

# Punishment

One of the functions of the court system is to determine the appropriate punishment when an individual has violated the law. The possible penalties include a fine, jail or prison sentence, restitution, and probation for criminal trials; and fines and dollar judgments for civil trials.

**Fine, criminal:** amount of money stated in the Minnesota Statutes as the penalty for certain behavior.

**Jail or prison:** sentence by the judge to spend one year or less in jail or over a year in prison.

**Restitution:** criminal is required by court to repay the victim of the crime.

**Probation:** criminal is allowed to function in society but must obey certain restrictions including reporting to a probation officer.

**Community service:** criminal is required by judge to perform service in the community.

**Fine, civil:** amount of money stated in Minnesota Statutes as the penalty for civil violations. Also includes amount of money awarded by a jury as "**punitive damages.**"

**Dollar judgment:** money awarded in a civil trial to repay the winning party for damages done.

These penalties are used in Minnesota courts. Other states use other penalties, including the death penalty. In other countries, penalties sometimes include actions that are considered torture.

This activity will have students consider the appropriateness and effectiveness of various penalties.

## Students will:

1. Know types of penalties.
2. Understand the purpose of penalties.
3. Understand that the severity of penalties is determined by the severity of the behavior.

**Materials needed:** Copies of **Student Handout: YOU DESERVE IT**

**Time needed:** 1 class period

**Grade level:** Grades 5-12

## Procedure:

1. Ask students to brainstorm potential penalties for behavior that they determine is against society's best interest. The list should include the penalties listed above and others, including the death penalty and methods of torture. You might ask students to compare this with penalties that they experience at home, in school, and in their community. Explain to students that a small offense results in a small penalty and that a large offense results in a large penalty.

Procedure cont.

2. Discuss the purpose for punishment. Is it retribution? Restitution? Rehabilitation? Different penalties might have different purposes (damages can be for restitution, prison might be for rehabilitation or retribution).

Definitions
<p><i>retribution:</i> revenge, retaliation, serve as an example. <i>restitution:</i> the act of restoring something to its rightful owner. <i>rehabilitation:</i> to put into good condition.</p>

Are penalties effective at discouraging unacceptable behavior? Do criminals think about the penalty before committing the crime?

3. In small groups, have students decide upon appropriate penalties for the hypothetical actions contained in **Student Handout: YOU DESERVE IT**. Students should not be limited to the penalties discussed. Discuss and compare as a large group.

Questions to consider:

- A. Are the penalties appropriate for the behavior?
- B. Will the victims be repayed?
- C. Will the public safety be protected?
- D. Will similar behavior be discouraged?
- E. Are the penalties fair?
- F. What types of behavior are most offensive?

## **Student Handout: YOU DESERVE IT**

### **Case 1**

A six year old slips into a grocery store and steals a loaf of bread and brings it home to his brothers and sisters.

**Penalty:**\_\_\_\_\_

### **Case 2**

An eighteen year old steals a \$300 camera.

**Penalty:**\_\_\_\_\_

### **Case 3**

A young woman, attempting to put on her morning makeup while driving her car, hits the back of a delivery truck, causing it to roll on its side and empty its contents into the melting snow.

**Penalty:**\_\_\_\_\_

### **Case 4**

The brakes of a large truck fail, resulting in its hitting the back of a school bus, slightly injuring children.

**Penalty:**\_\_\_\_\_

### **Case 5**

An older man kidnaps a nine year old and releases the child 17 days later. The child is very frightened and will not speak.

**Penalty:**\_\_\_\_\_

### **Case 6**

A young woman kidnaps a newborn baby and keeps it for two weeks.

**Penalty:**\_\_\_\_\_

### **Case 7**

Two eight year olds, playing with matches, start a house on fire. Three small children die in the fire.

**Penalty:**\_\_\_\_\_

### **Case 8**

An electrician wires a house incorrectly, causing a fire that destroys the new home and severely burns the owner, a 32 year old male.

**Penalty:**\_\_\_\_\_

### **Case 9**

A religious cult tortures and sacrifices animals in religious ceremonies.

**Penalty:**\_\_\_\_\_

### **Case 10**

Because of a machine failure, a drug manufacturer mixes the wrong ingredients in a new drug, resulting in the death of two elderly women.

**Penalty:**\_\_\_\_\_