

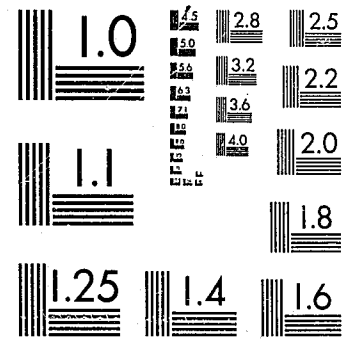
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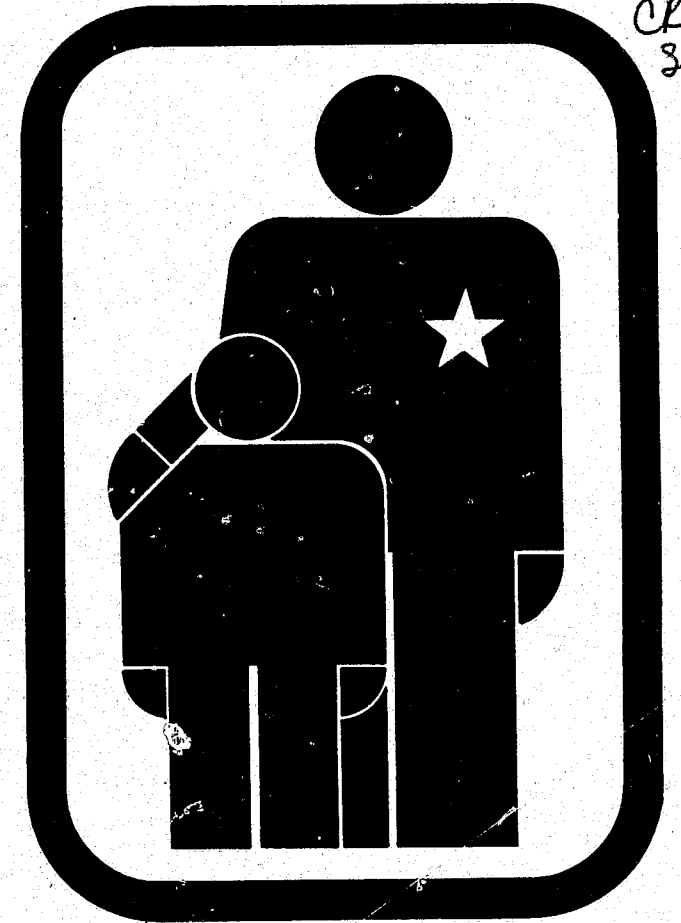
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OREGON COUNCIL
ON CRIME AND
DELINQUENCY



YOU
AND
THE
LAW

A TOPIC KIT FOR SIXTH GRADE TEACHERS
TO HELP STUDENTS
UNDERSTAND THEIR RELATION TO THE LAW

Prepared by

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MAY 4 1981

ACQUISITIONS

CONTENTS

Preface	iii
Introduction	iv
Acknowledgements	v
To the Teacher	1
TOPIC SHEETS	
Section I Concepts of Law	
1. Introduction	2
2. What is Law?	4
3. Who Makes Law?	8
4. Rights and Responsibilities	12
5. Does the Law Apply to Me?	14
6. School Rules	18
7. Goofing Off or Breaking the Law	22
8. Accepting Responsibility	24
Anagrams for Words Appearing in Topics 1-8	26
Section II Specific Laws You Should Know	
9. Introduction	28
10. Trespass and Burglary	30
11. Theft (Including Shoplifting)	34
12. Assault and Robbery	38
13. Disorderly Conduct	42
14. Vandalism	46
15. Controlled Substances: Drugs, Alcohol and Tobacco	50
16. Special Laws About Children	56
Dependency	
Status Offenses	
Special Rights	
Section III Process of Law	
17. Introduction	60
18. Becoming Involved in the Juvenile Justice System	64
19. Rights	66
20. Juvenile Court Investigation	70
21. Juvenile Court Hearings	78
Remand	
Adjudication	
Dispositional	
22. Juvenile Court Dispositional Plans	82
23. Juvenile Court Records and Expunction	86
24. Social Consequences	92
25. Corrections	94
26. People Help People	96
Glossary	98
Crossword Puzzle	103
Key to Crossword Puzzle	105
Resources	106

PREFACE

In Oregon in 1978, 15,390 juveniles were arrested for crimes such as murder, rape, armed robbery and assault; accounting for almost *half* of ALL serious crimes committed in Oregon for that year! Another 21,303 juveniles were arrested for less serious crimes. These are startling statistics! It should go without saying that juvenile delinquency continues to be a serious concern for all of our communities.

The Oregon State Department of Education, in recognizing the importance of the school setting in the lives of young people, has citizenship responsibility as one of its top priorities. Young people need help and guidance in learning to make the types of decisions that lead to social responsibility. Young people must know the reasons for laws, how laws are formed, how they can be modified or changed and why they should be observed.

We feel that this revised and updated edition of the popular *You and the Law* topic kit is moving in the direction of the often neglected area of delinquency prevention. The Oregon Council on Crime and Delinquency has a long and noteworthy record of service in promoting prevention programs and knowledge about young people's rights and responsibilities. They are to be commended for the important and arduous undertaking of the revision, publication and state-wide distribution of the *You and the Law* material.

Teachers, law enforcement officers and others working with young people will find this publication a useful tool in helping to reach the goals of citizenship education. We endorse and highly recommend this Topic Kit to you.

Verne A. Duncan
State Superintendent of Public Instruction

U.S. Department of Justice 78147
National Institute of Justice

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INTRODUCTION

You and the Law is a curriculum package for sixth graders. It is designed to help students understand their relation to the law, their rights and responsibilities, and the juvenile justice system.

First published by the Oregon Council on Crime and Delinquency in 1965 as a small pamphlet, *You and the Law* was expanded to a 23 topic "kit" in 1973. The material was substantially revised in 1977 and now, in 1979, it has been changed to accommodate law changes, new emphasis, and additional illustrations and worksheets.

The Oregon Council on Crime and Delinquency believes that, because of the importance of the school setting in the lives of young people, it is essential that this setting provide for the development of a positive and law abiding value system. What better place, aside from the home, can we begin the process of teaching law and responsible citizenship to our youth than in the schools? It is our hope that with greater understanding of the significance of law in their lives, young people will be better prepared to evaluate the consequences of their actions in relation to both individual and group rights and responsibilities.

We encourage teachers, parents, criminal justice professionals and others who work with youth to utilize all or part of this material in conjunction with other resources at their disposal.

The Oregon Council on Crime and Delinquency and State Department of Education express great appreciation to the members of the *You and the Law* Advisory Committee, who contributed their expertise and time producing this edition. The Council extends a special thanks to the State Department of Education for their financial support, and also to Mr. Gary Dennerline, Delinquency Prevention Specialist, for his consistent assistance in bringing this new edition into form. An equally special note of gratitude is given to the Oregon Law Enforcement Council and its Executive Director, Mr. Keith Stubblefield, for the financial assistance in publishing this new edition. (Grant no. 79A.999.6)

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TO THE TEACHER

The 1979 edition of *You and the Law* retains the topic kit format which was well received by teachers who used the earlier edition. However, there have been content changes, resources added and other additions.

The topic kit was prepared so the teacher can tear off and reproduce the front of each topic sheet and distribute it to the students for their reading. The back of each unit is for use by the teacher, with goals, vocabulary, suggested discussion topics, special activities and suggested resource material available dealing with that particular topic. Necessary information on obtaining resource material is found on page 106. After some units, there are reprintings of the Oregon Revised Statutes to which the topic addresses itself. These are for your reference and information. Also quoted, are parts of the *Citizen Forum Handbook*, another publication of the OCCD's, written to acquaint citizens with the juvenile justice system in Oregon.

Because of the use of legal and technical terms in the topic kit, we would encourage you to spend time with the vocabulary lists before starting each unit. The vocabulary list has two purposes: 1) to familiarize the student with law jargon; 2) to introduce difficult or unfamiliar words prior to reading. We have included a complete glossary in the back, an anagram exercise after the first section and a crossword puzzle using many of the new terms.

The topic kit is set up so it can be handled in a variety of ways, depending on the time available and the method the teacher and the class prefer. You may wish to take a topic or two each day, for 3 to 4 weeks, or you may prefer to teach one topic per week. Another method would be to use small group technique with topics that are closely related. The small group technique can be a valuable tool in helping the students express their views and feelings more easily.

It may be possible for you to integrate this kit into your present social studies curricula. Units on the constitution, mental health, drug abuse, traffic and bicycle laws can be readily related to the topic kit. Teachers currently teaching units on Latin America might wish to compare and contrast their legal system with those of our country.

The topics are divided into three sections. Section I, 'Concepts of Law' deals with general concepts and the need for laws, as well as individual responsibility. Section II, 'Specific Laws You Should Know', deals with the criminal offenses most often committed. Section III, 'Process of Law' deals with the procedures of the juvenile justice system.

Specific suggestions for special activities are included with each unit. Teachers may choose one of those or may decide to develop their own activities. Also, you are strongly encouraged to use resource people from the community. This will be of benefit to both teacher and students to have available the expertise of these people, and to become acquainted with the various service agencies and groups in the area. Information on where resource material can be obtained and brief synopses of selected material can be found in the RESOURCE section at the back of the kit.

The Oregon Council on Crime and Delinquency is interested in hearing from you after using the topic kit in the classroom. We would like to have your comments and suggestions, especially on activities that have been successful. We are available for any assistance you may need in using the topic kit.

CONCEPTS OF LAW

SECTION I



1. INTRODUCTION

What if you had to be at school at 8:15 a.m., but your teacher could show up at any time s/he wanted?

What if, in your classroom, everybody could talk any time they felt like it and nobody had to listen?

What if someone bigger than you decided to take your bike and there wasn't anything you could do about it?

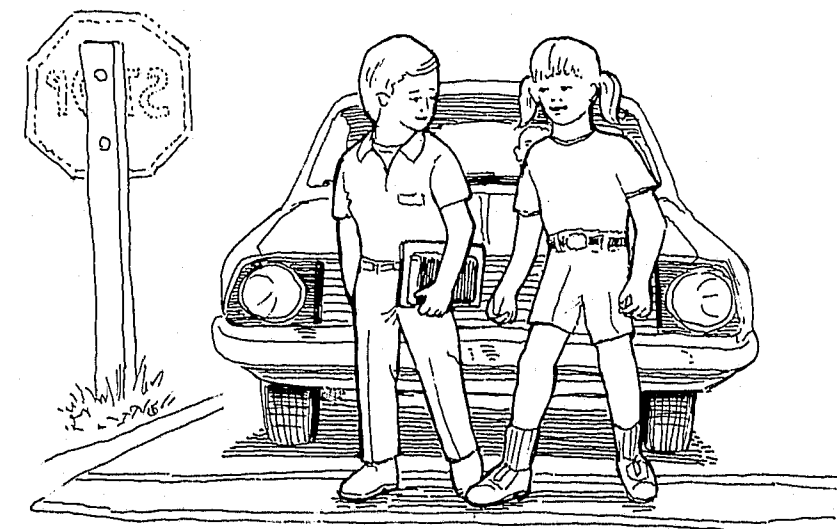
What if there were no **rules** in football or other games, and one team could put twice as many people on one side?

Imagine what it would be like to live in a world without rules.

Families have rules to provide for everyone's safety and welfare.
Rules at home are to help you and all the people in your family.

Schools also have rules for the safety and teaching of the students.
Rules are made so that classes can start on time or so that no one will be pushed down or hurt when they get on the bus or wait in line at the cafeteria. Rules at school are to help you and others in your school.

What are some other rules that are made? in your family? in your school? Why are they necessary?



CONCEPTS OF LAW

1. INTRODUCTION

GOALS

1. The student is able to explain the reason for rules and laws.

VOCABULARY

1. law—a rule established by a government to regulate people's conduct or activities.

2. rule—a statement that tells how or how not to do something.

ACTIVITIES

1. a) Arrive late. Without their knowing it, let all children talk at once as a discussion begins.
IGNORE ALL HARASSMENT. DO NOT ARBITRATE.
b) Later in the day have students write a journal. What did you like about this morning? What frustrations were there? Did the morning get off to a good start? Why or why not?
c) Orally share all or parts of the journal entry. Lead this into a discussion of the need for having rules and/or laws.
d) As the day progresses, have children keep a list of rules or laws that they need to keep order in their lives (classroom, playground, lunch time, going to and from school, etc.). This might be an open list on butcher paper or chart paper on the blackboard.
e) During the last ten minutes of the day, discuss whether being more aware of the rules and laws made the day more orderly.
2. Read about frontier days and gold rush towns in the early days of the West. Give a report to the class concerning early laws.
3. Find out about the early Oregon "wolf meetings" which were the beginning of government in Oregon. See the *Dictionary of Oregon History*, editor: Howard M. Corning, publisher: Binford and Mort (1956).

RESOURCES (See Resource Section for synopses)

Books

Legal Education Materials for Elementary and Intermediate Grade
Understanding Law of Our Land

Films

Justice Liberty and Law (19 mins.)
Law: A System of Order (18 mins.)
Neighbors (9 mins.)
What "Liberty and Justice" Means (10 mins.)

1. Concepts of Law

2. WHAT IS LAW?



Laws are rules that help people get along with each other. Laws protect people and property.

There are two kinds of laws by which people must live: **civil law** and **criminal law**.

Civil law covers the ordinary relationships between people. It protects you from careless or intentional damage to you and your property. It protects you from being cheated or from someone not carrying out an agreement. Anyone who doesn't follow the rules of civil law may be '**sued**' and may have to pay '**damages**' to the person he has harmed.

Criminal law covers acts defined by law as 'crimes'. They can be serious dangers to society as well as acts against the rights of individuals. Major crimes, called '**felonies**', include murder, robbery, burglary, and rape. Anyone who doesn't obey the rules of criminal law may be '**prosecuted**' and sent to jail, fined or both.

Special laws dealing with people under the age of 18 are **juvenile laws**. **Offenders** under 18 years of age are referred to a special court called the juvenile court. This court assumes responsibility for young offenders to protect their best interests and the interests of others. A **hearing** is held to decide what action should be taken. Only when a juvenile is tried and **convicted** in adult court on a criminal charge is s/he called a convicted offender. The basic concept of Oregon law relating to juveniles is to prevent young offenders from becoming adult criminals. The procedure is civil, not criminal. The object of the law is not to change the child through punishment but through education either in the child's own home, in a private or public agency or training school. The Juvenile Court aims at the young people's reeducation, re-direction and **rehabilitation**.

The Juvenile Court judge deals not only with crimes committed by youth, but also is responsible for children who have been mistreated, abandoned, have run away from home or who do not obey their parents.



1. Concepts of Law

2. WHAT IS LAW?

Goals

1. The student is able to explain the difference between criminal law and civil law.
2. The student understands the purpose and function of the juvenile court.

Vocabulary (See ORS 161.505-161.575 for further clarification)

1. civil law — covers the ordinary relationship between people as distinguished from criminal law, which deals with crime.
2. conviction — when a person has pled guilty or been found guilty of a criminal offense.
3. crime — an offense for which a sentence of imprisonment can be given.
4. criminal law — the law which covers acts defined as crimes because they can be serious threats to society.
5. damages — in law, money to be paid to make up for an injury or loss.
6. felony — the most serious class of crime for which a person may be sentenced to a maximum term of imprisonment of more than one year.
7. hearing — a session for listening to testimony, arguments, etc.
8. juvenile — a person who is under 18 years of age.
9. misdemeanor — a lesser offense bringing less punishment than a felony.
10. offender — someone who commits an offense.
11. offense — an act committed in violation of a law for which a sentence to a term of imprisonment can be given. An offense is either a crime or a violation or a traffic infraction. (See "CLASSES OF OFFENSES" ORS 161.505)
12. prosecute — to initiate or conduct a legal action against someone.
13. rehabilitation — to bring back to a state of constructive activity.
14. sentence — a decision of the court for punishment.
15. sue — to bring legal action against a person in order to satisfy a claim or grievance.

1. Concepts of Law

ACTIVITIES

1. Make a list of law breaking activities. Group and categorize them under criminal offenses or civil offenses. Example:

<u>CIVIL</u>	<u>CRIMINAL</u>
Agreeing to paint someone's house and then not doing it	Purse snatching
Agreeing to pay someone to paint your house and then not doing it	Selling drugs
Not paying bills.	Arson
Shoplifting*	Shoplifting*

*(See topic 11 for new law)

2. Have students bring in newspaper articles about different crimes committed. Discuss results, effects of them having been committed.
3. Create a class collage or bulletin board of the newspaper articles.
4. Divide into groups. Plan a skit that shows some violations of our laws. Have the rest of the class decide if the act is a civil or criminal violation.
5. Invite a juvenile court judge or counselor to discuss the juvenile court philosophy.

RESOURCES (See RESOURCE section for synopses)

Books

How Rules and Laws Help Us
Understanding Law of Our Land

Films

Introduction to Law: Trial on the Moon (15 mins.) sound slides
Values: Playing Fair (10 mins.)
Who Needs Rules? (11 mins.)

Oregon Revised Statutes

CLASSES OF OFFENSES

161.505 "Offense" described. An offense is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is either a crime or a violation or a traffic infraction.

161.515 "Crime" described. (1) A crime is an offense for which a sentence of imprisonment is authorized.

(2) A crime is either a felony or a misdemeanor.

161.525 "Felony" described. Except as provided in ORS 161.585 and 161.705, a crime is a felony if it is so designated in any statute of this state or if a person convicted under a statute of this state may be sentenced to a maximum term of imprisonment of more than one year.

161.535 Classification of felonies. (1) Felonies are classified for the purpose of sentence into the following categories:

- (a) Class A felonies;
- (b) Class B felonies;
- (c) Class C felonies; and
- (d) Unclassified felonies.

(2) The particular classification of each felony defined in the Oregon Criminal Code, except murder under ORS 163.115 and treason under ORS 166.005, is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.525, shall be considered an unclassified felony.

161.545 "Misdemeanor" described. A crime is a misdemeanor if it is so designated in any statute

TO THE TEACHER: Examples of serious felonies are murder, armed robbery, and house burglary. Examples of misdemeanors are trespass, disorderly conduct, and theft of property worth less than \$200.

of this state or if a person convicted thereof may be sentenced to a maximum term of imprisonment of not more than one year.

161.555 Classification of misdemeanors. (1) Misdemeanors are classified for the purpose of sentence into the following categories.

- (a) Class A misdemeanors;
- (b) Class B misdemeanors;
- (c) Class C misdemeanors; and
- (d) Unclassified misdemeanors.

(2) The particular classification of each misdemeanor defined in the Oregon Criminal Code is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.545, shall be considered an unclassified misdemeanor.

(3) An offense defined by a statute of this state, but without specification as to its classification or as to the penalty authorized upon conviction, shall be considered a Class A misdemeanor.

161.565 "Violation" described. An offense is a violation if it is so designated in the statute defining the offense or if the offense is punishable only by a fine, forfeiture, fine and forfeiture or other civil penalty. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

161.575 Types of violations (1) Any violation defined in the Oregon Criminal Code is expressly designated in the section defining the offense. Any offense defined outside this code which is punishable as provided in ORS 161.565 shall be considered a violation.

(2) Violations are not classified.

3. WHO MAKES LAW?



The United States Constitution sets up a democratic form of government. This means government by the people. The people who live in the United States make their own laws. It is too hard for all the people to make the laws so people vote to elect others to "represent" them in government and make laws for them. Lawmakers are responsible to the people who elect them. If the people are not satisfied with the job a lawmaker is doing representing them, they can vote against her/him in the next election and select another representative. People should also try to keep their representative aware of what they think about proposed laws and current issues, so that she/he can try to serve their best interests.

There are 3 levels of lawmaking groups:

1. National laws are made by members of Congress in Washington, D.C. Members of Congress are elected by the people in each state.
2. Another group elected by the people make **state laws** at the State Capitol in Salem and are called the **State Legislature**.
3. A third set of laws, called **ordinances**, are made by city or county officials. They are elected by the people in their community.

Also: **Administrative Rules** are made by administrative agencies. They are given the power by the State Legislature or Congress to make certain types of regulations. For example, many hunting and fishing regulations are made by the Oregon Department of Fish and Wildlife, an administrative agency.

The lawmakers are responsible for studying the needs of the people and their communities. They make laws to meet these needs. Even if they have the support of the people who elected them, lawmakers cannot make any laws they choose. New laws must build on and not disagree with laws already in force. If a law is passed that does not meet the needs of the community or is in opposition to a law already in force, the lawmaker can change (**amend**) or cancel (**repeal**) the law.

Citizens who are not elected lawmakers can initiate laws by having a **petition** signed by a certain number of people. The number of signatures required depends on the type of law that is being suggested. This is called an **initiative**.

Citizens can also influence laws by using the **media** available to them, such as writing a letter to the editor of the local newspaper, calling TV and radio stations with ideas for public information broadcasts, and **lobbying** in state legislative hearings.

Although courts do not make laws in the same way as legislators, their interpretations of laws, applying the laws to the facts in a particular case, help us understand what the laws mean. In judging a case, a court may sometimes have to decide whether or not a law, as applied in a certain situation, goes against another law or even against the United States Constitution.

1. Concepts of Law

3. WHO MAKES LAW?

GOALS

1. Students will recognize that in the United States, laws are made at each level of government; that federal laws are made by Congress, state laws by state legislators, city and county ordinances by elected officials of those units of government, and that administrative regulations are made by administrative bodies at the state and national level.
2. Students will be able to explain how laws meet the needs of the people.
3. Students will be aware of channels of communication available to them through the media and their ability to influence legislation.

VOCABULARY

1. administrative — that which manages, directs, and applies specific rules or standards.
2. amend — to change an existing law; to remove the faults or errors of a law; to correct.
3. congress, a member of — a member of the United States House of Representatives or the United States Senate, located in Washington, D.C.
4. lobby — to present information to a lawmaking body with the intent of influencing their decisions.
5. media — means by which general public is informed of public events, etc. i.e., newspaper, TV, magazines.
6. ordinance — a law of a city or county.
7. petition — a document requesting a change.
8. repeal — to do away with a law that was previously passed.
9. State Legislature — the governmental body responsible for making the laws of the state, consisting of a House of Representatives and a Senate.

DISCUSSION

1. What are the sources of our laws? Why do we have 3 different law-making bodies? How do lawmakers know what laws people want?
2. Form small study groups to find out how differently laws are made under a dictatorship and a representative government.
3. If your class has student representatives to a student council, discuss what role these representatives fill and how students may assist in the government of the school by working with these representatives.

1. Concepts of Law

ACTIVITIES

1. Make an illustrated chart to show the 3 levels of lawmaking in our country.
2. Find out who your national representatives and senators are, who your state legislators are, who your city and county officials are. Invite one of them to speak to your class.
3. Visit one of the city, county or state government buildings in your area and watch the laws being made.
4. Visit a local TV or radio station or newspaper. Cite examples of public input and/or information in each of these areas.
5. Follow an issue and/or watch editorial page in newspaper to see how public opinion is made and publicized.

RESOURCES

Films

- Citizen Law Makers* (28 mins.)
- Law: A System of Order* (18 mins.)

4. RIGHTS AND RESPONSIBILITIES



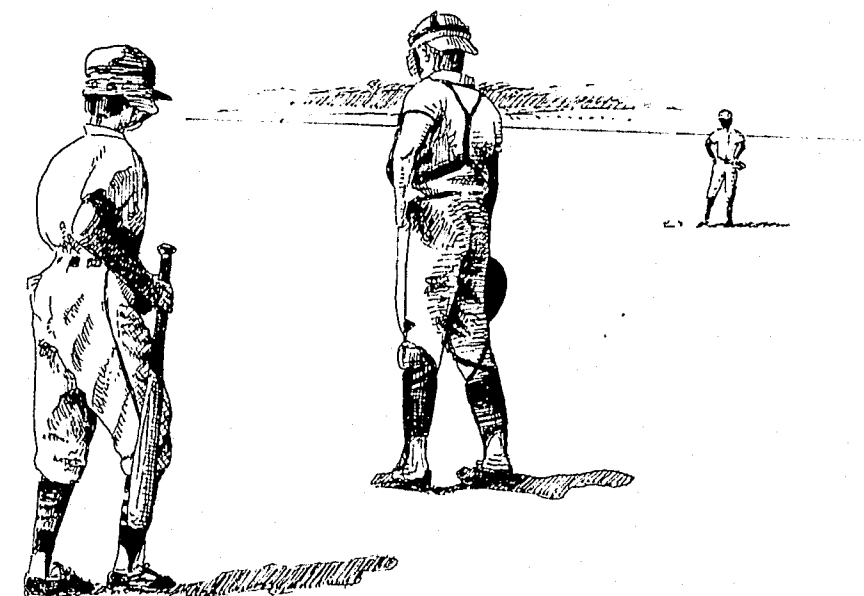
This is a free country. Our Declaration of Independence declares our “**inalienable right**” to life, **liberty** and the pursuit of happiness. Our **constitution** was adopted to ‘secure blessings of Liberty.’ Why then do we have laws which limit our right to do as we please?

Laws say that people have both **rights** and **responsibilities**. Rights are the things you **may** do. Responsibilities are the things you do to protect your rights. With rights come responsibilities.

The first ten amendments to the United States Constitution are called the “Bill of Rights.” These are the rights that our government considers the most basic and important to our lives as citizens in the country.

As an example of a right that all people in America have is the right of free speech (the First Amendment). We all have the right to express our ideas. With this right comes the responsibility to allow other people to express their ideas even if they are different from our own.

Individual freedom stops at the point it would cause harm to others. We have no right to shout “fire” in a crowded theatre. We have no right to make **slandorous** statements about others. Our system of laws is not designed to interfere with anyone’s freedom but to protect the freedom of everyone. We also have a responsibility to exercise the rights we have. For example, many groups in this country struggled for a long time to get the right to vote — women, Blacks, foreign-born people. Exercising that right shows our intention to participate in society as an equal citizen and gives us a voice in law-making through our representatives.



1. Concepts of Law

4. RIGHTS AND RESPONSIBILITIES

GOALS

1. Students will recognize the necessity for laws in order to make individual freedom possible.
2. Students will recognize that responsibility is a natural part of living amongst other people in a way that ensures freedom for everyone.

VOCABULARY

1. constitution — document stating basic laws and principles of government.
2. inalienable right — a right which cannot be taken away by government.
3. rights — a just, moral or legal claim.
4. responsibility — a) having to account for one's actions; to be answerable for one's behavior; b) certain duties and obligations.
5. slanderous — to make a false and damaging statement about a person.

ACTIVITIES

1. Obtain a copy of the United States Constitution. List the rights in the Bill of Rights. This can be done by teacher or students. Talk about them with examples.
2. Think of activities in the classroom and on the playground that illustrate the phrase, "My liberty to do as I please stops at the end of your nose." Act out these situations.
3. Review the school's student conduct code. List student rights and responsibilities.

RESOURCES

Films

- Developing Responsibility* (11 mins.)
Justice Liberty and Law (19 mins.)
Law and Justice in the United States Series

1. Concepts of Law

5. DOES THE LAW APPLY TO ME?



Laws are made to protect rights and give responsibilities to everyone, including you.

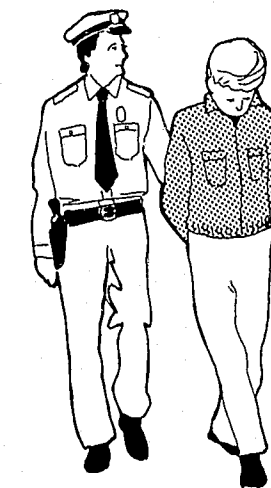
Even if you don't drive a car the traffic laws protect you as a passenger. The laws also protect and govern you while you are on foot or riding a bicycle.

Laws against stealing are made to protect people's property such as your parents' car or furniture. They also protect you against someone stealing your bicycle or other personal belongings.

It may seem unfair that children are governed by laws even when they are not old enough to vote and choose their representatives. But lawmakers have the responsibility of looking into and understanding the needs of people who are unable to express their own wishes, and of making rules which will protect them and others. One reason that there is a separate court system for juveniles is because lawmakers recognize that in some ways children must be given special attention and protection and that they must also be given the same basic rights as adults.

Laws give special responsibilities to some people. The law says that a police officer must protect the people and enforce the law. If a policeman suspects you of being a runaway he may stop you to ask questions. There are laws which say that your parents have to take care of you. A teacher must help the students learn during the school day. There are laws which apply only to young people such as the laws which say you must attend school, obey your parents and abide by **curfew** hours.

Everyone has a responsibility to respect the law. If an adult breaks a criminal law, s/he may have to go to an adult court. If a young person breaks a criminal law, s/he may have to go to a juvenile court.



1. Concepts of Law

5. DOES THE LAW APPLY TO ME?

GOALS

1. The student knows that everyone must live within the law.
2. The student is able to list three or four responsibilities young people have under the law.

(Teacher: See ORS 419.476 and Topic 16 for further discussion of juvenile law)

VOCABULARY

1. curfew — an order requiring certain groups of people to retire from the streets at a certain hour.

ACTIVITIES

1. Begin by giving each student a copy of the form below (you may wish to expand this form). Let them make personal responses. Then share ideas as a group.

LAW	BREAKING THE LAW	POSSIBLE CONSEQUENCES TO YOU
Bicyclers must obey traffic laws	a. Doesn't signal a turn b.	a. May be hit by on-coming car or car behind b.
Young people under 18 must obey their parents	a. b.	a. b.
You must respect the property of others	a. b.	a. b.
Police officers must enforce the laws	a. b.	a. b.

DISCUSSION

1. Are the consequences always the same for all people? What makes them differ?

TO THE TEACHER: For information on curfew laws in your area, call your local police department. (See ORS 419.710 for curfew law)

1. Concepts of Law

Oregon Revised Statutes

CURFEW HOURS FOR MINORS

419.710 Prohibition of unaccompanied or unemancipated minors from being in public places during certain hours. No minor shall be in or upon any street, highway, park, alley or other public place between the hours of 12 midnight and 4 a.m. of the following morning, unless;

- (1) Such minor is accompanied by a parent, guardian or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor;
- (2) Such minor is then engaged in a lawful pursuit or activity which requires his presence in such public places during the hours specified in this section; or

(3) The minor is emancipated pursuant to ORS 109.550 to 109.565.

JURISDICTION OF JUVENILE COURT

419.476 Children within jurisdiction of juvenile court. (1) The juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and:

- (a) Who has committed an act which is a violation, or which if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city; or
- (b) Who is beyond the control of his parents, guardian or other person having his custody; or
- (c) Whose behavior, condition or circumstances

are such as to endanger his own welfare or the welfare of others; or

(d) Who is dependent for care and support on a public or private child-caring agency that needs the services of the court in planning for his best interests; or

(e) Either his parents or any other person having his custody have abandoned him, failed to provide him with the support or education required by law, subjected him to cruelty or depravity or to unexplained physical injury or failed to provide him with the care, guidance and protection necessary for his physical, mental or emotional well-being; or

(f) Who has run away from his home; or

(g) Who has filed a petition for emancipation pursuant to ORS 109.550 to ORS 109.565, 419.710, 482.270, 482.905 and this section.

(2) The court shall have jurisdiction under subsection (1) of this section even though the child is receiving adequate care from the person having his physical custody.

(3) The provisions of subsection (1) of this section do not prevent a court of competent jurisdiction from entertaining a civil action or suit involving a child.

(4) The court shall have no further jurisdiction as provided in subsection (1) of this section after a minor has been emancipated pursuant to ORS 109.550 to 109.565.



6. SCHOOL RULES



When you are home, you do what your parents tell you to do. You may have to mow the lawn, do the dishes, or limit the time you spend talking on the telephone. Your parents have the right and responsibility to have rules about these things.

The law gives school authorities the right to establish rules for behavior in school. School rules may forbid you to run and shout in the halls or pass notes around the class. The schools have a responsibility to set up rules for orderly behavior. The safety and fair treatment of all the students is the school's responsibility.

Each school district has rules about school attendance. Students are expected to be in school unless they are ill, have an emergency at home, or are previously excused. When a student is **truant**, or disobeys other school rules, s/he may be **suspended** or **expelled** from school.



A student may be suspended or expelled for disobeying school rules. Suspending or expelling a student can only be done in accordance with written school regulations. In the case of expulsion, the school district is required to hold a **hearing** for the student and parents, unless the parents choose not to have a hearing.

Just as in the case of laws made by elected lawmakers, there are limits to the rules school authorities can make and to how they can be enforced. Children and their parents have a right to be told what the rules are and the reasons for them. School authorities must provide a procedure for questioning whether a rule is proper or whether it was correctly applied to a particular student.



6. SCHOOL RULES

GOALS

1. Students will be able to explain why rules are necessary for the orderly function of school.
2. Students will be able to compare school rules to laws. (See ORS 339.240)

VOCABULARY

1. expelled — to dismiss, especially from school by an official decision. (See ORS 339.250)
2. hearing — a meeting between the student, her/his parents and a hearing officer.
3. suspended — to halt temporarily; to deprive temporarily of membership or privileges.
4. truant — absent from school without permission.

DISCUSSION

1. How are your school and/or classroom rules formed?
2. How are your school and/or classroom rules enforced?
3. What is each student's responsibility toward the rules?
4. How does the student feel when s/he abides by the rules? When s/he violates the rules? How do her/his actions reflect this feeling?

ACTIVITIES

1. Make a list of the school rules. Discuss the reason for having each one.
2. Debate the rules that are questioned. Use facts and examples to defend your position.
3. Debate the pros and cons of suspension and expulsion. Are there positive alternatives?

Oregon Revised Statutes

PUPIL CONDUCT AND DISCIPLINE

339.240 Rules of pupil conduct and discipline; duties of state board and district school boards.

(1) The State Board of Education in accordance with ORS chapter 183 shall prepare and promulgate to all school districts minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements.

(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards promulgated by the State Board of Education under subsection (1) of this section.

339.250 Duty of pupils; cause for discipline, suspension or expulsion. (1) Public school pupils shall comply with rules for the government of such schools, pursue the prescribed course of

study, use the prescribed textbooks and submit to the teachers' authority.

(2) The district school board may authorize the discipline, suspension or expulsion of any refractory pupil.

(3) Wilful disobedience, open defiance of a teacher's authority or the use of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school.

(4) Expulsion of a pupil shall not extend beyond the current term or semester unless the semester ends within such a short period of time that the expulsion would be too short to be effective. However, the expulsion shall not extend beyond the second term or semester.

(5) Following expulsion of a pupil under subsection (2) of this section, a district school board may propose alternative programs of instruction or counseling, or both, for the pupil.

(See Topic #14 for statutes governing damage to school property by pupil)

7. GOOFING OFF OR BREAKING THE LAW



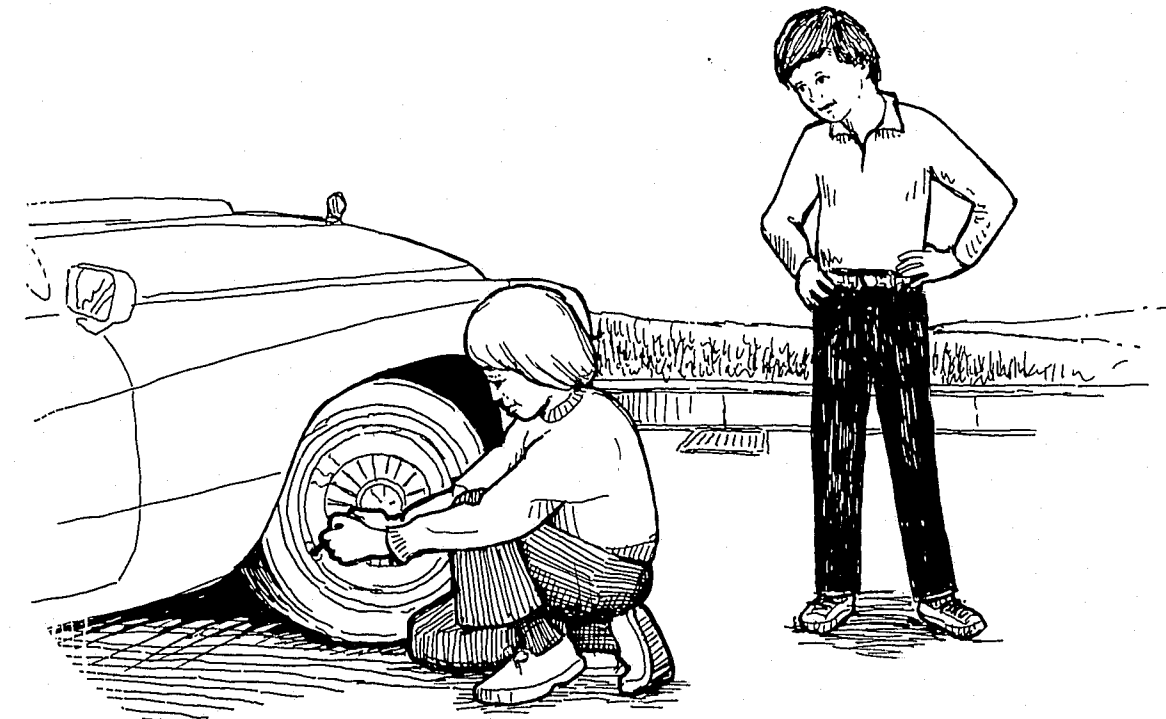
It is important to distinguish between right and wrong, between 'goofing off' and breaking the law.

It's natural for young people to get into mischief and many cases of mischief are not very serious. If they are caught, they are likely to get 'bawled out' or lose some privileges. No one pays much attention to ordinary mischief unless it interferes with the rights of others.

Sometimes the kids in your class might laugh or praise you if you pull some stunt or break the rules. But those kids aren't the ones who will get into trouble.

Some kids do things that seem like fun — but do not stop to think of the harm that might be caused. Sometimes what seems to be just a joke to students is really a **crime**, perhaps with very serious results.

If your harmless prank leads to breaking the law you must accept the **penalty** or other **consequences**.



1. Concepts of Law

7. GOOFING OFF OR BREAKING THE LAW

GOALS

1. The student knows that 'goofing off' may lead to breaking the law.
2. The student is able to explain the dangers of 'peer pressure'.

VOCABULARY

1. consequence — the result, either positive or negative, that follows from an action or condition.
2. crime — an act which is against the law, and for which imprisonment may be imposed upon conviction.
3. penalty — a punishment established by law or authority for an offense.

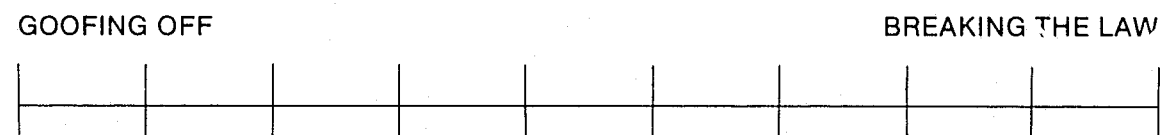
DISCUSSION

1. Why is it not always easy to decide whether an action is a prank or a crime?

ACTIVITIES

1. Make a list of the kinds of things that young people do when they are 'fooling around' together — generated by the students. Some examples might be: writing on school walls, spreading false rumors, letting air out of tires, teasing cats/dogs, etc.

A. Have each student make a 'Goofing Off' — Breaking the Law continuum and put all of the activities mentioned by the students on the line in the proper position from least harmful to most harmful.



B. Share the results and put them on the blackboard.

C. Discuss the meaning of 'goofing off' and breaking the law.

D. Should they be treated differently?

E. Discuss why students put the activities in the order they did.

2. From your experience, describe a mischievous incident, leaving it open-ended. Ask the students to write the ending. Share it with the class. Discuss reasons for the endings. Were they considering the penalties and/or the results?

What were the negative results? What were the positive results?

1. Concepts of Law

8. ACCEPTING RESPONSIBILITY



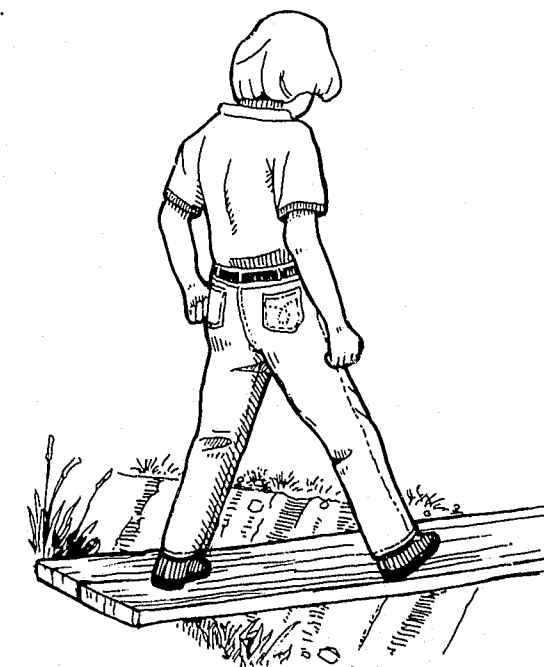
What is the difference between telling your mother that Betty took a cookie and telling the principal that Dan is beating up first graders to get their lunch money?

What would you do if you saw a classmate steal something from the teacher's desk?

If you saw a car hit someone and speed away, you would call the police and give them any information you could. Other cases aren't so clear but perhaps this is a good rule to go by: if what is happening is likely to hurt someone or cause significant damage it should be stopped. If it won't stop unless you say something, talk to your parents, teacher, principal or the police.

Would knowing the wrongdoer change your reaction to his behavior? Remember that in telling on someone you are helping to protect the rights of others and may even be doing the person a favor. If the trouble is minor, the wrongdoer will receive a warning or needed help. If not stopped, the next wrong thing might be worse yet.

There are other ways of accepting responsibility besides giving needed information. How about being careful with your possessions by locking them up or putting them in their rightful place to reduce the chances of theft? Also, by not "asking" for trouble like harassing someone either verbally or physically or being in potentially dangerous circumstances, you are accepting responsibility for yourself and helping to ensure others' rights besides your own.



8. ACCEPTING RESPONSIBILITIES

GOALS

1. Students will understand that when someone has broken rules (or laws) or has committed a hazardous act, reporting may help prevent more serious offenses.
2. Students will understand that reporting something may be beneficial to the wrongdoer and provide a service to his community at large.
3. Students will understand that by **not** doing certain things they can be accepting responsibility i.e.: leaving doors and/or bikes unlocked, being on someone else's property, using equipment or items for purposes other than what they were designed for.

VOCABULARY

1. harass — to trouble by constant and repeated attacks.

DISCUSSION

1. How do you draw the line between tattling and reporting something wrong?
2. How would our system of law work if people only reported about people they didn't know or obeyed only the laws they liked?
3. How far does your personal responsibility extend?

ACTIVITIES

1. Give some examples of wrongdoing and have the class decide if it should be reported.

Examples

- 1) On his way home from school one day, David saw some high school kids breaking apart a bench in the park. He doesn't know any of the kids. What should he do? If David saw his own friends doing the same thing, what do you think he should do? What if it was an adult?
- 2) Tracy and Mike were out one Saturday climbing around the bleachers at the high school stadium. One of the seats was loose and when Mike stepped on it, he fell and hurt his ankle. How could this accident have been avoided?
- 3) While at the busy shopping center near her home, Barbara had gone inside and left her new 10 speed bicycle on the sidewalk unlocked. When she came out, it was gone. Whose lack of responsibility caused this crime?

RESOURCES

Films

- Developing Responsibility* (11 mins.)
- Introduction to Law: Trial on the Moon* (sound slides)
- Vandalism: Crime or Prank* (5 mins.)
- Trick or Treat* (15 mins.)

ANAGRAMS FOR WORDS APPEARING IN TOPICS 1-8

1. GSECSNR
2. TRIHG
3. DASNRULEOS
4. VTINONOC CI
5. ESU
6. GAMSEAD
7. YONLEF
8. LERP AE
9. INEAEBIALNL
10. SQENCOCUEEN
11. ERIMC
12. TPEREOSUC
13. BESRNITPOILIYS
14. MDANE
15. TYBERIL
16. VICLI
17. EFENSOF

These are words that were introduced in topics 1-8. Looking back over the vocabulary words, see if you can decide what words the mixed-up letters **really** are. Unscramble each one and then write the definition beside it.

1. Concepts of Law

THE WORDS ARE:

1. CONGRESS
2. RIGHT
3. SLANDEROUS
4. CONVICTION
5. SUE
6. DAMAGES
7. FELONY
8. REPEAL
9. INALIENABLE
10. CONSEQUENCE
11. CRIME
12. PROSECUTE
13. RESPONSIBILITY
14. AMEND
15. LIBERTY
16. CIVIL
17. OFFENSE

SPECIFIC LAWS YOU SHOULD KNOW

SECTION II

9. INTRODUCTION



In order to help you know what is against the law, this section will tell you about some of the most commonly broken laws.

An adult commits a **criminal offense** if the penalty provides for possible imprisonment. If the only possible penalty is a fine, or other punishment besides imprisonment, the offense is a **violation** or a **non-criminal offense**, and the penalty is a **civil penalty**.

There are three types of **criminal** offenses:

1. **Felony**: a very serious offense for which a person can be sentenced to prison for more than one year or pay a fine of up to \$2,500 or both.
2. **Misdemeanor**: a less serious offense for which a person can be sentenced to jail for up to one year or pay a fine of up to \$1,000 or both.
3. **Serious traffic offense**: an adult could be sentenced to jail or prison for serious misuse of a motor vehicle.

When a juvenile breaks a law, it is considered a **law violation** regardless of the seriousness of the act or the potential **disposition**. The disposition is determined by the juvenile court judge after the case has been thoroughly studied. The judge will consider both the facts of the offense and the background of the offender in determining what sentence to impose. This will be discussed in Section III. However, it is important for young people to know that criminal offenses are the most serious.

Again, the purpose of the law is to prevent young offenders from becoming adult criminals.

2. Specific Laws You Should Know

SPECIFIC LAWS YOU SHOULD KNOW

9. INTRODUCTION

GOALS

1. The student will recognize the importance of each individual in society understanding law violations.

VOCABULARY

1. civil penalty — court ordered punishment other than imprisonment.
2. criminal — a person who has committed or been convicted of a crime.
3. disposition — a decision made, especially by a court of law, which directs the best course of action.
4. felony — a criminal offense for which a person could be sentenced to prison for more than a year or pay a fine of up to \$2,500 or both; the most serious class of crimes.
5. law violation — an act of breaking the law by a juvenile, regardless of the seriousness or the disposition of the case.
6. misdemeanor — a criminal offense for which a person could be sentenced to jail for up to one year, or pay a fine of up to \$1,000 or both; less serious than a felony.
7. traffic offense — an action involving misuse of a motor vehicle.
8. violation — (adult) an offense which is punishable only by a fine, a civil penalty or both; not by imprisonment.

ACTIVITIES

1. Each of the items below is an example of breaking the law. Have the students rank them from what they consider the greatest to the least offense:
 - taking another person's bicycle
 - breaking windows in the school
 - beating up younger children
 - shoplifting candy bars from the neighborhood store
 - hiding a transistor radio that your friend has stolen
 - sampling liquor in the cupboard when parents are gone
2. If the offender were convicted, discuss with students what they think the consequences should be in each instance. Should it be the same for each?
3. Choose 2 or 3 of the situations. Think of the reasons why each might have occurred. Suggest alternative behaviors for each example.
4. Write a paragraph, using words from the vocabulary list, describing a situation with which the student is familiar.

TO THE TEACHER: The classification of crimes in Oregon is complex. The sentence actually imposed determines whether the offense is a misdemeanor or a felony. Felonies and misdemeanors are subdivided into several different classifications. Certain crimes classified as less serious felonies can be treated as a misdemeanor by the sentencing judge, (See ORS 161.505-161.575 p. 7).

2. Specific Laws You Should Know

10. TRESPASS AND BURGLARY



TRESPASS

To go on someone's property without permission is called trespassing, whether the property is posted (has a "No Trespassing" sign) or not.

It is all right to go to someone's door if you are visiting. It is not all right to play in a yard or walk across someone's property unless you have permission. Hunting on private property without permission is trespassing even when it is not posted.

Going into a school when it is not open or any other building without permission is another example of trespassing. Remaining on someone's property after being asked to leave is trespassing. Trespassing is a misdemeanor.

To trespass in someone's house is a more serious crime than trespassing on other property or in buildings where business takes place.

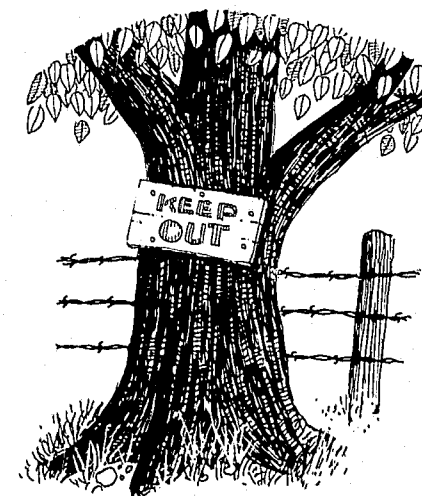
BURGLARY

To go into someone's home or any other building without permission and intending to commit a crime while inside is called burglary.

The consequences of burglary are worse when a person's home is involved or when the crime committed inside was that of hurting a person or carrying **burglary tools** or a deadly **weapon**.

In gym class one day Joe discovered that the catch on one of the outside windows was broken. That night he returned, pried the window open and crawled into the gym. He looked around for awhile, then took a few baseballs, a fielder's glove, and a bat. He dropped them through the window and climbed out.

Joe has committed the criminal offense of burglary. Burglary is a felony.



2. Specific Laws You Should Know

10. TRESPASS AND BURGLARY

GOALS

1. The student knows the definitions of trespassing and burglary.

VOCABULARY

1. burglary — the crime of entering a building or house with the intention of stealing or committing any other crime.
2. burglary tools — tools which can be used for burglaries such as pry bars, glass cutters, lock picking devices, etc.
3. trespass — to go on someone's property where you are not permitted; to remain on someone's property after being asked to leave.
4. weapon — any instrument or object capable of causing injury to a person; a device used to attack another person or to defend oneself from attack.

DISCUSSION

1. Is it trespassing to enter a building when the door has been left open? a school after hours? a home?
2. Why do you think Joe tried to take the baseball equipment?
3. What alternatives does Joe have for getting baseball equipment for himself?
4. What was the extent of his crime in actual dollars and cents? Does the value of the goods stolen make a difference?
5. If Joe had to leave the building without the equipment, would he have committed burglary or trespass? (teacher: he would have committed burglary because he had **intended** to steal. If Joe had found the door open and he refused to leave after the janitor told him to, he would have committed a trespass.)

ACTIVITIES

1. Role-play the incident about Joe. Discuss how Joe felt at each step of the way: when he decided to take the equipment, when he entered the gym, when he was inside at night, and when he climbed out. Role-play that Joe is caught by the night watchman who calls the police. How do Joe's parents feel? How would his classmates react?
2. Invite a policeman to your class to talk about the number of burglaries that take place in your community, and what is being done to help reduce the number of burglaries in your town, and at your school. How can 6th graders help prevent burglaries at home?
3. Have students make a poster depicting a trespass or a burglary.

(See ORS 164.205-164.225)

2. Specific Laws You Should Know

Oregon Revised Statutes

BURGLARY AND CRIMINAL TRESPASS

164.205 Definitions for ORS 164.205 to 164.255. As used in ORS 164.205 to 164.255, except as the context requires otherwise:

(1) "Building," in addition to its ordinary meaning, includes any booth, vehicle, boat, aircraft or other structure adapted for overnight accommodation of persons or for carrying on business therein. Where a building consists of separate units, including, but not limited to, separate apartments, offices or rented rooms, each unit is, in addition to being a part of such building, a separate building.

(2) "Dwelling" means a building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.

(3) "Enter or remain unlawfully" means:

(a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or privileged to do so; or

(b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge.

(4) "Open to the public" means premises which by their physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.

(5) "Person in charge" means a person, his representative or his employee who has lawful control of premises by ownership, tenancy, official position or other legal relationship. It includes, but is not limited to the person, or holder of a position, designated as the person or position-holder in charge by the Governor, board, commission or governing body of any political subdivision of this state.

(6) "Premises" includes any building and any real

property, whether privately or publicly owned. [1971 c.743 §135]

164.215 Burglary in the second degree. (1) A person commits the crime of burglary in the second degree if he enters or remains unlawfully in a building with intent to commit a crime therein.

(2) Burglary in the second degree is a Class C felony. [1971 c.743 §136]

164.225 Burglary in the first degree. (1) A person commits the crime of burglary in the first degree if he violates ORS 164.215 and the building is a dwelling, or if in effecting entry or while in a building or in immediate flight therefrom he:

(a) Is armed with a burglar's tool as defined in ORS 164.235 or a deadly weapon; or

(b) Causes or attempts to cause physical injury to any person; or

(c) Uses or threatens to use a dangerous weapon.

(2) Burglary in the first degree is a Class A felony. [1971 c.743 §137]

164.235 Possession of burglar's tools. (1) A person commits the crime of possession of burglar's tools if he possesses any burglar tool with the intent to use the tool or knowing that some person intends to use the tool to commit or facilitate a forcible entry into premises or theft by a physical taking.

(2) "Burglar tool" means an acetylene torch, electric arc, burning bar, thermal lance, oxygen lance or other similar device capable of burning through steel, concrete or other solid material, or nitroglycerine, dynamite, gunpowder or any other explosive, tool, instrument or other article adapted, designed or commonly used for committing or facilitating a forcible entry into premises or theft by a physical taking.

(3) Possession burglar's tools is a Class A misdemeanor. [1971 c. 743 §138]

2. Specific Laws You Should Know

164.245 Criminal trespass in the second degree.

(1) A person commits the crime of criminal trespass in the second degree if he enters or remains unlawfully in or upon premises.

(2) Criminal trespass in the second degree is a Class C misdemeanor.
[1971 c.743 §139]

164.255 Criminal trespass in the first degree. (1) A

person commits the crime of criminal trespass in the first degree if he enters or remains unlawfully in a dwelling.

(2) Criminal trespass in the first degree is a Class A misdemeanor.
[1971 c.743 §140]

2. Specific Laws You Should Know

11. THEFT (INCLUDING SHOPLIFTING)

One summer afternoon when there wasn't much to do, Kathy brought up the idea of shoplifting. "I'll bet you're afraid to try it," Kathy challenged Sue.

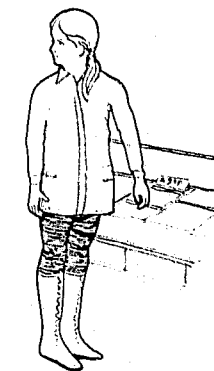
"I am not. I'm not afraid to try anything," replied Sue, who liked to be a leader among the girls. After a while they decided to try stealing some small things from a store just to see what it was like. They went to a big variety store and waited until they thought the clerks were not watching. Sue slipped an expensive handkerchief into her pocket. At another counter Kathy dropped a lipstick into her purse. They left the store thinking they were brave and daring, but that feeling did not last long. A store detective who looked like an ordinary shopper stopped them. The store manager was angry and called the police. Sue and Kathy had committed the crime of **theft** by **shoplifting**. Sue and Kathy could both be arrested if one girl stole an item while the other acted as a "lookout" and did not take anything.

A new law that passed the 1979 Legislature declares that parents or guardians of children who shoplift are "civilly liable" for the actions of their children. This means that store owners can sue parents for the amount the stolen goods were worth, plus an additional amount of not less than \$100 or more than \$250.

It is also theft for a person to wrongfully keep or receive lost or stolen property. If Sara steals a radio and gives it to Jack, Jack would be committing a crime for having it if he knew it were lost or stolen.

If Betty found a coin purse in the hall at school and keeps it without trying to find the owner, she would be committing the crime of theft. If she can't find the owner, or if she found money with no clue as to whose it was, it is not theft to keep it.

Most young people never get involved in theft. Those who do, however, are often involved in shoplifting or auto theft.



2. Specific Laws You Should Know

11. THEFT (INCLUDING SHOPLIFTING)



GOALS

(See ORS 164.015 and 164.065 and Senate Bill 893)

1. Students will understand that stealing property is against the law.
2. Students will understand that shoplifting (even of inexpensive items) is considered stealing; that it results in heavy losses to other citizens.
3. Students will understand that finding and keeping another's property can be considered stealing.

VOCABULARY

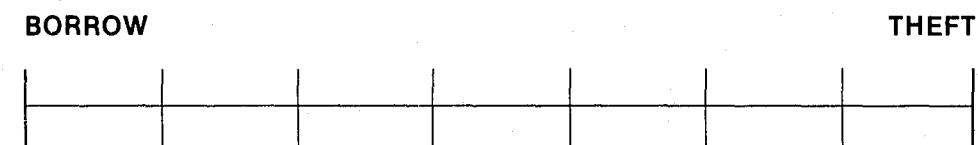
1. shoplifting — taking something from a store without paying for it.
2. theft — taking without permission anything that belongs to someone else; to steal.

DISCUSSION

1. Why do people shoplift?
2. Who pays the bill for all the items shoplifted from stores every year?

ACTIVITIES

1. Have the students make a Borrow-Theft Continuum using the following examples:



- a. borrowing without permission
- b. borrowing when you think the person would give permission
- c. finding a wallet and not trying to return it
- d. accepting a gift from someone knowing it to be stolen
- e. shoplifting
- f. taking a car for a 'joy ride' without the owner's permission intending to bring it back later.

Add other examples to the list. Share the results and put them on the blackboard.

2. Specific Laws You Should Know

2. Invite the owner of a local retail business to talk to the class and have students ask her/him the following questions:

- a. Is shoplifting a problem in your business?
- b. What is the value of the merchandise shoplifted each year?
- c. How does this affect business and its customers?
- d. Develop additional questions with the class for the guest.

3. Invite a local law enforcement officer to discuss shoplifting in the community and have the students ask her/him the following questions:

- a. What is the value of the merchandise shoplifted each year?
- b. Of those caught, what percentage are juveniles?
- c. How does the merchandiser make up for this loss?
- d. Develop additional questions with the class for the officer.

RESOURCES

Books

- Tony and Me*
What's the Matter with Wakefield?

Films

- Shoplifting* (21 mins.)
Shoplifting is Stealing (17 mins.)
The Ripoff (15 mins.)

A-ENGROSSED
SENATE BILL 893 (1979)

Summary

Permits civil action by merchants against shoplifters for retail value of merchandise, not to exceed \$500, actual damages and certain additional penalties. Declares parents (or guardians) of minor shoplifters to be civilly liable for actions of their children. Exempts foster home operators for acts of children not related to them. Specifies that conviction for shoplifting is not condition precedent for bringing civil action.

(1) "Mercantile establishment" means any place where merchandise is displayed, held or offered for sale, either at retail or wholesale.

(2) "Merchandise" means all things movable and capable of manual delivery.

(3) "Owner" means any person who owns or operates a mercantile establishment or the agents or employees of that person.

A BILL FOR AN ACT

Relating to shoplifting.

Be It Enacted by the People of the State of Oregon:

Section 1. As used in this Act:

Section 2. (1) An adult or an emancipated minor who takes possession of any merchandise displayed or offered for sale by any mercantile establishment without the consent of the owner and with the intention of converting such merchandise to the individual's own use without having paid the purchase price thereof, or who

2. Specific Laws You Should Know

alters the price indicia of such merchandise, shall be civilly liable to the owner for actual damages, for a penalty to the owner in the amount of the retail value of the merchandise not to exceed \$500, plus an additional penalty to the owner of not less than \$100 nor more than \$250.

(2) The parents having custody of an unemancipated minor who takes possession of any merchandise displayed or offered for sale by a mercantile establishment without the consent of the owner, and with the intention of converting such merchandise to the minor's own use without having paid the purchase price thereof, or who alters the price indicia of such merchandise shall be civilly liable to the owner for actual damages, for a penalty to the owner in the amount of the retail value of the merchandise not to exceed \$250, plus an additional penalty to the owner of not less than \$100 nor more than \$250. Persons operating a foster home certified under ORS 418.625 to 418.645 are not liable under this subsection for the acts of children not related to them by blood or marriage and under their care.

(3) A conviction for theft under ORS 164.045 or 164.055 is not a condition precedent to the maintenance of a civil action under this section.

(4) A civil liability under this section is not limited by any other law that limits liability of parents of minor children.

(5) An action for recovery of damages under this section may be brought in any court of competent jurisdiction including the small claims department of a district court if the total damages do not exceed the jurisdictional limit of the small claims department.

(6) The fact that an owner or seller of merchandise may bring an action against an individual for damages as provided in this section shall not limit the right of the owner or seller to demand, in writing, that a person who is liable for damages under this section remit said damages prior to the commencement of any legal action.

(7) Judgements, but not claims, arising under this section may be assigned.

Oregon Revised Statutes

THEFT AND RELATED OFFENSES

164.015 "Theft" described. A person commits theft when, with intent to deprive another of property or to appropriate property to himself or to a third person, he:

(1) Takes, appropriates, obtains or withholds such property from an owner thereof; or

(2) Commits theft of property lost, mislaid or delivered by mistake as provided in ORS 164.065; or

(3) Commits theft by extortion as provided in ORS 164.075; or

(4) Commits theft by deception as provided in ORS 164.085; or

(5) Commits theft by receiving as provided in ORS 164.095.
[1971 c.743 §123]

164.065 Theft of lost, mislaid property. A person who comes into control of property of another that he knows or has good reason to know to have been lost, mislaid or delivered under a mistake as to the nature or amount of the property or the identity of the recipient, commits theft if, with intent to deprive the owner thereof, he fails to take reasonable measures to restore the property to the owner.

[1971 c.743 §126]

2. Specific Laws You Should Know



12. ASSAULT AND ROBBERY

The two crimes of assault and robbery involve the use of force.

ASSAULT

Causing physical injury to a person is called assault. When the person is not hurt badly, the assault is a misdemeanor. If the person is injured seriously or if a weapon is used to injure someone, the assault is a felony.

Phil, Bob, and Chuck were watching a Little League baseball game at a public park one afternoon. They were rooting for the Giants, since most of those players were from their school. Another boy sitting nearby was rooting for the Cardinals. Since the Cardinals were winning, Phil and his friends became angry at the remarks the boy was making. After the game, they followed him and Phil tried to pick a fight with him. The other boy didn't want to fight but Phil hit him anyway, then Bob and Chuck piled on, too.

Phil, Bob and Chuck thought they were upholding the honor of their team. They didn't mean to hurt the other boy very much, but they were actually committing the crime of assault.

ROBBERY

A person using physical force or threat of force to take money or property away from another person is called robbery. It is a felony.

While we hear most often about 'armed robbery' of a store or bank, robbery is sometimes committed just by threatening to harm someone if they don't give up their property. Running by someone and grabbing something away from them (such as 'pursesnatching') is also robbery. Threatening someone as a way of getting their possessions and pursesnatching are felonies.

2. Specific Laws You Should Know

12. ASSAULT AND ROBBERY

GOALS (See ORS 164.395-164.415)

1. Students will understand that assault and robbery are considered serious crimes.

VOCABULARY

1. assault — causing physical injury to someone.
2. robbery — when one person uses physical force or threat of force to take money or property away from another person.

DISCUSSION

1. The story about Phil, Bob, and Chuck illustrates how people can handle the experience of losing. Consider the statement, "There is no such thing as a good loser-only losers who are good at controlling their disappointment." Is this a true statement? Why is it necessary to control our disappointment?
2. Discuss and make a list of the reasons why someone might commit the crimes of assault or robbery.

ACTIVITIES

1. Act out acceptable ways to handle anger and disappointment.
2. List different ways people express anger.
3. Invite a local policeman to talk to the class about the number of assaults and robberies that have been committed in the community during the past year. Ask him how many have been committed by juveniles.
4. Report on and discuss items from the newspaper about the crimes of assault and robbery.

2. Specific Laws You Should Know

Oregon Revised Statutes

ROBBERY

164.395 Robbery in the third degree. (1) A person commits the crime of robbery in the third degree if in the course of committing or attempting to commit theft he uses or threatens the immediate use of physical force upon another person with the intent of:

(a) Preventing or overcoming resistance to his taking of the property or to his retention thereof immediately after the taking; or

(b) Compelling the owner of such property or another person to deliver the property or to engage in other conduct which might aid in the commission of the theft.

(2) Robbery in the third degree is a Class C felony.
[1971 c.743 §148]

164.405 Robbery in the second degree. (1) A person commits the crime of robbery in the second degree if he violates ORS 164.395 and he:

(a) Represents by word or conduct that he is armed with what purports to be a dangerous or deadly weapon; or

(b) Is aided by another person actually present.

(2) Robbery in the second degree is a Class B felony.

[1971 c.743 §149]

164.410 [Repealed by 1971 c.743 §432]

164.415 Robbery in the first degree. (1) A person commits the crime of robbery in the first degree if he violates ORS 164.395 and he:

(a) Is armed with a deadly weapon; or

(b) Uses or attempts to use a dangerous weapon; or

(c) Causes or attempts to cause serious physical injury to any person.

(2) Robbery in the first degree is a Class A felony.
[1971 c.743 §150]

164.420 [Repealed by 1971 c.743 §432]

2. Specific Laws You Should Know



13. DISORDERLY CONDUCT

Laws about **disorderly conduct** were made to be sure that people would not be disturbed or alarmed unnecessarily. Disorderly conduct includes such behavior as:

1. creating a public risk or nuisance by fighting or threatening,
2. making unreasonable noise,
3. using **abusive** or obscene language,
4. obstructing traffic.

One evening a group of boys went to the neighborhood movie. After the show was over and everyone was leaving the theatre, they started some horseplay. They began laughing, pushing, and shoving each other. Other people were getting pushed, too. One woman was knocked down and hurt. The theatre manager told the boys to stop. They continued to be disruptive and started to use abusive language. For the safety and well being of the other theatre-goers, the manager called the police. The boys had behaved in a disorderly manner. They had committed the crime of disorderly conduct.

Closely related to the laws about disorderly conduct are laws about harassment and menacing.

HARASSMENT

To intentionally annoy or alarm another person either verbally (including telephone calls) or by physical contact is called harassment.

MENACING

Threatening another person either verbally or physically, even if the person threatening doesn't plan to carry it out is called menacing.

Harassment, menacing and disorderly conduct are misdemeanors.

2. Specific Laws You Should Know

13. DISORDERLY CONDUCT

GOALS (See ORS 166.025)

1. Students will recognize actions which are considered disorderly conduct.
2. Students will be able to describe how individual rights are limited by the rights of others.
3. Students will understand the difference between harassment and menacing.

VOCABULARY

1. abusive — containing coarse and insulting language.
2. disorderly conduct — lacking discipline and self-control; disturbing the public peace; causing annoyance, inconvenience or alarm.
3. harassment — to bother or torment, especially repeatedly.
4. menacing — attempting to place another person in fear of serious injury.

DISCUSSION

1. Do such incidents as the one described happen more frequently when there is a group of youngsters present or when they are alone or with a friend? Why?
2. Have you ever been harassed or threatened?

ACTIVITIES

1. Have the students give examples of activities which might be considered disorderly conduct.
2. Divide the students into small groups and let each group discuss some of the examples in the following list;
 - a. Fighting or violent or threatening behavior
 - b. Making unreasonable noise
 - c. Disturbing any lawful assembly of persons
 - d. Using abusive or obscene language
 - e. Obstructing vehicular or pedestrian traffic on a public highway
 - f. Joining a crowd creating a disturbance in a public place and refusing to break up when ordered by the police.
 - g. Yelling "Fire" in a crowded theatre knowing it to be false.

2. Specific Laws You Should Know

Discuss how each is considered disorderly behavior and how the rights of the victims were infringed upon.

3. Invite a police officer to the classroom to discuss what to do about types of harassment and menacing that children might become involved with.

Oregon Revised Statutes

166.025 Disorderly Conduct. (1) A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:

- (a) Engages in fighting or in violent, tumultuous or threatening behavior; or
- (b) Makes unreasonable noise; or
- (c) Uses abusive or obscene language, or makes an obscene gesture, in a public place; or
- (d) Disturbs any lawful assembly or persons without lawful authority; or
- (e) Obstructs vehicular or pedestrian traffic on a public way; or

(f) Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or

(g) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or

(h) Created a hazardous or physically offensive condition by any act which he is not licensed or privileged to do.

(2) Disorderly conduct is a Class B misdemeanor. [1971 c.743 §220]

2. Specific Laws You Should Know

14. VANDALISM (CRIMINAL MISCHIEF)



The law against **vandalism** is called **criminal mischief**. This crime is committed by someone who tampers with or intentionally damages another person's property.

The laws against vandalism were made to protect you from having someone damage things that you own. The laws also protect things that are owned by the public. Examples of vandalism are: intentionally breaking windows or furniture, littering parks or other public places, damaging someone's lawn or plants, spray painting on buildings, or in other ways defacing the environment.

Damage to public property such as schools, parks and road signs cost millions of dollars every year. This cost is paid by the taxpayers and spoils these things for everybody.

Criminal mischief (vandalism) is a misdemeanor if the property damaged is under \$1,000, and it is a felony if the property damaged is over \$1,000. If the offender is a juvenile, the victim can recover damages (sue) from the parents of the juvenile.

ARSON

Setting or causing a fire for the purpose of damaging property or hurting someone is called arson. The law about arson helps protect your property. Arson is very serious because so many people can be hurt and a lot of destruction can be done by a fire. Arson is a felony.



2. Specific Laws You Should Know

14. VANDALISM

GOALS (See ORS 164.345-164.365 and 339.260 and 339.270)

1. Students will recognize actions which constitute criminal mischief (vandalism).
2. Students will be able to describe the meaning of private and public property and the importance of respecting the property of others.

VOCABULARY

1. arson — the crime of intentionally and wrongfully setting a fire or explosion in buildings or other property.
2. criminal mischief — intentionally or recklessly damaging private or public property, causing destruction or inconvenience to the owner or user.
3. defacing — to spoil or mar the surface or appearance of; disfigure.

DISCUSSION

1. Discuss private property. What does 'private' and 'public' mean?
2. Discuss how vandalism hurts others, such as, tearing down stop signs.
3. Why do people vandalize?
4. Who suffers from vandalism?

ACTIVITIES

1. Make a collage with pictures and articles from newspapers and magazines, showing the results of vandalism.
2. Have students make drawings of vandalism in the community.
3. For one week have students keep a detailed list telling about vandalism they see in the community. Discuss how each example has harmed others.
4. Invite the school custodian and/or school administrator to discuss problems and expense created by school vandalism.
5. Invite someone from the park department or sheriff's office to discuss vandalism in the parks and/or highways.

RESOURCES

Films

- Greenhouse* (11 mins.)
Nation of Spoilers (11 mins.)
Vandalism: Crime or Prank (6 mins.)
The Vandals (25 mins.)

2. Specific Laws You Should Know

Oregon Revised Statutes

339.260 Injury to school property by pupil. (1) No pupil shall wilfully damage or injure any school property or threaten or wilfully injure any fellow pupil or faculty member.

(2) A pupil who violates subsection (1) of this section may be disciplined, suspended or expelled. [1965 c.100 §290; 1971 c.561 §4]

339.270 Assessment of costs of school property damage against responsible pupil or his parents; action to recover; limitation. (1) The amount of damage to any school property shall be determined by procedures established by the district school board and they may be assessed against the pupil wilfully causing the injury or damage and against the parent or parents having legal custody of the pupil.

(2) If the assessed damages are not paid as demanded, the district school board, in addition to any other remedy provided by law, may bring an action under section against the pupil and the parent or parents having legal custody of the pupil in a court of competent jurisdiction for the amount of the assessed damages not to exceed \$5,000 plus costs. [1971 c.561 §5; 1975 c.712 §2; 1977 c.419 §2]

164.345 Criminal mischief in the third degree. (1) A person commits the crime of criminal mischief in the third degree if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that he has such right, he tampers or interferes with property of another.

(2) Criminal mischief in the third degree is a Class C misdemeanor. [1971 c.743 §145]

164.354 Criminal mischief in the second degree. (1) A person commits the crime of criminal mischief in the second degree if:

(a) He violates ORS 164.345, and as a result thereof, damages property in an amount exceeding \$100; or

(b) Having no right to do so nor reasonable ground to believe that he has such right, he intentionally damages property of another, or, he recklessly damages property of another in an amount exceeding \$100.

(2) Criminal mischief in the second degree is a Class A misdemeanor. [1971 c.743 §146]

164.365 Criminal mischief in the first degree. (1) A person commits the crime of criminal mischief in the first degree if, with intent to damage property, and having no right to do so nor reasonable ground to believe that he has such right, he damages property of another:

(a) In an amount exceeding \$1,000; or

(b) By means of an explosive; or

(c) He damages the property of a public utility, railroad, or public transportation facility used in direct service to the public, or wilfully uses, manipulates, arranges or rearranges the property of a public utility, railroad, or public transportation facility used in direct service to the public so as to interfere with its efficiency, or wilfully interferes with, obstructs or adulterates in any manner the service of such public utility, railroad, or public transportation facility.

(2) As used in paragraph (c) of subsection (1) of this section:

(a) "Public utility" has the meaning provided for that term in subsection (1) of ORS 757.005 and includes any cooperative, public utility district or other municipal corporation providing an electric, gas, water, communication or other utility service.

(b) "Railroad" has the meaning provided for that term in ORS 760.005.

2. Specific Laws You Should Know



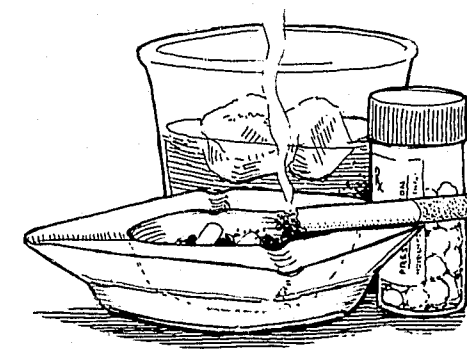
15. CONTROLLED SUBSTANCES: DRUGS, ALCOHOL AND TOBACCO

A drug is a chemical which, when taken by a person, changes the way you behave or the way you feel. Many drugs are medicines which help you recover from an illness. All drugs can be harmful if they are used in the wrong way. That is the reason we have laws to control the use of drugs.

1. **PRESCRIPTION DRUGS** are drugs prescribed by a doctor. Using prescription drugs that a doctor has not prescribed for you is against the law. Selling or giving away these drugs is also against the law unless you have a license to sell drugs.
2. **ALCOHOL** is a drug that is legal for adults to use, unless they are somewhere where drinking is not allowed. People under 21 years of age may drink alcoholic beverages only with their parents' permission and when a parent is present, and only in a private home. You must be 21 years old to buy or possess alcoholic beverages. Even a small amount changes the way you feel and behave. A store clerk is breaking the law when selling such beverages to a person under 21.
3. **TOBACCO, CIGARETTES**, coffee, and tea also contain drugs which can change the way you feel. Anyone can purchase coffee or tea, but only a person over 18 can purchase tobacco.
4. **MARIJUANA** is a very controversial drug because many people feel that it is harmful for people to use, and others disagree. **Possession** of less than one ounce of marijuana is a violation with a fine of up to \$100. Possession of over one ounce can be a felony.
5. **HARD DRUGS** are considered the very harmful drugs such as heroin, cocaine, and LSD.

It is always a crime for a minor to furnish, use or have drugs in their possession. Being in an area where drugs are unlawfully stored, sold or used is also a crime.

Because so many people in our country use drugs, it is important for you to know the chemical effects of these drugs on your body and the dangers of their misuse.



2. Specific Laws You Should Know

15. CONTROLLED SUBSTANCES: DRUGS, ALCOHOL AND TOBACCO

GOALS (See ORS 163.575 and ORS 167.203-167.228)

1. The student is able to list and define 5 categories of controlled substances.
2. The student knows why these substances are controlled.

VOCABULARY

1. alcohol — the intoxicating drug in beer, wine and liquor.
2. controlled substance — any drug or medicine, the possession, use or sale of which is regulated by law.
3. hard drugs — a slang term for the most harmful or dangerous drugs. The illegal possession, use or sale of hard drugs is considered to be a very serious crime.
4. possess — to have, as property; to own; to hold.

DISCUSSION

1. Why do people use drugs? Are they prescriptive drugs? Why are there cautions on the bottles in which drugs come?
2. Why do people take illegal drugs? Peer pressure, boredom, escape, etc.?
3. What can people do to stop drug abuse? Can you do anything about it?
4. If you had a friend who was taking drugs, would you report her/him? Why? Why not?
5. What is 'peer pressure'? How can young people handle peer pressure?
6. How does the misuse of alcohol by adults affect children?

ACTIVITIES

1. Have a small committee research the number of automobile accidents in your community that were caused by drunken drivers. How many caused deaths? How many caused injuries?
2. The University of Oregon Drug Information Center has speakers available to schools and community groups in the Eugene area. Address: 1763 Moss, Eugene 97403. Phone: 686-5411. They also provide numerous publications and information activities. Local mental health agencies also provide information and speakers on drug abuse.

2. Specific Laws You Should Know

3. Have the students make a Least-Most Harmful continuum. Use the following examples and/or make up your own list: tobacco, alcohol, marijuana, pizza, coffee, etc.

LEAST HARMFUL

MOST HARMFUL



4. Invite a doctor to talk to the class about drug use, abuse, and addiction. Students should prepare a list of questions ahead of time.
5. Invite a police officer to discuss the problems and penalties for illegal drug use.
6. Contact a state hospital for information on patients with mental problems due to misuse of drugs.

RESOURCES

Films

Just One (22 mins.)

TO THE TEACHER: Glue sniffing is not illegal but can be extremely dangerous.

Oregon Revised Statutes

163.575 Endangering the welfare of a minor. (1) A person commits the crime of endangering the welfare of a minor if he knowingly:

(a) Induces, causes or permits an unmarried person under 18 years of age to witness an act of sexual conduct or sado-masochistic abuse as defined by ORS 167.060; or

(b) Permits a person under 18 years of age to enter or remain in a place where unlawful narcotic or dangerous drug activity is maintained or conducted; or

(c) Induces, causes or permits a person under 18 years of age to participate in gambling as defined by ORS 167.117; or

(d) Sells, or causes to be sold, tobacco in any form to a person under 18 years of age.

(2) Endangering the welfare of a minor is a Class A misdemeanor.
[1971 c.743 §177; 1973 c.827 §20]

167.203 Definitions for ORS 167.212 to 167.252. As used in ORS 167.212 to 167.252, unless the context requires otherwise:

(1) "Apothecary" means a pharmacist, as defined by ORS 689.010, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist.

(2) "Controlled substance" and "manufacture" have the meaning given those terms by ORS 475.005.

(3) "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Internal Revenue, under any laws of the United States making provision therefore if such order form is not provided, then on an official form provided for that purpose by the State Board of Pharmacy.

(4) "Practitioner" has the meaning given that term by ORS 475.005.

2. Specific Laws You Should Know

(5) "Wholesaler" means a person who supplies controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

(6) "Unlawfully" means in violation of any provision of ORS 475.005 to 475.285 and 475.992 to 475.995.
[1977 c.745 §33 (enacted in lieu of 167.202)]

Note: Section 56, chapter 745, Oregon Laws 1977, provides that 167.203 and the repeal of 167.202 do not take effect until July 1, 1978. For the convenience of the user, 167.202 provides:

167.202. As used in ORS 167.202 to 167.252, unless the context requires otherwise:

(1) "Apothecary," "coca leaves," "dispense," "federal narcotic laws," "manufacturer," "marijuana," "narcotic drugs," "official written order," "opium" and "wholesaler" have the meaning provided for those terms in ORS 474.010.

(2) "Dangerous drugs" means dangerous drugs as defined in ORS 475.010.

(3) "Furnishes" to sell, barter, exchange, give or dispose to another, or to offer or agree to do the same, and includes each such transaction made by any person, whether as principal, proprietor, agent, servant or employe.

(4) "Unlawfully" means in violation of any provision of ORS chapter 474 or 475.

167.207 (1) A person commits the offense of criminal activity in drugs if he knowingly and unlawfully manufactures, cultivates, transports, possesses, furnishes, prescribes, administers, dispenses or compounds a narcotic or dangerous drug.

(2) Except as provided in subsections (3) and (4) of this section, criminal activity in drugs is a Class B felony, or the court may, under the criteria set forth in ORS 161.705, enter judgment for a Class A misdemeanor and impose sentence accordingly.

(3) Notwithstanding subsection (2) of this section, if the conviction is for possession of less than one avoirdupois ounce of marijuana it is a violation punishable by a fine of not more than \$100.

(4) Notwithstanding subsection (2) of this section, if the defendant is 18 years of age or over and the conviction is for furnishing a narcotic or dangerous drug to a person under 18 years of age and who is at least three years younger than the defendant, criminal activity in drugs is a Class A felony.

2. Specific Laws You Should Know

167.212. (1) A person commits the crime of tampering with drug records if he knowingly:

(a) Alters, defaces or removes a narcotic or dangerous drug label affixed by a manufacturer, wholesaler or apothecary, except that it shall not be unlawful for an apothecary to remove or deface such a label for the purpose of filling prescriptions; or

(b) Affixes a false or forged label to a package or receptacle containing narcotic or dangerous drugs; or

(c) Makes or utters a false or forged prescription or false or forged official written order for narcotic or dangerous drugs; or

(d) Makes a false statement in any narcotic or dangerous drug prescription, order, report or record required by ORS chapter 474 or 475.

(2) Tampering with drug records is a Class C felony.

167.217. (1) A person commits the offense of criminal use of drugs if he knowingly uses or is under the influence of a narcotic or dangerous drug, except when administered or dispensed by or under the direction of a person authorized by law to prescribe and administer narcotic drugs and dangerous drugs to human beings.

(2) In any prosecution for violation of subsection (1) of this section, it is not necessary to allege or prove what specific drug the defendant used, or was under the influence of, in order to establish a prima facie case. Evidence that the specific drug is not within the definition of "narcotic drugs" in ORS 474.010 or the definition of "dangerous drugs" in ORS 475.010 is a defense.

(3) Criminal use of drugs is a Class A misdemeanor.

(4) Notwithstanding subsection (3) of this section, if the conviction is for criminal use of marijuana, criminal use of drugs is a violation punishable by a fine of not more than \$100.

167.222 Criminal drug promotion. (1) A person commits the offense of criminal drug promotion if he keeps, maintains, frequents, or remains at a place, while knowingly permitting persons to use controlled substances in such place or to keep or

sell them in violation of ORS 475.005 to 475.285 and 475.992 to 475.995.

(2) Criminal drug promotion is a Class A misdemeanor.

167.222 (1) A person commits the offense of criminal drug promotion if he knowingly maintains, frequents, or remains at a place:

(a) Resorted to by drug users for the purpose of unlawfully using narcotic or dangerous drugs; or

(b) Which is used for the unlawful keeping or sale of narcotic or dangerous drugs.

(2) Criminal drug promotion is a Class A misdemeanor.

(3) Notwithstanding subsection (2) of this section, if the conviction is for knowingly maintaining, frequenting or remaining at a place where one avoirdupois ounce of the dried leaves, stems, and flowers of the plant Cannabis family Moraceae if found at the time of an arrest under this section, criminal drug promotion is a violation punishable by a fine of not more than \$100.

(4) As used in this section, "frequents" means repeatedly or habitually visits, goes to or resorts to.

167.228. A person commits the crime of obtaining a drug unlawfully if he obtains or procures the administration of a narcotic or dangerous drug by:

(a) The forgery or alteration of prescription or any official order; or

(b) The concealment of a material fact; or

(c) The use or giving of a false name or a false address; or

(d) Falsely representing himself to be a person authorized by law to obtain narcotic or dangerous drugs; or

(e) Any other form of fraud, deceit or misrepresentation.

(2.) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of ORS 474.080 in the same way as they apply to transactions under chapter 743, Oregon Laws 1971.



16. SPECIAL LAWS ABOUT CHILDREN

All the laws about criminal offenses that we have talked about up to now apply to both adults and juveniles. There are also special laws about juveniles. These laws deal with their protection, how they get along with their family, school, and community; and their special rights.

Just because there are special laws about children doesn't mean that children don't have many of the same basic rights as adults do. Children have fundamental rights under the United States Constitution (some of these rights are life, liberty, freedom of speech and religion — as shown in the Bill of Rights) and the right to be protected by **due process** against losing them unfairly. Look in the later sections on the juvenile court process to learn more about due process rights.

DEPENDENCY laws are designed to deal with the failure of adults to give a young person care, education, guidance, and protection. Young persons are also protected by law from unreasonable punishment, abuse, sexual abuse, and other acts dangerous to their health or welfare.

STATUS OFFENSE laws deal with juveniles who are:

1. having serious trouble at home or in school.
2. beyond control of their parents,
3. runaways, or
4. doing things that may not be criminal offenses but are dangerous to themselves and/or others.

Things a young person can do which are not criminal but can be harmful include:

1. not going to school,
2. creating a problem in the family by not getting along with family members and abusing their rights, and
3. getting into situations or places where the young person's health or welfare is placed in danger.

This special kind of law is made to apply to each person according to her/his special problems.

SPECIAL RIGHTS: There are special laws designed to help people get needed medical advice or medical care.

An agency that provides children with shelter, health care and special needs is the Children's Services Division. This state agency has the authority to care for a child if he/she is not receiving the kind of care that state laws provide for.

2. Specific Laws You Should Know

16. SPECIAL LAWS ABOUT CHILDREN

GOALS (See ORS 419.476)

1. The student understands that there are special laws for juveniles to ensure their protection and to ensure an adequate environment for proper growth.
2. The student understands the difference between criminal offenses and status offenses.

VOCABULARY

1. dependency — the legal status of a juvenile over whom a juvenile court has assumed jurisdiction because the parent or guardian has failed to provide proper care.
2. due process — a manner of proceeding in judicial or other governmental activity.
3. special rights — designed to protect young people and help them get special medical advice or medical care.
4. status offense — an act or conduct which is an offense, but only when committed or engaged in by a juvenile. Examples include running away, curfew, being beyond parental control.

ACTIVITIES

1. Role-play situations where there is a parent/juvenile conflict.

Possible situations:

- | | |
|----------------------|---|
| a. setting bedtimes | c. parents learn you have skipped school |
| b. choice of friends | d. being grounded for talking back to your parent(s). |

Define the concept 'beyond parental control'. Discuss it in relation to the above situations. Was the conflict resolved? If not, what are some alternatives which might occur at this point for both the parent and the juvenile?

2. Invite a counselor from Childrens Services Division or the Juvenile Court to discuss dependency laws. You may wish to provide more information to the class on such topics as child abuse or sexual abuse within the guidelines set up in your school district.
3. Ask each student to think of the name of a person they could go to for help. This could be an older friend, a teacher, a minister, or someone else they know about. You may want to follow the format below:

PERSON WHO MIGHT HELP	REASON FOR INCLUDING THIS PERSON	ADDRESS AND PHONE

2. Specific Laws You Should Know

Oregon Revised Statutes

419.476 Children within jurisdiction of juvenile court. (1) The juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and:

- (a) Who has committed an act which is a violation, or which if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county, or city; or
- (b) Who is beyond the control of his parents, guardians or other person having his custody; or
- (c) Whose behavior, condition or circumstances are such as to endanger his own welfare or the welfare of others; or
- (d) Who is dependent for care and support on a public or private child-caring agency that needs the services of the court in planning for his best interests; or
- (e) Either his parents or any other person having his custody have abandoned him, failed to provide him with the support or education required by law, subjected him to cruelty or depravity or to unexplained physical injury or failed to provide him with the care, guidance and protection necessary for his physical, mental or emotional well-being; or

(f) Who has run away from his home; or

(g) Who has filed a petition for emancipation pursuant to ORS 109.550 to 109.565, 419.710, 482.270, 482.905 and this section.

(2) The court shall have jurisdiction under subsection (1) of this section even though the child is receiving adequate care from the person having his physical custody.

(3) The provisions of subsection (1) of this section do not prevent a court of competent jurisdiction from entertaining a civil action or suit involving a child.

(4) The court shall have no further jurisdiction as provided in subsection (1) of this section after a minor has been emancipated pursuant to ORS 109.550 to 109.565.

[Subsection (1) enacted as 1959 c.432 §2; subsection (3) enacted as 1959 c.432 §3 (2); 1963 c.496 §1; 1971 c.451 §17; 1977 c.596 §6]

CITIZEN'S FORUM HANDBOOK

JURISDICTION OF THE COURT

The juvenile court has original, exclusive jurisdiction in any case involving a person who is under 18 years of age and:

- a) who has committed an act which is a violation of a state, county, city or federal law. This includes any act which, if done by an adult, would be a violation of the law.

In addition, the juvenile court has jurisdiction over other matters pertaining only to youth under 18, including a young person:

- b) who is beyond the control of his/her parents or legal guardians, who shows a pattern of refusing reasonable requests of parents or other such ungovernable behavior; or
- c) whose behavior, conditions, or circumstances endanger his/her own welfare or the welfare of others.

2. Specific Laws You Should Know

This is a broad category of jurisdiction which, depending on how it is used, allows the court to intervene in special situations which do not necessarily involve criminal acts.

The juvenile court also has jurisdiction when:

- d) a young person is dependent for care and support on a public or private child-caring agency. The court reviews the cases of all young people placed in the care of the state in foster homes, group homes and other out-of-home placements;
- e) a young person's parents have abandoned him/her, or failed to provide an education or the care, guidance and protection necessary for physical, mental or emotional well-being, or have subjected the young person to cruelty or other unexplained physical injury.

This section of the statute gives the court and the Children's Services Division the authority to intervene in child abuse situations. These cases, as well as cases where the young person is dependent on the state for care in out-of-home placements, are handled by the Children's Services Division, instead of by juvenile departments. Juvenile court jurisdiction also extends to cases where:

- f) a young person runs away from home and thereby violates the Juvenile Code. Next to theft, particularly shoplifting, running away from home is the most common reason for referring a young person to the juvenile departments.

Being beyond parental control and running away from home are often referred to as "status offenses", because they are not violations of the law for adults, but are grounds for court jurisdiction when committed by a juvenile.

EMANCIPATION

If a young person is 16 or 17 years of age and can prove in a hearing before a juvenile court judge that s/he is able to totally care for and support him/herself, the judge can grant emancipation to the young person to live as an adult, with adult responsibilities. This relieves parents of any legal responsibility for their son or daughter. Any legal problems occurring before the young person is 18 would be handled in adult court. A request for emancipation is initiated through a private attorney. Emancipation does not change the drinking age, the marriage law, labor laws or the voting age.

Parents are legally responsible for the actions of their children until age 18, unless the children are legally emancipated. Parents can be sued in civil court for up to \$5000 liability for each act involving damage done by their child. This action is independent of any juvenile court involvement that may take place.

The juvenile department receives 80-90% of its referrals or reports of possible violations of the Juvenile Code from the police. The remainder come from parents, schools, other community agencies, young people themselves and complaints from private citizens.

SECTION III

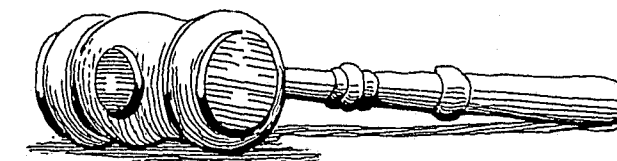
PROCESS OF LAW

17. INTRODUCTION



In this section we will talk about what might happen if a young person is accused of breaking the law or otherwise becomes involved with juvenile court. The United States Constitution guarantees that **everyone** is entitled to certain basic rights. One of these important rights is that a person accused of breaking the law must be accorded **due process of law**. This means that there are rules to make sure that a person who is accused of doing wrong is treated fairly. An **attorney** may be involved to help ensure that due process is followed and that all proceedings are fair. A young person's attorney is there to speak for and represent the young person. As stated in topic #2, the object of juvenile law is not to improve a child's behavior through punishment but through education either in the child's own home, agency or training school.

When a young person is accused of breaking a law, the matter is sent to the juvenile court. A juvenile court includes a staff of **juvenile court counselors** and a judge. The juvenile court judge deals not only with crimes committed by youth, but is also responsible for children who have been mistreated, abandoned, have run away from home or who do not obey their parents. The juvenile court counselor makes an investigation to determine if it is necessary for the matter to be taken to the judge. The counselor helps the judge decide what to do if the young person is found to have committed the act. If the matter goes to the judge, the hearing is more **informal** than an adult trial. The judge listens to the **witnesses** present the **evidence**, and the arguments of the attorneys. If the judge finds that the young person did the act, s/he then usually reads the counselor's report and recommendations, listens to the young person and parents, and then decides what to do about the problem. We will talk about this later in Topics 21 and 22.



PROCESS OF LAW 17. INTRODUCTION

GOALS

1. The student will understand the meaning of 'due process of law'.
2. The student will understand the role of the attorney.
3. The student will understand the role of the juvenile court counselor.

VOCABULARY

1. attorney — a person trained in the law who is authorized to advise, represent, and act for other persons in legal proceedings.
2. due process of law — a manner of proceeding in judicial or other governmental activity that protects the rights of the individual and provides fundamental fairness.
3. evidence — the statements and objects examined for judgment in a court of law.
4. informal — performed or made without set ceremonies, rules, etc.; casual; relaxed.
5. juvenile court counselor — an employee of the juvenile court whose duties include working with a child involved with the court as well as the child's family, and making recommendations to the court on plans for disposition.
6. witnesses — persons who have seen or heard something; someone who is called to testify before a court of law.

DISCUSSION

1. Discuss the meaning of the term 'juvenile' and compare with other terms applied to young people.

ACTIVITIES

1. In order to acquaint the students with due process (Topics 18-23), create or have the student create a bulletin board with the following terms. Have the students continue to watch the newspaper for any articles using these terms. Pictures could be added to expand the information.

3. Process of Law

DUE PROCESS

<u>RIGHTS</u>	<u>FAIR HEARING</u>	<u>ATTORNEYS</u>
remain silent	juvenile court	defense
attorney	judge	prosecuting
parents' presence		
rights in court		
special rights		
waive a right		

RESOURCES

See Resource Section for list of Section III General resource material.

Films

Bill of Rights in Action: Juvenile Law (23 mins.)



18. BECOMING INVOLVED IN THE JUVENILE JUSTICE SYSTEM

A young person can come to the attention of the juvenile court because the police, parents, school, or even the young people themselves complain. **If the family or school** complains, it is usually because of one of the special laws about children we have talked about.

Sometimes it is a conflict within the family that comes to the attention of the police. When they go to the home to assist, this is called **crisis intervention**. Other social agencies may become involved at a later time. The purpose of crisis intervention is to calm the people involved and reopen communication between them. Sometimes, it is necessary to separate the participants and obtain services of an outside social agency who continue counseling the members of the family to resolve the problem.

If a juvenile is thought to have broken a criminal law, the police are usually the ones involved. If that happens, the police have a responsibility to question the young person and even search and take her/him into **custody**. The young person is taken into custody if:

1. there is reason to believe the law was violated, and
2. the young person should be held for more **investigation** or safe keeping.

The police officer has five choices and can decide:

1. the case is not so serious as to need more attention, and do nothing further,
2. to take the young person home and talk with the parents, or call the parents to come get him and let them handle the problem,
3. to refer the young person to a diversion service, if available. A **diversion** service is a counseling program where young people having difficulty are able to receive informal help without having to get involved in the juvenile court,
4. to let the young person go with the parents and send a report to the juvenile court for more investigation, or
5. the young person needs to be held in custody.

If a juvenile court counselor agrees, the young person may then go to **shelter care** or **detention** while more investigation is made.

3. Process of Law

18. BECOMING INVOLVED IN THE JUVENILE JUSTICE SYSTEM

GOALS

1. The student understands how a young person can become involved in the justice system.
2. The student understand that the police have some discretion in the disposition of the case.
3. The student understands the alternatives open to the police.

VOCABULARY

1. crisis intervention — the act of an outside party; police or social agency, coming into the home during an emotional conflict in the family.
2. custody — a. the act or right of caring for or guarding, especially when granted by the court.

b. the state of being detained or keeping in custody a person who is awaiting a hearing or release.
3. disposition — a decision made to direct course of action, especially by a court of law.
4. diversion — the official halting or redirecting of criminal or juvenile justice proceedings against an alleged offender.
5. investigation — to look into or examine carefully in search for facts, knowledge, or information.
6. shelter care — a home or community facility which provides care for young people for short periods of time.

ACTIVITIES

1. Invite a local law enforcement officer to speak to the class to explain what happens when a juvenile gets picked up.
2. Discuss:
 - a. How do police get involved in the case?
 - b. What alternatives do the police have?
 - c. How does an officer make a final choice of the alternatives? Would every officer make the same decision? Why not?
3. Role play situations in which a juvenile encounters an officer to show how the child's behavior may influence the officer's choice of disposition.
4. Discuss what problems there are in enforcing laws and have children make suggestions for what could be done to solve these problems.

RESOURCES

Books

Youth Attitudes and Police

65

3. Process of Law

19. RIGHTS



There are certain rights a person has. Among them are the following:

RIGHT TO REMAIN SILENT: When an individual is accused of breaking the law, a police officer or anyone else may ask questions. The only questions a person has to answer are about name, age, and address. Otherwise s/he may remain silent, and choose to answer no further questions or make any statements. The young person may choose to talk with parents or an attorney before deciding whether to answer any questions. A person has this right because any information given can be used against her/him to prove guilt.

RIGHTS TO AN ATTORNEY, NOTICE, AND WITNESSES: A person has the right to be represented by an attorney in any official proceedings. If going to court, a person has the right to receive notice of the date and time of the hearing early enough to be there. To have a written copy of the petition which tells the court the reason the case is being brought is a right. At the hearing the young person has the right to subpoena, question, and cross examine witnesses. This means a young person or attorney may ask witnesses questions about what they are telling the judge.

WAIVER OF RIGHTS: Even though a person has rights, it is not necessary to use all of them. Giving up a right is called waiving a right. For example, a person may decide to answer questions asked by the police. If so, the person can waive the right to remain silent. However, the person still has the right to stop answering questions at any time. Waiving a right is a serious decision, because it takes away a protection against your being treated unfairly. You should do this only after talking with your parents and attorney. Some rights, once they have been waived, can be asked for again. For example, if you waive your right to remain silent you can refuse to answer questions at any time. But if you waive your right to a hearing or to an attorney, it may be difficult to assert the right later on. When you are asked by anyone to waive a right, you should find out whether and how you can change your mind and get the protection back if you want it.

These rights are sometimes called **due process** protections. That means that each of the protections — the help of an attorney, notice of what the charges against you are, the right to call the witnesses you want to testify for you and the right to cross-examine — can play an important part in making sure your side of the story is heard in court. They are protections against anyone taking away your liberty or other basic rights unfairly. The attorney can help you understand what your rights are and what the law is. She/he can be with you when you are being questioned by police or anyone working for the court and can uphold your right to keep silent and not to be forced to testify against yourself. The attorney can go with you to court or to a hearing in school and make an argument in favor of what you want. Knowing what the charges are against you is important so you can prepare to tell your side of the story. Having the right to subpoena witnesses — to make people come to court to testify on your side even if they don't want to — also helps the judge to see all the evidence that is in your favor. Your attorney can cross-examine witnesses against you to show where their story is weak or why they might have a reason for not telling the truth.

66

19. RIGHTS

GOALS

1. The student is able to list three of his rights and explain them.
2. The student knows what it means to waive a right.

VOCABULARY

1. cross-examine — to question witnesses who testify against you.
2. due process — a manner of proceeding in judicial or other governmental activity that protects the rights of the individual and provides fundamental fairness.
3. petition — (juvenile) a document filed in juvenile court alleging that a juvenile is a delinquent, a status offender, or a dependent and asking that the court assume jurisdiction over the juvenile.
4. subpoena — a written order requiring a person to appear in court and give testimony.
5. waive a right — to give up a right by one's own choice; especially one's constitutional rights.
6. witness — someone who has seen or heard something; someone who is called to testify before a court of law.

ACTIVITIES

1. Invite an attorney to the classroom to discuss juvenile rights. Ask him to give some examples of 'waiving a right'.
2. Divide class into 3 small groups and have students write a short play or skit illustrating one of the rights presented.

RESOURCES

Films

Criminal Justice System (18 mins.)

CITIZEN FORUM HANDBOOK

When a juvenile gets in trouble . . .

When a young person comes to the attention of a police officer, the officer has the same responsibility to investigate for any violation of law as would be the case for an adult. The officer can also investigate any other possible violations of the Juvenile Code. Several options are available to a police officer when apprehending a juvenile. The available options vary with the circumstances of the incident and with department policies. Several of the options are:

1. Where there is no violation of law or the case is not serious enough to require further action, the police officer may do nothing further.
2. If there is a violation of law which is not too serious, the officer may take the young person home and talk with the parents or call the parents to come get the young person, letting them handle the problem.
3. The police officer may take the young person into custody for a specific charge. This initiates the juvenile corrections process. After all information on the charge is gathered for the report, a police officer will usually release the young person to the custody of the parents. A complete report of what happened will then be sent to the juvenile department for further investigation and action.
4. In some areas, a working agreement with the juvenile department allows a young person to be referred or taken directly to a diversion service or youth service bureau. These are counseling and youth assistance programs designed to provide a variety of informal, voluntary services to youth and families, without involving them in the juvenile justice system. The juvenile department allows the diversion service to further evaluate the referral and to provide whatever services are appropriate. Diversion programs, where available, are often used for first offenders and for resolution of family-related problems, such as running away from home. These services help reduce the heavy work loads of juvenile departments.
5. If the police officer feels that the matter needs immediate attention, and believes the youth should not be released to his/her parents, or if the officer holds a warrant for the young person's arrest, the police officer will transport the youth to the juvenile department for a further decision by juvenile authorities. A juvenile department counselor will decide whether the young person can be released to go home, pending further action. If the young person cannot be released for some reason, s/he may be temporarily placed with a relative or family friend, placed in shelter care, or placed in secure detention pending further action.



20. JUVENILE COURT INVESTIGATIONS

If the police send the young person home, a report is given to the juvenile department. The juvenile counselor usually writes or calls the family and asks them to come to the juvenile department for a meeting.

If the police keep the young person in custody, the counselor meets with her/him and the family as soon as possible. A plan is made to settle the problem and avoid further trouble. Three things can happen:

1. The counselor may decide it is better for the young person to go home with the parents or to go to another agency for help. In that case the counselor will release the juvenile and close the case.
2. The counselor may feel the juvenile does not need to be kept in shelter care or detention but that the case needs more attention from the juvenile court. Then, the juvenile would go home with the parents but would come back to the juvenile department in a few days for follow-up meetings with the counselor or for a court hearing.
3. If the counselor feels the young person must be detained, the young person will be placed in shelter care or detention. A counselor will be assigned to work with the individual and the family. The counselor might decide a young person should stay in shelter care or detention if there is reasonable cause to believe:
 - a. the young person will try to hurt someone else or destroy someone else's property,
 - b. the young person will try to hurt her/himself,
 - c. the young person will run away before court is held, or that
 - d. someone else will try to harm the young person.

DETENTION is sometimes a special building just for juveniles, but often it is a separate part of the adult jail. The doors are locked and freedom of movement is controlled. **SHELTER CARE** can be in a special building for young people or in the private homes of people in the community who offer to keep juveniles for short periods of time. The doors are not locked, but the juveniles are expected to follow the rules and are not allowed to leave without permission.

Once a juvenile is held in shelter care or detention, a judge must decide if s/he will stay there while the case is investigated and decided. It is not considered right to keep a young person in shelter care or detention longer than necessary. That could be as little as a few hours or as much as a month or longer depending on the case. The court hearing is held as quickly as possible if the juvenile has been held in custody.

20. JUVENILE COURT INVESTIGATIONS

GOALS (See ORS 419.583-ORS 419.604 and *Citizen Forum Handbook*)

1. The student is able to list the two possible alternatives for the young person if he is not returned home.
2. The student is able to understand why a young person may be detained either in shelter care or detention.

VOCABULARY

1. detention — the act of detaining or keeping in custody a person who is awaiting a hearing or release.
2. jurisdiction — authority to pass judgement.
3. juvenile court counselor — an employee of the juvenile court whose duties include working with a child involved with the court as well as the child's family, and making recommendations to the court on plans for disposition.
4. shelter care — a home or community facility which provides care for young people for short periods of time.

ACTIVITIES

1. If possible conduct a field trip to your local detention center or jail. Request that the class be able to talk with a screening counselor and have a tour. Have a discussion after the field trip. Write a short essay describing personal impressions and feelings of the field trip.
2. Invite a juvenile court counselor to discuss her/his role.

RESOURCES

Films

Boy in Court (11 mins.)

Oregon Revised Statutes

419.583 Provisions regarding bail in criminal cases not applicable. Provisions regarding bail in criminal cases shall not be applicable to children held or taken into custody as provided in ORS 419.472 to 419.590, 419.800 to 419.840 and subsection (2) of 419.990. [1959 c.432 §54]

419.584 Photographing and fingerprinting child; conditions; custody of record; confidentiality, use and destruction of records. (1) A child may be photographed or fingerprinted by a law enforcement agency:

- (a) Pursuant to a search warrant;
- (b) According to laws concerning adults if the child has been transferred to criminal court for prosecution;
- (c) If a child is taken into custody for the commission of an act which if committed by an adult would constitute a felony and the child's photograph or fingerprints are needed to complete the investigation of a crime;

(d) Upon consent of both the child and his parent after advice that they are not required to give such consent; or

(e) By order of the juvenile court.

(2) A child may be photographed or fingerprinted after he has been found to be within the jurisdiction of the juvenile court for an act which if committed by an adult would constitute a felony.

(3) Fingerprint and photograph files or records of children shall be kept separate from those of adults, and fingerprints and photographs known to be those of a child shall be maintained on a local basis only and not sent to a central state or federal depository.

(4) Fingerprint and photograph files or records of a child shall be kept separate from the records and files of adults and shall be open to inspection only by, or the contents disclosed only to, the following:

(a) Public agencies for use in investigation or prosecution of crimes and of conduct by a child which if committed by an adult would be an offense, provided that a law enforcement agency may provide information to another agency only when the information is pertinent to a specific investigation by that agency.

(b) The juvenile department and the juvenile court having the child before it in any proceeding;

(c) Caseworkers and counselors taking action or otherwise responsible for planning and care of the child;

(d) The parties to the proceeding and their counsel;

(e) A criminal court to which jurisdiction of the child has been transferred;

(f) A criminal court for the purpose of a presentence report or other dispositional proceeding following conviction of a criminal offense; and

(g) The victim of an act or behavior described under paragraph (a), (b), (c) or (f) of subsection (1) of ORS 419.476 or the victim's parent, guardian, personal representative or subrogee, when the court orders disclosure of those portions of the records necessary to identify the child committing the act or behavior and identifying the apparent extent of the child's involvement in the act or behavior related to the victim's alleged loss or damage.

(5) Fingerprint and photograph files and records of a child shall be destroyed when the juvenile court orders expunction of a child's record pursuant to ORS 419.805.

(6) (a) Fingerprint and photograph files of a child who is adjudicated and found not to be within the jurisdiction of the juvenile court for an act, which if committed by an adult would constitute a felony or a misdemeanor, shall be destroyed by the officer charged with the maintenance of those files within 60 days from the date of adjudication.

(b) Fingerprint and photograph files of a child who is not adjudicated and found to be within the jurisdiction of the juvenile court for an act, which if committed by an adult would constitute a felony or a misdemeanor within two years from the date on which the fingerprints or photograph were obtained shall be destroyed by the officer charged with the maintenance of those files.

419.586 [1971 c.226 §2; repealed by 1975 c.680 §13]

419.587 County juvenile advisory council. (1) The juvenile court judge or judges of each county having a population of over 10,000 according to the latest federal decennial census, shall, and the juvenile court judge of any other county may, appoint a juvenile advisory council. The council shall consist of seven directors. Not more than two directors shall be representative of agencies with which the juvenile court is involved. In cooperation with the juvenile court, the council shall:

3. Process of Law

(a) Study and make recommendations concerning the operation of the juvenile court, including the counselors and other personnel, detention facilities, shelter care, foster homes and other facilities functioning or needed in connection therewith.

(b) Study and make recommendations in connection with community programs and services designed to prevent or correct juvenile delinquency and other children's problems of the type coming before the juvenile court.

(c) Take appropriate action to stimulate community interest in the problems of children and to carry out the recommendations of the council.

(d) Make an annual report concerning its activity. Such report shall be printed, given as wide distribution and publicity as possible and made available to the public on request.

(e) Make a biennial report to the Legislative Assembly commencing with the 1977 session.

(2) The county court or board of county commissioners in each county in which there is a juvenile advisory council may expend county funds for the activities of the council.
[1959 c.432 §56; 1975 c.795 §4]

419.590 Request for services of Attorney General in action to terminate parental rights. Whenever a juvenile court has before it an action to terminate parental rights, the juvenile court or the Children's Services Division may request the services of the Attorney General.
[1973 c. 202 §3]

419.591 Authority of Attorney General in action to terminate parental rights. Whenever an action to terminate parental rights is before a juvenile court pursuant to ORS 419.523, the Attorney General shall have the same authority to assist the court as is granted to the district attorney under ORS 8.685.
[1973 c.202 §1]

COUNTY JUVENILE DEPARTMENT

419.602 Definitions for ORS 419.602 to 419.616. As used in ORS 419.602 to 419.616:

(1) "Counselor" means any probation counselor or officer appointed under ORS 419.602 to 419.616.

(2) "Detention facilities" means any facilities established under ORS 419.602 to 419.616 for the detention of dependent or delinquent children pursuant to a judicial commitment or order.

(3) "Director" means the director of a juvenile department established under ORS 419.602 to 419.616.

(4) "Juvenile court" means the court having jurisdiction of juvenile matters in the several counties of this state.
[1955 c.419 §1]

419.604 Juvenile court to appoint director or counselor for county juvenile department. (1) Subject to subsection (2) of this section, the judge or judges of the juvenile court in any county having a population less than 300,000 shall appoint or designate one or more persons of good moral character as counselors of the juvenile department of the county, to serve at the pleasure of and at a salary designated by the appointing judge and approved by the budget-making body of the county.

419.608 Duties of director or counselor in juvenile court proceedings. The director of a juvenile department or one of the counselors shall:

(1) Make or cause to be made an investigation of every child brought before the court and report fully thereon to the court.

(2) Be present in court to represent the interests of the child when the case is heard.

(3) Furnish such information and assistance as the court requires.

(4) Take charge of any child before and after the hearing as may be directed by the court.
[1955 c.491 §4]

3. Process of Law

419.610 Director or counselor has power of peace officer and may bring child in his custody before court at any time. Any director or counselor shall have power of a peace officer as to any child committed to his care. Any director or counselor may, in his discretion and at any time, bring a child committed to his custody and care by the juvenile court before such court for any further action the court considers advisable.
[1955 c.491 §5]

419.612 Detention facilities for dependent and delinquent children. (1) Any county may acquire in any lawful manner, equip and maintain within the county suitable detention facilities for the detention of dependent and delinquent children confined pursuant to a judicial commitment or order pending final adjudication of the case by the juvenile court. The personnel of any detention facilities are subject to the control and direction of the judge of the juvenile court.

(2) Where two or more counties have entered into an agreement pursuant to subsection (2) of ORS 419.604, the counties jointly may acquire in any lawful manner, equip and maintain, at a suitable site or sites in the counties determined by the judges of the juvenile courts of the counties, detention facilities suitable for the detention of dependent and delinquent children confined pursuant to judicial commitment or order pending final adjudication of the case by juvenile court. The personnel of any detention facilities are subject to the joint control of the judges of the juvenile courts of such counties.
[1955 c.491 §7]

419.614 Payment of expenses of maintaining detention facilities. All expenses incurred in the maintenance of the facilities for detention and the personnel required therefor shall be paid upon order of the board of county commissioners or county court from county funds duly levied and collected in any manner provided by law. When joint detention facilities are maintained as provided in subsection (2) or ORS 419.612, each county shall pay its share of the costs and expenses of acquiring, equipping and maintaining the joint detention facilities, to be determined pursuant to an agreement between the counties. Counties may accept gifts or donations of property, including money, for the use of detention facilities to be expended and used as directed by the judge of the juvenile court.
[1955 c.491 §8]

CITIZEN FORUM HANDBOOK

County Juvenile Departments

Because they limit freedoms, juvenile courts must justify their interference in a young person's life. The Supreme Court held that the intervention of the courts, no matter how well-meaning, is a serious matter. Juveniles now have most of the same rights as adults in court except the right to a jury trial and the right to bail. (See ORS 419.583)

There are 36 different juvenile courts in Oregon, one in each county. Several counties share the same juvenile court director, but each county is a separate juvenile court jurisdiction.

The policies and operations of each juvenile department are overseen by the presiding judge, who is usually a judge of the circuit court. The juvenile court director serves at the pleasure of the judge, administering the operations of the juvenile department.

Juvenile department budgets are negotiated with and approved by the county commissioners. However, because the juvenile department is under the supervision of the courts, the commissioners do not oversee any of the operations or policies of the juvenile department.

Operations of the juvenile departments vary from county to county, depending upon several factors. These include: the philosophy of the presiding judge and juvenile department director, youth problems in the county, other community youth-serving agencies that share the responsibility for working with youth and family problems, and the attitudes of the citizens in the county toward youth crime and youth problems in general.

A state agency that works closely with the juvenile court is the Children's Services Division of the State Department of Human Resources. The Children's Services Division (CSD) was created in 1971 to coordinate all statewide resources and services to children, including shelter and foster care, group homes and child-care centers, and institutional care.

Oregon Juvenile Law

The general operation of the juvenile corrections system is governed by Oregon law, basically Chapter 419 of the Oregon Revised Statutes. Oregon's juvenile law, or what is commonly called the **Oregon Juvenile Code**, was written with the philosophy of providing individualized treatment and flexibility to make decisions in the best interest of each young person and family.

Juveniles in detention . . .

The placement of young people in secure facilities such as jails or detention centers must comply with Oregon juvenile law. If a young person is held in a secure setting over 24 hours, this must be approved in each case by court order. If the total detention time will be more than 48 hours, a full hearing must be held to determine whether continued detention is needed. (See Senate Bill 106 next page)

There are six juvenile detention centers in Oregon. Some are used as regional detention centers for surrounding counties. In some counties, special areas of the county jail are used for detention of young people. The law requires that a young person cannot be placed in a jail unless s/he is 14 years of age or older. The area of detention must be screened from the **sight and sound** of adult prisoners.

The practice of detaining youth varies considerably from county to county, depending on the availability of facilities, the court's philosophy of detention, and available alternatives such as shelter care.

Probably the greatest variation in the uses of secure detention occurs in situations where a young person is referred for being a runaway. Again, depending on available resources and philosophy of the court, runaways not released to the parents are placed in detention or shelter care, or a combination of the two. (SEE SB 106)

Juveniles referred to the juvenile department . . .

Youth who are referred for dependency, abuse or neglect situations are placed in shelter care rather than detention. Youth who are referred solely for being out of parental control cannot be detained in a secure facility.

When the juvenile department is informed that a young person under 18 may have committed an act that is a violation of the Juvenile Code, the law requires the departments to determine whether some action needs to be taken. The juvenile department reviews all referrals it receives along with any additional information it has regarding the youth, such as other complaints, pending referrals or any past record.

In any referral case, the juvenile department can decide not to proceed in the matter, leaving it to the family to handle, unless the youth or family asks for further assistance. The referral is kept on record to be evaluated with any subsequent referrals.

**B-Engrossed
Senate Bill 106**

Ordered by the Senate March 16, 1979
(Including Amendments by Senate February 16 and March 16)

Ordered printed by the President of the Senate in conformance with pre-session filing rules and indicates neither advocacy nor opposition on the part of the President (at the request of Senator Meeker for the Governor's Task Force on Juvenile Corrections)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Fixes standards for occasion when child 14 or over may be held in detention facility for additional time. Requires court hearing for such detention. Fixes standards for detention facilities used for such additional detention.

A BILL FOR AN ACT

Relating to juvenile corrections; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 4 of this Act are added to and made a part of ORS 419.472 to 419.590.

SECTION 2. Subject to section 4 of this 1979 Act, the juvenile court may order a child age 14 or over placed in a detention facility for children for a specific period of time not to exceed eight days in addition to time already spent in such a facility, when:

- (1) The child has been found to be within the jurisdiction of the juvenile court by reason of having committed an act which would be a crime if committed by an adult; or
- (2) The child described in subsection (1) of this section has been found to have violated a condition of probation.

SECTION 3. No child shall be placed in a detention facility for children as authorized by section 2 of this 1979 Act unless the facility:

- (1) Provides a separate room or ward for children screened from the sight and sound of adults being detained therein, as provided in subsection (3) of ORS 419.575; and
- (2) Is staffed by juvenile department employees.

SECTION 4. A child may be placed in a detention facility for children as authorized by section 2 of this 1979 Act only as the result of a court hearing.

SECTION 5. Sections 2 to 4 of this Act are repealed on June 30, 1981.

**21. JUVENILE COURT
HEARINGS**



We have already talked a little about the judge and court. We know that the judge holds a hearing to decide if a young person will stay in shelter care or detention. Later, the judge decides if the case will be heard in juvenile court or, (if it is a special kind of case) sent to the adult court. The most important hearing is the one in which the judge decides if the juvenile did the act and what to do about it. There are really two decisions called **adjudication** and **disposition**. We will talk about them after we see what happens if a case is sent to the adult court.

REMAND (Transfer to the Adult Court): If a young person is over 16, the case may be transferred to the adult court. Cases involving violations of motor vehicles, game or boating laws are usually handled in the adult court. Other cases are transferred to the adult court only if the juvenile court holds a hearing and the judge decides that the juvenile court cannot provide appropriate services. This usually happens only if the young person is charged with a very serious offense or has a long history of law-breaking.

ADJUDICATION (Fact-finding): Just like in the adult court, the **charge** must be proven in the juvenile court unless the juvenile admits in court the act was committed. No person has to admit to a charge. A person may, with or without the advice of an attorney, decide to admit to the charge in court. If the charge is not admitted, the State must offer evidence. The young person and attorney have the right to cross-examine witnesses and offer evidence. There is no jury. The judge follows rules of evidence and finds innocence or guilt by the same standards as in the adult court. If the State does not prove the charge, the case is dismissed. If the case is proved, the judge goes on to the next step — dispositional hearing.

DISPOSITIONAL HEARING (Consequences): The judge wants to know as much as possible about how the young person got into difficulty, what the family is like, the school record, health, and any prior juvenile record. It is the job of the juvenile court counselor to investigate all of this and give the judge a report. The young person, the attorney, and the family can also give information about what would be best. Then the judge makes a plan which is in the best interests of the young person, the family and society.

If the young person believes that she/he was wrongly adjudicated and that this can be proved, she/he and the attorney may **appeal** the decision. If the dispositional hearing results in a placement or plan that does not work out and the young person has an idea how it could be changed to work better, the hearing can be **re-opened** and a new plan made.



21. JUVENILE COURT HEARINGS

GOALS

1. The student understands the purpose of the following hearings:
 - a. remand hearing (transfer to adult court)
 - b. adjudication hearing (fact-finding)
 - c. dispositional hearing (consequences)

VOCABULARY

1. adjudication — to determine the guilt or innocence of a person in court.
2. charge — a formal statement that a specific person has committed a specific offense.
3. disposition — a decision made, especially by a court of law, which directs the best course of action.
4. remand — to transfer a juvenile case to the authority of the adult court. This happens very rarely and usually only when the juvenile is charged with a very serious offense.

ACTIVITIES

1. For each of the three type of hearings, select:
 - a. judge
 - b. defense attorney
 - c. prosecuting attorney
 - d. accused young person

After a given length of time for preparation, have the group enact the type of hearing assigned. Let each group select the criminal offense and/or circumstances involved. Make sure the class is able to distinguish between the types of hearings. Each group could have a placard or sign indicating the type of hearing portrayed.

2. Invite a juvenile court judge to talk to the class.

CITIZEN FORUM HANDBOOK

Juvenile Court Hearings . . .

Juvenile court hearings are not open to the public and are restricted to persons who have a direct interest in the case. Present are the juvenile court judge or referee, the young person and his/her parents, one or more attorneys representing the young person and/or the parents, a deputy district attorney representing the state and a court reporter who keeps a verbatim record of the hearing. There is no jury in juvenile court hearings. All decisions of fact and law, as well as disposition of the young person's case, are made by the juvenile court judge or referee. As in adult cases, the facts alleged in the petition must be proven beyond a reasonable doubt. If the allegations or charges are not proven, the young person is released from all juvenile court involvement.

Remand . . .

The case can be transferred to adult court if the young person is 16 years of age or older and charged with a criminal act, and the juvenile court judge or referee determines that the young person is not amenable to the services of the juvenile department. A **remand** to adult court is determined in a separate hearing before the case is acted upon in juvenile court. Traffic violations, except serious violations, are usually automatically transferred to adult court.

22. JUVENILE COURT DISPOSITIONAL PLANS



The juvenile court tries to keep a young person in her/his home if possible and returns them home as soon as it is safe and suitable.

PROBATION: Most often the judge will place a young person on probation. Probation means s/he can live at home, but with some new rules set by the court. During this time the juvenile court counselor will work with the young person in the home, school, and community. If damaged or stolen property is involved, the judge may order the young person to make '**restitution**'. Restitution means to pay back with money or work for causing damage, loss, or injury. If someone was injured, the doctor or hospital bills might have to be paid. A victim also has the right to sue the young person and parents to recover damages **intentionally** caused.

OUT OF HOME PLACEMENT: The court may decide that it would be better for the young person to live away from home. The judge could decide upon a group home, a child care center, or a foster home. A group home is like a family home, except there are young people from several families. There are rules such as study hours, bed times, and limits on visits. Often a group home isn't near a family home, so the young person is away from family and friends and attends a new school. A child care center also has several young people living there. It is usually more like an **institution** than a family home. Like a group home, child care centers have rules. Very often young people will attend school at the center and will receive counseling from the center staff. A foster home is usually smaller. One or two young persons live in the home with people who act like parents, while counselors from juvenile court or the State supervise the young person's activities.

INSTITUTIONS: The court may decide that a young person should not remain in the community. The judge can send him to live in a state juvenile institution, MacLaren School or Hillcrest School. These institutions have room for many young people. Rules and regulations are designed to keep very close control over the people who stay there. The young person can return home when the court is told by the institution staff that s/he is ready. A person cannot be kept in a juvenile institution past the age of 21, or longer than an adult could be kept for the same offense.

The judge can also decide that the young person or the parents are to be held responsible for the attorney's fees or other special costs of the court process.



22. JUVENILE COURT DISPOSITIONAL PLANS

GOALS (See *Citizen Forum Handbook*)

1. The student understands the three main dispositional plans.
2. The student knows there are many variations.

VOCABULARY

1. institutions — a facility for the most serious offenders.
2. intentionally — done deliberately; intended.
3. probation — a set of conditions and regulations under which a person found guilty of a criminal offense is allowed to remain in the community instead of going to jail or prison.
4. restitution — an act of making good or compensating for damage, loss, or injury; especially by paying money or working.

ACTIVITIES

1. Sometimes people get into trouble because they are bored or because their family members don't understand each other. With the class, think of some things that families can do together, that the class or students could do for the community, and/or some things that would be interesting for the children to do on their own.
2. Have the class decide what appropriate restitution would be for:
 - a) breaking a window
 - b) spray painting a wall
 - c) shoplifting.
3. Have foster parents talk to the class. Have them talk about the positive reasons they have foster children in their home. What problems does it cause in their family? What specific qualities should foster parents have? What are the regulations governing the selection of a foster home?
4. If there are local group homes or institutions invite some children to talk about their lives and daily experiences.
5. If it is appropriate for your class, set up a panel with children who are living in different family styles — single-parent, two-parent, step-parents, foster parents, commune, etc. Have them discuss such questions as:
 - a. what size is the family?
 - b. what rules are set up for family members?
 - c. how do disagreements get settled?
 - d. how does the family share chores?

RESOURCES

Films

You Be the Judge (13 mins.)

TO THE TEACHER

The plans given here are only the more typical ones. There are literally thousands of plans that can be made for a juvenile and a family. All options are open to the judge. Plans may even include certain rules about attending or improving at school.

CITIZEN FORUM HANDBOOK

Court Dispositions . . .

If the case is handled in juvenile court and the charges are proven or admitted, the young person is found to be within the **jurisdiction of the court**. When this happens, the court can select from a number of dispositional options, depending on the circumstances of the case. The young person, the attorney, the deputy district attorney, the parents and others involved in the case are consulted in making the decision about what should happen to the young person.

Probation . . .

The judge can terminate the case and release the young person from any further involvement if he believes justice has been served and the problems are resolved. The most common disposition is **probation**; continuing the case for a period of time under the supervision of the juvenile department or CSD. There may be special conditions of probation, such as restrictions on with whom the young person may associate, curfews, and restitution for losses to the victim. The length of probation varies according to individual court policies and the seriousness of the case.

Out-Of-Home Care . . .

If a young person's problems are too serious for continued supervision at home, or the family itself is too dysfunctional to be a resource, the judge can order that the young person be placed in a foster home, group home, child-care center or other facility that will provide consistent supervision or a more secure environment. When this happens, the case is transferred from the juvenile department to Children's Services Division. All further case management, planning and counseling services are provided by CSD workers.

Placement resources are located throughout the state. The placement period can vary from 6 months to several years depending on the individual case. Young people who do not adjust to out-of-home placements, who continue to get into trouble or who commit criminal acts while on probation are usually committed to the state training schools. The minimum age for commitment to training schools is 12 years.

3. Process of Law

Training Schools . . .

Oregon has two training schools. **MacLaren School**, located near Woodburn, is only for boys. The average daily population is about 470. **Hillcrest School**, located southeast of Salem, is a co-educational facility. All girls committed to the custody of the state for secure placement are placed in Hillcrest. The average daily population of girls at Hillcrest is about 90. In addition, there are about 80 boys in the Hillcrest program.

There are two camp programs for boys from MacLaren, located near Florence and Tillamook on the coast. A third camp was opened near La Grande in June of 1979. The camp program provides a combination of work and academic experiences. Work is often contracted with the Parks and Recreation Department of the State Department of Transportation. There are 29 boys at **Camp Florence** and 28 boys at **Camp Tillamook**.

Project Picture House, located in Portland, is another program for boys. It differs from the camp programs in that youth receive work experience through private employers. The program is more individualized, allowing youth to pursue varying combinations of work and educational experience, ranging from full-time work to full-time school. The program has a capacity of 32.

The average stay in the training schools is about 5 months, although this can vary considerably with each case. Some youths placed at MacLaren and Hillcrest are paroled directly to a child-care center, group home or foster home. The laws do specify that a young person cannot be institutionalized for a longer period of time than an adult could be incarcerated for the same offense. Youths committed to the State for placement in the training schools remain under supervision of juvenile parole officers for about 28 months, either on conditional release to their homes, in a camp program, in a child-care center or group home, or in a foster home. If they commit other offenses or have more problems while on parole, they are returned to the training school program.

3. Process of Law



23. JUVENILE COURT RECORDS AND EXPUNCTION

What is a juvenile record?

A record is a written explanation of an event. When the event concerns you, it becomes part of your record. Records involving you are birth records, medical and hospital records, and school records.

Certain records explaining a person's contact with the juvenile court are called juvenile records. Juvenile records mainly come from three sources:

1. police records recording police **investigations**
2. records of juvenile department investigations
3. records of juvenile court **proceedings**

Use of juvenile records

Keeping records help the court to know what is happening to a juvenile who is referred to the court. What are her/his needs and **circumstances**? What services have been offered and what future services seem to be needed?

Records are not kept to punish, label, or handicap a person. By law, juvenile court matters are confidential, unlike adult procedures, and are not open to the public or news media. This is done to try to protect the juvenile from improper use of his record.

Destruction of records

There is the possibility that the **record** may be **misused** to prevent good opportunities becoming available to the juvenile. An example would be to hinder a person in gaining **employment** or enlisting in military service.

The law provides that a person may have a record destroyed when it appears that the person no longer needs the service of the juvenile court. The destruction process is called **expunction**.

How can a juvenile record be destroyed?

A person can have the record expunged, if two years have gone by without an additional case entered on the record and the court finds that it is in the best interest of the person and the public.

Any person who has been involved in a juvenile proceeding should receive a written notice explaining the record expunction process. Anyone can call the juvenile court for further explanation of the process.

Effect of destruction of juvenile records.

When the juvenile record of a person has been destroyed, the police, the juvenile department, and the juvenile court must tell those who ask about the record that no record exists.

A person whose record has been destroyed may deny that a record ever existed without possible State penalty for dishonesty concerning the record.

23. JUVENILE COURT RECORDS AND EXPUNCTION

GOALS (See *Citizen Forum Handbook* and Senate Bill 227)

1. The student understands what a juvenile record is and how it is used.
2. The student understands expunction of records and when it can be done.

VOCABULARY

1. circumstances — the conditions, facts, or events connected with and usually affecting another event, a person or a course of action.
2. confidential — told in confidence; secret.
3. destruction — the act of destroying; wipe out.
4. employment — a job or activity.
5. expunction — removal, deletion, erasure; especially a juvenile court record.
6. investigation — to look into or examine carefully in search for facts, knowledge, or information.
7. misused — to use wrongly or incorrectly.
8. proceedings — the formal actions or activities of a court of law.
9. record — information, facts, etc., usually set down in writing as a means of preserving knowledge.

ACTIVITIES

1. Have the class act as reporters and prepare questions to ask of a juvenile court counselor regarding juvenile records.
2. When the counselor arrives, conduct it as though it were a press conference, and have the 'reporters' take notes.
3. Have each 'reporter' write a news story about the interview.
4. Put some in the school newspaper.

CITIZEN FORUM HANDBOOK

Juvenile Records . . .

Detailed written and computerized records are kept on all young people who have had contact with law enforcement agencies and the juvenile corrections system. This information is confidential and is released only to persons directly involved with the young person's case. Policies vary from county to county on how confidential these records are, however. It is possible for the court to grant permission to someone, such as an employer or government agency, to check a young person's record.

Expunction . . .

Expunction or **expungement** is a legal process through which a young person's juvenile court records can be eliminated. Records held by the juvenile court, police agencies and almost all other agencies must be destroyed or sealed if expunction is ordered. The process requires a hearing before a juvenile court judge, and certain conditions must be met. Basically, the conditions are: two or three years must have passed (depending on the circumstances) since the court's jurisdiction over the young person ended; the young person cannot have been convicted of a serious crime during that time; and no criminal or juvenile court matters can be pending or in process against the young person.

If the court orders expunction, all proceedings and juvenile court actions against the young person will be treated as if they never occurred. This means that the young person can answer questions or talk about his/her past as if no contact with police or the juvenile corrections system had taken place.

The expunction process is sometimes complicated, and often the assistance of an attorney is necessary to guide the young person through the process. If a young person cannot afford an attorney, the court can appoint one to represent him/her in the matter.

Senate Bill 227

Ordered by the Senate April 4, 1979
(Including Amendments by Senate March 28 and April 4)

Ordered printed by the President of the Senate in conformance with pre-session filing rules and indicates neither advocacy nor opposition on the part of the President (at the request of Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

CONTINUED

1 OF 2

3. Process of Law

Permits sealing or destruction of any record or a juvenile contact after a court has ordered expunction. Requires that a three-year period must elapse before a person's records can be expunged in certain instances. Requires notice of expunction to be given if juvenile department makes application or if court acts on its own motion.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to records of juvenile court contacts; amending ORS 419.800, 419.805, 419.810 and 419.815; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 419.800 is amended to read:
419.800. As used in ORS 419.800 to 419.840:

(1) "Contact" means any instance in which a person's act or behavior, or alleged act or behavior, which could result in a juvenile court's assumption of jurisdiction under paragraphs (a) to (c) and (f) of subsection (1) of ORS 419.476 comes to the attention of an agency specified in paragraph (b) of subsection (4) of this section.

(2) "Expunction" means:

(a) The removal and destruction of a judgment or order related to a contact;

(b) The removal and destruction of all records and all references; and

(c) Where a record is kept by the Children's Services Division, either the sealing of such record by the division, or in a multiperson file, the affixing to the front of the file, by the division, a stamp or statement identifying the name of the individual, the date of expunction and instruction that no further reference shall be made to the material that is subject to the expunction order except upon an order of a court of competent jurisdiction.

(3) "Person" includes a person under 18 years of age.

(4) "Record" includes a report, exhibit or other material which (a) contains information relating to a person's contact with any law enforcement agency or juvenile court or juvenile department; and (b) is kept manually, through the use of electronic data processing equipment, or by any other means by a law enforcement or public investigative agency, a juvenile court or juvenile department or an agency of the State of Oregon. "Record" does not include a transcript of a student's academic record at MacLaren School for Boys or Hillcrest School of Oregon or material on file with a public agency which is necessary for obtaining federal financial participation regarding financial assistance or services on behalf of a person who has had a contact.

3. Process of Law

(5) "Termination" means:

(a) For a person who is the subject of a record kept by a juvenile court or juvenile department, the final disposition of a case by informal means, by a decision not to make the person a ward of the court after he has been found to be within the court's jurisdiction, or by a discontinuance of the court's wardship under ORS 419.531.

(b) For a person who is the subject of a record kept by any other agency specified in paragraph (b) of subsection (4) of this section, the final disposition of the person's most recent contact with a law enforcement agency.

Section 2. ORS 419.805 is amended to read:

419.805. (1) Upon application of either a person who is the subject of a record or a juvenile department, or upon its own motion, the juvenile court shall order expunction if, after a hearing when the matter is contested, it finds that:

(a) At least two years have elapsed since the date of the person's most recent termination;

(b) Since the date of the most recent termination, the person has not been convicted of a felony or a Class A misdemeanor; and

(c) No proceedings seeking a criminal conviction or an adjudication in a juvenile court are pending against the person.

(2) Notwithstanding paragraphs (a) to (c) of subsection (1) of this section, if a person has been placed in out-of-home care by a public agency including, but not limited to, shelter care, foster care, a child care center, a group home or the state training schools, a period of three years must have elapsed from the person's most recent termination before the record can be expunged.

(3) In the case of an application by the juvenile department or of the court acting upon its own motion, expunction shall not be ordered if actual notice of expunction has not been given to the person in accordance with ORS 419.820 unless the person has reached 21 years of age.

(4) Within 30 days of the date on which a juvenile court or juvenile department disposes of a case in which there is a record in a manner described in paragraph (a) of subsection (5) of ORS 419.800, the juvenile court or juvenile department shall make reasonable effort to notify the person who is the subject of the record of his rights under subsection (1) of this section. The notice shall be in writing and shall include an explanation of ORS 419.800 to 419.840 and subsection (2) of 419.990.

3. Process of Law

Section 3. ORS 419.810 is amended to read:

419.810. (1) When a person who is the subject of a record kept by a juvenile court or juvenile department [reaches 18] years of age, the juvenile court, after a hearing when the matter is contested, shall order expunction if:

(a) The person never has been found to be within the jurisdiction of the court; or

(b) The conditions of paragraphs (a) to (c) of subsection (1) and subsection (2) of ORS 419.805 have met. (2) Expunction shall not be ordered under this section if actual notice of expunction has not been given to the person in accordance with ORS 419.820 unless the person has reached 21 years of age.

(3) This section shall apply only to cases which result in termination after September 13, 1975.

Section 4. ORS 419.815 is amended to read:

419.815. Notwithstanding ORS 419.805 and 419.810, upon application of a person who is the subject of a record kept by a juvenile court or juvenile department, upon application of the juvenile department, or upon its own motion, the juvenile court, after a hearing when the matter is contested, may order expunction of all or any part of the person's record if it finds that to do so would be in the best interests of the person and the public. In the case of an application by the juvenile department or of the court acting upon its own motion, expunction shall not be ordered if actual notice of expunction has not been given to the person in accordance with ORS 419.820 unless the person has reached 21 years of age.

SECTION 5. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

3. Process of Law



24. SOCIAL CONSEQUENCES

Besides what happens to an individual at juvenile court, other things can happen to a person who breaks the law.

If you break the law, friends, neighbors, teachers, police and others in the community may change their opinions of you.

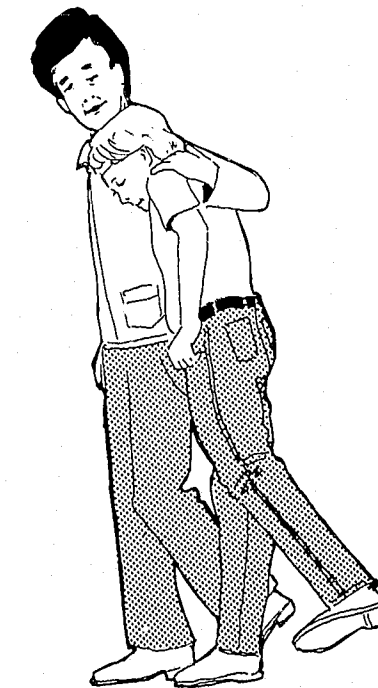
It may be important to think about the feelings of disappointment or embarrassment that brothers, sisters, or parents might feel.

It might cause them problems with their neighbors and friends or at work.

Your friends may avoid you. They may not want to be seen with a troublemaker.

If you had to spend time in detention, you may get behind in school and have lots of makeup work to do. Being on probation or otherwise involved with the court means **you** have less freedom. The more trouble you get into, the less freedom you have.

It is good for **you** to know that these things can happen so that you can make a decision if you might break a law.



24. SOCIAL CONSEQUENCES

GOALS

1. The student knows of social consequences for breaking the law.

VOCABULARY

1. decision — a final or definite conclusion; a judgement.

ACTIVITIES

1. Brainstorm a list of all the consequences for breaking the law.
2. Divide the list into 2 headings:
Social Consequences Legal Consequences
3. Discuss the effect of these consequences upon their lives.
4. Discuss the concept of reputation and how reputations, good or bad, are formed.
5. Discuss how probation restricts freedom:
 - a. freedom is based on responsibility.
 - b. a person who gets into trouble demonstrates a lack of responsibility.
 - c. probation controls his activities.

25. CORRECTIONS



A person given a jail sentence or placed on probation becomes involved in the 'corrections' phase of the criminal justice system. The **corrections phase** helps:

1. protect the public against criminal and **delinquent** behavior.
2. offenders become law abiding citizens.

From our previous discussion we know that juvenile court is different from adult court. In juvenile court, the child's best interests are the number one concern. The juvenile corrections system is discussed in Units 18-23.

The **corrections** system works to help, correct, or **rehabilitate** the offender in many ways. Depending on the offense and the offender, the offender is placed in one of the following programs.

1. **COMMUNITY CORRECTIONS:** Community corrections programs work with the offenders who are allowed to stay in the community. When a judge sentences someone to **probation**, the offender can stay in the community under the **supervision** of a **probation officer**. The probation officer can try to help the offender find a job or solve personal problems.

Parole is similar to probation but it is provided to the offender if s/he received an early release from a prison or local jail.

2. **COMMUNITY CORRECTIONS CENTERS:** Community Corrections Centers are places where offenders can live. They receive more help and supervision than can be provided if they were allowed to live on their own. In these centers offenders go to work or school but spend the night at the Center. While at the Center, offenders can receive counseling for personal problems, treatment for alcohol or drug problems, and other services. Community Corrections Centers can be an important part of an offender's parole or probation program.

3. **STATE INSTITUTIONS (PRISONS):** The most serious offenders are sent to the Oregon State Penitentiary, the Oregon State Correctional Institution, or the Oregon Women's Correctional Center. These institutions are used to protect society from more criminal activities. They also provide criminals with opportunities to develop better living habits.

25. CORRECTIONS

GOALS

1. The student will understand the purpose of corrections.
2. The student will understand the meaning of 'community corrections', probation and parole.

VOCABULARY

1. corrections phase — the process which includes the treatment, supervision or confinement of offenders.
2. delinquent — a juvenile who commits an act in violation of the law.
3. parole — the release of an offender from a jail or prison before he has served his full term, on condition of continued good behavior.
4. probation — a set of conditions and regulations under which a person found guilty of a criminal offense is allowed to remain in the community instead of going to jail or prison.
5. probation officer — an individual appointed by the court to provide probation services.
6. rehabilitate — to restore someone to being a productive and acceptable member of the community.
7. supervision — the act or process of directing or controlling.

DISCUSSION

1. What benefits are there to the offender to be placed in a community corrections program? What benefits to the community?
2. Discuss the concept of 'rehabilitate'.

ACTIVITIES

1. Find out what community corrections programs there are in your area. For Adult Community Corrections, contact: Local Government Corrections, Corrections Division, 2575 Center St., Salem, 97310. (378-2804) For Juvenile Community Corrections, contact: Director, State Juvenile Services Commission, Room 60E State Capitol Building, Salem 97310 (373-1283) or the Juvenile Court Director in your county.
2. Invite someone from the Corrections Department or a local community corrections program in your area to your class. Have the person describe the philosophy of community corrections and how specific programs fit into this philosophy.

26. PEOPLE HELP PEOPLE



So far we have been talking about laws and what happens to young people when they break the law. It is much better to stay out of trouble in the first place.

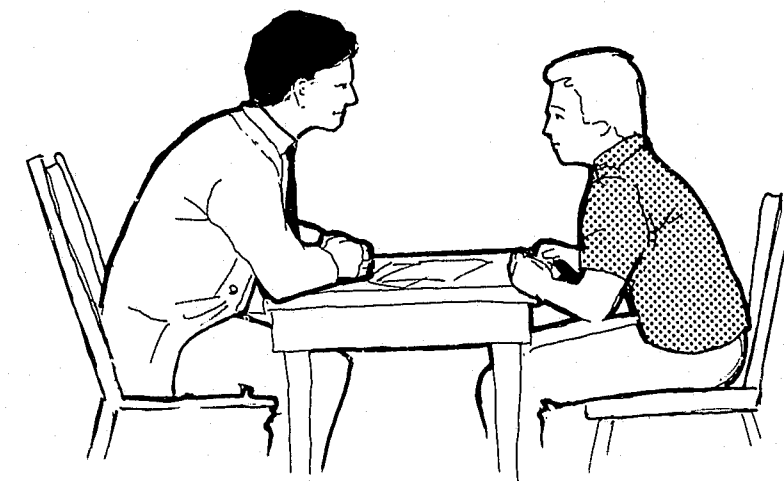
No one really knows why young people break laws. It seems to happen more often if a juvenile is unhappy, angry, or just plain bored.

Since everyone has times when they feel unhappy, angry, or bored, most communities have **counseling centers**. You can go to the center to talk over your feelings and any problems that you have. Talking with someone who will listen and try to understand is a good idea. It makes you feel better and helps you to solve your problems. This can help to keep you from breaking the law.

Your parents are there to help you and take care of you. Sometimes they get very busy and don't notice when you are feeling bad. When you have a problem, it is a good idea to tell your parents about it first.

If your parents can't help you or if you are mad at them, it's a good idea to tell your teacher, school counselor, a friend's parent, minister, or any adult that you know and like. If it is necessary, they can help you to find a counseling center or other place where you can go to talk about your feelings.

Police can be helpful also. Helping people is a large part of their jobs. You don't need to feel afraid or embarrassed about asking for help. Remember, help is always there. Ask for it!



26. PEOPLE HELP PEOPLE

GOALS

1. The student understands that asking for help early is easier than getting out of trouble later.
2. The student can identify four different sources of help.

VOCABULARY

1. counseling center — an agency or facility where people who are knowledgeable in giving advice and guidance are available.

ACTIVITIES

1. Using the information the children compiled in Topic 16, create a 'People Help People' resource book for your area. You will want to include the names of local agencies which the students may have omitted in the list of resource people.

There are two free national telephone numbers set up to help both young people who have run away or are in trouble, and their parents. The telephone numbers are:

RUNAWAY HOTLINE 1-800-231-6946
SWITCHBOARD 1-800-621-4000

2. Have people from the local agencies talk to the class about the services they offer. Invite parents to the presentation.

TO THE TEACHER:

Local agencies can be found in the phone book under Social Service Agencies.

RESOURCES

Films

City Protection and Welfare Services (10 mins.)

GLOSSARY

1. abusive — containing coarse and insulting language.
2. adjudicate — to determine the guilt or innocence of a person in court.
3. administrative — that which manages, directs, and applies specific rules or standards.
4. agency — an organization or group of people that help to achieve something.
5. alcohol — the intoxicating drug in beer, wine and liquor.
6. allege — to declare to be true; to accuse of a crime.
7. amend — to change an existing law; to remove the faults or errors of a law; to correct.
8. arson — the crime of intentionally and wrongfully setting a fire or explosion in buildings or other property.
9. assault — causing physical injury to someone.
10. attorney — a person trained in the law who is authorized to advise, represent, and act for other persons in legal matters.
11. burglary — the crime of entering a building or house with the intention of stealing or committing any other crime.
12. burglary tools — tools which can be used for burglaries, such as pry bars, glass cutters, lock picking devices, etc.
13. charge — a formal statement accusing a person of committing a specific offense.
14. circumstances — the condition, facts, or events connected with and usually effecting another event, a person or a course of action.
15. civil law — covers the ordinary relationships between people as distinguished from criminal law, which deals with crimes.
16. civil penalty — punishment, other than imprisonment, ordered by a court for a violation or civil offense.
17. confidential — told in confidence; secret.
18. congress, member of — a member of the United States House of Representatives or the United States Senate.
19. consequence — the result, either negative or positive, that follows from an action or condition.
20. constitution — document stating basic laws and principles of a government.
21. controlled substance — any drug or medicine, the possession, use or sale of which is regulated by law.
22. conviction — when a person has pled guilty or been found guilty of a criminal offense.
23. corrections phase — the process which includes the treatment, supervision of confinement of offenders.
24. correctional agency — an agency which provides help and supervision to offenders.
25. correctional institution — a jail, prison or other building where offenders are placed for the protection of society, as punishment of the offender and/or as part of a rehabilitation (retraining) program.

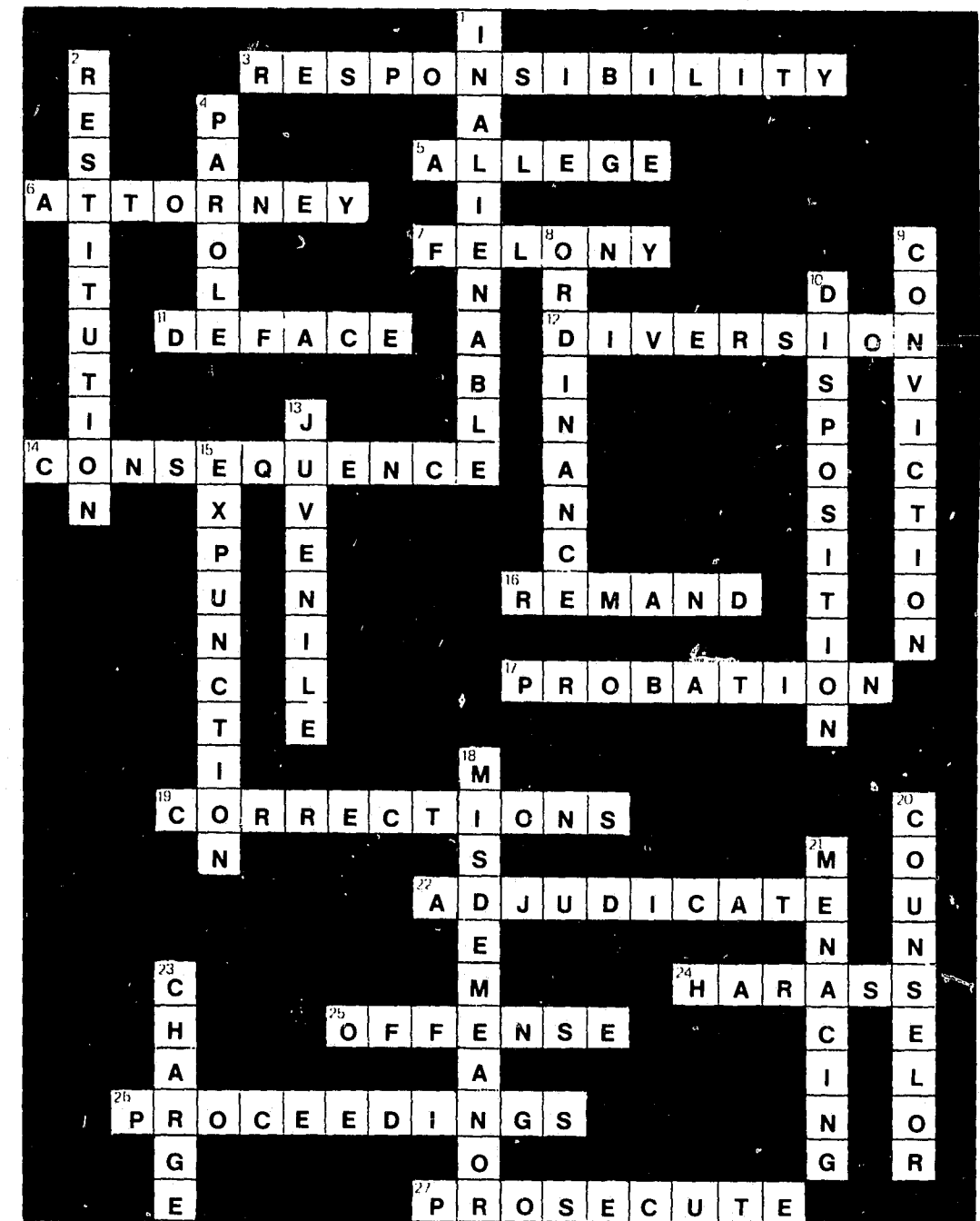
26. counseling — advise or guidance, especially from a knowledgeable person.
27. counseling center — an agency or facility where people who are knowledgeable in giving advice and guidance are available.
28. counselor — someone who advises or guides.
29. crime — an act which is against the law, and for which imprisonment may be imposed upon conviction.
30. criminal — a person who has committed or been convicted of a crime.
31. criminal law — the law which covers acts defined as "crimes" because they can be serious dangers to society.
32. criminal mischief (vandalism) — intentionally or recklessly damaging private or public property, causing destruction or inconvenience to the owner or user.
33. cross-examine — to question witnesses who testify against you.
34. curfew — an order requiring certain groups of people to retire from the streets at a certain hour.
35. custody — a. the act or right of caring for or guarding, especially when granted by a court.
b. the state of being detained or held under guard, especially by the police.
36. damages — in law, money to be paid to make up for an injury or loss.
37. decision — a final or definite conclusion; a judgment.
38. defacing — to spoil or mar the surface or appearance of; disfigure.
39. delinquency — an action or conduct, especially by juveniles which is in violation of the law.
40. delinquent — a juvenile who commits an act in violation of the law.
41. dependency — the legal status of a juvenile over whom a juvenile court has assumed jurisdiction because the parent or guardian have failed to provide proper care.
42. destruction — the act of destroying.
43. detain — to keep in custody; to hold or confine.
44. detention — the act of detaining or keeping in custody a person who is awaiting a hearing or release.
45. disorderly conduct — lacking discipline and self-control; disrupting the public peace; causing annoyance, inconvenience or alarm.
46. disposition — a decision made especially by a court of law, which directs the best course of action.
47. diversion — the official halting or redirecting of criminal or juvenile proceedings against an alleged offender.
48. drug — a substance which produces a change in the way you behave and feel.
49. due process of law — a manner of proceeding in judicial or other governmental activity that protects the rights of the individual and provides fundamental fairness.
50. employment — a job or activity.
51. enforce — to compel observance of or obedience to.
52. evidence — the statements and objects examined for judgment in a court of law.
53. expelled — to dismiss, especially from school by an official decision.
54. expunge — (expunction) — to remove complete; delete; erase, especially a juvenile court record.

55. felony — a criminal offense for which a person could be sentenced to prison for more than a year or pay a fine of up to \$2,500 or both; the most serious class of crimes.
56. harassment — to bother or torment, especially repeatedly.
57. hard drugs — a slang term for the most harmful or dangerous drugs. The illegal possession, use or sale of hard drugs is considered to be a very serious crime.
58. hearing — a. a session for listening to testimony, arguments, etc.
b. (school) a meeting between the student, his or her parents and a hearing officer.
59. inalienable right — a right which cannot be taken away.
60. incarcerate — to place in jail or prison; to detain.
61. informal — performed or made without set ceremonies, rules, etc.
62. institution — a facility for the most serious offenders.
63. intentionally — done deliberately; intended.
64. investigate — to look into or examine carefully in search for facts, knowledge, or information.
65. jurisdiction — authority to govern, legislate, or adjudicate within a specific range.
66. juvenile — a person who is under 18 years of age.
67. juvenile court — a court of law which hears cases involving persons under 18 years of age.
68. juvenile court counselor — an employee of the juvenile court whose duties include working with a child involved with the court as well as the child's family, and making recommendations to the court on plans for disposition.
69. juvenile record — a record containing information which describes a juvenile's contact with the juvenile court.
70. larceny — the crime of stealing; theft.
71. law — the rules of conduct established by legislation.
72. law violation — the act of breaking the law by a juvenile regardless of the seriousness or the disposition of the case.
73. liberty — freedom of action, belief or expression.
74. lobby — to present information to a law-making body with the intent of influencing their decisions.
75. media — the means by which the general public is informed of public events, e.g.: television, newspapers, etc.
76. menacing — attempting to place another person in fear of serious injury.
77. minor — a person under the age of 18.
78. misdemeanor — a criminal offense for which a person could be sentenced to jail for up to one year, or pay a fine of up to \$1,000 or both; less serious than a felony.
79. misuse — to use wrongly or incorrectly.
80. non-criminal — less serious than criminal, punishable by a fine or other civil penalty.
81. offender — someone who commits an offense.
82. offense — an act committed in violation of a law.
83. ordinance — a law of a city or county.
84. parole — the release of an offender from a jail or prison before he has served his full term, on condition of continued good behavior.

85. penalty — a punishment established by law or authority for an offense.
86. petition — (juvenile) a document filed in juvenile court alleging that a juvenile is a delinquent, a status offender, or a dependent and asking that the court assume jurisdiction over the juvenile.
87. possess — to have, as property; to own; to hold.
88. privilege — a special permission, right, or benefit granted to or enjoyed by an individual.
89. probation — a set of conditions and regulations under which a person found guilty of a criminal offense is allowed to remain in the community instead of going to jail or prison.
90. probation officer — an individual appointed by the court to provide probation services.
91. proceedings — the formal actions or activities of a court of law.
92. prosecute — to initiate or conduct a legal action against someone.
93. prosecutor — a government attorney whose official duty is to prosecute accused.
94. record — information, facts, etc., usually set down in writing as a means of preserving knowledge.
95. rehabilitation — to restore someone to being a productive and acceptable member of the community.
96. remand — to transfer a juvenile case to the authority of the adult court.
97. repeal — to do away with a law that was previously passed.
98. responsibility — having to account for one's actions; to be answerable for one's behavior.
99. restitution — an act of making good or compensating for damage, loss, or injury; especially by paying money or working.
100. rights — a just, moral or legal claim.
101. robbery — when one person uses physical force or threat of force to take money or property away from another person.
102. rule — a statement that tells how to do something or what may or may not be done.
103. runaway — to leave home without permission; escape from an institution; especially a juvenile who has so left or escaped.
104. sentence — a decision of the court for punishment.
105. shelter care — a home or community facility which provides care for young people for short periods of time.
106. shoplifting — taking something from a store without paying for it.
107. slanderous — making false and damaging statements about a person.
108. special rights — rights designed to protect young people and help them get special medical advice or medical care.
109. State Legislature — the governmental body responsible for making the laws for the State; consisting of a House of Representatives and a Senate.
110. status offense — an act or conduct which is an offense, but only when committed or engaged in by a juvenile; running away, disobeying curfew, being beyond parental control are examples.
111. subpoena — a written order requiring a person to appear in court and give testimony.
112. sue — to bring legal action against a person in order to satisfy a claim or grievance.
113. supervision — the act or process of directing or controlling.

114. suspend — to halt temporarily; to deprive temporarily of membership or privileges; to expell from school temporarily.
115. theft — taking without permission anything that belongs to someone else; to steal.
116. traffic offense — an action involving misuse of a motor vehicle.
117. trespass — to go on someone's property where you are not permitted; to remain on someone's property after being asked to leave.
118. truant — absent from school without permission.
119. vandalism — the willful or malicious defacement or destruction of public or private property.
120. violation — (adult) an offense which is punishable only by a fine, a civil penalty or both.
121. waive a right — to give up a right by one's own choice; especially a constitutional right.
122. weapon — any instrument or object capable of causing injury to a person; a device used to attack another person or to defend oneself from attack.
123. witness — someone who has seen or heard something; someone who is called to testify before a court of law.

KEY TO CROSSWORD PUZZLE



CROSSWORD PUZZLE CLUES

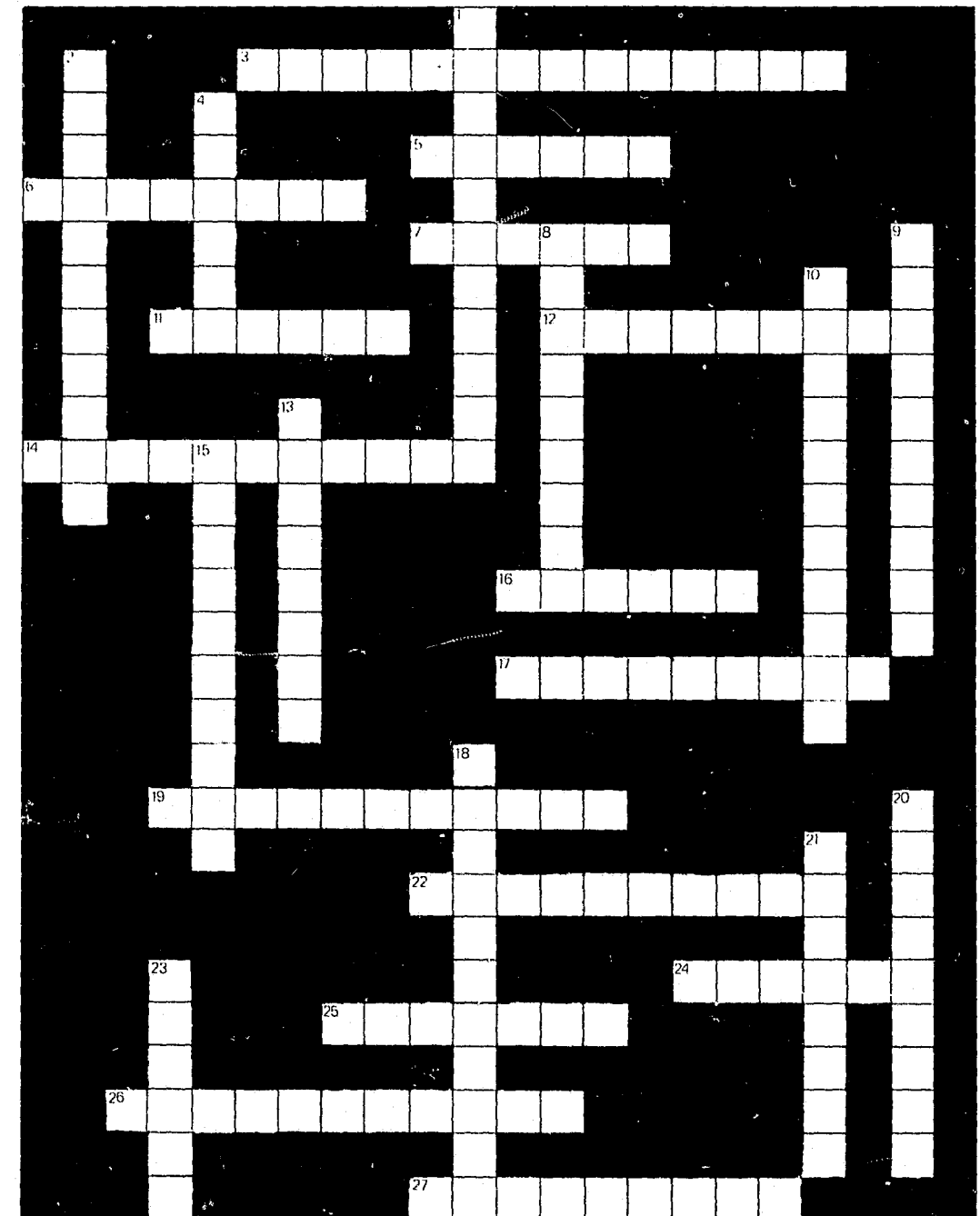
ACROSS

3. Having to account for your own actions is part of your _____.
5. To _____ is to accuse of a crime.
6. An _____ is someone who can legally speak for you in a court of law.
7. A crime more serious than a misdemeanor is a _____.
11. To mar the appearance of something is to _____ it.
12. To stop or redirect a criminal or juvenile case is called _____.
14. If you break a law you will have to take the _____ of your own actions.
16. A _____ is transfer of a juvenile case to the adult court.
17. If you are found guilty of a crime and the judge sentences you to _____ you can live in the community instead of going to jail or prison.
19. The process which includes the treatment, supervision or confinement of offenders is known as _____.
22. To determine the guilt or innocence of a person in court.
24. To repeatedly bother or torment someone.
25. An act committed in violation of the law is called an _____.
26. The formal actions or activities of a court of law.
27. To _____ is to conduct a legal action against someone.

DOWN

1. A right that cannot be taken away from you is your _____ right.
2. Paying back money to compensate for damage done to someone's property is called _____.
4. If you are released from jail or prison before you have served your full term, you would be on _____ on condition of good behavior.
8. Breaking a law of a city or county is called breaking an _____.
9. _____ is when a person has pled, or been found guilty of a crime.
10. A _____ is a decision by a court as to the best course of action.
13. A _____ is someone under 18 years of age.
15. Destroying a juvenile's record is called _____.
18. A _____ is a crime less serious than a felony.
20. A _____ is someone to go to for advice and guidance.
21. You are _____, if you are placing a person in fear of injury.
23. A legal accusation is called a _____.

CROSSWORD PUZZLE



RESOURCES

This list of books, pamphlets, films and film strips are just a few suggestions representative of a large amount of material available to you. We urge you to contact:

1. your local school or school district Instructional Materials Center,
2. Your Educational Service District Instructional Materials Center,
3. (in the Portland area) the Multnomah County ESD Tri-County Law Related Education Project, 220 SE 102nd, Portland 97216,
4. your local juvenile departments for data and current information specific to your county,
5. your local community colleges for speakers or Institute for Public Affairs Research (233-6581), 516 SE Morrison, Portland,
6. Department of Continuing Education Film Library, 1633 S.W. Park, P.O. Box 1491, Portland 97297 (229-4843),
7. American Bar Association, Special Committee on Youth Education for Citizenship, 1155 E. 60th, Chicago, Illinois 60637.

GENERAL

Bibliography of Law-Related Curriculum Materials: Annotated
Working Notes #10, 116 pages, Special Committee on Youth Education for Citizenship, American Bar Association, 1155 E. 60th, Chicago, Illinois 60637.
Description of more than 1,000 books and pamphlets for classrooms, K-12, and teacher reference. (1976) \$1.00

Bill of Rights in Action journal
is a publication of the Constitutional Rights Foundation, 6310 San Vicente Blvd., Los Angeles, Ca. 90048. It is published four times a year focusing on a single theme in each issue. Back copies and class copies are available.

Directory of Law Related Education Projects book
American Bar Association, 120 pages. Listing of all Law Related Education Projects in the United States. Editor, Cynthia Kelly.

Due Process of Law: A Guide for Teachers book
70 pages, Missouri Bar Association, 326 Monroe Street, Jefferson, Missouri 65101.
Questions and answers on the historical background of law, the court system, trial by jury and the role of law in society. \$1.00

Fact and Fiction About Crime book
Published by the Oregon Law Enforcement Council, 45 pages. Overview of commonly held misconceptions about crime and corrections. Well-done graphics and layout help make statistics and facts easily understood. \$1.00

Involvement: A Practical Handbook for Teachers book
Maryland State Bar Association, Carroll County Public Schools, 55 N. Court Street, Westminster, Maryland. Secondary and Elementary levels handbooks. 62 pages each.

Law Related Education in America: Guideline for the Future book
American Bar Association, 1155 E. 60th Street, Chicago, Illinois 60637
Definitions, structure and administration, teaching and learning goals, and future of law related education for teachers of law related education. \$2.00 122 pages.

Law in American Society journals, tapes
Law in American Society Foundation, 69 W. Washington Street, Suite #2700, Chicago, Illinois 60602.

This foundation publishes many useful articles for teachers of law-related studies and usually provides outlines of simulation games, mock trials, and other classroom activities for elementary and secondary law-related units. Materials are either general or thematic. Special topics include: the police, law and justice, international criminal law, juvenile justice, justice for women, etc. Some back issues are available. Write for current information.

Law Related Education Materials, Evaluations and Recommendations book
Tri-County Law Related Education Project, 220 S.E. 102nd, Portland 97216,
326 pages. Evaluates media programs, books, publications committed to law related education at all grade levels. Suggestions for use, concepts, and rating by publishing committee included.

Media, an Annotated Catalogue of Law-Related Audio Visual Materials
American Bar Association, 1155 E. 60th Street, Chicago, Illinois 60637.
Lists and describes more than 400 films, filmstrips, and tapes concerned with law-related education (1975) \$1.50

Teaching Teachers About Law: A Guide to Law Related Education Programs book
American Bar Association, 1155 E. 60th Street, Chicago, Illinois 60637, 225 pages.

Teaching About Law book
Ronald A. Gerlach and Lunne Lamprechet, authors; Anderson Publishing Company, Cincinnati, Ohio. 354 pages. Excellent teaching guide for teachers including: Law for the layman, citizenship, community and legal resources available.

Update journal
Published three times a year by the American Bar Association Special Committee on Youth Education for Citizenship. this publication summarizes major Supreme Court decisions, contemporary controversies and includes teaching strategies. Each edition includes a list of new materials from textbooks to films. A one year subscription is \$5.00. Teachers may order back copies which have focused on such topics as Juvenile Justice, Sports and the Law, Religion and the Law, Freedom of Press or Trial, Focus on Search and Seizure, Discipline and Due Process in the schools.

TOPIC 1

Justice, Liberty and Law film
19 minutes. DCE Film Library Raises question of equality and basic human rights as protected under the Bill of Rights. Sets the Bill of Rights in historical perspective. Rental: \$12.50

Law: A System of Order film
18 minutes, DCE Film Library. Broad overview of reasons behind law, how it is enforced and how it may be changed. Approaches idea of an international law as alternative to war. Rental: \$12.50

Legal Education Materials for Elementary and Intermediate Grades book
80 pages, Lincoln Filene Center for Citizenship and Public Affairs, Tufts University, Medford, Massachusetts 02106.
29 learning experiences using problems of everyday life which illustrate the need for law. Selected readings in literature which demonstrate legal concepts, including *Alice in Wonderland*, *Aesop's Fables*, *Gullivers Travels* and *The Ugly Duckling*. \$1.00

Neighbors film
9 minutes, International Film Bureau, Inc. 332 South Michigan Ave., Chicago, IL 60604.
Relates a parable about two neighbors who fight over the possession of a flower that grows on the line where their properties met. Rental: \$8.00

Understanding the Law of Our Land book
51 pages, paperback, American Guidance Service, Inc., Publisher's Building, Circle Pines, Minnesota 55014.
Discusses the need for law and the origins of law in this country, stressing that laws must change when necessary. Provides simple stories and examples which explain differences between felonies and misdemeanors, and juvenile and adult courts, and suggests constructive ways to dissent. \$1.00

What "Liberty and Justice" Means film
10 minutes, DCE Film Library.
Outlines in a simple way, basic freedoms guaranteed in the United States. Brings "rules" to light and addresses the subject from perspective of justice and means to ensure each person's freedom. Rental: \$9.25

TOPIC 2

How Rules and Laws Help Us book
48 pages, hardback, Muriel Stanek, Benefic Press, 10300 West Roosevelt Road, Westchester, Illinois 60153.
Simplified discussion of how rules and laws affect our lives, how they are made, and how they can be changed by citizen action. \$2.60

Introduction to Law: Trial on the Moon sound slides
15 minutes, guide, (cassette only), Law in American Society Foundation, 33 North LaSalle Street, Chicago, Illinois 60602.

Boys stranded on the moon must create their own rules and standards of behavior. When some lunch rations are missing they must decide if the accused should be tried before he is punished. Includes stops to aid discussion. Free loan (limited supply)

Understanding Law of Our Land book
See listing under Topic 1.

Values: Playing Fair film
16 mm., 10 minutes, BFA Educational Media, 2211 Michigan Avenue, Santa Monica, California 90404.

Attempts to raise issues of fairness, authority, and the need for rules by showing staged class discussions and various playground incidents. Rental \$8.00

Who Needs Rules? film
16 mm., 11 minutes, Encyclopedia Britannica Educational Corp., 425 North Michigan Avenue, Chicago, Illinois 60611.

Two open-ended situations are presented in which children must decide whether or not to obey rules which conflict with their desires. Rental \$9.00

TOPIC 3

Citizen Law Makers film
28 minutes, DCE
Demonstrates how Oregon's state legislative process engages the interest and efforts of many citizens in addition to the ninety who make up the citizen legislature. Includes historical information and illustrates the power of a citizen to influence legislature. Rental: \$12.75

Law: A System of Order film
See listing under Topic 1.

TOPIC 4

Justice, Liberty and Law film
See listing under Topic 1

Developing Responsibility film
16 mm., 11 minutes, Coronet Instructional Media, 65 E. South Water Street, Chicago, Illinois 60601 (1970).

Shows traditional scenes of children being asked to take on greater responsibilities, such as preparing dinner, buying clothes, preparing an exhibit for a science fair, and becoming a club secretary. Stresses how small responsibilities prepare for larger ones. Sale price: (black/white) \$71.00, (color) \$142.00

Law and Justice in the United States Series film
Teaching Resources Films, The New York Times, Station Plaza, Bedford Hills, New York 10507.

What are laws? The basis of liberty. Enforcing the law. The law and the courts. The responsibilities of freedom. The challenge of the future. PTI comment: Best suited for elementary grades.

TOPIC 8

Developing Responsibility film
See listing under Topic 4.

Introduction to Law: Trial on the Moon sound slides
See listing under Topic 2.

Trick or Treat film
16 mm guide, 15 minutes, Churchill Films, 662 N. Robertson Blvd., Los Angeles, CA 90069 (1969).

This open-ended film deals with issues of responsibility and degrees of guilt. Boys angered at not receiving Halloween treats from an old man convince some younger boys to play a dangerous trick. The younger boys get caught, and the older boys have some decisions to make. Rental: \$18.00

Vandalism: Crime or Prank film
16 mm., 6 minutes, DCE.
An open-ended film designed for discussion. Raises the questions of whether vandalism is a crime or a prank and whether or not an adult who witnesses the vandalism should report the matter to the police or to the parents of the culprits. Rental: \$7.75

SECTION II

TOPIC 11

Shoplifting film
21 minutes, DCE.
Experts from the police, store security officers, and psychiatrists discuss the crime, its economic effects, and the possible results of a criminal record of conviction as a shoplifter. Rental: \$10.50

The Ripoff film
16 mm., 15 minutes, Walt Disney Educational Media, 800 Sonora Avenue, Glendale, CA 91201.
When a teenage boy convinces a friend to keep a shopkeeper occupied while he steals some sunglasses, trouble begins to compound and the friend is arrested. Stresses the punitive function of the law as a deterrent to crime. A 'stop' action film. Rental: \$15.00

Shoplifting is Stealing (17 minutes) DCE Film Library. film
Use of diagrams and pictorial documents graphically portrays events around the crime of shoplifting. Dramatizes typical situations which illustrate increasingly effective surveillance, and shows what happens when a shoplifter is apprehended and booked. Includes information on increased prices to all consumers to cover losses. Rental: \$12.50

Tony and Me book
156 pages, hardback, Alfred Slote, J.B. Lippincott Company, East Washington Square, Philadelphia, Pennsylvania 19105 (1974).

Billy is presented with a difficult decision — to be loyal to his newly found and very important friend, Tony, or to turn Tony in as a thief. Raises some thought-provoking issues for young readers. \$5.50.

What's the Matter with Wakefield? book
128 pages, hardback, June Lewis Shore, Abingdon Press, Customer Service Department, 201 Eighth Avenue, South Nashville, Tennessee 37202.

Wakefield is afraid he will miss his last chance to buy a special fishing rod and uses his class's aquarium fund to make the purchase. This of course leads to other difficulties and Wakefield must go through some uncomfortable experiences in his attempts to repay the money. \$4.95

TOPIC 14

Greenhouse film
16 mm., guide, 11 minutes, Barr Films, Inc., P.O. Box 7-C, Pasadena, California 91104.

After a young boy is caught vandalizing an old man's greenhouse, he works in the greenhouse after school in order to repay the damages. The old man and the boy work together to save "their" plants, discovering a new friendship and mutual respect for the property and feelings of others. Rental: \$12.00

Nation of Spoilers film
11 minutes, DCE

Common kinds of vandalism in scenic areas and on public property. Prevalence of litter. Public responsibility in these areas. Rental: \$7.75

Vandalism: Crime or Prank film
16 mm., 6 minutes, DCE.

An open-ended film designed for discussion. Raises the questions of whether vandalism is a crime or a prank and whether or not an adult who witnesses the vandalism should report the matter to the police or to the parents of the culprits. Rental: \$7.75

The Vandals film
25 minutes, DCE Film Library.

An interesting and comprehensive treatment of full range of vandalistic acts produced by ABC TV News. Emphasizes need for a consciousness of being part of society and consequent respect for its property. Rental: \$15.25

TOPIC 15

Just One film
22 minutes, DCE.

A teenage reporter researches and writes a series of articles on alcohol and driving. Effects of alcohol on the brain. How alcohol denies oxygen to nerve cells and causes their disintegration. Work of Dr. Melvin Knisely. Rental: \$4.25

SECTION III

GENERAL

(The Courts of Oregon) pamphlet

Court Administrator's Office, Supreme Court Building, Salem 97310.
Brief description of the structure of the Oregon court system including the supreme court, court of appeals, tax courts, circuit courts, district courts, justice courts and municipal courts. Free. For more information, check the Oregon Blue Book.

Jury Game game

Weintraub, Richard, Richard Krieger, George W. Echan Jr. and Stephen Charles Taylor, Social Studies School Service, 10,000 Culver Blvd., Culver City, California 90230.

25-35 players, 1-3 class periods. Students play a judge, prospective jurors, attorneys, defendants, plaintiffs, court reporters, and observers. The classroom is organized into a courtroom as the players go through the process of jury selection and two criminal and two civil cases. \$15.00

Juvenile Problems and the Law book

95 pages, paperback, Linda and Sally Mahe Riekes, West Publishing Company, 170 Old Country Road, Mineola, New York 11501.

Lessons on the administration of juvenile justice from arrest through correctional processes. Included legal and social problems faced by young people. Most activities are open-ended, allowing for student discussion and decision making. Silent filmstrip available. \$3.25

Kids in Crisis game

Clark, Todd, Richard Weintraub, Richard Krieger and Sandra Morley, Constitutional Rights Foundation, 6310 San Vicente Boulevard, Los Angeles, California 90048.

25-35 players, 1-5 class periods. Designed to promote thought and discussion about the problems of the courts and young people in trouble. Players assume the roles of judges, defendants, parents, probation officers, lawyers, and observers in juvenile dispositional and adult sentencing hearings. Includes guide, etc. \$12.00

Police Patrol game

grades 7-12, Simile II (1973) 20-35 players, 1-5 class periods. 1150 Silverado, P.O. Box 1023, LaJolla, California 92037.

An even handed approach to understanding a police officer's problem in carrying out his everyday duties. Includes 16 different role-playing situations to provide students with concept of law, authority, individual rights, etc. \$12.50

Student Court booklet

Eastwood School, 2550 Waldon Road, Roseburg, Oregon 97470.

Gives students an opportunity to experience court process and peer judgements in actual cases of student misconduct against another. Includes a complete description of the structure and procedures used in a student Court. Free

Youth Faces the Law pamphlet

Metropolitan Youth Commission, Room 409 City Hall, 1220 S.W. 5th Avenue, Portland, Oregon 97204.

Juvenile court systems, and procedures, laws and offenses, legal information for juveniles, glossary of legal advice or assistance. Best for high school and junior high grades.

TOPIC 17

Bill of Rights in Action: Juvenile Law filmstrip
23 minutes, BFA Educational Media, 2211 Michigan Avenue, Santa Monica, California 90404.
This film follows two brothers ages 15 and 18, after their arrest. It shows the dramatic difference between adult criminal procedures and juvenile law, as reflected in the contrasting ways the brothers are treated. Rental: \$12.75

TOPIC 18

Youth Attitudes and Police book
119 pages, paperback, West Publishing Company, 170 Old Country Road, Mineola, New York 11501 (1975).
Provides numerous activities to help students understand the role of police and the meaning of authority. Students are encouraged to explore their own attitudes toward police. Covers police functions, rules governing police procedure, Miranda warning, and the dilemmas faced by the police officers, victims, and accused persons. \$3.25

TOPIC 19

Criminal Justice System film
18 minutes, DCE film Library.
Animation and humor are combined in this well-done exploration of the many facets of court procedures including the roles of the police, prosecutor, and the court. Misdemeanor and felony defined. Rental: \$12.50

TOPIC 20

Boy in Court film
11 minutes, National Probation and Parole Association, Audio-visual Services, 746 Massachusetts Street, Lawrence, Kansas 66044.
After investigating the family background of a boy the court places the boy under jurisdiction of a probation officer. This officer stimulates the interests of the boy along useful lines. Rental: \$3.00 a day

TOPIC 22

You be the Judge film
16 mm., 13 minutes, AIMS Instructional Media Services, P.O. Box 1010, Hollywood, California 90028.
The audience is asked to judge court cases of three young people — a shoplifter, a truant boy, and a drug seller. After a "stop" the actual dispositions of the cases are revealed. Emphasis on the punitive aspect of the law. Rental: \$20.00

TOPIC 26

City Protection and Welfare Services filmstrip
16 mm., guide, 10 minutes, McGraw-Hill Films, 1221 Avenue of the Americas, New York, New York 10020.
Representatives of the police department, fire department, transportation system, hospitals, parks, schools, libraries, museums, etc. are shown as helpers of city residents. Rental: \$14.50

END