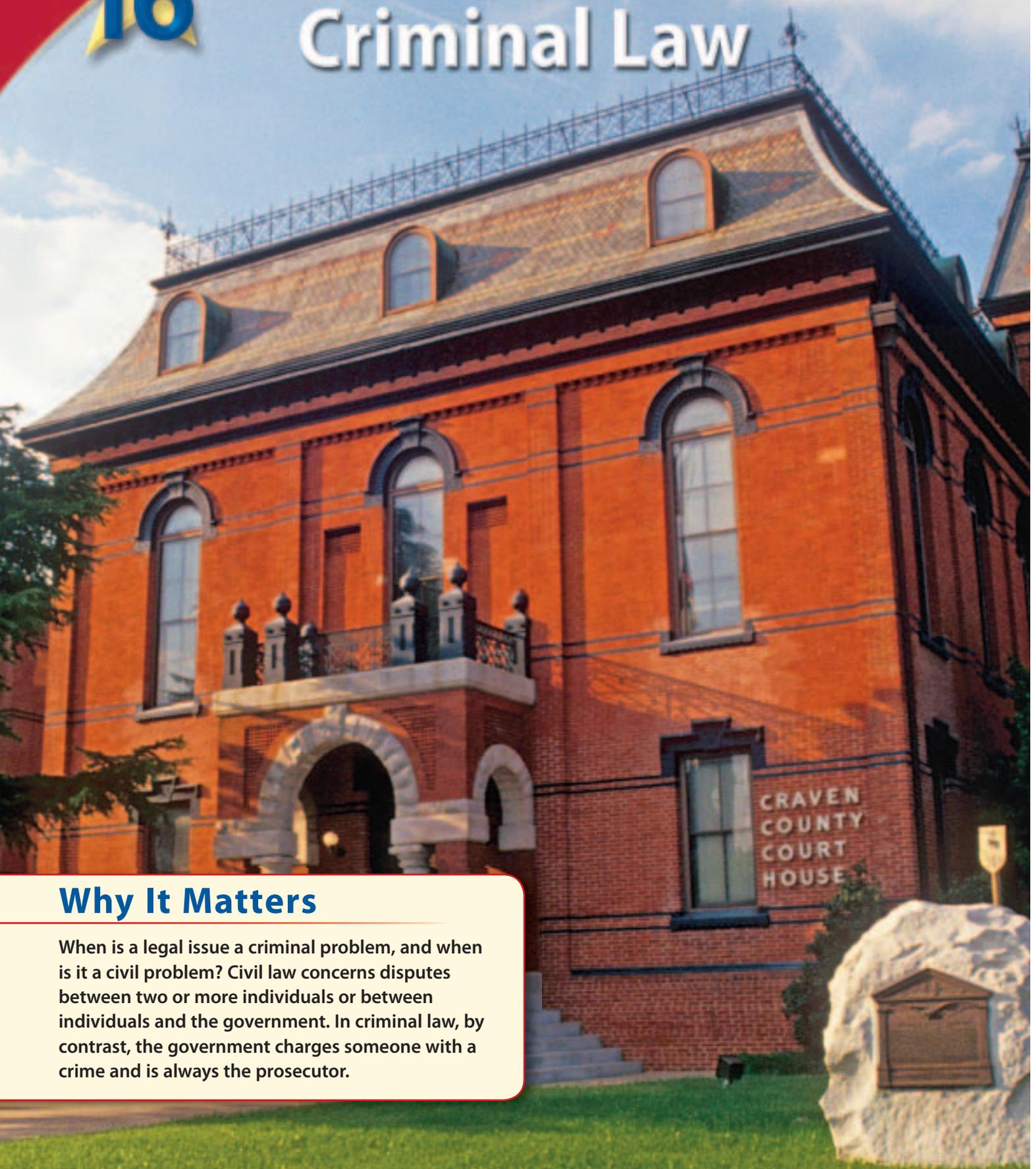




Chapter

16

Civil and Criminal Law



Why It Matters

When is a legal issue a criminal problem, and when is it a civil problem? Civil law concerns disputes between two or more individuals or between individuals and the government. In criminal law, by contrast, the government charges someone with a crime and is always the prosecutor.



BIG Ideas

Section 1: Civil Cases

The judicial branch of government is charged with interpreting the law. America's courts decide thousands of civil cases each year.

Section 2: Criminal Cases

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties. Thousands of criminal cases each year help define Americans' rights and enforce law and order.

Section 3: Young People and the Courts

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties. A separate legal system, the juvenile justice system, handles the cases of young people in trouble with the law.

◀ Craven County Courthouse, New Bern, North Carolina

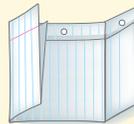
FOLDABLES™ Study Organizer

Comparing Foldable Make the following Foldable to help you compare the details and procedures of the juvenile and adult justice systems.

Step 1 Fold a sheet of paper in half from side to side.



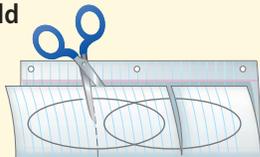
Step 2 Turn the paper and fold into thirds. Unfold the paper.



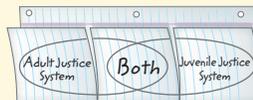
Reading and Writing

As you read the chapter, make notes under each flap about the processes of the different justice systems. Under the flap labeled "both," put anything the two justice systems have in common.

Step 3 Draw intersecting circles on the front as shown. Cut along the fold lines to make three flaps.



Step 4 Label the circles as shown.





Section
1

Guide to Reading

Civil Cases

Big Idea

The judicial branch of government is charged with interpreting the law.

Content Vocabulary

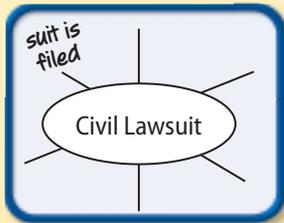
- complaint (p. 450)
- summons (p. 450)
- discovery (p. 450)
- settlement (p. 450)

Academic Vocabulary

- file (p. 449)
- retain (p. 450)
- respond (p. 450)

Reading Strategy

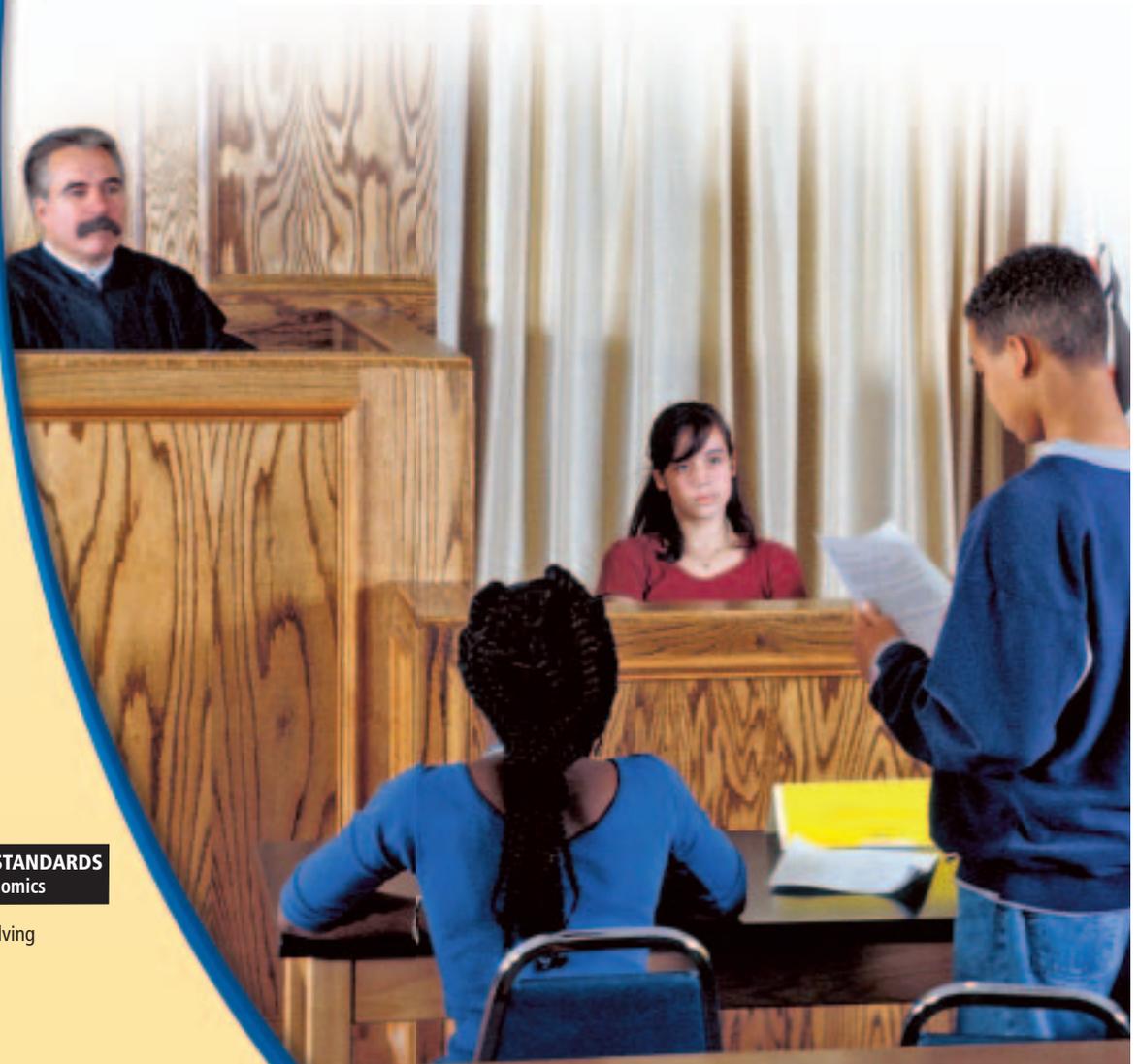
Sequencing Use a graphic organizer like the one below to show the steps in a civil lawsuit.



Real World Civics

Would you like to be judged for some wrongdoing by a group of your peers . . . people your own age? Students all over the world see what it is like to be in a court of law by engaging in a mock trial competition in the YMCA Youth and Government program. The mock trials give young people a chance to practice resolving problems in a democratic manner and to learn about the court system. Over 44 teams across the nation compete, along with high school students from Guam, the Mariana Islands, and South Korea.

▼ Teens argue a mock trial case



NORTH CAROLINA STANDARDS
Civics and Economics

4.09 Utilize various methods of resolving conflicts.

Political Cartoons



—Chris Britt/Copley News Service

Chris Britt, the creator of this cartoon, is making a comment on laws that require drivers to wear seatbelts.

1. Why might the driver consider the seatbelt law “a stupid idea”?
2. What proves him wrong?
3. Does the cartoonist favor or oppose seatbelt laws?
4. What is your position on seatbelt laws? Explain.

Every year, more than half of all Americans do volunteer work. role in it. One of the responsibilities of citizens is to help make their of volunteer groups small. Pledging to

Civil Lawsuits

Main Idea Civil lawsuits may involve property disputes, a breach of contract, family matters, or personal injury.

Civics & You The presidential election of 2000 was a disputed election. Read to find out why it ended up in the Supreme Court.

In November 2000, residents of Palm Beach County in Florida **filed**, or registered, a civil lawsuit against the Palm Beach County Canvassing Board, their election authority. The residents argued that a flaw in the ballot format caused them to vote for candidates other than the candidate for whom they intended to vote. This civil suit led to a recounting of votes and reached the Supreme Court. The Court’s ruling led to George W. Bush’s winning the presidency in 2000.

Why Do People File Civil Suits?

In civil cases the plaintiff—the party bringing a lawsuit—claims to have suffered a loss or injury to themselves and usually seeks damages, an award of money from the defendant. The defendant—the party being sued—argues either that the loss or injury 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.

Courts hear many different kinds of civil lawsuits. Lawsuits may involve property disputes, breaches of contract, or family matters involving two or more parties. Many lawsuits deal with negligence, or personal injury. A negligence suit is filed when someone has been injured or killed or when property has been destroyed because someone else has been careless, or negligent.

Reading Check Identifying Who is the plaintiff in a civil lawsuit?



The Process in a Civil Case

Main Idea Civil lawsuits follow a specified legal procedure.

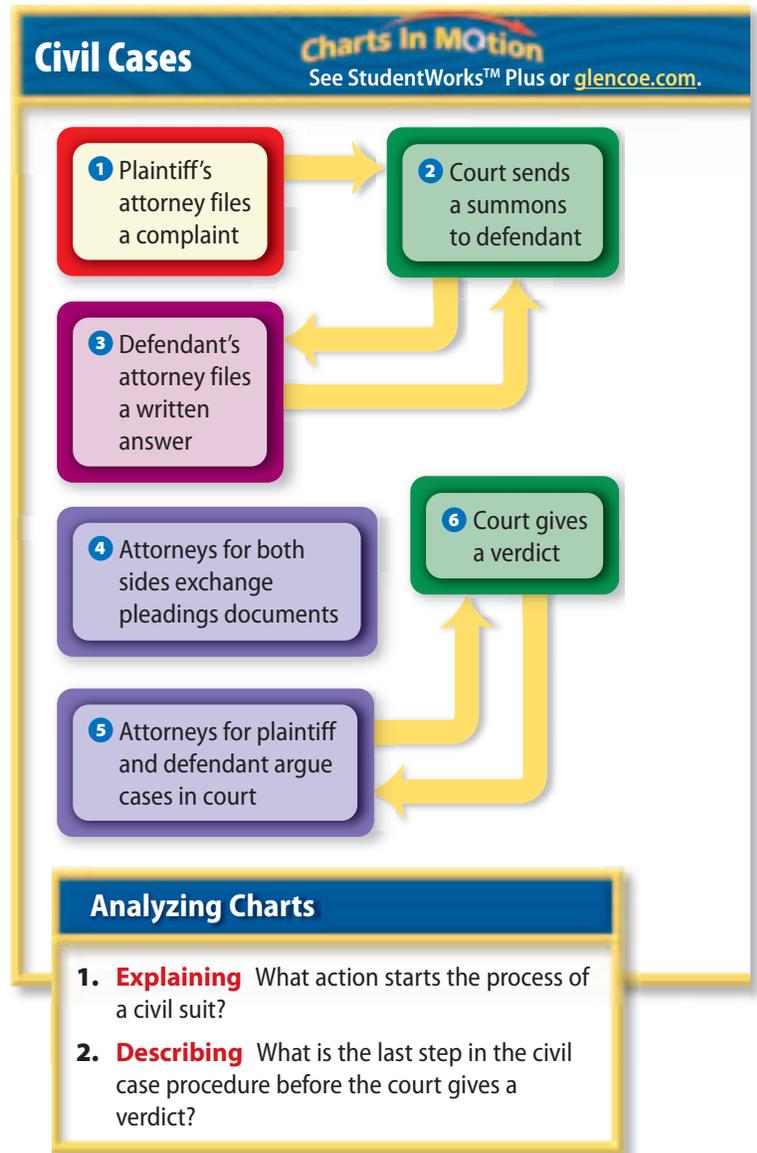
Civics & You Despite what you see on TV, lawsuits do not always end up dramatically in court. Read to find out what happens to most of them.

Let us look at how a lawsuit proceeds through the court system. Suppose you are riding in a city bus one day and suffer head injuries and a broken arm when the bus is in an accident. You decide to file a lawsuit against the city to recover the costs of hospital and doctor bills, lost income from days missed at work, and other expenses. You become the plaintiff, or person filing the lawsuit. The party you are suing, in this case the city, is the defendant.

Bringing Suit

You start the process by **retaining**, or hiring, a lawyer, who files a **complaint** with the court. The complaint is a statement naming the plaintiff and the defendant and describing the lawsuit. The court sends the defendant (the city) a **summons**, a document that announces that the defendant is being sued, and sets a date and time for an appearance in court.

The Defendant's Response The defendant's attorneys may **respond**, or react, to the charges by filing an "answer" to the complaint. The answer will either admit to the charges or offer reasons the defendant is not responsible for the injuries 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 to gather evidence by questioning the other party and possible witnesses. This process is called **discovery**.



Pretrial Hearing Before the trial, the judge might call a conference to help clarify differences between the two sides. At this stage you and your lawyer might decide that your case looks weak, and you may want to drop the suit. Or the city may conclude that your case is very strong and that you are likely to win your suit. The city may, therefore, offer you a **settlement**, in which the parties 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. During mediation, each side is given the opportunity to explain



its side of the dispute and must listen to the other side. A trained mediator helps the two sides find a solution.

The two sides may also agree to submit their dispute to arbitration. This is a process conducted by a professional arbitrator who acts somewhat like a judge by reviewing the case and resolving the dispute.

Most civil cases are settled before trial. 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 reach a settlement, the case goes to trial. There may be a jury, or more likely, a judge who will hear the case alone. Both sides present their cases.

In criminal trials the prosecution must prove the defendant guilty “beyond a reasonable doubt.” In a civil case the plaintiff has to present only a “preponderance of evidence”—enough to convince the judge or jury that the defendant *more likely than not* was responsible for the incident that caused the damages or injury.

After all evidence has been presented, the judge or jury considers the case and decides on a verdict, or decision, in favor of one party. If the plaintiff wins, a remedy is set. In the case of the bus accident, the remedy might be for the defendant—the city—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—you—gets nothing and must pay court costs for both sides of the lawsuit.

Appeal If the losing side believes the judge made errors during the trial or that some other type of injustice took place, it may appeal the verdict to a higher court. Remember that in the hierarchy of the court system, each district has Courts of Appeals to hear local disputes of this nature. In cases in which the plaintiff wins a large cash award, the defendant or the defendant’s insurance company often appeals 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 or, depending on the outcome of the appeals, may end up with nothing.

 **Reading Check Explaining** When can the defendant appeal a verdict of a civil lawsuit?

Section Review

Vocabulary

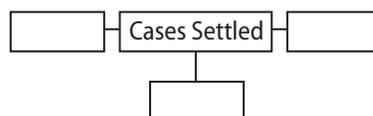
- Write** complete sentences using each of the following terms: *complaint, summons, discovery, settlement.*

Main Ideas

- Describing** In civil cases, what is the plaintiff usually seeking?
- Identifying** What is the purpose of the discovery phase of a civil trial?

Critical Thinking

- BIG Ideas** In your opinion, should civil cases be tried before a jury? Why or why not?
- Sequencing** Use a graphic organizer similar to the one below to summarize the reasons that most civil cases are settled before trial.



CITIZENSHIP Activity

- Expository Writing** Find a newspaper story about a civil lawsuit. Write a summary about the nature of the dispute and the way the lawsuit was resolved. Use the information in this section to make sure the details of your summary are accurate.



Study Central™ To review this section, go to glencoe.com.



Section
2

Criminal Cases

Guide to Reading

Big Idea

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties.

Content Vocabulary

- prosecution (p. 453)
- crime (p. 453)
- penal code (p. 453)
- parole (p. 454)
- mandatory sentencing (p. 454)
- arraignment (p. 456)
- testimony (p. 457)
- cross-examine (p. 457)
- acquittal (p. 458)
- hung jury (p. 458)

Academic Vocabulary

- function (p. 453)
- confine (p. 453)
- sufficient (p. 456)

Reading Strategy

Sequencing Outline the procedures that take place in a criminal case after an arrest is made.

1. hearing
2.
3.
4.
5.

Real World Civics Those serving time in prison do not have a lot of choices, but most can get their high school diplomas if they take courses offered. Almost half the inmates in state prisons do not have a high school degree. These Arkansas prisoners received their GED diplomas through a tutoring program provided by the state prison system. Why is this an important service for the state governments to provide?

▼ **Inmates achieve high school graduation**



NORTH CAROLINA STANDARDS
Civics and Economics

- 4.05** Analyze consequences of compliance or noncompliance with laws governing society.
- 6.02** Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.
- 6.08** Evaluate methods used by society to address criminal and anti-social behaviors.



What Is a Criminal Case?

Main Idea In criminal cases, defendants are charged with crimes, and if convicted, they are sentenced as punishment.

Civics & You Have you ever received a punishment for something you did? Read to find out how society deals with punishment.

Criminal law cases are those in which the state or federal government charges someone with a crime. The government 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.

The Criminal Justice System The state and federal courts, judges, lawyers, police, and prisons that have the responsibility for enforcing criminal law make up the criminal justice system. There is a separate juvenile justice system with special rules and procedures for handling cases dealing with juveniles, who in most states are people under the age of 18. You will read about the juvenile justice system in Section 3.

The Penal Code 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. In general, the more serious the crime, the harsher the punishment will be. The federal government also has a penal code that defines federal crimes such as income tax evasion, kidnapping, and drug smuggling.

Types of Crime

Persons convicted of misdemeanors may be fined or sentenced to one year or less in jail. Some misdemeanors, such as illegal gambling, are considered victimless crimes—no

one individual has been harmed, and often no direct punishment is enacted. Serious crimes, such as burglary, kidnapping, arson, manslaughter, and murder, are considered felonies. These crimes are punishable by imprisonment for a year or more. In the case of murder, the punishment could be death.

People convicted of felonies may also lose certain civil rights such as the right to vote, possess a firearm, and serve on a jury. Further, they may lose employment opportunities in some careers such as the military, law, teaching, and law enforcement.

Misdemeanors may sometimes be treated as felonies. Drunk driving, for example, is often a misdemeanor. However, if a person has been arrested for drunk driving before and has been convicted of the same offense, that person may be charged with a felony.

Penalties for Crimes

Criminal penalties serve several functions, or purposes. They provide punishment so that a criminal pays for an offense. They help protect society by keeping dangerous lawbreakers **confined**, or enclosed, in prison. Criminal penalties can also keep other people from committing the same crimes by serving as warnings to deter others.

GPS Global Positioning Systems, electronic devices such as the one being attached below, monitor those under house arrest, often attached to the ankle.

Speculating What kinds of crimes are punished by this method?

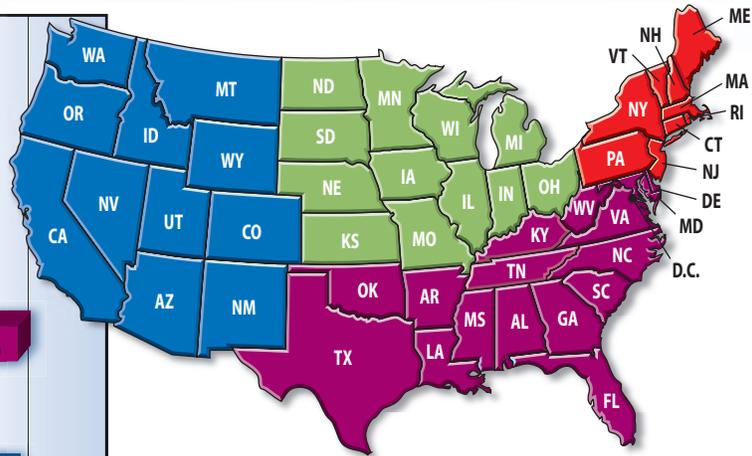
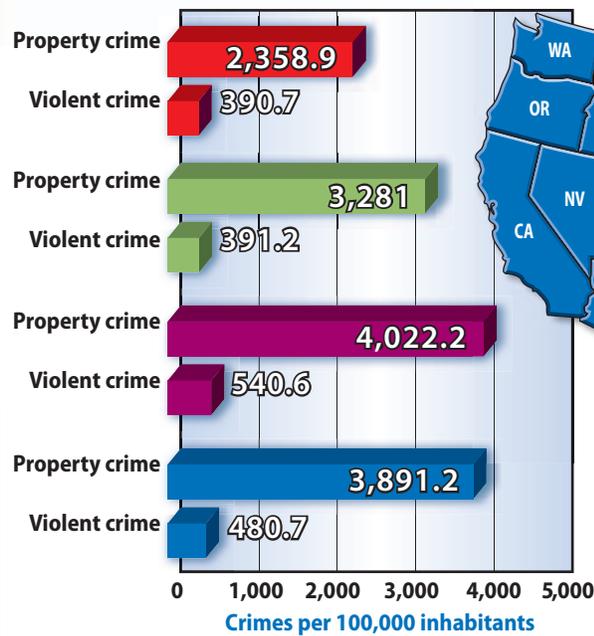




U.S. Regional Crime Rates in 2004

Maps in Motion

See StudentWorks™ Plus or glencoe.com.



Source: Department of Justice: Federal Bureau of Investigation; *Crime in the United States*, 2004.

Analyzing Graphs and Maps

- Comparing** Which part of the country has the highest property crime rate?
- Analyzing Cause and Effect** The Northeast and Midwest have similar violent crime rates. Why?

Finally, criminal penalties can help prepare lawbreakers to reenter society after their prison terms have ended. Through counseling, education, and job training, some prisons help inmates learn skills that will help them lead productive, noncriminal lives after prison. Some prisons even support money-making businesses from inmate-made items prisoners have been trained to produce.

Sentencing Determining the sentence, or punishment, of a person convicted of a crime is one of the more complicated and difficult aspects of the criminal justice system. Because the circumstances in each case are different, judges may hand down very different sentences for similar crimes.

In the past, many states used a system of indeterminate sentences in penalizing criminals. An indeterminate sentence is one in which a judge gives a minimum and maximum sentence.

Some prisoners become eligible for **parole** after serving part of their sentences. A parole board 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 expires.

Mandatory Sentencing Critics of the parole system claim that many sentences end up much shorter than intended. 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 should be able to impose harsher sentences than the law directs.



Ramin Talebi/COBIS

Sentencing Options Judges follow basic sentencing options (from least serious to most serious): suspended sentence—a sentence is given but not served at that time; probation—the defendant has supervised release; home confinement—defendant is required to serve his or her sentence at home, closely monitored; a monetary fine—damages are paid; restitution—the defendant is required to pay back or make up for damages; work release—the defendant is allowed to work but must return to prison at night and on weekends; imprisonment—the defendant is confined to an institution to serve sentence; death—the defendant is sentenced to die for his or her crime in the state where this is mandated.

Many states are giving judges more sentencing options. Among these are shock

incarceration, intensive-supervision probation or parole, and house arrest. Shock incarceration involves shorter sentences in a highly structured environment where offenders participate in work, community service, education, and counseling.

Intensive-supervision probation or parole keeps high-risk offenders in the community but remaining under close supervision that involves frequent home visits or even nightly curfew checks. The offender often wears an electronic device that continually signals his or her location. A related alternative sentence is house arrest, which requires an offender to stay at home except for certain functions the court permits.

Reading Check Explaining Why have some states established mandatory sentencing?

Criminal Evidence Brooklyn, New York, authorities collected evidence of criminal gambling activities that will be presented in court. **Explaining** Why is illegal gambling considered a victimless crime?





Criminal Case Procedure

Main Idea Criminal cases follow several steps, including arrest, hearing, indictment, arraignment, verdict, sentencing, and appeal.

Civics & You Do you ever have trouble making up your mind? Read to find out what happens when a jury in a criminal trial has this problem.

You learned earlier that the criminal justice system has the responsibility for enforcing criminal law. Criminal cases follow several steps. At each step defendants are entitled to the protections of due process guaranteed in the Bill of Rights.

plaint or a report of a crime, or if a judge has issued an arrest warrant. When they make the arrest, the officers are required to read the suspect his or her Miranda rights, which you learned about in Chapter 15.

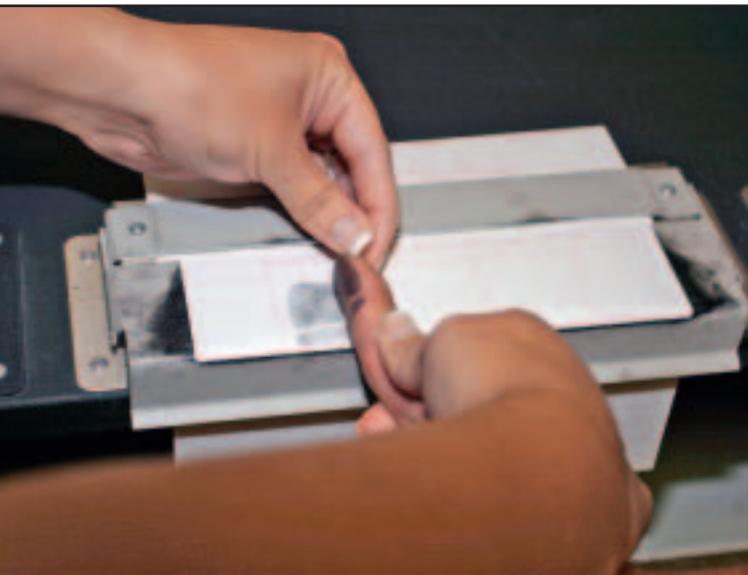
The suspect is taken to a local police station and booked, or charged with a crime. As part of the booking process, the police fingerprint and photograph the suspect. During that time he or she is allowed to call a lawyer. If the suspect cannot afford a lawyer, the state must provide one.

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 the accused committed the crime. The judge then either sends the accused back to jail, sets bail, or releases the accused on his or her own recognizance, or control.

As noted in Chapter 15, in federal courts and many state courts, grand juries decide whether a person should be indicted—formally charged with a crime. Some states use a preliminary hearing instead of a grand jury indictment. In some cases, the prosecutor files an “information,” which claims that there is **sufficient**, or enough, evidence to bring the accused person to trial.

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 determines a punishment. Another option is for the defendant to plead no contest. A no contest plea 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.



Fingerprinting Once a criminal suspect is arrested, fingerprints and photographs of them are taken. **Analyzing Why do the police take fingerprints and what do you think they use the fingerprints for?**

Arrest

Criminal cases begin when police or other law enforcement officers arrest a person on suspicion of having committed a crime. Officers make arrests if they have witnessed a suspected crime, if a citizen has made a com-



Trial

If the case goes to trial, the defense lawyer interviews witnesses, studies the laws affecting the case, and gathers information. 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 asks 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. In most states, residents are called randomly for jury duty. A specific excuse or acceptable reason must be presented for a person to be excused from jury duty. Both sides try to avoid jurors who might be unfavorable to their side. Either side can reject a certain number of jury candidates without giving reasons and can ask the judge to dismiss others for various causes.

Presenting the Case After the jury has been selected, the lawyers for each side make opening statements in which they outline the cases 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**. The questions asked in cross-examination are meant to clarify testimony but are usually 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.

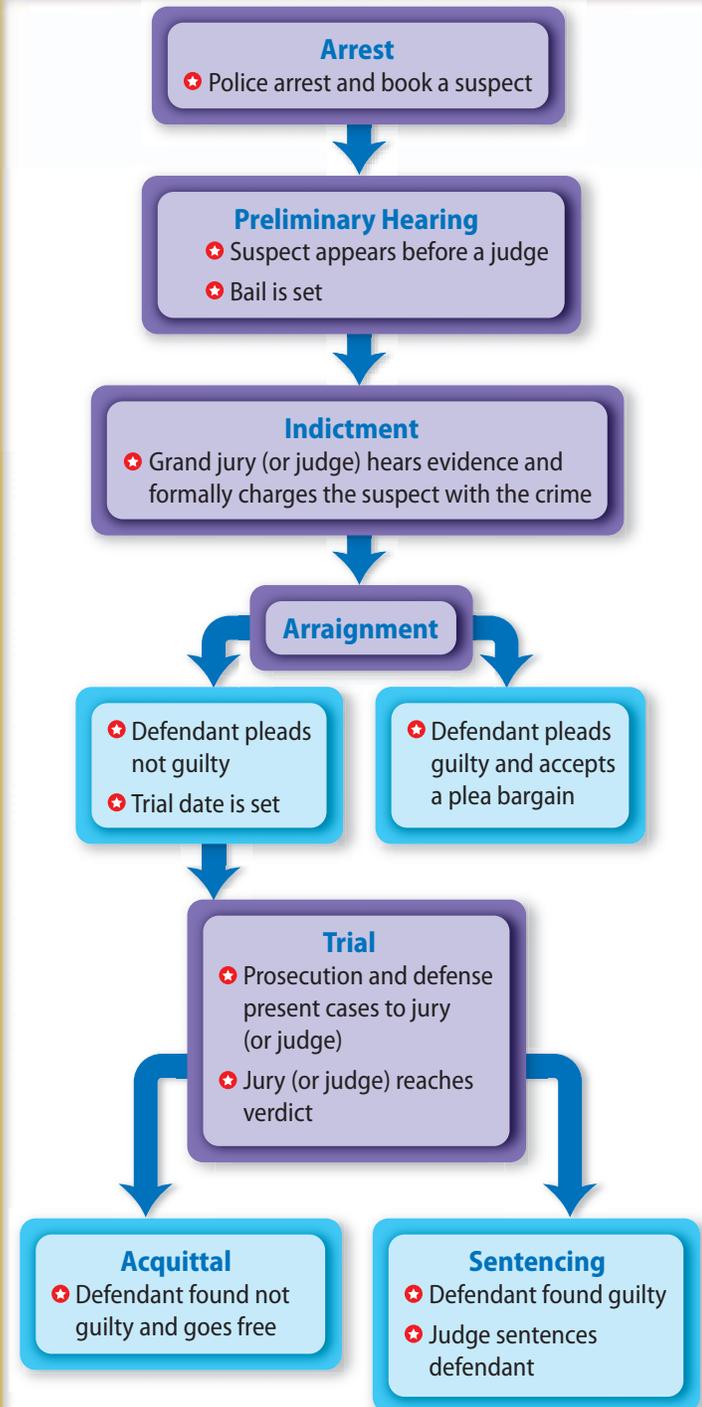
Civics ONLINE

Student Web Activity Visit glencoe.com and complete the Chapter 16 Web Activity.

Criminal Cases

Charts in Motion

See StudentWorks™ Plus or glencoe.com.



Analyzing Charts

- Explaining** What is the purpose of a preliminary hearing?
- Describing** What are two possible outcomes of an arraignment?



The Verdict, Sentencing, and Appeal

After the judge gives the jury a set of instructions, the jury goes to the jury room to discuss the case and reach a verdict. After choosing a foreperson to lead the discussion, the jurors review the evidence and legal arguments. Jury deliberations are secret and have no set time limit. Finally, the jurors 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.” In nearly all criminal cases, the verdict must be unanimous. If a jury feels the prosecution has not proven its case, it can decide on acquittal.

Acquittal is a vote of not guilty, after which the defendant is immediately released.

Sometimes a jury cannot agree on a verdict, even after many votes. Then the judge declares a **hung jury** and rules the trial a mistrial. With a mistrial, the prosecution must decide whether to ask for a retrial.

Sentencing 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. Victims of the crime are often allowed to make statements about the sentence, and judges may take those statements into account. Sentences may include a variety of options as discussed earlier in this chapter.

Appeal If the defendant is found guilty, the defense may, and often does, appeal the verdict to a higher court. (If the case is a capital case, or one involving the death penalty, the appeal could go directly to the state supreme court.) Usually an appeal contends that the judge made errors or that the defendant’s constitutional rights were violated.

Reading Check Explaining If a defendant is found guilty, who or what decides his or her sentence?

Section 2 Review

Vocabulary

1. **Write** a paragraph using six of the following key terms in a paragraph that relates to criminal cases: *prosecution, crime, penal code, parole, mandatory sentencing, arraignment, testimony, cross-examine, acquittal, hung jury.*

Main Ideas

2. **Describing** What is included in a state’s penal code?
3. **Identifying** What are the seven basic steps in a criminal case?

Critical Thinking

4. **Concluding** Why do you think judges allow some suspects to be released on their own recognizance?
5. **BIG Ideas** Using a graphic organizer like the one below, list the major participants in a trial.



6. **Analyzing Visuals** Review the crime rate map/graph on page 454. How does your region compare with others?

CITIZENSHIP Activity

7. **Persuasive Writing** Should judges be allowed to hand down sentences based on the characteristics of individual cases and defendants, or should they follow mandatory sentencing guidelines? Write a newspaper editorial on the subject.



Study Central™ To review this section, go to glencoe.com.



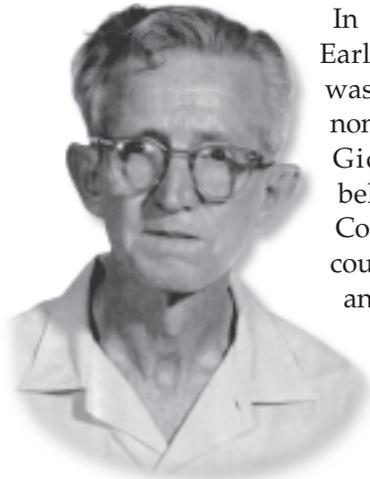
LANDMARK SUPREME COURT CASE STUDIES

Gideon v. Wainwright

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

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.



Clarence Earl Gideon

In June 1961, Clarence Earl Gideon of Florida was accused of theft, a nondeath-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 jury found him guilty and the judge sentenced him to five years in prison.

Gideon appealed his conviction claiming, “I knew the Constitution guaranteed me a fair trial, but I didn’t see how a man could get one without a lawyer to defend him.” The state supreme court refused to review Gideon’s case. Gideon appealed his case to the U. S. Supreme Court.

The Supreme Court heard the case after Gideon sent his own petition claiming his Sixth and Fourteenth Amendment rights were violated. 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 Supreme Court’s ruling came on March 18, 1963. Justice Hugo L. Black wrote the unanimous decision:

“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. . . . [A]ny person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.”

—Justice Hugo L. Black

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 had court-appointed lawyers in nondeath-penalty cases, the *Gideon* decision assured this protection for all. Gideon was retried and found not guilty.

Analyzing the Court Decision

1. **Explaining** What protection did the *Gideon* decision guarantee?
2. **Describing** How would you summarize the importance of the decision?



Section
3

Young People and the Courts

Guide to Reading

Big Idea

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties.

Content Vocabulary

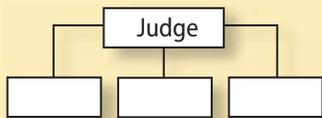
- juvenile (p. 461)
- juvenile delinquent (p. 461)
- rehabilitate (p. 462)

Academic Vocabulary

- emphasis (p. 463)
- preliminary (p. 463)
- equivalent (p. 463)

Reading Strategy

Summarizing Judges have options when sentencing juvenile offenders. List these options in a graphic organizer like the one below.



Citizens in Action California Youth Authority
 Juvenile boot camps are one approach to the problem of dealing with teens in trouble. Sent to a boot camp as the result of a court decision, teens here are taught techniques for managing anger and receive treatment for emotional problems. This alternative sentence is meant to help teens who need counseling and education as well as discipline. They are called boot camps due to their similarity to military organizations.

▼ **Juvenile offenders line up at California boot camp**



NORTH CAROLINA STANDARDS
Civics and Economics

- 4.05** Analyze consequences of compliance or noncompliance with laws governing society.
- 6.07** Compare responsibilities, jurisdictions, and methods of law enforcement agencies.
- 6.08** Evaluate methods used by society to address criminal and anti-social behaviors.



Causes of Juvenile Delinquency

Main Idea All states and the federal government have a separate justice system for young people.

Civics & You Have you heard the term *juvenile delinquent*? Read to find out what this term means.

Every state establishes a certain age at which people are considered adults in the eyes of the criminal justice system. Anyone under that age—18 in most states—is considered a **juvenile**. 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.

This treatment of juveniles was not always the case historically. Even in the late 1800s children were thrown into jail with adults. Long prison terms and physical punishment—such as striking the individual—were common for children and adults, often for crimes we consider minor today.

Children and teenagers currently commit many crimes each year. Some of these crimes are misdemeanors, such as shoplifting. Others, however, are serious crimes, such as armed robbery, rape, and murder. Studies show 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. The studies also show 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



Counseling Services Texas youth offenders await psychological testing before being assigned to specific institutions. **Analyzing Why are young offenders kept separate from adult offenders?**

why some young people commit crimes. Many children who suffer abuse and live amid poverty never have trouble with the law, whereas children from all backgrounds can become juvenile delinquents.

Reading Check Explaining What effect can abuse and neglect have on young people?



The Real Thing



Sarah Carr

Teens around the United States are acting as official judges, jurors, and lawyers.

Hear ye! Hear ye! Youth Court in Colonie, New York, is in session. Prosecutor Sarah Carr, 16, is questioning Andrew G., 17, the

defendant. Carr asks,

“Didn’t you know it was wrong?” Andrew G. nods shyly. He knows that shoplifting a \$4.97 popular action figure is not only a petty crime but also a geeky one in the eyes of his high school peers, some of whom are serving on the jury.

In this youth court, the jurors, judge, and lawyers are all teens. The real defendants are limited to first-time offenders who are under the age of 19 and who admit guilt to minor crimes. Sentences are generally creative forms of community service—such as washing police cars—but never jail terms. The record shows that 99 percent of those sentenced complete the required tasks. Doing so keeps their criminal records clean, which is advantageous when completing college and job applications.

Volunteer defenders and prosecutors, like Carr, undergo eight weeks of training to learn about the judicial process. They serve for at least a year and rotate among the other court roles: judge, bailiff, and jury foreperson. Jurors are untrained volunteers in grades 7 through 12.

Many experts say youth court, which is becoming an institution across the U.S., is helping to relieve the clogged criminal-court systems. Some are run by schools, others by police departments or nonprofit groups.

Making a Difference

CITIZENSHIP

Explain why it takes a strong commitment to take part in this program.

The Juvenile Justice System

Main Idea The juvenile justice system is similar to the adult system, with some important differences.

Civics & You The juvenile court system is modeled after the adult court system. Read on to find out how justice is administered in the juvenile court system.

When juveniles are charged with violating the law, 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 a person. Juvenile courts aim to do whatever is in the best interests of the young people.

Most juvenile court cases begin when police make an arrest. Other cases result from petitions to the courts that school administrators, store managers, or others in contact with children have filed. Parents who cannot control their children’s behavior also may petition a court for help.

Neglect and Delinquency

Juvenile courts handle two types of cases. Cases of *neglect* involve juveniles whose caregivers neglect or abuse them. A juvenile court has the power to place these youths with other families in foster homes. *Delinquency* cases involve juveniles who commit crimes. Juvenile courts also handle cases in which juveniles perform acts that are illegal for juveniles but not for adults, such as running away from home or violating curfew laws.

Diversion or Detention?

Most police departments have officers who handle juvenile cases. These officers often have the authority to divert juveniles away from court and into special programs.



Because the **emphasis**, or importance, is on rehabilitation rather than punishment, the juvenile system offers counseling, job training, and drug-treatment programs to which young people can be diverted.

The Trial

For juveniles who continue to be held for a crime, the next stage is a **preliminary** hearing, as in the adult system. The court procedure for juveniles is similar to adult trials, but with important differences. First, juveniles are not entitled to a jury trial. The judge alone makes the determination as to whether the juvenile is delinquent. Secondly, juvenile cases are normally closed to the public.

The juvenile court system keeps offenders' identities and criminal records secret. In addition, juveniles are not fingerprinted or photographed when they are arrested.

Sentencing If a juvenile is found delinquent, or guilty, the court holds another hearing—the **equivalent**, or equal, to sentencing. Juvenile court judges can sentence offend-

ers in different ways. They may 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 center, or teen shelter.

If the young person successfully completes probation, the charges will be dropped and removed from the record. Juveniles who are neglected may become wards of the court. The court becomes their guardian and can supervise them until adulthood.

Supreme Court Rules

The Supreme Court has established several rules for juvenile criminal cases. In general, juveniles have the same or similar rights as adults accused of crimes: the right to counsel, the right to confront witnesses, and the right not to be forced to incriminate themselves. In 1967, the Court stated, “. . . neither the Fourteenth Amendment nor the Bill of Rights is for adults alone.”

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

Section Review

3

Vocabulary

- Define** the following terms and use them in a paragraph about the justice system for young people: *juvenile*, *juvenile delinquent*, *rehabilitate*.

Main Ideas

- Explaining** Can juveniles be tried as adults?
- Describing** What is the primary goal of juvenile courts?

Critical Thinking

- BIG Ideas** Do you agree that some young people should be tried as adults? Why or why not?
- Describing** Rehabilitation is the goal of the juvenile justice system. On a graphic organizer like the one below, list the programs youths can be diverted into to reach this goal.



CITIZENSHIP Activity

- Creative Writing** Write a series of journal entries from the point of view of someone involved in the juvenile justice system: a young person, a police officer, a parent or caregiver, a crime victim, a judge, or a parole officer. Use details from this chapter to make sure your entries are accurate with regard to the juvenile justice system.



Study Central™ To review this section, go to glencoe.com.

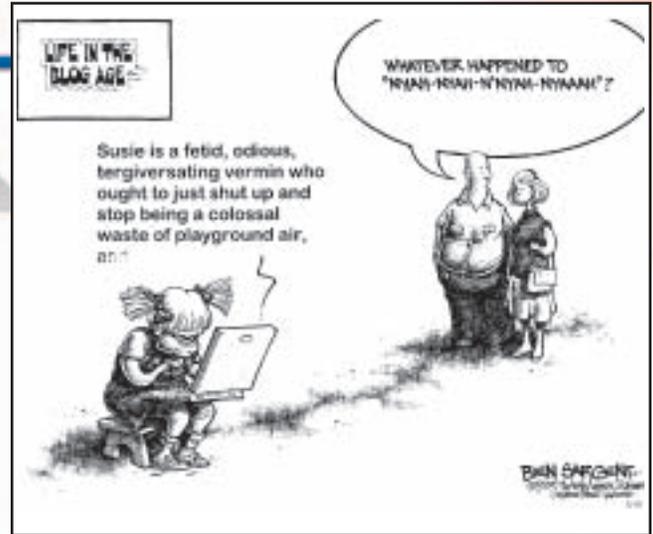


Issues TO Debate



Can schools punish students for undesirable blog speech?

The word *blog* is a blend of *web* and *log*. Individuals with access to the Internet can post comments on blog pages for anyone to read and respond to. In the last few years “blogging” has exploded in popularity for all age groups, especially young people. Today millions of blogs are posted around the world. Blogging was in its early stages when a Missouri school district suspended a student for posting a personal Web page criticizing his school. Since then, the courts have decided a number of cases involving student use of the Internet from locations outside their schools. Should a school be allowed to punish blog speech?



Computer blog speech has become more sophisticated and harder to monitor.

YES

A federal district court ruled a Missouri high school student blogger’s criticism of school officials was protected speech. However, not all such speech is protected by the First Amendment. Advising the Association of School Administrators, attorneys Robert Ashmore and Brian Herman noted that, “Student blogs are protected by the First Amendment as long as their content does not constitute a material disruption to classwork or involve substantial disorder or invasion of the rights of others. . . . [T]he U.S. District Court for the Western District of Pennsylvania recently refused to stop a school district from suspending a student, placing him in an alternative school. . . .” The student’s Web site had mocked his principal. The court said that, at trial, the Web site probably would be considered a material disruption.

—Robert Ashmore and Brian Herman, “Abuse in Cyberspace”

NO

The American Civil Liberties Union (ACLU) and the Student Press Law Center (SPLC) often come to the defense of student bloggers who believe their free speech is being violated. With their support, students often win court cases against their schools. In a 1999 case U.S. District Judge Barbara Jacobs Rothstein ruled that a school had violated the First Amendment rights of a student when it expelled him for the content of a poem he wrote about school violence. “‘Last Words’ was not a sincere expression of intent to harm or assault, and the poem therefore falls squarely within the purview of the First Amendment’s core protections,” Rothstein said in her decision. “The Supreme Court has repeatedly held that both teachers and students retain their Constitutional rights to freedom of speech and expression. . . . Poetry . . . falls within the core speech protected by the Constitution.”

—U.S. District Judge Barbara Jacobs Rothstein, *LaVine v. Blaine School District*, 2000

Debating the Issue

- 1. Defining** What is a blog?
- 2. Identifying** What are three organizations that have an interest in student blog speech?
- 3. Explaining** What does a school have to prove in order to punish a student for blog speech?
- 4. Analyzing** Why would courts rule that content on a personal blog is protected by the First Amendment but that classroom speech is less likely to be?

Civil Law

- Civil law includes disputes over rights, property, and agreements.
- In a civil lawsuit, the plaintiff files a complaint against the defendant, and the defendant responds.
- The legal system has established a procedure that everyone must follow to settle civil disputes.

Criminal Law

- In criminal law cases, the government charges someone with a crime.

Students try a case in peer court



Divorce and family law is part of civil law

- A crime is an act that breaks a federal or state criminal law and causes harm to people or society in general.
- Criminal cases are divided into two main groups—felonies and misdemeanors.

Juveniles and the Court System

- When a juvenile is arrested, the police must notify his or her parents or caregivers.
- A preliminary hearing is held, followed by a court appearance.



Offender gets tracking device

- At sentencing, juveniles may be sent home, put on probation, made a ward of the court, or sent to a reformatory.
- 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.



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North Carolina End-of-Course Test Civics and Economics Practice

TEST-TAKING TIP

When reviewing for a civics exam, divide material into easy-to-remember categories such as civic duties, civil rights, and types of law.

Reviewing Vocabulary

Directions: Choose the word(s) that best completes the sentence.

- A statement naming the defendant and plaintiff and announcing the lawsuit is called a _____.
A summons **C** settlement
B complaint **D** penal code
- A _____ spells out the punishments that go with each crime.
A summons **C** settlement
B complaint **D** penal code
- After serving parts of their sentences, some prisoners become eligible for early release, or _____.
A parole **C** discovery
B acquittal **D** arraignment
- The primary role of juvenile courts is to _____.
A punish **C** acquit
B arraign **D** rehabilitate

Reviewing Main Ideas

Directions: Choose the best answer for each question.

Section 1 (pp. 448–451)

- Which of the following situations may lead to a negligence suit?
A parents argue over custody of their children
B neighboring farmers disagree over boundaries
C a football player quits before his contract expires
D a worker is killed on the job when equipment fails

Section 2 (pp. 452–458)

- What is meant by indeterminate sentencing?
A a set amount of time that the law directs for a specific crime
B probation with intensive supervision
C different sentences for similar crimes under different circumstances
D a sentence that ranges from a minimum to a maximum term
- When does an accused person enter his or her plea of guilt or innocence?
A on being arrested
B during booking
C at the arraignment
D during cross examination

Section 3 (pp. 460–463)

- According to studies, which young people are most likely to get in trouble with the law?
A older juveniles
B abused children
C mediocre students
D middle-class teenagers
- What right do accused juveniles NOT share with adults?
A the right to counsel
B the right to a jury trial
C the right to confront witnesses
D the right to refuse to incriminate themselves

Critical Thinking

Directions: Base your answers to questions 10 and 11 on the chart below and your knowledge of Chapter 16.

Average Prison Sentences and Time Served for Criminal Cases		
Type of offense	Average sentence given	Percent of sentence served
Murder	12.4 years	48%
Kidnapping	8.7 years	50%
Robbery	8 years	46%
Assault	5.1 years	48%
Other	5 years	47%

10. What conclusion can you draw from the chart?
- A More than half of all convicted felons serve their full sentences.
 - B On average, convicted robbers are sentenced to four years.
 - C Criminals serve only about half their sentences in prison.
 - D Convicted murderers spend the rest of their life in prison.
11. What judgment might you make based on the chart?
- A Murderers should be in prison for life.
 - B Robbery is a more serious crime than assault.
 - C All felonies are equally detrimental to society.
 - D Society considers kidnapping the most heinous crime.

Document-Based Questions

Directions: Analyze the following document and answer the short-answer questions that follow.

The federal government and 38 states allow the death penalty for certain crimes such as murder and kidnapping. The following passage is by Sister Helen Prejean, the author of Dead Man Walking and an advocate for abolition of the death penalty.

To shackle conscious, imaginative human beings and bring them to the death house with the clock ticking away the days and hours of their lives is mental torture. To prepare human beings for execution by diapering them, shackling them, and forcibly injecting them with valium to lower resistance, then strapping them onto a gurney and injecting them with chemicals that first paralyze them so they can't cry out and then throw them into cardiac arrest is mental torture and in all probability physical torture too. We've been trying over the last 30 years to sanitize death, make it look like we're not really killing them, we're "putting them to sleep."

The death penalty always involves torture. There's no way to kill a human being without causing them extreme pain. Legalizing death doesn't change anything.

—Sister Helen Prejean

12. According to Helen Prejean's characterization, which constitutional freedom does the death penalty negate?
13. What is the main idea of the passage?

Informational Writing

14. Describe mediation and arbitration in civil cases, and point out the differences between the two.

STOP



For additional test practice, use Self-Check Quizzes—Chapter 16 on glencoe.com.

Need Extra Help?

If you missed question...	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Go to page...	450	450	454	462	449	454	456	461	463	454	454	453	453	450