

Civil and Criminal Law

★ CITIZENSHIP AND YOU ★

Each year millions of Americans are charged with crimes, while others are involved in civil lawsuits. We can help maintain law and order by obeying laws, respecting the rights of others, being aware of current laws, and supporting the police. Contact your local police department to find out about any new or altered laws. Prepare a pamphlet informing others of these laws.



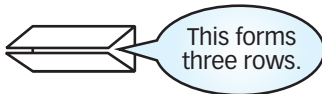
To learn more about civil and criminal law, view the *Democracy in Action* video lesson 11: The Federal Court System at Work.



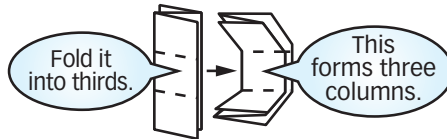
FOLDABLES™ Study Organizer

Organizing Information Study Foldable Make the following foldable to help you organize what you learn about civil and criminal law.

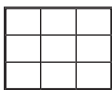
Step 1 Fold a sheet of paper into thirds from top to bottom.



Step 2 Open the paper and refold it into thirds from side to side.



Step 3 Unfold, turn the paper, and draw lines along the folds.



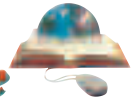
Step 4 Label your table as shown.

	Types of Cases	Court Procedures
Civil Law		
Criminal Law		

Reading and Writing As you read the chapter, record what you learn about criminal and civil cases and court procedures in the appropriate spaces on your foldable table.



CIVICS
Online



Chapter Overview Visit the *Civics Today* Web site at civ.glencoe.com and click on **Chapter Overviews—Chapter 16** to preview chapter information.



CLICK HERE

IN MEMORY
OF THE DEAR AND LIVING
OF ELKS COUNTY,
WHO WERE THE DEAR
BROTHERS AND SISTERS,
WHY SHOULD LIVES
PREYON,
ERECTED BY THE
WAGHERS OF THE
CONFEDERACY,
NOVEMBER 2, 1865

1861-1865

CONTENTS

Civil Cases

GUIDE TO READING

Main Idea

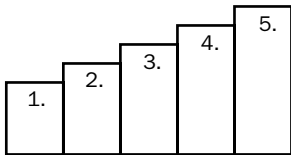
Civil lawsuits go through a legal process before reaching trial or settlement.

Key Terms

plaintiff, defendant, injunction, complaint, summons

Reading Strategy

Sequencing Events Use a graphic organizer like the one below to show the steps in a civil lawsuit.



Reading to Learn

- What are the various types of civil law?
- What are the steps in a civil lawsuit?



Americans in Action

In November 2000, residents of Palm Beach County in Florida filed a civil lawsuit against the Palm Beach County Canvassing Board, claiming their civil rights had been violated. The suit sought damages totaling \$250,000 for stripping the right to vote from several American citizens. The plaintiffs claimed that the ballot format was misleading and deceptive, causing them to cast votes for candidates other than the candidate for whom they intended to vote. This civil suit and others like it brought wide media attention because the outcome of the presidential election of 2000 was at stake.



A disputed election

Types of Civil Lawsuits

The civil cases filed over the election in Florida led to a recounting of votes and reached the Supreme Court. The Supreme Court's ruling eventually led to George W. Bush winning the presidency. In civil cases the **plaintiff**—the party bringing a lawsuit—claims to have suffered a loss and usually seeks damages, an award of money from the defendant. The **defendant**—the party being sued—argues either that the loss did not occur or that the defendant is not responsible for it. The court's job is to provide a place to resolve the differences between the plaintiff and the defendant. Lawsuits involving damages of a few thousand dollars or less are often handled in a small claims court, and the people involved may act as their own attorneys. Lawsuits involving more money, however, often require lawyers and juries in larger civil courts.

The American judicial system hears many different kinds of civil lawsuits. Lawsuits may involve property disputes, breach of contract, or family matters, such as divorce. Many lawsuits deal with negligence, or personal injury. A negligence suit is filed when a person has been injured or killed or when property has been destroyed because someone else has been careless or negligent.

Suits in Equity

A special type of lawsuit is a suit in equity. Equity is a system of rules by which disputes are resolved on the grounds of fairness. In this type of suit, a person or group seeks fair treatment in a situation where there is no existing law to help decide the matter. Often, people bring suits in equity to prevent a damaging action from taking place. An equity court could require an action to stop a wrong before it occurred. For instance, a group of Americans could file a suit in equity to try to prevent their state from building a highway through a local park.

A judge, not a jury, usually decides suits in equity. When deciding such a suit, the judge may issue an **injunction**, which is a court order commanding a person or group to stop a certain action. For example, in the case just mentioned, a judge might issue an injunction to stop construction of the highway.

Reading Check **Identifying** What do civil lawsuits usually involve?

Civil Cases Lawsuits involving major sums of money often go to civil court where they are heard by a jury. **What is the first step in filing a civil lawsuit?**



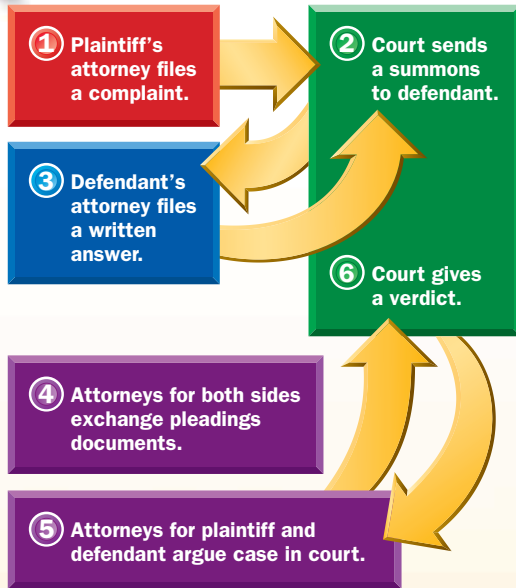
What Happens in a Civil Case?

We will use an imaginary case to follow the steps of a civil lawsuit. Imagine that you have slipped on a neighbor's icy sidewalk and suffered a broken wrist. You feel that your neighbor should have cleared the sidewalk of snow and ice to keep it safe, and in failing to do so, you believe he is responsible for your injury. You want your neighbor to pay you for the costs of your medical care and lost time at work, as well as to compensate you in cash for your pain and suffering. You decide to sue your neighbor.

Bringing Suit

You start the process by hiring a lawyer, who files a **complaint** with the proper court. The complaint is a formal statement naming the plaintiff and the defendant and describing the nature of the lawsuit. The court then sends the defendant a **summons**, a document telling him of the suit against him and ordering him to appear in court on a given date and time.

Civil Case Procedure



Evaluating Charts

Each year an enormous number of civil suits are filed in American courts. **When does each side exchange the pleadings documents?**

The Defendant's Response

The defendant may respond to the charges by having his own attorney file an “answer” to the complaint. The answer will either admit to the charges or offer reasons why the defendant is not responsible for the injuries that the plaintiff is claiming. The complaint and the answer together are referred to as **pleadings**.

Before going to trial, the lawyers on each side have an opportunity to check facts and gather evidence by questioning the other party and possible witnesses. This process is called **discovery**. The purpose of the discovery phase is for each side to try to avoid any surprises at the trial.

Pretrial Discussions

The judge appointed to hear the case might call a pretrial conference with both

parties to help clarify differences between the two sides and prepare for the trial. At this stage you and your lawyer might come to the conclusion that your case looks weak, and you may decide to drop the suit.

On the other hand, your neighbor and his lawyer may conclude that your case is very strong and that you are likely to win your suit. They may, therefore, offer you a settlement. This is similar to the plea bargaining process in criminal cases, except that the parties usually agree on an amount of money that the defendant will pay to the plaintiff.

Another way to resolve disputes is by a process called mediation, in which each side explains its side of the dispute and must listen to the other side. A trained mediator leads the discussions, acting as a neutral party to keep communications open. The mediator does not decide the issue; instead the two sides decide the issue with the mediator's help. The two sides may also agree to submit their dispute to arbitration. Arbitration is a process conducted by a professional arbitrator who acts somewhat like a judge by reviewing the case and resolving the dispute. The arbitrator's decision is usually binding on all parties.


Either party in a lawsuit may propose a settlement at any time. This often happens during the discovery phase as costs begin to build up and people become more willing to compromise. Most civil cases are settled before trial for several reasons. First, the outcomes of many trials are hard to predict, and parties prefer the certainty of a negotiated outcome. Also, most courts have a large backlog of waiting cases so it may be years before a new case finally comes to trial. Finally, because trials are time-consuming and expensive, all the major participants—the defendant, the insurer, the plaintiff, the judge, and the attorneys—are likely to prefer a settlement.

Trial

If the parties do not settle, the case goes to trial. There may be a jury of 6 to 12 members, or more likely, a judge will hear the case alone. The plaintiff presents its side first, followed by the defendant. Both sides then summarize their cases.

In criminal trials the prosecution must prove the defendant guilty “beyond a reasonable doubt.” Civil cases have a lesser standard. The plaintiff in a civil case has to present only a “preponderance of evidence”—enough to persuade the judge or jury that the defendant, more likely than not, was responsible for the incident that caused the damages.

After all the evidence has been presented and the arguments made, the judge or jury will consider the case and then decide on a verdict, or decision, in favor of one of the parties. If the plaintiff wins, a remedy is set. In this case, the remedy might be for your neighbor to pay your medical costs, replace your lost earnings, and compensate you for your pain and suffering with a cash payment. If the defendant wins, the plaintiff gets nothing and must pay court costs.



Economics and You

Direct Expenditures

The moneys paid out by individuals, businesses, and governments to cover their expenses are known as direct expenditures. The direct dollars spent on civil and criminal justice by federal, state, and local governments total more than \$135 billion per year. Expenses include the salaries of people who work within the justice system. Find out about public law–related jobs by contacting your local justice office or court.

Appeal

If the losing side believes that the judge made errors during the trial or some other type of injustice took place, it may appeal the verdict to a higher court. In cases in which the plaintiff wins a large cash award, the defendant or the defendant’s insurance company will very often appeal to have the award reduced. As a result, a winning plaintiff may have to wait years before seeing any of the money the court awarded, and may even end up with nothing.

Reading Check Summarizing Why are most civil cases settled before they go to trial?

SECTION 1 ASSESSMENT

Checking for Understanding

1. Key Terms Use the following terms in complete sentences: **plaintiff, defendant, injunction, complaint, summons.**

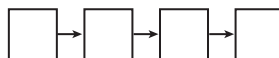
Reviewing Main Ideas

- 2. Compare** How do suits of equity differ from other civil lawsuits?
- 3. Identify** What do the pleadings include? What is the purpose of the discovery phase of a civil trial? Describe what happens during this process.

Critical Thinking

- 4. Drawing Conclusions** In your opinion, should mediation and arbitration be used to settle most civil suits to prevent overloading the court system?
- 5. Sequencing Information** Use a graphic organizer similar to the one below to summarize the steps involved in mediation.

Steps in Mediation



Analyzing Visuals

- 6. Identify** Review the procedures of civil courts on page 366. In civil court proceedings, what are the two main functions of the court?

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- 7. Interview** Talk with a friend or relative who has been involved in a civil lawsuit. What was the nature of the case? How was the suit resolved?

Criminal Cases

GUIDE TO READING

Main Idea

Criminal cases follow a legal procedure from arrest to the verdict and sentencing.

Key Terms

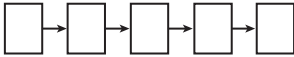
crime, arraignment, testimony, cross-examine, acquittal, hung jury

Reading Strategy

Analyzing Information

Outline the procedures that take place in a criminal case after an arrest is made, using a graphic organizer similar to the one below.

Steps in Criminal Cases



Read to Learn

- What are the general types of criminal cases?
- What procedures do criminal cases follow?



The Bill of Rights established that persons accused of committing a crime have the right to be represented by lawyers. The Supreme Court has interpreted that right to mean that if a defendant cannot afford a lawyer, the court will appoint one to represent him or her. Court-appointed attorneys are called public defenders. Connecticut's Division of Public Defender Services seeks to dispel some myths about public defenders. Public defenders are not inexperienced, rather they are skilled attorneys who specialize in criminal law and practice their profession every day in the courtroom by representing their clients.



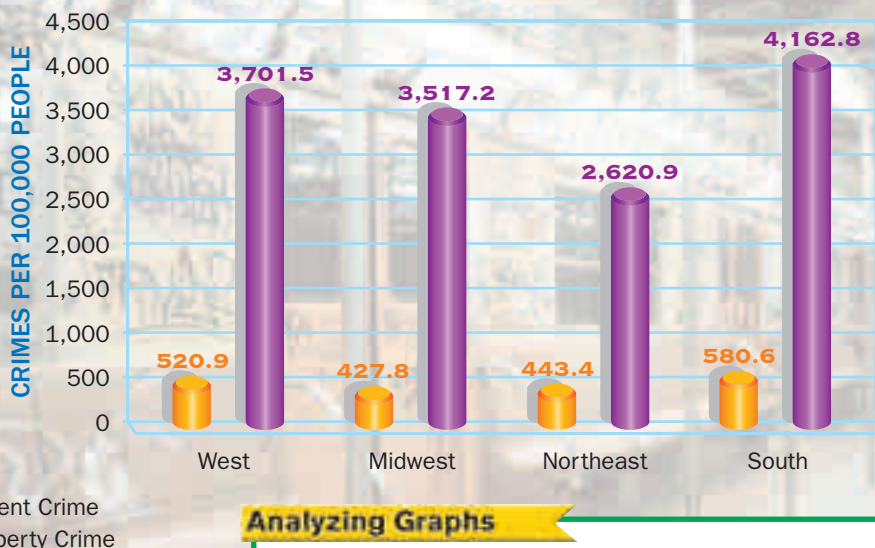
A judge delivers a verdict.

Types of Cases

In criminal law cases the government charges someone with a crime and is always the prosecution—the party who starts the legal proceedings against another party for a violation of the law. The person accused of the crime is the defendant. A **crime** is an act that breaks a federal or state criminal law and causes harm to people or society in general. Crimes are defined in each state's written criminal laws, called the penal code. A state's penal code also spells out the punishments that go with each crime. Penal codes establish classifications, or degrees of seriousness, for certain crimes to set appropriate penalties. In general, the more serious the crime, the harsher the punishment will be.

In Chapter 15 we divided crimes into two main groups—serious law violations called felonies and minor violations called misdemeanors. Whereas persons convicted of misdemeanors may be fined or sentenced to one year or less in jail, persons convicted of felonies could be imprisoned for one year or more. In the case of murder, the punishment could be death. Felonies can, in turn, be classified in terms of who or what was harmed when a crime was committed.

U.S. Regional Crime Rates in 2000



Analyzing Graphs

This graph compares crime rates in the West, Midwest, Northeast, and South. Which section of the country had the highest violent crime rates in 2000? Which had the highest property crime rates?

Penalties for Crimes

People who are accused and convicted of crimes are usually punished by fines and/or imprisonment, depending on the nature and severity of the crime. Criminal penalties serve several functions. They provide punishment so that a criminal pays for an offense against a victim or society. They help protect society by keeping dangerous criminals confined in prison. In this way, lawbreakers cannot continue to commit crimes and harm others. Criminal penalties can also keep other people from committing the same crimes by serving as warnings or examples to deter others. Finally, criminal penalties are intended to help prepare lawbreakers for reentering society after their prison terms have ended. Through counseling, education, and vocational training, some prisons help inmates learn skills that will help them lead productive lives after prison.

Some prisoners may be eligible for parole after serving part of their sentences. This means that a parole board reviews a request for parole and decides whether or not to grant a prisoner early release from prison. If parole is granted, the person must report to a parole officer until the sentence has expired.

Critics of the parole system claim that many sentences end up much shorter than intended because of it. In answer to this criticism, some states have established mandatory sentencing, which means that judges must impose whatever sentence the law directs. Opponents of mandatory sentencing, though, claim that in some cases, the judge must impose harsher sentences than the circumstances of the case justify. Other systems of sentencing include indeterminate sentences, in which a judge gives a minimum and maximum sentence. A set range of sentences applies to each kind of crime. Under

any system, similar crimes should receive similar punishments, but judges have some leeway in considering the unique circumstances of each individual case.

Types of Felonies

The crimes that Americans tend to fear most are crimes against people. These are violent or potentially violent crimes such as murder, manslaughter (the accidental killing of a person), assault (physical injury or threat of injury), rape, and kidnapping.

Crimes against property are the most common types of crime. Burglary, robbery, and theft are all forms of larceny, the taking of property unlawfully. Vandalism (the deliberate destruction of property) and

fraud (taking property by dishonest means or misrepresentation) are other common crimes against property.

Some crimes, such as unauthorized gambling or the use of illegal drugs, are considered victimless crimes or crimes against morality because there is no victim to bring a complaint. Because of this, laws regarding these crimes are very hard to enforce. Although some people argue that these acts should not be considered crimes because there are no victims, victimless crimes *can* in fact harm others. For instance, people frequently steal to get money to purchase illegal drugs, and victimless crimes could be committed by criminal gangs who commit other violent crimes against society.

Reading Check **Describing** What does it mean if a prisoner is granted parole?



Analyzing Visuals Under the *Miranda* ruling of 1966, police officers must inform suspected criminals of their rights. In what ways does the *Miranda* ruling help protect the United States Constitution?

What Happens in a Criminal Case?

The criminal justice system is the system of state and federal courts, judges, lawyers, police, and prisons that have the responsibility for enforcing criminal law. As you will learn in Section 3 of this chapter, there is a separate juvenile justice system with special rules and procedures for handling cases dealing with young people, called juveniles, who in most states are people under the age of 18.

Criminal cases follow several steps. At each step defendants are entitled to the protections of due process guaranteed in the Bill of Rights. Criminal cases begin when police and other law enforcement officers arrest a person on suspicion of having committed a crime.

Arrest

Officers make arrests if they have witnessed a suspected crime, if a citizen has made a complaint or report of a crime, or if

a judge has issued an arrest warrant. When the arrest is made, the officers will read the suspect his or her rights. As you recall from Chapter 15, as a result of the Supreme Court ruling in the case of *Miranda v. Arizona* in 1966, all police officers must inform anyone they arrest of the following four rights:

- The right to remain silent; any statement made can be used against you in court.
- The right to have an attorney present during any questioning.
- The right to have a court-appointed attorney if you cannot afford one.
- The right to stop answering questions at any time.

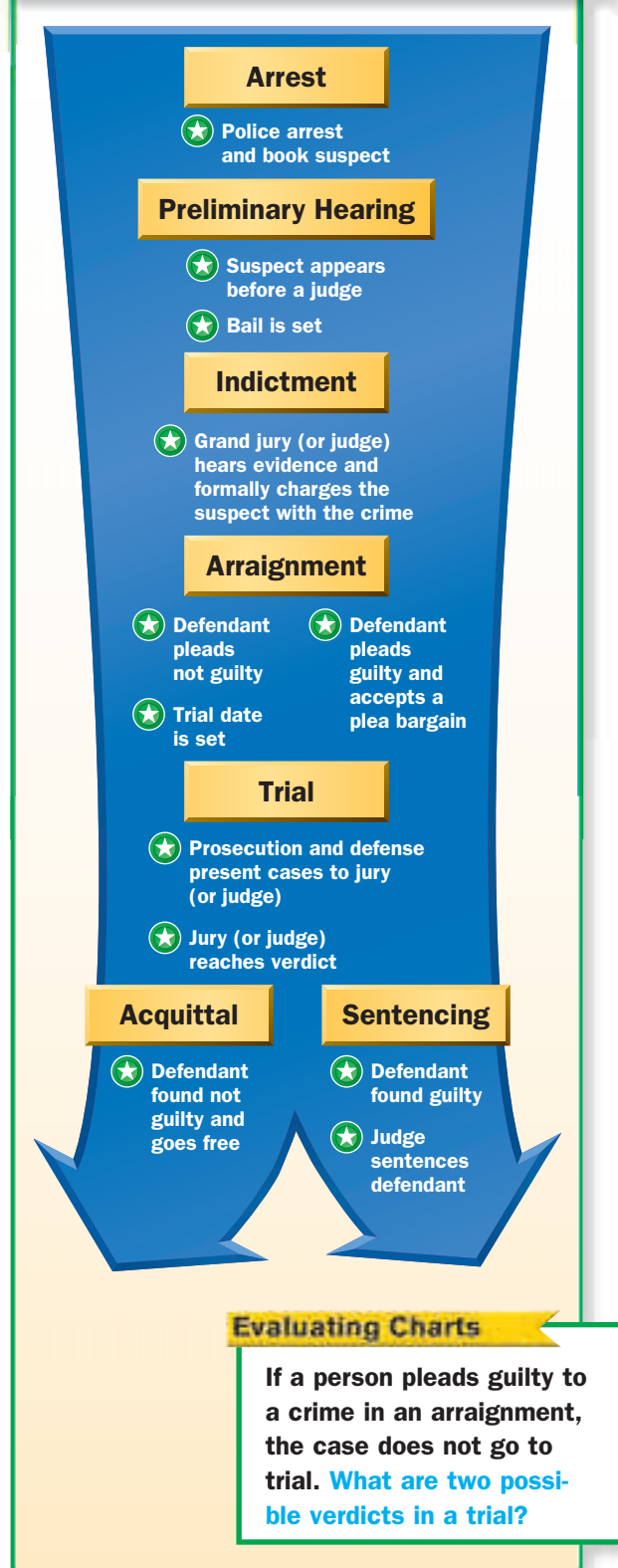
The suspect is taken to a local police station and booked, or charged with a crime. As part of the booking process, the police fingerprint and photograph the suspect. During that time he or she is allowed to call a lawyer. If the suspect cannot afford a lawyer, the state will provide one.

Hearing, Indictment, and Arraignment

A few hours after being booked, the suspect appears in court and is informed of the charges against him or her. At this time the prosecution must show the judge that there is probable cause—a good reason—for believing that the accused committed the crime with which he is charged. The judge then either sends the accused back to jail, sets bail for him, or releases him on his own recognizance, which means the accused is released without having to pay bail. Instead, the accused promises to appear in court when called.

As noted in Chapter 15, in federal courts and many state courts, grand juries are used to decide whether a person should be indicted—formally charged with a crime. In some states, a preliminary hearing is used instead of a grand jury

Procedure in a Criminal Case



Evaluating Charts

If a person pleads guilty to a crime in an arraignment, the case does not go to trial. What are two possible verdicts in a trial?





Preventing Counterfeiting

In 1990, new security features were added to American currency—a security thread that glows green in ultraviolet light, microprinting around the border of the portrait, and enlarged, off-center portraits. A watermark, identical to the portrait, is visible from both sides of the bill when you hold it up to a light source.

indictment. In some cases, when a grand jury is not used, the prosecutor files an “information,” which claims that there is sufficient evidence to bring the accused person to trial. If the judge agrees, the accused is indicted.

The defendant then appears in court for a procedure called an **arraignment**. He or she is formally presented with the charges and asked to enter a plea. If the defendant pleads not guilty, the case continues. If the defendant pleads guilty, he or she stands convicted of the crime, and the judge will determine a punishment. Another option is for the defendant to plead no contest. This means that he or she does not admit guilt but will not fight the prosecution’s case. The effect is much the same as for a guilty plea.

Plea Bargaining Sometimes after reviewing the charges and evidence against a suspect, a defendant’s lawyer may encourage him to accept a plea bargain. A plea bargain is an agreement in which the accused person agrees to plead guilty, but to a lesser charge. By accepting a plea bargain, the defendant avoids a time-consuming and lengthy trial. It also ensures that a person will be punished for committing a crime.

Trial

If the case goes to trial, the defense has much work to do. The lawyer interviews witnesses, studies the laws affecting the case, and gathers as much information as possible. Although criminal defendants have a constitutional right to a jury trial, many give up that right and have their cases tried before a judge alone in what is called a bench trial. If the defense does ask for a jury trial, the first step when the trial starts is to choose the jurors. Both sides select potential jurors from a large pool of residents within the court’s jurisdiction. Both sides try to avoid jurors who might be unfavorable to their side. Either side can reject a certain number of jury candidates without having to give reasons and can ask the judge to dismiss others for various causes.

After the jury has been chosen, the lawyers for each side make an opening statement in which they outline the case they will present. The prosecution and defense then present their cases in turn. Each side calls witnesses who swear that their **testimony**—the answers they give while under oath—will be “the truth, the whole truth, and nothing but the truth.”

After a witness testifies for one side, the other side is allowed to **cross-examine** him or her. The questions asked in cross-examination are often designed to make the witness’s original testimony appear unreliable or untrue. Finally, each side makes a closing statement highlighting the testimony and evidence that support it and questioning the other side’s testimony and evidence. The judge then “instructs” the jury, or explains the law that relates to the case.

The Verdict and Sentencing

The last part of a trial begins when the jury goes off to think over and discuss the case and reach a verdict. After choosing a foreman or forewoman to lead the





Student Web Activity Visit civ.glencoe.com and click on **Student Web Activities—Chapter 16** to learn more about court systems.

discussion, the jurors review the evidence and legal arguments they have heard. Jury deliberations are secret and have no set time limit. Finally, they vote on whether the defendant is guilty or not guilty. To decide that a person is guilty, the jury must find the evidence convincing “beyond a reasonable doubt.” Most states require a unanimous vote. If a jury feels that the prosecution has not proven its case, it can decide on acquittal. **Acquittal** is a vote of not guilty. The defendant is then immediately released.

Sometimes a jury cannot agree on a verdict, even after days of discussion and many votes. When that happens, the judge declares a **hung jury** and rules the trial a mistrial. With a mistrial, the prosecution must decide whether to drop the charges or ask for a retrial.

If a defendant is found guilty, the judge sets a court date for sentencing. In some cases, a jury recommends a sentence. More often, however, the judge decides on the sentence after considering the defendant’s family situation, previous criminal record, employment status, and other information.

Sentences often specify a period of time to be spent in prison. Today victims of the crime are often allowed to make statements about the sentence, and judges may take those statements into account. Sentences may include fines or a set number of hours spent doing community service work.

If the defendant is found guilty, the defense may, and often does, appeal the verdict to a higher court. (If the case was a capital case, or one involving the death penalty, the appeal could go directly to the state supreme court.) Usually the appeal contends that the judge made errors or that the defendant’s constitutional rights were violated. If the jury votes not guilty, however, the Fifth Amendment prohibition against double jeopardy bars the prosecution from appealing the verdict.

Reading Check Explaining What does the defendant do during the arraignment?

SECTION 2 ASSESSMENT

Checking for Understanding

1. Key Terms Use the following key terms in a paragraph that relates to criminal cases: **crime, arraignment, testimony, cross-examine, acquittal, hung jury.**

Reviewing Main Ideas

- 2. Identify** What are four functions of penalties for crimes? How are those convicted of crimes usually punished?
- 3. Define** What is the basic procedure of a criminal case? Outline and describe each step in a criminal case.

Critical Thinking

- 4. Drawing Conclusions** Why do you think judges allow some suspects to be released on their own recognizance?
- 5. Summarizing Information** What is the jury’s job? Outline the functions of the jury on a chart similar to the one below.

Duties of Jury	Possible Jury Votes/Outcomes

Analyzing Visuals

- 6. Infer** Review the procedures in criminal cases on page 371. What occurs if a defendant pleads guilty and accepts a plea bargain? What happens if a defendant pleads not guilty?

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- 7. Research** Read a local or national newspaper to find an ongoing or recent criminal case. Describe the procedures of a criminal case using details from the particular case you’ve found.

Landmark Supreme Court Case Studies

Gideon v. Wainwright

Background of the Case

In 1942 the Supreme Court, in *Betts v. Brady*, ruled that the Sixth Amendment did not require states to appoint attorneys for people who could not afford them. By way of the Fourteenth Amendment, however, it held that states were required to supply lawyers in cases that held the death penalty. In June 1961, Clarence Earl Gideon of Florida was accused of theft, a non-death penalty crime. Gideon mistakenly believed the Supreme Court had entitled him to court-appointed counsel, and so asked for a lawyer. His request was denied, so Gideon defended himself in an intelligent but inadequate manner. The judge sentenced him to five years in prison.

The Supreme Court agreed to hear the case after Gideon himself wrote and sent his own petition from his prison cell. Because only lawyers may speak before the Supreme Court, a Washington, D.C., attorney was appointed for Gideon. A Florida lawyer represented Louie Wainwright, head of the state's prisons.

The Decision

The Court's ruling came on March 18, 1963. Justice Hugo L. Black wrote the unanimous decision:

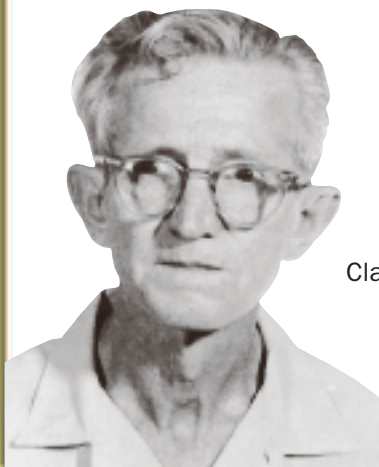
In the 1930s, the Supreme Court ruled that the Sixth Amendment requires the government to supply lawyers for those defendants who cannot afford one in all federal cases. How did poor defendants acquire Sixth Amendment rights in state courts?

We accept Betts v. Brady's assumption . . . that a provision of the Bill of Rights which is "fundamental and essential to a fair trial" is made obligatory upon the States by the Fourteenth Amendment. We think the Court in Betts was wrong, however, in concluding that the Sixth Amendment's guarantee of counsel is not one of these fundamental rights. . . . any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.

The Court thus overturned *Betts*. Under the "due process" clause of the Fourteenth Amendment, it found the Sixth Amendment guarantee of counsel binding on state as well as federal courts.

Why It Matters

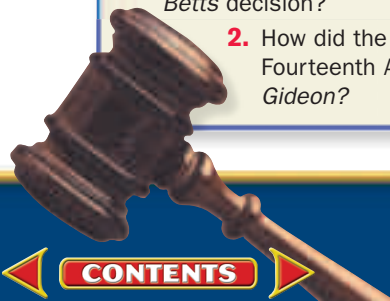
Although some states by 1963 already provided court-appointed lawyers in non-death penalty cases, the *Gideon* decision assured this protection in all the states. Gideon was retried and found not guilty.



Clarence Earl Gideon

Analyzing the Court Decision

1. How did the *Gideon* ruling affect the earlier *Betts* decision?
2. How did the Court apply the Fourteenth Amendment in *Gideon*?



Young People and the Courts

GUIDE TO READING

Main Idea

When young people, or juveniles, commit crimes, the American judicial system treats them differently from adults. Juvenile criminal cases follow a general standard procedure.

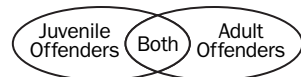
Key Terms

juvenile, juvenile delinquent, rehabilitate

Reading Strategy

Contrasting Information

In a diagram similar to the one below, write how juveniles and adults are treated differently in the American criminal system.



Read to Learn

- What are the stages in the juvenile justice system?
- What role does rehabilitation play in the juvenile justice system?



Americans in Action

In the eighteenth century, children as young as seven could be tried and sentenced in the same criminal courts as adults. Then, in 1825, the Society for the Prevention of Juvenile Delinquency founded a shelter that tried to correct the behavior of young criminals instead of simply punishing them. These earliest reformers were called “child savers.” Cook County, Illinois, established the first juvenile court in 1899, and followed the doctrine of *parens patriae*—“the State as parent.” This meant it was the state’s duty to protect and guard the interests of the child.



A young girl hears the charges against her.

Causes of Juvenile Delinquency

Every state designates a certain age at which people become adults in the eyes of the criminal justice system. Anyone under that age—18 in most states—is considered a **juvenile**, someone who is not yet legally an adult. Our system treats young people who commit crimes—called **juvenile delinquents**—somewhat differently from adults. All states and the federal government, however, allow older juveniles who are charged with very serious crimes or already have criminal records to be tried as adults.

Children and teenagers commit many crimes each year. Some of these crimes are misdemeanors such as shoplifting. Others, however, are serious crimes such as armed robbery, rape, or murder. Studies have shown that children who are abused or neglected, or who suffer emotional or mental problems, are more likely than others to get into trouble with the law. They have also shown that children who grow up in poverty, in overcrowded and rundown neighborhoods where drug and alcohol abuse are common, are more likely to become delinquents.

Although these factors may contribute to juvenile delinquency, they do not explain why some young people commit crimes. Many children who suffer abuse and live amid poverty never have trouble with the law, while children from all backgrounds can become juvenile delinquents.

American Biographies



Marian Wright Edelman (1939–)

Marian Wright Edelman once told an interviewer that she “never for a moment lacked a purpose worth fighting, living, or dying for.” At first, Edelman found her “purpose” in the civil rights movement of the 1950s and 1960s. Then, in 1973, she organized the Children’s Defense Fund (CDF). The CDF’s mission

is to win programs to keep children healthy, in school, and out of trouble.

Edelman, the youngest of five children, credits her parents with teaching her to help other people. “Working for the community was as much a part of our existence as eating and sleeping,” Edelman recalled. With their support, she obtained a law degree from Yale and went on to become the first African American woman to practice law in Mississippi. She also served as a leader in the NAACP Legal Defense and Education Fund.

By the 1980s, Edelman’s work with the CDF had earned her the reputation as “the children’s crusader.” Today the CDF is the leading lobby on behalf of children, especially the some 14.3 million children who live in poverty.



when police arrest young people for crimes. The rest result from petitions to the courts that school administrators, store managers, or others in contact with children have filed. Parents who cannot control the behavior of their children also may petition a court for help. This means that children can be put into the juvenile justice system without having been accused of a crime—for example, if they have repeatedly run away from home.

The juvenile court system was set up in the late 1800s as a result of judicial system reforms. Before then, juvenile offenders, or lawbreakers, over age 14 were treated like adults. They received the same sentences and were sent to the same prisons as adults. Now the guiding principle of juvenile courts is to do whatever is in the best interest of the young people.

Juvenile courts handle basically two types of cases: neglect and delinquency. Cases of neglect involve juveniles who are neglected or abused by their caregivers. A juvenile court has the power to place these youths with other families in foster homes, where they will be protected and cared for. Delinquency cases involve juveniles who commit crimes. Juvenile courts also handle cases in which juveniles perform acts that are considered illegal for juveniles but not for adults, including running away from home, skipping school, or violating curfew laws.

Stages in the Juvenile Justice System

When juveniles are charged with committing crimes, their cases are handled in separate courts, called juvenile courts. The primary goal of juvenile courts is to try to **rehabilitate**, or correct a person’s behavior, rather than punish the person. Nearly three-fourths of juvenile court cases begin

Diversion or Detention

When a juvenile is arrested, the police notify his or her parents or caregivers. Depending on the crime, the young person may be sent home or kept in a juvenile detention center until it is time to appear in court.

Most police departments have officers who handle juvenile cases. These officers often have the authority, especially in



nonviolent cases, to divert juveniles away from court and into special programs. Because the emphasis is on rehabilitation—improving the young person’s behavior—rather than punishment, the system has counseling, job-training, and drug-treatment programs that juveniles can be diverted into.

Even if juveniles are eventually diverted from the system, they may be held in custody at first, while authorities decide how to proceed with the case. In such a case, a judge will hold a detention hearing to determine whether the juvenile might be dangerous to himself or others. Young people judged to be dangerous are candidates for further confinement.

The Trial

For juveniles who continue to be held, the next stage is a preliminary hearing. As in the adult system, the purpose of this procedure is to determine whether there is probable cause to believe that the young person committed the crime as charged.

The court procedure for juveniles is similar to adult trials, but with important differences. For example, at the court appearance, the juvenile and his or her caregivers meet with their lawyer, the judge, the police officer who made the arrest, and the probation officer who investigated the case. This meeting or hearing is similar to a trial, but it is less formal. Only the parties involved may attend the hearing. As in a trial, both sides are allowed to call and cross-examine witnesses. There is no jury, however. Juveniles do not have the right to a jury trial. In most cases the judge decides whether the juvenile is delinquent or nondelinquent.

The juvenile court system tries to protect juveniles by keeping the identity of offenders secret and not allowing the public to view their criminal records. In some cases, those criminal records can be erased

when the offender becomes an adult. In addition, when juveniles are arrested, they are not fingerprinted or photographed.

Some states have been experimenting with peer juries made up of other juveniles. Jury members receive special training on the philosophy of the juvenile justice system. Typically, peer juries are used only for the sentencing stage, and the defendant must agree to the use of a peer jury.

If a juvenile has been found delinquent, or guilty, the court holds another hearing to decide the disposition of the case—the equivalent of sentencing.

Juvenile court judges can sentence juvenile offenders in different ways. They may simply send them home with a stern lecture, or they may place offenders with a previous history of delinquency in a special training school, reformatory, treatment



Peer Juries Peer juries are used to divert nonviolent juvenile offenders from formal court action. Jury members are usually volunteers selected by the chief of police or other officials, and the sentence usually includes community service. **Why do you think juvenile courts are using peer juries?**

center, or teen shelter. Often the juvenile formally agrees to attend school or obey his or her caregivers during a probationary period. If the young person successfully completes probation, the charges will be dropped and the matter will be removed from the record. Juveniles who are neglected or have poor home lives may become wards of the court. The court becomes their guardian and can supervise them until adulthood. Judges may place juveniles with serious mental or emotional problems in a hospital or institution. Because of the emphasis on rehabilitation, however, a judge can divert a juvenile from the system even after he or she has been found delinquent.

Reading Check **Describing** What does it mean to “divert” a juvenile from the court system?

Supreme Court Rules

In 1967 the Supreme Court established several rules for juvenile criminal cases. For instance, the parents or guardians of the juveniles must be notified of the arrest as soon as possible. Juveniles and their caregivers must be notified in writing of all

the charges against them. Juveniles have the right to an attorney and the right to remain silent. Juveniles also have the right to confront witnesses against them.

These rights were established by the *In re Gault* Court case. In the 1967 case, 15-year-old Gerald Gault of Phoenix, Arizona, was charged with making indecent telephone calls to a neighbor. His parents were not informed of his arrest. During the hearing that followed, Gault did not have an attorney present and the neighbor was not questioned. The judge sentenced Gault to a reformatory until the age of 21—a period of six years. If Gault had been an adult, his sentence would have been a \$50 fine and a few months in jail.

The Supreme Court overturned the judge’s decision and established that juveniles have the right to counsel, the right to confront witnesses, and the right not to be forced to incriminate themselves. Justice Abe Fortas wrote the majority opinion stating, “Whatever may be their precise impact, neither the Fourteenth Amendment nor the Bill of Rights is for adults alone.”

Reading Check **Concluding** Why was the *Gault* case important?

SECTION 3 ASSESSMENT

Checking for Understanding

- 1. Key Terms** Contrast the following terms in a sentence:
juvenile, juvenile delinquent.
Explain the term **rehabilitate** by using it in a sentence related to the juvenile court system.

Reviewing Main Ideas

- 2. Identify** What are two factors that contribute to juvenile delinquency?
- 3. Describe** What is the primary goal of juvenile courts?

Critical Thinking

- 4. Making Judgments** Do you agree with the use of peer juries? Why or why not?
- 5. Summarizing Information** In a graphic organizer like the one below, list the options judges have when sentencing juvenile offenders.



Analyzing Visuals

- 6. Infer** Review the photograph of a peer jury on page 377. Would you call the use of peer juries an innovative development? Explain your answer.

★ BE AN ACTIVE CITIZEN ★

- 7. Interview** Visit a juvenile detention center in your community. Find out about the rehabilitation programs offered there and report your findings in a brief report.

Citizenship SKILLBUILDER

Problem Solving

Why Learn This Skill?

Solving problems does not end with math class. Individuals and societies alike must sometimes resolve difficult issues. Whether the problem is serious or not, a solid approach to solving it can lead to a faster and more satisfactory end.

Learning the Skill

Follow these steps in a problem-solving situation:

- Define the problem. Recognize why you have the problem and what needs to change.
- Look at all sides of the issue. Are others involved? How are they affected?
- Keep your emotions in check. Anger, fear, or anxiety can stand in your way.
- Draw on past experience. What have you done or seen others do that could help?
- Consult an authority. You might do research to learn more facts or talk with an authority figure you trust.
- Take action. Face the problem directly and avoid delays that might make the problem grow worse.

Practicing the Skill

Read the passage on this page. Then on a separate sheet of paper, answer the following questions.

- 1 How did Nick define his problem?
- 2 What other people concerned him?
- 3 When did he apply past experience?
- 4 What actions did Nick take?



Nick slammed his book bag into the corner of his room. “Who would do something like that to me?” he yelled. When he opened the bag at school this morning, a packet of drugs fell out. Nick grabbed it up right away, but he knows several other kids around his locker saw it.

Nick’s sure somebody slipped the drugs into his book bag at the party last Friday after school. Could it have been his friend Zach? Zach’s been acting kind of weird lately. The next morning, Nick felt determined. Somehow he had to find out if Zach did it and make sure his own name was in the clear.

When Nick got to his locker that morning, he waited for some of the kids with lockers near his. Nick explained to them about the not-very-funny trick somebody had played on him. He was careful, though, not to bring Zach’s name into it.

After the last bell rang in the afternoon, Nick headed into Coach’s office. “You did the right thing by talking to me,” Coach assured him. “If Zach is the culprit, he needs to know it’s not funny. It’s also important to know that he isn’t thinking about doing drugs himself. Come back tomorrow and bring Zach with you. We’ll talk.”

Applying the Skill

Think of a problem that exists in your school or local community. Using the steps in problem solving, draw up a plan for a solution to the problem.



Practice key skills with Glencoe’s **Skillbuilder Interactive Workbook CD-ROM, Level 1.**

Assessment & Activities

Review to Learn



Section 1

- Civil law includes disputes over rights, property, or agreements.
- In a civil lawsuit, the plaintiff files a complaint against the defendant and the defendant responds.

Section 2

- Criminal cases are divided into two main groups—felonies and misdemeanors.
- Criminal cases follow certain steps.



Section 3

- When a juvenile is arrested, the police must notify his or her parents or caregivers. Then a preliminary hearing is held, followed by a court appearance. There is no jury in juvenile court cases.
- The primary goal of juvenile courts is to try to rehabilitate, or correct the behavior, of offenders.

FOLDABLES™

Study Organizer

Using Your Foldables Study Organizer

Use the foldable you created during the study of this chapter to summarize the court procedures in civil and criminal cases into two flowcharts. Use only your completed foldable to create the civil and criminal case flowcharts.

Reviewing Key Terms

Write the key term that matches each definition below.

1. to correct a person's behavior rather than to punish him or her
2. an act that breaks a criminal law
3. the party bringing the lawsuit
4. a criminal procedure in which the accused is formally presented with charges and asked to enter a plea
5. the party being sued
6. a court order commanding a person or group to stop a certain action
7. a young person who commits a crime
8. a vote of not guilty
9. a formal statement naming the plaintiff and defendant and the nature of the civil lawsuit
10. a jury that cannot agree on a verdict

Reviewing Main Ideas

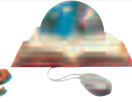
11. What are four types of lawsuits?
12. What are the two main types of crime? How do they differ?
13. What happens during the verdict and sentencing parts of a criminal trial?
14. What is plea bargaining and why is it an important part of the legal process in criminal cases?
15. What happens during the hearing phase of a criminal case?
16. Identify four rules the Supreme Court has established for juvenile cases.
17. What special protections do the juvenile courts provide for juveniles?
18. What is the purpose of a suit in equity?

Critical Thinking

19. **Analyzing Information** Do you think civil cases should be tried before a jury? Why or why not?

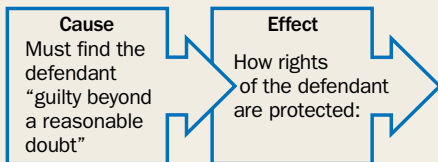
CLICK HERE

CIVICS
Online



Self-Check Quiz Visit the *Civics Today* Web site at civ.glencoe.com and click on **Self-Check Quizzes—Chapter 16** to prepare for the chapter test.

- 20. Drawing Conclusions** How does the idea of “guilty beyond a reasonable doubt” protect the rights of defendants? Organize your answer by using a graphic organizer similar to the one below.



Analyzing Visuals

Examine the graph on page 369 and answer the following questions.

- In general, which types of crimes occur most often in the United States, violent crimes or property crimes?
- Which region of the country experiences the least amount of crime overall?

Practicing Skills

- 23. Problem Solving** Describe a decision you might face today or in the near future, such as the choice to go to college or get a job after high school. List the steps of the problem-solving process. At each step, write down questions and information you would consider and what your answers might be. Evaluate what you think would be your best option.



Economics Activity

- 24.** Individuals and businesses seek to protect themselves from civil lawsuits by purchasing liability insurance. Liability insurance helps cover legal fees and the damages claimed by the plaintiff. Damages may include physical injury, destroyed property, or violations of contracts. Contact a local insurance agent to collect information on the various types of liability policies, ranging from automobile insurance to malpractice insurance. Summarize your findings in an informational pamphlet.

★ CITIZENSHIP COOPERATIVE ACTIVITY ★

- 25.** In groups of four, prepare arguments, pro or con, for debating the following statement: The Miranda rule should be suspended so criminals can be prosecuted more easily. Support your arguments with opinions, information from the text, and other research. Debate this issue with the rest of the class by allowing each group to present its position to the class. Then hold a class vote to see what position is supported by most class members.



Technology Activity

- 26.** Search the Internet to find information on juvenile law in your state. Use the information you find to create a flowchart showing the process that juveniles accused of crimes must follow in your state.



Standardized Test Practice

Directions: Choose the *best* answer to complete the statement below.

- In a civil case, a court
- F** settles a dispute between two parties.
 - G** punishes a criminal offender.
 - H** decides how best to rehabilitate a juvenile offender.
 - J** all of the above

Test-Taking Tip

Find the best answer by carefully identifying the key words in the statement to be completed.