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**ABSTRACT**

This resource guide was designed to assist teachers in instructing secondary school students about the rights and responsibilities of the individual as they relate to the judicial and educational systems. It combines the concepts of law-related education with concepts of school regulations and self-discipline. The guide, which was designed to be used with Law Education Unit XII in the Civics Curriculum Guide, Bulletin No. 1600, contains: (1) the Louisiana social studies curriculum goals; (2) a discussion of the relationship of education to discipline programs; (3) an overview of law-related education and discipline; (4) a suggested course content outline; and (5) course objectives. Ten teaching units are included, one for each course objective. Each contains concept and generalization statements, along with a unit content outline and suggested student activities. Appendices, which constitute the bulk of the document, include: (1) a glossary of terms; (2) a 105-item bibliography; (3) lists of law-related education model programs, juvenile justice resources, and selected law-related association officials; (4) additional course related learning activities; and (5) a revised edition of the Louisiana State Department of Education's "Student Rights and Responsibilities Model Handbook". (JHP)

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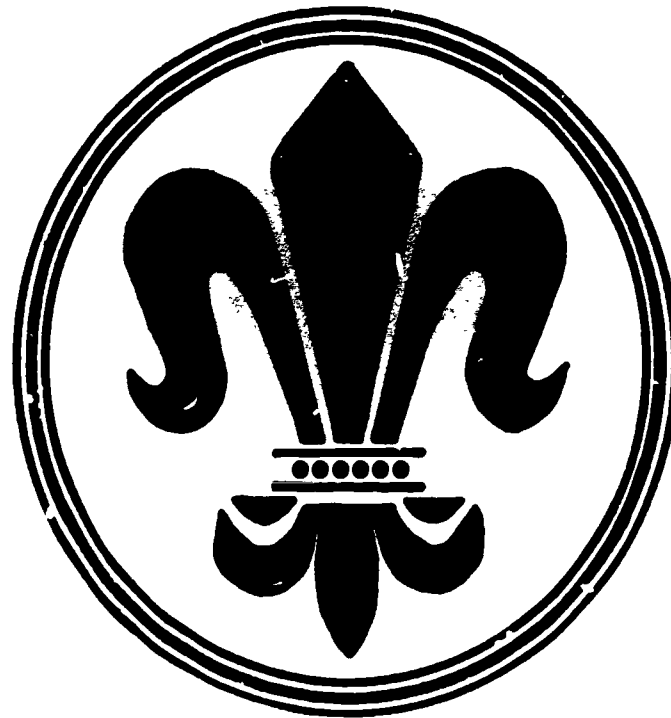
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STATE OF LOUISIANA  
DEPARTMENT OF EDUCATION

LAW-RELATED EDUCATION AND DISCIPLINE  
RESOURCE GUIDE

BULLETIN 1676

1983



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STATE OF LOUISIANA  
DEPARTMENT OF EDUCATION

LAW-RELATED EDUCATION AND DISCIPLINE  
RESOURCE GUIDE

Social Studies  
Bureau of Secondary Education

Discipline Section  
Bureau of Student Services

BULLETIN NO. 1670

1983

Issued by  
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Thomas G. Clausen, PH. D.  
State Superintendent  
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## FOREWORD

This Resource Guide is designed to assist teachers in instructing students in the responsibilities of the individual to the judicial and the educational systems. It is a unique resource in that it combines the concepts of law education with concepts of school regulations and self-discipline. It is hoped that the positive approach of this guide will create a better school and community environment.

I would like to thank the members of the Advisory Committee and the Writing Team for their assistance in compiling this Resource Guide for teachers.

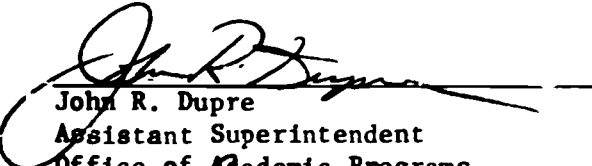



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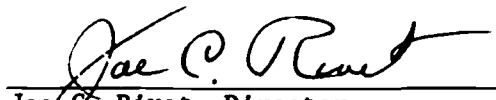
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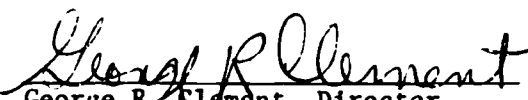
## ACKNOWLEDGMENTS


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## INTRODUCTION

Social studies education concerns itself with those curricular experiences that help young people develop into rational, responsible decision makers capable of addressing themselves to important personal and public issues and problems. It is hoped that these decisions will be made on the basis of highly developed information processing skills and a well established personal value system. The value system should be based on the preeminent importance of all human beings and of their rights within democratic social and political systems.

In providing the kinds of social studies experiences which nurture young people, educators must recognize the many diverse roles all people, including young people, must play in our complex, pluralistic society. These roles include those of family member, student, worker, and citizen. This resource unit is concerned with helping students to acquire the knowledge and skills and the values and beliefs that will assist them in their roles as students in Louisiana's schools.

The study of social relationships as they are related to the schools and the judicial process is important for both the school community and the community at large. The student in an instructional program which involves law and the operation of the judicial process develops an understanding of the need for rules within society. This study can also assist a student in maturing into a self-disciplined individual.

The process of government is a human endeavor with the authority of government derived from its citizens. For citizens to balance rights and responsibilities against the authority of government is a difficult task. How well this task is accomplished determines the social fabric of a society. Without the bond of understanding and of sensitivity to rules and legal processes which support social institutions, all citizens of a society would face the alternative of chaos.

The goals contained in this guide are based upon the goals of the new Louisiana social studies curriculum. The guide is designed as resource material to be used with Law Education Unit XII in the Civics Curriculum Guide, Bulletin No. 1600. It can also be used as supplementary material for those school systems that offer Law Education courses as electives.

The concept of minimum competencies necessarily implies that mastery of the competencies is the minimum aim for all pupils. While these objectives are the same for all students, there are

diverse means for seeking mastery. The Activity Charts are designed to include three levels of approaches. The activities are designated as follows:

- "A" are for students achieving at grade level.
- "B" are for students who are achieving below grade level.
- "C" are for advanced students.

The matching of students with activity levels is a task for the classroom teacher and may be accomplished in a variety of ways. Additionally, teachers should use their professional judgment in modifying any activity to suit the particular needs of their students. There is no requirement that a particular student always be assigned the same level of activity. One individual may be assigned "A" level for some objectives, "B" level for others, and "C" level for still others. A given class may or may not have students assigned to all three levels of the activities.

An asterisk beside an objective means that it is a minimum competency and, therefore, subject to testing. The minimums are not intended to become the only objectives for the program. Clearly, some situations will be conducive to pursuit of all the suggested objectives. Others will require additional objectives pertinent to teaching skills, meeting individual needs, pursuing local purposes, etc. It should be kept in mind that it will be at least twelve years before any student will have completed the total program. There will also be program changes, transfer students, and other conditions so that good instructional practice will continue to require informed adaptation to the local situations.

## LOUISIANA SOCIAL STUDIES CURRICULUM GOALS

- I. Develops an understanding of the relationships between human beings and their social and physical environment in the past and in the present; develops an understanding of the origin, interrelationships, and effects of beliefs, values, and behavior patterns; and applies this knowledge of new situations and data by:
  - A. Acquiring knowledge about social organization.
  - B. Acquiring knowledge about the relationships between human beings and social environments; understanding some of the effects of these relationships; and making value judgment about the consequences of these relationships.
  - C. Acquiring knowledge about the relationships between human beings and the physical environment; explaining some of the effects of these relationships; and making value judgment about the consequences of these relationships.
  - D. Acquiring knowledge about decision-making processes.
  - E. Acquiring knowledge about conflict and the impact it has on individual and group relationships.
  - F. Expressing awareness of some of the beliefs and values expressed by people and recognizing that the times and places in which people live influence their beliefs, values, and behaviors.
  - G. Demonstrating knowledge of ways beliefs and values are transmitted in various cultures.
  - H. Acquiring knowledge about the influence that beliefs and values have on relationships among people.
  - I. Acquiring an understanding of legal sources, functions, principles, processes and roles, and the interrelationship of these elements in the context of the major legal topic areas in our system and others.

II. Develops the competencies to acquire, to organize, to evaluate, and to report information for purposes of solving problems and clarifying issues by:

- A. Identifying the central problem in a situation and identifying the major issue in a dispute.
- B. Applying divergent thinking in formulating hypotheses and generalizations capable of being tested.
- C. Identifying and locating sources of information and evaluating the reliability and relevance of these sources.
- D. Demonstrating ability to use reliable sources of information.
- E. Organizing, analyzing, interpreting, and synthesizing information obtained from various sources.
- F. Using summarized information to test hypotheses, to draw conclusions, to offer solutions to problems, to clarify issues, or make predictions.
- G. Validating outcome of investigation.
- H. Appraising judgments and values that are involved in the choice of a course of action.
- I. Acquiring specific skills relevant to
  1. Ability to manage and to contribute to the management of conflicts in various contexts, including the family, the school, the workplace, the community, the state, the nation and the world.
  2. Ability to make decisions.
  3. Ability to communicate and to interact with diverse groups of people and individuals.
  4. Ability to deal with authority in various contexts including the school, the workplace, and the community.
  5. Ability to participate, including the abilities to
    - a. Work effectively in groups
    - b. Organize and plan effectively



- c. Form coalitions
- d. Persuade and bargain effectively
- e. Persevere

III. Examines one's beliefs and values, recognizes the relationship between personal value structure and behavior, and develops human relations skills and attitudes that enable one to act in the interest of self and others; and develops a positive self-concept by:

- A. Expressing awareness of the characteristics that give one identity.
- B. Expressing awareness of one's goals (aspirations), the goals of the groups with which one identifies, and correlating these goals.
- C. Expressing awareness of the relative strengths of oneself and of the groups with which one identifies, recognizing the social barriers to full development that may exist, and suggesting ways of maximizing one's effectiveness.
- D. Examining personal beliefs and values and the relationship between these and behavior
- E. Developing the human relations skills and attitudes necessary to communicate with others.
- F. Expressing awareness of the physical, the intellectual and the social conditions of human beings, and suggesting ways these conditions can be improved.
- G. Demonstrating a commitment to individual and group rights and acting in support of equal opportunities.
- H. Demonstrating effective involvement in social interaction.
- I. Developing a positive feeling about oneself.
- J. Developing mature attitudes toward:
  - 1. Authority
  - 2. Diversity
  - 3. Individuality

4. The rights of others
5. The peaceful resolution of conflict
6. The school as a learning environment
7. Work and the workplace

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## MAJOR GOAL OF A POSITIVE DISCIPLINE PROGRAM

The major goal of the Louisiana Discipline Program is the development of a positive educational atmosphere where preventive techniques employed by school personnel result in a better learning environment. Elements of this developmental process would include:

- A. Techniques to reduce antisocial behavior.
- B. Involvement of total community resources to reduce student crime and student disruptive behavior.
- C. Coordination of school and community agencies in a cooperative effort to assist delinquent youth.

## OVERVIEW

### LAW-RELATED EDUCATION AND DISCIPLINE

This guide will help students to understand the American legal system with emphasis upon the rights and the responsibilities of young citizens in their roles as students in our schools. The focus will be on the topic of school discipline as an example of how rules and laws apply to specific roles and special contexts. Discipline, as it relates to the judicial and educational systems, will be studied to show how the systems adjust to accommodate the needs of young citizens in their roles as students.

The nature of a democratic government requires self-disciplined citizens. For an effective democratic society to operate, citizens must be willing to adhere to rules and laws for the protection of both the individual's rights and those of his fellow citizens. A positive discipline program in a school will concern itself with insuring that students acquire the knowledge, develop the skills, and cultivate the attitudes necessary for them appropriately to operate as responsible, maturing citizens within our schools.

## CONTENT OUTLINE

### LAW-RELATED EDUCATION AND DISCIPLINE

#### Unit XII. The Law and the Citizen (Correlated with Unit XII from Civics Guide)

##### A. The legal system and its agencies

1. Origins
2. Functions
3. Criminal law
4. Civil law
5. Associated agency: the school

##### B. Sources of law

1. School policies: conduct on and off school grounds
2. City ordinances
3. Parish ordinances
4. State laws
  - a. Suspension
  - b. Expulsion
5. Federal laws
6. Administrative laws

##### C. Constitutional rights and the juvenile

1. Historical and constitutional background
  - a. Origins of the juvenile justice system
  - b. Legal status of juveniles prior to 1967
2. Youth with special needs
  - a. Status offenders/persons in need of supervision (PINS)
  - b. Delinquent children

3. The student and the school
    - a. The school as a parent (in loco parentis)
    - b. Tinker decision
    - c. Goss v Lopez
  4. The juvenile courts and individual rights
    - a. The court as a parent (parens patriae)
    - b. The Gault decision
    - c. The Winship decision
    - d. The McKeiver decision
- D. Crime and punishment
1. Felonies and misdemeanors
  2. Punishment and corrections. judicial discretion
  3. Prisons and correctional institutions
  4. Rights of prisoners
  5. Getting a lawyer
  6. Legal aid to the indigent
- E. The citizen's responsibility and the law
1. Civic duties
    - a. Within the community
    - b. Within the school
  2. Reasonable decision making by citizens
  3. Elements in participatory citizenship

## COURSE OBJECTIVES

On completion of these studies the student will:

1. Explain the origins and the functions of the American legal system.
- \*2. Define criminal law and civil law.
3. Recognize examples of laws passed by legislative bodies.
- \*4. Identify rights of United States citizens under the Constitution.
- \*5. Differentiate among the types of youths who have special needs in society.
6. Identify special legal procedures for juveniles used within both the community and school.
7. Identify and explain recent court decisions extending the rights of adults to juveniles.
- \*8. Differentiate between misdemeanors and felonies.
- \*9. Explain the differences and the similarities between adult prisons and correctional institutions for juveniles.
10. Recognize the citizen's responsibility in our system of laws.

\* Minimum Competencies

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## OBJECTIVE 1

The student will explain the origins and the functions of our legal system.

### Concept

Law

### Generalization

Society has developed laws through customs, tradition, and legislative acts.

---

### CONTENT LINE

### ACTIVITIES

XII. The Law and the Citizen

A. The legal system

1. Origins
2. Functions

- (A) Read textbook, encyclopedias, and other references suggested by the teacher or librarian and explain how laws developed from societal customs and traditions.
- (B) Give examples of what happens when games are played without rules or when there is no clear understanding of the rules. Discuss the ways these experiences relate to formulation of laws.
- (C) Use library indexes to locate materials on the history of the law. Prepare with others a narrative to present to the class. Use of visual aids is encouraged in group presentations.

- A - On level  
B - Below level  
C - Above level



## OBJECTIVE 2\*

The student will define criminal law and civil law.

### Concepts

Criminal and Civil Law

### Generalization

There are two major types of law: criminal and civil.

---

### CONTENT OUTLINE

3. Criminal law
4. Civil law
5. Associated agency:  
the school

### ACTIVITIES

- (A) Compile lists of civil cases and criminal cases. Use a dictionary and textbooks to differentiate between these two types of cases.
- (B) Use the textbook and a dictionary to locate definitions of civil law and criminal law. Collect and classify some descriptions of cases from the newspaper or other sources. Post these on the bulletin board.
- (C) Interview persons who are civil and criminal court attorneys or judges about the background, the functions, and recent examples of cases involving the two kinds of law. Share the findings with other class members.
- (ABC) Brainstorm a list of the rules and the regulations of the school. Categorize by example according to custom, tradition, and legislative act. Compare and contrast the categories.

### OBJECTIVE 3

The student will recognize examples of laws passed by legislative bodies.

#### Concept

Statutory Law

#### Generalization

Society has developed a system of laws.

---

#### CONTENT OUTLINE

- B. Sources of law
1. School policies:  
conduct on and off  
the school grounds
  2. City ordinances
  3. Parish ordinances
  4. State laws
    - a. Suspension
    - b. Expulsion
  5. Federal laws
  6. Administrative laws

#### ACTIVITIES

- (A) Discuss the kinds of laws passed by the various legislative bodies. Locate or write an example of a law passed by a city council, a police jury, a state legislature, Congress, and an administrative law-making body.
- (B) Prepare with others a poster or bulletin board showing the scope of laws enacted by various agencies. This may be represented by labeled concentric circles, "Chinese boxes," a pyramid, or other forms.
- (C) Develop a set of cards naming historic laws or laws prominent in recent news. Develop a classifying game to practice differentiating kinds of laws.
- (ABC) Use brainstorming list in researching school rules to determine their origin.
- (ABC) Read and paraphrase the laws concerning suspensions and expulsion found in appendix E on page 31.

## OBJECTIVE 4\*

The student will identify rights of United States citizens under the Constitution.

### Concepts

Bill of Rights, basic individual rights

### Generalization

The constitutions of the states and the nation establish basic rights of individual citizens.

---

### CONTENT OUTLINE

- C. Constitutional rights and the juvenile
  - 1. Historical and constitutional background
    - a. Origins of the juvenile justice system
    - b. Legal status of juvenile prior to 1967

### ACTIVITIES

- (A) Compare the rights of individuals guaranteed by the Louisiana Constitution to those guaranteed by the United States Constitution. Summarize these rights in a theme.
- (B) View a film on the Bill of Rights. Explain why the Bill of Rights was needed and how it applies to individual citizens.
- (C) Conduct studies; then provide dramatic means to convey the nature and scope of rights guaranteed by the United States Constitution.

## OBJECTIVE 5\*

The student will differentiate among the types of youths who have special needs in society.

### Concept

Persons in need of supervision

### Generalization

Society needs to provide care for children in need of supervision.

---

### CONTENT OUTLINE

2. Youth with special needs
  - a. Status offenders/  
persons in need of  
supervision (PINS)
  - b. Delinquent children
  - c. Neglected/abused  
children
  - d. Juveniles/emancipation

### ACTIVITIES

- (ABC) Ask either a juvenile officer or judge to explain what is done in the community with problem youth. Summarize the talk in writing.
- Discuss ways of avoiding trouble with the law.
- Develop a chart of "Youth Responsibilities" in the home, the school, and community.
- (ABC) Give brief descriptions of sample case studies representing items a and b (status offenders or delinquent children) and discuss and identify the classifications.
- (ABC) Ask a resource person (judge, lawyer, juvenile officer, etc.) to discuss emancipation.

## OBJECTIVE 6

The student will research and explain legal procedures for juveniles in both the community and the school.

### Concepts

Juvenile court, due process in schools.

### Generalization

Society, including the school, has created special legal procedures for juveniles.

---

### CONTENT OUTLINE

3. The student and the schools
  - a. The school as a parent  
(in loco parentis)
  - b. The Tinker decision
  - c. Goss v Lopez
  - d. The Family Education Rights and Privacy Act, 1974, PL 93-380  
(the Buckley Amendment)
  - e. Baker case

### ACTIVITIES

- (A3C) Research and then discuss the history of society's treatment of juveniles accused of crimes.
- (ABC) Ask a juvenile court judge to explain several cases and how decisions were reached in those cases. Summarize how the decisions were made in notebooks.  
  
Make a comparison chart showing rights of adults accused of crimes and rights of juveniles accused of crimes.
- (ABC) Role play a school administrative hearing.
- (ABC) Ask the school guidance counselor to explain the Buckley Amendment. Expand the discussion to other areas to include medical and credit records and the Freedom of Information Act.

## OBJECTIVE 7

The student will identify and explain recent court decisions extending the rights of adults to juveniles.

### Concepts

Due process, juvenile rights, legal assistance

### Generalization

The Supreme Court has made recent decisions extending due process to juveniles.

---

### CONTENT OUTLINE

4. Juvenile courts and individual rights
  - a. The court as a parent (parens p. triae)
  - b. The Gault decision
    - 1) Getting a lawyer
    - 2) Legal aid to the indigent
  - c. The Winship decision
  - d. The McKeiver decision

### ACTIVITIES

(ABC) View a film such as "In Re Gault" and explain the differences between due process for juveniles and due process for adults.

Prepare a chart of the rights and responsibilities of juveniles.

Review the facts of the Winship case and write a summary of the case.

(ABC) Role play a juvenile court hearing.

Invite a lawyer to explain to the class how to choose a lawyer and how to secure free legal aid in your community.

Locate the office of the local legal aid society in the telephone directory and on a map. Tell what services are performed by this agency.

View a film such as "Justice Under the Law: The Gideon Case" and explain what happened to Gideon when he was without legal service.

- (ABC) Have students compare the standard of proof in a civil case to that in a criminal case. (Preponderance of evidence and beyond a reasonable doubt)
- (ABC) Ask students to do a variety of case study activities involving the above cases.

## OBJECTIVE 8\*

The student will differentiate between misdemeanors and felonies.

### Concepts

Misdemeanor, felony

### Generalization

Criminal laws are categorized as misdemeanors and felonies.

---

### CONTENT OUTLINE

- D. Crime and punishment
  - 1. Felonies and misdemeanors
  - 2. Punishment and corrections:  
judicial options

### ACTIVITIES

- (A) Gather and chart national statistics on misdemeanors and felonies and relate findings to the class.
- (B) Collect current news articles on crimes committed in the community and classify them as felonies or misdemeanors.
- (C) Write a documented report on the effects of crime on society.
- (ABC) See appendix D page 95 for a sample problem on crimes and judicial punishment. After listing these on the board, ask students to determine appropriate punishment.
- (ABC) View Walt Disney Juvenile Justice films/ filmstrips.



## OBJECTIVE 9\*

The student will explain the differences and the similarities between adult prisons and correctional institutions for juveniles.

### Concept

Correctional institutions, prisons

### Generalization

Society imposes sanctions and penalties for violation of the laws.

---

### CONTENT OUTLINE

3. Prisons and correctional institutions
4. Rights of prisoners

### ACTIVITIES

- (A) Ask several students to prepare a bulletin board display on crime and punishment. Have them point out differences between prisons and correctional institutions.
- (B) Identify and discuss similarities and differences between prisons and correctional institutions. Find out and tell others about such institutions in the area. Point out on an appropriate map.
- (C) Identify, document, and relate to the class the legal rights of prisoners and inmates of correctional institutions.

## OBJECTIVE 10

The student will recognize citizen responsibilities in the American system of laws.

### Concept

Civic responsibility

### Generalization

The American system of justice depends on citizen participation.

---

### CONTENT OUTLINE

- E. The citizen's responsibility and the law
  - 1. Civic duties
    - a. Within the community
    - b. Within the schools
  - 2. Reasonable decision making by citizens
  - 3. Elements in participatory citizenship
  - 4. Civil disobedience

### ACTIVITIES

- (A) Provide the class some case to illustrate the principle of trial by a jury of peers, problems due to avoidance of service, and the importance of serving on a jury when called.
- (B) Ask students to locate and interview citizens who have served on a jury. Invite a speaker to relate findings about jury duty to the class.
- (C) Read Thoreau's "Civil Disobedience" and explain how it relates to American ideals about law and justice.
- (ABC) Interview leaders of various civic groups in the community to determine specific civic activities. Do same for school organizations.
- (ABC) Have a panel discussion on positive activities students can do in the school community.

APPENDIX A

GLOSSARY

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## GLOSSARY

**Abuse** - The misuse, molesting, and/or injury of a child.

**Administrative Law** - The rules and regulations set out by administrative agencies.

**Bill of Rights** - The first ten amendments to the U.S. Constitution.

**Child in need of care** - A youth who is neglected, abandoned, or physically, psychologically or sexually abused and is therefore in need of assistance within the juvenile justice system.

**Child in need of supervision** - A youth who is found to be in need of court supervision for various reasons including being habitually truant or willfully violates school rules.

**Civil Law** - Law related to judicial disputes between individuals.

**Civil Rights** - The rights of all citizens guaranteed by the Constitution.

**Common Law** - Judge-made law (Judicial decisions as opposed to legislative-made law).

**Constitution** - A written document of a country, state, or organization that sets out its basic principles and most general laws.

**Correctional Institution** - A physical plant staffed by qualified penologists designed to work with individuals whom society has adjudicated to be in need of punishment and/or behavior modification in order to protect the public from such individuals until such time as those individuals are prepared to properly take their place in society, respecting not only the rights of others, but themselves.

**Crime** - Any violation of the government's penal laws; an illegal act or failure to act.

**Criminal Law** - The whole body of principles, standards, and rules which apply when an illegal act is committed or a government's laws are violated.

Custom - Regular behavior of persons in a geographical area or in a particular type of business that gradually takes on legal importance so that it will influence a court's decision.

Delinquent - Short for "juvenile delinquent" or a minor who has done an illegal act or who has been proven in court to seriously misbehave.

Democracy - A form of government in which ultimate power rests with the people who are governed.

Discipline - Training which corrects, molds, strengthens or perfects the individual to become a self-motivated and self-correcting individual.

Due Process of Law - The principle that a person should always have notice and a real chance to present his or her side in a legal dispute and that no law or government procedure should be arbitrary or unfair.

Emancipate - To release from paternal care and responsibility.

Expulsion - Long term removal from a school community usually in excess of nine continuous days.

Felony - A serious crime.

In Loco Parentis - The right of government to stand in place of a child's parent(s) while under the care of that governmental agency.

Indigent - A person unable to afford the cost of legal or other services.

Juvenile Court - A court set up to handle cases of either delinquent or neglected children.

Law - The whole body of rules, customs, practices and standards recognized as binding or enforced by a controlling authority.

Lawyer - A person licensed to practice law; other words for "lawyer" include attorney, counsel, solicitor and barrister.

Minor - A person who is under the age of full legal rights and duties.

Misdemeanor - A criminal offense that is less serious than a felony and that is usually punishable by a fine or less than a year in jail.

Ordinance - A local law, rule or regulation.

Paren Patriae - The right of the government to take care of minors and others who cannot legally take care of themselves.

Persons in Need of Supervision - (PINS) - Any individual who requires supervision by an adult in order to have his/her affairs handled on a day-by-day basis.

Policy - A course of action selected from among alternatives to determine present and future decisions.

Social Studies - That part of the school's general educational program which is specifically concerned with the preparation of citizens for participation in a democratic society.

Status Offender - A youth coming under juvenile court jurisdiction but not having committed a crime, e.g. runaways or truants.

Statutory Law - Law passed by a legislature.

Suspension - Short term removal from school for fewer than nine cumulative days.

Tort - A wrongful act done to any person for which a civil action will be taken.

Wayward Child - A juvenile who has refused to comply with the normally accepted standards of behavior for individuals in his/her age group and has not responded to parental supervision.

Multiple sources were used to compile this glossary. Some of these were as follows:

1. Black, Henry Campbell. Black's Law Dictionary. 5th Edition, St. Paul, Minnesota: West Publishing Company, 1979.
2. Duncan, D., Editor. Dictionary of Sociology. Tucson, Arizona: Albion Publishing, 1968.

APPENDIX B

RESOURCES

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## RESOURCES

### STATE ADOPTED TEXTBOOKS:

- American Civics: Revised Edition, Harcourt Brace Jovanovich, Inc., 1974.
- American Society: Inquiry into Civil Issues, 1973.
- Civics for Citizens, J. B. Lippincott Company, 1970.
- Civics in Action, Addison-Wesley Publishing Company, 1971.
- Civics, New Revisal, Follett Publishing Company, 1973.
- Comparative Political Systems, Holt, Rinehart and Winston, Inc., 1973.
- Inquiring About Freedom, Civil Rights, Webster Division, McGraw Hill Book Company, 1974.
- Of, By and For the People, Benefic Press, 1973.
- The Challenge of American Democracy, Allyn and Bacon, 1970.
- What's What in New Orleans Government, League of Women Voters, 1975.
- Your Life as a Citizen, Ginn and Company, 1976.

### STATE ADOPTED SUPPLEMENTARY MATERIAL:

- American Bicentennial Kit, Society for Visual Education, Inc., 1975.
- Basic Legal Concepts Series, Ginn and Company, 1974.
- In Search of Justice, Charles E. Merrill Company, 1972.
- Justice in America Series, Houghton Mifflin Company, 1974.
- People and the City, Scott, Foresman and Company, 1974.



Planning the Human Community Learning Module, Society for Visual Education, Inc., 1975.

U.S.A.: The Cities, McLaughal, Littell and Company, 1974.

**OTHER REFERENCE BOOKS:**

Brophy, Jere E. Classroom Management in the Elementary Grades. Research Series No. 32. Ann Arbor: Institute for Research on Teaching, College of Education, Michigan State University, 1978.

Clarizio, Harvey F. Toward Positive Classroom Discipline. New York: John Wiley and Sons, 1976.

Connors, Eugene T. Student Discipline and the Law. Fastback Number 121. Bloomington, Indiana: Phi Delta Kappa, Foundation, 1979.

Discipline in the Classroom. Revised edition. Washington, D.C.: National Education Association, 1974.

Dobson, James. Dare to Discipline. Wheaton, Illinois: Tyndale, 1970.

Gallagher, Jack R. Changing Behavior: How and Why. Morristown, New Jersey: Silver Burdett, 1980.

House, Ernest R. Survival in the Classroom: Negotiating With Kids, Colleagues, and Bosses. Boston: Allyn and Bacon, 1978.

Howard, Eugent R. School Discipline Desk Book. Los Angeles: Parker, 1978.

Kling, Samuel G. The Complete Guide to Everyday Law. Chicago: Follett, 1973.

Long, James D. Making It Till Friday: A Guide to Successful Classroom Management. Princeton, New Jersey: Princeton Book Co., 1977.

MacNamara, Donald E. J. (ed.). Readings in Criminal Justice. New York: Duskin, 1978.

Ratcliffe, Robert H. (ed.). Justice in America Series. Boston: Houghton Mifflin Company, 1974.

Rivers, L. Wendell. The Disruptive Student and the Teacher. Washington, D.C.: National Education Association, 1977.

Rogers, Dorothy McKeller. Classroom Discipline: An Idea Handbook for Elementary School Teachers. New York: Center for Applied Research in Education, 1972.

Stone, Jeannette G. A Guide to Discipline. Revised Edition. Washington, D.C.: National Association for the Education of Young Children, 1978.

Stoops, Emery and Joyce King-Stoops. Discipline or Disaster? Fastback Number 8. Bloomington, Indiana: Phi Delta Kappa Foundation, 1972.

Walker, Hill M. The Acting-Out Child: Coping With Classroom Disruption. Boston: Allyn and Bacon, 1979.

#### OTHER REFERENCE ARTICLES:

Canter, Lee. "Be an Assertive Teacher." Instructor, November 1978, p. 60.

\_\_\_\_\_. "Competency-Based Approach to Discipline; It's Assertive." Thrust, January 1979 pp. 11-13.

\_\_\_\_\_. "Discipline." Instructor, September, 1979 pp 106-08.

Emer, Edmund T. and Carolyn M. Everton. "Effective Classroom Management at the Beginning of the School Year," The Elementary School Journal, May 1980, pp. 219-31.

\_\_\_\_\_. "Get More Out of Teaching," Instructor, August, 1980 pp. 7-11.

McLemore, William P. "The A.C.'s of Classroom Discipline," Clearing House, January, 1981, pp. 295-06

Metzger, Devon J. "Including the School in Classroom Management," Clearing House, February, 1981, pp. 272-75.

Morgan, James W. "Recognizing Students' Positive Behavior," Educational Leadership, November 1980, p. 181.

Rich, John Martin. "Glasser and Kohl: How Effective are Their Strategies to Discipline?"  
NASSP Bulletin, September 1979, pp. 19-26.

Welker, William A. "Discipline--A Reality of Teaching." Education, Spring 1976, pp.  
238-39.

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OTHER AUDIO-VISUAL MATERIALS:

Angel Death: Media Five, 16mm, 30 minutes

Assertive Discipline in Action: Media Five, 16mm films

Combat in the Classroom: Media Five, 16mm, 20 minutes

Communication and Motivation: Media Five, 16mm, 30 minutes

Dare to Discipline: Media Five, 16mm, films

Dealing with Discipline Problems: Media Five, 16mm, 30 minutes

Five Steps to Conflict Resolution: Media Five, 16mm, films

Glasser on Schools: Media Five, 16mm films

Playground Discipline: Media Five, 16mm films

Positive School Climate: Media Five, 16mm, 30 minutes

T.E.T. in High School: Media Five - Glasser, 16mm, 30 minutes

Teacher Effectiveness Training: Media Five, 16mm, 30 minutes

Ten Steps to Discipline: Media Five - Glasser, 16mm, 30 minutes

The Classroom: Media Five, 16mm, 30 minutes

The Discipline Film: Media Five, 16mm, 24.03 minutes

The Reality Therapy Approach: Media Five - Glasser, 16mm films, 30 minutes

What is Discipline Anyway: Media Five - Glasser, 16mm, 28 1/2 minutes

State Depository Films (See Educational Film Catalog, Revised, 1980, Bulletin # 1406, La. State Department of Education)

## Civil Rights

Bill of Rights in Action, The - Freedom of Speech  
Bill of Rights of the United States, The  
Equality Under the Law - The Lost Generation of Prince Edward County  
Freedom to Speak - People of New York vs. Irving Feiner  
Interrogation and Counsel  
Justice Black and the Bill of Rights  
Justice Under Law - The Gideon Case  
Justice, Liberty and Law  
National Citizenship Test  
Schempp Case Bible Reading in Public Schools  
Search and Privacy  
Speech and Protest

## Constitution - U.S.

Bill of Rights in Action - Freedom of Speech  
Bill of Rights in Action - Freedom of Religion  
Bill of Rights of the United States, The  
Equality Under the Law - The Lost Generation of Prince Edward County  
Freedom to Speak - People of New York vs. Irving Feiner  
Interrogation and Counsel  
Justice, Liberty and Law  
Living Constitution, The  
Presidency - The Search for a Candidate  
Schempp Case - Bible Reading in Public Schools  
Search and Privacy  
Speech and Protest

## Democracy

Bill of Rights in Action, The Freedom of Speech  
Bill of Rights of the United States, The  
Democracy - The Role of Dissent  
Democracy - Your Voice Can be Heard  
Freedom to Speak - People of New York vs. Irving Feiner  
My Government USA  
Trouble with the Law

Law

Bill of Rights in Action, Freedom of Speech  
Career Awareness - Law Enforcement  
Freedom to Speak - People of New York vs. Irving Feiner  
Interrogation and Counsel  
Justice Black and the Bill of Rights  
Justice Under Law - The Gideon Case  
Justice, Liberty and Law  
Schempp Case - Bible Reading in Public Schools  
Search and Privacy  
Trouble With the Law  
Why We Have Laws - Shiver, Gobble and Snore

Political Ethics

Politics, Power and The Public School

APPENDIX C  
RESOURCE PEOPLE AND AGENCIES

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## MODEL PROGRAMS FOR LAW EDUCATION

### LAW IN A FREE SOCIETY

For information on the LFS program and its OJJDP activities, contact Executive Director Charles Quigley or Project Coordinator Jack Hoar at 5115 Douglas Fir Drive, Suite I, Calabasas, California 91302, 213-340-9320.

### JUVENILE JUSTICE

For information about the OJJDP/LRE evaluation, contact Mary Jane Turner, Associate Director, Social Science Education Consortium, Inc., 855 Broadway, Boulder, Colorado 80302, 303-492-8154.

### AMERICAN BAR ASSOCIATION

FOR ABA materials and services, or further information about any of its activities, contact: Norman Gross, Project Director, or Walter Perkins, Project Coordinator, at 1155 East 60th Street, Chicago, Illinois 60637, 312-947-3960.

### NATIONAL STREET LAW INSTITUTE

For further information on the NSLI, contact Director Jason Newman or Deputy Director Lee Arbetman at 605 G Street, N.W., Washington, D.C. 20001, 202-624-8217.

### CONSTITUTIONAL RIGHTS FOUNDATION

For more information about CRF activities contact either Project Director Carolyn Pereira, CRF/Chicago Office, 122 South Michigan Avenue, Suite 1854, Chicago, Illinois 60603, 312-663-9057 or Executive Director Vivian Monroe, Constitutional Rights Foundation, 6310 San Vicente Boulevard, Suite 402, Los Angeles, CA 90048, 213-930-1510.

### PHI ALPHA DELTA

For further information on Phi Alpha Delta and its juvenile justice activities, contact Director Robert E. Redding or Deputy Director James A. Borchers, at 910 17th Street, N.W., Suite 310, Washington, D.C. 20006, 202-293-2181.



CHILDREN'S LEGAL RIGHTS INFORMATION AND TRAINING PROGRAM

For information on the CLR project and its OJJDP activities, contact Project Director Roberta Gottesman or Project Coordinator Frank Farmer at 208 Hillyer Place, N.W., Washington, D.C. 20009, 202-332-6575.



## JUVENILE JUSTICE RESOURCES

### OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Connie Walton  
OJJDP 7th Floor  
633 Indiana Avenue, N.W.  
Washington, D.C. 20530

### AMERICAN BAR ASSOCIATION

Norman Gross  
1155 E. 60th Street  
Chicago, Illinois 60637

### BIG BROTHERS/BIG SISTERS OF AMERICA

Betty Larkin  
Information & Liaison Coordinator  
117 South 17th Street - Suite 1200  
Philadelphia, Pennsylvania 19103

### BOY'S CLUBS OF AMERICA

John Badger, Director  
Juvenile Justice Project  
771 First Avenue  
New York, New York 10017

### CHILDREN'S DEFENSE FUND

Prilla L. Roman  
1520 New Hampshire Avenue, N.W.  
Washington, D.C. 20036

### CHILDREN'S RIGHTS, INC.

3443 17th Street, N.W.  
Washington, D.C. 20010

### CHILD WELFARE LEAGUE OF AMERICA, INC.

67 Irving Place  
New York, New York 10003

### JUVENILE JUSTICE CLEARINGHOUSE NCJRS

Richard Rosenthal  
P. O. Box 6000  
Rockville, Maryland 20805

### NATIONAL COUNCIL ON CRIME AND DELINQUENCY

John Graves  
411 Hackensack Avenue  
Hackensack, New Jersey 07601

### NATIONAL LEGAL RESOURCES CENTER FOR CHILD ADVOCACY AND PROTECTION (ABA)

1800 M. Street, N.W.  
2nd Floor - South Lobby  
Washington, D.C. 20036

### DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES

Harold Eidlin/Essie Norkin  
P. O. Box 1182  
Washington, D.C. 20013

### REGIONAL CHILD ABUSE AND NEGLECT RESOURCE CENTER

Helen Schlegel  
2609 University Avenue  
The University of Texas at Austin  
Austin, Texas 78712

OFFICERS OF THE PROFESSIONAL COUNSELOR ASSOCIATIONS

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OFFICERS

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Baton Rouge, LA 70806  
Office: (504) 343-5769

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LOUISIANA ASSOCIATION FOR RELIGIOUS AND VALUE  
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AND DEVELOPMENT (LAHEAD)

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President, LAHEAD  
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Monroe, LA 71201  
Home: (318) 387-3789  
Office: (318) 342-4152

LOUISIANA CHILD WELFARE AND ATTENDANCE ASSOCIATION  
1982-83

Henry Steckler  
President  
P. O. Drawer 580  
Franklin, LA 70538  
(318) 828-4100 of 569

INTERNATIONAL ASSOCIATION OF PUPIL PERSONNEL WORKERS, INC.  
1982-83

Jane Baker  
President  
925 Beverly Garden  
Metairie, LA 70002

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## APPENDIX D

### RECOMMENDED ACTIVITIES

The following activities are from the Juvenile Crime Prevention Curriculum developed by the City of Saint Paul, County of Ramsey, Saint Paul School District #625, and the Saint Paul Companies. We wish to thank these copyright holders for allowing us to freely reproduce their excellent activities with Bulletin No. 1676.

These materials are included to assist the teachers by providing information and additional suggested student activities in areas dealing with Juvenile Crime Prevention. The following are examples on how this material may be used with the Law-Related Education and Discipline Unit:

1. Objective 6, page 17, dealing with juvenile courts and due process can be supported with activities from page 81 and 95 of this appendix.
2. Objective 8, page 20, dealing with misdemeanors and felonies can be supported with activities from pages 72-79 of this appendix.
3. Those teachers who wish to conduct a mock trial may refer to the suggested mock trial on page 401 of this appendix.

Teachers should review the materials and choose those activities which can be used most effectively with the topic under study.

Invitation to a Speaker

(School Name)  
(Address)  
(Date)

(Name of Speaker or Department Title)  
(Address)  
(City, State, Zip Code)

Dear (Speaker's Name or Department Title):

The (grade) social studies class at (name of school) has been involved in a special Juvenile Crime Prevention Curriculum. Part of the curriculum focuses on (insert topic for the week). A speaker is needed to make this unit realistic and meaningful to the students. Could you or a member of your organization find time to talk to our class?

Enclosed is an outline of suggested topics to help you prepare your presentation.

Please try to schedule your presentations for (time) on (date). Time for your talk will be approximately (time allowed), followed by a brief period for questions and discussion.

We look forward to your reply. If you can be with us, please contact me at (phone number) so we can make final arrangements. If you have any questions, please call me between (time) and (time).

Sincerely,

(Teacher's Name)  
(School Name)

Sample Permission Slip

SCHOOL

PARENT PERMISSION SLIP  
Juvenile Crime Prevention Curriculum Project

Dear Parents:

For the next (\_\_\_\_) weeks your child will be participating in a social studies class which will focus on the juvenile justice system and how it works. In addition to learning about the system, students will learn about the effects of crime on people and neighborhoods.

As part of classroom activities students will be going on field trips to see different parts of the juvenile justice system. They may visit a court room, a detention center or a juvenile correction facility. Speakers from the police and fire departments, probation office and community will come into the classroom to talk about what they do and the harmful effects of crime. Some activities will take students into the community and may include some vivid illustrations of crime such as a house completely burned. This will be kept to a minimum, but it is important to show some of crime's destructive effects.

As a concluding activity, students will prepare lesson plans and formal dramatic presentations for elementary students in a neighborhood school. You will be invited to these presentations as a test audience before they are given to the elementary students.

If you have any questions or suggestions for the program, please contact us. Your interest in this project is encouraged.

\_\_\_\_\_  
Classroom Teacher

(Date)

\_\_\_\_\_  
DETACH

\_\_\_\_\_  
DETACH

\_\_\_\_\_  
DETACH

\_\_\_\_\_  
DETACH

PLEASE SIGN THIS FORM AND HAVE YOUR CHILD RETURN IT TO THE CLASSROOM TEACHER BY \_\_\_\_\_.

I give permission for \_\_\_\_\_ (child's name) to participate in the above program about the juvenile justice system which will include field trips.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent or Guardian

1 Introduce arson concepts:

- a) Definition of arson,
- b) Current statistics on arson fires,
- c) Current attitudes of the criminal justice system on arson,  
and
- d) Current programs that reflect the public's attitude.

2. Discuss students' personal experiences with fire.

Note to teacher: During the pilot project it was found that many students had experienced fires in which their families had suffered considerable losses. It is helpful for other class members to hear these stories.

3. Hand out copies of "Interview with a Professional Torch" to any two students. Ask them to play the roles, reading parts to the class, and then discuss.

4. Assignment

- a) Write a one-page story about an arson or fire situation that involved you or someone you know. Describe what happened and how the people felt after the fire was over.
- b) Clip news articles related to fires or suspected incidents of arson.

NOTE: Refer to reprint from "Arson Action Guide" for additional material.



## DISCUSSION OF ARSON

To be given by teacher:

Arson, the most neglected crime in America, is a crime of violence against people and property. It is America's biggest rip-off.

Fire claims 12,000 lives each year in the U.S. An additional 3,000,000 fire victims each year live with terrifying memories of burn injuries. The cost of property destroyed by fire exceeds \$11 billion a year. The death rate of America's firefighters makes it a high-hazard job, more dangerous than coal mining.

Arson is criminal destruction of property by means of fire. Some cases of arson are committed by people who enjoy destroying things.

Another type of arson is committed for profit. If a person has a business which is losing money, he or she may decide to set fire to the business, burn the merchandise and collect money from the insurance company.

Fire setters can be anyone - sick or healthy, old or young, rich or poor, male or female.

Statistics indicate arson is the fastest growing crime in the country. Nationwide, arson has gone up 400 percent since 1967, with one major city reporting a 700 percent increase. Arson is reportedly responsible for an annual toll of 1,000 deaths, and 10,000 injuries.

Arsonists have many reasons for setting fires. They may be juveniles with a grudge against schools or vandals seeking thrills. Some of these fires are not discovered promptly and result in serious property damage.

Arson is a particularly dangerous crime. Once a fire begins there is no way to know how far it will spread. Many intentionally set fires kill firefighters and civilians besides destroying property. Any death resulting from a felony such as arson is considered first-degree murder.

Most of this information was excerpted from: Arson: Detecting and Investigation, by Brendon P. Battle and Paul B. Weston, Arco Publishing Co., New York, 1978.

## INTERVIEW WITH A PROFESSIONAL TORCH

This composite interview is based upon conversations with fire-setters and includes information from Senate Sub-committee hearings on Arson-For-Hire. Reprinted with permission from the January/February 1980 issue of the Sentinel, a publication of Industrial Risk Insurers, Hartford, Connecticut.

Q. How did you become an arsonist?

A. My first arson job resulted from a conversation with someone who was complaining that he made a mistake in buying a small house. I told him that doctors bury their mistakes and suggested that he could burn his. He offered me \$500 if I would do the job and I did it.

Q. Weren't you afraid of being caught?

A. I was scared on the first one. After that, I checked out the law; I wasn't really too concerned.

Q. What do you mean, you checked the law?

A. Well, when I started, the arson law for this state said that if you had the owner's consent, you hadn't broken any law. So if I was caught, they'd have to prove the owner hadn't paid me to do it, which I knew they probably couldn't do.

Q. Was this true all over the U.S.?

A. I don't know. I don't think so.

Q. Did you get a thrill out of setting fires?

A. I didn't get no thrill from burning somebody's stuff. It was done for money.

Q. Strictly money?

A. If I didn't, somebody else would.

Q. Where did you learn to burn buildings? Did somebody teach you?

A. No one ever taught me anything. I just learned by experience.

Q. Over how many years did you set fire to buildings?

A. About seven years.

Q. How many fires during that period?

A. I didn't keep records, but it's probably well over 100.

- Q. What was the average price for a job?
- A. \$4,500.
- Q. How did you spend your money?
- A. Cars, boats, airplanes, trips to Las Vegas, two or three wives, couple of houses. I had a good time.
- Q. Did you go out looking for clients or were you actually recruited?
- A. They called me. I never asked to do anything.
- Q. How does word get around that you are in business?
- A. Word of mouth. A professional arsonist today is in a seller's market.
- Q. Did you ever burn an industrial building?
- A. Yes. In fact, the biggest fire I ever set was at a tire company. The guy who owned it was in financial trouble, and he wanted to burn it for the insurance.
- Q. How did you do it? The same way you burned a residential building?
- A. No. What happened was, the guy emptied the new tires out of the building so he could sell them later. Then I brought in a bunch of old tires to take their place and used two 55-gallon drums of rubber tube sealant to set up the fire. When it was over, all that was left of the tires was some pieces of melted wire.
- Q. Did the owner of the tire company ask you personally to burn his building?
- A. No. It's a little more complicated with industrial-type buildings. The owners usually go through a middleman who contracts the arsonist. That way, it's harder to link the owner with the fire.
- Q. How much money does the middleman make?
- A. It's tough to tell. The normal thing is, the owner will spend 25 percent of the insurance policy and the middleman tries to contract the work as cheaply as he can so he gets the business.
- Q. What about organized crime? How long have they been involved in arson?
- A. Well, I'm a loner. I'm not tied to any organization. But I'd say it went back for a long period of time. They've probably always been involved in it.

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- Q. Any idea why their interest is increasing today?
- A. Probably because the chances of getting caught are pretty small and the profits can be pretty good.
- Q. Do you think that organized crime is becoming involved in arson on a nationwide scale?
- A. Yeah, probably. I'd say so.
- Q. Do you think the demand for arson is increasing?
- A. It's worse today than it was two years ago. A lot more is happening today than two years ago.
- Q. What about the number of people actually involved in arson? Is it growing?
- A. I really don't know but what I read in the papers, but there are a lot more fires now that the arson squad claims were arson than there were when I was doing it. The jobs are getting sloppier, but they are still calling them arson.
- Q. What happened on your last job?
- A. I was sloppy, and got caught.
- Q. Don't you worry about doing time?
- A. Not that much. I hear it's not so bad.
- Q. What will you do when you get out?
- A. I'll probably stick with arson. After all, it's my profession.

This composite interview was held before arson became a Part I Crime and before numerous anti-arson programs were organized. These new changes should result in an increase in arson arrests and convictions and make arson a much less inviting profession.

## FIRE-CAUSED INJURIES AND DEATHS

Smoke is responsible for most fire injuries and deaths. There are five ways that death can occur in a fire -- flames rank last.

1. ASPHYXIATION - Fire consumes the oxygen in the air to below 17 percent. Thinking clearly becomes a real effort. Concentration becomes difficult. As oxygen decreases we lose muscular coordination for skilled movements. Breathing stops when oxygen drops below six percent. Death occurs in six to eight minutes at normal temperatures.
2. SUPER-HEATED GASES - With temperatures above 300°, death can occur within minutes. In addition, fire gives off moisture. This moisture, combined with high temperature, is a special danger since it destroys tissues deep in the lungs.
3. SMOKE - Inhaling smoke, a product of incomplete burning, kills people who suffer no skin burns. Smoke also contains many toxic products such as chemicals. These attack mucous membranes of the respiratory tract. Smoke also blocks visibility to escape routes.
4. TOXIC PRODUCTS - Toxic products in smoke are responsible for damage done. They include oxides of nitrogen, aldehydes, hydrogen cyanide, sulfur dioxide and ammonia. Two toxic gases often combine to become a greater hazard than the sum of the hazards of each. These toxic gases attack the eyes, the lungs, and the senses -- preventing escape.
5. FLAMES - Flames can injure and kill. Involvement can be immediate as in an explosion or being doused with a flaming liquid. Clothing can catch fire from a stove, smoking materials, or from exposure to flames.

It is important to avoid exposure to smoke and gases. Be very careful with smoking materials. Notice and do something about smoke odors or excessive heat in the building.

## ADDITIONAL RESOURCE

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### FIRE WAVE

There is a fire, then there is another. A month goes by, and there are two more fires the same night. It is an inner city neighborhood, an older residential area, even a middle-class bedroom community. There is another fire, and an unattended child is dead.

The neighborhood is changing racially, or it is changing socially, or you can't get a loan on that side of main street anymore. There are rumors that kids set the fires, that Blacks or Puerto Ricans are setting the fires, that newcomers set the fires to drive older residents out. Some say that the landlords set the fires. People are afraid to go out. People are afraid to stay in. People are afraid to sleep.

There is another fire. Someone says that someone heard the firemen say there was gasoline all over the place. There are bells and sirens, but it's only a car burning in the street. It's only a smoldering fire in a pile of trash. It's only a small fire in the hallway. Is this a warning?

There is another fire across the street. The half-empty building on the corner - is that the next to go? People are moving out. People are buying extra locks. People are wondering if someone in the area is the arsonist. Is it someone in this building? Is it one of them, or is it him? A big fire rages for hours in the winter night.

In recent years, this story has been repeated in neighborhoods all over America. In the Bronx, New York, this story was repeated, house by house, block by block, for over ten years, until half a million people had been driven from their homes. It's happened in New England mill towns, in farm belt cities, and in Southern suburbs. It could be Houston or Seattle as easily as Boston or Detroit.

The great increase in fires is no accident. All the electrical systems in the Bronx didn't start short-circuiting, while those in Queens remained safe. We aren't smoking twice as much or twice as carelessly as we were in 1970. All the furnaces in cities did not begin failing at once while suburban furnaces continued to heat safely.

The fires are being set, usually for money. People start the fires, and other people can stop them. It may take months of research. It may take a year of publicity and political organizing. It may be many years before the economic problems that lead to arson are reversed.

But if a group of people are committed to a neighborhood, they can stop the fires and rebuild.

## ARSON: THE BASIC NON-FACTS

The basic fact about arson is that the basic facts aren't available. Nationally, 75 percent of all murder cases end in arrest. Probably one percent or less of all arsonists are convicted. We say "probably" because it is hard to determine exactly how many fires are set.

With 75 percent of the cases solved, we can make some pretty good generalizations about who murders whom and why. With one percent of all arsonists in hand, anything anyone says about arson is a guess. One fire chief says half the fires in his town are set for money. Another fire chief from a similar town says that only 10 percent of his fires are set, and those by vandals and teenagers. Both men are guessing.

In this booklet we will try to make educated guesses about arson. Remember this when looking into fire problems. There are always several reasonable explanations of the hard facts. In the next decade, as more arsonists are caught and convicted, we will be able to make more definite statements about arson.

One clear fact is that arson is increasing enormously.

## LOOKING AT FIRES

We don't know exactly how many fires are set. Firemen classify fires as incendiary or suspicious when they find evidence that the fire was set deliberately and maliciously. About as many fires are classified unknown or undetermined, because the fire has destroyed all the evidence of any cause, accidental or criminal. Most experts agree that about half of all undetermined fires are set. These include large, successful arsons that destroy their own evidence.

The number of set fires may be even higher. Professional torches set fires designed to look like electrical or other accidents. Recent tests show that carelessly discarded cigarettes are less likely to start fires than is usually thought. This raises questions about fires in piles of rubbish, now attributed to careless smoking, which may have been set.

Another clear fact about arson is that people don't realize what a problem it is. Many people quietly think of arson as legitimate, as long as no one is hurt. There is a commonlaw assumption that people have the right to destroy their own property if they want to. But, every time a fire is lit there is the risk of injury to firemen and the possibility of the fire spreading farther than the arsonists planned.

Because arson losses are discussed in terms of insurance payoffs, many people believe that fraud fires hurt only big business. But the price is passed along in insurance premium to homeowners. Landlords pass the higher premium along to rent payers. In many states, 20 percent of all insurance premiums is going to pay for arson claims.

## PROFILES

Arson also has a blighting effect on all the property values near an obvious burnout. Property taxes are usually not paid on property that has been destroyed by arson. Other homeowners and renters have to pick them up. Arson destroys many units of housing that could have been rehabilitated and used. Rents and sale prices of housing are already too high. The energy crisis means they will go even higher. America can hardly afford arson, too.

Finally, arson is demoralizing to everyone in the neighborhood. A burnout discourages honest property owners and residents from investing money and time in improvements. A fire wave makes people suspicious of each other.

### THE NEIGHBORHOOD FIRE WAVE

Most neighborhood groups concerned with arson problems became involved when there was a sudden, noticeable group of fires in a small area. Unlike previous fires in the neighborhood, this fire wave left shells of buildings without repairs. The fires grew bigger and often had more casualties than people could remember in the area. Frequently the fire wave occurred in absentee-owned housing with a history of economic exploitation. Rents were paid, but repairs weren't made.

These fires looked suspicious, and they were.

Even an unusual run of accidents shouldn't produce a sudden group of major fires in a small area. Some kinds of accidents are more common in poor neighborhoods, which have more substandard housing, more overcrowding, more unemployed teenagers, and simply, more people than average. But the intense fire wave, where the damage is not repaired, is most likely the last stage of a history of economic stress on the area. Most of the fires were probably set.

Any wave of ten to twenty fires will contain several kinds of fires: arson-for-profit, accidental fires related to neglect of the buildings, fires set for revenge or excitement. In a fire wave, these types of fires encourage each other. Accidental fires provide a useful cover for arson. Arson fires may give a twisted person the ideal of burning out an enemy. A teenage firesetter may be paid to set a fire for profit.

Moreover, the stereotypical "slumlord" may be promoting one of several kinds of fires: "accidents" caused by electrical and heating systems that should have been repaired years ago, revenge fires caused in part by his careless tenant selections, arson-for-profit in which he is an active conspirator, or vandalism fires abetted by his refusal to repair door locks.

All the causes of fires can be identified and attacked. But first you need a well-educated guess as to the core of the problem.



## FIRES: FOUR KINDS

Generally there are four kinds of set fires. There are fires set for revenge, fires set by pyromaniacs, fires set by teenagers, and fires set for economic reasons.

### REVENGE

Revenge fire is the easiest arson problem to eliminate. Revenge is individual. There shouldn't be a wave of revenge fires in one small area. Also, revenge fires have an obvious quality -- there is a particular intended victim. It wouldn't be revenge if the intended victim didn't have a good idea who set the fire. Because of this self-exposing feature, revenge arsonists can be caught by alert police work. They make up a good chunk of the one percent of arsonists convicted, so some fire officials say: "We've seen a lot of revenge fires lately." Our guess is that their guess is wrong here. Your neighborhood fire wave isn't usually revenge. Another point: people who believe in localized pockets of revenge usually rely on some form of prejudice to explain it. The revenge fires are supposedly started by some variety of revenge-prone "them." Revenge fires do occur in every kind of neighborhood, including those with other kinds of arson fires, but don't expect more than one or two in a neighborhood.

### PYROMANIA

Pyromaniacs set many fires in a small area, but they are quite rare. Former New York Fire Marshall John Barracato, an expert on pyromaniacs, estimates them at one percent of his total arson problem. "Pyros" have a mental illness which causes them to set fires in ritually repetitive ways, often at regular intervals. A look over the times and dates of your fires should show the clear pattern of a "pyro." Active pyromaniacs are not known to use flammable fluids. So if you have rumors about "a nut on the loose," you can probably make an educated guess about the problem early in the research.

There are a few other forms of psychologically motivated firesetters. One is the "hero" firesetter, who sets fires, then helps the firemen put them out. He is usually obvious to firemen, and the subject of many firehouse jokes. Another is a female "heroic victim" firesetter. Some are nutty firesetters who are not really pyros, but who are motivated by very exaggerated or imaginary ideas of revenge.

Psychological firesetters are another healthy chunk of the one percent of all arsonists convicted. They are usually caught by firemen because of their conduct at the scene of the fire. Therefore all firemen tell stories about pyros, and some believe that all arsonists are pyros. This is not true.

## JUVENILES

Juvenile firesetters in groups can produce a neighborhood fire wave, and are often a factor in a group of fires. The most damaging juvenile fires are set for revenge, and again, the revenge is often specific and known to the victim. Otherwise, fires set by juveniles are not designed for destruction.

Juvenile gangs are very territorial. If a fire-prone owner attributes his problems to a particular gang, the test is the owner's record outside that area. If he has many other fires in other neighborhoods, it's probably not these kids.

Kids do not have the key to the building; they do not buy a lot of gasoline, lug it up several flights of stairs, and spend an hour spreading it carefully for maximum damage; and they do not use complex accelerants, clever fuses, or locations that assure quick spread.

Because of their visibility, teenagers get blamed for fires they don't set. A gang of noisy, drinking teenagers playing the radio, making nasty comments, squealing tires and smoking weed are a problem -- but they may actually be preventing crime. Nobody else is going to try anything with all those kids on the corner. If the police move them along, you may find that an empty block has more crime, including arson, than a noisy one.

## ARSON-FOR-PROFIT

Arson-for-profit, or arson by the owners, for economic motives, is hard to eliminate without further research. It is also the usual key to neighborhood fire waves, in our opinion. One thing to watch for is the building with two or more fires within a year. Some professional arsonists sell a "two-step job" with a "warning fire" to knock out utilities and force the tenants to move, followed by a big fire to collect the total insurance policy.

To rule out arson by the owner, or to build a case for it, you will have to do property research.

## TOOLS

### LEGISLATION

Arson has become such an enormous problem in the United States because we have allowed such strong economic motives for arson to exist. Here is a crime with little chance of detection which either solves major problems in housing business, or makes a lot of quick cash, or both.

Clearly there has to be systematic change if we are to reduce arson. We need to reduce the economic incentive to set fraud fires, without hurting the victim of legitimate accidents. Some want to regulate the insurance and banking systems to promote less arson. Some feel the

arson crisis has been fed by past attempts at regulation. Some feel that law enforcement is the main defense against arson, and should be strengthened as such. Some believe that law enforcement can only partially control the problem until basic economic problems are solved.

There is an emerging politics of arson, and community groups will want to join in, and should. As in any political decision, there are special interests and entrenched opinions. There are also sides, and this booklet will not take many. The kind of research we have been discussing will help raise the level of debate, which is not usually based on weak guesses about fire problems.

#### UNITE AGAINST ARSON

A fire-prone community is a divided community. Unsolved fires leave a lot of rumors, and the rumors quickly concentrate on previous neighborhood divisions. Senior citizens begin to fear all young people. Young activists and established neighborhood leaders lose faith in each other. Homeowners blame renters, especially poor people, racial minorities or immigrants.

Often neighborhood divisions were in place before the fires. The neighborhood may have been changing slowly or the process may have been pushed along by fast-buck real estate speculators. But the visible change will be new residents, while the problem may be among seldom-seen absentee owners.

Any attempt to deal with the fire problem will quickly encounter neighborhood divisions. Although every variety of distrust will appear, the most usual are racial prejudice and mistrust of teenagers. These divisions will keep people from researching the real backgrounds of fires. They may even cover complacency or even corruption in public officials.

Anyone working against arson should be ready to argue against neighborhood prejudices. Every ethnic and age group has been hurt by arson in the last decade, and individuals of every background have been convicted of the crime. Individuals of all backgrounds must work together to stop arson. From the beginning, the anti-arson group should discuss neighborhood divisions, and try to involve representatives of all groups in dealing with the fires.

## VANDALISM

### Assignment

Find three acts of vandalism visible between school and your home and for each, write down:

- a) The kind of vandalism it is.
- b) Where it is located.
- c) Estimated cost to restore or repair the damage (time, effort, cost).

This assignment will be used in conjunction with small group discussions.

The assignment forces students to take a look at vandalism in their neighborhood. It helps them define vandalism and understand the effect on the neighborhood.

## VANDALISM

Reprinted with permission from "Play a Part in Crime Prevention," Commercial Union Assurance Co., Boston, Massachusetts.

Vandalism is the intentional destruction of another person's property. A vandal often impulsively causes damage. Vandalism can be breaking windows, strewing trash, spray-painting buildings, writing graffiti on walls, or even setting fire to property.

Vandals damage public and private property. Most vandalism is directed against public buildings, public transportation stations and equipment, but private business suffers too.

Each year, insurance companies must pay out more to business to compensate for vandalism damage. The price of vandalism is very high. It costs New York City, for example, \$10 million a year to clean up graffiti. Losses caused by deliberately set fires also run into the millions. When a fire is set on purpose, it is called arson.

People of all ages take part in acts of vandalism; however, statistics say that many vandals are teenagers. Some people don't even know they are vandals.

Environmental damage is an example of destruction often caused by unthinking vandals. These vandals litter beaches. They write names and dates on rocks, cliffs, bridges over highways and rivers, and on trees in parks. It costs millions of dollars each year to clean up after them.

Vandalism is a difficult and expensive problem to solve.

## VANDALISM GLOSSARY

1. Arson - The malicious burning of property
2. Compensate - To make up for
3. Deliberately - Done as the result of careful thought
4. Environmental - Having to do with one's surroundings
5. Graffiti - Inscriptions, drawings or the like found on rocks, walls, etc
6. Impulsively - Acting on thoughts of the moment
7. Intentional - Done by design or purpose, intended
8. Statistics - Those facts which can be stated in numbers
9. Strewing - Scattering
10. Vandal - One who willfully destroys or mars property

## VANDALISM

VIOLENCE IS KID STUFF - reproduced with permission of Commercial Union Assurance Co., original publisher

Many of our children have graduated from old-fashioned vandalism to more violent crime. New approaches are needed to reverse this trend.

It used to be the overturned garbage can or the four-letter word on the wall. Today it's garbage splashed over your front door and a four-letter word burned into your lawn. Vandals who used to steal hubcaps and break off aerials now drop bricks on cars from highway overpasses. Vandals who steal small change from a soft drink machine will even burn down a school so nobody can find their fingerprints.

The price tag on vandalism is awesome: to clean up graffiti in New York City, \$10 million a year, to pay the cost of vandalism on the nation's railroads, nearly \$4 million annually, to pick up highway debris in the state of Wisconsin every year, \$1.1 million, to replace damaged or stolen traffic signs in Florida, nearly a quarter of a million dollars a year. And the U.S. Office of Education reports that America's public school children did over half a billion dollars worth of damage to school property in 1975.

Office of Education figures also show that 100 homicides, 9,000 rapes, 12,000 armed robberies and 270,000 burglaries occurred in the schools in 1975. According to the Federal Bureau of Investigation nearly half of all the people arrested in 1975 for serious crimes were juveniles under the age of 18. And, according to a 1975 study released by the National Assessment of Juvenile Corrections at the University of Michigan, the national average cost of detaining a juvenile in a state institution is nearly \$12,000 a year. In some states it's as high as \$19,000 a year.

Many psychiatrists and youth workers theorize that children most often react violently when they feel alienated by society. For instance, a U.S. Department of Health, Education and Welfare study concludes that violence against school personnel and property is committed by youngsters who have been alienated by the schools in the first place. As one psychiatric social worker put it, "Kids feel they are the victims of society."

A recent study conducted by the state of Illinois supports the idea that peer group pressure and lack of parental guidance are far more decisive factors in juvenile crime than financial, ethnic and racial backgrounds, or urban, suburban or rural environment.

How should society respond to juvenile crime? Solutions, many of them still in the proposed or experimental stage, range from juvenile justice reform to guidance programs aimed at young people to tougher security measures to protect homes, businesses and schools from the violence of youngsters.

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Reform of the juvenile justice system and the penalties it imposes is receiving national, state and local attention.

Following a six-year study, the Juvenile Justice Standards Commission, made up of psychiatrists, sociologists, penologists, youth workers, judges and lawyers, has recommended major reforms in the whole juvenile justice system. Under the present system, juveniles placed in detention centers for non-criminal offenses (truancy, vandalism, running away from home) have a good chance of being turned into criminals by the time they're released, simply from association with the more hardened juvenile offenders they meet there. The suggested reforms would result in harsher treatment of violent juvenile criminals, but "decriminalization" of non-violent juvenile offenses.

Proposed reforms which grew out of a 16-month study conducted by the Standing Committee on Child Care of the New York State Assembly include compensatory community work for young offenders as well as direct restitution to victims. Youths convicted of violent crimes could be ordered to serve as hospital aides, where the impact of their conduct on victims would be clearly visible to them. Cleaning up subways, parks and public buildings were also suggested as compensatory work for young offenders.

A judge in Whiting, Indiana, is one of the first actually to sentence convicted vandals to compensatory work

For scrawling graffiti on school walls a 16-year-old Philadelphia boy was sentenced by a family court judge to 25 weeks of cleanup work. In Atlanta, a youth who stole and wrecked a car was sentenced to work for the insurance company to repay the loss. The company has since hired him as a regular employee.

In Deerfield, Illinois, a northern suburb of Chicago, an ordinance was enacted in November 1975, making vandalism a municipal offense and requiring parents to pay fines for acts of vandalism committed by their children. Since Deerfield's plan went into effect, reports of vandalism are down in the village 35 percent. The plan is also combined with increased police patrols and guidance for young offenders. (See p. 20)

A neighborhood-based juvenile justice center in south central Los Angeles also has introduced a team approach. When youngsters are referred to the center, police and probation officers are social workers confer before deciding what should happen to each child. A community services advisor sees if there is a program in the neighborhood which will solve the problem without bringing it into court. However, a youth is handled firmly when brought before a judge, even though his sentence may be compensatory community service rather than jail.

However, juvenile justice reform seems to be only part of the answer. Many proposals also include stricter parental control and community or school guidance programs to help young people.

The Law Enforcement Assistance Administration, a federal agency created to support state and local law enforcement activities, is testing two new anti-crime approaches in 90 schools across the country in 1977. In one approach, teams consisting of a school administrator, teacher, counselor and security officer, plus a juvenile justice official and two local citizens--one of them a young person--will be trained in peace-making techniques. The other approach provides for delinquent youths to earn school credits for planning strategies to combat school violence.

The National Parent-Teacher Association has gathered its forces to launch a campaign against television violence because of its adverse effect on children. The PTA claims that by the time a child finishes high school, he has witnessed 18,000 murders on television, and contends that children are made insensitive to violence and consequently may commit violent acts themselves. The PTA is holding eight regional hearings asking for public testimony on the subject. Meanwhile the organization recommends that parents do their own censoring of objectionable programs, limit what their children view, and protest against TV violence to networks and program sponsors.

The Zero Vandalism Committee in Arlington Heights, Illinois, is an educational effort aimed at fourth and sixth graders, with a focus on ways to meet the problems that cause vandalism. Local high school and college students volunteered to work with the committee in preparing material for handbooks and slide presentations to be used by teachers, law enforcement officials and social agencies.

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In the Prince George's County, Maryland, school system, school guards are actually guidance counselors. Since their program went into effect, a significant decrease has been seen both in the number of assaults and the amount of property losses there.

A suburban Chicago high school pays students from a special fund for keeping losses down. Half of the amount of money left after the school pays for vandalism losses each year goes to the student council. Damage caused by vandals has dropped noticeably under this program.

A high school in Connecticut bought a 12-ton rock for the school lawn, expressly for the scribbling of graffiti by students. The rock cost \$200. Earlier \$3,000 had been spent to clean graffiti from the school walls.

In addition to programs concerned with helping offenders and potential offenders, considerable attention has been focused on self-defense against juvenile crime. This includes tighter security measures in schools, homes and businesses.

Schools are turning into armed camps, with three-inch-thick bullet-proof windows, prison-style locks and fences, and sophisticated electronic surveillance systems. South Boston High School students are tested for weapons with a device used to screen airline passengers. Armed police officers are assigned to schools in Washington, D.C.



Businesses are employing over a quarter of a million people as guards and watchmen, according to the U.S. Department of Labor. Most work in office buildings, manufacturing plants, defense installations, hospitals, nursing homes, hotels, banks and schools.

Homes are being turned into fortresses. New complexes are built with six-foot walls around them, manned gates, 24-hour surveillance, burglar alarms, emergency buttons to summon armed security guards--in fact everything but the castle moat.

The Law Enforcement Assistance Administration recommends that people turn their home into "defensible spaces" as protection against vandalism and more violent crimes. Single-family homes should have doors close to the street, back yard fences, no shrubbery which screens doors or windows from view and communal paths and play areas that all neighbors can watch for signs of intruders. In apartment buildings people would be safe if the neighbors recognized each other and apartment dwellers made an effort to know other tenants.

The Crocker Neighborhood Association in San Francisco has 150 subscribers to a program that involves photographing anyone who comes to the door of a subscriber's home. The photograph automatically is sent to the police. A notice near the door warns callers about the camera.

In the community of San Rafael, California, a camera shop lends citizens 35-millimeter cameras to photograph their paintings, jewelry and other valuables for extra protection.

As for the result of all these measures, figures released by the FBI show a five percent decline in violent crime across the country for the first nine months of 1976. The decrease was more impressive in many of the nation's biggest cities down more than 22 percent in San Diego, down over 17 percent in Philadelphia, Washington, D.C., and Chicago, down better than 14 percent in Baltimore and down nearly 12 percent in Houston. Police and prosecutors in most big cities believe that specific programs and approaches are slicing into violent crime rates. They also attribute the decline to active community participation in crime prevention.

Perhaps graffiti is the young offender's "handwriting on the wall," the message that he is on his way toward acts of greater violence.

The message has been read.

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## ONE ANSWER TO VANDALISM

Consider the vandal who throws rocks at your window, splashes chili sauce over your front door, spray paints graffiti on the wall of your garage, turns on your sprinkler system, damages your roof or harms your pet.

In most cases, your insurance policy will cover your loss, but what can be done about the vandal who caused the mischief?

You can report it to the police, and, if the vandal is caught, you can take him to court. But since most vandals are between 12 and 16 years of age, the courts are reluctant to give them a criminal record, and the lengthy juvenile court procedure often results in no more than the proverbial slap on the wrist for the young offender. In northern Illinois alone in 1975, little more than 2,500 arrests for vandalism were made out of over 35,000 acts of vandalism committed. Of those arrested, less than seven percent went to juvenile court.

The residents of Deerfield, Illinois, a northern suburb of Chicago, decided to find a better approach to this problem. In November 1975, Deerfield enacted a village ordinance to prosecute vandals locally and hold parents liable for their children's acts.

Deerfield's approach combines a variety of tactics. Vandalism has been taken out of the criminal category and prosecuted as a misdemeanor, like traffic tickets. Though a first offense merits only a warning to the vandal and his parents, for a second offense fines range up to \$5000, and the vandal's parents are held liable. In addition, the judge's disposition of a case is based in part on whether or not restitution was made for damages the vandal caused.

So far in Deerfield there have been no second offenses. Counseling and training help for young offender has been made available also, but is used in conjunction with increased police patrols of parks and schools. At police discretion, youngsters who plead guilty to vandalism charges may appear before a jury of high school students and sentenced to compensatory work in the community.

The simplified judicial process resulting from making vandalism a municipal offense also makes it more likely that a vandal will be apprehended and punished. Officials now have an alternative between letting the vandal go with a warning or hauling him into court.

Deerfield police note that the possibility of restitution for damages encourages people to report vandalism. As figures show that vandalism reports in the village are down 35 percent since the ordinance went into effect, the program clearly has some impact.

Most of the Deerfield's neighboring suburbs in the Chicago area have adopted similar ordinances. Officials from some 13 other states and from Quebec, Canada are looking into the Deerfield plan. Some communities feel vandals are more likely to be convicted than if tried

in state courts. Others believe such an ordinance will strengthen parental supervision. One Chicago area official comments, "This ordinance makes a parent responsible for a child's acts, unless the parent can prove he has taken all due caution. Too many parents now let their children do anything."

A similar parental responsibility law in New Jersey was ruled unconstitutional, however, by the Appellate division of the New Jersey Supreme Court, because it makes a parent responsible for an offense committed by another person. Law enforcement officials expect that this question eventually will come up before the U.S. Supreme Court.

One victim of vandalism in a declining New York City shopping center protests, "To give in to these rowdies is suicide. How do we fight?"

Although not all problems have been ironed out, the village of Deerfield seems to have come up with a working answer.

## VANDALISM

Reprinted with permission from "Play in Crime Prevention," Commercial Union Assurance Co., original publisher, Boston, Massachusetts.

### SKIT 4 VANDALISM (11 Characters)

#### JUST FOR KICKS

|             |                                |          |            |
|-------------|--------------------------------|----------|------------|
| Characters: | Narrator (boy or girl)         | Props:   | Table      |
|             | Rob                            |          | Chairs     |
|             | Pete                           |          |            |
|             | Pizza shop owner (boy or girl) | Optional |            |
|             | Joe                            | Props:   | Paper cups |
|             | Ed                             |          | Straws     |
|             | Donna                          |          | Sandwiches |
|             | Volleyball player I (girl)     |          | or Pizza   |
|             | Volleyball player II (girl)    |          | Basketball |
|             | Officer Di Carlo (boy or girl) |          | Gym bags   |
|             | Coach (boy or girl)            |          |            |

Suggestions for Costumes: Pizza owner: hat and apron  
Rob, Pete and other players: school jackets  
Officer: badge and hat  
Coach: cap and sweatshirt  
Others: casual clothes

Narrator: Scene I takes late Friday afternoon or early evening in (fill in name of local pizza hangout). Ed, Joe and Donna are already sitting at a table eating, and drinking colas. Rob and Pete, members of the high school basketball team, enter.

ROB: Hey Joe --

JOE: Rob! How ya doing? It sure must be tough keeping those training hours.

ROB: Yeah--it sure is. We've got a big game tomorrow, too.

JOE: Home or away?

ROB: Away. A few of us are getting up early for some last minute practice and then we're leaving from school around noon.

PIZZA SHOP OWNER: (to Rob and Pete) Okay, what'll it be"

## VANDALISM

### VANDALISM SKIT

- ROB: (looks at Pete) The usual? (Pete nods) Okay. Four slices with the works and two colas. (to Joe and his friends) What have you guys been up to?
- JOE: Oh--just hanging out and getting a few kicks here and there--you know.
- PETE: (interested) yeah? What kind of kicks?
- ED: Well, last week--
- DONNA: Let Joe tell it.
- JOE: Forget it. These All Stars don't want to hear about it.
- PETE: Come on, Joe. Out with it.
- JOE: Well, as Ed was saying--last week we busted old man Brennan's window. You know what a mean old cuss he is. (all nod) once he almost called the cops because Sam, here, swiped a pack of cigarettes.
- PETE: I'll bet he was sore when he saw the window.
- SAM: We watched him the next morning from behind the laundromat. Boy, was he mad!
- ROB: (motions to Joe and they walk away from the group who keep talking in background) Hey Joe, you keep breaking windows and you're going to get in trouble one of these days.
- JOE: No, No--we're just having some fun.
- ROB: (changing the subject) Hey, why don't you come over and play ball on Sunday--like you used to.
- JOE: (in a way that doesn't sound like he means it) Sure, Rob. Sure thing.
- ED: (in a whisper) Hey Joe, we've got to get going. (winking to Rob) We've some business down at the school. (Joe, Ed and Donna exit)
- NARRATOR: Scene II takes place the next day. Rob, Pete and two members of the girl's volleyball team are waiting in front of the gym for the bus to take them to the basketball and volleyball games planned for that afternoon. The coach arrives

VANDALISM

VANDALISM SKIT

COACH: I've got some bad news.

ALL TOGETHER: What coach?

COACH: The bus is a wreck. Tires all slashed, windows broken, spray paint all over.

VOLLEYBALL PLAYER I: When did it happen, coach?

COACH: Had to be last night. It was okay when I left yesterday.

VOLLEYBALL PLAYER II: Did somebody call the cops?

COACH: Yeah--I did about 15 minutes ago.

ROB: What about the game?

COACH: Well, it's too late to get another bus--I checked. I've been trying to get some cars and drivers together to take everyone. We haven't much time, though. If we can't make it, we'll have to forfeit both games.

OFFICER DI CARLO: (enters) Wow! What a mess. Somebody really gave that bus the once-over. Any of you have any idea who?

All the students shrug--Pete suddenly looks like he has an idea.

PETE: (turns to Rob) Hey, remember what Joe was saying--

ROB: (pokes Pete to keep him quiet)

Follow-up Questions

1. Why does Rob poke Peter at the end of the skit?
2. Why do you think Rob and Pete might not want to tell the policeman what they suspect about Joe and Ed?
3. What do you think they should do?
4. What do you think happens to people who get caught destroying property?
5. Have you ever known anyone who was picked up for vandalism? What happened to them?
6. What do you think should happen to people who get caught?
7. How much would you guess a new school bus costs? (\$14,000 - \$16,000) How can you find out?
8. How many reports of vandalism would you guess there have been in this state last year? How much did it cost? Who pays for it? How can you find out?
9. Vandalism is often high among pre-teens and teenagers. Why do you think this is so? What kinds of things do you think kids, schools or parents could do to discourage it?

## VANDALISM

### ADDITIONAL RESOURCES

Reprinted with permission from "Crime Prevention," by Kentucky Dept. of Justice, Office of Crime Prevention, Frankfort, Kentucky.

## SCHOOL CRIME

### OBJECTIVE

To assist students in understanding what crimes take place at their school and what they can do to prevent these crimes.

### BACKGROUND DISCUSSION

Just how bad are crimes at your school? A recent three-year study of over three hundred school districts in the United States found that assault and battery were up almost 60 percent. A Senate subcommittee reported that violence and vandalism amount to \$500 million a year. They also reported more than 100 murders each year are committed in schools. The findings varied from city to city and even from school to school. This was particularly true for Kentucky schools where each geographic environment (cities, mining towns, rural communities, etc.) breeds its own specific crime problems.

It is important, then, for schools to identify crimes that take place within their own walls. The questionnaire on the following page should be copied for distribution to all students and administrators at the outset of this unit. It attempts to elicit opinions regarding crime problems at your school. The results will assist in determining specific crime problems and give direction to prevention programs to combat these problems.

### CLASSROOM ACTIVITIES

1. Circulate questionnaire to students and administrators.
2. Using the results from questionnaire, identify the most serious crime problems in the school. Have the class participate in making a bulletin board with the grid below.
3. To motivate students to consider alternative solutions to the problems identified on the grid, have them create role playing cards based on those problems with a description of a situation. Then have the students trade cards and take turns playing them out.

VANDALISM

Sample Situations:

- The dilemma of a student in a group intent on destroying school property.
- A student observing fellow student stealing from locker.

| Crimes at Your School | Prevention Alternatives | Expected Effect | Evaluation of Prevention Measures | Comments |
|-----------------------|-------------------------|-----------------|-----------------------------------|----------|
| 1.                    | a.                      | a.              | a.                                |          |
|                       | b.                      | b.              | b.                                |          |
|                       | c.                      | c.              | c.                                |          |
|                       | d.                      | d.              | d.                                |          |
| 2.                    | a.                      | a.              | a.                                |          |
|                       | b.                      | b.              | b.                                |          |
|                       | c.                      | c.              | c.                                |          |
| 3.                    |                         |                 |                                   |          |
|                       |                         |                 |                                   |          |
|                       |                         |                 |                                   |          |





## VANDALISM

### OBJECTIVE

To encourage in students a sense of personal responsibility and respect for their community and for the property of others as a positive approach to the crime of vandalism.

### BACKGROUND DISCUSSION

Juvenile vandalism, the willful destruction of public or private property, is one of the nation's costliest problems. The millions spent annually to repair deliberate damage to property exceeds the amount spent for school textbooks. What's more, these millions are coming from our own pockets. Vandalism is a personal crime. Each of us pays, not only in dollars, but also psychologically from the damaging effects vandalism incurs on our community pride.

Vandalism is difficult to prevent because it arises not so much from deliberate intent as from unconscious motivation such as boredom, anger, rebellion, drugs, an urge for excitement or going along with the crowd (90 percent of all vandalism occurs in groups and most offenders are boys). Often the vandal himself doesn't understand why he committed the crime.

Therefore, many preventive measures will only change the nature of vandalism rather than prevent it. For example, a group psyched up to carry out a prank may start by throwing stones at windows. Coming across unbreakable glass will not necessarily deter their activity; they may simply turn to something else such as overturning garbage cans or spray painting walls. Another preventive measure, police patrol, is often an effective deterrent but an unrealistic approach because there will never be enough police to patrol every potential vandalism target.

Prevention must be geared, then, to preventing vandalism as well as specific acts of vandalism. Programs, such as the following, which attempt to change citizen attitudes toward the problem seem to be having the greatest effect on reducing vandalism.

**Citizen Education** - Many teens don't even realize their mischief is a criminal offense. They must be taught that vandalism is a crime.

- o A child can be arrested for vandalism no matter what the age.
- o If arrested, the offender will be taken to the county jail and held until a parent comes to see for him.
- o He will then have to appear before the juvenile judge.
- o Kentucky law makes parents liable for all damages inflicted by their children.

**Peer Pressure Programs** - Teens talking with teens and youngsters. Because teens most often talk one another into vandalizing, they are

Most likely to be talked out of it by their peers. Adult preaching is often resented; however, youth groups who have positive attitude against vandalism can often persuade other teens that vandalism is an unacceptable behavior.

**Positive Restitution Programs** - Young people who have committed minor vandalism around their school and have been determined guilty are made to pay for their actions through positive restitution, such as working a Saturday with school maintenance. Some schools have developed a peer jury program in which students determine the appropriate restitution for offenders. Such juries serve to reinforce the negative attitude of the offenders' peers toward vandalism.

**Community Awareness Programs** Because apathy is an invitation to vandalism, citizens must be faced with the reality of vandalism in their own community and how it is affecting them personally. If the seriousness of the problem is realized, citizens are more likely to become involved in actions to prevent it such as:

- o Watching out for their property, that of others; and
- o Reporting suspicious activities, etc.

**Community Pride Programs** - Because people tend to become personally interested in something they have actively taken part in, community improvement projects produce pride in those who participate and a desire to keep the community looking nice.

#### CLASSROOM ACTIVITIES

1. **Making Vandalism Personal** - Divide the class into three groups to do the following:
  - o Make a photo essay of vandalism in the school.
  - o Research each incident portrayed in the photos to find out how much it would cost to repair. Then discuss why these vandalous acts may have occurred.
  - o Discuss with the principal how the money spent for repairs could have been spent for the benefit of the students.

The entire class could then be involved in preparing a presentation before the student body based on their photo essay and findings.

2. Invite a representative from the juvenile justice system (preferably the juvenile judge) to give a brief introduction on court procedure and the juvenile justice system. Then working with the principal of the school, set up a youth jury to interview teens and youngsters who have committed acts of vandalism and make recommendations to the principal for penalties.

3. School Pride Program - Schools in need of a new coat of interior paint could provide students with supplies to paint and decorate their own homeroom. Schools which have tried this have found students were very creative with their colors and designs and were extremely proud and protective of their work.
4. Lights Out! - Schools may wish to try an unusual approach to vandalism found successful for schools in San Antonio, Texas. During closed hours, all school lights are turned out. According to their director of safety, "lighted school attracts children." In five years this blackout policy reduced their vandalism costs by 66 to 80 percent.
5. Kids Talking to Kids - Using students as a resource, Wauwatosa, Wisconsin, Chamber of Commerce developed an anti-vandalism program stressing prevention and a "kids talking to kids" approach.

Junior and senior high students visit grade schools, present an anti-vandalism film, and then act as discussion leaders, talking about vandalism, what it is, its causes, its consequences to both individuals and society and how to stop it. They have found that eliminating adult participation leads to an open exchange of ideas on combatting vandalism.

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#### COMMUNITY PROJECT

Develop a radio announcement incorporating local vandalism incidents and costs. Arrange for these announcements to be aired regularly on local stations to publicize vandalism and the cost to the community.

#### IN KENTUCKY:

Vandalism is a recurring problem in all but 14 of 123 school districts.

School property damage from vandalism was estimated at \$1.2 million. Window breakage, plumbing fixtures and walls damaged by graffiti, scratching or gouging accounted for a major part of the cost.

Fifty school districts indicated that vandalism is widespread in one or more schools.

PROPERTY CRIMES

SAMPLE LETTER

(Date)  
(Name of Business)  
(Address)  
(City, State, Zip Code)

Dear Manager:

The ( ) grade Social Studies class at (name of school) has been studying a special curriculum entitled, Juvenile Crime Prevention. Part of the curriculum focuses on the results of the crimes of arson, vandalism, burglary and shoplifting. To make this unit more meaningful to students, they would benefit from an opportunity to interview someone in your business about:

1. Losses you have suffered from these crimes.
2. How you handle the losses.
3. Programs you have instituted to prevent the problem.
4. How students might help to prevent the problem.

Would you be willing to cooperate with us? There would be approximately four to six students and one adult in each group. The visit should be arranged for regular class period which is (class time). The interview would take approximately 15 minutes. Arrangements for transportation will be made.

If you agree to the proposed interview, please call (telephone number). If I am not available, please leave a message stating whether or not you will be able to have us visit. A date can then be arranged.

I hope to hear from you soon.

Sincerely,

(Teacher's Name)

PROPERTY CRIMES

FIELD TRIP INTERVIEW OUTLINE

Student's name \_\_\_\_\_

School, Teacher \_\_\_\_\_

Name of store \_\_\_\_\_

Name of person interviewed and position \_\_\_\_\_

Suggested questions for shoplifting interview:

How serious a problem is shoplifting in your store?

Is the problem increasing or decreasing? (Cite examples.)

How successful are you in apprehending shoplifters? (Give numbers.)

What punitive measures do you take against shoplifters?

What age group and what sex shoplift most? (Be specific.)

## PROPERTY CRIMES

1. Speaker - from a local insurance company or the Minnesota Insurance Information Center.

Time: 20 minutes.

Topics: How Insurance Claims by Victims of Property Crimes Affect Consumers

2. Provide each student with a copy of the text Scholastic American Citizenship Program.\* Read the Chapter "Crime and Police," pages 439-443. An account of a home burglary is given by a college student.
3. Discuss the information read. Focus on the burglary victim's feelings.
4. Concluding Activity: Review the information presented on property crimes.

Vocabulary quiz

\*The text Scholastic American Citizenship Program is referred to hereafter as American Citizenship Program.

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## PROPERTY CRIMES

### ADDITIONAL RESOURCE

#### CRIMINAL LAW: CRIMES AGAINST THE PERSON AND PROPERTY

Excerpted with permission from Teenagers and the Law by John Paul Hanna, Copyright, 1975, Ginn and Company.

#### What is Burglary?

Burglary is the entering of any building (without the consent of the person in possession) with intent to steal or commit a felony. It does not matter if the door is unlocked. The place entered or broken into need not be a building. In some states entering a locked car or opening the locked trunk of a car for the purpose of stealing something is burglary.

#### What is Arson?

Arson is that act of setting fire to any structure or burning it with the intent to do damage or destroy it. It can be someone else's property burned without his consent. It can also be the property of the person who set the fire for the purpose of collecting insurance. The throwing of a gasoline bomb or "Molotov cocktail" into a building would constitute arson, if any part of the building were charred or burned.

#### What is Theft?

Theft is a general term that includes such crimes as larceny, embezzlement, and taking property by false pretenses.

#### What is Larceny?

Larceny is taking without consent another person's goods or property with the intent of keeping them. If the property is taken by mistake or with the intent to return it, there is no larceny.

Larceny is divided into degrees, depending upon the nature and the value of the property stolen. The penalties given are more severe when the value of the property is greater. Petty larceny means small thefts (in most states, under \$50 in value). Grand larceny means large thefts. The difference in amount between the two is one penny. Grand larceny carries a much greater penalty. Petty larceny includes using slugs in vending machines, toll baskets, or in coin telephones.



## PROPERTY CRIMES

### Is Receiving Stolen Property a Crime?

One who buys or receives stolen property and knows that it was stolen, or who aids in concealing the property from the owner, commits a crime. If Larry stole some hubcaps and Wally let Larry hide the hubcaps in his car trunk, Wally would be guilty of receiving stolen property.

### What is Robbery?

Robbery is a combination of assault and larceny. It involves using force or threats to take money or property from the actual possession of another against that person's will. The value of the article does not matter. An act may be classified as robbery even though great force is not used. Snatching a purse from the grasp of a passerby constitutes robbery.

### What is Shoplifting?

Shoplifting is a term for a particular kind of larceny--stealing goods from a store or market.

### Who Shoplifts?

Between 70 and 80 percent of all shoplifters caught are under 18 years of age. Girls generally outnumber boys.

### What do Shoplifters Take?

Most shoplifters take small articles. The nationwide loss from shoplifting each year is estimated at over 2.5 billion dollars. Over a billion of this is caused by teenagers.

### Why Do People, Particularly Juveniles, Shoplift?

Most kids say they do it "for kicks." This is true in some cases, but usually there is another reason. A great many do it because they are sick, or neurotic. For some, it is a way of getting back at their parents or revolting against authority. Many youngsters shoplift because they want to acquire goods. They desire something but would rather steal it than "earn" it. Some are kleptomaniacs, or compulsive stealers. Kleptomaniacs usually steal for the sake of stealing. They do not need or even desire the articles stolen. These people can often be helped by psychiatric care.

### Are shoplifters generally from poor families?

You might think that shoplifters are poor people who cannot afford to buy merchandise, but this is not true in the majority of cases. Many young people steal because they are selfish. In Minneapolis a large department store made a study over a four-month period and found that only 10 percent of the juveniles caught were from families on relief. Ninety percent were from middle or high-income families.

## PROPERTY CRIMES

Some persons steal to gain "status." In Detroit and Oklahoma City girls caught stealing confessed that they were trying to join teen clubs that required prospective members to steal a certain kind or amount of merchandise before joining. The average "take" for juveniles has now gone to around \$20. It has reached the point where stores cannot afford not to prosecute those who get caught.

### How Much of a Problem is Shoplifting?

More teenagers are picked up for shoplifting than for any other single violation. Because of the increasing nationwide cost of shoplifting, most states have passed tougher laws against shoplifters.

Shoplifting is just the beginning of trouble for most teenagers involved. Unless caught early and made aware that shoplifting is larceny and therefore subject to legal action, they are likely to go on to more serious crimes. Because shoplifting is so widespread, storeowners are taking extra precautions. Most large stores use peepholes and hidden watchers with binoculars. Frequent checks are made of dressing rooms. Floor walkers, security forces and "shoppers" are used. By using closed-circuit TV cameras a security man can watch several areas of the store at once from a hidden observation post. All of these detection procedures and devices are strictly "within the law."

### What are the Consequences of shoplifting?

Generally, a first-time offender is charged with larceny and given a fine, light jail sentence, or placed on probation. If convicted a second time, the offender can be sent to prison. If entry of the store with intent to steal can be proved, he can be charged with the more serious crime of burglary which carries a longer sentence.

The punishment for an offender varies according to whether an offender is tried in juvenile or criminal court. Most serious is the record that is established. Most stores give names of those caught shoplifting to a merchants mutual protective association. A juvenile prank can thus come back to haunt the shoplifters years later when he applies for and is turned down for a job. Stealing three cases of pop kept a boy out of the Navy Academy. A military security check will reveal past convictions for shoplifting and prevent any career in the military service as an officer. Some defense industries will not hire persons with a criminal record.

A record can also prevent you from getting into the college of your choice. In later life a criminal record will keep you from obtaining a license to practice law, medicine, or some other chosen profession.

## PROPERTY CRIMES

### What if Your Friends Shoplift?

If you are with someone who is stealing, you are involved even though you did not take anything. If you see anyone shoplifting, you should inform a clerk and let him handle the matter from there on. Parents of children caught shoplifting should cooperate with the store, and with the police, if their child is responsible.

### ADDITIONAL RESGURCE

OUTLINE FOR PRESENTATION TO BE GIVEN BY LOCAL RESIDENT WHO HAS BEEN VICTIMIZED.

#### Interview Subjects:

Your presentation is part of a curriculum entitled, "Juvenile Crime Prevention: An Awareness Program." The curriculum focuses on the effect crimes have on neighborhoods and victims. The curriculum attempts to balance the effects of crime and potential punishment.

Following is an outline of some of the items to be discussed. Any other points you would like to include are welcome. During the development of this curriculum it was found that students responded well to speakers who related personal experiences.

1. Describes what happened in detail.
  - a) Who discovered the damage?
  - b) How did they feel?
  - c) What happened?
  - d) When did it happen?
2. Describe your response.
  - a) Called the police?
  - b) Informed others?
3. List attempts to recover the loss.
  - a) Insurance claim
  - b) Fund raisers in neighborhood
4. Describe how this crime affected your attitude toward the neighborhood.
5. What precautions will you take in the future?

## LAW ENFORCEMENT

1. Film - "What's a Cop?", portraying a police officer's average day. (28 minutes)

Note: At the end of the film there is a funeral of a police officer. The ending may not be clear to the students. It is important that the students understand what happens. Take time at the end of the film to discuss it.

2. Hand out - The Miranda Warning. Discuss the significance of this document.

### MIRANDA WARNING

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him or her present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish one.

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### WAIVER

After the warning and in order to secure a waiver, the following questions should be asked and an affirmative reply secured to each question:

- A. Do you understand each of these rights I have explained to you?
- B. Having these rights in mind, do you wish to talk to us now?
- C. Don't sign the waiver.

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## JUVENILE COURT

1. Read the sentence. Find a sentence in the information article that supports this statement and write it below the sentence.

Juvenile court is not the same as criminal court

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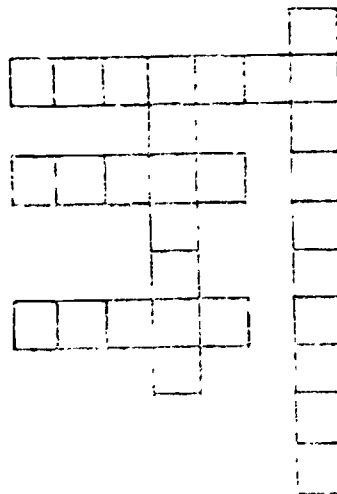
2. Look at the words. Write the root word for each word in the crossword spaces.

### Down

1. delinquency
2. proceedings

### Across

1. disposition
2. minority
3. referred



3. Read the sentences. Write T if the sentence is true and F if the sentence is false. Rewrite all the F sentences to make them true. You may use the information article.

- \_\_\_ The most frequent court disposition is confinement.
- \_\_\_ The juvenile court is very complex.
- \_\_\_ Only a judge is involved in juvenile court proceedings.
- \_\_\_ Delinquents are children who have done something to harm themselves or others.
- \_\_\_ Sometimes children are sent to institutions.

4. How many words can you make with the letters in the word PROCEEDINGS (three letters or more).

- |          |           |
|----------|-----------|
| 1. _____ | 6. _____  |
| 2. _____ | 7. _____  |
| 3. _____ | 8. _____  |
| 4. _____ | 9. _____  |
| 5. _____ | 10. _____ |

5. Read the following. Write S if it is a sentence; 0 if it is not a sentence. Rewrite all the 0's to make complete sentences.

\_\_\_\_\_ Minors who are caught shoplifting

\_\_\_\_\_ The actions of juvenile court are meant to help children

\_\_\_\_\_ One of the dispositions of juvenile court

\_\_\_\_\_ The increase in juvenile crime is a serious problem

6. Read the paragraph and then put an X in front of the best answer.

This was the second time Joe was referred to juvenile court. His father was upset because he had tried to do things with Joe. But they always ended in an argument. This time Joe was caught slashing the tires of a neighbor's car. The car's windshield was smashed too. The judge looked at Joe sternly.

\_\_\_\_\_ Joe felt neglected by his father.

\_\_\_\_\_ Joe was a delinquent and needed guidance.

\_\_\_\_\_ Joe went to jail for breaking windows.

\_\_\_\_\_ Joe did not think he had done anything wrong.

## JUVENILE COURT

### I. Objective

Involve students in the workings and the decision-making process of the juvenile justice system in the hope that they may better understand both the consequences of crime and some of the problems this system currently faces.

### II. Motivation

What kinds of things do people your age get punished for? What punishments do you think are fair, which are not? Which types of punishments do you think help people not to repeat their mistakes? Which do not?

### III. Skit

Have the students read aloud or perform the skit entitled "Judge for Yourself."

### IV. Follow-up Questions

1. Do you agree with the decision the judge came to? Why? Why not? What things did you take into consideration in coming to your decision?
2. Do you think that the judge's decision should have been severe? Less severe?
3. The first time Wendy was picked up for shoplifting there was a court hearing, but the store manager dropped the charges. Do you think he should have?
4. At one point the prosecutor asks the police officer if he reminded Wendy of her right to remain silent when he first realized she was suspected of shoplifting. What amendment of the Constitution guarantees this right? (5th Amendment)
5. How much do you think it costs the state to have a trial of this kind? Where does the money come from?
6. How much do you think it cost the state to keep Wendy in a detention home for girls for six months? (\$12,000 a year) Where does this money come from?
7. How do adult court trials differ from juvenile court trials? Who would like to find out?
8. One reason Wendy says she steals is because she wants to have the things she sees on TV and in magazines. What effect do you think advertising has on our lives?

## JUVENILE COURT

### V. Suggestions for Activities

1. Many policemen spend almost half their times waiting around in court. What's wrong with this system and how would you improve it?
2. Witnesses, too, can spend all day in court and perhaps not be called to testify. Sometimes they lose pay. In addition, court schedules are often so crowded that many months may pass between the actual crime and the trial and often witnesses forget important details or faces. What would you do to improve this system?
3. At one point Wendy says that she didn't realize how much trouble she could get into. Many people today believe that the certainty of punishment would deter crime. That is, sentences should not necessarily be more severe, but more certain. Countries such as England have found this to be true. What are the benefits of this type of system, what are the drawbacks? Who would like to investigate this further?

### JUDGE FOR YOURSELF

|             |                               |          |                |
|-------------|-------------------------------|----------|----------------|
| Characters: | Narrator (boy or girl)        | Props:   | Chairs         |
|             | Janet Rostin, caseworker      |          | Table          |
|             | Wendy Saunders, defendant     |          | Desk           |
|             | Mrs. Saunders                 |          |                |
|             | Mr. Saunders                  | Optional |                |
|             | Defense lawyer (boy or girl)  | Props:   | Gavel          |
|             | Prosecutor (boy or girl)      |          | Paper, folders |
|             | Judge (boy or girl)           |          | for lawyers    |
|             | Bailiff (boy or girl)         |          | Bible          |
|             | Clerk (boy or girl)           |          | American Flag  |
|             | Mr. Olivera, store supervisor |          | State Flag     |
|             | Officer Morrison              |          |                |
|             | Mrs. Nardini, saleslady       |          |                |

Costume Suggestions: Judge: Dark robe  
Lawyers: Suits, glasses, briefcases  
Policeman: Badge, hat, dark shirt and pants  
Bailiff: Similar to policeman  
Others: Street clothes

NARRATOR: Wendy Saunders (whom we encountered in the skit, Who's to Know?) has been charged with grand larceny. It is the second time she has been caught shoplifting. The first time she stole \$25 worth of merchandise from a local department store. At first the store manager filed a complaint for petty larceny, but at the court hearing, he agreed to drop the charges. The judge gave Wendy a stern reprimand, released her to the custody of her mother, and dismissed the case.



## JUVENILE COURT

The second time, Wendy was caught outside another large department store with a stolen handbag, cosmetics and a silk shirt she was suspected of stealing. A complaint was filed and a caseworker was assigned.

**CASEWORKER:** My name is Janet Keaton. I'm a caseworker. My job is to investigate the charges in this case and to make a special report on Wendy's family background. I present my report to the judge and he decides whether or not to proceed with a hearing.

These were some of my findings. (reads) Wendy Saunders comes from an upper middle class home. She is an average student at a local junior high school, and her attendance there is good. When questioned about her stealing, she said that at first she did it on a dare, but then found that she really liked being able to have things she saw in magazines and on TV, things she couldn't afford on her allowance. She feels that the things she steals are nothing compared to the thefts she reads about in the newspapers. (She does find it embarrassing when her friends discover she has been caught. Also she hopes to go to college to become a veterinarian and is afraid that they will find out and she will not be accepted for training.)

**NARRATOR:** Based on the caseworker's report, a hearing was scheduled which is already in progress. The prosecutor is trying to prove Wendy stole the handbag (\$40), the cosmetics (\$8), and the silk shirt (\$55) to sustain the charge of grand larceny (theft of an article or articles valued at \$50 or more).\* The defense attorney will try to prove that the evidence presented does not prove Wendy stole the silk shirt. It would carry a lighter penalty. As we come in on the scene, the prosecutor is questioning Mr. Olivera, the store supervisor, who is seated on the witness chair to right of judge.

**Scene instructions:** Judge is seated behind a desk facing the audience. The defendant is seated to the right of the witness chair facing the judge. The bailiff is standing by the door the courtroom. The defense attorney and the clerk are seated at a long table at the front of the courtroom facing the judge. The witnesses, the defendant's parents, the narrator and caseworker sit in chairs behind the defense attorney and clerk also facing the judge.

\* In some states grand larceny is as low as \$25. In New York state it is \$100 or more.

JUVENILE COURT

PROSECUTOR: When you found the silk shirt in the defendant's tote bag, was there a sales ticket or a manufacturer's ticket on it?

MR. OLIVERA: No.

PROSECUTOR: Was the manufacturer's ticket for the shirt ever found?

DEFENSE

ATTORNEY: Objection. There is no way to prove a manufacturer's ticket belongs to a particular garment.

JUDGE: Sustained.

PROSECUTOR: In what condition was the silk shirt you found in the defendant's tote bag?

MR. OLIVERA: It looked like new.

PROSECUTOR: What did you do when you found the shirt?

MR. OLIVERA: I had the blouse department check their stock and sales receipts to see if any shirts like the one found in the defendant's tote bag were missing.

PROSECUTOR: What were their findings?

MR. OLIVERA: They found they were missing one blue silk shirt, size 6. In addition, the saleslady, Mrs. Nardini, found a manufacturer's ticket from this type of shirt on the floor next to the counter where they were displayed.

PROSECUTOR: What color and size was the shirt found in the defendant's tote bag?

MR. OLIVERA: Blue, size 6.

PROSECUTOR: Getting back to the afternoon of May 4th in Mr. Minnard's office, what happened after Mrs. Nardini said she had shirts similar to the one in question in stock?

MR. OLIVERA: Mr. Minnard said he was fed up with shoplifters, that he wasn't going to be soft-hearted anymore. Then he, the policeman and the defendant left for the precinct station.

PROSECUTOR: Thank you, Mr. Olivera, I have no further questions of this witness. (returns to his seat at table)

DEFENSE

ATTORNEY: Mr. Olivera, when the silk shirt was discovered in the defendant's tote bag, did anyone ask her where she got it?

JUVENILE COURT

MR. OLIVERA: Yes, sir.

DEFENSE  
ATTORNEY: What did she say?

MR. OLIVERA: She said she had bought it the day before at York's Department Store.

DEFENSE  
ATTORNEY: To your knowledge did you or anyone else ever contact York's to see if they carried that particular shirt in that size and color?

MR. OLIVERA: Yes, sir. I did the next day.

DEFENSE  
ATTORNEY: And--

MR. OLIVERA: The buyer in their blouse department said, yes, they did carry it.

DEFENSE  
ATTORNEY: I have no further questions. (returns to his seat at table)

PROSECUTOR: Mr. Olivera, one final question. Did you or anyone else in your presence ever ask the defendant to produce a sales receipt for the shirt?

MR. OLIVERA: Yes, sir, but she said she had lost it.

PROSECUTOR: No further questions. (Both Mr. Olivera and prosecutor return to their seats.)

JUDGE: Call the next witness.

PROSECUTOR: I call Officer Howard Morrison. (Howard Morrison takes the witness stand.)

CLERK: (swears in Officer Morrison) Place your right hand on the Bible...Do you swear to tell the truth, the whole truth and nothing but the truth...so help you God?

OFFICER  
MORRISON: I do.

PROSECUTOR: What is your name?

OFFICER  
MORRISON: Howard Morrison.

PROSECUTOR: What is your address?

JUVENILE COURT

OFFICER

MORRISON: I live at 20 Beech Street.

PROSECUTOR: What is your job?

OFFICER

MORRISON: I am a member of the (fill in name of local police department). I am a foot patrolman downtown.

PROSECUTOR: Where were you on the afternoon of May 4, 198- at approximately 4:15 p.m.?

OFFICER

MORRISON: I was on duty at the corner of Main and Summer Streets.

PROSECUTOR: Would you tell the court what happened at that time?

OFFICER

MORRISON: I was with my partner, Officer Armstrong, when I noticed Mr. Olivera rush out of Lane's Department Store and speak with the defendant. He waved for me to come over and I did.

PROSECUTOR: What happened then?

OFFICER

MORRISON: He told me he had observed the defendant stealing the cosmetics and suspected she had stolen the handbag, too.

PROSECUTOR: Did you remind the defendant of her right to remain silent?

OFFICER

MORRISON: I did, but she began to cry and say she would give the stuff back and --.

DEFENSE

ATTORNEY: Objection --.

PROSECUTOR: (interrupts) Your honor, it is the state's contention that the words of the defendant at this time are material and admissible in that they were a spontaneous expression of her feelings at the moment of being apprehended and thus fall within well-known and respected exceptions to the hearsay rule.

JUDGE: Overruled. (to the officer) Continue.

JUVENILE COURT

OFFICER

MORRISON: As I was saying, she began to cry and to say she was sorry. She promised she wouldn't do it again if we wouldn't call her mother. She said she was afraid her mother would get too upset, and admitted to having caught shoplifting once before.

PROSECUTOR: Thank you, Officer Morrison, no further questions.  
(returns to his seat at table)

DEFENSE

ATTORNEY: Officer Morrison, did the defendant ever in your presence or to your knowledge admit to stealing the blue silk shirt?

OFFICER

MORRISON: No, sir.

DEFENSE

ATTORNEY: Thank you No further questions. (both Officer Morrison and defense attorney return to their respective seats)

PROSECUTOR: (rises) Your honor, that concludes the case for the People.

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JUDGE: (to defense attorney) Call your first witness.

DEFENSE

ATTORNEY: (rises) I call Mrs. Nardini. (Mrs. Nardini takes the witness stand.)

CLERK: (swears in Mrs. Nardini) Place your right hand on the Bible... Do you swear to tell the truth, the whole truth and nothing but the truth...so help you God?

MRS. NARDINI: I do.

DEFENSE

ATTORNEY: What is your name?

MRS. NARDINI: Frances Nardini

DEFENSE

ATTORNEY: Where do you reside?

MRS. NARDINI: 90 Fairmount Avenue.

DEFENSE

ATTORNEY: What is your job?

MRS. NARDINI: I am a sales lady in the blouse department of the Lane Department store.

JUVENILE COURT

DEFENSE

ATTORNEY: Mrs. Nardini, where were you on the afternoon of May 4, 198-?

MRS. NARDINI: I was working in the blouse department.

DEFENSE

ATTORNEY: Did you see the defendant take the silk shirt?

MRS. NARDINI: No, sir.

DEFENSE

ATTORNEY: Mr. Olivera testified that you said silk shirts identical to the one found in the defendant's possess on had been put on display for the first time that day, Tuesday, May 4th. Is that true?

MRS. NARDINI: Yes, sir.

DEFENSE

ATTORNEY: Would you say many customers looked at those shirts that Wednesday?

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MRS. NARDINI: Oh yes, sir. We were constantly having to refold them because so many customers were picking them up and trying them on.

DEFENSE

ATTORNEY: Were there any other blouses with that particular brand name in the vicinity of the silk shirts?

MRS. NARDINI: Yes, sir.

DEFENSE

ATTORNEY: Did you or anyone else to your knowledge check to see if a manufacturer's ticket was missing from any of them?

MRS. NARDINI: No, sir.

JUVENILE COURT

DEFENSE

ATTORNEY: So it is possible that the manufacturer's ticket found later by you on the floor could have been from one of any number of blouses. Is that not so?

PROSECUTOR: Objection, your honor.

JUDGE: Overruled. Mrs. Nardini, answer the question.

MRS. NARDINI: Yes, sir. I suppose so.

DEFENSE

ATTORNEY: Thank you. No further questions. (to prosecutor)  
Your witness.

PROSECUTOR: (rises) No questions. (Mrs. Nardini returns to her seat.)

DEFENSE

ATTORNEY: I call Wendy Saunders. (Wendy Saunders takes the witness stand.)

CLERK: (swears in Wendy) Place your right hand on the Bible.. do you swear to tell the truth, the whole truth and nothing but the truth...so help you God?

WENDY: I do.

DEFENSE

ATTORNEY: Were you present in the Lane Department Store on the afternoon of May 4, last?

WENDY: Yes.

DEFENSE

ATTORNEY: What did you do while you were in the store?

WENDY: I stole a leather handbag and some cosmetics.

DEFENSE

ATTORNEY: Did you realize that this was the wrong thing to do?

WENDY: Yes, but I never realized how much trouble I could get into until now.

DEFENSE

ATTORNEY: Did you take anything else from the store?

WENDY: No.

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DEFENSE  
ATTORNEY: Did you take a blue silk shirt, size 6, from the store?

WENDY: No--I told them what I took and I didn't take their shirt.

DEFENSE  
ATTORNEY: What size shirt do you wear?

WENDY: Size 7.

DEFENSE  
ATTORNEY: Thank you. No more questions. (to prosecutor) your witness.

PROSECUTOR: (rises) No questions.

DEFENSE  
ATTORNEY: Your honor, I feel that the evidence presented here fails to show beyond a reasonable standard of doubt that the defendant stole the silk shirt found in her possession on the afternoon of May 4th last, and as such the charge brought against the defendant should be reduced to petty larceny. (sits down)

PROSECUTOR: (rises) I must disagree with my colleague, the defense attorney. The defendant has already admitted to the theft of the bag and cosmetics in the mistaken belief that her honesty would serve to save her from punishment. However, when we saw that it would not, she declined to cooperate further. The physical evidence is striking. The defendant was found with a blue silk shirt, size 6, in her possession immediately outside the Lane Department Store. An immediate check of the blouse department in the store produced the discovery that one blouse was missing, also size 6, color blue.

JUDGE: The issue before the court is whether the defendant is guilty of petty or grand larceny. Court will recess for 10 minutes. (bangs gavel three times)

(Bailiff should now pass out JUDGE FOR YOURSELF slips to the class and have them fill them out. He should allow a few minutes and then collect slips, tally them with the clerk and pass the results to the judge.)

BAILIFF: Will the defendant please rise.

JUDGE: It is the opinion of the court that you are found (reads results)

MRS. SAUNDERS: (breaks down crying) Oh Wendy.

MR. SAUNDERS: (puts his arm around Mrs. Saunders)



## JUVENILE COURT

### ADDITIONAL RESOURCE

#### CRIMINAL LAW

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#### 1. Juvenile Law

A delinquent child is a person who has committed a delinquent act (an act which is a crime under federal, state or local law) and is in need of care or rehabilitation. In some states delinquency is a broad word which includes minor offenses like smoking, using vulgar language, and acting in an immoral way. A delinquent child may be someone who is uncontrollable, who frequently disobeys his parents or teachers, runs away from home, is a truant, or who disregards lawful restrictions which a state may put on juvenile behavior.

Who is a juvenile is an important question. In all states a maximum age is established which determines if the defendant is to be treated as an adult or as a juvenile. In some states the type of crime a person is accused of may alter this age limit. For example, in some places, if a juvenile commits murder he is automatically tried as an adult or in the case of serious crimes, the juvenile age is lowered, e.g., from 18 to 16.

Juvenile or Family Courts usually also have the power to hear cases which involve a parent or guardian violating the rights of a juvenile. These include neglect cases in which the adult, or adults, may be accused of failing to provide the child with the necessities of life as the law requires, or child abuse cases when the parent is accused of physically harming the child.

- A. What should be the maximum age in which one is considered by the law to be a juvenile?
- B. Do you think adults and juveniles should be treated differently if they commit a crime?

#### 2. Procedure in Juvenile Courts

The U.S. Supreme Court has decided that juveniles being tried as delinquents and in danger of losing their freedom are entitled to many of the same rights as adult defendants. Some of these rights which have been specifically guaranteed include:

- A. Right to notice of charges in advance,

## JUVENILE COURT

- B. Right to a lawyer,
- C. Right to confront and cross-examine witnesses,
- D. Privilege against self-incrimination,
- E. Right to a written record of the proceedings,
- F. Right to appeal to a higher court, and
- G. Right to require "proof beyond a reasonable doubt" in delinquency cases.

However, the Court has said that juveniles do not have the constitutional right to a jury trial. Some states permit juries for juveniles but most do not.

The above rights were established by the U.S. Supreme Court in the 1968 case of in re Gault. In that case Gerald Gault, a 15 year old boy living in Arizona, was arrested for making lewd remarks over the telephone. Gerald's parents were never given written notice that he had been arrested or of the charges against him. A hearing was held at which Gerald had no lawyer, no record was made of what was said, the woman who received the telephone call did not testify, but Gerald testified. Gerald had been charged with being "in need of the protection of the court" and being a minor and a "delinquent." The judge sentenced Gerald to the state industrial school until he was 21 unless released before. Juveniles in Arizona had no right to appeal. The Supreme Court ruled that Gerald's rights had been violated and that, in the future, courts had to provide all juveniles in delinquency cases with the rights listed above.

Before a juvenile can be committed to an institution he or she must be convicted at a trial. State law may allow an agreement between the prosecutor, the defense attorney and the juvenile, which would let the juvenile be put on probation instead of being sent to an institution. If the youth successfully completes the probation, the charges against him may be reinstated.

JUVENILE CORRECTIONS

CRIMINAL LAW PROBLEMS

PROBLEM A

- (a) Do you think that there should be set penalties for crimes committed by juveniles, e.g., 60 days in a juvenile institution for larceny?
- (b) If you believe in set penalties, what would you write as the penalties for the following acts:
1. Stealing a bicycle.
  2. Possession of a small amount of marijuana.
  3. Selling marijuana.
  4. Purse snatching.
  5. Being truant from school five times.
  6. Shoplifting.
  7. Burglary of a house.
  8. Joy riding in a neighbor's car.
  9. Armed robbery of a store.
  10. Killing boy in a gang fight.

PROBLEM B

Jerry is 16 years old. He is caught shoplifting record albums from a store. He had been convicted twice before and given probation. His parents say they cannot control him.

- (a) What sentence should the judge give Jerry?
- (b) Would your sentence be different if this were Jerry's first offense?
- (c) Would your sentence be different if Jerry was a drug addict?

PROBLEM C

Mary's parents have gone to court and asked the judge to declare Mary, who is 15 years old, a juvenile delinquent. They say that she constantly disobeys their rules, does not come in on time and has run away from home three times. Her parents say they can no longer control her and want the judge to place her in a juvenile institution to be reformed.

- (a) Should the judge do this?
- (b) What else could he do?

JUVENILE CORRECTIONS

- (c) What should the judge do if Mary says her parents have been beating her on a regular basis?
- (d) What should the court do if Mary says that her parents will not buy her any new clothes or give her enough to eat?

## APPLYING CONCEPTS

1. Hand out written/oral term paper assignment. Discuss.
2. Hand out mock trial materials.
3. Assign roles to be played in the mock trial.

NOTE: Several mock trial options are included in the curriculum materials. These materials explain how to conduct a mock trial.

APPLYING CONCEPTS

TERM PAPER

Select one of the topics below. Collect data on it and compile into a written paper. Sources for data are: class notes, handouts, filed experiences, speakers, text, news clippings and films.

ARSON  
VANDALISM  
BURGLARY  
SHOPLIFTING

LAW ENFORCEMENT  
JUVENILE COURT AND LAWS  
JUVENILE CORRECTION SYSTEM

Write a four to five page paper on the topic you have chosen. Do not write on the back of any sheets of paper used. The final copy should be written in ink and use proper spelling and punctuation.

Some considerations:

1. Clear definition of topics.
2. Causes for committing this crime or reasons for this system's existence.
3. Statistics.
4. Effects this crime or system has on the community.
5. What is currently being done to stop this crime or improving this system.
6. Suggestions for stopping this crime or improving the system.

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POINTS:

Written Form-----75 points possible  
 Oral Form-----25 additional points possible  
 Total Points-----100 possible

Oral presentation should be well prepared!

Class time be set aside for preliminary writing. Additional time for completion will be homework.

Oral presentations will be given on \_\_\_\_\_.

Written papers are due on \_\_\_\_\_.

APPLYING CONCEPTS

CRIMINAL LAW MOCK TRIAL - ASSAULT AND BATTERY

Facts:

Mike and Diana are at a party having a drink. Nick, who has been drinking, approaches where they are talking on a couch and, saying he knows Diana, tries to talk to her. Mike gets angry and asks Nick to go away. They argue and a fight breaks out. The police are called and arrest Nick for assaulting Mike. Nick claims that Mike caused the fight and he was only defending himself.

Witnesses for the prosecution: Mike and Diana.

Witnesses for the defense: Nick and Jess, another party-goer.

Witness Statements.

MIKE: "I was minding my own business, sitting with Diana at this friend's party, when this guy walked up and started hassling Diana. I asked her if she knew him and she said, "No," so I told him to leave. The guy was extremely drunk and he kept bothering my woman and wouldn't leave. So I stood up and told him I'd have him thrown out of the party if he didn't leave. He squared off like he wanted to fight and when I turned to walk away he hit me."

DIANA: "I was sitting with my boyfriend Mike in the basement of a friend's house when an old friend, Nick, came over to the couch we were on. Nick had been drinking and he grabbed my arm and told me to dance with him. Mike asked me if I knew him and I said, "No," because Mike is very jealous. Nick wouldn't leave after Mike told him there would be trouble if he didn't. Mike stood up to argue with him and the next thing I knew, they were fighting."

JESS: "A boy and girl were sitting on this couch when Nick approached them. I've known Nick in school for a few months. He had only two drinks. I know because I came in with him to the party and had been talking with him all the time. Nick mentioned to the girl to dance, and then he held her arm to help her up. The boy she was with got mad and began speaking loudly. Nick smiled and told him to be cool. The guy jumped up and grabbed Nick. Nick hit him back and they both started swinging. After that, the cops came."

NICK: "I was talking to Jess at this party when I saw Diana. I had been going with her for a couple years, but I hadn't seen her in a few months. I went over to see how she was doing. I'd drunk a couple of drinks, but I wasn't even a little high. I asked her to dance and the boy she was with gave me a funny look. I know Diana well, and I figured she wanted to dance with me, so I took her by the arm. Then this guy started to confront me. I told him I didn't want any trouble. Then he jumped up and suddenly grabbed me and hit me."

## APPLYING CONCEPTS

**INSTRUCTION:** The prosecution must set out such a convincing case against the defendant that the jurors believe "beyond a reasonable doubt" that the defendant is guilty. After the closing statements, the judge should instruct the jury as to the appropriate law in the case.



## APPLYING CONCEPTS

### MOCK TRIAL

#### Participants:

Judge

Prosecution (in criminal case), or plaintiff's attorney (in civil case)

Defense attorney

Witnesses for prosecution or plaintiff's attorney

Witnesses for defendant

Bailiff

Jury

#### Opening of Trial:

Bailiff enters and says: "Please rise. The Court of \_\_\_\_\_ is not in session, the Honorable \_\_\_\_\_ presiding." Everyone remains standing until Judge is seated. The Judge asks that the calendar be called and the bailiff says, "Your Honor, today's case 's \_\_\_\_\_ v. \_\_\_\_\_." Judge asks if both attorneys are ready.

#### Trial:

1. Opening Statement - Prosecution of plaintiff's attorney introduces him/herself and states what his or her side hopes to prove. State what facts on your side will show and ask for the verdict that you want.

Defendant's attorney then introduces him/herself and explains the evidence on his or her side that will deny what the prosecution is attempting to prove. State the decision you hope the jury will reach.

2. Direct Examination - Prosecution call its first witness. Witnesses should have learned witness statements well enough so that they aren't read in answer to questions. Witnesses may testify to additional facts which logically follow from their statements but should not contradict the given facts. Prosecutor asks clear and simple questions that allow the witness to tell their story in their own words. Do not ask leading questions. Have students write out questions in advance.
3. Cross Examination - Defense attorney questions witnesses for the prosecution to try and discredit their testimony. (This can be done by showing inconsistencies in the witness story or by demonstrating bias.) Ask leading questions and emphasize portions of their testimony that favors your side.

## APPLYING CONCEPTS

After all of the prosecution witnesses have been questioned and cross examined, the defense calls its witnesses and questions them under direct examination. Then the prosecutor cross examines them.

4. Closing Statement - Prosecutor and then the defense speaks to the jury and tries to convince them of how the evidence presented has proved his or her side of the case.
5. Jury Instructions - Judge instructs the jury as to the relevant law and then directs them to retire and decide upon a verdict.

End of Trial - Jury deliberates and reaches a unanimous verdict. They report the verdict to the judge after returning to the courtroom.

### Variation on Mock Trial:

Instead of the student preparing his or her own case, have a prepared set of questions.

### Additional Tips on Mock Trials:

1. A field trip to a courtroom before the exercise can often be helpful in visualizing the process. In lieu of that, many films on the trial process are available.
2. Community resources can be most useful in mock trials. The resources--judge, attorney, law student, paralegal, attorney spouse--can serve as an advisor in developing the trial or can act as judge.
3. Some mock trials successfully use outside persons as a jury. Parents, for example, could serve as the jury.
4. After doing the mock trial before their own class, students could re-do it, either for another class or for parents or others.
5. Have students explain the role and what that person's job is before they begin the mock trial role.
6. If part of the class is selected as jury, instead of having secret deliberations, have them deliberate while the rest of the class observes. The class can then comment on the jury interaction and process of deliberation.
7. If a criminal situation is used, have the judge or class determine what sentence is appropriate and why.

## APPLYING CONCEPT

8. Before the class, give students a brief explanation of the case, such as what would ordinarily appear in a newspaper article. Ask students to vote in writing beforehand. Then see if their opinions changed after the trial. Discuss jury prejudice and the effects of newspaper publicity, particularly in criminal cases.
9. Ask the losing party if he or she intends to appeal, and on what basis. Discuss when appeals are permissible and the types of issues that are heard on appeal.

## DAY TWO

1. Divide class into prosecution and defense.
2. Work on the mock trial.
3. Work on written/oral term paper.

## DAY THREE

Rehearse the mock trial.

## DAY FOUR

Conduct the mock trial.

Note: During the pilot project the student who played the role of the judge asked teachers to release 12 students from other classes to act as the jury. The jury then deliberated and delivered a verdict. This was found to be a very effective technique. The teacher worked with the jury to make sure they examined the facts before coming to a verdict.

## DAY FIVE

Have students complete work on written/oral term papers due Day One, Week Nine. Students should be prepared to make oral presentations that day.

## APPLYING CONCEPTS

### Resource List

1. "Criminal Law Mock Trial-Assault and Battery"  
Continuing Education for State Court Personnel  
205 Legal Education Center  
40 North Milton Street  
Saint Paul, MN 55104
2. Text - Criminal Justice  
Chapter 11, "The Trial," pp. 128-147.

## PREPARING PRESENTATIONS

1. Ask students to perform their pantomimes from Day Three assignment. Do not spend a great deal of time criticizing, but after each have the class discuss what they did and how they knew what it was. There is no right or wrong. Concentration and confidence are the key points. This should take about half the class time for this day.
2. Distribute shoplifting script, "Think Twice," Part I, to all students. Choose students at random to read various parts. They may protest; be gentle, but firm.
3. Have students read the script.
4. Discuss script:
  - a) What happens.
  - b) How script fits in with the curriculum.
  - c) Legal and possible future implications for its characters in terms of the law and future.

DO NOT CRITICIZE CHARACTERIZATION OR WRITING. There will be further discussions tomorrow.

### 5. Assignment

Ask students to recall personal experiences with shoplifting and how they were similar to, or different from, the script.

NOTE: Script created for this unit are to be used as the basis for classroom discussion as well as formal presentations to elementary students. Encourage students to change the scripts to reflect their own perceptions of shoplifting and arson. Scripts should portray the effects of these crimes on other people, as well as on those juvenile committing them. Props such as dishes for the kitchen table and suitable clothing for the characters add to the dramatic effect of the presentation, but are not necessary. Posters could be created to indicate scene changes. These activities could be assigned to students not playing a role.

### General Introduction to Presentations by Student Narrator

In the course we've studied at our school during the past few weeks, we learned many things about arson, vandalism and other crimes such as shoplifting. We also learned that detention centers are not good places to be. The program made us more aware of the vandalism and arson that has taken place in our own neighborhoods. We also learned that crime by juveniles affects our records, future jobs and education.

In the following presentations and discussions, we would like to show you what we learned. The first presentation is about shoplifting.

## PREPARING PRESENTATIONS

### Introduction to "THINK TWICE"

This is a presentation about shoplifting. Shoplifting is taking things from stores that aren't yours. For every dollar taken it costs the store \$100 to pay it back. It isn't very smart to shoplift for in the end everyone is hurt. Also, if you are with someone who shoplifts, you too will get into trouble for you are an accomplice. You will see what I mean in the scene which follows.

NOTE: Narrator should introduce cast to audience and describe setting for Part I.

## PREPARING PRESENTATIONS

### Sample Script

#### THINK TWICE - PART I

Note to teacher: Customers one, two, manager and clerk can be either sex. However, customer one becomes daughter in Part II of script and customer two becomes son. Change script to reflect gender of family members. Narrator should describe setting to audience.

SCENE: A drugstore. The clerk is at the cash register; customers one and two enter.

CLERK: Can I help you?

CUSTOMER ONE: Can you tell me where the red paints are?

CLERK: They're down this aisle and to your right. Here, I'll show you. (leads customer one down aisle) What kind were you looking for? (Customer two steals a magazine, hides it in his or her jacket.)

CUSTOMER ONE: Model paints.

CLERK: We have these three colors.

CUSTOMER ONE: O.K. (Clerk returns to counter; customer one selects paint, returns to counter.)

CLERK: That'll be 40¢.

CUSTOMER: (Picks up package of gum.) Package of gum, too.

CLERK: Okay, twenty cents. (Clerk rings up the amount on the cash register.) That comes to 63¢. Here's your change. Thank you. Come again. (The two customers exit; the store manager follows them outside.)

MANAGER: Hold on. What'd you take? I just saw you take that magazine.

CUSTOMER TWO: I did not.

MANAGER: I saw you.

CUSTOMER TWO: Why would I take a magazine?

PREPARING PRESENTATIONS

Sample Script

MANAGER: I don't know. I get really sick of this, everybody stealing from my store. (Clerk comes outside.) This customer just took a book. It's in (his/her) jacket right now.

CUSTOMER TWO: No I didn't take anything.

MANAGER: What's in your jacket then? (Pause, manager takes magazine.) O.K., whose idea was this?

CUSTOMER TWO: It was both of ours.

MANAGER: Let's go call your parents.

CUSTOMER TWO: Are you going to call my mom? I already got in trouble this week.

CLERK: You should have thought of that before you took it.

MANAGER: Let's go.

CUSTOMER TWO: Oh..... (They re-enter the store.)



PREPARING PRESENTATIONS

Sample Script

THINK TWICE - PART II

Note to teachers: Change script to reflect gender of family members.  
Narrator should describe setting to audience.

SCENE: Family kitchen. Father is at one end of table, mother and son in middle facing out, and daughter at other end.

TIME: Several hours after shoplifting.

FATHER: Why did you take the magazine?

SON: You wouldn't give it to me.

FATHER: How do you know?

SON: Because whenever I ask for something you always say, "You don't do this and you don't do that."

FATHER: You could've earned the money.

SON: How?

FATHER: You could've done housework around here.

SON: A dollar here, a dollar there. Wow.

MOTHER: The dollars add up. If you would just do some work.

SON: I do.

MOTHER: I have asked you to help me.

FATHER: If you wanted more than a dollar here and a dollar there, you should go out and get a job. All you do is sit around.

SON: I have tried. I go out looking on Saturdays.

FATHER: You don't try. All you do is watch television.

SON: I go looking sometimes.

FATHER: I think you just go over to your friend's house.

DAUGHTER: Yes.

PREPARING PRESENTATIONS

Sample Script

FATHER: You shut up.

SON: Why don't you yell at her? She was in on it, too.

DAUGHTER: I was not.

MOTHER: Who took the magazine?

SON: I did but .....

MOTHER: All right.

DAUGHTER: I didn't even know you took it.

FATHER: Your mother gave her money for a prescription.

SON: You wanted the book just as much as I did.

DAUGHTER: Well, who took it?

SON: I told her I didn't have any money for the book.

MOTHER: Then why did you take it?

SON: Because I wanted it.

FATHER: What was so special about it?

SON: Nothing.

MOTHER: Did you want it badly enough to steal it?

DAUGHTER: He did it just 'cause his friends do.

FATHER: Oh, all your friends steal too, huh? Well, you're going to have to face the consequences. I think we should just ground you for about two months.

MOTHER: You know that's going to show up on your record some day when you want a job. It will.

FATHER: And we're trying to save money for you to go to college.

SON: All they did was call you up and tell you what I did.

MOTHER: You don't think they keep a file, a record of shoplifters?

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## PREPARING PRESENTATIONS

### Sample Script

SON: No.

MOTHER: They do.

FATHER: They do. It will be on your record and it might be hard for you to get a job.

SON: Why don't you just give me the money you were saving for college and then I can get whatever I want.

MOTHER: That money is for your education. We will use it for something else if you don't go to college.

FATHER: We have bills to pay, you know.

SON: What about her? You give her all the money she wants.

MOTHER: She earns it. She works, she babysits, she does dishes, she vacuums.

SON: You give her allowance. You don't give me anything.

FATHER: That's because she works around here and you don't.

MOTHER: How do you think this whole thing makes us feel? Huh? Ask your sister. Ask her.

SON: She was there. She should feel the same as me.

MOTHER: Ask her once if she's embarrassed. Ask her if she is ashamed because of what you did.

DAUGHTER: You got me in trouble.

SON: How is it hurting her?

MOTHER: She had to be embarrassed because of you...Something you did.

DAUGHTER: Now it's all around school and everyone is teasing me and making fun of me.

MOTHER: Everyone says you are crooks.

FATHER: Do you want everyone to call you that?

MOTHER: All the neighbors...I'm going to be embarrassed to talk to them now.

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PREPARING PRESENTATIONS

Sample Script

FATHER: I think we should ground him.

DAUGHTER: Yea, for three years.

MOTHER: One month. You are grounded for one month without privileges.

FATHER: Maybe you'll think twice about it before you ever do something like this again.

END

Ending to THINK TWICE (given to narrator)

After hearing this discussion, you've learned that you lose everyone's trust when you shoplift; you get a criminal record; it just doesn't pay. Instead of doing something like shoplifting, try to find ways to earn money.

## ADDITIONAL RESOURCE

Sample introduction to "EVERYBODY ELSE DOES IT."

A shoplifter is a person who takes goods from a store while acting like a customer. Shoplifters are usually caught by a security guard. Part of a security guard's job is to stop shoplifting.

Stores and businesses consider shoplifting a serious crime. Most shoplifters are referred to the police.

People shoplift for different reasons. Some are professional, but most are juveniles, often looking for excitement or to prove they're not "chicken."

If you are with someone who shoplifts, you could also get into trouble. Even though you may be innocent, it looks as if you were helping.

As you will see in the following skit, it doesn't pay to shoplift.

NOTE: Narrator should set scene, introduce characters.

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Alternate Sample Script

EVERYBODY ELSE DOES IT - PART I

NOTE SCENE: Roles can be changed to reflect gender of students. A drugstore. The clerk is at the counter. Two customers enter.

CUSTOMER ONE: Good morning.

CLERK: Good morning.

CUSTOMER ONE: Could you tell me where your paints are?

CLERK: Sure. What kind do you want - water paints or oil paints?

CUSTOMER ONE: Oil.

CLERK: Oil?

CUSTOMER ONE: Sure.

CLERK: Right this way. (Clerk leads her down aisle.) Um... Here they are. They're all different colors. These are the little ones with the brush and here's the spray kind. You just pick out what you want. (Customer two steals a magazine, puts it under his/her shirt.)

CUSTOMER ONE: O.K. Thank you. (The clerk returns to the counter, customer one browses, then returns to counter.)

CUSTOMER ONE: I guess you don't have what I'm looking for. (Customer two purchases candy.)

CLERK: Will there be anything else?

CUSTOMER TWO: No.

CLERK: That'll be 75 cents. Thank you. (Customer one and two exit. Store manager follows them out.)

MANAGER: Hold it a minute. Did you take something?

CUSTOMER ONE: Not me.

MANAGER: Yeah, you took it. I saw you take something and put it right in your shirt.

CUSTOMER ONE: Oh, yeah? I didn't take anything.

MANAGER: Yes, I saw you take a magazine. Why did you take it?

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CUSTOMER TWO: Cuz, I wanted a magazine.

MANAGER: Well, you could've bought it.

CUSTOMER TWO: Well, I'll buy it right now, then.

MANAGER: No, it's too late now. What's your name?

CUSTOMER TWO: Carol.

MANAGER: And what's your name?

CUSTOMER ONE: Jeanine.

MANAGER: You're both going to have to go up to the office.

CUSTOMER ONE: Me, too?

MANAGER: Yes, you too. You were with her.

CUSTOMER ONE: I didn't know she took it.

MANAGER: Well, you were still with her.

CUSTOMER TWO: You did too. You wanted it, too.

CUSTOMER ONE: No, I didn't. What would I want with a dumb magazine?

CUSTOMER TWO: She did. She wanted it, too.

MANAGER: Come on, let's go.

CUSTOMER TWO: Where?

MANAGER: We're gonna go call your parents.

CUSTOMER TWO: Why do they have to know?

MANAGER: Because, when kids shoplift, we call their parents.  
(They re-enter store.)

EVERYBODY ELSE DOES IT - PART II

PLACE: Family living room. Two chairs placed together form a couch on which daughter sits. One parent is placed on chair on either side of her.

TIME: Several hours after the shoplifting occurred.

FATHER: O.K. why did you shoplift?

DAUGHTER: (Customer two): I don't know.

FATHER: What do you mean you don't know?

DAUGHTER: I don't know.

FATHER: Why did you take that magazine?

MOTHER: You must've had a reason.

FATHER: Didn't you have any money to pay for it?

DAUGHTER: No.

FATHER: Why didn't you just ask us for the money?

DAUGHTER: I did, but you yelled at me for that.

FATHER: That was because I gave you money for lots of things ..13 week.

MOTHER: Why would you want to steal a magazine?

FATHER: It seems like your mother is always giving you money to spend on something. All the time.

MOTHER: Do you think we should just stop giving you spending money at all?

DAUGHTER: No.

FATHER: Don't you think you deserve to be punished? Who were you with?

DAUGHTER: Jeanine.

FATHER: Did she make you do this?

MOTHER: What makes you think you had the right to do this? Did you like going to the police station?

DAUGHTER: I didn't mind.



FATHER: What do you mean you didn't mind? Aren't you ashamed?  
We were ashamed when we had to come down and get you.

DAUGHTER: It wasn't any big thing. Everybody else does it.

FATHER: You aren't everybody else.

MOTHER: Don't you have enough brains to know that it's wrong?

FATHER: Why don't you look at us? Are you too ashamed?

MOTHER: Answer me. If you do this again, do you know where you  
might go?

DAUGHTER: The detention center.

MOTHER: Do you know what it is like for the kids in that place?  
It's not very nice.

FATHER: That's where Jeanine is going because she stole  
something before. Do you want to go there?

MOTHER: I think you should go to your room and think about what  
you did.

FATHER: Think about what it would be like at the detention  
center, what it would do to your future. Do you want  
to have a juvenile record?

DAUGHTER: (exits)

FATHER: Well, what do you think we should do?

MOTHER: She need some privileges taken away. She's constantly  
watching TV and her grades are going down.

FATHER: Maybe she should be grounded. That will make her think  
about what she's done.

MOTHER: I don't think she should be allowed to see Jeanine  
anymore. She is a bad influence.

FATHER: I hope this is the last we'll hear of shoplifting.

MOTHER: I'll go tell her about our decision.

END

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Ending to "EVERYBODY ELSE DOES IT" (given by narrator)

As you have seen, you hurt a lot of people's feelings, mainly your family, when you steal. You also lose a lot of respect from other people. The people all around you are affected too, because prices are raised at stores to make up for what was taken.

If you commit such crimes, you will probably get caught. If and when you get caught, you will certainly get kicked out of that store for good, and more than likely you will get taken to the police station and possibly the detention center. It isn't worth the trouble. Don't shoplift.

## PREPARING PRESENTATIONS

### Introduction to I DIDN'T MEAN TO DO IT

Arson is the malicious burning of someone's home or building. Arson causes people and businesses great losses each year. Almost one-third of all fires are arson. About one thousand people a year die from arson fires. Whenever someone's house is burned down by arsonists, they don't feel very good about it, and the neighbors don't either, because everybody's insurance goes up. They are also afraid the same thing will happen to them. People usually have a motive for arson. they might also do it to conceal a crime, to get attention, for spite or to get revenge.

PREPARING PRESENTATIONS

I DIDN'T MEAN TO DO IT - PART I

Note to narrator: Introduce cast. Describe setting.

Note to teacher: Change script to reflect gender of characters. Do not have students actually light candle.

SCENE: A living room. Two girls are sitting in chairs.

SALLY: I'm so mad at my mom.

CINDY: Well, look at your grades. You aren't doing well in school.

SALLY: Well, so what. They're not important. She didn't have to ground me.

CINDY: They're really important. They have a lot to do with your future.

SALLY: Well, my future's a long way off. I hate my mom.

CINDY: You're so mean.

SALLY: Your mom lets you do anything you want.

CINDY: No, she doesn't. You shouldn't be mad at your mom. Don't be mad at her, just talk to her.

SALLY: Well, talking won't help. She just left now anyway.

CINDY: Well, just wait until she gets back.

SALLY: She won't be back for hours. She always leaves me alone.

CINDY: Cool off!

SALLY: No! (she crosses to desk) Look at his old antique desk--she really loves it. I should burn it.

CINDY: Burn it...no!

SALLY: Well, why not?

CINDY: Fire is not the way to solve anything. If you want to get back at her or anything, I just don't want to be around you.

SALLY: Then I'll tell your mother about Friday night. You know what they're going to do when they find out about Friday night?

CINDY: You won't tell anybody about Friday night.

SALLY: I will too. Yes, I will.

CINDY: O.K. I'll help you, but I really don't want to do this. That's really low of you to do anything like that to me.

SALLY: Well, I need your help. Just come on. You gotta help me.

CINDY: O.K. I'll help you, but I really don't think it's a good idea.

SALLY: Well, it's gonna work. Come on, let's do it.

CINDY: O.K...You better not tell anybody anything. (Sally opens a desk drawer and lights a candle.)

SALLY: I won't tell anybody a thing about Friday night.

CINDY: No, I don't want to do it! (Cindy slaps Sally and lighted candle accidently drops into desk drawer.)

SALLY: You didn't have to hit me like that! My you're such a fake!

CINDY: No, I'm not a fake.

SALLY: Yes, you are.

CINDY: You tell all my secrets. Look at what you did: (points to desk)

SALLY: Let's get out of here! (they exit)

PREPARING PRESENTATIONS

I DIDN'T MEAN TO DO IT - PART II

Note: Narrator introduces characters and describes setting.

SCENE: Street in front of Sally's house. Arson investigator stands to the left, neighbor in center, the two mothers to the right.

TIME: One hour after fire has been extinguished.

ARSON INVESTIGATOR: Half this house was burned. We suspect arson. Did anyone see anything?

NEIGHBOR: I did. I happened to be standing at my window watering some plants earlier this afternoon. I saw smoke coming out of a window in the house across the street. Then I saw two girls burst out the front door and run down the street as fast as they could.

INVESTIGATOR: Do you know who the girls were?

NEIGHBOR: I am positive one of them was your daughter (points to Cindy's mother), and the other was your daughter (points to Sally's mother).

CINDY'S MOTHER: I can't believe my daughter would do such a thing.

SALLY'S MOTHER: I hope you aren't insinuating my Sally would even think of starting a fire on purpose. She realizes the danger of playing with fire.

INVESTIGATOR: Would there be any reason why your daughter would set a fire?

SALLY'S MOTHER: Well, we did have an argument over a punishment I gave her. I know she was upset, but why would she want to burn down her own house?

NEIGHBOR: It has happened all over the neighborhood. It's these kids who have nothing better to do.

INVESTIGATOR: I guess lots of times young people just don't realize the consequences of their actions. But it isn't always the kids. Sometimes professional arsonists set fires to collect money from insurance companies like ours. People, especially young people, sometimes set fires for revenge. Could that be the case with Sally?

PREPARING PRESENTATIONS

SALLY'S MOTHER: I really don't know. I guess the evidence does point to that. (Sally and Cindy enter right, and stand away from the rest of the group. They are ashamed and frightened.)

CINDY'S MOTHER: Where have you been?

CINDY: We went downtown for something.

SALLY'S MOTHER: Do you know what happened to our house?

SALLY: Yes, I heard from some kids down the street. We have insurance though, right?

SALLY'S MOTHER: We have insurance. In fact, the arson investigator is here. Do you know what arson is?

SALLY: Yes.

SALLY'S MOTHER: What is it?

SALLY: It is a fire that is lit on purpose.

SALLY'S MOTHER: Did you light the fire, Sally?

SALLY: I was mad. I didn't mean to burn everything, did I, Cindy?

CINDY: The candle dropped and everything went up in flames all at once. We were scared, so we ran.

SALLY'S MOTHER: Why would you do such a thing?

SALLY: I wanted to get revenge. I was mad. But I didn't mean to do what I did.

SALLY'S MOTHER: (to investigator) What do we do now?

INVESTIGATOR: Well, first of all I would suggest counseling for you and your daughter. You need to find a better way to work out your problems. You may not have meant to burn everything, but you should have realized that fire is not way to solve your problems. We can refer you to someone who can help you. I am sorry to say that you may not be able to collect fully on your insurance.

CINDY'S MOTHER: Would you like to stay at our house for a few days until you can get some things straightened out?

SALLY'S MOTHER: Thank you. That is very kind of you. Come on, Sally. We have a lot to talk about. (Sally and her mother exit, leaving the rest of the group to talk among themselves.)

Ending to "I DIDN'T MEAN TO DO IT" (given by narrator)

It doesn't pay to start a fire because of lot of people get hurt and property gets destroyed.



PREPARING PRESENTATIONS

Additional Resource

Alternate Sample Script on Arson

ARSON: NEIGHBORHOOD SCENE - PART I

SCENE: Outside a burned house, a TV reporter holds a microphone, facing audience.

TV REPORTER: I'm standing on Fourth Street in Dayton's Bluff in front of the burned-out shell of a house which once belonged to Sara, Emily and Louise Baxley. Ah, there's been a high incidence of arson in the Dayton's Bluff neighborhood, and we're going to talk to the three sisters who lived in the house. Let's find out their feelings about arson and what they think can be done to stop arson in the Dayton's Bluff neighborhood. (Reporter turns to sisters and talks.)

SISTER ONE: Some kids were found a couple blocks away. They had matches and cloth to set fire - so they're suspected. You know that they did it.

SISTER TWO: Our father built this house 100 years ago. Our house was filled with antiques. The one we valued most was our great grandmother's rocking chair.

SISTER THREE: If I ever caught those kids, I'd kill 'em. I'd wring their necks. They burnt everything. They left us with nothing.

SISTER ONE: I feel bad for the things we lost, but I feel sorry for the kids, too. They probably didn't have anything better to do.

SISTER TWO: They should build a recreation center in this neighborhood so kids would have something to do.

TV REPORTER: What do you think should be done about these arsonists?

SISTER ONE: We should have stricter laws and enforce them more or do something 'cuz they shouldn't get away with burning people's houses down, and then just get off easy as a slap on the hand.

TV REPORTER: For KEEY-TV, this is your mini-cam reporter, ( \_\_\_\_\_ ) and back to you, ( \_\_\_\_\_ ).

## PREPARING PRESENTATIONS

### Additional Resource

#### ARSON: NEIGHBORHOOD SCENE, PART II

SCENE: Community Center. Legislator and neighbor one are seated at table placed diagonally at right. They face audience. Other neighbors are seated diagonally on chairs at stage left.

TIME: The day after the fire.

NEIGHBOR ONE: (stands - indicates Legislator) Before we start tonight, I'd like to introduce you all to our state legislator, (\_\_\_\_\_). (Legislator stands, audience claps, all sit.) (\_\_\_\_\_), we are all concerned about arson in Dayton's Bluff. These are two sisters who just recently had their hundred year old family home burned (indicate sisters). What are we going to do about this arson problem? Should we have stricter laws for juvenile arson?

SISTER THREE: (stands) We have to do something. They can't get away with burning our house down. (sits)

NEIGHBOR TWO: (touches Sister Three's elbow) It isn't always the kids who do it.

SISTER THREE: It was kids this time. They burnt our house.

NEIGHBOR TWO: It was this time, and maybe the next, but it isn't always the kids.

SISTER THREE: I didn't say it was always the kids, but they did it this time and they are going to pay for it one way or another.

NEIGHBOR ONE: (stands and claps hands to restore order) What are we going to do about this? Should we make stricter laws about arson? Especially kids doing arson. Did you know that over half of the arson around here is done by juveniles.

LEGISLATOR: I can look into the law and see about it. I can get a petition started and see what other neighbors think.

NEIGHBOR THREE: I want to know what is going to happen in the future.

## PREPARING PRESENTATIONS

- SISTER TWO: What about our house? We have almost nothing left.
- NEIGHBOR TWO: The kids responsible may be sent to a correctional facility. They will have to pay restitution on the house. That means the kids will have to pay back some of the money lost.
- SISTER ONE: The can't pay for the house.
- NEIGHBOR TWO: They can't pay for everything, but they can try.
- NEIGHBOR FOUR: I think we should provide recreation centers or something for these kids around here to do.
- NEIGHBOR THREE: That would probably help. They set fires because they are bored.
- NEIGHBOR ONE: The kids who set fires wouldn't want to go to a recreation center -- you wouldn't see them there.
- NEIGHBOR FOUR: Maybe if we had a special room for pinball, pool and those kinds of things, it would attract them to come there instead of getting into trouble.
- NEIGHBOR THREE: If we had those things, they would probably come to the center.
- SISTER ONE: Can you get us a recreation center?
- LEGISLATOR: I can get a petition started about building a recreation center, send it around, and see what the response is.
- SISTER ONE: Meanwhile, where are we supposed to live? What are we supposed to do?
- NEIGHBOR ONE: We could start a neighborhood fund for you. It might help a little.
- SISTER TWO: What about all our antiques?
- NEIGHBOR TWO: I know they are irreplaceable. I guess that is one of the worst parts of arson.
- SISTER ONE: It looks like a petition and a recreation center might be the answer; we're going to have to work together to get one.
- NEIGHBOR TWO: What about collecting money for restitution? Can you get that done?

PREPARING PRESENTATIONS

LEGISLATOR:           The juvenile court will see to that.

NEIGHBOR ONE:        Thank you all for coming. I think we will all help make this neighborhood a better place to live. We will start a petition. We'll send it around to all of you. You sisters can stay at my house until you make other arrangements.

SISTER ONE:           Oh thank you. That's very nice of you.

PREPARING PRESENTATIONS

Alternate Sample Script on Robbery

TWO SIDES TO THE STORY

Note: Narrator introduces characters and describes setting. Have characters read slowly, and pause between lines.

SCENE: Schoolroom. Robber is at right, facing audience. Victim is at left, facing audience. Both robber and victim are talking to the audience, explaining robbery from each point of view.

TIME: The present.

VICTIM: It was Saturday and three of us went downtown to buy some shoes.

ROBBER: My friend, Ken, asked me if I wanted to make some quick money.

VICTIM: We came out of the shoe store and we saw those two kids coming up to us.

ROBBER: We stopped these three kids and Ken told them to give us their money.

VICTIM: One kid took Rick's money.

ROBBER: After we had their money, this man came up and asked us what was going on. I said it was none of his business.

VICTIM: One of the kids hit the man and took off.

ROBBER: We went over to McDonald's and bought some chow.

VICTIM: We started to chase them, but the guy told us to call the cops.

ROBBER: While we were in McDonald's a cop came up to us and asked us where we got all our money.

VICTIM: We told the cops that those were the kids that took our money.

ROBBER: The cops told us to come outside and we'd settle this.

VICTIM: Rick's dad came downtown and took us home. We didn't feel like doing anything the rest of the day.

ROBBER: We went to the police station and they called our parents to pick us up. We have to go down to juvenile court next week. I don't know what will happen there.

PREPARING PRESENTATIONS

VICTIM: We're afraid to go downtown anymore unless we have someone older with us.

ROBBER: My parents grounded me. They won't even let me hang around with Ken anymore. I've really made a mess of things.

ENDING (given by narrator).

Sometimes people don't realize that what they do hurts themselves as well as others. The persons who committed the robbery in this skit may now have a police record. The person who was robbed is afraid to walk around downtown. When it comes to crime, everyone pays.

## PREPARING PRESENTATIONS

### Additional Resource

#### Introduction:

There are consequences for the person who commits a crime and the victim. The following scene tells both sides of the story, from the point of view of the robber and the victim.

#### IT WASN'T WORTH IT

NOTE: Narrator introduces characters and describes setting. Have characters read slowly and pause between lines.

SCENE: School room. Victim sits at left, facing audience. The boy and girl sit at right, facing audience.

TIME: The present.

BOY: It was about ten o'clock at night, and we got on the bus to go downtown. About two stops after we got on, we saw this girl board the bus. She started talking to the bus driver and we listened to what she was saying.

VICTIM: Well, when I got out of dancing, I had to get on the bus because my Mom wasn't going to pick me up that night. I got on the bus. This girl and boy and an old guy were sitting in the back of the bus. I sat down next to the bus driver because I know him. I ride the bus a lot.

GIRL: She started talking to the bus driver and we overheard that she just got paid from giving dance lessons...and we thought it would be a good idea to get some money from her. We wanted to go to a concert and didn't have the money.

BOY: So we decided to take the money from her when she got off the bus. We hadn't done anything like that before, but we didn't think it would be any big deal.

VICTIM: Well, when I sat down, I was talking to the bus driver about how I teach dancing lessons and get money for it. I just started teaching and I had just gotten paid for the first time. I was really excited because I knew just what I wanted to buy with it. We came to my stop, so I got off the bus. I started walking down this alley behind my house, because it is the quickest way to get home. I heard a noise behind me.

## PREPARING PRESENTATIONS

### Additional Resources

- GIRL: We waited until she got off the bus and then we got off and followed her.
- BOY: We were following her down the alley and I accidentally kicked something, and we had to run up and catch her before she could scream or run away. I took out his little knife I had and put it against her back. I wasn't really going to do anything with it. I just wanted to scare her.
- VICTIM: When I was walking and knew I was being followed, I got really scared. I thought for awhile they weren't following me, but then they started running after me and I got really scared. When they caught me, they put a knife against my back and told me to give them all my money. I was scared that they were really going to hurt me so I told them where my money was.
- GIRL: After that, she gave me the money and we ran.
- BOY: We were standing at the corner and a cop car came up. We tried to look really calm, but then he got out and came up to us and said that we looked like the two juveniles who robbed a girl a little earlier.
- VICTIM: When they left I started screaming and this lady came out of her house and tried to calm me down. She took me inside and called the police. I was still shaking and really frightened. She told me that cops were patrolling the area and they would catch the kids who took the money.
- GIRL: Tomorrow we go to court. It was really dumb to do that. I guess we didn't think how it would make the girl feel if we took her money. We weren't going to hurt her but she didn't know that. I don't know what is going to happen to us now. But I know it wasn't worth it.
- BOY: The police took us down to the police station and we told them we did it. We're going to go to juvenile court. I was really scared when I got to the detention center. I hate it there. I couldn't do anything without asking someone first, and they were watching me all the time. I know one thing. I will never do anything like that again.



## PREPARING PRESENTATIONS

### Additional Resource

VICTIM: Now I'm really afraid of the dark and afraid to go out because the same thing might happen again. That is the way my mom feels too now, so whenever I go out at night, I need someone to go with me. She won't let me take the bus at night anymore either. That is the way other parents in our neighborhood feel, too. They won't let their kids out at night because they are afraid. I'm glad those kids that did it got caught. I think anyone who does things like that should be punished.

ENDING (given by narrator)

The people who committed this crime didn't think about the consequences of their act, not only for the person to whom it happened but for themselves. It will be a permanent mark on their record. The girl will never forget her frightening experience.

PREPARING PRESENTATIONS

Scripts included in unit: Resource List

1. Film: "Greenhouse," Barr films publisher  
Saint Paul Public Schools
2. Film: "A Vandalism Story: The Clubhouse"  
Harper & Row Media, publisher  
Saint Paul Public Schools and the  
Law Enforcement Resource Center  
612-339-1651

## VANDALISM STORIES

Here is Story #1. Listen carefully so you can answer the questions, be the first to put the puzzle pieces together, and find out what it says.

Two boys, let's call them Bill and Rick, were walking home after school and passed a home where a child had left his toys out on the lawn. Bill saw a rubber duck and kicked it across the yard. Meanwhile, Rick found a skateboard. He picked it up and skated back and forth on the sidewalk in front of the house. Then Bill joined in and the two of them tried to see how fast they could go. One of the wheels finally came off. They gave up riding the skateboard. Rick picked up a baseball and threw it into a mud puddle. The boys then walked home.

### Questions:

1. Which of these actions were vandalism?  
(Discussion - would it have been vandalism if the skateboard had not broken?)
2. Should the boys have played with the toys?
3. Was it the fault of the child who left the toys outside or Bill's and Rick's fault that the skateboard was broken?
4. What should happen to the boys? Was what they did wrong?
5. What is a good definition of vandalism?

### Story #2

Linda loves peaches! Especially the ones in Mrs. James' yard. One day she had nothing to do and no one to play with so she decided to go to Mrs. James' yard. When she got there she climbed the fence. She shook about ten peaches from the tree. She was picking up the peaches when she heard Mrs. James' dog barking. Linda tried to run but the dog, Poochie, chased her. Linda threw peaches at the dog so she could get out of the gate. Linda opened the gate and got out, but Poochie got out too. As Linda turned to run she saw Mrs. James coming out the front door. Linda ran.

### Questions:

1. Was what Linda did vandalism?
2. She had not planned to do anything wrong. Does this make a difference?
3. What should Linda do now?
4. What should she have done if she wanted some peaches?

5. Do you think Mrs. James will let Linda have peaches from her tree after what happened? Why or why not?

Now for our last story. These are the last pieces of the puzzle, so listen carefully.

Story #3

Five kids, Frank, Ron, Joe, Pam and Bubbles, were going over to the park just around the corner. Frank brought a radio that belonged to his sister. The kids listened to the music and played on the swings and play equipment. Ron and Pam started dancing on a picnic table. Bubbles -- her real name is Beth but because she likes bubble gum so much everyone calls her Bubbles -- anyway, Bubbles was chewing her gum when she decided to get a drink at the fountain. She threw her gum on the blacktop, got a drink and then started chewing three new pieces of bubble gum. Ron tossed the swings around the top pole. Then he and Frank tied two swings into a huge knot. The kids threw candy wrappers and gum wrappers on the ground and turned over two trash cans. Bubbles put her three pieces of gum in the mouth of the drinking fountain. They all decided to leave. They laughed and said what a great time they had. But Frank left the radio sitting on the slide.

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Questions:

1. Can you name all the acts of vandalism which took place in this story?
2. Joe did not do anything in the park. Is he as guilty as the other four?
3. How would you feel if you went to the park and found it the way these kids left it?
4. Who will have to repair the damage done? (Stress consideration for others.)
5. Who have the children in this story hurt by what they did?

Final Question: (Answer to the "YOU" puzzle).

ANSWER: YOU

Ask students: What is the question that goes with this answer?

(The question is: "Who can do something about these crimes?")

Discuss this answer and question in further detail with your group.

APPENDIX E

STUDENT RIGHTS AND RESPONSIBILITIES HANDBOOK

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**LOUISIANA STATE DEPARTMENT  
OF EDUCATION**

**STUDENT RIGHTS  
AND  
RESPONSIBILITIES**

**MODEL HANDBOOK**

*by*

*Eugene Limar, Coordinator  
George P. Edmonston, Jr., Program Specialist  
Special Student Concerns Project*

*Revised:  
December, 1982*

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# FOREWORD

"The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools. Students do not "shed their constitutional rights . . . at the schoolhouse gate," the U. S. Supreme Court said in the *Tinker v. Des Moines Independent Community School District* 393 U. S. 503 (1969). The court further stressed that "school officials do not possess absolute authority over their students. Students in school as well as out of school are under our constitution."

There is little doubt that during the past several years, students, teachers, administrators and parents have become increasingly concerned with questions about the rights and responsibilities of individuals and groups within the schools. This highly complex and sometimes volatile issue is being raised during an era in which the most pressing questions being asked by society are in regard to human rights and social responsibilities. The problem of student rights can be viewed, therefore, as a manifestation of a much larger social phenomenon.

Within the past ten years the legal rights of students have been examined and, with a varying degree of clarity, defined in a rash of decisions from state and federal courts. These decisions were not the forerunners of judges and lawyers, or students, taking over the operation of the public schools. Rather, they were a recognition that public education could not be excluded from the force and effect of the very foundation of our country—the constitution. That document grew from the mutual conviction among the Founding Fathers that only a written guarantee of representative government and of individual liberty could ensure that public officials would remain mindful of the rights of those whom they governed and that the people would not be subjected to arbitrary treatment by those officials.

This guide addresses itself to the rights and responsibilities of the parties most intimately concerned with this issue. Efforts have been made to eliminate statements which represent moral judgments and opinions and to confine this document to statements and positions which can be substantiated by recent court decisions or other official action. In this respect, the intent of this guide is to provide a source of information and *suggested guidelines* to local school districts in the development of their own policies, procedures, rules, and regulations on student rights and responsibilities. Although the guide contains a number of references to state law, court decisions, attorney general opinions, and local board policy, the guide is not to be considered in terms of providing mandates.

Many people, representing various groups—teachers, administrators, students, parents, and Louisiana State Department of Education personnel—have worked together in the development and preparation of the guide.

Its development was made possible through an ESAA, Title VII Special Student Concerns Project developed by the Bureau of Technical Assistance, Louisi-



ana State Department of Education, as an outgrowth of the 1975 Task Force on Suspensions and Expulsions Report and Recommendations to the Joint Legislative Committee on Education. Eugene Limar, Project Coordinator, and George Edmonston, Jr., Program Specialist, with the assistance of the State Advisory Committee members, developed the format and researched state and federal laws as well as recent court decisions cited in the handbook.

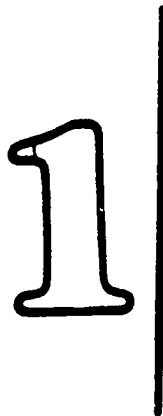
# INTRODUCTION

The purpose of this guide is to present the legal rights and responsibilities of Louisiana public school students under current state statute and United States Law.

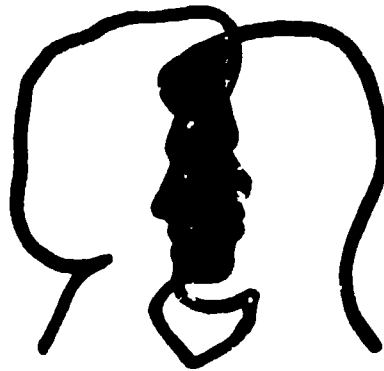
The increased awareness of student rights and the recent emergence of student activism in the secondary schools have created uncertainties within the school community on questions of intraschool human relations which were previously dealt with through largely routine administrative procedures. Many of these procedures have been rendered unusable or ineffective by social and cultural changes, and by court decisions ruling that students in school have the same fundamental rights as citizens outside the school. This guide suggests procedures for responding to problems which arise in secondary schools in Louisiana today.

It is not the intent of this publication to be a rigid declaration of student rights, but rather a guide for students, administrators, teachers, and parents. It is felt that the major objective of education is to prepare individuals to take their places in society and lead happy, productive lives. Education is a basic right for all students and it is their responsibility to take advantage of this right in an orderly, well-disciplined environment which is essential in the educational process.

This document does not advocate a philosophy of "student rights," as opposed to "administration rights," or the "rights of teachers." Rather, it proposes that more time be spent determining the responsibilities that administrators, teachers, and students have toward one another.



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## STUDENT RESPONSIBILITIES

Students, as citizens of the United States, are guaranteed certain individual rights and have corresponding individual responsibilities. While student rights in most cases are specific, student responsibilities are implied. The word "responsibility," in this context refers mainly to the individual's obligation to others within his society, because, in order for an individual to preserve his rights, each must take upon himself a sense of responsibility toward the preservation of the rights of others. Parents, teachers, and administrators have a responsibility, indeed a duty, to protect the rights of students while maintaining an educational atmosphere conducive to the teaching and learning process. The concept of balancing the rights of the individual with the rights of society is as valid in the educational community as in the larger community. Responsibilities then become the foundation upon which individual rights become meaningful and effective. If one were to enumerate the various responsibilities incumbent upon students, the list would be endless. However, within a school setting and in society there are certain special responsibilities required of a *citizen who is a student in school* that are of vital significance.

Each student has the responsibility to:

1. Become informed of and adhere to reasonable rules and regulations established by local boards of education and implemented by school administrators and teachers.
2. Respect the human dignity and worth of every other individual.
3. Refrain from libel, slanderous remarks, and unnecessary obscenity in verbal and written expression.
4. Study diligently and maintain the best possible level of academic achievement.
5. Be punctual and present in the regular school program to the best of his ability.
6. Dress and groom in a manner that meets reasonable standards of health, cleanliness and safety.
7. Help maintain and improve the school environment; preserve school

- property and exercise the utmost care while using school facilities.
8. Refrain from gross disobedience or misconduct or behavior that disrupts the educational process.
  9. Respect the reasonable exercise of authority by school administrators and teachers in maintaining discipline in the school and at school sponsored activities.
  10. Continue or become actively involved in one's education, understanding of people and preparation for adult life.



## SCHOOL ATTENDANCE

Louisiana Revised Statute 17:221 requires that "every parent, tutor, or other person residing within the State of Louisiana, having control or charge of any child between the ages of seven and fifteen inclusive (from seventh birthday to sixteenth birthday) shall send such child to a public or private day school. . . ."

Certain individuals, however, are exempt from 17.221. In general, children who are mentally, physically or emotionally ill-equipped to perform school work . . . children, who for one reason or another, would not profit from additional school work are exempt. Such exemptions must be certified in writing by a " . . . psychiatrist, psychologist, recognized evaluation center or clinic or other professionally qualified person or agency designated by the parish or city school board."

### A. ELEMENTARY ATTENDANCE REQUIREMENTS

Elementary children missing more than 40 days per year will not be given credit for the year's work. Exception can be made only in the event of extended personal illness as verified by a physician and/or other extenuating circumstances as approved by the Parish Supervisor of Child Welfare and Attendance.

### B. SECONDARY ATTENDANCE REQUIREMENTS

Any student missing more than 20 days in a semester will not be given credit for the courses taken. Exception can be made only in the event of extended personal illness, verified by a physician, or other extenuating circumstances approved by the Parish Supervisor of Child Welfare and Attendance.<sup>1</sup>

<sup>1</sup> Bulletin 741 *Handbook for School Administrators* Revised 1975 Louisiana State Department of Education Board of Elementary and Secondary Education pp 8, 16

# 3



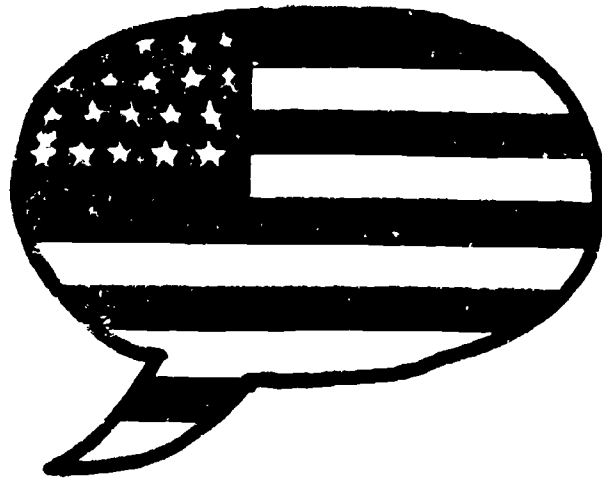
## APPEARANCE

During the decade of the seventies courts have consistently upheld the view that boards of education cannot impose limitations on dress in which fashion or taste is the sole consideration. Students may not be excluded from school because of their appearance, if style, fashion or taste is the sole criterion for exclusion. Title IX Legislation (1972) prohibits different hair length and facial hair regulations for male and female students.<sup>1</sup>

School authorities may require certain types of clothing to be worn in special extracurricular activities (band, etc.) or in physical education classes (sneakers, white socks, tee-shirts, shorts). No student, however, may be required by school authorities to buy a particular brand of athletic equipment. School boards may also impose rules in the interest of decency and cleanliness. Students have the responsibility to attend school dressed in such a way that they will not interfere with the rights or opportunities of others to learn or teach.

<sup>1</sup> Title IX Regulation—Section 86.31 (b) (5) July 23, 1975  
Bishop v Colaw, 450 F.2d 1069 (1971)  
Brick v School District No. 1, Denver, 305 F. Supp. 1361 (1969)  
Bannister v Parads, 316 F. Supp. 185 (1970)  
Breen v Kahl, 419 F.2d 1034 (Wisconsin, 1969)  
Cheney, Luke A et al v Wall Independent School District No. 58 (Seventh Circuit, South Dakota 1971)

# 4



## FREEDOM OF EXPRESSION

### A. SPEECH

The first amendment to the United States Constitution guarantees the right of freedom of speech and expression of views to everyone, including students. This basic right is not extended to those students who would disrupt the educational process, threaten immediate harm to the school or community, interfere with the free speech rights of others, or speak in a slanderous way, without regard for the truth of the assertion.

### B. SYMBOLIC EXPRESSION

All students have the right to symbolic expression—i.e., the wearing of armbands bearing slogans, buttons, hats, insignias and the like—to express their views or to protest that which they find distasteful. Students have the responsibility to avoid any manner of symbolic expression which clearly interferes with the normal operation of the school, or the rights of others.<sup>1</sup>

### C. PRINTED MATERIAL (Bulletin Boards, School Newspaper, Publications)

Bulletin boards serve a useful purpose in that they provide a conspicuous location for the posting of important notices and other similar information that may have a direct bearing on the well-being of students, teachers, and administrators. Everyone in the school community, including students, has the right to display notices on bulletin boards, provided that school guidelines governing the posting of notices on bulletin boards are followed. These may include, but are not limited to, the following:

<sup>1</sup> Tinker v. Des Moines Independent Community School District, 393 U.S. 503; 21 L. Ed. 3d. 731; 89 Sup. CT. 733.

1. Notices should be posted in properly designated areas—i.e., bulletin boards or other areas so stated in school or school board guidelines.
2. All announcements or notices which are not dated or identified by the name of the group posting the notice may be rejected for placement on bulletin boards.
3. Any material that is obscene or slanderous may be removed by the principal or his designee.
4. Rules may be established by the school board, appropriate school authority or student council limiting the amount of time notices may remain posted. If said rules are established, school authorities or other designated persons have the right to remove those notices that remain posted after time that notice was to remain posted has elapsed.
5. Regulations may be passed which would prohibit the posting of any notices that threaten to disrupt the orderly operation of the school.<sup>1</sup>

Students have the right to distribute handwritten or printed materials provided said distribution is in compliance with established school procedure governing such activity. School boards/school administrators have the right to establish where and at what time such distribution should take place. In addition to time and place restrictions, the regulations may include, but are not limited to, the following:

1. Any student who coerces another student to accept printed material may be subject to restrictions which prohibit such activity.
2. Regulations may be enacted which prohibit who may or may not distribute printed material. Generally, most schools require written permission for such action from anyone who is not a student at the school.
3. Distribution should be orderly and distribution points should not in any way hinder the normal flow of school traffic (doorways, exits, etc.).<sup>2</sup>

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<sup>1</sup> *Eisner v. Stanford Board of Education*, 314 Fed. Supp. 832; modified, 440 Fed. 2d. 803.

<sup>2</sup> *Ibid.*



# 5



## SCHOOL NEWSPAPERS/ UNOFFICIAL PUBLICATIONS

No Louisiana law exists which would prohibit students from establishing and maintaining a student or school newspaper, if this publication is to report school news. Students also have the right to editorialize. With this right comes the responsibility to refrain from printing anything which might contain obscene material or language, libelous materials or anything which would cause a substantial disturbance of school activities.<sup>1</sup>

Students who are not members of the paper staff should be given access to its pages, especially in those cases where such students may have opinions which differ from those expressed in the paper. The criteria for submission of material by non-staff members should be printed and distributed to every student in the school.

With the First Amendment guarantee of freedom of speech comes the right of public school students to print newspapers other than those officially sanctioned by the school administration. In such cases the school is under no obligation to offer assistance in the printing of such publications nor can the school accept responsibility for anything printed. Responsibility must be assumed by the newspaper staff. Unofficial publications have moral and legal obligations to observe rules of responsible journalism.

Regardless of whether the publication is officially sanctioned by the school or not, students and newspaper staff members should be protected from removal or reprisal by those students or school administrators whose opinions radically differ from those expressed in the publication. Courts have consistently ruled that only in cases where student publications would materially and substantially disrupt the educational process or intrude upon the rights of others could dissemination of said publication be prohibited.<sup>2</sup>

<sup>1</sup> Lee v. Board of Regents of State Colleges, 306 Fed. Supp. 1097; aff'd. 44 Fed. 2d 1257.

Matter of Pararella v. Birenbaum, 37 AD 2d. 987.

<sup>2</sup> Tinker v. Des Moines

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## **FLAG SALUTE AND PLEDGE OF ALLEGIANCE**

### **(Patriotic Ceremonies)**

Each parish school board may legally provide for a flag salute and pledge of allegiance as part of a school's daily activity. However, any student, on the basis of personal or religious convictions, may decline to recite the pledge or salute the flag. Students may also refrain from standing during the playing of the National Anthem.<sup>1</sup>

Students who choose to refrain from participating in any patriotic ceremony have the responsibility of respecting the rights and interests of those wanting to participate.

<sup>1</sup> West Virginia State Board of Education v. Barnette, 319 U. S. 624. 1943.



# SCHOOL RECORDS

The Family Education Rights and Privacy Act of 1974 (Public Law 93-380) states in part that "all academic and personal records pertaining to individual students are confidential and can only be inspected by students, parents and school officials." The act also states that schools must provide parents of students the opportunity to inspect these records and challenge any records that may be misleading, inaccurate or otherwise inappropriate.

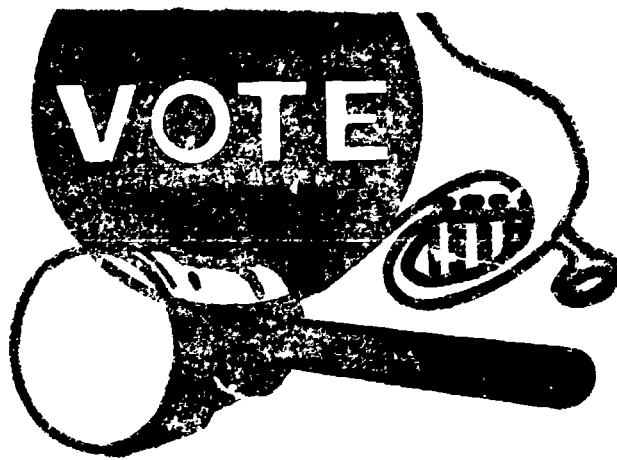
Any school that wishes to release personally identifiable data from a student's record must first obtain written permission (consent) from the parents of the student before releasing such information. Only in two specific instances is written permission not required:

1. Other school officials within the same school may request and receive a student's record.
2. Officials of other schools or school systems in which the student has enrolled do not need written permission.

When any student has reached the age of eighteen, or is attending an institution of post-secondary education, the law states that "the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student."<sup>1</sup>

<sup>1</sup> Family Education Rights and Privacy Act, 1974. Public Law 93-380.

# 8



## SCHOOL ORGANIZATIONS

No state or federal law prohibits student organizations at the elementary or secondary level. Students have the right to join an existing club and should not be restricted for membership on the basis of race, national origin or other arbitrary criteria. Students may, however, be restricted to membership on the basis of their sex but only if the organization is entitled to Title IX exemption under the "Bayh Amendment." This amendment gives exemption to organizations that are

- Voluntary youth service organizations
- Tax exempt under Sections 501 (a) of the 1954 Internal Revenue Code—(religious and charitable organizations)
- Single sex by tradition
- Principally composed of members under the age of 19

Examples of exempt organizations would include such groups as boys-only Key Clubs sponsored by Kiwanis International and the school related American Legion's Boys' State and Girls' State.<sup>1</sup>

Students are free to form their own school organization if they find that existing organizations at their school cannot in any way complement their interests. The principal may require such newly formed organizations to register with the school for purposes of recognition but any organization that is formed for a purpose not prohibited by law must be registered by the school provided the following guidelines are followed:

1. The organization must submit to the school a list of members designated as contacts. The school cannot require a student group to submit a membership list as a requirement for becoming or remaining an authorized organization.
2. Its constitution and by-laws as well as the constitution and by-laws of any

<sup>1</sup> Title IX Regulation.

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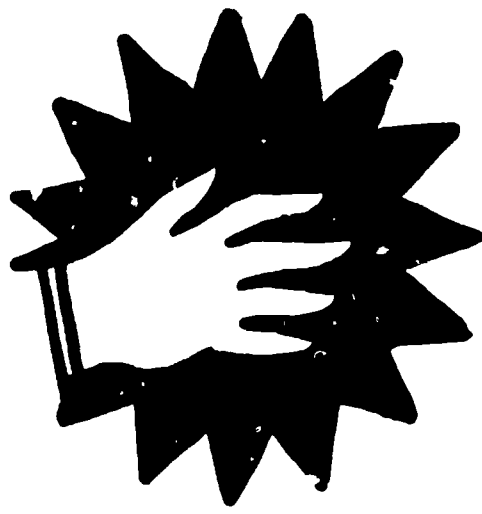


## SUSPENSION

When a student exhibits undesirable behavior which is detrimental to the best interest of the individual or the school community, prior to taking serious disciplinary measures, *school personnel have the responsibility to take appropriate alternative courses of action as may be adopted by the local board, best suited to the individual student.* When unacceptable behavior cannot be corrected by the resources of the school, the school administration *may resort to the disciplinary option of suspension as a final effort to influence a student's future behavior.* *Suspension is any denial of school attendance for any period of time that would expire prior to the end of the current school year.* Louisiana Revised Statute 17:416 A. provides that . . . School principals *may suspend from school any pupil who is guilty of:*

1. Willful disobedience
2. Disrespect to a teacher, principal, superintendent, member or employee of the local school board
3. Making an unfounded charge against anyone in #2 above
4. Using unchaste or profane language
5. Immoral or vicious practices
6. Conduct or habits injurious to his/her associates
7. Using tobacco, alcoholic beverages, any controlled dangerous substances governed by the Uniform Controlled Dangerous Substance Law in any form in school buildings or on school grounds
8. Disturbing the school and habitually violating the rules
9. Cutting, defacing, or injuring any part of public school buildings, or any property belonging to the buildings
10. Writing profane or obscene language or drawing obscene pictures in or on any school material or on any public school premises, or any fence, pole, sidewalk, or building on the way to or from school
11. Carrying firearms, knives, or other implements which can be used as weapons
12. Throwing missiles on the school grounds

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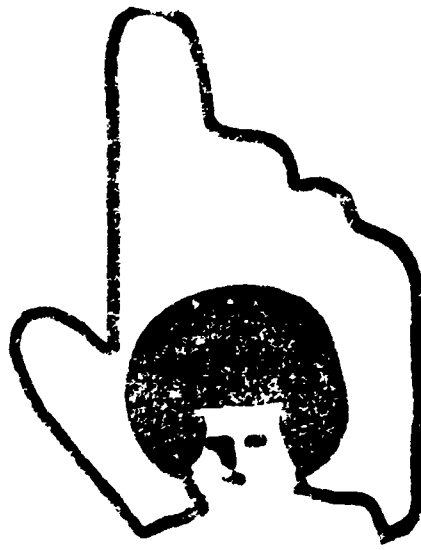
## PHYSICAL (CORPORAL) PUNISHMENT

Corporal Punishment is the infliction of punishment to the body as a penalty or obedience measure for the commission, or omission of an act. The school is the only remaining institution where corporal punishment is permitted. Its use in our armed forces and prisons has been abolished. Louisiana's Revised Statute 17:416, amended in 1976 by Act 688, specifically permits the use of reasonable corporal punishment against any student for good cause in order to maintain discipline and order within the public schools.<sup>1</sup> Neither the United States Supreme Court nor the Louisiana State Legislature has said whether the due process procedure required by *Goss v. Lopez* will be extended to apply to corporal punishment. Even though the court has ruled that paddling is not cruel and unusual punishment, excessive corporal punishment is unlawful and may give rise to an action for damages and assault and battery. Whether the corporal punishment administered to any student is excessive will have to be determined by the facts in each case. Such factors as the size of the child, the size of the person administering the punishment, the nature of the offense, the type of instrument used to inflict the corporal punishment, and any resulting injury will be relevant.

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<sup>1</sup> Louisiana Revised Statute 17:416.

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## SUSPENSION

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6. Conduct or habits injurious to his/her associates
7. Using tobacco, alcoholic beverages, any controlled dangerous substances governed by the Uniform Controlled Dangerous Substance Law in any form in school buildings or on school grounds
8. Disturbing the school and habitually violating the rules
9. Cutting, defacing, or injuring any part of public school buildings, or any property belonging to the buildings
10. Writing profane or obscene language or drawing obscene pictures in or on any school material or on any public school premises, or any fence, pole, sidewalk, or building on the way to or from school
11. Carrying firearms, knives, or other implements which can be used as weapons
12. Throwing missiles on the school grounds

13. Instigating or participating in fights while under school supervision
14. Violating traffic and safety regulations
15. Leaving the school premises without permission, or his/her classroom or detention room without permission
16. Habitual tardiness or absenteeism
17. Committing any other serious offense



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## EXPULSION

Another option open to administrators in an effort to influence student behavior is expulsion. Expulsion may be initiated by school administrators in either one of two forms, "limited" expulsion and "unlimited" expulsion. *Limited expulsion* is any denial of school attendance through the end of the current school year. *Unlimited expulsion* is any denial of school attendance for a specific period of time beyond the beginning of the next school year or any permanent denial of school attendance.<sup>1</sup>

According to Louisiana's Revised Statute 17:416 subsections B and C, a student may be expelled for either of three reasons:

1. Any student, after being suspended for committing any of the offenses as described in the section on "Suspensions" in this document, may be expelled, upon recommendation by the principal of the public school in which the student is enrolled.
2. Any student after being suspended on *three occasions* for committing any of the offenses as described in the section on "Suspensions" in this document, during the same school session, shall on committing the fourth offense, be expelled from the public schools of the parish wherein he resides until the beginning of the next regular school session, subject to the review of the local school board.
3. If a student is convicted of a felony or incarcerated in a juvenile institution for an act which had it been committed by an adult, would have constituted a felony, shall be cause for expulsion of the student for a period of time as determined by the board; such expulsion shall require the vote of two-thirds of the elected members of the school board.

An outline of the procedure for expulsion (due process) is as follows:

1. Recommendation for expulsion by the principal.

<sup>1</sup> Report of the Task Force on Suspensions and Expulsions, March 1975.

2. Hearing conducted by the parish superintendent or someone designated by the superintendent.
3. Determination of whether to expel the student is made by the superintendent or his designee.
4. The principal and teacher as well as the student may be represented by someone of their choice at this hearing.
5. Until such hearing takes place, the student *shall* remain on suspension.
6. If the superintendent or his designee decides to expel, the parent or guardian of the student may, *within five days* after the decision is rendered, request the parish school board to review the findings of the superintendent or his designee, otherwise the decision of the superintendent shall be final.
7. The board, in reviewing the case, may affirm, modify or reverse the action previously taken.
8. If the board upholds the decision of the superintendent, the parent or guardian of the student may, *within ten days*, appeal to the district court for the parish in which the student's school is located. The court may reverse or revise the ruling of the school board.

# 12



## DUE PROCESS

The concept of "Procedural Due Process" in regard to the disciplining of students through suspension or expulsion became the law of the land in 1975 by U. S. Supreme Court action.<sup>1</sup> The court ruled that, for every suspension not exceeding ten days, the student has the right to be accorded the minimum requirements of the due process clause of the Fourteenth Amendment of the Constitution of the United States. Due process is afforded to students in disciplinary cases of some magnitude such as (1) suspension, (2) expulsion, (3) statements removed from students' records, and (4) clearing one's reputation. The principles of due process are *flexible* and the degree of rigidity depends upon the gravity of the penalty which *may* be imposed. In other words, the degree to which the principles of due process are applied in each case must be decided on by its own set of circumstances. The Louisiana Legislature in 1975 responded to the court ruling by extending to students in the public schools of this state the right to minimum procedural due process prior to any suspension.

The "due process" rights of students and parents as set forth in Louisiana Revised Statute 17:416 A. are as follows:

Prior to any suspension, the school principal or his designee, *shall* advise the pupil in question of the particular misconduct of which he or she is accused as well as the basis for such accusation, and the pupil *shall* be given an opportunity at that time to explain his or her version of the facts to the school principal or his designee. . . .

Notice in writing of the suspension and the reasons therefor *shall* be given to the parent or parents of the pupil suspended. Any parent, tutor or legal guardian of a pupil suspended *shall* have the right to appeal to the parish superintendent of schools, who *shall* conduct a hearing on the merits.<sup>2</sup>

<sup>1</sup> Goss v. Lopez, 95 S.C. 729. (1975).

<sup>2</sup> Louisiana Revised Statute 17:416.

In regard to suspension and "due process," the decision of the superintendent of schools is final. However, for expulsions, the due process may continue to a court decision. The student faced with expulsion has the right to appeal the decision of the principal to the parish or city superintendent who *shall* conduct a hearing. The parent or tutor of a pupil has the right to appeal the decision of the superintendent of schools to the city or parish school board for a review of the findings of the superintendent. The parent or tutor of a pupil has the right to appeal the decision of the city or parish school board to the district court for the parish in which the student's school is located. The court may reverse or revise the ruling of the school board.

Due process is a right, and, just as with any other right, there is responsibility. To protect this right it is the students' responsibility to:

- Conduct themselves in accordance with established codes of conduct.
- Be willing to volunteer information in matters relating to the health, safety, and welfare of the school community and the protection of school property.
- To assist the school staff in running a safe school for all students enrolled therein.

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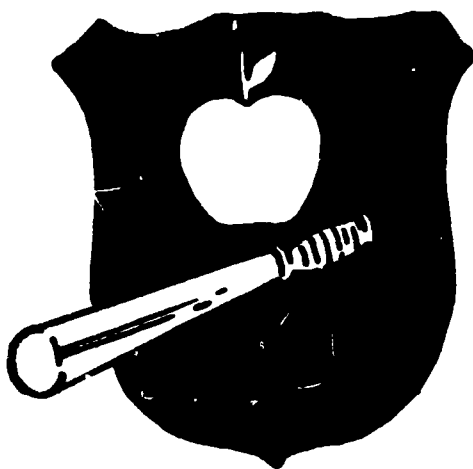


## CONDUCT OFF SCHOOL GROUNDS

Louisiana Revised Statute 17:416 states in part that teachers are authorized "to hold every pupil to a strict accountability for any disorderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, or during intermission or recess." Although Louisiana law makes no provisions for student conduct at school extracurricular functions (dances, athletic events, etc.) held off the campus, it seems reasonable to assume that students are expected to exhibit the same conduct required on the school grounds during the school day. Furthermore, school officials have the same authority to maintain discipline at these functions that they would normally have on the school grounds during the school day. At activities not sponsored by the school, a student may be disciplined if the following occurs:

1. If the student's actions would in any way serve to undermine the management of the school.
2. If it can be established that a student's actions were directly related to the orderly operation of the school.

# 14



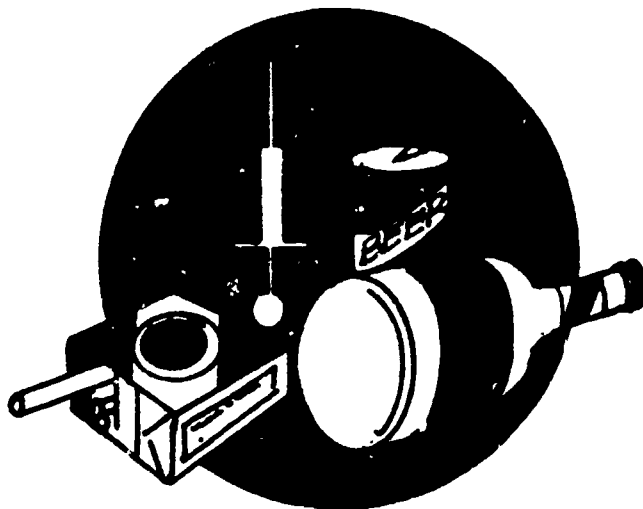
## POLICE ON SCHOOL CAMPUS

The presence of police on school campuses may be justified by both state statute and local ordinances respecting law enforcement. In 1960 the state legislature enacted emergency legislation that provided for the exercise of state police power in the maintenance of schools for the education of the school children in accordance with the state constitution and laws, and state board of education policies, rules, and regulations. Such state police power shall be used to promote the health, peace, morals, education, and good order of the people at all public elementary and secondary schools in the State of Louisiana.

From the local perspective, police have the responsibility to protect all citizens by enforcing the laws of the community. In this respect, police may visit the school whether at the invitation of school officials or for reasons of their own in search of information, or carrying warrants for search and/or arrest. They may search a student or his locker, if they have a valid search warrant, or if they have *probable cause* to believe that a student is secreting evidence of an illegal act. Under no circumstances are the rights of students to be abridged. A student questioned by police officers in school is entitled to have an adult present in connection with any investigation. If an officer has *probable cause* for arrest, the student *must* be informed of his/her legal rights, the student may remain silent, and silence will not be equated with guilt. In situations other than routine questioning, the student may request an attorney's advice and/or presence.

In the absence of a warrant or *probable cause* for suspicion, police authorities have no right to question students in the school building, or to use the school facilities in connection with official police work, nor do school officials have any obligation to make students available to police.

# 15

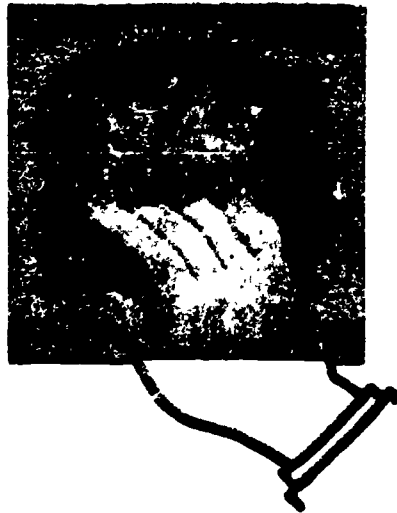


## ALCOHOL, SMOKING, DRUGS

Louisiana Revised Statute 17:416 states in part that students may be suspended for using in any form tobacco, alcoholic beverages or any controlled dangerous substance (drugs) governed by the Uniform Controlled Dangerous Substance Law (RS 40:961-40:995) in school buildings or on school grounds.

In addition to penalties that may be assigned by school officials to students who violate the above, state penalties are provided for violations of certain of these acts, especially those that involve drugs. The penalty might be a large fine, a prison term or both. Keep in mind that school officials as well as law enforcement agencies are duty bound to observe and enforce these laws. (For further information on drugs in school see "Search and Seizure" section of this handbook.)

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## SEARCH AND SEIZURE

### A. PERSONAL SEARCHES

The concept that students in school as well as out of school are "persons" under our constitution was brought out clearly in the 1969 U. S. Supreme Court case *Tinker v. Des Moines Independent Community School District*, wherein the court ruled in part that "... students do not shed their constitutional rights at the schoolhouse gates. . . ."

The Fourth Amendment of the U. S. Constitution provides in part: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ."

In Louisiana, in 1975, a district court ruled in *State v. Mora* that "search on school grounds of students' personal effects by school official who suspects presence or possession of some unlawful substance is not a specifically established and well delineated exception to search warrant requirement, and fruits of such a search may not be used by the State as a basis for criminal proceedings against the student. Public school principals and teachers are government agents within purview of the Fourth Amendment's prohibition against unreasonable searches and seizures, and thus their students must be accorded the constitutional right to be free from warrantless searches and seizures. Applicability of constitutional prohibitions against unreasonable searches is limited to cases where seizure is effected by government agencies, and at the same time, fruits of searches and seizures conducted by private persons are not subject to exclusion." The lower court ruling, at the time of this writing, is being reviewed by the State Supreme Court.

### B. LOCKER SEARCHES

Locker searches by school authorities without a search warrant have been generally upheld by the courts. Arbitrary and indiscriminate searches should be avoided and all searches should be limited to a reasonable cause to believe that a student is secreting evidence of an illegal act. School officials should seek



counsel prior to a search unless confronted with an emergency which poses a direct threat to the safety of the school. The student should be given an opportunity to be present when the search is conducted unless, as previously stated, an emergency exists that threatens the safety of the school and/or individuals.

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## TITLE IX

### A. GENERAL

In June 1972, the Congress passed Title IX of the Education Amendments, a law which affects virtually every educational institution in the country. The law prohibits discrimination by sex in educational programs that receive federal funds. The law states in part that "no person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. . . ."

Male and female students must be eligible for benefits, services, and financial aid without discrimination on the basis of sex.

### B. MARRIAGE AND PREGNANCY

Any school or educational program or activity receiving federal financial assistance *shall not* apply any rule concerning a student's actual or potential family, or marital status which treats students differently on the basis of sex.<sup>1</sup>

A student shall not be discriminated against nor excluded from the education program or activities, including any class or extracurricular activity, on the basis of such student's pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the education program or activity of the school. A school may require such a student to obtain the certification of a doctor that the student is physically and emotionally able to continue participating in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a doctor. Instructional programs (outside or away from the regular school setting) for pregnant students must be comparable to that offered to non-pregnant students. Pregnancy must be treated in the same manner as any other temporary disabilities. At the conclusion of the disability, the student shall be reinstated to the status held before.

<sup>1</sup> Federal Register, Wednesday, June 4, 1975, Volume 40 Number 108 Part II "Nondiscrimination on the Basis of Sex," p. 24142.

# SPECIAL EDUCATION AND TRAINING

Louisiana law provides for educational and training facilities and opportunities for the handicapped. It is the responsibility of the public school systems of Louisiana, both from the local and state levels, to offer the best available educational, learning, and training facilities, services, classes, and opportunities to all children of school age within their respective boundaries. "Parish school boards must provide transportation for special education students when such transportation is necessary."<sup>1</sup>

No student however, may be excluded from normal classes because of mental or physical disability or handicap until his or her condition has been diagnosed and he has been recommended for available special education classes by one of the special education centers located in state colleges and universities or by other competent authorities that have been designated by the State Department of Education. A personal consultation with the parent or guardian must be provided. Upon request, a written summary statement of the diagnosis and recommendation will be provided to the parent or guardian.<sup>2</sup> The parent or guardian shall have the right to have the child retested by other competent public or private authorities, and, if the retesting justifies, to determine the correct evaluation in the district court or juvenile court of the parish where the student lives. A student may be excluded from normal classes or from special education classes for disciplinary reasons, but no child who is not handicapped, including emotionally disturbed, shall be assigned to a class for the handicapped because of disciplinary reasons.

<sup>1</sup> Louisiana Attorney General's Opinion, September 18, 1974.

<sup>2</sup> Family Educational Rights and Privacy Act provides that an eligible student (one who has attained eighteen years of age, or is attending an institution of post-secondary education) shall have the same rights as accorded to and the consent required of parents. This provision allows the eligible student and not his parents to have access to his records.

# APPENDIX A

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# APPENDIX B

## STATE ADVISORY COMMITTEE FOR SPECIAL STUDENT CONCERNS PROJECT

Members of this Advisory Committee were appointed by the State Superintendent of Education in compliance with the Emergency School Aid Act Regulations and authorized to advise the Coordinator of the Special Student Concerns Project in matters relating to the suspension and expulsion of students in the public schools. Their principal function is to make recommendations as to needed changes in the laws and/or policies and regulations in effect relative to those problems.

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# APPENDIX C

## DISCIPLINE OF PUPILS

### Suspension; Expulsion; Hearing; Appeal

A. Every teacher is authorized to hold every pupil to a strict accountability for willful disorderly conduct in school, on the playgrounds of the school, on other school board property, or at other locations provided the school administration is sponsoring the activity or is providing supervision. If a student exhibits undesirable behavior which is detrimental to the best interest of the individual or the school community, prior to taking serious disciplinary measures, school personnel have the responsibility to take appropriate alternative courses of action as may be adopted by the local board, best suited to the individual student. When unacceptable behavior cannot be corrected by the resources of the school, the school principal, as a final effort to influence the student's future behavior, may suspend or expel any student, according to the nature and frequency of the misconduct, who intentionally causes or attempts to cause a serious disruption or obstruction of the functions or processes of the school; who intentionally causes or attempts to cause serious damage to the school or school property; who intentionally causes or attempts to cause serious damage to valuable personal property on the school grounds or during a school activity off school grounds; who intentionally causes or attempts to cause physical injury to a school employee, other student, or other person not employed by the school on the school grounds or during a school activity off the school ground; or who commits any other serious offense so designated by the local board.

In the event a student may cause a serious disruption of the orderly operations of the school, he may be removed from the school premises immediately by placing the student in the custody of his parents, next of kin, or appropriate authority pending a hearing which should follow as soon as practicable.

B. Suspension is any denial of school attendance for any period of time that would expire prior to the end of the current school year. The principal must take every reasonable effort to investigate all aspects of a discipline problem which might result in suspension. The student must be given oral or written notice of the charges against him and an explanation of the evidence the principal has and an opportunity to present his side of the story if he so desires. If a principal determines the facts of the case warrant a suspension, he shall make reasonable effort to contact the student's parents or guardians and suggest that they confer with him about the proposed suspension. If the problems are not resolved by the conference, or if the student's parents or guardians fail to respond to such a

request, the principal may proceed with suspension without benefit of a parental conference.

The student should be given a copy of the notice of suspension. The principal will mail a report of the suspension to the parent/guardian and student preferably on the day of the suspension, if possible, but not later than the following school day. The report must contain the name and address of the student, reasons for the suspension, number of days suspended, the facts ascertained as supporting the reasons, and the written procedure governing suspension. The report will be mailed to the most current address available. The principal simultaneously shall send to the superintendent and the Child Welfare and Attendance Section a copy of the suspension report. If the parent, guardian, or student wishes to contest the suspension, they may, within five (5) school days after receipt of written notification of the suspension, submit a written or personal request to the local superintendent to review the matter. Upon such request the local superintendent or his designee shall schedule a formal hearing at his earliest convenience.

Upon the student's return to school after the second and third suspensions, the principal must schedule a conference at school, to be attended by appropriate school personnel, the student and, usually, the student's parents. If a fourth suspension is initiated within the current year or if a suspension or a series of suspensions exceeds a cumulative total of more than nine (9) days, a suspension shall be accorded the same hearing procedures as an expulsion.

C. Limited expulsion is any denial of school attendance through the end of the current school year. Unlimited expulsion is any denial of school attendance for a specific period of time beyond the beginning of the next school year or any permanent denial of school attendance. At any time during unlimited or permanent expulsion school authorities may, at their initiative or at the student's request, review the student's status and may terminate or reduce the term of expulsion so that the student may continue his education.

A principal may initiate proceedings for an expulsion when he has reasonable cause to believe that a student has committed an offense which is serious enough to warrant the ultimate form of disciplinary action. If after reasonable and thorough investigation of all aspects of the discipline problem including an informal hearing, he is convinced the nature and seriousness of the offense warrants expulsion, he shall then recommend to the superintendent or his designee that the student be suspended from school, and may remove the student from school pending completion of the formal hearing. The principal shall make every effort to contact the student's parents or guardians by telephone, if possible, notifying them of the proposed expulsion and that the student has been removed from his class and either kept under supervision until the close of the school day or the arrival of the parent or guardian or placed in the custody of the proper authority. If the parent so requests, the student will be granted permission for an early dismissal from school provided his parents are present to pick him up. The principal shall mail copies of the proposed expulsion to the parent or guardian on the day the student is suspended from school, if possible, but not later than three (3) school days. The student shall be provided a copy. This report must contain the name and address of the student, reasons for the proposed expulsion, duration of expulsion, the facts ascertained as supporting reasons including the action of the school to correct the unacceptable behavior, names of the witnesses, with relevant information, if any, and the written proce-

dures governing expulsions. The report shall be mailed to the most current address available.

The principal simultaneously shall send to the superintendent and the Child Welfare and Attendance Section a copy of the proposed expulsion. Upon receiving the report, the superintendent or designee, shall have a visiting teacher, a social welfare worker, or a representative of Child Welfare and Attendance contact the home, explain the proposed expulsion and try to remedy the situation. If said contact does not resolve the situation to the satisfaction of the principal within three (3) school days, the superintendent or his designee shall then proceed with the hearing by mailing a notice to the parent or guardian and student of a scheduled conference to hear the expulsion case and a report of the home contact which shall become official record of the expulsion proceedings. A copy of both notice and report shall be sent to the school principal.

The superintendent or his designee will schedule a hearing to be held as soon as possible but not later than ten (10) school days after the student's removal from the school, unless a later date is agreed upon by all parties concerned. In the event a hearing is not scheduled within the ten (10) school days, the student shall be temporarily reinstated until the hearing is held. At the hearing conducted by the superintendent or his designee, it shall be ascertained that the parent(s), student and student's representative understand the nature, seriousness, possible consequences, and appeal procedures for the proposed expulsion. The evidence concerning the cause for the proposed expulsion is to be presented by the principal in support of his recommendation. The student's prior performance and attendance may also be discussed. The student may present evidence or whatever else is appropriate on his behalf. The student and his parent(s) are entitled to representation by another person of their choosing, including legal counsel. Such representative shall have the rights of full participation in the hearing. School personnel are afforded the same opportunity.

The superintendent shall provide for an accurate transcript of the hearing proceedings. Records of the hearing by the superintendent or his designee shall be kept and made available to the student should he desire to appeal. After hearing the case, the superintendent or his designee shall find whether the student is guilty of the principal's charges, and in accordance with such findings, he may administratively transfer, suspend, or expel for a stated period of time, if so recommended by the principal, or employ other lesser disciplinary measures he deems best suited to the case. The superintendent or his designee shall mail to the parents and student by certified mail, to the Child Welfare and Attendance Section, and to the principal, no later than three (3) school days after the hearing, a written notification of his findings and what action will be taken. In the event of an administrative transfer, a copy of the written notification shall also be sent to the receiving school.

In the event the student is expelled, the parent, guardian, student or student's representative may appeal the decision, within five (5) school days after receipt of written notification, by a written request by certified mail, return receipt requested, to the school board for a review of the superintendent's findings. The school board shall then hold a full hearing within ten (10) school days after receipt of the appeal notice. The school board may affirm, modify, or reverse the action previously taken. In appeal to the school board, the local superintendent may forward the record of the proceeding to the board, which record shall include all evidence presented at the superintendent's hearing and an accurate

transcript of the testimony given at the hearing. The parent, guardian, student or student's representative may, within (10) calendar days, appeal to the parish district court for an adverse ruling of the school board in expelling the student.

D. During the period of suspension or expulsion, the student who is denied attendance privileges shall not be allowed on school board property without prior authorization. Participation and presence of the suspended or expelled student at school extracurricular activities is denied. Educational alternatives which are available should be made available to those students who are suspended from school for two (2) weeks or more. Educational alternatives which are available may be available to those students who are under limited or unlimited expulsion at the discretion of the school administration.

E. The necessity to suspend or expel a student usually indicates that additional support and remedial services are necessary. The school system has a responsibility to provide proper behavioral and educational counseling and to make specific educational and administrative efforts to help the student returning from suspension or expulsion to remain in school.

F. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act, which had it been committed by an adult would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the board; provided that such expulsion shall require the vote of two-thirds of the elected members of the school board. This hearing must occur within (30) days of the superintendent's decision to expel. At the hearing the school board shall have the entire record before it and shall hear all parties, witnesses or persons concerned. New or additional evidence shall be heard if presented by any party. If the school board does not concur with the superintendent's recommendation for unlimited expulsion, it may send the matter back to the superintendent with the school board's recommendation for any alternative disciplinary or non-disciplinary action. No party shall have an additional right of appeal to the school board concerning unlimited expulsion.

If any part of the due process clause is declared unconstitutional, it does not render the rest of the procedures unconstitutional.



State of Louisiana  
DEPARTMENT OF JUSTICE  
Baton Rouge  
70804

WILLIAM J. GUSTE, JR.  
ATTORNEY GENERAL

June 8, 1976  
Opinion No. 76-524

Honorable J. Kelly Nix  
State Superintendent of Education  
Louisiana State Department of  
Education  
Post Office Box 44064  
Baton Rouge, Louisiana

Dear Mr. Nix:

In a letter dated April 8, 1976, Mr. Louis Michot, then Superintendent of Education, requested an opinion from this office concerning the constitutionality of the due process provisions of the "Report of the Task Force on Suspension and Expulsions."

La. R.S. 17:416 provides procedures to be followed in situations involving the suspension and expulsion of students. Section A of 17:416 requires that written notice of suspension be given to the student or his parents. The Task Force Report provides on page 13, Section B that, in the event of a suspension, "the student must be given oral or written notice of the charges against him." Since R.S. 17:416 requires that such notice be in writing, it is our suggestion that the word "oral" be deleted from the above quoted language in the Task Force Report.

In Opinion No. 75-257 dated September 16, 1975, this office interpreted the U.S. Supreme Court's decision in *Goss v. Lopez*, 95 S. Ct. 729 (1975), that in order to satisfy the due process clause of the U.S. Constitution, school authorities who suspend a student for 10 days or less must provide the student with notice of the charge against him and with an informal hearing to present his side of the story.

Enclosed is a copy of La. R.S. 17:416, the controlling state statute on expulsions and suspensions. We are also enclosing a copy of the Supreme Court's decision in *Goss v. Lopez*, the leading federal court case in the area of due process in suspensions and expulsions.

It is the opinion of this office that, with the above suggested changes, the Due Process Section of the Task Force Report would be in compliance with state and federal authorities.

We trust that this information will be of assistance to you.

Very truly yours,

WILLIAM J. GUSTE, JR.  
ATTORNEY GENERAL

/s/ ANNETTE R. JENG  
STAFF ATTORNEY

ARS:phd  
Enclosures

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