

Maximizing the Teen Court Experience for Youth Panel Members

Philosophical Paper

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Through a wide variety of programs, 4-H Youth Development in Wisconsin provides opportunities for youth to participate in quality experiences in which they learn and practice life skills such as leadership, communication, and decision-making. Teen Court is one such opportunity that may be offered through Extension programming. While much emphasis is placed on the value of Teen Court to youth offenders, Teen Court also has the potential to make a significant impact on youth panel members. In Oconto County, Teen Court panel members had occupied a valid decision-making role within the community for several years, yet it was apparent that there were gaps in the experience for youth that could be addressed by following the tenets of youth development. An introspective analysis of the program showed that alignment with the Critical Elements of Youth Development had the potential to maximize the experience for youth panel members, and ultimately result in positive outcomes for youth offenders.

Teen Court is an increasingly popular alternative to the traditional court system for juvenile offenders. In the Teen Court system, juveniles who have admitted their guilt in an adult-run court can elect referral to a Teen Court for sentencing by their peers. The respondent to Teen Court (the offender) must complete the sanctions in a given time period or be returned to the traditional court system. The peer group consists of Teen Court panel members and, occasionally, past offenders who are fulfilling their own sanctions by serving on the Court. Evaluative discussions with Teen Court panel members in a county program led to an introspective analysis of the program and identification of a framework with the potential to maximize the experience for youth panel members, and ultimately result in increased positive outcomes for youth offenders.

Teen Courts are generally regarded as an effective alternative to the conventional juvenile justice system with a recidivism rate comparable to or better than the traditional courts (Butts, Buck, & Coggeshall, 2002). However, a few studies have reported that Teen Court respondents have a greater likelihood of repeat offenses (Povitsky, 2005 as reported in Wilson, Gottfredson, and Stickle, 2009), or even an increase in delinquency for males who choose the Teen Court option (Wilson, Gottfredson, and Stickle, 2009).

Key components leading to success in Teen Court programs have not been identified. Even in cases where Teen Court appears to be more effective than adult courts, it is unclear as to the reasons for the success (Butts et al., 2002). A recent analysis of teen courts identified seven theoretical perspectives that could relate to teen court, but pointed to only one --Peer Justice--

as a possible explanation for the success of Teen Court (Butts et al., 2002). The assumption behind Peer Justice is that positive peer pressure can be as effective as negative peer pressure in bringing about behavior change in adolescents. Peer Justice affords the opportunity for peer-peer interactions, and it may be that sanctions are simply more effective when they are meted out by the offender's peers.

Although Butts et al. (2002) made a strong case for Peer Justice, Restorative Justice is often seen as the key to a strong foundation in Teen Courts (Godwin, 2001). Restorative Justice is a set of principles that focuses on repairing the harm to the community and victim –and to the offender-- while still holding the offender accountable for his or her actions. It also strives to build the skills of the offender, and to help him or her create and/or strengthen connections with the community. It may well be that the success of Teen Court lies in a combination of the two approaches-- sanctions decided by peers that are based on principles of Restorative Justice.

Despite the sometimes confusing evidence regarding the effectiveness of Teen Court with regard to offenders, or the determination of its key components that lead to successful outcomes, Teen Court is becoming a widespread form of alternative justice for juvenile offenders. According to the National Teen Court Association there is only one state in the United States without a Teen Court program; Wisconsin has 41 Teen Court programs (National Association of Youth Courts, 2010).

Benefits of Teen Court to Panel Members

Most analyses of Teen Courts have focused on the experience and outcome for the offender, even though panel members themselves have an opportunity to be greatly impacted by the experience. The trust that is placed in community youth by the adult courts translates into a valid role for youth in the community with a high degree of responsibility. When asked how Teen Court had affected her personally, a Teen Court panel member remarked, "It changed how I act. Everything I do, I think about being a role model to others." A youth offender, when asked to consider applying for Teen Court when he was old enough to do so, said that would be like "running for President."

It is not only offenders who see Teen Court panel members in prominent community roles, but also the community. The presence of youth in an elevated community role sends a strong message to youth in the community, and to the community as a whole: "We care about our youth, and we trust our youth to govern their own." It signals that adults in the community have deemed youth capable of handling the misbehavior of their peers. As a consequence of the role, youth are valued and seen as capable and responsible members of the community. In addition, Teen Court teaches panel members about the law and engages them as community members (Forgays et al., 2004).

Along with the trust placed in Teen Court comes a responsibility for panel members to understand, retain, and apply the tenets of Restorative Justice in a fair and effective manner.

Teen Court members have been widely observed as being committed to delivering sentences that adhered to the principles of Restorative Justice (Forgays et al., 2004; Greene & Weber 2008), even though it was found that panel members displayed poor recollection of the presented evidence and spent little time discussing the facts of the case (Green & Weber, 2008). It may be that panel members spend more time on the sanctions than the facts of the crime since the respondents in Teen Court cases have already admitted their guilt.

There is no standardized training amongst Teen Courts, and given the wide variety in the types of court models adopted and the variety of sponsoring organizations, there is likely also a wide variation among skill level of panel members. In Oconto County, Wisconsin, Teen Court is coordinated and supervised through the University of Wisconsin—Extension. Training of Teen Court panel members in Oconto County takes place annually, over a two-day period. The training emphasizes the tenets of Restorative Justice and communication skills, along with the procedural aspects of Teen Court such as roles, court room procedure, and confidentiality.

Capacity Building with a Youth Development Focus

4-H Youth Development -- through a variety of programs -- provides opportunities for youth to participate in quality experiences where they can learn and practice a variety of life skills in structured settings. Teen Court is a good match for youth development programming, given the ages of the target audience, the community setting, and the opportunity for youth in governance. While local emphasis is usually focused on offenders and recidivism rates, the

potential effect of the programming on the teen panel members is significant. Teen Court can provide an opportunity for youth to learn, practice, and grow in leadership, communication, and decision-making skills in an elevated county-wide governance role.

In recent years, a framework initially designed for youth at risk (Brendtro et al., 2001) has been found to yield positive results for all youth, and has been labeled in 4-H as the Critical Elements of Youth Development (Kress, 2009). These 4 Critical Elements are Belonging, Mastery, Independence, and Generosity. Although Oconto Teen Court panel members exhibited confidence and enthusiasm in their roles, evaluative discussions with Teen Court panel members indicated that there were gaps in their experiences. These gaps led to an examination of the existing Teen Court program using the Critical Elements as a guide.

Mastery

The Critical Element of Mastery provides youth with the opportunity to develop understanding of a subject, practice the application of that knowledge, and learn from the experience. In Teen Court, there is a variety of areas in which youth can gain in mastery including knowledge of both court proceeding and the law. In addition to the more concrete subjects, youth also potentially gain in skills including communication, decision-making, and leadership.

In Oconto County, Teen Court panel members expressed a desire to do better in designing sanctions that would result in an increased likelihood of benefitting the offender. Those comments from Teen Court panel members, coupled with personal observations, led to an

educational effort to maximize the positive experience for Teen Court panel members by increasing their level of mastery. This was accomplished by bridging the gap between the research base on risky behaviors in adolescents and the sanctions developed by Teen Court panel members.

This effort provided youth panel members with an opportunity to increase their understanding of circumstances surrounding risky behaviors and decision-making in teens, along with an understanding of the current research of risk factors behind the types of crimes that Teen Court respondents have committed. The research into risky behaviors in youth provided the opportunity for insight into both the questions that panel members ask of the respondent and in improved sanctions. For example, the issue of truancy in adolescence is a complicated one, and it can be very difficult to resolve. Current research shows three basic types of truancy (Ball & Connolly, 2000). In the first type of truancy the problems begin after elementary school; in the next, the truancy is linked to unmet needs such as learning disabilities; and in the third, truancy is a complex situation in which the problem may be linked to family or emotional problems, with signs of problems typically starting early on in elementary school (Ball and Connolly, 2000). This research potentially provides panel members with important distinctions among the different types of truancy, and a focus for their questioning. If they can determine through their questions that the truancy began in middle school or later, they would likely conclude that this is a type of truancy that they may be able to influence, especially if the offender has a strong family support system. The panel could then explore options that would lead to the possibility of a successful resolution of the problem. If the truancy problem has

been an on-going one since early childhood, the chances are likely that the respondent will need a broader system of support, perhaps one that involves local social services involvement.

To address the need for an understanding of adolescents and risky behavior, current research materials were reviewed and synthesized. This material was then used as a basis for the preparation of a series of Fact Sheets, which focused on the typical crimes and behaviors seen in Oconto County Teen Court. In addition, a number of the Fact Sheets dealt with the general needs of youth in establishing community connections and dealing with negative influences.

The Fact Sheets are currently being used as the focus of mini-training sessions that occur immediately prior to court hearings. In addition to reviewing police reports and other pertinent documentation, the panel members use the Fact Sheets as a basis for a discussion about risky behavior and how it applies to the case at hand. Discussions typically include the motivations behind particular behaviors, and options to encourage youth to make positive decisions. This discussion provides focus on gathering information that helps the panel members devise the most effective sanctions for the respondent in keeping with the tenets of Restorative Justice.

While mastery was the element that initially drew attention to the need for re-structuring in Oconto County Teen Court, the other three elements are equally important in designing an enhanced experience for Teen Court panel members.

Independence

Independence in a Teen Court setting centers on youth making decisions in valid roles in their community. Youth, both those serving on the panel and the youth who have knowledge of the existence of Teen Court, are potentially impacted by the value and trust that the community has placed in youth.

Independence is likely the easiest element to meet in a Teen Court setting, given that the program operates on the premise that youth are making decisions regarding other youth. However, it is critical that the advisor or other adult working with the program support youth independence by refraining from sharing ideas or comments in either court or sanction discussions. It may even be helpful if the advisor leaves the room during sanction discussions (A. Kostman, personal communication., December 2009). In addition, the adult advisor can also support youth decision-making by stressing to youth offenders that the sanctions come from the youth panelists. For example, if it is necessary to find a new community service site for a youth offender after court, the advisor can reiterate the panels' goals in site selection, or call one or two panel members to get their input on a new site – and make sure that action is communicated to the offender.

Belonging

In implementing Belonging in a Teen Court setting, it is imperative that all members feel that they are a welcome part of the group. It is important to create a group identity and maintain

that identity throughout the program year. Another aspect of Belonging is having an adult mentor that is a good role model for youth and works to support youth in their roles.

In Oconto County Teen Court, Belonging is sometimes a difficult element to meet, given the wide distances among the five school districts that participate. The goal of the program is to have at least three participants from each school represented on the panel. That means that on any given night of court, with four to five panelists present, some individuals may not know the other participants well. In the coming year, panel members have identified options for increasing their cohesiveness as a unit, including on-going trainings and social get-togethers. In addition, the recently instituted mini-trainings and processing that occur before and after court sessions are giving youth a chance to get to know each other better.

Generosity

The element of Generosity is key to the connection of youth to a larger community. In Teen Court, youth are often keenly aware of the opportunities for community service in the community, as the sanctions they impose often involve community service. By virtue of serving on the Teen Court panel, youth participants are contributing to their community.

Even though they are already involved in a service project through their involvement in Teen Court, youth representatives to the Oconto County Teen Court Advisory Board indicated that they would appreciate the chance to do more for their community in their Teen Court role. The group is currently considering a county-wide service-learning project that will involve panel

members and also serve as a referral site for offenders. There is another benefit to panel members volunteering in their community. A Teen Court panelist pointed out, “We need to have a feel for what 10 hours, 15 hours of community service really is so that we know how it affects the kids we assign to community service.”

Summary

The jury is out on how and if Teen Court affects offenders, but from a youth development standpoint, there is another direct beneficiary of Teen Court with whom we are concerned: the youth panel member. Teen Court can be an excellent opportunity for youth to learn, practice, and grow in leadership, communication, and decision-making skills in an elevated county governance role.

Using the critical elements as a basis for Teen Court can provide structure for the program and maximize the opportunity to create a system that directly impacts the Teen Court panel members, and in return, likely affects the offenders who participate. In Oconto County, there was a need to increase the benefits of the experience to Teen Court panel members. Youth were questioning whether the sanctions they handed out had much possibility of success. This was a clear signal that it was necessary to look at the experience that Teen Court was providing for panel members. Whether or not it is the sanction itself or the deliverance of the sanction by peers that makes a difference with Teen Court offenders, it is clear that the youth panel members are better served by knowing that they have done all they can to create sanctions

that have the potential to work for offenders. An increased ability to create sanctions has the potential to lead to an increased capacity of mastery by the Teen Court panel members.

Attention to the other critical elements of youth development – Independence, Belonging, and Generosity—will likely impact the quality of the experience for Oconto County Teen Court panel members as well.

As Youth Development educators, we have the opportunity to take programs such as Teen Court and structure the experience so that it facilitates the development of life skills such as leadership, communication, and decision-making in youth participants. In doing so, we create the opportunity for youth to engage in significant life-enhancing experiences.

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