

Teen Courts: A Popular New Option for Early Intervention with Juvenile Offenders

By David Steinhart

"And so, members of the jury," implored the prosecutor, "I ask you to find against the defendant for brandishing a dangerous weapon at this young child on the playground." The jurors, their attention riveted on a gleaming pocket knife offered into evidence, retire and return a finding of guilty with a sentencing recommendation. The judge accepts their verdict and imposes a sentence of 60 hours of community service.

All participants in this scene, except for the Judge, are juveniles. The defendant is 10-year-old Robbie. The prosecutor, Rebecca, is a girl aged 15. The jury consists of 12 bright-eyed teenagers from a local school. They are in a teen court program, and they take their jobs very seriously.

Teen courts are part of a quiet revolution occurring at the "front end" of the juvenile justice system. Responding to critics, who say the system fails to provide guidance to children when they first get into trouble, judges and other juvenile justice professionals have been hard at work trying to improve the quality of intervention for first-time offenders. Teen courts provide an early-intervention option and a set of sanctions for young offenders whose behavior may not yet be serious enough to merit full and formal prosecution in Juvenile Court.

While not new, teen courts are growing in popularity and are now being implemented across the United States. A 1995 national survey by the American Probation and Parole Association (APPA) counted 250 teen courts in 30 states, including California.¹

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What Are Teen Courts?

Teen courts usually involve six to twelve teenage jurors who review cases of misconduct using procedures drawn from the formal justice system. Many of the jurors are former defendants who serve on juries as part of their sentences. In more elaborate “due process” courts, teenagers take on the roles of prosecutor, defense counsel, and jury, and a full trial is conducted on charges filed against the minor-defendant.² In less formal programs, the peer jury meets only to decide on an appropriate sentence after listening to what the young defendant has to say about an admitted wrongdoing.



Youth courts, such as this one in Sunnyvale, California, instill in youth a familiarity with the criminal courts in realistic role-playing scenarios. The “prosecutor” confers with the defendant, at far right, and her “defense attorney.”

Most teen courts are not official public agencies. Rather, they are operated as non-profit programs or informal collaborations under public-private referral agreements. For example, the Teen Court Program in Odessa, Texas — widely recognized as one of America’s pioneer peer jury programs — began as a project sponsored by the Junior League and the City of Odessa in 1983. It is now governed by a community board of volunteers. The Odessa Teen Court has the look of a formal court because the county lets the program use its courtrooms. However, like many teen courts throughout the country, this is a volunteer effort, with judges, attorneys, parents and children donating their time to the program.

The most common impetus for developing teen courts is community-wide frustration with the lack of attention and guidance given to children when they first show signs of misconduct — either by violating school rules or by breaking a law. Tammy Hawkins, who coordinates the Odessa program, says the program was created because too many children were literally falling through the cracks. “In the absence of Teen Court,” she writes, “many cases might never reach any kind of court. In Teen Court, the youth accepts responsibility for his or her actions and takes an active role in clearing the record. Quite an impact is made when teen jurors tell the defendant, ‘We, as your peers, do not agree with your actions, and breaking the law is not acceptable.’ A child is more likely to listen to one of his own as opposed to an adult or to someone in the system.”³

Teen Courts Serve Many Goals Including Crime Prevention

Teen courts are of special interest because they address several important goals society has for children and families in America today. Among these are:

Accountability for wrongdoing. Teen courts can respond in cases considered insignificant by the formal justice system. Status offenses (such as truancy) and misdemeanors make up most of the teen court caseload. Overstressed public agencies like the Juvenile Court and the Probation Department tend to ignore these offenses or handle them in a casual fashion. Teen courts take these cases and let kids know that they will be held accountable, even for petty property and drug offenses.

Crime and violence prevention. Increasingly, criminologists underscore the need for early and certain sanctions for young first offenders as a means of preventing future criminality and violent behavior. Teen courts address this fundamental crime prevention need. Teen court is often a sobering experience for children who may fear the judgment of their peers more than the pronouncements of adults. Finally, many teen courts impose sentences of victim restitution and remediation (e.g., cleaning up graffiti and a face-to-face apology to a victim whose property has been defaced); these restitution and conflict-resolving outcomes may be key events that deter a young person from re-offending. Despite these promising prospective benefits, the long-term recidivism within teen courts is not yet well-documented.⁴

Youth education. There is no doubt that teen courts have strong educational value. Some programs, like the teen courts in Northern Kentucky, claim that youth education is their principal goal. Teen jurors, prosecutors, defense counsel and judges generally receive training from attorneys and other volunteers before they participate in the program. In Santa Clara County, California, teens cannot sit on a jury until they have had 20 hours of training from the district attorney's office. The lessons learned by the youthful participants are not limited to pointers on court procedure. As one young prosecutor from the Saratoga (California) Youth Court said, the experience "gives you a lot of perspective and opens your eyes to the problems other people face".⁵

Teen court is one of the innovative juvenile justice options now getting the attention it deserves. Teen courts offer a constructive way to intervene in cases of misconduct that might otherwise go without any sanction or response from the justice system. As Chair of the California Juvenile Court Judges Association, I fully support the development of teen courts in California communities.

Hon. Leonard Edwards

Presiding Judge of the Santa Clara County Juvenile Court and 1996 recipient of The California Wellness Foundation Violence Prevention Peace Prize.

Community involvement. Teen courts are community-based projects that engage citizens, volunteers and public agencies in a joint venture. They represent an opportunity for citizens and professionals to work directly with young people in a community crime prevention effort. According to The American Probation & Parole Association (APPA), “Community involvement and support is essential throughout the conception, development and life of a teen court program to ensure the delivery of effective services and the financial security of the program.”⁶

Sound economics. Teen courts are usually supported by multiple funding sources and in-kind contributions. Courts donate courtroom space. Judges and attorneys donate their time to train jurors and supervise proceedings. Citizen volunteers and non-profit agencies with private sector support may cover the administration of the program. The public sector cost of sponsoring a teen court can be minimal. To the extent teen courts divert cases away from the formal justice system, they help realize local cost savings.

A “Consent” Model of Intervention with Some Built-In Limits

There are some built-in limits to what a teen court can accomplish:

Teen courts can address only early and mild incidents of misbehavior.

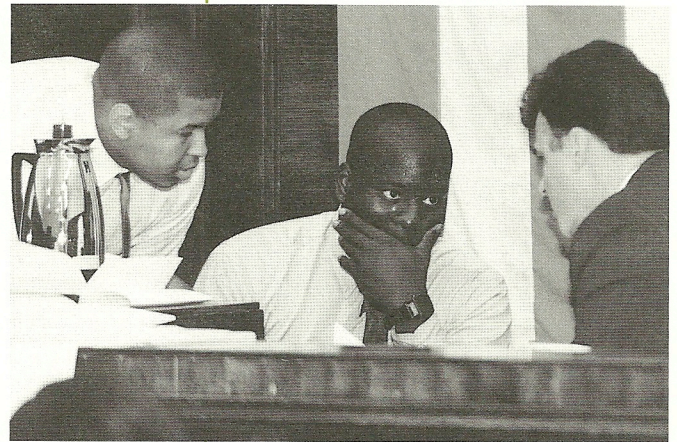
Most teen courts are “diversion from prosecution” programs. They provide an alternative forum for consideration of cases that would ordinarily get little attention from the formal justice system. The offenses referred to teen court are most often truancy and curfew violations, misdemeanors, traffic offenses and minor substance-abuse cases. A few programs in other states allow teen courts to process felonies, but these are the exception and not the rule. The teen court cannot be viewed as a trial forum for serious and violent offenders, but rather as a “front end” opportunity for early intervention and crime prevention.

Teen court jurisdiction relies on voluntary consent of the minor and his or her parents.

All teen courts are voluntary. Children and their parents must agree to have their case heard by a jury of that youth's peers. In most programs, an admission of wrongdoing must be made by the minor in advance, and the teen court meets only to decide on a sentence or other disposition of the case. Usually, the minor and his or her parents must sign a consent form to have the case heard in the teen court. Their incentive for entering teen court is to avoid the filing of formal charges. Parents also appear attracted to teen court because it allows a problem to be shared and reviewed by community participants.

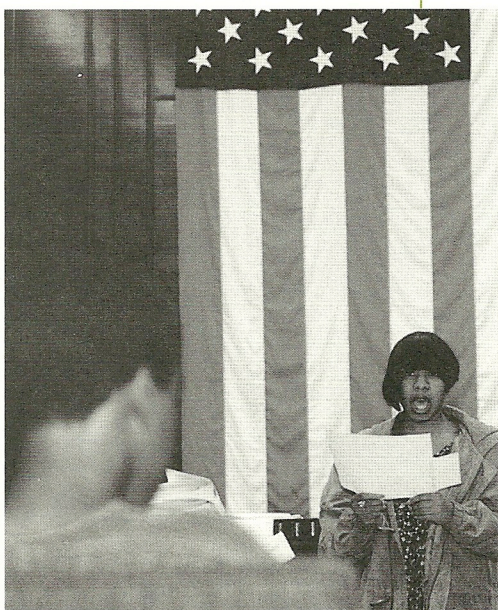
Teen courts cannot impose a mandatory sentence of incarceration.

There are restraints on the sentences that can be imposed by an informal court which does not fully conform to "due process" requirements (relating to attorneys, evidence, and other constitutional rights). Because teen courts fail to meet the federal due process standard, they are unable to impose sentences of incarceration. Generally, teen juries award sentences of community service, victim restitution (including apologies), or participation in a self-help program such as a substance abuse prevention program. In some cases, parents are also requested to attend a remedial program. Occasionally, a minor-defendant may be asked to honor curfew rules at home. While completion of a minor's sentence is voluntary, there is an incentive to comply because noncompliance can lead to the filing of charges on the original offense in the Juvenile Court. Teen courts may have limited sentencing options, but most teen jurors are far from lenient. In fact, teen jurors are notoriously tough in their judgments and sentences. It is not unusual for an adult judge supervising the teen court to reduce an unduly long sentence of community service recommended by the jury.



Judge Philip Daly, right, assists Oakland youth court participants, discussing a case with a student prosecutor and his defense counterpart.

Starting a Teen Court in Your Community



Student court clerk calls the Oakland Youth Court's student jurors to order.

Any community can start a teen court. The initiative can come from a concerned Juvenile Court Judge, a citizen group like the Junior League, a group of volunteer attorneys, the local Probation Department, the local school district, or any combination of these and other civic-minded individuals and agencies.

California law does not prescribe any rules or standards for the startup or administration of teen courts.⁷ As private or quasi-public programs, teen courts are not part of the formal court system, nor are they recognized by law as official juvenile justice agencies. Most programs in California are operated as community programs with the cooperation or sponsorship of the local Juvenile Court, perhaps with a Juvenile Court Judge who presides or supervises the project as a volunteer on his or her own time.

While teen courts are not subject to statutory mandates, they do need structure and operational controls. Careful attention must be given to many specific issues before a teen court is started. Cooperative agreements, preferably in writing, must be drawn between referral sources (e.g., police, schools) and the non-profit or other entity

running the teen court program. Consent forms must be carefully drafted, which establish the informed consent of child defendants, their parents, teen jurors and other program participants. Rules of confidentiality must be established, in conformity with state laws protecting children having to disclose private information. Some system for the supervision and tracking of community-service orders and other imposed sentences must be devised. There are liability and insurance issues related to the use of volunteers and other program components.

Fortunately, an in-depth guide to the implementation of teen courts has recently been published by APPA, the U.S. Department of Justice, and the U.S. Department of Transportation. This is a comprehensive manual covering the history of teen courts in the United States and many aspects of implementation, including: practical advice on inter-agency agreements; teen court procedures; consent forms; liability and insurance waivers; and other important matters. The 1996 guide is entitled *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*. Copies are available through the Juvenile Justice Clearinghouse in Washington, D.C.⁸ For additional guidance, you may wish to contact one of the teen court or youth court programs located near you. A list of 22 teen court programs currently operating in California appears on the following page.

ENDNOTES

¹ Tracy M. Godwin, David J. Steinhart and Betsy A. Fulton, *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*, American Probation and Parole Association/U.S. Department of Transportation, National Highway Traffic Safety Administration/U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (1996), U.S. Government Printing Office Number 1996-415-471/160188, pg. 10.

² For example, the Anchorage, Alaska Youth Court has multiple hearings including arraignment and plea, trial on the merits, and a sentencing hearing. The trials sometimes take two or more days. For young defendants, this may be a particularly grueling experience which program director Sharon Leon says “convinces many children to stay out of trouble forever.”

³ Quoted from program descriptions furnished by Tammy Hawkins, Court Coordinator of Odessa Teen Court, Inc., Municipal Court Building, Odessa, Texas 79761.

⁴ A summary of evaluations and recidivism studies of teen court programs in the United States is offered in Chapter 10 of the APPA implementation guide cited in endnote 1.

⁵ Leland Joachim, “Youth Courts Teach Teens About Justice,” *San Jose Mercury News*, May 31, 1993, page 1B.

⁶ Godwin/American Probation and Parole Association, op.cit. (endnote 1), page 17.

⁷ Only a few states have statutes governing the creation, jurisdiction and operations of teen courts. Texas — where teen courts were replicated quickly on the Odessa program model after 1983 — goes farther than any other state in this regard by legislating age and offense criteria and referral procedures for these diversion programs.

⁸ The Juvenile Justice Clearinghouse phone number is 1-800-638-8736. See endnote 1 for the citation to use when ordering this publication.

PHOTO CREDITS

Page 2 Michael Rondou

Pages 5, 6 Eric Slomanson

Teen Courts in California

Alameda County

1212 Broadway, Suite 701
Oakland, CA 94612
Contact: Rachelle De Stephens
(510) 836-3546

Atascadero County

P.O. Box 911
Atascadero, CA 93423
Contact: Carol Nelson
(805) 461-5069

Butte County

1859 Bird Street
Oroville, CA 95965
Contact: Sheri Hanni
(916) 538-6670

Contra Costa County

510 La Gonda Way
Danville, CA 94526
Contact: William McGinnis
(510) 820-4481

Del Norte County

450 H Street Room 202
Crescent City, CA 95531
Contact: Connie Merrill
(707) 464-7215

El Dorado County

941 Spring Street, Suite 7
Placerville, CA 95667
Contact: Gwen Sarine
(916) 621-6143

Humboldt County

825 5th Street, #226
Eureka, CA 95501
Contact: Meridith Heinle
(707) 445-7672

Kern County

2005 Ridge Road
P.O. Box 3309
Bakersfield, CA 93385
Contact: Shell Beach
(805) 634-4180

Los Angeles County

1601 Eastlake Avenue
Los Angeles, CA 90033-1099
Contact: Judge Jamie Corral
(213) 226-2975

Nevada County

112 Nevada City Highway
Nevada City, CA 95959
Contact: Shirley J. Veale
(916) 478-6400

Orange County

17875 Von Karman
Irvine, CA 92714
Contact: Gwen Vieau
(714) 440-6757 ext. 127

Placer County

671 Newcastle Road, Suite 7
Newcastle, CA 95658
Contact: Karen Green
(916) 663-9227

Riverside County

14114 Business Center Drive
Moreno Valley, CA 92553
Contact: Deputy Don Zelon
(909) 697-8317

San Bernadino County

175 West 5th Street, 4th Floor
San Bernadino, CA 92415-0460
Contact: Zane Hacker
(909) 387-5769

San Diego County

c/o District Attorney's Office
250 E. Main Street
El Cajon, CA 92020
Contact: Richard Huffman
(619) 441-4854

San Francisco County

1907 Pine Street
San Francisco, CA 94109
Contact: Calvina Williams
(415) 929-9599

San Luis Obispo County

5601 West Mall
Atascadero, CA 93422
Contact: Bill Spencer or
Carol Nelson-Selby
(805) 462-4200

Santa Barbara County

401 North Miltas
Santa Barbara, CA 93103
Contact: Kim Prendergast
(805) 564-7830

Santa Clara County

476 Park Avenue
San Jose, CA 95110
Contact: Officer Vic Barnett
(408) 277-4133

Stanislaus County

1700 McHenry Village Way, Suite 11-B
Modesto, CA 95350
Contact: Sherrile Thompson
(209) 526-1440

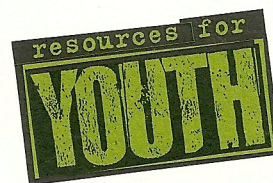
Sonoma County

3650 Standish Avenue
Santa Rosa, CA 95407
Contact: Jenay Kidoo
(707) 585-6810

Tulare County

315 E. Acequia
Visalia, CA 93291
Contact: Kathy Montgomery or
Debbie Terry
(209) 730-7579

This is not intended to be a comprehensive list of teen courts in California. We have provided one contact in each county that has a teen court known to us at the time of this printing.



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