Introduction to Criminal Law: Should It Be a Crime?

Alternative School-Based Scenarios and Talking Points

- If you wish to use school-based scenarios, follow the original lesson plan up to step 11. Then, instead of distributing Handout 1, use Alternative Handout 1: Should It Be a Crime? It can be found at the end of this alternative plan.

- As students are working in their groups, display Alternative Presentation Slide/Flip Chart D: What Do We Think?

- After students have recorded their decisions on the chart, use the following notes to debrief each alternative scenario.

**A.** Alberto is a straight-A, 18-year-old high school senior who has a part-time job at a department store. As part of his job, he has access to other people’s personal information. He sells that information to save for his college education.

**Reasons why it should be a crime include:** Identity theft is a serious crime causing financial losses to individuals and businesses. In 2014, according to the Justice Department’s Bureau of Justice Statistics, approximately 17.6 million Americans were victims of identity theft. This number represents about 7 percent of U.S. residents 16 and older. The financial loss from these cases of identity theft amounted to approximately $15.4 billion. In addition, many victims of identity theft must deal with credit and legal problems as a result.¹

**Reasons why it should not be a crime include:** The money is used to support Alberto’s education; often the personal cost of identity theft is covered by financial institutions, who then charge higher fees to make up for the losses.

**B.** Ron and Latisha see their friend Alex break into and steal a car in the school parking lot. They do not report what they saw to anyone.

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Reasons why it **should be a crime include**: Ron and Latisha observed illegal behavior and have a moral duty to report it; reporting this will help the police stop harmful acts and make the school safer; reporting a crime supports the rule of law.

Reasons why it **should not be a crime include**: The property was not theirs; they did not commit the act, they just saw it; requiring bystanders to report crimes could put the bystanders in a dangerous position.

C. A drunk high school student drives onto the sidewalk and kills a woman and her baby who were walking there.

Groups will all likely see this as a serious crime. Ask students:

- Should this be considered more serious because a baby was killed?
- Should this be considered more or less serious because alcohol was involved?

D. Rico leaves a local store with change for a $20 bill even though he gave the cashier a $10 bill.

Reasons why it **should be a crime include**: Rico had knowledge of the mistake; he is leaving the store with something that belongs to the store; prices could go up for all customers if the store loses too much money through this type of error and shoplifting; the cashier may have to pay if the cash register comes up short; it is the same as stealing.

Reasons why it **should not be a crime include**: It is the cashier’s fault; Rico should not pay for the mistake of another; the store can afford it.

E. Ms. Jones is a 22-year-old teacher. She is dating and sleeping with Carlos, a 15-year-old sophomore. Carlos is not in any of Ms. Jones’s classes.

Reasons why it **should be a crime include**: Ms. Jones is in a position of authority; Carlos is not legally an adult; Ms. Jones is setting a bad example for other students; teachers should not date students.

Reasons why it **should not be a crime include**: They are not hurting anyone; she’s not Carlos’s teacher; Carlos could be very mature and ready for a relationship like this; and their ages are close—when he’s 30, she’ll only be 37.

Ask students:

- Would your opinion change if the genders were reversed?

F. The school principal, Ms. Jackson, tells a pregnant high school junior that she must take a year off to “rest.” In truth, Ms. Jackson is worried that the student will set a bad example for other students.
Reasons why it **should** be a crime include: All people under the age of 18 have a right to an education, even if they are pregnant; this is not an effective way to help a teen parent; Ms. Jackson would not make the father of the child take time off.

Reasons why it **should not** be a crime include: Ms. Jackson is just looking out for the student; she needs time off anyway; seeing a pregnant student could make other students think teen pregnancy is acceptable to the school administration.

| G. The school science lab dumps toxic chemicals into a nearby stream. The chemicals have the potential to poison people in the neighborhood. Extensive environmental damage has already occurred. |

Reasons why it **should** be a crime include: People might die; people should be held accountable for harming the environment; school officials should know which chemicals are dangerous when released into the environment.

Reasons why it **should not** be a crime include: School officials may not have known the chemicals were toxic; they surely did not intend for anyone to become ill or die.

After the discussion, briefly comment on what existing laws apply to these actions. What follows are general answers that may vary depending on state law. **Make sure to apply your state law to the scenarios.**

A. Stealing and selling people’s personal information (better known as identity theft) is never acceptable regardless of the reason and is now a violation of federal law (*Identity Theft and Assumption Deterrence Act of 1998*).

B. In most states, failing to report the crime of theft is not illegal although many people may consider it wrong. Lying to the police is illegal, and people can be required to testify in court about seeing a crime, even if they do not want to.

C. Drunk driving is a crime in every state, as is “vehicular homicide”— killing someone with a vehicle. **Some states have specific penalties for those who kill people while driving drunk.**

D. Crimes like larceny and shoplifting require intent to steal the property of another. It is arguable whether Rico had the requisite intent.

E. Statutory rape is a crime. Generally, state laws make it illegal for adults to have sex with people under a certain age (usually 16, although this age varies from state to state). These laws sometimes require that there be a significant difference in age—at least two to four years. In this case, it would probably be illegal for Carlos and Ms. Jones to date or have sex, since he is under 16 and Ms. Jones is seven years older. Schools also have rules against teachers dating students, and **some states consider “positions of authority” in their statutory rape laws.**

F. The principal’s actions constitute unlawful activity, but it is a civil violation and **not** a crime. Title IX of the Education Act of 1972 prohibits sex discrimination in school activities, including
curriculum, faculty hiring, and student athletic programs. Title IX protects students from discrimination based on pregnancy. The pregnant student must be allowed to attend school once she is medically able to return, and her pregnancy must be treated like any other comparable illness. For example, if the student delivers the baby by C-section, the school must make accommodations (e.g., take-home work, extra time for assignments, etc.) for her that she would receive for a similar medical condition (e.g., another type of surgery).

G. There would likely be criminal charges stemming from the chemical dumping, since the school failed to act reasonably (meaning they should have researched the consequences of dumping toxic chemicals). The action also would violate civil law. People affected by the dumping would have grounds for a lawsuit for negligence on the part of the school.
Alternative Handout 1—Should It Be a Crime?

Read each situation described below. Decide if it is more serious, less serious, or not a crime. Then write the letter of each of the action where you think it should go on this chart.

A. Alberto is a straight-A, 18-year-old senior who has a part-time job at a department store. As part of his job, he has access to other people’s personal information. He sells that information to save for his college education.

B. Ron and Latisha see their friend Alex break into and steal a car in the school parking lot. They do not report what they saw to anyone.

C. A drunk high school student drives onto the sidewalk and kills a woman and her baby who were walking there.

D. Rico leaves a local store with change for a $20 bill even though he gave the cashier a $10 bill.

E. Ms. Jones is a 22-year-old teacher. She is dating and sleeping with Carlos, a 15-year-old sophomore. Carlos is not in any of Ms. Jones’s classes.

F. The school principal, Ms. Jackson, tells a pregnant high school junior that she must take a year off to “rest.” In truth, Ms. Jackson is worried that the student will set a bad example for other students.

G. The school science lab dumps toxic chemicals into a nearby stream. The chemicals have the potential to poison people in the neighborhood. Extensive environmental damage has already occurred.
A. A student sells other people’s personal information to save for college.
B. Students do not report witnessing a car being stolen.
C. A drunk driver kills a woman and baby.
D. Shopper does not give back extra change.
E. Student and teacher are dating and sleeping together.
F. Principal tells pregnant student to take a year off school.
G. School dumps chemicals into stream, causing environmental damage and posing a health threat to neighborhood residents.