communities. And they attempt to fix broken systems, making courts (and their partners) more accountable and responsive to their primary customers — the citizens who use courts every day, either as victims, jurors, witnesses, litigants or defendants.

One example is the Midtown Community Court, which was launched in New York City in 1993. The Midtown Court targets misdemeanor “quality-of-life” crimes (prostitution, shoplifting, low-level drug possession, etc.) committed in and around Times Square. Low-level offenders are sentenced to perform community restitution — sweeping the streets, painting over graffiti, cleaning local parks — in an effort to “pay back” the community they have harmed through their criminal behavior. The Court also mandates offenders to receive on-site social services, including health care, drug treatment and job training, in an effort to address the underlying problems that often lead to crime. At the same time, the Court has tested a variety of new mechanisms for engaging the local community in the criminal justice process, including advisory boards, community mediation, victim-offender impact panels and town hall meetings.

Another example is the Brooklyn Felony Domestic Violence Court, which opened in June 1996, handles all domestic violence felonies in the borough of Brooklyn. A dedicated court team—judge, attorneys, victim advocates and a resource coordinator—ensures that defendants are carefully monitored, victims have access to comprehensive services and the judges have the information they need to make quick and effective decisions. The response to domestic violence is immediate, certain and consistent. It includes traditional punishment—incarceration and probation—as well as mandated participation in batterers' intervention programs and strict enforcement of orders of protection. The Court enhances victim safety by assigning to each case a victim advocate who links complainants to social services (including shelter) and provides them with up-to-date information about case status. Defendants are more accountable for their actions because a single judge knows the full history of each case. The Court increases information-sharing and coordination among criminal justice and community-based social service agencies through ongoing stakeholder meetings.

Source - Center For Court Innovation at www.courtinnovation.org

FACT SHEET #2

Drug Court Fact Sheet

The first problem-solving court began with the opening of the first “drug court” in Dade County, Florida in 1989. In an effort to address the problem of drug-fueled criminal recidivism, the Dade County court sentences addicted defendants to long-term, judicially-supervised drug treatment instead of imprisonment. Participation in treatment is closely monitored by the drug court judge, who responds to progress or failure with a system of graduated rewards and sanctions, including short-term jail sentences. If a participant successfully completes treatment, the judge will reduce the charges or dismiss the case.

The results of the Dade County experiment attracted national attention — and for good reason. A study by the National Institute of Justice revealed that Dade County drug court defendants had fewer re-arrests than comparable non-drug court defendants (U.S. Department of Justice 1993). Based on these kinds of results, drug courts have become an increasingly standard feature of the judicial landscape across the country. At last count, there were 500 drug courts nationwide, including one in operation or being planned in every state.

Source - Center For Court Innovation at www.courtinnovation.org

DRUG COURTS - Background and Goals

Drug courts developed in response to the enormous increase in drug case filings in the 1980s and 1990s. The rise in filings resulted from the nation’s War on Drugs that included more intensive anti-drug law enforcement efforts and more severe sanctions for drug-related offenses.

The mission of drug courts is to stop legal and clinical recidivism among nonviolent offenders with substance abuse problems. To accomplish the mission, drug courts integrate case-processing and drug treatment services. The coercive power of the court is combined with a variety of services to encourage the drug involved individual to stay in treatment.

Most drug courts employ a cooperative, non-adversarial approach. Typically the prosecutor, defense attorney, treatment providers, law enforcement officers, probation officers, program coordinator, and case managers operate as a team when addressing individual case issues. The team supports the judge who oversees the individual’s progress in treatment. The judge uses positive reinforcement and sanctions to encourage positive behavioral changes. If the individual successfully completes the drug court program, the original charges are dismissed, the plea is stricken from the record, or the individual’s sentence is reduced, depending on the type of drug court program.

Source- National Center for State Courts at www.ncsc.org

How Drug Courts Work - Eligible drug-addicted persons may be sent to Drug Court in lieu of traditional justice system case processing. Drug Courts keep individuals in treatment long enough for it to work, while supervising them closely. For a minimum term of one year, participants are:

- provided with intensive treatment and other services they require to get and stay clean and sober;
- held accountable by the Drug Court judge for meeting their obligations to the court, society, themselves and their families;

- regularly and randomly tested for drug use;
- required to appear in court frequently so that the judge may review their progress; and
- rewarded for doing well or sanctioned when they do not live up to their obligations.

Who is Eligible - Eligibility for Drug Court varies according to state and local guidelines. Some state legislatures or regulatory bodies have created eligibility guidelines for Drug Courts. Although eligibility guidelines vary, most Drug Courts do not consider violent offenders. Adult criminal Drug Courts usually consider both drug and drug-driven offenses. And where offenses involve victims, the consent of the victim and payment of restitution is typically mandatory.

THE VERDICT IS IN...

In 20 years since the first Drug Court was founded, there has been more research published on the effects of Drug Courts than on virtually all other criminal justice programs combined. The scientific community has put Drug Courts under a microscope and concluded that Drug Courts work. Better than jail or prison. Better than probation and treatment alone. Drug Courts significantly reduce drug use and crime and are more cost-effective than any other proven criminal justice strategy.

+ Drug Courts Reduce Crime

- Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program.
- Rigorous studies examining long-term outcomes of individual Drug Courts have found that reductions in crime last at least 3 years and can endure for more than 14 years.

+ Drug Courts Save Money

- Nationwide, for every \$1.00 invested in Drug Court, taxpayers save as much as \$3.36 in avoided criminal justice costs alone.
- Drug Courts produce cost savings ranging from \$3,000 to \$13,000 per client. These cost savings reflect reduced prison costs, reduced revolving-door arrests and trials, and reduced victimization.

+ Drug Courts Ensure Compliance

- Unless substance abusing/addicted offenders are regularly supervised by a judge and held accountable, 70% drop out of treatment prematurely.
- Drug Courts are six times more likely to keep offenders in treatment long enough for them to get better.

+ Drug Courts Restore Families

- Parents in Family Drug Court are twice as likely to go to treatment and complete it.
- Children of Family Drug Court participants spend significantly less time in out-of-home placements such as foster care.

Source – National Association of Drug Court Professionals at www.nadcp.org