

# JUNIOR JUDGES:

## HELPING KIDS MAKE SMART CHOICES

# CURRICULUM GUIDE

### **Junior Judges: Helping Kids Make Smart Choices**

*A Project of the Texas Young Lawyers Association Junior Judges Committee*

### **Special thanks to the following persons for their assistance in creating and editing this curriculum:**

Jan Miller and Yvonne Greenwood, Law-Related Education, State Bar of Texas; Jeanne Wray, Abilene I.S.D.; Stacy Zwickel and Maribelle Perez, Houston I.S.D.; Paul Mohler, Office of the Attorney General Juvenile Crime Intervention Division; Erika Sipiora, Texas Juvenile Probation Commission; Dr. Tracy Levins, Texas Youth Commission; and Michelle Mazzant.

JUNIOR JUDGES IS MADE POSSIBLE BY A GRANT FROM THE TEXAS BAR FOUNDATION.  
ADDITIONAL FUNDING PROVIDED BY THE STATE BAR OF TEXAS

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# 1. UTILIZING THE JUNIOR JUDGES CURRICULUM.

## A. Purpose of the Curriculum:

The *Junior Judges* curriculum is designed to help children make the right choice(s) in tough situations they will likely encounter in their childhood and adolescent years. It is also designed to inform children of potential consequences, which they and their families may face if they make the wrong decision. When teaching this curriculum, please remember to focus on the following:

- Empowering children to be confident enough to make the right choices in the face of peer pressure;
- Helping children to become aware of how their actions may affect others; and
- Reinforcing how making the right choice will ultimately have a positive impact on the child's self esteem, his or her family, and society as a whole.

## B. How to Use the Curriculum:

1. Play the *Junior Judges* videotape segment for a selected Unit.
2. Lead the students in a discussion regarding the "tough decision" facing the child in the video, and what the "smart choice" would be in that situation.
3. Discuss the possible consequences of making the wrong choice and the ramifications of the behavior addressed by the corresponding Unit.
4. If applicable, discuss your school policy regarding the behavior addressed in the corresponding Unit.
5. Lead the students in the interactive activity presented in the corresponding Unit in the curriculum.
6. After completing the interactive activity, ask students whether they changed their opinion about what the "smart choice" would be. Discuss why or why not.
7. Discuss what the students think the law and punishment should be with respect to the behavior discussed in the corresponding Unit.
8. If available, a volunteer attorney may engage the class in a discussion about the criminal

and civil laws that apply to the respective behavior discussed in each Unit.

## C. Testing on the Curriculum Material

This project does not require student testing on the material covered in the Units. However, if an instructor wishes to grade the students on the curriculum, the students' work and participation in the interactive activities of each Unit may be used for grading purposes.

## D. Optional Activity

The instructor may conduct a *Junior Judges* courtroom by dividing the classroom into actors and judges. The actors will act out scenarios leading to a tough decision, and the judges will help the actors make the smart choice in each situation.

**Project Note:** The *Junior Judges* curriculum is designed for maximum flexibility, so each Unit is self-contained. An instructor teaching the curriculum may choose to use only the Unit(s) that he or she believes would be most beneficial for a particular classroom. Additionally, much of the material contained in the curriculum guide is reference material only, and does not need to be used by the instructor.

# II. RESPONDING TO THE QUESTION: "CAN THEY SEND ME TO JAIL?"

## A. Juvenile Justice Overview

To be sentenced under the juvenile justice system, a child must have committed an offense while he or she was at least 10 years of age and under 17 years of age. There are two types of sentences that may be imposed upon a juvenile. The first is placement in one of the post-adjudication secure correctional facilities, which are run by the counties' juvenile boards. The second type of sentence is placement at the Texas Youth Commission (TYC), which is run by the state of Texas. As a general rule, TYC commitments are for a longer period of placement than in a post-adjudication facility.

## B. What about Children under 10 Years of Age?

1. The law in Texas does not find a child younger than 10 years old to be sufficiently mature enough to be held legally responsible for his or her own conduct.
2. In cases involving children under the age of 10, the parent and/or the child may be referred to the Department of Protective and Regulatory Services for inclusion in an at-risk program.

## C. Other Important Ages

1. **Age 14** - Minimum age for transfer of a juvenile to criminal court for prosecution as an adult for a capital felony, a first-degree felony, or an aggravated controlled substance felony.
2. **Age 15** - Minimum age for transfer of a juvenile to a criminal court for prosecution as an adult for any felony.
3. **Age 21** - Maximum age a juvenile can be kept at the Texas Youth Commission (TYC).

## III. CULPABLE MENTAL STATES: DID HE MEAN TO DO IT?

In juvenile and criminal law, culpable (or blameworthy) mental states are classified according to relative degrees, from highest to lowest, as follows:

- **Intentional**  
(Tom intentionally punches Joey, knocking him to the ground);
- **Knowing**  
(Tom knowingly throws a rock into a group of students, but unintentionally injures Sally);
- **Reckless**  
(Lisa recklessly brings firecrackers to school, which explode in her locker and injure two students in the hallway); and
- **Criminal negligence**  
(Martin drops a brick off a bridge just to watch it fall, but it strikes and breaks the windshield of a passing car. It is against a city ordinance to drop any objects from the bridge).

## IV. TYPES OF CONDUCT HANDLED IN JUVENILE COURT

Juvenile Courts handle conduct by a juvenile that indicates the juvenile may need supervision (CINS), as well as more serious conduct, known as “delinquent conduct.”

### A. Conduct Indicating a Need for Supervision

Conduct Indicating a Need for Supervision (CINS) includes the following illegal actions by a juvenile:

- Class C misdemeanors referred to juvenile court by a justice of the peace (J.P.) or municipal court (e.g., possession of tobacco by a child under 18);
- Truancy - missing 10 or more days (or parts of days) in a six-month period within the same school year, or missing three or more days (or parts of days) in a four-week period.

#### JUNIOR JUDGES - TEACHER'S NOTE

Expulsion from a school for violations of the school code of conduct is also CINS conduct, but it is not truancy;

- Inhalant abuse;
- Running away;
- Public intoxication; or
- A violation of a “Services to Youth at Risk” court order.

If a juvenile court finds that a juvenile has demonstrated conduct indicating a need for supervision, the court may place the juvenile on varying levels of probation. The court may not sentence the offender to the Texas Youth Commission, however, unless he has committed delinquent conduct.

### B. Delinquent Conduct

Delinquent conduct is behavior that involves more serious violations, including the following:

1. Commission of any penal offense punishable by confinement in jail (Class A and B misdemeanors, and all felonies);
2. Contempt of a J.P. or municipal court order; or

3. DWI and the third offense of Driving Under the Influence of Alcohol by a Minor.

If a court finds the child has engaged in “delinquent conduct,” it may either place the child on varying levels of probation or commit the offender to the Texas Youth Commission. In felony cases, the juvenile court also has the options of allowing the use of determinate sentencing or certification of the juvenile as an adult.

## V. Differences Between Juvenile and Criminal Court

### A. Juvenile Courts

Juvenile courts are quasi-criminal courts operating under civil rules of procedure. In cases before such a court, juveniles can be found either to have engaged in delinquent conduct or not to have engaged in delinquent conduct (essentially the equivalent of being found guilty or not guilty). Hearings and trials in juvenile court are usually closed to the public. Juvenile records are confidential and unavailable to the public. Juveniles are placed in detention pending adjudication or are released to their parents. Juvenile punishments are determined by progressive sanction guidelines found in the Texas Family Code.

Depending on the wrong committed by the juvenile, juvenile punishments can fall under any of the following categories:

- A warning or placement in a first offender program;
- Alcohol or substance abuse treatment centers;
- Services under the DPRS child-at-risk program;
- Referral to a community-based citizen intervention program approved by the juvenile court;
- Release of the child to the child’s parents or guardians.
- Informal probation;
- Regular probation;
- Intensive supervision probation;
- Residential placements (e.g., foster care);
- Placement in a post-adjudication secure correctional facility; or
- Placement in the Texas Youth Commission (TYC).

### B. Criminal Courts

Criminal courts handle cases that are criminal in nature. An adult who is convicted of a crime will have a criminal record. Hearings and trials in criminal courts, as well as adult criminal records, are open to the public. Adults are placed in jail or must post bond to be released pending charges. Adult criminal punishments are determined by the Texas Penal Code.

The following adult punishment ranges may apply:

- Informal probation (also known as “deferred probation”);
- Alcohol or substance abuse treatment programs;
- Regular probation;
- Intensive supervision probation;
- Monetary fine;
- Jail term (county jail);
- Prison term (state penitentiary);
- Death penalty.

#### JUNIOR JUDGES-TEACHER’S NOTE

The decision of which court would handle a juvenile (juvenile court or criminal court) depends upon the age of the juvenile at the time he or she engaged in criminal conduct, not the age of the juvenile at the time of the court proceeding.

## VI. Sentencing in Juvenile Cases

### A. Overview of Sanction Guidelines

In 1995, the legislature enacted a system of progressive sanctions guidelines for the juvenile justice system. There are seven sanction levels, beginning with a supervisory caution and ending with a determinate sentence. The two major features of the system are the seven program descriptions of sanction levels and the guidelines for assigning cases to sanction levels.

The purposes of the progressive sanctions guidelines are to:

- Ensure that juvenile offenders face uniform and consistent consequences and punishments;

- Balance public protection and rehabilitation while holding juvenile offenders accountable;
- Permit flexibility in the decisions made relative to the juvenile offender;
- Consider the juvenile offender’s circumstances; and
- Improve juvenile justice planning and resource allocation by ensuring uniform and consistent reporting of disposition decisions.

## B. General Sanction Level Assignment Guidelines

After a child’s first commission of delinquent conduct or conduct indicating a need for supervision, the probation department, the prosecuting attorney, or the juvenile court may, in a disposition hearing, assign a child one of the following sanction levels according to the child’s conduct.

1. **Sanction Level 1:** conduct indicating a need for supervision, other than a Class A or B misdemeanor, or an act for which a child has been previously expelled (e.g., truancy).
2. **Sanction Level 2:** a Class A or B misdemeanor or an act for which a child has been previously expelled, other than a misdemeanor involving the use or possession of a firearm (e.g., most cases of criminal mischief or trespass).
3. **Sanction Level 3:** a misdemeanor involving the use or possession of a firearm, a state jail felony, or a felony of the third degree (e.g., injuring a child or an elderly person).
4. **Sanction Level 4:** a felony of the second degree (e.g., burglary of a home);
5. **Sanction Level 5:** a felony of the first degree, other than a felony involving the use of a deadly weapon or causing serious bodily injury (e.g., computer hacking that causes at least \$200,000 in damages).
6. **Sanction Level 6:** a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury, an aggravated controlled substance felony, or a capital felony;
7. **Sanction Level 7:** a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury, an aggravated controlled substance felony, or a capital felony.

## C. Use of Sanction Levels

Texas Family Code Section 59 provides the descriptions for each sanction level. There is no requirement that all of the programs described at any sanction level must be used in each disposition at that sanction level. However, for a disposition to qualify as a disposition at any given sanction level, at least *the primary or first sanction described in that sanction level must be included in the disposition.*

The probation department shall discharge the child from the custody of the probation department after the sanction provisions are met. In order for a disposition to qualify as a Sanction Level One disposition, the court must require counseling for the child (the primary sanction). All the other sanctions (2 to 7) are optional for the court to order.

## D. Progressive Sanctions

Sanction levels can be increased to the next sanction level higher if a child has previously received a sanction and is referred again to a juvenile court for an offense of equal or greater severity.

### JUNIOR JUDGES -TEACHER’S NOTE

#### Sanction Level Example

The seven guideline descriptions are deliberately phrased in general terms to permit a variety of dispositions to fit within each. Sanction Level One programs are collectively named “supervisory caution.” These are the least restrictive responses the juvenile justice system can make to a referral. In the past, these responses were sometimes collectively called “counseling and release.” For a child at Sanction Level One, the juvenile court or probation department may:

- Require counseling for the child;
- Inform the child of the progressive sanctions that may be imposed on the child if the child continues to engage in delinquent conduct or conduct indicating a need for supervision;
- Inform the child’s parents or guardians of their responsibility to impose reasonable restrictions on the child to prevent the conduct from recurring;
- Provide information or other assistance in securing needed social services;
- Require the child or the child’s parents or guardians to participate in a program for Early Youth Intervention Services;
- Refer the child to a community-based citizen intervention program approved by the juvenile court; or
- Release the child to the child’s parents or guardians.



## VII. CIVIL CAUSES OF ACTION AND DAMAGES

### A. Double Jeopardy

The Double Jeopardy Clauses of the United States and Texas Constitutions prohibit a person from being punished twice for the same criminal offense. However, double jeopardy does not prevent a person from being subject to criminal prosecution and civil liability for the same activity. While a criminal proceeding addresses an unlawful activity on behalf of the public, a civil proceeding addresses an unlawful activity on behalf of a private party.

### B. Actual Damages

When a court orders a person who has engaged in a wrongful act to pay money to another person who was harmed by the wrongful act, the money that must be paid is known as damages. Damages that are awarded because wrongful conduct injured another person or deprived another person of his or her property, are known as “actual damages.” Actual damages are intended to reimburse a person for the damage to or loss of his or her person or property. In addition to damages, a successful party in a lawsuit may also be able to recover the costs and attorney’s fees incurred in connection with the lawsuit.

#### **JUNIOR JUDGES -TEACHER’S NOTE**

Remember the OJ Simpson trial? Although a criminal court jury found OJ “not guilty,” the families of the victims were still able to bring a civil case against him after the completion of the criminal trial. The families prevailed after a civil trial jury found that OJ had committed a civil wrong. Therefore, the civil jury was able to award millions of dollars in damages against OJ for the same act for which the criminal jury had found him “not guilty.”

### C. Punitive or Exemplary Damages

Damages that are awarded as a penalty to punish wrongful conduct and to deter others from engaging in the same conduct, are known as “punitive” or “exemplary damages.” Generally, exemplary damages may not be awarded unless: (1) a person intended to injure the person or property of another

person; (2) that person acted willfully, deliberately, intentionally, wantonly, maliciously, or in disregard for the rights of another person; and (3) actual damages have been sustained by the other person.

### D. Liability of a Minor

In Texas, a minor is liable for civil damages arising from acts that are committed by the minor. A parent may be held responsible for up to \$25,000 in actual damages, plus court costs and attorney’s fees, for “negligent or malicious acts of a child.” However, there are very few instances in which a Texas court actually held parents liable for the acts of their children.

#### **JUNIOR JUDGES -TEACHER’S NOTE**

Minors are generally liable for conduct that their peers would have known was wrongful. In other words, a child will be held to the same standard as another child, not to the same standard to which an adult would be held.

A minor may enforce his or her own legal rights in a civil case through a guardian ad litem. A guardian ad litem is a responsible adult who is appointed by a court to pursue a case in the name and interest of a child. A child can bring a lawsuit or be sued through the use of a guardian ad litem.



# Unit 1 CHEATING

CHEATERS never  
win in the end



### A. Targeted TEKS:

	3rd Grade:	4th Grade	5th Grade
Language Arts:	3.10D 3.3C	4.2A 4.23C	5.2D 5.23B
Social Studies:	3.10A 3.18B	4.24B 4.22D	5.25B 5.21C
Fine Arts:	3.2B	4.2C	5.2C
Health:	3.9F	4.9C 4.10C	5.6F

### B. Student Learning Objectives:

1. Understand the concept of cheating;
2. Become familiar with the school policy regarding cheating;
3. Understand the personal ramifications of cheating;
4. Analyze through group discussion the school policy regarding cheating and evaluate the negative image portrayed by cheaters; and
5. Learn potential criminal and civil penalties for acts of cheating.

### C. Materials needed:

*Junior Judges - Helping Kids Make Smart Choices* videotape

### D. Vocabulary:

Fraud  
Lie  
Misrepresent  
Plagiarize  
Steal  
Theft

### E. Teaching Strategy:

1. View Unit 1 of *Junior Judges - Helping Kids Make Smart Choices* videotape.
2. Before beginning the lesson, the teacher should have visible to the students the following examples of cheating:
  - a. Presenting another's work as his or her own;
  - b. Use of a crib/cheat sheet or notes when not permitted;
  - c. Copying from another's work during a test;

- d. Permitting another to cheat off his or her work; and
  - e. Stealing a test.
3. After viewing the video, the teacher should have available and explain the school policy regarding cheating. If your school does not have a written policy against cheating, consider discussing how to implement a written policy with the school principal.
  4. Discuss whether the policies/consequences below seem fair and appropriate, and why a policy against cheating is important.
    - a. Immediate referral to school principal;
    - b. Referral becomes part of the student's personal record;
    - c. Item on which the student cheated (test or homework assignment) may be given zero credit to be averaged into his or her grade;
    - d. Repeat cheaters may have to retake the class the following year; or
    - e. In-school suspension or expulsion from school.
  5. Discuss the effects of cheating:
    - a. How will the cheater ever learn if he cheats his way through school?
    - b. Does cheating create an unfair advantage for the cheater?
    - c. Who wants to play with someone who cheats?
  6. Have students discuss or make written responses to the question: **"WHY DO KIDS CHEAT?"**
    - a. **They might not understand that it is wrong to cheat.** Discuss the concept of cheating, as well as the school policy, if applicable.
    - b. **It seems easier to cheat than to take the time to learn.** Discuss the video presentation, and why the student in the video would really hurt himself if he decided to cheat.
    - c. **They may need help learning how to study.** Provide students with information on obtaining assistance with their studies, such as after-school tutorials, mentoring programs in your schools and/or neighborhood, and big brother/sister program opportunities.

- d. **The work may be too difficult.** Discuss the problem of misrepresenting your abilities by cheating. Explain the trickle-down effect. (If a child never learns how to add, he or she can not progress to learn multiplication.)
  - e. **They may be receiving too much pressure from their parents or teachers.** Discuss the importance of open discussions with parents and teachers. Discuss how to seek help from other students and how to benefit from group learning.
  - f. **The child does not believe that he or she will get caught cheating.** Discuss the school policy regarding cheating and the ramifications of this “bad” behavior. Discuss smart choices that are alternatives to cheating (for example, preparing in advance, doing homework, and paying attention during class). Discuss the poor image they will project if they cheat, even if never caught.
8. **Peer Review:** If your school does not have a committee of students who review student-related issues, consider discussing how to implement this type of program with your principal. It is much more difficult for a student to explain himself/herself to a group of peers than to face the consequences of a parent or teacher. A student will think twice about cheating if he knows the other children may label him as a “cheater.”
9. **Criminal/Civil Penalties for Cheating:** Certain types of cheating acts constitute crimes (e.g., tax evasion and perjury) and could result in criminal conviction or jail. There are also civil penalties for cheating (e.g., fraudulent transfer of funds, hiding assets). Discuss examples that are relevant to the students:
    - a. Julie needs an additional \$10 to buy a new pair of skates for the skating party on Friday. She tries to collect her allowance early by telling her parents that she has completed her chores when she really has not. Her parents quickly discover the truth and ground her from the skating party all together.
    - b. Tony does not want to spend the time required in the library to complete his homework assignment to write an essay on the U.S. President. Instead, he logs onto the Internet and finds an essay written by someone else. The following day, he turns in the essay to his teacher, claiming it to be his own. His teacher recognizes the plagiarized essay as belonging to someone else and gives Tony a zero on the assignment.

### Extension/Enrichment Activity

After asking the students the question, “Why do kids cheat?” record their responses on the chalkboard or on the overhead projector.

Divide the students into four groups of “junior judges” and ask each group to rank, from 1 to 5 (with 1 being the most common), the five most common reasons why students cheat. After they have completed their lists, ask the students to think of reasons *why students should not cheat*.

Ask each group on a piece of paper to write down their Number 1 reason for cheating and the Number 1 reason why students should not cheat. Have the students post the paper with their group’s reasons for cheating and not cheating on the classroom wall. After all groups have had time to complete this task, allow the students to visit the stations around the room.

After the students have reviewed all the reasons for cheating and reasons not to cheat as a class, have the students vote as a class for the best reason why students should not cheat. They should be able to defend their choice.

**Unit 2**  
**DESTROYING**  
**PROPERTY**

**DON'T DESTROY**  
**WHAT YOU DON'T OWN**





## A. Targeted TEKS:

	3rd Grade:	4th Grade	5th Grade
Language Arts:	3.10D 3.3C	4.2A 4.23C	5.2D 5.23B
Social Studies:	3.10A 3.18B	4.24B 4.22D	5.25B 5.21C
Fine Arts:	3.2B	4.2C	5.2C
Health:	3.9F	4.9C 4.10C	5.6F

## B. Student Learning Objectives:

1. Understand the concepts of destroying property and vandalism;
2. Become familiar with the school policies pertaining to property destruction and vandalism;
3. Understand the personal ramifications of property destruction and vandalism;
4. Analyze through group discussion the school policy regarding destruction of property and the negative image portrayed by vandals; and
5. Learn potential criminal and civil penalties for crimes involving property destruction and vandalism

## C. Materials Needed:

*Junior Judges - Helping Kids Make Smart Choices* videotape

## D. Vocabulary:

Criminal Mischief  
Vandalism  
Graffiti

## E. Teaching Strategy:

1. View Unit 2 of *Junior Judges - Helping Kids Make Smart Choices* videotape.
2. Before beginning the lesson, the teacher should have visible to the students the following examples of property destruction and vandalism:
  - a. Defacing property (e.g., writing on walls, lockers, furniture with marker, pen, or spray paint);
  - b. Stuffing paper in toilets or sinks;
  - c. Slashing bicycle tires;
  - d. Throwing eggs at cars or homes;
  - e. Wrapping toilet paper around the trees and shrubs of a house;

- f. Throwing rocks at windows; and
  - g. Writing on or removing street signs;
3. Have students discuss or make a list of other examples that may constitute destruction of property/vandalism.
  4. After viewing the video, discuss the effects and consequences of destroying property.
    - a. Property destruction and/or graffiti may decrease the value of property.
    - b. Graffiti presents a negative image, and taxes are sometimes increased to support beautification programs in response to graffiti.
    - c. Vandals may be held criminally responsible for the crime of vandalism. Punishment may range from community service (e.g., picking up trash on the side of the road) to jail.
    - d. Vandals and/or their parents may have to pay the property owner for any damage done to the property or may have to replace the property.
  5. After viewing the video, the teacher should have available and explain the school policy regarding destruction of property. If your school does not have a written policy against destruction of property, consider discussing how to implement a written policy with the school principal.
  6. Discuss whether the policies/consequences below seem fair and appropriate, and why a policy against destruction of property is important.
    - a. Immediate referral to school principal;
    - b. Referral becomes part of the student's personal record;
    - c. Notify parent or guardian of student conduct immediately;
    - d. Possible suspension for repeat offenders.
  7. Have students discuss or make written responses to the question: **"WHY DO KIDS DESTROY PROPERTY?"**
    - a. **They might not understand that it is wrong to destroy the property of others.** Discuss the concept of respecting the property of others. Discuss the school policy on vandalism/graffiti, if applicable.
    - b. **They are expressing themselves.** Explain that there are ways in which people can express themselves without

- destroying property that does not belong to them.
- c. **They were dared to do it.** Discuss ways to deal with peer pressure from other students or siblings.
8. Have the students discuss prevention measures
    - a. Design an anti-vandalism campaign.
    - b. Create an anonymous reporting system.
    - c. Encourage the students to create a collage as a nondestructive way to express their individuality.
  9. **Peer Review:** If your school does not have a committee of students who review student-related issues, consider discussing how to implement this type of program with your principal. A student may think twice about destroying property if he or she knows the other kids may label him or her as a “vandal”.
  10. **Potential Criminal/Civil Penalties for Property Destruction/Graffiti.** Many acts of property destruction may result in criminal charges. Discuss with the class why it should be illegal to destroy the property of another. Should the graffiti artist reimburse the property owner for the cost of repainting/repairing his wall? What if the property owner finds no artistic value in the graffiti? Should the parents of the juvenile have to pay to repair the property?

### **Extension/Enrichment Activity**

Divide the students into three groups of junior judges. Give each group one “What Could Happen?” question copied on a transparency. Ask the students to brainstorm results and consequences of the question described in the center circle. Using their best two results or consequences, have the students create a “What Could Happen?” web.

Using transparency markers, the students are to draw an additional circle on the page. The students will then write their first result/consequence in that circle. The two circles should be connected together by a line. From the second circle the students are to create another circle representing the consequences of the resulting second circle. Based on the premise that “one thing leads to another,” ask students to identify as many cause/effect sequences as possible. If they can think of a consequence of the third circle they can draw a fourth and so on. (See sample.)

When they have completed the first sequence to the original question, the students can then start a second sequence of circles to the question.

#### **Web Questions:**

What could the school do to stop students from writing on walls, lockers, and furniture?

What could the school do to stop the stuffing of paper in toilets and sinks, which cause flooding in the student’s bathrooms?

What could the school do to stop the slashing of bike tires?

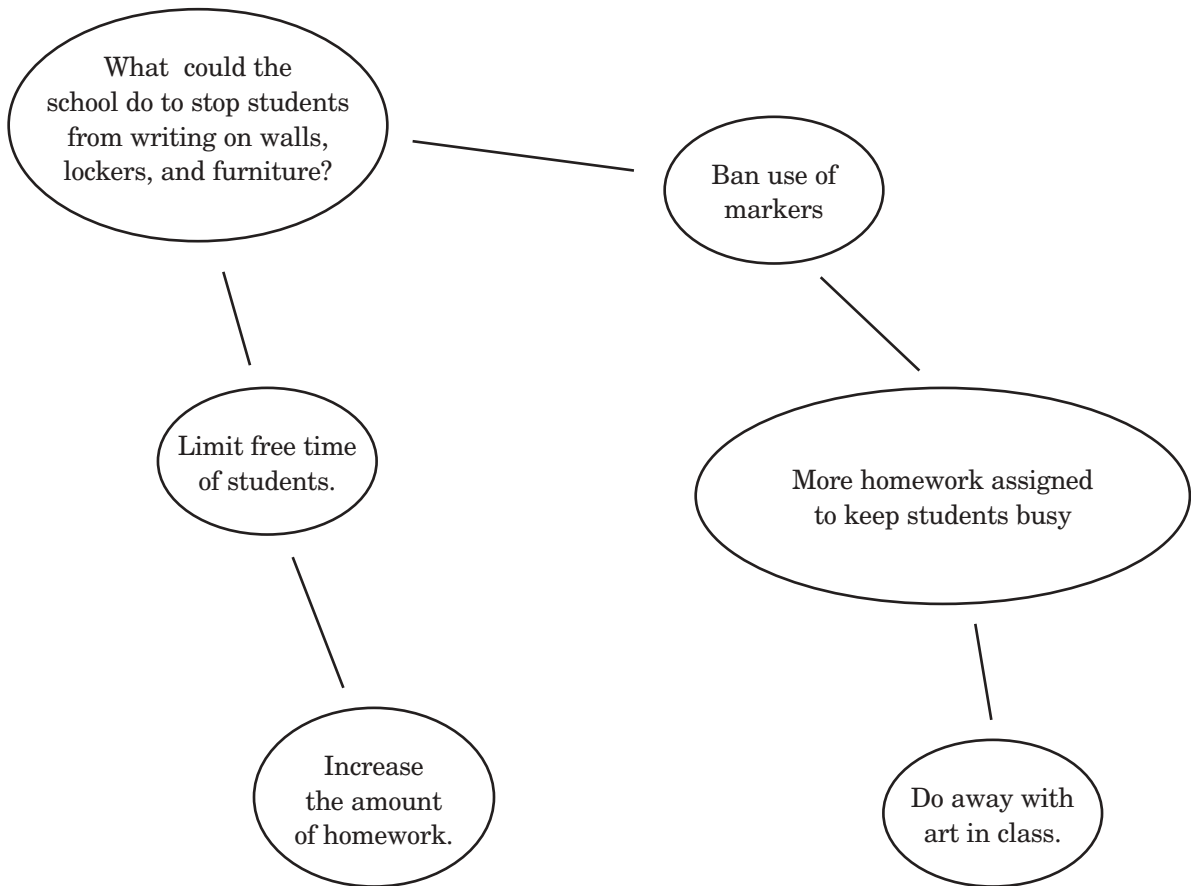
What could happen if a street sign or traffic sign is taken down?

What could happen if a house is egged or wrapped by toilet paper?

After each group has completed their transparency, they will present their web to the class. From the student’s presentation, other members of the class should be allowed to make suggestions for additional circles.

After each group presents their web, the teacher should ask the students what rights have been taken away or restricted because of the negative behavior.

What Could Happen  
Web Sample





# Unit 3 BULLYING

NO ONE LIKES  
A BULLY



### A. Targeted TEKS:

	3rd Grade:	4th Grade	5th Grade
Language Arts:	3.10D 3.3C	4.2A 4.23C	5.2D 5.23B
Social Studies:	3.10A 3.18B	4.24B 4.22D	5.25B 5.21C
Fine Arts:	3.2B	4.2C	5.2C
Health:	3.2C 3.9B 3.9F 310B	4.9C 4.10B 4.10C	5.5F 5.6D 5.6F

### B. Student Learning Objectives:

1. Understand the concept of bullying, and how to distinguish the difference between horseplay and bullying;
2. Become familiar with the school policy on bullying;
3. Understand the personal ramifications of bullying;
4. Understand why students should respect each other, rather than resort to intimidation;
5. Understand how to avoid situations that may lead to bullying; and
6. Learn potential criminal and civil penalties for bullying acts.

### C. Materials Needed:

*Junior Judges - Helping Kids Make Smart Choices* videotape

### D. Vocabulary:

Assault  
Bully  
Intimidate  
Harass  
Horseplay  
Respect

### E. Teaching Strategy:

1. View Unit 3 of *Junior Judges - Helping Kids Make Smart Choices* videotape.
2. After viewing the videotape, ask the class how the video demonstrated an example of bullying.

3. Ask the students to list other activities that may constitute bullying. Examples may include:
  - a. stealing the property of another;
  - b. harassing someone in the halls;
  - c. repeated name calling;
  - d. pushing someone down on the playground;
  - e. intimidating another by threatening to act in an aggressive manner.
4. Ask the class what the various acts of bullying have in common. Explain that all of the acts have an overriding theme of disrespect of others. Discuss the importance of respecting the person and property of others.
5. Review the school's policy on bullying and/or assault. For example, are bullies automatically sent to the principal's office? If so, is there a typical punishment for first-time offenders, second-time offenders, and so on?
6. **Peer Review:** If your school does not have a committee of students who review student-related issues, consider discussing how to implement this type of program with your principal. A student may think twice about picking on others if he or she knows the other kids may label him or her as a "bully."
7. **Potential criminal/civil penalties of bullying acts.** Explain to the class that there are civil and criminal penalties for assaulting another person.
  - a. Assault by Threat: It is against the law to threaten to harm another person if the victim reasonably believes that he or she may be injured.
  - b. Assault by Contact: It is also against the law to touch or make bodily contact with a person, knowing the person will believe the contact is offensive or provocative.

### **Extension/Enrichment Activity**

Ask four to five members of the class to participate in the following role-playing activity. Those students who are not role-players (“actors”) will be “Junior Judges.”

Have the actors play out a scene in which a bully picks on another student. The remaining group should just stand idly by. The bully can knock the victim’s books out of his or her hands or perform some other kind of intimidation tactic. After a few seconds of bullying, ask the bully to stop and pose the following questions to the Junior Judges:

“First of all, is this bullying?” [Answer: Yes]

“What could the other students who were standing around have done to make the situation better?” [Answer: Tell the bully to stop, and show the bully that they do not like what he is doing.]

Ask the actors to replay the scene, but this time, the students standing around should intercede on the victim’s behalf in some way. Once this scene runs for a few seconds, stop and pose the following questions to the Junior Judges:

“Could you tell how different the scene felt when the other students told the bully that they did not like what he was doing?”

“Why does that make a difference?”

Ask the actors to replay the scene again. This time, the victim should try to avoid the bullying. Whether the victim is successful in doing so does not matter. After the scene develops for a few seconds, stop and pose the following questions to the Junior Judges:

If the victim was able to avoid the situation, ask:

“How was \_\_\_\_\_ able to avoid a bad situation?”

“What other things could \_\_\_\_\_ have done?”

If the victim was not able to avoid the situation, ask:

“Why was \_\_\_\_\_ not able to avoid the problem?”

“What other things could \_\_\_\_\_ have done?”

“What does this tell you about how important bystanders are in these situations?”

Finally, ask the actors to act out a scene in which there is good-natured horseplay, but no bullying. Ask the Junior Judges:

“Is this bullying?”

“Why is it not bullying?” [Answer: the horseplay doesn’t show a lack of respect for somebody else]



# Unit 4 teasing

treat others  
as you want them  
to treat you



### A. Targeted TEKS:

	3rd Grade:	4th Grade	5th Grade
Language Arts:	3.10D 3.3C	4.2A 4.23C	5.2D 5.23B
Social Studies:	3.10A 3.18B	4.24B 4.22D	5.25B 5.21C
Fine Arts:	3.2B	4.2C	5.2C
Health:	3.9B 3.9F	4.10B 4.10C	5.6D 5.6F

### B. Student Learning Objectives:

1. Understand the concept of harassment.
2. Become familiar with the school policy on teasing/harassment.
3. Understand the personal ramifications of teasing/harassment.
4. Analyze through group discussion the school policy regarding teasing, and the negative image portrayed by those that tease others.
5. Learn potential criminal and civil penalties for acts of teasing and/or harassment.

### C. Materials Needed:

*Junior Judges - Helping Kids Make Smart Choices* videotape

### D. Vocabulary:

Annoy  
Bug  
Harass  
Pester  
Taunt

### E. Teaching Strategy:

1. View Unit 4 of *Junior Judges - Helping Kids Make Smart Choices* videotape.
2. Before beginning the lesson, the teacher should have visible to the students a list of teasing examples:
  - a. Saying mean things to someone;
  - b. Giving something to someone and then taking it away from him;
  - c. Making fun of someone behind his or her back;
  - d. Pretending to give something to someone but having no intention of actually giving it to him or her.

3. After viewing the video, the teacher should have available and explain the school policy regarding teasing and/or harassment. If your school does not have a written policy against teasing/harassment, consider discussing how to implement a written policy with the school principal.
4. Discuss whether the policies/consequences below seem fair and appropriate, and why a policy against teasing/harassment is important.
  - a. Immediate referral to school principal;
  - b. Referral becomes part of the student's personal record;
  - c. Notify parent or guardian of student conduct immediately;
  - d. Possible suspension for repeat behavior.
5. Have students discuss or make written responses to the question: **"WHY DO KIDS TEASE EACH OTHER?"**
  - a. **They may not understand why it is wrong to tease.** Explain examples of inappropriate teasing by reviewing the school policy on teasing, if applicable. Discuss the personal ramifications of teasing, and how it makes another feel.
  - b. **They may be trying to be funny or clever.** Discuss the video presentation and the possible implications of teasing. Discuss how it feels to be teased by others, and why it is important to consider the feelings of victims of teasing.
  - c. **They may be looking for approval from others (or trying to be cool by being mean to others).** Discuss different ways of dealing with peer pressure. Discuss why it is not appropriate behavior to make fun of others. Explain the importance of not hurting the feelings of others. Discuss the Golden Rule.
6. Discuss how teasing affects the person being teased.
  - a. Talk to the students about how much it hurts when someone makes fun of them.
  - b. Discuss the importance of avoiding teasing others who are less fortunate.
  - c. Explain the importance of following the Golden Rule.
7. Have the students draw a picture of how it feels to be teased.

8. **Peer Review:** If your school does not have a committee of students who review student-related issues, consider discussing how to implement this type of program with your principal. It is much more difficult for a student to explain himself to a group of his peers than face the consequences of a parent or teacher. A student may think twice about teasing if they know the other kids may label them as a “mean tease.”
9. **Potential Criminal/Civil Penalties:**  
It is against the law to discriminate against another based on his or her age, gender or race. There are also laws against harassment and discrimination. Discuss the importance of laws to protect those who may be targets for inappropriate teasing, and how teasing may lead to harassment and/or discrimination.

### **Extension/Enrichment Activity**

Have the students act out the following inappropriate teasing scenarios, and discuss how the victim of the teasing will feel:

- a. Shelly and Debra are in the same dance class after school. Carrie, a girl in their dance class, comes into the dressing room and is about to get dressed. The girls decide to play a prank on Carrie. When Carrie goes to use the bathroom, they hide her dance shoes. When Carrie comes back and asks them where her dance shoes are, the girls tell her that she should buy new ones because “those old hand me down shoes stink!”
- b. Kevin’s best friend, the one he always traded video games with, has moved away. Pete and Josh, who have a popular video game trading club, think Kevin is a nerd. They know that Kevin has no one to trade video games with since his friend left. The boys decide to tease Kevin, so they tell him to meet them at the park after school to join their club. The boys also tell him to bring every game he owns to the park. When the final bell rings ending the school day, Kevin rushes home to gather up his games. He rushes to the park and waits and waits for the other boys to show up for the club meeting. Pete and Josh hide in some bushes, see him waiting, and laugh.

# Unit 5 Stealing

if it's not yours,  
Don't take it!



## A. Targeted TEKS:

	3rd Grade:	4th Grade	5th Grade
Language Arts:	3.10D 3.3C	4.2A 4.23C	5.2D 5.23B
Social Studies:	3.10A 3.18B	4.24B 4.22D	5.25B 5.21C
Fine Arts:	3.2B	4.2C	5.2C
Health:	3.9F	4.8A 4.10C	5.6F

## B. Student Learning Objectives

1. Understand the concept of stealing.
2. Become familiar with the school policy pertaining to stealing.
3. Understand the personal ramifications of stealing.
4. Analyze through group discussion the school policy regarding stealing, as well as the negative image portrayed by those that steal from others.
5. Learn potential criminal and civil penalties for acts of theft.

## C. Materials Needed:

*Junior Judges - Helping Kids Make Smart Choices* videotape

## D. Vocabulary:

Larceny  
Permission  
Robbery  
Theft

## E. Teaching Strategy:

1. View Unit 5 of *Junior Judges - Helping Kids Make Smart Choices* videotape
2. Before beginning the lesson, the teacher should have visible to the students a list of examples of stealing:
  - a. Taking someone's lunch, school supplies, money, etc.
  - b. Borrowing something with no intent to return it to the owner.
  - c. Accepting stolen property from someone.
  - d. Helping someone else steal by causing a distraction, or acting as a "look out."
  - e. Being with someone when he or she steals something, and "going along with it."

- f. Knowing that someone else is stealing and failing to tell the teacher, parent, or adult supervisor.
  - g. Persuading another person to steal.
3. After viewing the video, the teacher should have available and explain the school's policy regarding stealing. If your school does not have a written policy against stealing, consider discussing how to implement a written policy with the school principal.
  4. Discuss whether the policies/consequences below seem fair and appropriate, and why a policy against stealing is important.
    - a. Immediate referral to school principal;
    - b. Referral becomes part of the student's personal record;
    - c. Notify parent or guardian of student conduct immediately;
    - d. Possible suspension if student repeats behavior.
  5. Have students discuss or make written responses to the question: **"WHY DO KIDS STEAL?"**
    - a. **They may not understand why it is wrong to steal.** Explain what stealing is by reviewing the school policy on stealing, if applicable. Discuss the Golden Rule.
    - b. **They may want something that his or her parents will not, or cannot, buy them.** Discuss the video presentation.
    - c. **They may steal for the thrill of taking a risk.** Explain that if caught, the student or their parent may have to pay restitution for what was stolen. Explain that theft is a crime and may result in criminal or civil punishment.
    - d. **They may have been "dared" to steal by someone else.** Discuss different ways of dealing with peer pressure.
    - e. **They may have stolen to be mean to another child.** Discuss the importance of the Golden Rule, and how it feels when someone takes something that belongs to you.
  6. **Role-Playing Scenarios:** Have the students act out some or all of the scenarios below. After the role-playing, discuss the personal ramifications of theft, and what the smart choice would be for the person being pressured to steal. If time permits, ask the

students to retell the situations from the perspective of the person from whom something was stolen:

- a. Katie and Jenna are in the school cafeteria. They are trying to decide what they want to eat and get the hamburger/french fry combo meal. As they get in line to pay, they see candy bars near the counter. Katie says to Jenna, “why don’t you pick up our dessert?” Jenna says, “My mom only gave me enough money for the combo meal.” Katie says, “So why not just take it? You can stick it in your purse and no one will notice!”
- b. Kevin and Scott are sitting in class and see the “new kid” sit down next to them. The new student has brand new pencils and markers. The teacher calls the new student up to the front of the class to add his name to the roll sheet. Kevin and Scott think it would be a fun prank to steal the new student’s pencils and markers before he comes back to his seat.
- c. Kayla, Darrin, and Joe are hanging around the local convenience store in their neighborhood. The three of them are playing “truth or dare.” Joe “dares” Kayla to go into the store and take a pack of gum.
- d. Michelle and Janice are given an allowance each week from their parents.

The girls had seen matching lucky charm necklaces in the store that they both want. If they wanted to, they could buy the lucky charm necklace with their allowance money. The girls’ parents won’t buy them the necklaces because they say “that’s what your allowance is for.” Janice tells Michelle that it would be “cool” if they just took the necklaces together and their parents would never know.

7. **Peer Review:** If your school does not have a committee of students who review student-related issues, consider discussing how to implement such a program with your principal. It is much more difficult for a student to explain himself to a group of his peers than face the consequences of a parent or teacher. A student may think twice about stealing if he knows the other kids may label him as a “thief.”
8. **Potential Criminal/Civil Penalties:** It is against the law to take something that does not belong to you. The law provides both criminal and civil penalties for theft, regardless of the value of the item stolen. For example, a juvenile could be arrested for stealing something as inexpensive as a pack of gum. One could also be sued in a civil court for stealing the property or ideas of another.

### **Extension/Enrichment Activity**

Assign each student a partner. Each pair of students will then be assigned one of the stealing scenarios described in the lesson, or they may choose to create their own scenario involving stealing. Each pair of students will draw two pictures, appropriately titled. The first picture will depict a good choice and the second picture will depict a bad choice. The students’ work will then be placed outside the classroom on the main hall or in the cafeteria so other students can view their artwork.



# Unit 6 DRUGS AND ALCOHOL

DON'T BE AFRAID  
TO SAY "NO"



## A. Targeted TEKS:

	3rd Grade:	4th Grade	5th Grade
Language Arts:	3.10D 3.3C	4.2A 4.23C	5.2D 5.23B
Social Studies:	3.10A 3.18B	4.24B 4.22D	5.25B 5.21C
Fine Arts:	3.2B	4.2C	5.2C
Health:	3.2C 3.9F	4.4C 4.8A 4.9C 4.10C	5.5C 5.5F 5.6F

## B. Student Learning Objectives

1. Understand the concept of drug and alcohol abuse.
2. Become familiar with the school policy pertaining to drugs and alcohol.
3. Understand that drugs and alcohol can be harmful to the minds and bodies of children and adults.
4. Learn the importance of saying “no” if offered drugs.
5. Learn possible criminal and civil penalties for drug-related crimes.

## C. Materials Needed:

*Junior Judges - Helping Kids Make Smart Choices* videotape

## D. Vocabulary:

Alcohol  
Tobacco  
Drugs

### Alcohol

Alcohol is a general term used to describe beverages that are intoxicating and impair judgment and/or motor skills. Alcoholic beverages include beer, wine, and liquor. A juvenile commits a Class C misdemeanor if he or she purchases or attempts to purchase any alcoholic beverage. Lying about your age in order to purchase alcohol is a separate Class C misdemeanor offense.

Alcohol is legal for people who are 21 years old or older. It is illegal for anyone under age 21 to purchase, attempt to purchase, possess, or consume alcoholic beverages, or even to have a detectable odor of alcohol on their breath or

person. If you are under 21, you are a “minor” under the alcoholic beverage laws in Texas and will be punished according to those laws. The only exception to a minor consuming alcohol is if the minor is in the visible presence of a parent or guardian. It is a crime for parents to supply their child’s friends with alcohol.

Alcohol is addictive. That means that once a person starts using alcohol, it can be very difficult to quit using alcohol.

### Tobacco

Tobacco is a plant product that is smoked by rolling it into cigarettes and cigars or inserting it in a pipe. Tobacco smoke is inhaled into the lungs. It is intoxicating, impairs motor skills, and can cause serious health problems and deadly illnesses of the mouth, throat, lungs, heart, and other organs. Tobacco is legal for people who are 18 years old or older. It is illegal for anyone under the age of 18 to purchase, possess, or use tobacco. It is also illegal to lie about your age to attempt to purchase tobacco.

Tobacco is addictive, meaning that once a person starts using tobacco, it can be very difficult to quit.

### Drugs

Medical prescriptions and over-the-counter medication are the only legal drugs. It is against the law for anyone to have, sell, or use any types of drugs except medical prescriptions and over-the-counter medication. Drugs include marijuana, cocaine, heroin, ecstasy, glue, aerosol paint, and any other substances that can be used as an inhalant. It is against the law for juveniles to possess, use, or distribute drugs, inhalants, or other intoxicating substances. In addition to the legal punishment for drug use or possession, drug use is dangerous. Drug use increases the likelihood of personal injury and death. Drug and alcohol use can also make a minor more susceptible to crime, as either the victim or offender.

## E. Teaching Strategy:

1. View Unit 6 of the *Junior Judges-Helping Kids Make Smart Choices* videotape
2. After viewing the videotape, ask the class:
  - a. What is the smart choice for Alex to make under the circumstances?

- b. Did the older brother and his friend make any poor decisions? What are they?
  - c. How do you say “no” to smoking or drinking alcohol when pressured to do so?
  - d. If you are ever in a situation where your friends or older kids are smoking or drinking, what should you do?
  - e. Is it ever okay to have drugs or alcohol in your locker or pockets or backpack? What if you are not using them? What if you do not intend to use them, but are just holding them for someone else?
  - f. How can you get in trouble if you are caught possessing alcohol or drugs at home? At school? In your neighborhood?
  - g. How can you get in trouble if you are caught using alcohol or drugs at home? At school? In your neighborhood?
3. Review your school policy on alcohol and drug possession or use, including search rules, punishments, and reports to police and parents. Encourage students to ask questions to help them understand why the rules against drugs and alcohol at school exist, and why it is so important to avoid situations where drugs and alcohol are being used.
4. Have students discuss or make written responses to the question: **“WHY DO KIDS DO DRUGS?”**
- a. **They may not understand the effects of drugs and alcohol.** Explain that drugs and alcohol hurt young bodies and make it difficult to make wise decisions. Explain that unregulated and illegal drugs may cause serious bodily injury or death.
  - b. **They may not know why it is wrong to do drugs or to drink alcohol.** Explain that many adults also do not understand it is wrong to do drugs and may act as poor role models. Explain that it is illegal for a child to purchase or have in his or her possession any of the following:
    - (1) Prescription drugs without a prescription;
    - (2) Street drugs, including marijuana, cocaine, ecstasy, heroine, LSD, crack, crank, acid, or any other drug purchased without a prescription;
    - (3) Tobacco;
    - (4) Inhalants; or
    - (5) Alcohol.
- c. **It is too hard to say no to peer pressure.** Discuss different ways of dealing with peer pressure. Discuss the importance of having friends who have similar values and who respect themselves and others. Encourage open discussions with teachers and parents about the challenge of saying no to drugs.
5. If possible, have a doctor, lawyer, and/or law enforcement officer talk to the class about the medical and legal harms of possessing or using drugs and alcohol.
6. Potential Criminal Penalties for Drug and Alcohol Crimes:
- a. **Drug-Free Zone**  
To keep drugs away from children, the Texas Legislature created drug-free zones around schools, video arcades, and other places young people gather. If a person is caught for a drug-related offense within 1,000 feet of any school property, college or university property, or public playground, the penalty for the offense can automatically be increased by one level. The same penalty enhancement applies if a person is caught within 300 feet of a public video arcade, youth center, or public swimming pool.
  - b. **Possession of Illegal Drugs**  
It is against the law to possess illegal drugs. Penalties for drug possession offenses are usually based on the quantity of the substance found on the offender and can be enhanced by the activities surrounding the crime. A person selling drugs will be punished more severely than a person who is using drugs.

### **JUNIOR JUDGES-TEACHER'S NOTE**

Penalties for drug use or possession are more severe in drug-free zones and/or if gang-related activity is involved. Explain to the children that they may also be sent to alternative education programs or expelled from school for the possession of drugs at school, even if the drug is as relatively "harmless" as aspirin.

#### **Youth Resource Manual**

Sometimes it is hard for students to know who to ask for help. Inform your students that if they ever need information or assistance relating to drugs or any other issue and do not know where to go or who to call, they can always go to a teacher for help. Additionally, the Attorney General of Texas has a Youth Resource Manual with a list of helpful resources in your area. The resources will keep the questions and identity of callers confidential. Call (512) 463-4024 to request a copy of the Youth Resource Manual or see the interactive database at [www.oag.state.tx.us](http://www.oag.state.tx.us).

### **Extension/Enrichment Activity**

After viewing the videotape and asking the students the questions in #2 above, tell the students that they are going to become advertising executives. Their job is to sell a product or an idea to their older classmates at the middle school. Their new campaign is to convince these middle school students to stay away from Alcohol, Drugs and Tobacco. Divide the students into teams of "junior judges," and have the students sketch anti-drug ideas and slogans. After each team has its sketch approved, they will be given chart paper or poster board to design their poster.

The elementary school selects the best posters in a competition, which can then be displayed at their feeder middle school in cooperation with that school's administration.



**Unit 7  
Gangs  
and Weapons:**

**WHO NEEDS FRIENDS  
LIKE THAT?**





#### A. Targeted TEKS:

	3rd Grade:	4th Grade	5th Grade
Language Arts:	3.10D 3.3C	4.2A 4.23C	5.2D 5.23B
Social Studies:	3.10A 3.18B	4.24B 4.22D	5.25B 5.21C
Fine Arts:	3.2B	4.2C	5.2C
Health:	3.2C 3.9B 3.9F	4.8A 4.9C 4.10C	5.5F 5.6F

#### B. Student Learning Objectives:

1. Understand the concept of weapons and gangs.
2. Become familiar with the school policies pertaining to weapons and gangs.
3. Analyze information about weapons through the creation and evaluation of collages.
4. Learn potential criminal and civil penalties for weapon and gang activity.

#### C. Materials Needed:

*Junior Judges -Helping Kids Make Smart Choices* videotape

#### D. Vocabulary:

Gun  
Knife  
Arrow  
Weapon  
Aggravated

#### E. Teaching Strategy:

1. View Unit 7 of the *Junior Judges-Helping Kids Make Smart Choices* videotape.
2. After viewing the videotape, ask the class to discuss why it is important to keep weapons out of school.
3. Ask the students to list different types of weapons. Although the typical concept of weapons includes guns, knives, and arrows, everyday objects may also be used as weapons including: sticks, baseball bats, pencils, stick or safety pins, and razors.
4. Discuss why it is important to report to a teacher or the principal if a student learns there is a weapon at school. Discuss the importance of feeling safe at school.

5. Review the school's policy on weapons and/or gang activity. For example, does your school have a "no tolerance" policy regarding weapons? If so, do the students understand what will happen to them if they carry a weapon at school? Explain that an object that may not seem dangerous at home may actually be considered a "weapon" at school. For example, while a baseball bat (pocket knife, scissors, stick, or pellet gun) may be appropriate to have on the field, it may be against school policy for a student to carry one to school.
6. Have students discuss or make written responses to the question: "**WHY DO KIDS JOIN GANGS?**"
  - a. **They may not understand the danger of weapons and gang activity.** Explain that weapons can kill. Explain that gang members often encourage illegal activity, including violence.
  - b. **They may want to be accepted by others.** Explain the importance of having friends who have similar interests and values. Discuss the characteristics of a true friend, and the challenge of finding true friends with common interests. Explain that gang members may not have their best interest in mind. Explain the importance of open discussions with parents and teachers about peer acceptance.
7. **Peer Review:** If your school does not have a committee of students who review student-related issues, consider discussing how to implement such a program with your principal. A student may think twice about destroying property or carrying a dangerous weapon if he or she knows the other kids may label him or her as a "criminal," "gang-banger" or "thug."
8. **Potential criminal/civil penalties of gang activity and/or carrying weapons:** Explain to the class that there are civil and criminal penalties for assaulting another person. Aggravated Assault occurs when a deadly weapon (gun, knife, club, stick, tool, or anything else than can cause serious injury) is used or exhibited during the commission of an assault (by threat or by contact). If possible, have an attorney or law enforcement officer visit with the students about why gang activity is illegal.

### **Extension/Enrichment Activity**

Assign each student a “junior judges” partner. Each pair of judges will then be asked to brainstorm on paper the reasons for and against belonging to a gang. Give each group 2 wooden clothespins.

Hold a coat hanger by the hook and ask the first pair of students for a reason why someone might become involved in a gang. The students will write the reason on the clothespin and place the pin on the left side of the coat hanger. Ask the next pair of junior judges for a reason not to become involved with a gang. They will write down their reason on the clothespin and place it on the right side of the clothes hanger. Ask every pair of junior judges for a reason.

Any reason for or against joining a gang should only be used once. If you ask the pair of junior judges for a reason to join a gang and all responses have been used, then the group can give a reason not to join a gang. You will ask every pair of junior judges in the classroom. If all the reasons for both sides have been used, you may allow a reason to be repeated so every pair of students has a chance to take part.

By the end of this activity, you (hopefully) will have this coat hanger “scale of justice” leaning more to the reasons not to belong to a gang.

### **Alternate Method:**

Divide the class into groups of 3 to 4 students. Give each group several wooden clothespins. Ask the students to record positive and negative reasons for belonging to a gang on the clothespins, then hang them on opposite ends of a coat hanger to create a mobile. As each group shows their mobile to the rest of the class, ask students to notice which reasons are used most often. Record these on an overhead projector. Tell the students to write down the common reasons given on their group’s clothespins. Using this information, you can make a composite coat hanger mobile for the class.

# JUNIOR JUDGES LEGAL TERM GLOSSARY

## DEFINITIONS

**Adjudication hearing:** the procedure used to determine whether a juvenile committed an offense; similar to an adult trial, but generally closed to the public.

**Aggravating factors:** factors that might increase the seriousness of an offense. The judge and jury may consider the presence of these factors.

**Arraignment:** a court session at which a defendant is charged and enters a plea. For a misdemeanor this is also the defendant's initial appearance, at which the judge informs him or her of the charges and sets the bail.

**Arrest:** to take a person suspected of a crime into custody.

**Assault:** to attempt to hurt someone (physically) or touch someone in a way that is offensive to the victim.

**Attempt:** an effort to commit a crime that goes beyond mere preparation, but does not result in the commission of the crime.

**Attorney:** a person who has a law degree and who is licensed by the state to advise and to represent persons in legal matters.

**Beyond a reasonable doubt:** the level of proof required to convict a person of a crime, or adjudicate a juvenile for an offense. It does not require that one be "convinced 100 percent," but does mean there should be no reasonable doubts as to a person's guilt.

**Bully:** to intimidate, frighten, or strike another person, regardless of whether the act rises to the level of an "assault."

**Capital offense:** an offense that may be punishable by death or life imprisonment.

**Capital punishment:** the death penalty. Currently under Texas law, juveniles may not be given the death penalty.

**Certification hearing:** the hearing held to determine whether the juvenile court will waive its jurisdiction, so that an accused juvenile felony

offender can be prosecuted as an adult. Certification is not mandatory under Texas law. Depending upon the type of felony committed, a juvenile as young as 14 or 15 years of age can be certified to stand trial as an adult.

**Charge:** for adults, the formal accusation of a crime.

**Chattel:** an article of movable personal property (not real estate).

**Civil action:** a lawsuit brought by one or more individuals against another person, a business, or the government for the purpose of redressing private wrongs.

**Commitment:** a child committed to the care, control, and custody of the Texas Youth Commission (TYC). All commitments to the TYC, except under the determinate sentencing act, are for an indeterminate term not to extend beyond the child's 21st birthday.

**Complaint:** the first paper filed in a civil lawsuit. The complaint states the wrong alleged to have occurred against the plaintiff and by the defendant.

**Compulsory education:** the basic right and legal obligation of children to attend school. All states have compulsory education laws.

**Confession:** an accused person's voluntary admission of wrongdoing.

**Conspiracy:** an agreement between two or more persons to commit a crime, along with an act done to begin the crime.

**Contempt of court:** to defy a court's authority. If one is found or held in contempt of court, he or she may be fined, placed in jail, or both. As of September 1, 2001, a juvenile may not be placed in a post-adjudication facility or committed to TYC for contempt of court.

**Crime:** an act or failure to act that violates a law for which a penalty (usually a fine, jail, or probation) is set by the state.

**Criminal case:** an action brought by the state or county against an adult that charges the person with committing a crime.

**Criminal justice process:** the system by which government enforces criminal law. It includes everything from the arrest of an individual to the individual's release from control by the state.

**Culpability:** Blameworthiness. Criminal responsibility.

**Damages:** money awarded by the court to be paid by a person who has wronged another in a civil law action.

**Death penalty:** a sentence to death for the commission of a serious crime, such as murder. In Texas, a juvenile may not receive the death penalty. See definition of capital punishment.

**Defendant:** the person against whom a claim is made. In a civil suit, the defendant is the person being sued; in a criminal case, the defendant is the person charged with committing a crime.

**Defense attorney:** a private attorney who is hired or appointed by the court to defend the minor in court.

**Deferred adjudication:** in adult cases, postponement in pronouncing sentence conditioned upon successful completion of informal probationary requirements.

**Detention hearing:** the hearing held to determine if a child would be held in detention pending future disposition of the case. A child shall be detained only upon an order of the juvenile court.

**Determinate sentence:** the sentence imposed on a juvenile offender for up to 40 years. The juvenile will first serve time in TYC, but may later be transferred to an adult prison and become subject to adult parole laws. A determinate sentence is only available for certain felony offenses (e.g. murder or aggravated robbery).

**Disposition:** a word used in the Juvenile Justice System for the outcome of a Juvenile Court proceeding; similar to “sentencing” in the adult court.

**Disposition hearing:** hearing held after the adjudication hearing where the judge decides what probation conditions will be imposed upon the child (and the child’s family) or whether to commit the child to the Texas Youth Commission (TYC).

**District attorney:** an attorney whose job is to prove that an accused person is guilty of the crime charged. In the Juvenile Court, this attorney decides whether or not to bring the juvenile to court and also recommends a disposition in some cases.

**Expungement:** to destroy; erase (e.g., to expunge a criminal record after a finding of “not guilty”).

**Felony:** a serious criminal offense punishable by a prison sentence.

**First offender program:** special programs for handling minors with problems; it is meant to be used by persons such as police, probation officers, and juvenile courts to keep certain juveniles out of further involvement in the Juvenile Justice System.

**Guardian ad litem:** an adult appointed by the juvenile court to represent a child’s interest in a judicial proceeding. A guardian ad litem is appointed when a child’s parent is either not present, or is incapable of making decisions in the child’s best interest.

**Hate Crime:** any crime committed against a person (or his or her property) because of his or her perceived race, ethnicity, religion, ancestry, national origin, disability, gender, or sexual orientation.

**Intent:** determination to achieve a particular end by a particular means.

**Jail:** a place of short-term confinement for adults convicted of misdemeanors or awaiting trial.

**Jury:** in a legal proceeding, a body of men and women selected to examine certain facts and determine truth.

**Juvenile court:** courts established by a state to hear matters involving youngsters under the age of 17.

**Juvenile petition:** document filed by the district or county attorney containing the juvenile’s name, date of birth, address, parent’s name and alleged offense.

**Malice:** the intentional doing of a wrongful act with the intent to inflict injury.

**Minor:** A person under the age of 18 in most situations. However, with respect to alcohol cases, a minor is a person under the age of 21.

**Misdemeanor:** a criminal offense, less serious than a felony, punishable by a jail sentence.

**Mitigating factors:** factors that may lessen the seriousness of an offense. The judge or jury may consider the presence of these factors.

**Modification hearing:** hearing held when a child has been placed on court ordered probation and due to a change in circumstances, the original disposition requires amending. The disposition order is modified to reflect the change.

**Motive:** the reason a person commits a crime.

**Negligence:** failure to exercise the care that a reasonable person would exercise in the same circumstances.

**Nolo contendere:** Latin phrase meaning “I will not contest.” A plea in a criminal case in which the defendant does not admit or deny the charges.

**Parental responsibility laws:** statutes in which parents are held responsible for the acts committed by their children.

**Parole:** release from prison or TYC before the full sentence has been served, granted at the discretion of correctional officials.

**Parties:** the people concerned with or taking part in a pending legal action or lawsuit.

**Pecuniary loss:** monetary loss.

**Penal code:** a list of criminal offenses and recommended sentences.

**Petition:** a formal written request for something to be done.

**Post-adjudication secure correctional facility:** facility run by the counties’ juvenile boards for shorter sentences imposed by a juvenile court.

**Pre-adjudication detention facility:** detention centers provide custodial care, crisis intervention, counseling, and education. They are also designed to protect the child and the public, and to ensure the child’s appearance in court before an adjudication hearing.

**Preponderance of the evidence:** the standard of proof generally used in civil suits but not juvenile cases. To prevail, the party must provide a greater weight of evidence. This greater weight is based not merely on the type of evidence presented or the number of witnesses, but on the believability and importance of that evidence and their testimony.

**Prison:** a place of confinement for adult criminals who are serving long-term sentences.

**Probable cause:** a reasonable belief, known personally or through reliable sources, that a person has committed a crime.

**Probation:** a period of time when a minor is under the supervision of a probation officer to make sure court orders against the minor are followed.

**Progressive sanctions guidelines:** statutory guidelines for juvenile dispositions designed to give uniformity and predictability to juvenile punishments. There are seven progressively more restrictive sanction levels under the guidelines. An offender’s sanction level will be based on the severity of the offense, the offender’s prior history, individual circumstances and needs as well as the effectiveness of prior interventions.

**Prosecution:** the process of bringing a person to trial on criminal charges.

**Prosecutor:** the government’s attorney in a criminal case. See definition of District Attorney.

**Prove:** to show with evidence that something exists, is true, or is untrue.

**Public defender:** an attorney who is paid by the county to defend persons without money who are accused of committing crimes.

**Respondent:** the juvenile who is the subject of the petition.

**Restitution:** money paid to victims by the offender to compensate for harm or damage done to victims by the offender. Juveniles may be ordered to pay monetary restitution or perform community service.

**Revocation hearing:** in adult cases, the hearing held to revoke a probation order and to give a new disposition after a child has violated the conditions of his or her probation. In juvenile cases, the hearing on a motion to modify in which commitment to TYC is sought by the prosecutor.

**Sealing:** the closure of juvenile records from inspection made upon petition to the court, or upon the court’s own motion.

**Self-incrimination:** giving evidence and answering questions that would tend to subject one to criminal prosecution.

**Sexual harassment:** unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature that usually occurs in the workplace.

**Statutes:** laws enacted by legislatures.

**Texas Youth Commission (TYC):** a state juvenile institution charged with holding, treating, and rehabilitating the most serious juvenile offenders.

**Trial courts:** courts that listen to testimony, consider evidence, and decide the facts in a disputed situation.

**Truant:** a pupil who has stayed away from school without permission for a certain period of time. In Texas, a child who remains away from school for 10 or more days within 4 months or 3 or more days within 4 weeks.

**Victim:** the person who has suffered as the result of some act of another person.

**Witness:** a person who has knowledge of facts having to do with a case being tried and who provides testimony.



