

ADAM, 15

a threat made in school

ADAM'S BACKGROUND LEADING UP TO THE CRIME

Adam, 15, is the youngest of four children. His parents are divorced. He lives with his mother, has regular contact with his father, and works part-time in construction for his uncle. Adam earns good grades in school, but has been disciplined a few times for problems with his temper. One day in class, Adam makes a comment to a teacher that he is “homicidal”—wants to kill people. He later says that he was joking and the matter is dropped.



ADAM'S CRIME: SCHOOL INTERFERENCE AND THREATENING

Shortly after the shootings at Columbine High School in Colorado, Adam is in class with a few friends. Other students overhear him talking about the shootings. Adam says that a better way to get rid of kids you don't like is to put sleeping gas in the school vents, and then go through the school and “kill the people you don't like.”



Adam is reported to the office, the police are notified, and an investigation is conducted. Adam is brought to court and admits the statement to the prosecutor, but says he was joking. Instead of being charged with the crimes of school interference and threatening, Adam agrees to complete eight community service hours under a diversion program.

For certain crimes, a prosecutor may decide not to file formal charges. Instead, an agreement is reached where the juvenile admits his or her responsibility for the offense and a penalty is decided by the prosecutor. This is called “diversion,” because the juvenile is diverted away from formal court proceedings. This speeds cases through the overcrowded courts and prevents a young person from having a criminal record. Diversion is generally available in cases involving minor offenses and a first-time offender. Since Adam did not have a previous juvenile record, he was eligible for the diversion program.

A week after reaching this agreement, Adam gets in a fight with another teen at a party. He is arrested and spends one day in jail before being released to his parents. There isn’t enough evidence to determine fault and no charges are filed.

However, because of the fight, the diversion offer is withdrawn by the prosecutor. Two incidents in such a short period of time call for more than community service. Adam is formally charged with school interference and threatening.

He goes to trial and is found guilty of both charges. Now you have to decide what his punishment should be and how to sentence him.

Legal Definitions of School Interference and Threatening

A person commits **INTERFERENCE** with an educational institution by knowingly going upon or remaining upon the property of a school, for the purpose of interfering with the lawful use of such property by others, or in such a manner as to deny or interfere with the lawful use of such property by others.

A person commits **THREATENING** or intimidation if such person threatens or intimidates by word or conduct to cause physical injury to another person, or serious damage to the property of another.

YOUR CONCERNS AS A JUDGE

Adam says he was joking when he threatened to kill kids at school. But can you believe him? There have been a lot of school shootings recently and these kinds of threats have to be taken seriously. Some of the kids who did the shootings talked about it beforehand, but people who overheard didn't do anything about it. Here you have the chance to prevent a possible future tragedy.



There are some positive things in Adam's favor. His parents assure you that they will keep a close eye on him. He has a full-time construction job with his uncle and will be supervised at all times. He will attend night school, with strict hours monitored by his family. You decide to send him home to await sentencing, instead of keeping him in jail.

You receive a recent psychological evaluation on Adam. His tests indicate that he is very intelligent. Adam has also said that he will never go to prison and that he will be very successful someday.

On the other hand, Adam has admitted to trying marijuana on a few occasions. He also has a quick temper and some anti-social traits, as the recent fight shows, and doesn't think he needs treatment or counseling. You are worried that he may act out in an angry way again.

Are the threatening statements at school something to be worried about, or isolated incidents? As a judge, you have to balance what is best for Adam with how to protect the school and community. What about the possibility that Adam makes future threats and acts on them? How should Adam be sentenced?

YOUR SENTENCING OPTIONS AS A JUDGE

The law states that threatening someone with physical injury is a crime. In making your decision, you should consider the kind of threat that was made (such as a bomb threat, a threat to shoot someone, or a threat to beat someone up), and the person's ability to carry



through with the threat (there's a difference between threatening to harm someone you know, as opposed to making a threat by email to someone you haven't met). If the person has made more than one threat, and seems to be able to carry it out, the punishment would be harsher.

Sentencing options available to you are:

- Jail time ranging from two weeks to three months, followed by probation for up to one year.
- Jail time ranging from a week to two weeks, along with community service hours, drug testing, counseling, and restricted use of the Internet to prevent him from getting information about weapons, which some kids have done.
- No jail time, but intensive probation from three to six months, which would include daily contacts with a probation officer, with the threat of future jail time of a week to three months if Adam violates his probation terms.
- No jail time, but regular probation for one year, along with community service hours and drug testing.
- Participation in anger management classes and counseling.
- Order Adam to have no contact with his victims and the witnesses against him, such as the person he had a fight with and the kids who reported his threatening comment in school.
- Anything else?

QUESTIONS TO CONSIDER BEFORE SENTENCING ADAM

Write down or discuss your thoughts:

- Do you think Adam was serious about his threat, or do you think he was just fooling around and showing off in front of his friends?
Can you answer that question from the evidence, or would you like more information?



22 They Broke the Law—You Be the Judge

- Adam made a previous threat about killing people and got into a recent fight at a party. Is his past history important in making your decision? If so, how? If not, why not?
- Adam is very intelligent, and therefore might have the ability to do something like gas a school. Does this influence the sentence you give him?
- Does the fact that Adam smokes marijuana concern you? Does that influence his sentence? Why or why not?
- Adam served a day in jail after he got into the fight. Should he be given any more jail time? If so, how much? If not, why not?
- Should Adam get help for his anger? Should he be required to attend group counseling with peers, individual counseling, or family counseling? Or all three?
- Adam says he doesn't need counseling. Should you order him to participate anyway? Will he get anything out of counseling if he doesn't want to be there?
- Is there any additional information you would like about Adam to help you make your decision? If so, what is it and why would it help you make your decision?

YOU BE THE JUDGE

Complete this sentence:

Based on the information available to me,
Adam's sentence should be . . .



WHAT ACTUALLY HAPPENED

When the day arrived for Adam's sentencing, he was going to school, earning A's and B's, and working with his uncle. I agonized over how to sentence him. I knew that I was seeing Adam and his family for only brief periods in court, when most people are on their best behavior. I also knew that because of his high intelligence,

Adam had the ability to carry through on his threat of gassing the school and killing students. I had to strike a balance between what was best for Adam and how to protect the school and community.

I worried that whatever I decided would be either too harsh or too easy on him. On the one hand, I didn't think a long period of jail time was necessary. On the other hand, I didn't feel that the one day he spent in jail for the fight was enough. I wanted to give Adam the message that the community takes verbal threats seriously. I sentenced Adam to a combination of jail time and probation that would also include community service, counseling, and drug testing.

- He was ordered to spend his upcoming spring break, a total of nine days, in jail. I told Adam that he should spend this time reflecting on what landed him there and how he planned to continue with his life.
- He was allowed to continue living with his aunt and uncle but was required to complete 100 hours of community service.
- Because Adam had admitted earlier that he tried marijuana on a few occasions, I also required that he be tested for drugs during probation.
- He was required to attend individual counseling to address his anger and self-control issues.
- He was ordered to stay off the Internet while on probation (assuming the worst, I didn't want Adam to have easy access to information about weapons).

As I watched Adam and his family leave the courtroom, I hoped I wouldn't see him again or read about him in the newspaper. Part of me worried that I might.

YOUR RESPONSE TO THE JUDGE'S DECISION

Write down or discuss your thoughts:

- Are you surprised by the judge's sentence? Why or why not?



- Was it harder or easier on Adam than your sentence? In what ways?
- What part of the judge’s sentence do you agree with? What part do you disagree with? Why?
- Do you think Adam’s statement in school was blown out of proportion and that he was punished too severely? Or do you think his sentence was right under the circumstances? Why?
- What do you think will happen to Adam?

Letter from Adam While Serving His Jail Sentence (age 16)

Your Honor,

Thank you for giving me this chance to speak on my behalf. I never intended anything by my remark. It was a stupid comment and I am terribly sorry that it came to this. The whole thing started in third period after the Columbine incident. The discussion had come up repeatedly in class. While the class was just small talking, I mentioned to my friend off the top of my head that the best way to do it, if it was physically possible, which it's not, is to put sleeping gas in the vents and then go through and kill the people you didn't like. I know I shouldn't have said something like that because that's like commenting on a bomb or a gun in the airport. People take those comments seriously, now I understand that. Everyone makes mistakes and boy have I made a lot of mistakes. I am going to acquire a G.E.D. and attend community college for an associates degree in drafting. Basically who I was five months or so ago I had to drop, I have had to grow up, I can't goof around anymore. I have to get things done and make a way for myself.

Sincerely,
Adam

ADAM TODAY

Adam successfully completed one year of probation and was released just before his 18th birthday. He stayed with his aunt and uncle for another six months and then returned to his father's home. He earned his GED and worked at a fitness center. He is now 19 and attending college as a psychology major. He has a brown belt in martial arts and is thinking of joining the military. He also works part-time as a loan officer at a mortgage company.



Adam never thought a casual conversation with friends could be overheard and misinterpreted. Of course, the question is whether his comments were misinterpreted or interpreted correctly. Only Adam knows the answer to this. He learned a valuable lesson as a teenager—words alone may have serious consequences.

FINAL THOUGHTS

Write down or discuss your thoughts:

- What was your reaction to Adam's letter from jail? Did it change your view of his actions or his sentence? Why or why not?
- Have you ever heard anyone at school or work make a comment like Adam's? Did the comment worry you? Could you tell if the person was serious or not? What, if anything, did you do?
- Do you feel you have a responsibility to report someone who makes those kinds of comments? Why or why not?
- Have you ever wanted to get even with someone? How did you handle the temptation? Looking back now, are you happy with the way you handled it? Why or why not?
- When you get angry, how do you deal with your feelings? Do you talk with your parents or a friend, or just let it build up? Do you have a school counselor, a trusted adult, or a friend you can talk to? What could you do to deal with your feelings?



Did You Know?

- Every day, 135,000 children bring a gun to school.
- The Wisconsin Supreme Court ruled in 2001 that a student's creative writing assignment, in which he described cutting off his teacher's head, was protected by the First Amendment (*In re Douglas D.*, 243 Wis.2d 204).
- On the other hand, Massachusetts decided that the drawing of a student pointing a gun at his teacher constituted a threat and was not constitutionally protected (*Commonwealth v. Milo M.*, 433 Mass. 149 [2001]).