

CHAPTER 1

AN OVERVIEW OF THE TEEN COURT CONCEPT

INTRODUCTION

Imagine walking into a courtroom where the defendant and the court officers (i.e., attorneys, court clerk, bailiff, jurors, and sometimes the judge) all are under the age of 19. At first glance, it might appear as if a mock trial was being conducted. However, in a growing number of jurisdictions across the nation, this is exactly the type of setting and approach being used to handle minor juvenile cases. Teen courts, also called youth courts and peer courts, present an alternative approach to juvenile justice in which juvenile offenders are sentenced by a jury of their peers. These programs simultaneously offer education and "hands-on" experience in the legal system to the many community youth who volunteer.

Teen courts can be designed to address a variety of problem behaviors, including underage drinking and related offenses.

The primary purpose of this *Guide* is to provide a framework to assist juvenile justice agencies in establishing and enhancing teen courts as an alternative means for responding to the problem of juvenile crime in their communities. Crime perpetuated by adolescents presents an immense challenge to the juvenile justice system and can have marked effects on the individual youth, their families, and the community as a whole. A related issue, and encompassed in the realm of juvenile crime, is the pervasive problem of underage drinking and impaired driving among the youth population and how this problem affects traffic safety. According to figures reported by the National Highway Traffic Safety Administration (NHTSA, 1995) the number of alcohol-related fatalities involving young people (ages 15-20) has decreased over the past few years; however, there are still too many young people dying in alcohol-related highway crashes each year.

Teen courts constitute one avenue for employing concepts such as positive peer influence, accountability, competency development, and youth involvement to offer communities a prevention and early intervention program. Teen courts can be designed to address a variety of problem behaviors, including underage drinking and related offenses. By the conclusion of this chapter, readers will be able to

- ◆ discuss why communities should implement teen court programs;
- ◆ describe how teen courts can be used as a method for responding to underage drinking, impaired driving, and other problem behaviors of youth;
- ◆ discuss the history and present status of teen courts from a national perspective; and
- ◆ explain the primary purpose of this *Guide*.

EXAMINING WHY COMMUNITIES SHOULD IMPLEMENT TEEN COURT PROGRAMS

Young people are our most critical resources for the future. They also are vital and rich, yet often overlooked, resources for the community. Varenhorst (1981) outlines two common myths concerning adolescents: (1) adolescents are not quite normal, and (2) adolescents are still children. Underlying these myths, she explains, is a familiar assumption that adolescence is a tumultuous and stressful period of life that tends to be pathological but eventually will be outgrown. Other frequently held misconceptions are that adolescents are not capable of being responsible, making appropriate decisions, having a serious thought or conversation, or handling any type of independence. These myths and assumptions are shown to be false when observing and talking with youth who participate in teen court

programs. As the National Crime Prevention Council (1989, p.1) states in "Young People in Crime Prevention Programs,"

We are faced with a choice: we can focus on pathologies and delinquencies, or we can rethink attitudes and myths about adolescence. We can isolate young people, or we can engage them in activities that decrease their risk of victimization, give them a sense of stake in the community, and make our neighborhoods safer, better places to live.

Adolescence is a time when young people are developing skills, habits, and attitudes that will prepare them as they transition into adulthood. The experiences encountered by youth during this critical phase will help shape the kind of adults they will become. During adolescence, youth begin to make their initial decisions about involvement in potentially dangerous behaviors such as the use of illicit substances and other forms of delinquency (Carnegie Council on Adolescent Development, 1992). Also, it is the developmental stage in which drunk driving and related behaviors are initiated and solidified (Klepp and Perry, 1990).

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Prevention efforts and programs are designed with the ultimate goal of helping community members achieve more healthy, responsible, and productive lifestyles. Prevention begins by helping young people develop more positive views of themselves, while fostering an understanding in them that they can have a voice and influence in solving problems and setting norms on a local level (Southwest Regional Center for Drug-Free Schools and Communities, nd).

Teen court programs serve a dual function. In addition to providing a mechanism for holding youthful offenders accountable and educating youth on the legal system, teen courts also

provide youth in the community with an avenue for developing, enhancing, and practicing life skills. Specifically, teen courts

- ◆ help youth realize they will be held accountable for their problem behavior;
- ◆ educate youth on the impact their actions have on themselves and others (i.e., victims and the community);
- ◆ build competencies in youth by providing instruction in how the legal system functions and how to communicate and resolve problems with peers more effectively; and
- ◆ provide a meaningful forum for youth to practice and enhance newly developed competencies.

The high level of youth participation that teen court programs demand affords communities an opportunity to implement a program that empowers youth to address the problem of juvenile crime in their community. It also gives them a chance to learn new skills; meet and interact with peers from diverse economic, social, and ethnic backgrounds; and interact with positive adult role models. It is this type of program and experience that can help youth take pride and ownership in the health and well-being of their communities, and it is this sense of stake in their communities that Calhoun (1988) relates often is missing for young people. He cautions that if youth do not see themselves as being bonded to the social contract that the adult society adheres to, they will see no reason to follow it. The skills learned, combined with the education received on the legal and judicial system from participating in teen court programs, can cause youth to rethink their views on delinquent behavior and lead them to adopt more prosocial attitudes. This outcome ultimately can enhance public safety.

Teen court programs also offer an avenue for mobilizing communities to address the problem of juvenile crime on a local level. There is ample opportunity for active involvement from various sectors of the community (e.g.,

businesses, schools, civic and social organizations) throughout the program. Also, since the majority of teen courts require defendants to perform community service hours as part of their sentence, many local nonprofit agencies have a chance to work directly with youth in meaningful community service (Kaplan and Chaffee, nd).

INDIVIDUAL AND SOCIETAL EFFECTS OF ADOLESCENT SUBSTANCE USE AND DELINQUENCY

The problems of delinquency and the use of illicit substances by adolescents can have substantial effects on youth, their families, the juvenile justice system, and the community. To address these problems, it is important that public policy be directed toward implementing appropriate prevention and intervention strategies, while also ensuring that youth develop a stake in the continued success of our society (Jones and Krisberg, 1994). Before examining how teen courts can be used to address problems related to adolescent substance use and delinquency, the following section will discuss some of the effects and consequences of these problems on individual youth and on society.

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Effects of Delinquency and Substance Abuse on the Individual

As Dryfoos (1990) explains, youth who do engage in early aggressive and antisocial behavior and delinquency can suffer substantial negative consequences, both in the short- and long-term. Youth with conduct disorders often act out in school and begin exhibiting problem behaviors early in life. Over the long-term,

these youth may develop health problems and encounter obstacles at home, school, and on the job. Young people who engage in serious illegal acts often experience trouble in school or they drop out, have further interactions with the juvenile justice system, and begin experimenting with and using illegal substances. As they grow older, they are at a higher risk of criminality, which can, in turn, lead to incarceration, substance abuse, marital instability, and severe problems maintaining and sustaining employment (Dryfoos, 1990).

In addition to problems associated with delinquency in general, substance abuse, in and of itself, also can have profound effects on the social, psychological, physical, and cognitive development of adolescents. Adolescents often receive mixed messages concerning alcohol use, as it typically is viewed as an accepted part of social activity. Added to this is the problem that alcohol abuse tends to be minimized when compared with problems related to other drugs such as cocaine, amphetamines, and crack (National Crime Prevention Council, 1991).

The consumption of alcohol often is associated with positive and appealing activities, such as parties, sports and entertainment events, and many other leisure pursuits. Also, advertisers of alcoholic beverages often imply an association between drinking and amusement, sex, popularity, and masculine or feminine attractiveness. According to Klepp and Perry (1990), the use of alcohol often offers adolescents

- ◆ a means of gaining independence from parental control and expressing resistance to adult authority and traditional norms and values;
- ◆ a coping mechanism for managing personal problems;
- ◆ a method of gaining peer acceptance;
- ◆ an expression of personal values or style, such as being "experienced" or "cool"; and

- ◆ a symbol of maturity or adulthood.

However, the habitual use of substances (alcohol and other drugs) can slow or stop the development process and can interfere with youth's capacity for making positive choices and decisions. It also may affect social interactions, alienating many teens from the mainstream of adolescent subculture. Consequently, they may avoid common developmental tasks of most youth, such as dating and developing appropriate social skills, as their lives become totally absorbed with their drug use. Youth who abuse substances also can experience psychological consequences such as agitation, depression, and paranoia (Crowe and Schaefer, 1992).

Substance abuse also can have a severe impact on cognitive functions. This not only affects academic abilities, but moral and social development as well. Youth may continue to make behavioral choices based on immediate consequences rather than ethical principles. Declining grades, increased absenteeism, and eventually dropping out of school also are consequences for many drug-involved youth (Crowe and Schaefer, 1992).

There also can be substantial physical damage suffered by adolescents who abuse substances. These physical effects can include accidental injuries, physical illness and infections, possible overdoses, and even death (Crowe and Schaefer, 1992). The potential for physical harm and death becomes apparent when examining the issue of alcohol-related motor vehicle fatalities.

In our culture, the automobile is viewed as a means of transportation, is often seen as an economic necessity, and has become a symbol of status and wealth. For young people, it has acquired additional significance. According to Klepp and Perry (1990) and Stewart and Klitzner (1990), motor vehicles may represent

- ◆ independence from parents and other adults upon whom one has depended for transportation;

- ◆ emerging adult status and equality;
- ◆ status among peers (both same and opposite sex);
- ◆ a place to engage in private activities (including sexual activities) with one or more peers;
- ◆ a means of demonstrating courage and bravery, including confrontations with mortality;
- ◆ a way of expressing rebellion; and
- ◆ a means of seeking thrills.

In addition, a car provides a private place where alcohol can be consumed by adolescents without interference from adults (Klepp and Perry, 1990). However, drinking and driving-related activities, including riding with an impaired driver, can have tragic effects.

The following figures are reported by NHTSA (1995):

- ◆ In 1994, 6,226 young people (ages 15-20) died in motor vehicle crashes. Of these fatalities, 37.6 percent were alcohol-related.
- ◆ During 1994, a young person died in a traffic crash on an average of once every hour during the weekends and once every two hours on weekdays.
- ◆ Approximately 50 percent of the fatalities occurring on weekends were alcohol-related, compared with 29 percent of fatalities on weekdays.

While there has been a substantial reduction (56 percent) in the number of alcohol-related motor vehicle fatalities involving young people, since 1982, far too many youth continue to die in alcohol-related highway crashes (NHTSA, 1995).

Societal Costs of Crime and Substance Use

Crime and substance use present a host of

tangible and intangible societal concerns. The economic cost of crime and substance abuse are staggering. According to statistics collected by the U.S. Bureau of the Census for the U.S. Department of Justice, over \$74 billion was spent on criminal justice in 1990. Included in this amount are costs related to law enforcement, courts, prosecution and legal services, public defense, corrections, and other justice agencies (Bureau of Justice Statistics, 1994). Costs not represented in this figure, however, are financial losses experienced by victims of property crime and lost income and medical expenses incurred by crime victims who are injured (McMahon et al., 1992).

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Economic costs associated with substance abuse are more difficult to measure; however, it is estimated that approximately \$165 billion was spent on alcohol and drug abuse in 1990. This figure includes costs related to treating substance abuse; losses in productivity as a result of premature death or the inability to perform usual activities; and costs related to crime, destruction of property, and other losses (Institute for Health Policy, Brandeis University, 1993).

The goal of interventions is to assist youth in pursuing a path that will lead to their becoming more responsible and productive citizens (Dryfoos, 1990), and substantial economic costs can ensue when youth are derailed from this life path. For most youth, basic support is expected from parents or public welfare. If there is an early onset of drug use and delinquent behavior, youth's economic dependence may continue into their adult years. This, in turn, will lessen or negate their potential earnings and contribution to society as they transition into adulthood (Crowe and Schaefer, 1992). Viewed from a

traffic safety perspective, a young fatality or serious injury resulting from an alcohol-related highway crash can be particularly tragic when the years of potential life lost or the years and costs of a debilitating injury are considered (NHTSA, 1995).

There also are intangible costs associated with delinquency and adolescent substance use that can be factored into the equation. These include

- ◆ the suffering caused to victims of crime;
- ◆ the distress imposed on the families and loved ones of the youth involved; and
- ◆ the general fear that crime instills in the community.

The emotional impact of crime can be severe and longstanding and often can be the most significant harm victims of crime endure. There may be initial feelings of shock that then may progress to overwhelming feelings of fear or anger. At times, victims even may experience a sense of guilt, blaming themselves rather than the offender for the incident. Adding to the disillusionment for victims is the fact that many times the offender's deviant behavior is met with parental excuses, and the offender is someone with whom they are acquainted or know well (American Correctional Association Victims Committee, 1994; McMahon et al., 1992). All of this is compounded when, ***through no fault*** of their own, victims are thrust into a juvenile and criminal justice system that may not be equipped to address their needs adequately.

The effects of delinquency and substance use on families can be devastating. Many youth who use alcohol and other drugs have at least one family member who has a substance-abuse problem. Habitual use on the part of adolescents often precipitates a crisis in the family. A family's preoccupation with a youth perceived to be a "problem" can jeopardize a marital relationship and relationships with other children in the family (Crowe and Schaefer, 1992).

The community suffers each time a crime is committed. To thrive, communities must offer those who live and work within its boundaries a sense of safety and security. The pervasive fear that crime instills can sever bonds between neighbors and force many people to isolate themselves in their homes. Crime and drug activity deplete the strength and spirit of many communities and thoroughly disrupt community life. As fear among citizens increases, the use of public space, participation in civic activities, conduct of economic and social functions, and respect for duly constituted authority all decrease. This fear causes physical, fiscal, and psychic harm to all that is inherent in the concept of community (National Crime Prevention Council, 1994).

TEEN COURTS AS A METHOD FOR RESPONDING TO DELINQUENCY AND SUBSTANCE USE

Teen courts constitute one avenue for addressing underage drinking, impaired driving, and other problem behaviors of youth. Teen courts emphasize concepts such as accountability, positive peer influence, competency development, and youth empowerment and involvement.

Teen court programs offer jurisdictions a means for holding youthful offenders accountable for problem behaviors, including those for which they previously may have received little or no intervention.

Holding Offenders Accountable

Teen court programs offer jurisdictions a means for holding youthful offenders accountable for problem behaviors, including those for which they previously may have received little or no intervention. For example, many jurisdictions have limited alternatives available for handling youth charged with alcohol offenses, such as

underage drinking or possession of alcohol, making enforcement of minimum-age-21 drinking laws more difficult or low priority. Teen courts can be developed to (1) hold youth accountable by offering opportunities to make amends for the damage caused through community service and/or restitution; and (2) teach youth about the effect their actions have on themselves, victims, and the community. However, holding offenders accountable is only the first step toward ending problem behavior.

Capitalizing on Peer Influence

Teen court programs also attempt to capitalize on peer influence in the lives of adolescents. Social development during the teen years involves the formation of strong peer relations for most youth. In addition, research suggests a correlation between association with delinquent peers and the development of delinquent behavior, including alcohol and drug use (Hawkins et al., 1987; Nowinski, 1990). However, despite the problems that peer pressure can elicit, "peer pressure is a normal, necessary, and healthy part of adolescent behavior," and it can be used to help redirect and solve problem behavior (Norem-Hebeisen and Hedin, 1981, p.29).

This is exactly what teen court programs attempt to do. Because of the high level of youth interaction that occurs within these programs, peer influence can surface in many different ways. For example, rather than being reprimanded by an adult — such as a judge, parent, probation officer, or social worker — juvenile offenders are held accountable through a sentence imposed by a jury of their peers. This can help send a strong message to youth in the community that their peers do not condone law-breaking behaviors, including the use of alcohol.

Also, those participating in teen courts (i.e., defendants and volunteers) must interact with youth from diverse economic, social, and ethnic backgrounds who have many varying

viewpoints. This mix of youth can create conflict in certain situations during activities such as jury duty, volunteer training sessions, educational workshops, and social events sponsored by the teen court program. However, it is through their interaction in these same events that youth can be taught skills to address points of contention and resolve conflict with their peers.

Facilitating the Development of Competencies in Youth

A critical service teen courts provide is helping in the development of competencies in youth volunteers and defendants. Teen courts teach young people life and coping skills and offer a meaningful forum in which to practice and hone those skills. Maloney, Romig, and Armstrong (1988) maintain that developing skills and competencies in youth has the most potential for altering their future behavior for the better. The skills learned can aid youth when they find themselves in situations in which problem behavior is encouraged and supported (Norem-Hebeisen and Hedin, 1981).

Skill-building opportunities for defendants and volunteers occur within the teen court setting through activities and tasks such as volunteer training sessions, educational workshops, the performance of community service, and through participation as court officers (i.e., jurors, attorneys, clerks, bailiffs, judges). Among the skills that can be learned are

- ◆ listening;
- ◆ problem solving;
- ◆ communication; and
- ◆ conflict resolution.

Teen courts also teach youth how to work and cooperate with their peers more effectively. In the end, youth develop competencies and skills that can assist them in making appropriate

decisions and in becoming more responsible and productive contributors to society both in adolescence and adulthood.

Empowering and Involving Youth

Finally, teen courts provide communities with a program that allows youth to assume leadership roles and actively participate in addressing the problem of juvenile crime in their community. It is important to foster in youth a sense of having a stake in the future and of caring for the well-being of their communities. Despite myths and negative perceptions commonly associated with adolescents, the Carnegie Council on Adolescent Development (1992) points out that young people are capable and want to contribute to their communities. The Council also asserts that when allowed to do so, the potential benefits for both youth and the community can be substantial.

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Youth who volunteer with teen court programs assume roles that require a great deal of responsibility. These youth are asked to determine appropriate sentences for their peers. Many teen courts also involve youth in program management decisions throughout the developmental and operational stages of the program. The message of trust this sends to young people participating in these programs concerning their ability to fairly judge their peers and their capacity to offer valid program management decisions can help increase their sense of confidence and self-esteem. It also provides a forum for showcasing to the community the importance of youth as a resource.

currently operating and administering teen court programs include

- ◆ juvenile courts, juvenile probation departments;
- ◆ law enforcement agencies;
- ◆ private, nonprofit organizations; and
- ◆ schools.

Often, the availability of human and financial resources, as well as the position of the person who became interested in the teen court concept, drives where these programs are located within a given community. Table 1-1 shows where these programs are most frequently located.

Table 1-1: Agencies Operating or Administering Teen Court Programs

Type of Agency	Percent*
Juvenile Court	29
Private Nonprofit Organization	29
Juvenile Probation Department	17
Law Enforcement Agency	17
School	10
Other (e.g., City Government, Administrative Office of the Courts)	22

Source: APPA, 1994

* The total percentage exceeds 100 because some programs are administered by more than one agency.

Differences also exist in the functions and designs of teen court programs. Most teen courts require defendants to plead guilty prior to participation in the program and therefore serve a sentencing function only. However, a small number of teen courts are structured to determine guilt or innocence. Regardless of the function and design of the teen court program,

most programs provide for the dismissal or expungement of charges against defendants if they successfully complete the program.

For the purposes of this *Guide*, the various teen court models have been classified as (1) trial models or (2) peer jury models. The following section will summarize these teen court models and the corresponding variations.

Trial Models

Trial models of teen court programs use youth volunteers in the roles of defense and prosecuting attorneys. The word "trial" in this context does not necessarily refer to programs that determine guilt. Rather, it refers to teen court programs that use youth volunteers in the roles of attorneys to argue the mitigating and aggravating circumstances or the facts of the case. According to research conducted by APPA, there appear to be three variations on the trial model.

Trial Model A

Trial Model A has youth volunteers serving in the roles of

- ◆ defense attorneys;
- ◆ prosecuting attorneys; and
- ◆ jurors.

Most of these models also use youth volunteers to serve as court clerks and bailiffs. However, in this model, an adult volunteer serves in the role of judge. The judge is typically the only adult involved in the proceedings, and the judge's role is to rule on courtroom procedure and clarify legal terminology. According to APPA's (1994) teen court survey results, this appears to be the model most widely used.

Trial Model B

Trial Model B differs from Model A in that youth also serve in the role of judge.

Qualifications of youth judges typically include a minimum level of service as teen court attorneys, and minimum age requirements.

Trial Model C

The primary difference in Trial Model C, from the other teen court models is that there is no peer jury. The case is presented by the youth attorneys to a youth judge(s), who determines the appropriate sentence for the teen court defendant.

Peer Jury Models

The main distinction between programs operating under trial models versus peer models is that peer model teen court programs do not use teen defense and prosecuting attorneys. Instead, they employ a panel of teen jurors who question the defendant directly. Most have an adult volunteer serve in the role of judge. Some programs use the peer jury model exclusively, while other programs use this model for certain types of cases being heard or for cases involving younger teen court defendants.

For example, many teen courts in Texas reported they were having difficulty docketing cases in a timely manner because of the large number of referrals being sent to the program. Not wanting to abandon the trial model of teen court (which is used by most Texas programs), some programs designed and implemented a Master Jury to handle lesser offenses, such as traffic violations. According to presenters of a workshop on this topic at the Texas Teen Court Association Conference in October 1994, a Master Jury (composed of 6-12 teen jurors) can process approximately 12 cases per night, as compared to approximately 4 cases per night that can be heard under the trial model. This has allowed programs to continue using the trial model for more serious cases, while referring less serious cases to the Master Jury for quicker processing.

When viewed from a national perspective, there also is diversity among programs concerning issues such as

- ◆ who the program targets for services;
- ◆ how volunteers are recruited, used, and trained;
- ◆ the types of services offered by the program; and
- ◆ the types of sentencing options available to juries.

These and other issues will be discussed at length in subsequent chapters. The diverse ways programs can operationalize the primary philosophy and principles of the teen court concept offer each community a means to develop and implement a program that fits unique jurisdictional needs.

PURPOSE OF THIS *GUIDE*

The primary purpose of this *Guide* is to provide juvenile justice agencies with a framework that will assist them in developing, implementing, and enhancing teen court programs within their jurisdictions. No one particular program model for teen courts is being endorsed. Rather, this *Guide* will provide a general overview of issues to consider when progressing through the program development process. Where appropriate, examples and descriptions are provided to illustrate the variety of ways teen court programs operate. Critical issues to be addressed include

- ◆ the development of a program purpose, goals, and objectives;
- ◆ the determination of an appropriate target population and referral procedure; and
- ◆ the development and implementation of an effective program model, services, and case management practices.

Additional issues to be covered include staffing, funding, and program evaluation.

At the conclusion of each chapter (excluding Chapter 1), checklists are provided to (1) summarize the material covered in the chapter, and (2) help guide program organizers through the decision-making process for the development of a teen court program.

In addition, a table outlining some of the main goals and tasks (and their corresponding rationales) of the development and implementation process for a teen court program may be found in Appendix B. Also included in Appendix B is a Sample Program Development Timeline for teen court programs. Readers should use these tools merely as a guide as to how tasks can be delineated and sequenced to help program organizers and staff chart their progress. It should be noted that the time needed to complete certain tasks, as well as the order in which they will need to be completed, will vary significantly from jurisdiction to jurisdiction. More detailed information concerning the tasks outlined in these resources can be found in the main text.

Program development is a decision-making process carried out by individuals or groups involved in selecting a plan of action after considering information and options gathered from a variety of sources.

Program development is a decision-making process carried out by individuals or groups involved in selecting a plan of action after considering information and options gathered from a variety of sources. Policies may be written or unwritten and provide a general course of action that determines the way specific

decisions are made. Written policies can be implemented more easily and consistently than unwritten policies. Written policies are the result of conscious decision making, while unwritten policies often are the outcome of a trial-and-error process. Well-thought-out policies can aid programs by

- ◆ offering a mechanism for protecting the agency, staff, clients, and volunteers;
- ◆ clarifying staff and program expectations; and
- ◆ providing a means for program credibility, replication, and support.

Agencies should undergo a program and policy development process that will help evaluate possible options and then select the program model and procedures that are most suited to the jurisdiction. It also is important to develop policies that allow flexibility for future changes and modifications.

It would be impossible, within the parameters of this document, to highlight the many different services and practices exercised by teen court programs nationally. All of these programs take pride in their ability to respond to the needs and concerns of their respective communities. Program developers, staff, and volunteers of current teen court programs are encouraged to use the information presented in this *Guide* as a guide and also to seek advice and assistance from other teen court programs. Through thoughtful information gathering and careful planning, programs can focus on developing or augmenting a teen court program that will respond to and fulfill the unique needs of the local youth, juvenile justice system, and community.

CONCLUSION

This chapter has outlined some of the benefits of teen court programs and how jurisdictions can use teen courts to respond to the problem of juvenile crime, including alcohol-related offenses, in their communities. A general overview of how teen courts function, when

viewed from a national perspective, also was provided. The remaining chapters in this *Guide* will present issues related to developing and enhancing teen court programs in more detail. Chapter 2 begins laying the foundation by discussing the necessity of and strategies for involving the community in teen court programs.