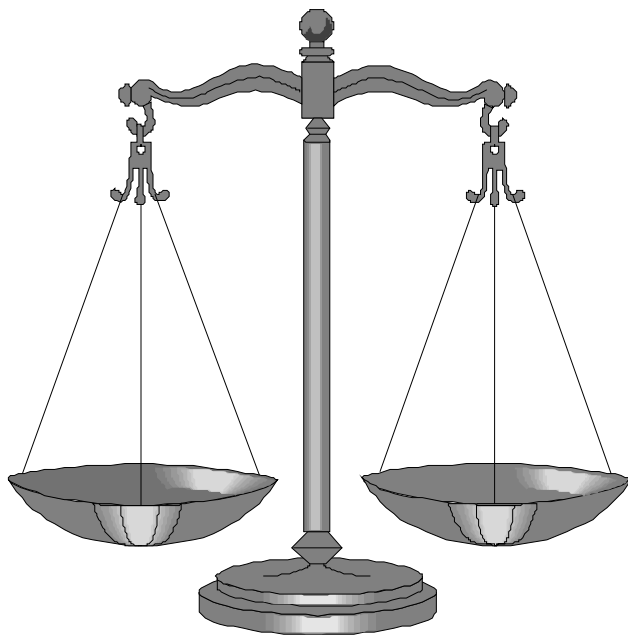


# **Teen Court Student Volunteer Handbook**



**13<sup>th</sup> Judicial Circuit  
Hillsborough County, Florida  
2008-2009**



## MISSION STATEMENT

The Teen Court Program is a diversion program designed to provide juvenile offenders with an alternative to the formal juvenile justice system when possible. Teen Court provides the only venue in the Juvenile Court system wherein a youth's case is considered by a true jury of their peers. Holding youth accountable in this direct way provides them with a unique opportunity to accept responsibility for their offense and actively make amends to the victim, their family, and the community. At the same time, the student volunteers who participate as jurors, ambassadors, attorneys and bailiffs gain an educational experience and a sense of pride in assisting youth, the community, and all impacted by juvenile crime.

*Q : What is a diversion program?*

A: Not everyone needs to go straight to court or the detention center! Hillsborough County authorities work hard to provide alternatives to court (diversion). We all learn by trial and error! Thanks to student volunteers like you, the Teen Court diversion program addresses serious offenses and circumstances in a thorough way, without automatically labeling youths as delinquent, and it's working! Currently, only one out of 14 defendants you see in Teen Court will ever be charged with a new offense! Now, that's what I call..... diversion.

**The Evolution of Teen Court**

You probably know that at one time a 13 year old charged with theft would appear in court right along with adults, and there was no distinction in the sentences given to them. Youths were put in the same jails as adults even for minor offenses just 25 years ago in most states.

Juvenile Courts were created so that the rights and well being of youths could be protected, and their maturity levels could be taken into consideration. Punishments and rehabilitation efforts were geared toward the developmental level of youngsters- not adults.

Beginning about 30 years ago, and growing really quickly more recently, many communities have begun Teen Courts. In fact, 1,035 teen courts now exist across the country in 48 states and the District of Columbia. Why?

First, traditional juvenile courts left out the "jury of your peers" part! Verdicts and sentences in juvenile court are decided by the judge. Teen Court allows peers to consider the facts and to craft an agreement that is likely to keep the youth out of trouble. Of course, Teen Courts can't have defendants deported or executed (!), but there are a wide variety of rules, sanctions and skill enhancing measures that can be put in place.

Next, Teen Court is a hands-on, real life consequence for criminal behavior. No easy "yes sir" or "no mam" here. A defendant coming to Teen Court is highly visible, not anonymous at all, and it all becomes personal. Our defendants can't passively let Teen Court unfold in front of them- they have to be active in Court and active in completing sanctions. This is what makes it so effective.

Teen Court is powerful because youths would rather talk to an adult stranger alone in a courthouse office insulated from seeing and hearing the reaction of other youths. While never confrontational in Teen Court, if we're not asking direct questions we're not doing our jobs! The role modeling of caring, respectful, but firm fellow community members, who just happen to also be youths, can't be overstated.

Also, Teen Court makes economic sense. With fewer and fewer dollars available for diversion programs, Teen Court maximizes community muscle, uses already existent courtrooms and staff, like JDP and the Hillsborough County Sheriff's Office bailiffs, and costs very little. **(Thanks to volunteers like you and all our judges!- who on their day jobs are attorneys or third year law students from Stetson)**

Teen Court is an opportunity to lend a hand to someone else who might be in need, and lacks resources you might have - financial, parental, cognitive, or environmental. You might easily relate to their home life and personality or you may not. Many lifestyles, all responsible for living in one community.

Next, Teen Court is an opportunity to stand up for victims of crimes committed by teenagers, and along with the community, set high expectations for future behavior. It's a chance to create an environment that even the most cynical defendant will come to respect, and ideally, want to be part of themselves.

Teen Court volunteers learn not to judge others by appearance, and that listening can be more important than speaking.

We keep meticulous records on student attendance and can supply a copy of your hours to you upon request, along with a letter of reference for employers, scholarships, volunteer hours for Key Club, or to verify extra credit work for your classes.

Our goal is to restore the defendant to his rightful status in the community by reminding him/her of the obligations that come with that. When that's achieved, everyone wins.

## HILLSBOROUGH COUNTY TEEN COURT

Our first docket was heard in 1990, before some of you were born! Many of the volunteers who worked in Teen Court then are now attorneys, law enforcement officers, parents and concerned citizens in all walks of life. This year, look for Jordan Tawil, student attorney in 2000-01 returning as a Teen Court Judge, presently a student at Stetson Law School. One of our two Teen Court Advisors, Lily McCarty, volunteered in

Teen Court as an undergraduate student intern in 1999 with dreams of becoming a Public Defender. You can find Lily practicing law in Criminal Division "F", and yes, she works for Julianne Holt, our Public Defender.

Your Teen Court is administered by the Administrative Office of the Courts, Juvenile Diversion Program. Teen Court is one of six diversion programs sponsored by the Administrative Office of the Courts that we oversee. In Teen Court, JDP staff members are here to make all participants feel welcome, answer questions anyone may have and assist if you ever feel "lost".

### Teen Court Staff - Here to Assist You, Your Parents and Schools



Tonya Gallimore  
Valerie Parmer  
Pam Stokes  
Kortina Jones

Jenifer Verma  
Ms. Olga  
Wagner Pena  
Lily McCarty, APD

Kristin Stoycheff  
Marc Settembrino  
Bob Holsinger  
Troy Lovell, Fl. Bar Assoc.

#### Contact us at:

phone: 813.272.6766

email: [JDPTC@Fljud13.org](mailto:JDPTC@Fljud13.org)

address: 700 East Twiggs Street, Suite 810, Tampa, FL 33602

fax: 813.301.3715

website: <http://www.fljud13.org/JDP/Teencourt.html>

We're here to help you sign in, go over the rules and pointers for the night, assist in the deliberation rooms, and explain all the conditions given by the juries to the defendants/students once their Teen Court hearing is over.

Our case managers interview the families before you see them to make sure they are eligible, and we compose a summary for you so you'll have verified information regarding the incident, the victim's statement and losses, and school performance. We monitor the defendant's progress when the Teen Court hearing is over. About 500 cases were heard in Teen Court last year.

Attorneys from private practice, prosecutors and public defenders from this circuit and employees from the Attorney General's Office preside as our judges in Teen Court.

Only when all the above stakeholders are committed and focused can our Teen Court ensure that we will give each case the best possible hearing. That is our collective mission each night.

*Q. Where do the "criminal" cases come from?*

In all but the Truancy Division, our cases originate with a police report from a law enforcement agency. (Tampa PD, Hillsborough County Sheriff's Office, Temple Terrace PD, Plant City PD, USF PD, Florida State Troopers, and occasionally the Tampa International Airport Police. We've even seen a few cases from the Florida Fish and Wildlife Conservation Commission!) If a case you hear in Teen Court occurred on public school grounds, either the School Resource Officer (SRO) from TPD, or the School Resource Deputy (SRD) from HCSO, has written the report. Florida law requires that these reports are formally recorded and numbered at the Clerk's Office, then forwarded to the Office of the State Attorney, Mark Ober. . If his office feels the case is eligible for diversion they may be referred to JDP.

The cases that are heard in Teen Court are misdemeanor or third degree felonies, often school related, and usually first time offenses. The State Attorney is hopeful that the defendants will be held accountable for what they've done, that the victim and community will be compensated appropriately and that the youth will not commit any more crimes.

*Q. Where do the Truancy cases come from?*

The Hillsborough County Public School System may refer students and families who are not meeting attendance standards, as per Florida law, to Teen Court. Just as in the criminal divisions of Teen Court, this program serves as a diversion from more formal court proceedings if the student and family follow the contract agreement formulated for them by the teen jury.

Laws regarding school attendance are found in three separate Chapters of the Florida Statutes: Public Education, Criminal Law, and Child and Family in Need of Services. As you know, attendance is compulsory unless at age 16 a parent gives permission for a student to drop out. The school system is required to take steps to ensure both student and parent are aware of their obligation and have been given any necessary assistance. Once unexcused absences reach 15 days within a 90 day period, further interventions can occur. The law provides that they can lose their drivers license or be precluded from obtaining a learning permit as a result. Youths missing school without a formal excuse may be referred to Truancy Court, Attendance Remediation, Case Staffing, CINS/FINS Court, or the Department of Children and Family Services. They can be placed in shelter care.

Parents of students found to be negligent regarding school attendance can be prosecuted in Criminal Court, placed on probation, or sentenced to up to one year in jail. They may lose custody of their children.

You can see that encouraging middle school students to attend school is worth your time and participation in Truancy Diversion. Think about it- what can impact a person more than their ability to read, write and support themselves?

The School District has representatives in Truancy Diversion and refers cases to Teen Court hoping that both student and parent are held accountable, realize they must turn the situation around, and begin taking school success to heart.

# TEEN COURT GOALS

1. Hold defendants accountable: Our efforts must require the defendant/student to examine and appreciate how their actions have affected themselves and everyone around them. They must accept responsibility for this and for necessary changes to address the harm they've caused the victim, community, and their families.
2. Support the victim and community: A victim of a theft, battery, or any other crime must be certain that in Teen Court the student volunteers have their interests and safety at heart. Whether they are present in person or through a written statement, we are here to represent and support the victim and all community members.
3. Support the family: We have this one opportunity to recognize their strengths, offer support services, and through positive action reinforce the community's standards regarding parental supervision and school attendance.
4. Reflect and respect our community: Respecting one another is key. Teen Court student volunteers are part of something very important. Our outcomes are only as healthy as our diversity, good intentions, and positive actions.

In all instances, a youth must admit responsibility for the offense in order to enter a diversion program. There is no need for Teen Court to "establish" that he or she is innocent or guilty. However, circumstances of the case, how the defendant handled the incident afterward, what kind of person they've been to that point, and how much responsibility actually lies with the individual are all important considerations.



Across all the divisions and formats, our goal is to formulate a contract that 1) identifies and addresses the harm done 2) is designed to keep the community safe and 3) to keep the defendant out of further trouble.

We currently have four divisions in Teen Court:

1. Teen Court Grand Jury
2. Peer Court
3. Teen Court Trial Format
4. Truancy Diversion

#### 1. Teen Court Grand Jury

In grand jury hearings the defendant is questioned about themselves and the offense by the jury members. The judge is present to oversee the hearings and may ask questions as well. Everyone on the jury asks at least one question of the defendant, and if the answer given leads to another question the jurors can ask a follow up as well. There are no students acting as attorneys in this format. The jury is responsible for making sure they've gotten all the information they will need to compose a fair and effective contract.

When the judge is satisfied that the questioning is completed, the jury is escorted to the deliberation room by a bailiff. A Teen Court staff member will also be present in the event assistance is needed. The jury will elect a foreperson, discussion of the important points of the

case will ensue, and the jury will consider what is needed 1) to identify and address the harm done 2) to keep the community safe and 3) to keep the defendant out of further trouble. The contract includes a section for the jury to explain their rationale in the sanctioning so that it is very clear to the defendant why they have been sentenced as they have. Care should be taken during deliberation! When the proposed contract is completed, the jury notifies the bailiff, and upon return to the courtroom the foreperson rises and reads the contract out loud.

## TIPS FOR GRAND JURY MEMBERS .

Start out and remain mindful of your posture and facial expressions. Everyone in the courtroom is watching you.

Listen to the information from the judge and the defendant's testimony like there is a quiz afterwards!

If you feel nervous or "bad" about asking a question, start by asking the defendant questions that naturally pop into your mind rather than trying to probe their psyche. If it occurs to you and it's appropriate- it's probably a great question!

If a parent, victim, defendant, or another volunteer is disrespectful to you, remember that your role as a jury member is an important one. We represent Hillsborough County's Teen Court and must act accordingly. In the event this should ever occur, *Inform a staff member ASAP- we are here to help you*

Remember that by design, juries are composed of people from different areas, age groups, and backgrounds. Each night, some participants will be serving jury duty, and others will be earning community service hours for school. **All jurors are created equal.**

ATTENTION: SUPERIOR BEINGS NOT NEEDED.

## 2. Peer Court

In Peer Court, a group of 3-5 student volunteers meet with the defendant and family, along with the victim if they are present, around a table in a courtroom. This is a more private setting and works very well with more sensitive cases or when victims are present because it encourages dialogue. The student panel composes a contract just as in all the other divisions, but does so in the presence of the participants.

Peer Court is based on a restorative justice conferencing model and requires mature volunteers with unbiased, open minds and the ability to speak respectfully to others even when admonishing them. Of all the divisions, Peer Court is probably where the responsibility of conducting yourself as a role model is most important.

A Teen Court staff member will be present in the Peer Court division as an advisor.

We hold Peer Court conferences on selected Thursday evenings.

## TIPS FOR PEER COURT MEMBERS

Peer Court is close to Mediation but- not. Here you'll find out what parents and victims think, and speak one on one with them. How you approach this can have an amazing impact on how all involved view the justice system.

Are you a good team player? Or do you need to work on your negotiation skills? The panel format may be a learning experience for you!

If you prefer a smaller setting than an open courtroom, but want to contribute to Teen Court in a big way, Peer Court may be for you!

The restorative justice training and experiences you'll be exposed to in Peer Court will be invaluable to you in all areas of life. If counseling or public service interests you, check out Peer Court.

### 3. Teen Court Trial Format

Remember that the defendants in Teen Court admit responsibility for the charges brought against them. The Teen Court "trials" that we refer to are actually dispositional hearings (a sentencing hearing) where student volunteers act as "prosecution" and "defense" attorneys with the goal of bringing to light all the information that the jury needs to craft a fair and effective contract for the defendant. A fair and effective contract is one that 1) identifies and addresses the harm done 2) will keep the community safe and 3) will keep the defendant out of further trouble. Our trials are presided over by a Teen Court judge and include opening and closing statements and questioning of the defendants.

Once the questioning and arguments are concluded the jury is escorted to the deliberation room to compose a contract based on what they have learned about the case.

Student volunteers interested in this division have the benefit of two Teen Court staff attorneys to oversee the trials and student attorney training. Students have also found the interaction with Teen Court judges to be very helpful.

### TIPS REGARDING THE TEEN COURT TRIAL FORMAT

Student attorneys will be required to attend training sessions in order to be recognized as a Teen Court attorney. Nothing too scary! Don't be intimidated!

While being a student attorney offers great opportunities for public speaking and forensic debate, it isn't a mock trial competition or moot court. The cases involve real victims, defendants and families like yours and mine.

As in actual court, respect for the participants and the setting is of the utmost importance. The goal for all must be to work toward giving the best possible hearing to the case at hand. One-upmanship, "winning" at all costs, or setting any less sincere goal is contrary to Teen Court philosophy.

If you are in Teen Court to serve as a student attorney, make sure you are not wearing denim jeans or a business suit. (Males and Females alike) Jeans give too casual an impression; suits are too formal for this setting. Think "business" casual.

#### 4. Truancy Diversion

The Hillsborough County School District is mandated by Florida statutes to contact parents, schedule conferences, and attempt interventions to resolve chronic attendance issues. Last school year Teen Court began receiving referrals from the school district for Truancy when other measures had failed.

In this division of Teen Court, the jury is presented with information from the school district concerning the history of the student, and then questions both the parent and student about the situation. A Teen Court judge presides over the hearings.

Once the jury is satisfied that they have an understanding of the issues involved they are escorted to the deliberation room where they create a contract for both the student and parent to sign. They can impose requirements on parents too as their failure to ensure school attendance is an adult misdemeanor offense punishable by up to one year in jail.

Many of the same risk factors seen in other divisions (drug use, need for tutoring or counseling) can lead to non attendance at school and often become part of Truancy Diversion contracts.

#### TIPS ABOUT TRUANCY DIVERSION

What a huge difference education makes in a life! If you can help someone who is discouraged, scared, depressed or neglected, we can use you in Truancy Diversion!

Interrupting truancy is hard work, often due, in part, to disinterested parents. Learn how to be encouraging and strict at the same time!

Last year's compliance rate was very high. Again, the value of positive peer influence plays a huge role.

All students you'll see are from middle schools in Hillsborough County meaning the students you'll see in court are young and have bright futures ahead of them. That's if.....

## **QUALIFICATIONS FOR TEEN COURT VOLUNTEERS**

### **YOU MUST BE:**

Enrolled in middle or high school.

In good academic standing.

Prepared to abide by the rules of the program.

Willing to sign, respect, and abide by the Oath of Confidentiality.

Dressed appropriately. See dress code.

Able to demonstrate the ability to treat each case individually with objectivity and without prejudice.

Willing to communicate with people and to work in a group process.

Responsible for behaving maturely during all phases of your participation.

Sensitive to socioeconomic, cultural, racial and religious differences between Teen Court participants.

Serious about Teen Court at all times and businesslike in your conduct while court is in session.

Alert, attentive, and enthusiastic in your work.

### **TEEN COURT VOLUNTEERS MUST NOT:**

Put anyone down, or appear superior in your attitude.

Chew gum, eat or drink in the courtroom.

Prop feet on furniture.

3

## COURTHOUSE RULES

It is our privilege to serve in and use the Thirteenth Judicial Circuit Courtrooms. The following rules are enforced by bailiffs and JDP staff members who are on duty during Teen Court sessions.

1. Please arrive on time. Volunteer sign-in begins at 5:30 pm.
2. Drop off and pick up will be at: Edgecomb Courthouse, 801 East Twiggs Street. Students waiting for rides should wait there within sight of security. Teen Court is typically over by 7:30 pm.
3. Put cell phones on silent when you enter the courthouse.
4. Please be very quiet as you enter and leave the courthouse as trials often run into the evening hours.
5. The Circuit Court Judges have given us permission to utilize their courtrooms. No one is allowed inside the bar of any courtroom unless given express permission by staff. All areas beyond the bar are off limits when court is not in session.
6. No gum, food, or drinks are allowed in the courtrooms.
7. Do not prop feet on furniture.
8. Teen Court relies on a diverse population of teen volunteers. We are from public and private schools, urban and rural areas, poor and wealthy neighborhoods, of all ages, all races, and both sexes. This diversity is our strength- respect all participants.

We hope you enjoy being a Teen Court Volunteer. It is a unique privilege to be given such a responsibility. You will make new friends and have a powerful impact on the lives of many of your peers. Please remember the business of Teen Court is serious ! These are actual cases. Parents, defendants and victims are present in the hallways and courtrooms. You represent this program at all times when you are in the courthouse.

Thank you for your interest and your involvement.



## **PARKING INFORMATION**

Parking is available at meters around the Courthouse Annex. Please park as close as possible to the Edgecomb entrance. This is where you will exit the building after Teen Court and where county security officers are located.

Most of the parking meters are 75 cents per hour. They are not monitored after 6pm. Do not park along Kennedy Blvd as those spaces are considered event parking for the St. Pete Times Forum and you can be ticketed there even after 6pm.

Also available to you is the Twiggs Street Parking Garage, located on Twiggs Street east of the Courthouse.

**Note: DO NOT WALK ALONE. BE SAFE!**

If you are waiting for your ride, they must pick you up outside the Edgecomb entrance. Please wait close to the entrance door so that security is nearby.

**Note:** It is important for drivers to pick up students by 7:30 pm unless otherwise notified. It is rare that Teen Court runs past 7:30 pm.





## **MISDEMEANOR & 3<sup>RD</sup> DEGREE FELONY CHARGES REFERRED TO TEEN COURT**

**Assault/Battery**  
**Battery on a School Board Employee**  
**Carrying a Concealed Weapon**  
**Criminal Mischief**  
**Cruelty to Animals**  
**Culpable Negligence**  
**Curfew Violation**  
**Disorderly Conduct**  
**Disruption of a School Function**  
**False Fire Alarm**  
**False Report to Law Enforcement**  
**False 911 Calls**  
**Gambling**  
**Grand Theft**  
**Harassing Phone Calls**  
**Improper Exhibition of Dangerous Weapons**  
**Loitering and Prowling**  
**No Valid Drivers License**  
**Opposing or Obstruction of Justice**  
**Petit Theft**  
**Possession of Alcohol/ Marijuana/Paraphernalia**  
**Possession of a Weapon on School Grounds**  
**Resisting Arrest Without Violence**  
**Trespassing, in a Structure, Conveyance, or Property**  
**Trespassing on School Grounds**  
**Unlawful Use of a License**

**How Teen Court Sessions Begin**

Teen Court hearings are held on Tuesday and Thursday evenings from 5:30 P.M. to 7:30 P.M. We meet in Courtroom 12 and move to other courtrooms as directed by bailiffs and JDP staff members.

**TIME FRAME:**

5:30 P.M. Student volunteers arrive and sign in. PLEASE NOTE THAT TRUANCY DIVERSION BEGINS FIRST. JURORS WILL BE DIRECTED TO COURTROOM 8 AND GIVEN INSTRUCTIONS THERE.

Key roles may be assigned for Teen Court:

|         |                 |                      |                  |
|---------|-----------------|----------------------|------------------|
| Juror   | Jury Foreperson | Clerk of Court       | Defense Attorney |
| Bailiff | Ambassador      | Prosecuting Attorney |                  |

Pre-trial begins to allow defense and prosecuting attorneys to prepare their case for trial.

Defense attorneys interview the defendant and prepare for trial.

Staff and/or volunteers greet/orient defendants and families.

5:45 P.M. Student volunteers go to assigned courtrooms and assume roles. PLEASE NOTE THAT TRUANCY DIVERSION JURORS WILL BE DIRECTED TO COURTROOM 8 AND GIVEN INSTRUCTIONS THERE.

6:00 P.M. The bailiff (adult or student) calls the Court to order and announces the Judge. The Teen Court hearing begins.

Each evening session lasts approximately an hour and 1/2. Please stay in the courthouse until you are dismissed by the presiding Judge.

Remember **CONFIDENTIALITY!** After court, do not discuss the cases with anyone.

## JURORS: THE "ART" OF QUESTIONING A DEFENDANT:

You want to know about the incident itself:

**HOW** did he or she get to the store? (car, walked, bicycle, bus, etc)

**WHY** did he or she go to the store? (Shopping, hanging around, planned to steal, etc)

**WHEN** did he or she go to the store? (During school, late at night, etc)

**WHERE** did he or she go (before they got to the store)

**WHOM** did he or she go with to the store (friends, relatives, etc)

**WHAT** did he or she steal (or do while someone else was stealing)

Other questions: Why did they steal? How much money did they have? Did anyone else know they were stealing? Did anyone influence them? Have they ever done this before?

You want to know more about the defendant:

What type of grades do you make in school? If poor, why?

Do you have any prior suspensions? How many? Why?

Do you plan to graduate from school? Future plans?

Do you have a job? Why do you work (pay bills? Spending money?)

What do you like to do when you're not in school?

Do you  
particip  
ate in  
sports,  
clubs?

Are you  
a  
member  
of a  
gang?

Have you ever tried alcoholic beverages? How often?

Have you ever tried illegal drugs? What kind? How often?

Do you have a curfew? Help with chores?

How did this offense affect your family the day it happened? Later on?

Were you punished at home for this incident? How?

Do you have other siblings (brothers and sisters) at home? How did this affect them?

Has this affected your relationship with your parent/guardian?

**DO NOT:**

Ask embarrassing questions that are not pertinent to the case.

Give opinions, ask questions only.

Be afraid to ask questions. Your participation is important. If you listen closely questions will come to you!

## TEEN COURT SENTENCING OPTIONS

1. **COMMUNITY WORK SERVICE** : Depending on the circumstances of the offense, the other sanctions assigned, and the defendant's obligations, the number of hours selected can range from **0 to 50 hours**. The jury can recommend specific types of work or locations.
2. **CURFEW** : This sanction is designed to restrict the defendant from social activities "or being on the street". The defendant is restricted to their home after a designated time **unless** either at work, completing CWS hours, or in the physical company of a parent/guardian. **House Detention**: The defendant is restricted to their house at all times **unless** either at work, completing CWS hours, or in the physical company of a parent/guardian.
3. **RESTITUTION (Mandatory if Owed)**: Defendants are required to pay restitution when determined from the interview that the victim is entitled to money for damages or medical expenses. If the amount is unknown at the time of the hearing, restitution will be ordered as "reserved" on the amount. If the amount is known, the case manager will provide the information and the jury will indicate the exact amount on the sentencing form.
4. **NO ASSOCIATION WITH CO-DEFENDANT(S)/VICTIM** : The defendant is to avoid contact with any co-defendant or victim (including stores). Sometimes victims specifically request this, sometimes it just makes sense. Restrictions regarding co-defendants apply only for a specific amount of time or until supervision is completed. Don't forget to restrict contact by email, IM's, MySpace, through friends, etc....
5. **APOLOGY** : The defendant is required to provide a hand written and signed apology letter to their parent and/or victim. Apology letters should be mandated for any community member specifically impacted by the offense ie: teacher, principal, sibling, etc.. If it's appropriate and would be more meaningful, an apology can be in the form of a poem, drawing or be spoken. It does need to be verified, and safe for all concerned.
6. **JURY DUTY** : Defendants serve as a Teen Court juror typically two evenings.
7. **HOME CHORES** : Defendants are to complete assigned tasks given by the case manager as

recommended by parents.

8. **SCHOOL PROGRESS REPORTS:** The defendant is to obtain weekly (or daily) status reports regarding their attendance, grades, and conduct. Specific school related behavior can also be mandated as in studying two hours each night, no unexcused absences, volunteer to tutor a struggling student, volunteer in the front office or to clean the school grounds.
9. **RESTRICTIONS :** (Video, Phone, Bicycle, Car, T.V.) This sanction is designed to restrict the defendant from the above items to improve behavior, grades, etc. The jury may **designate a certain time** of restriction. For example, one hour on the phone daily or no phone past 8:00 P.M. The jury may choose to restrict the defendant **totally** which involves no use during the time in the program. This is often done to be sure time is spent in a more productive way, to deny privileges, or make defendant refrain from enjoying what he/she shoplifted.
10. **SURRENDER DRIVERS LICENSE:** License is turned over to the parent immediately. This can also include delay of obtaining a permit, use of a car on weekends, etc..
11. **SHOCK EDUCATION PROGRAM:** Is a comprehensive program that shows participants the consequences of crime and risky behavior. This is a six week program that meets twice a week on Tuesday and Thursday evenings for a total of twelve classes. Classes are gender specific.
12. **S.T.E.A.L. SHOPLIFTING Class - ( Stop Theft Early And Learn). Mandatory for all shoplifting offenses:** Defendants are required to participate in this educational program if they are charged with Shoplifting or Grant Theft and the victim is a retail store. The defendant attends a one time seminar learning the effects of theft on the economy and facing up to the personal cost of theft. We offer a separate class for girls. There may be a homework assignment involved, and we request parent participation as well.
13. **ReSTART for GIRLS:** Group sessions focusing on self awareness, responsibility to family and community, positive communication skills, and how to "restart" your life. Classes meet weekly and run a calendar month. free.
14. **CHILDREN & FAMILY COUNSELING:** The defendant will be required to contact Hillsborough County Children and Family Services for counseling services. They must attend a minimum of three sessions up to a maximum of twelve. There is no cost for this service. The focus is on communication, discipline, and anger management.
15. **ALCOHOLICS ANONYMOUS MEETINGS:** The jury can assign attendance at up to 5 meetings. This sanction is designed for the defendant who drinks alcoholic beverages. In addition, consider an excellent essay for their awareness, "Interview an addict and tell their life story". Attendance at AA and NA meetings serves to connect the defendant and their family to a community agency that can be of assistance to them long after the defendant has completed Teen Court.

**NARCOTICS ANONYMOUS MEETINGS** The jury can assign attendance at up to 5 meetings. This sanction is designed for the defendant who uses illegal drugs. In addition, you may request they compose an essay for their awareness. They can accompany the Shock Education Class on its next tour of Tampa General Hospital's Pediatric Intensive Care Unit or the DACCO Residential Treatment Program tour.

16. **DERRICK BROOKS/URBAN LEAGUE CRIME PREVENTION MEETINGS:** The defendant will attend a youth development program focusing on crime prevention and intervention, anger management, self-esteem, decision making skills, drug use prevention, teen pregnancy prevention, etc. There are 12 required classes (once a week).
17. **DRUG/ALCOHOL EVALUATION -** Mandatory if defendant is charged with a drug related offense or admits use of drugs within last three months- The defendant will have an evaluation to determine what level of treatment for drugs or alcohol is advisable. Available through agencies DACCO, Goodwill, ACTS, Phoenix House and some private providers.

### **TEEN COURT SENTENCING GUIDELINES cont...**

18. **RANDOM DRUG SCREENS:** If there is any doubt on the part of the jury or the parents regarding current drug use, random urine screens can be assigned. These will help discourage some youths from continuing to use drugs. **If a drug screen result is positive the defendant will be sanctioned to undergo an outpatient substance abuse evaluation and follow through with any recommended treatment.**
19. **ESSAYS:** The jury may assign an essay and can decide on the topic and number of pages. Please keep in mind the grade level of the defendant. Please be creative and remember the goal of the essay is to have the defendant think of his or her own actions, the consequences resulting from the incident, the impact on the victim, and understanding the law relating to the incident. Example essays: "How you could have handled the situation differently?", "How a criminal record could affect your future goals", "What you learned from ...Teen Court, Shock Education, STEAL". You might also assign an essay to stimulate research on a certain drug, the effect on income from dropping out of school, etc...
20. **FLORIDA STATUTE REPORT:** If this is chosen, the defendant will be given the chapter number for the statute of the law that he/she broke and is asked to summarize in writing, how the law is meant to protect the community, and in what ways the offense specifically violated the law.
21. **SPECIAL CONDITIONS:** Many of the best "sanctions" a jury can assign arise specifically from a strength or interest the youth has or something left undone that comes to your mind during the hearing.

**Use Your Imagination !**

## YOUR ROLE AS AN AMBASSADOR

Before participating as a Teen Court Ambassador, volunteers must have served as Teen Court jury members for two evenings. In the past families and defendants have arrived at the courthouse, waited in the hallway alone, and then been brought into this unconventional setting for a hearing . The Ambassador's function will be to reiterate what the family and victim have been told previously about Teen Court but most likely have forgotten, and to be a reassuring presence to victims. Familiarity with Teen Court procedures and hearings is necessary to serve in this role.

- Teen Court is a totally new experience to most defendants, families and victims. Not only are they in a difficult situation, the environment they have entered is unknown to them.
- Your job is to greet each hearing participant as they arrive, noting their presence on the appropriate docket. Tell parent and defendant what they can expect. Guide the defendant to the appropriate defense attorneys if the case is to be a trial, explain the grand jury format to the defendant as he/she waits.
- As victims arrive, offer a brief explanation as to what they can expect as they observe the hearing, and ask if they wish to address the court during the hearing. Note their response on the appropriate docket. Seat victims in Courtroom 8 prior to the start of hearings, then advise them which courtroom to head to if they must move once Teen Court is in session. Victims may bring a family member or friend to the hearing for support.
- Answer any questions the defendant or family may have regarding procedures prior to the



hearing, during or after. If you cannot answer the question please advise them that you will find the answer for them. Remember to respond back to them once you have inquired of staff.

- Once court is underway use your judgment about who requires more attention. Advise those waiting in the hallway of anticipated hearing times. Visit the courtrooms where victims are present. They might appreciate it if you stay there with them.

## YOUR ROLE AS A BAILIFF

The primary duty of the Teen Court Bailiff is to assist the Judge and maintain order in the courtroom.

### Responsibilities:

1. Seat the jurors in the jury box and make sure the courtroom is in order before Court begins.
2. Seat the defendant and the defendant's family in the front rows.
3. The bailiff initiates the proceedings by announcing the Judge and calling the court to order.  
"ALL RISE. TEEN COURT IN AND FOR HILLSBOROUGH COUNTY IS NOW IN SESSION. THE HONORABLE \_\_\_\_\_ PRESIDING. COURT COME TO ORDER. PLEASE BE SEATED."
4. When the jury is ready to deliberate, get the agreement contract from the judge and escort the jury to the deliberation room. Make sure the jury's conversations are not so loud as to be heard inside the courtroom.
5. When the jury has reached a decision, they will ring for the bailiff who escorts them back to the jury box.
6. The bailiff hands the sentencing form to the judge for review and then returns the form to the jury foreperson to be read aloud.
7. When the judge adjourns the hearing, the bailiff escorts the defendant and family outside, to meet with a Teen Court staff member.



## YOUR ROLE AS THE JURY FOREPERSON

Once the jury has entered the deliberation room, a jury foreperson will be selected to preside over the group discussion, or deliberation, regarding the offense.

Responsibilities:

1. The deliberation of the jury shall be conducted in an orderly fashion.
2. Make sure that all jurors have an opportunity to express their opinions about what they saw, heard and learned during the hearing. All should contribute to a discussion of who was harmed and what the defendant should do to repair that harm.
3. Keep the discussion relevant in order to save time.
4. Discuss the case among jurors in order to reach a unanimous decision about sanctions. If everyone does not agree, offer alternative suggestions. If the jury has split decisions, ask for a vote by showing of hands. Majority rules.
5. The jury will have approximately 15 minutes to develop a list of sanctions.
6. There will be a Teen Court Staff Member in the deliberation room with the jury.
7. Compose a justification for the sentence, agreed upon by the jury members, to be read to the defendant in open court.
8. Once a verdict has been reached, the jury foreperson will notify the bailiff. The Agreement Contract is then given to the bailiff who hands it to the Judge for review.
9. The Sentencing Form will be given back to the foreperson who will read the justification first, "IN DELIBERATING IN THIS CASE, WE THE JURY BELIEVE THAT \_\_\_\_\_" and then announce the verdict in a strong clear voice..."WE THE TEEN JURY RECOMMEND THAT THE DEFENDANT, \_\_\_\_\_, RECEIVE THE FOLLOWING ..."
10. The Sentencing Form is then given back to the bailiff. The defendant and family are escorted to another area by a Teen Court staff member.

Jurors shouldn't insist that specific sanctions be imposed because that's what they received, or that's what another jury recommended. The foreperson can remind them that decisions are reached on an individual basis pertaining to the facts of each case.

- Be as creative as you can be. If problems or questions arise the JDP staff member will assist you in the deliberation room.

## YOUR ROLE AS THE CLERK OF COURT

The Clerk of Teen Court is responsible for organizing the flow of the court dockets, leading all participants in the Oath of Confidentiality, swearing in jurors and those about to testify and maintaining the official record of court proceedings. The Clerk should be one of the first to arrive in court as their duties begin even before a hearing starts. There may be a clerk assigned to each courtroom; prior to court starting these youth will work together as a team to organize the evening.

1. Welcome and sign in all the jurors. We may need several juries and the Clerk will assign courtrooms to jurors if necessary.
2. Assign cases to courtrooms and judges available, recording the information on each docket.
3. Welcome and sign in those wishing to serve as attorneys. Confer with staff members and assign attorneys to cases to be heard in trial format, recording this on each docket.
4. Address jurors and lead them in the Oath of Confidentiality.
5. Direct jurors to assigned courtrooms.

Once the division of jurors and cases has taken place, each courtroom may have its' own Teen Court Clerk.

6. Greet the Teen Court Judge in your courtroom and pass them the docket and case files .
7. Announce the first case to be heard.
8. Swear in the defendant (s).
9. Note the general outcome of the case on the docket.
10. Announce the next case to be heard and swear in the defendant.
11. Once the Judge has dismissed the jury for the evening, collect any paperwork still remaining in the courtroom and present it to a staff member.

# Restorative Justice in Teen Courts

Taken from *The Restorative Justice in Teen Courts: A Preliminary Look* by Tracy M. Godwin

## Overview of Restorative Justice Principles

Restorative justice outlines an alternative philosophy for addressing crime. When viewed from a restorative lens, crime is a violation of people and relationships between the offender and his or her family, friends, victims, and the community - as opposed to merely an act against the state (Zehr, 1990). In essence, restorative justice focuses on repairing harm and rebuilding relationships through a process that involves stakeholders in an active and respectful way, while emphasizing the community's role in problem solving. From a practical perspective, it requires the juvenile justice system to respond to crime by devoting attention to (Zehr, 1990; Pranis, 1998; Maloney, Romig, and Armstrong, 1998; Bazemore, 2000):

- Enabling defendants to understand the harm caused by their behavior and to make amends to all the victims and communities.
- Building on defendants' strengths and increasing their competencies.
- Giving victims an opportunity to participate in justice processes.
- Protecting the public through a process in which the individual victims, the community, and the defendants are all active stakeholders.

## Stakeholders and Goals of Restorative Justice

There are three primary stakeholders and three primary goals of restorative justice. Primary stakeholders are victims, offenders, and the community. Goals of restorative justice include accountability; competency development, and community protection. The role that these stakeholders take within restorative justice framework and the manner in which these goals are achieved differ slightly in practice among programs.

The emphasis on victims' roles in restorative justice is about choice. Restorative justice cannot exist without giving victims the opportunity to participate in the justice process and making every effort to respond to their needs and desire for participation. The level of their participation may vary (e.g., providing written impact statements, providing oral testimony of the impact of the crime, participating in victim/offender mediation, giving their suggestions related to sentencing, etc.).

In restorative justice, the emphasis for defendants is on change. The goal is to hold offenders accountable by providing opportunities for them to understand the effect their actions have on others and to assist them in enhancing and developing skills that will make them more productive and competent citizens by identifying and building on their strengths. Competency development is fundamentally about changing the role of the offender from passive recipient of services to an active role that allows him or her to be a resource to others (Personal Communication, G. Bazemore).

For the community, the emphasis in restorative justice is on bonding and building relationships. Communities are also victims of crime. Certainly, the juvenile justice system has a responsibility to protect the public from juveniles in the system (Pranis, 1998). However, restorative justice also places some of the responsibility for offender regeneration onto the community itself. Communities need to offer opportunities for juvenile offenders to be held accountable for their actions (including educating youth on the effect of crime on the community, while at the same time giving them a chance to connect and contribute to their communities and establish or rebuild broken relationships).

### Principles of Restorative Justice

It is important to understand that restorative justice is not a program. Essentially, restorative justice is a set of principles that can be applied to any program or practice. Some key principles include (Pranis, 1998; Bazemore, 2000; Zehr, 1990; Van Ness and Strong, 1997 as cited in Bazemore, 2000):

Repair: Crime results in harm to individual victims, communities, and juvenile offenders and creates an obligation to make things right. Essentially, justice requires healing or repairing harm and rebuilding broken relationships.

Involvement: All parties, including the victim (if he or she wishes), the community, and the juvenile offender should be provided with opportunities for input and participation in the justice process.

Justice System Facilitation: Repairing harm requires that the respective roles of government and community be rethought in terms of how to respond to crime. In other words, restorative justice-based practices change the role of the justice system from being an "expert" in a *case-driven* response to crime, toward the justice system acting in a facilitator role focused more on problem-solving and community capacity-building.

## Moving Toward Restorative Justice in Teen Courts

Moving teen courts toward restorative justice-based practices is an ongoing process. There is no single "right way" to implement the restorative justice concept. How the principles are implemented will vary based on local resources, traditions, and cultures. All teen court program models (i.e., adult judge, youth judge, youth tribunal, and peer jury) have the potential to incorporate restorative justice-based practice if staff and program organizers are flexible and open to new ideas related to program policies, procedures, and practices.

It is safe to say that no teen court is fully restorative in nature, and may never be, due to some of the practices and philosophies that define a teen court. However, programs can definitely be more restorative than they are currently. Change is slow and is a learning process. Program staff and organizers who decide to move toward more restorative justice-based practices will need to constantly assess and reassess where they are in the application of restorative justice principles and adjust practices accordingly. While it may be easier to implement restorative justice concepts as a program is being developed, there are ways to build on strengths of an existing teen court program to make it more restorative. Restorative justice principles can affect all aspects of a teen court's processes.

### Developing a Plan

From a practical perspective, there are three questions that restorative justice asks that can serve as cornerstones from structuring the development and implementation of more restorative practices in teen court:

1. What is the harm that was created by the teen court defendant's behavior?
2. What needs to be done to repair the harm?
3. Who is responsible for repairing the harm?

The major difference between the current philosophy of many teen courts and what the restorative justice philosophy demands is the view of the goal of teen court as responding to a crime or

problem behavior by punishing the juvenile, as compared to a focus on the harm that was created by the crime or problem behavior and assisting the juvenile in making amends for their behavior and the resulting harm. There also needs to be an emphasis on helping the young person rebuild relationships to others (e.g., family, friends, victims, community) that have been damaged as the result of the crime or problem behavior. This is a crucial distinction (i.e., punishment v. reparation) that teen court program staff and organizers must make to be successful in moving toward restorative justice-based practices.

The implications of this shift in program philosophy is significant and the ways in which teen court practices can be augmented or implemented to support this philosophical shift are numerous. However, there needs to be a starting point from which movement toward more restorative justice-based practices can grow. To begin the process, staff and program organizers should consider the following three key concepts:

1. Teen courts need to increase and rethink the role of victims and community in the programs practices and operations.
2. Teen courts need to alter the focus of teen court hearing proceedings from punishment to restoration.
3. Teen courts need to rethink or augment the types of sentencing options available.

## Rethink Role of Victims and Community

### The Victim's Role

In restorative justice, victims are a key stakeholder and must have a choice as to whether they want to participate in the program or not. Therefore, teen courts that do not allow victims the opportunity to participate are neglecting a primary stakeholder of the program. Without making a provision for victim input and involvement,

implementation of restorative justice-based practices is impossible.

At a minimum, teen courts can offer victims an opportunity to provide information on the impact the offender's actions have had on them. Impact information should then be imparted during the hearing through the questioning process with the goal being to increase the offender's awareness of the effect of their actions.

Programs should have various options available for obtaining and reporting impact information. For example, impact information can be obtained through written, oral or electronic means (e.g., audio or videotape), chosen to suit the comfort of the individual victim. Teen courts need to create a victim impact statement that victims can complete which describe the effect (physical, emotional, and financial) the teen court offenders' behavior or crime had on them and asks the victim what s/he needs to have the harm repaired or for amends to be made. The recitation of the victim impact information should be added to the teen court courtroom protocol or script. Victims also should be allowed to testify in teen court hearings, if they so choose. The option will increase the time needed to conduct hearings; however, if the goal of the hearing is to discover the harm caused by the offender's actions and get information on how that harm can be repaired, victim input is essential.

Remember, victims should have a choice as to whether they wish to participate. There will be times when a victim will choose not to be involved. However, the impact information is still important to the offender's understanding of the effect his or her actions have had on another human being. In cases where the actual victim does not want to participate, programs can implement a process by which a surrogate victim (e.g., youth or adult volunteer) provides impact information.

Beyond establishing a process for soliciting and providing impact information in hearings and obtaining victim involvement, meeting victim needs in teen courts lends itself to a little more creative thought. Some ideas include:

Make victims feel comfortable when they attend teen court hearings. Like teen court offenders, victims need support before, during, and after the hearing. One way that teen courts can support victims is by having a youth or adult volunteer serve as a greeter or victim advocate. The advocate's role is to greet the victim when they arrive at the teen court hearing and make sure the victim's questions are answered. They also explain to the victim what the hearing process will be like and assist them in preparing testimony; much like a defense attorney does with the offender. If possible, have a separate waiting area so that victims do not have to wait in the same room with the offender and his or her family.

Inform the victim of the teen court's sentence. After the hearing, send a letter that tells them what the disposition was and, if appropriate, share with the victim the rationale of the jury as to why they recommended the particular sentence. Informing the victim when the offender has completed his/her sentence is also good practice.

Invite victims to volunteer with the program. Victims can be future surrogate victims, provide training on impact of crime for volunteers, serve on victim impact panels, and/or assist in policy development to help programs become more restorative and responsive to victims' needs. Youth victims can also be invited to serve as youth volunteer attorneys, jurors, or in other teen court roles.

Invite victims, along with other stakeholders, to the program's recognition banquet at the end of the year. Solicit victim satisfaction information. Develop and send a victim satisfaction survey to all victims. Results from these surveys can provide excellent data to use in evaluating how well the program is responding to victims' needs. This

information can be shared with funders to show the impact the program is having on a key constituent group.

With victim and offender consent, consider victim offender dialogue (i.e., a facilitated face-to-face meeting between the victim and offender to determine a disposition: as an intermediate step to or sentencing option for teen court.

From a restorative justice point of view, if there is a key customer in the justice process, it is the victim. This does not mean that the victim's interests must be adhered to at all costs to the process, but it does mean that there are often decision points in the process in which the victim should be given a significant voice. No matter what direction a program chooses for involving victims, it is important for teen court staff and participants to obtain additional victim-sensitivity and advocacy training. This type of training is often available from local victim advocacy staff working in the criminal/juvenile justice system and/or in the community.

## **The Community's Role**

The community is also an essential stakeholder in restorative justice. Teen courts, by their very nature are programs that require a significant level of community involvement to function effectively. However, the expanded role of community within the context of restorative justice can further enhance the use of community members in teen court programs. First, the role of community in restorative justice places an emphasis on the community's role in problem solving or on community members helping juvenile offenders reintegrate into the community. To do this, community members need to assume the responsibility for creating meaningful forums and activities that will allow offenders to repair harm and make meaningful and positive contributions to the community in which they reside.

Second, the impact of crime is not limited to the effect it has on individual victims. Effects of crime



are far reaching. Many times, youth sent to teen court for sentencing have committed acts in which there is no easily identifiable direct victim, making the community the primary victim. Somehow, the impact of the youth's crime or behavior on the community can assist and help define and describe the impact crime has on the community. This can be accomplished through:

The development and recitation of written community impact statements in cases where there is no identifiable direct victim or in cases where the victim does not wish to offer their impact information. Depending on the type of crime, youth and/or adult volunteers could be given the responsibility for collecting and preparing community impact statements by talking with business owners in shoplifting cases, neighborhood associations in cases where property was vandalized, school administrators and teachers in school related incidents, etc. Utilization of a youth or adult volunteer to serve as a community advocate whose role is to provide oral testimony on how the youth's acts affected the community.

Offering offender's parents or other family members, neighbors, etc. the opportunity to provide impact information (e.g., if a teen court is hearing a breaking and entering case, a neighborhood member could be asked to share their feelings about knowing their neighbor's house was broken into and how it affected their sense of safety and security).

Other ideas for facilitating the community role in problem solving include:

Have representatives from local businesses provide impact statements on the effects of shoplifting on stores and communities. Try to recruit a large number of local business representatives so that individual volunteers only need to appear in teen court periodically.

Hold teen court hearings in different sites or locations throughout the community. This increases visibility of the program and encourages involvement from more community members -- especially those who may have transportation problems -- by making the program more accessible and/or convenient for community participation.

Educate the community about teen court to counteract reluctance or fear of working with teen court offenders. Partner with the media to highlight success stories. Invite community people to events that celebrate teen court success. Seek out community projects in which the teen court could participate (e.g., teen court volunteers and offenders could assist the local police department in distributing program literature during national drunk and drugged driving month).

Host a recognition event for community groups/members involved in the program. The event could be hosted by the youth volunteers.

Assess community satisfaction with the program and make program improvements and enhancements based on community input. Encourage community members to serve as mentors for teen court offenders and volunteers. Mentors can be youth or adult community members.

## Alter the Focus of Teen Court Hearings

One of the most basic issues that prevents some teen courts from incorporating restorative justice principles into their practices is how the teen court and, most importantly, its staff and youth volunteers, view the purpose of the teen court hearing. Is the purpose to determine consequences and punishment for the offender or is the purpose to assist the offender in repairing the harm caused by his or her actions? Now, some may say, "What's the difference?"

However, the subtle difference in these two questions can often mean a world of difference in a program's ability to implement restorative justice principles. If the purpose is to pronounce punishment, for punishment's sake, then who was harmed and how they were harmed may not be relevant. Impact information certainly would not be a priority element to be considered during the hearing and deliberation process. An offender will get the opportunity to be held accountable for his or her actions by carrying out the tasks outlined in his or her sentence -- tasks that may or may not have much meaning to the offender, victim, or community. However, accountability will not be totally achieved unless the offender gains an increased awareness and understanding of his or her actions and takes an active role in repairing the harm caused. Punishment alone does not facilitate increased awareness and offers little opportunity for the offender to make amends to the victim or the community in a meaningful way.

However, if the purpose of the teen court program is to assist the offender in repairing the harm created by his or her actions, a decision about the appropriate type of consequence is impossible without information related to the specific and overall effect of that individual's crime or behavior. With this change in focus for the teen court hearing, youth volunteers are still able to delineate a consequence for the offender's behavior; although, now they also are able to tailor the consequence to the unique circumstances and needs of the offender, offender's family, victim, and the community. Youth volunteers also are exposed to a new way of thinking about justice, thus increasing the educational experience that teen courts can provide to them by raising their awareness of the effects of crime and facilitating the development of their empathy toward others.

For this type of shift in the purpose of teen court hearings to take place, it is necessary for staff and program organizers to buy into this concept of reparation of harm. The following ideas represent some strategies staff and program organizers can employ for making this shift in

program focus move beyond rhetoric to practice. It is important to understand that these types of

changes can be implemented in any model of teen court if program staff and organizers are flexible in the design and operation of their hearings.

**Volunteer training should stress and constantly reinforce the idea that the purpose of sentencing is to repair harm as opposed to punish.**

Youth volunteers will need to learn strategies for questioning and deliberating that will support this shift in focus.

Programs will need to structure the hearing and deliberation processes so that appropriate information can be solicited and considered. Strategies for restructuring the hearing and deliberating processes Include:

- \* Make adequate time available for hearings and deliberations. This may mean hearing fewer cases in a given teen court session and/or holding court more often.

- \* Give volunteer attorneys or jury panels an adequate amount of time to prepare their cases (e.g., question victims and witnesses, discuss the case with the offender and his/her parent/guardian, review the police report, prepare their questions and opening statements

- \* Increase or change the type of information made available during the hearings and how information is presented during hearings with a goal of assuring the victim and community impact is received and articulated (e.g., impact statements; oral testimony of victims, community members, offender's family members, etc).

\* Train youth volunteers on the types of questions to ask during hearings. To be consistent with restorative justice goals, the sentence recommended by the judge or jury panel needs to have components that will help increase the offender's understanding of his or her actions; offer opportunities to make amends or appreciate and repair the harm caused; and increase their skills, competencies, and ties to the community to enable them to function as more productive citizens. To effectively do this, juries and judge panels must be given information during the hearing through the questioning process that describes the effect the offender's behavior has had on his or her family, the victim and/or the community. They also need to hear what understanding the offender has about the effects of his or her behavior (Godwin, Heward, and Spina, 2000) and, what, if anything, the offender has done to make amends for his or her behavior. It may be helpful for offenders to be asked what they think they can do to repair the harm.

\* Provide youth volunteers with information on how to deliberate effectively and allow enough time for them to work through the deliberation process. The deliberation process is one of the most important components of the teen court hearing. It is where the decision is made on what the most appropriate sentence will be for an offender. Too often, youth volunteers deliberate by focusing on the sentencing options themselves (e.g., How many community service hours should be given?), as opposed to facts, circumstances and identifiable harm caused in the case being presented (e.g., What was the harm caused by the offender's behavior? What type of community service assignment will best educate the youth on what he or she did or give them an opportunity to repair the harm caused by his or her actions? What type of educational class will help the offender understand more fully the impact his or her actions had on the victim or the community?)

Implementing a structured process that focuses on the harm and its repair for jury and judge panels to follow during deliberation will help increase the ability of youth volunteers to make appropriate, constructive, fair, and restorative sentencing recommendations. A seven-step deliberation process that supports restorative justice principles is outlined below.

\* Assess the relevance of sentences given by juries to the offenses committed and the needs of victims and the community.

## **Seven-Step Deliberation Process**

1. Review the rules of the deliberation process.
2. Debrief on what was seen and heard during the hearing and review the facts and circumstances of the case.
3. Provide an explanation of the harm (i.e., who's been affected by the offense and how).
4. Outline the needs of the affected parties (e.g., offender, offender's family, victim, community).
5. Determine what needs to be done to repair the harm.
6. Determine an appropriate sentence that will help meet the needs of the affected parties and reach consensus.
7. Provide a written justification on the Verdict Form that explains the rationale for the sentence being imposed. (This justification should be explained to the defendant at the time the sentence is pronounced and during the post-hearing interview with program staff or his or her designee). (Godwin, Heward, and Spina, 2000)

## **Rethink and Redefine Sentencing Options**

Some of the common sentencing options of teen courts, as well as many other programs based on the restorative justice philosophy, include community service, educational workshops, and apologies to victims. The manner in which these sentencing options are designed and currently utilized in teen courts may need to be rethought when viewed within a restorative framework. Sentencing options based on restorative justice principles encompass choices that focus on accountability (i.e., increasing offenders' awareness of the effect of their actions on others and offering them opportunities to repair the harm caused, either directly or indirectly), competency development (i.e., building youths' relationships with caring and positive adults or peers and providing offenders with opportunities to increase their skills and competencies so they are able to function as more productive members of society), and community protection (i.e., increasing youths' skills and ties to the community so they will be less likely to harm the community in the future) [Godwin, Heward, and Spina, 2000]. Designing sentencing options that are based on restorative justice principles helps give juries and judge panels choices that they can use to focus their sentencing recommendations on the harm that was caused, rather than focusing on punishing the offender for the sake of punishment.

## **Community Service**

Historically, community service has too often revolved around menial assignments, while little attention has been given to the advantages that it can provide by influencing youths' attitudes and providing public

benefits (Bazemore and Maloney, 1994). The prevailing attitude that community service should be designed to punish youth and make them suffer is changing gradually. Certainly, if that old attitude prevails, youth will be less likely to develop a healthy and positive view of providing service for their community. Initially, offenders may view their community service work as punitive. However, teen courts that design community service assignments to offer youth a chance to repair harm caused by their actions (directly or indirectly), develop skills, and build ties to the community will be supporting the restorative justice philosophy and may help contribute to youth choosing to avoid delinquent and problem behavior in the future (Godwin, Heward, and Spina, 2000).

In short, community service work should be oriented to community needs and linked with broader community issues. Community service should be constructive and educational - not punitive. Youth should not feel isolated while doing community service; rather, they should feel connected to the community. Whenever possible, programs should strive to have youth and adult volunteers and offenders working together on community projects. View youth as an untapped resource, who, if given the appropriate guidance and support, can produce positive results and meet community needs.

To facilitate the development of more meaningful community service component, teen courts should get out into the community, and see what needs to be done, and build and maintain relationships with a variety of community organizations and agencies (e.g., youth serving organizations, victim service providers, neighborhood associations, civic groups). The teen court can check periodically with these types of groups to see if they need assistance or if they have planned projects with which the teen court can partner. Teen courts should assure that all community service sites are aware and supportive of the program's vision

for community service work. Another good practice is to ask victims to recommend community service projects organizations. Staff can assess the victims' recommendations for suitability as community service sites for youth.

Some examples of community service projects teen courts can plan that are based on restorative justice principles may be found below.

### **Community Service Project Ideas**

Hold a community car wash. Youth volunteers and offenders work together at the car wash. Donations are collected for the service being provided and the money is given to a local charity. The youth identify and decide on the local charity that will receive the money.

During domestic violence month, teen court participants can help distribute literature that educates the community on domestic violence issues.

Conduct discussions or educational workshops on timely issues and organize projects around those issues. Partner with a group who is building a Habitat for Humanity house.

Organize and hold a youth summit. Have teen court defendants participate and assist in the planning process.

Work with a community action or neighborhood group on neighborhood repair (e.g., fixing broken equipment on a playground, park beautification project).

Have youth serve as mentors to younger children (e.g., tutor an elementary school-age child in math, work with younger kids at the YMCA or Boys and Girls Club).

Have youth volunteer at nursing homes and senior citizen centers to promote intergenerational mentoring.

Conduct a neighborhood food drive. Collect food for local food pantries and serve the food or help distribute the food to needy families.

Assist elderly or disabled persons with household projects, snow removal, lawn care, or other services that can help them maintain a productive lifestyle.

Conduct community surveys about the needs of the community on behalf of local government planning groups, to help agencies better plan for and meet community needs. Work with the community or an agency to develop, plant, and maintain a community garden. Raise vegetables and fruit that can be distributed to needy families or to the elderly.

### **Educational Workshops**

Another aspect to look at in sentencing is in the relation to the types of educational workshops and skill-building opportunities offered by the program (either those offered in-house or those to whom youth are referred in other community agencies). To meet competency development goals espoused in restorative justice, educational workshops and projects need to be designed to assist youth in developing skills and in gaining some social capital. This allows the youth to build relationships with others and have an ongoing role in their community based on something of value that they have to offer (personal communication, G. Bazemore, March 4, 2000).

Therefore, to move toward restorative justice-based practices in teen court, educational workshops need to reflect competency development goals, as opposed to merely passing on information in a passive format. Youth learn best by doing, so integrating information with activity is more likely to result in long-lasting change.

## Apologies

Oral and written apologies to victims are recommended quite often by teen court jurors and judges. However, for an apology to be an effective option when viewed within the restorative justice context, it must be sincere. If the offender feels and is able to articulate his or her remorse in a sincere and respectful manner, then an apology can be a therapeutic option for offenders and victims.

However, an insincere apology extended to a victim may cause more damage to an already sensitive situation or relationship. Also a critical point to keep in mind using apologies to victims as a sentencing option is that in restorative justice victim involvement remains a choice on behalf of individual victims. Therefore, victims must be asked if they wish to receive an oral or written apology from the offender. If they do not wish to receive an apology, then an oral apology to the victim should not be required. A written apology could be ordered regardless of whether the victim wishes to receive it or not. However, if the victim does not want to receive the written apology, it should be placed in the offender's file.

## Additional Sentencing Options

Additional ideas and issues to consider when creating sentencing options for teen courts to support restorative justice goals include:

- \* Develop victim impact panels and victim awareness classes to educate youth on the effect of crime on victims and build empathy.

- \* Implement a peer mentoring program or component to strengthen ties between defendants and youth volunteers. Peer mentors can maintain contact with defendants while they are involved in the program to check on the offender's progress and offer support for continued involvement in programs/projects.

- \* Implement an adult mentoring component that adheres to adult/youth partnership principles to strengthen ties and build relationships between youth and positive, caring adults.

- \* Involve victims in recommending the type of restitution/community service that should be made.

- \* Make provisions for the order and payment of restitution to compensate victims for monetary loss.

- \* Design community service or service learning projects so that they build on individual offender's strengths and interests (e.g., a youth with musical talent could go to the nursing home and play for the residents).

- \* Develop options that encourage parental involvement (e.g., invite parents to participate in their child's community service, require or invite parents to participate in educational workshops with their child, ask parents what their needs and concerns are and respond if appropriate and feasible).

- \* Collaborate and partner with other community agencies that have programs designed to develop skills in youth.

- \* Look for sentencing options that create opportunities for youth to practice skills (e.g., community service, mentoring, apprenticeships).

- \* Have offenders return to teen court at the end of the sentence to say what they accomplished and have their achievement recognized and acknowledged by program staff and volunteers.

Developing sentencing options that serve multiple goals is important in a restorative justice approach. Fortunately, there are many activities that simultaneously can serve multiple goals of repairing harm caused, building skills and competencies of offenders, building or enhancing relationships within the community, and engaging others.

**During deliberations, teen court volunteers should be encouraged to keep these multiple goals in mind and attempt to address as many of them as possible through creative combinations of sentencing options.**

## Conclusion

This paper presents a preliminary look at how teen court programs can begin moving toward incorporating more restorative justice-based practices within their programs.

A tangential issue that needs to be examined is the relationship between teen courts and more traditional interventions based on restorative justice principles (e.g., victim offender mediation, family group conferencing, sentencing circles, community accountability boards) in order to determine constructive ways in which partnerships can be formed and reciprocal lessons learned. Each type of program has experiences and ideas to share that can help strengthen offender accountability, competency development, and community protection goals. For example, sentencing circles and family group conferencing programs can learn from the example set by teen courts that youth can be powerful voices in community problem solving and decision making. Likewise, the training that participants of sentencing circles and community accountability boards receive could be extremely beneficial to youth court volunteers in helping them to apply restorative justice principles to the examination and deliberation of cases coming before teen courts.

The goals for moving toward restorative practices are clear - more effective services for defendants, victims, and the community; better offender accountability; increased skills and competencies for offenders; improved relationships among offenders and their families, friends, victims, and community; and more meaningful community involvement in solving local problems. Each of these are achievable and all are supportive and reflective of what restorative justice principles teach us.

| LESS RESTORATIVE  | MORE RESTORATIVE   |
|---|--|
| Focus on law-breaking.  | Focus on harm.   |
| Focus on punishment.  | Focus on repair.   |
| Emphasis in hearings is focused on testimony, procedure, and evidence.                        | Emphasis in hearings focuses on increased dialogue and understanding.  |
| Options for victim involvement are limited and constrained.                                   | Options for victim involvement are varied and respect victims' choice.   |
| Service options for defendants are limited and focus more on completion of tasks.             | Service options for defendants are varied and related to their strengths, and will benefit the community.                                  |
| Sentences are based on pre-determined factors related solely to the nature of the offense.    | Sentences are individualized, incorporating the victim's wishes, the needs and abilities of the defendant, and the needs of the community. |
| Outcomes may further separate defendants from the community.                                  | Outcomes strengthen the relationship between offenders and the community.  |
| Program based on procedure.   | Program based on principles.   |
| Training of teen court participants focuses on teen court operations and Courtroom procedure. | Training of teen court participants includes conflict resolution, community involvement, and problem solving skills.                       |