

Solution #5- Victim-Offender Dialogue

Introduction to Teen Court

States: **California, Florida, Indiana, New Mexico, New York, North Carolina, Tennessee, Virginia**

Estimate of Active Community Programs: **16**

Estimated Cases per Year: **110,000-125,000**

Case Types: **Criminal misdemeanor**



While many of the previous solutions can be geared towards adult populations, teen court is a promising solution to delivering speedy, fair, and effective justice specifically for juveniles. A teen court is a “peer justice” diversion program. It operates much like a traditional juvenile court, however unlike a traditional juvenile court, other teens serve as the court clerks, bailiffs, attorneys, jurors, and sometimes as judges. The starting point of teen courts is hotly disputed by researchers, but the popularity of these courts exploded after Natalie Rothstein of Odessa, Texas created her teen court program in 1983.

We were able to identify 16 community teen court programs in 8 states, though teen courts are likely far more widespread than that. A 2011 guide from the American Bar Association estimates that there are over a thousand teen court programs in the United States,¹⁴⁵ and they see 110,000-125,000 cases annually, though that number likely includes teen court programs run by traditional courts.¹⁴⁶

Teen courts generally follow a five-step process. First, the teen offender is diverted from the traditional juvenile justice system to a teen court. Secondly, the offender and their parent or guardian participate in an intake meeting where the offense is discussed, the teen court process is explained, and in some cases the teen undergoes psychological and/or alcohol and drug evaluations. Third, the teen participates in a hearing in front of a jury of their peers where they are asked questions about their offense and able to answer. Fourth, the teen jury hands down a sentence to the offender and a contract is signed indicating how the offender will repair the harm. Fifth, the contract is monitored and, if completed, the offender’s charges are removed from their record.

The benefits of teen courts overall have been largely inconclusive. Numerous studies have attempted to determine the impact of teen courts on recidivism, but the results have been mixed. One additional study found an increase in knowledge

145 National Association of Youth Courts. (2020). *The Significance of Youth Courts: The Mission of the National Association of Youth Courts*. National Association of Youth Courts. Retrieved May 17, 2022, from <https://youthcourt.net/the-significance-of-youth-courts/>.

146 Rep. American Bar Association. (2011). *Youth Cases for Youth Courts: A Guide to the Typical Offenses Handled by Youth Courts*. ii. <https://www.ojp.gov/pdffiles1/ojdp/237388.pdf>.

of court processes and positive attitudes towards judges. There are also some drawbacks to this model, including limited sentencing options since those recommending a sentence are minors, and a statistically insignificant additional impact on other attitudes and actions, such as drug use, self-reported delinquency, or increase in self-worth compared to the juvenile justice system.

History of Teen Court

The location and date of the first teen court is hotly disputed by researchers and practitioners, some placing it in California in the 1930s and others citing an informal youth court in Illinois in 1973.¹⁴⁷ However, several sources point to a 1949 edition of the Mans-

field News Journal that contained an account about a youth-operated court.¹⁴⁸ It was called the “Hi-Y” bicycle court in which teen judges saw cases about minor traffic violations involving bicycles. The sanctions were reported to be to write 300-word essays about traffic violations.¹⁴⁹

Other accounts of youth jury programs were reported by local newspapers during the 1960’s and early 70’s. Overall, teen courts remained largely in obscurity until the 1980’s.

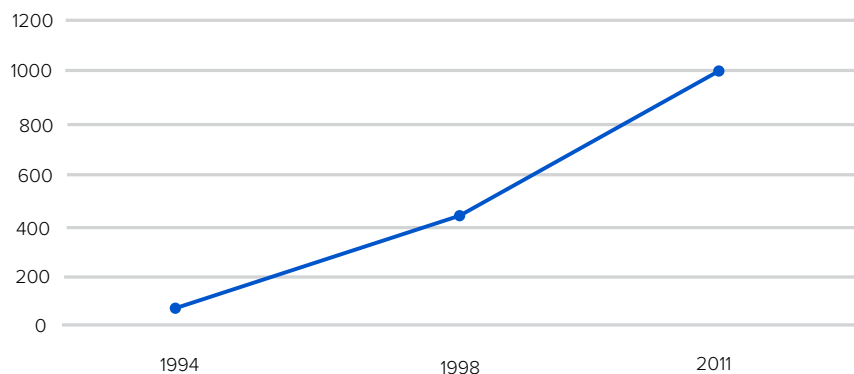
The first time teen courts gained national attention was when Natalie Rothstein of Odessa, Texas began championing the cause. Ms. Rothstein had founded the Odessa Teen Court Program in 1983 and strongly advocated for constructive approaches to

147 Harrison, Paige, James R. Maupin, and G. Larry Mays. *Are Teen Courts an Answer to Our Juvenile Delinquency Problems?* *Juvenile and Family Court Journal* 51, no. 4 (2000): 27–35. <https://doi.org/10.1111/j.1755-6988.2000.tb00030.x>.

148 Higgins, P., & Mackinem, M. (2009). *History of Youth Court Movement*. In *Problem-solving courts: Justice for the Twenty-first century?* (pp. 162–177). essay, Greenwood Press.

149 Butts, J. A., & Wilson, J. B. (2002, March 1). *The Sudden Popularity of Teen Courts*. *Urban Institute*. Retrieved

Teen Court Programs in the United States



intervening with youth and holding them accountable. Until her death in 1993, she gave presentations at juvenile justice conferences, penned articles in national journals, and promoted the teen court model nationwide.¹⁵⁰

According to the National Youth Court Center, by 1994 there were 78 youth court programs across the country.¹⁵¹ Shortly afterward, the U.S. Department of Justice and the U.S. Department of Health and Human Services began allocating resources in support of the teen court concept. National associations such as the American Probation and Parole Association, the American Bar Association, and the National Council of Juvenile and Family Court Judges also

began promoting and advancing the methods amongst their members.¹⁵² By 1998, the number of teen courts swelled to a number between 400 and 500.¹⁵³

With the rapid increase of teen courts throughout the 1990s and early 2000s, the National Association of Youth Courts was founded and it held its first national conference in 2007.¹⁵⁴ Today, according to the National Association of Youth Courts, teen courts operate in 49 states and the District of Columbia. We were able to identify 16 community teen court programs in 8 states, though teen courts are likely far more widespread than that. A 2011 teen court guide from the American Bar Association estimates that over a thousand teen court programs

May 18, 2022. <https://www.urban.org/sites/default/files/publication/45456/1000262-The-Sudden-Popularity-of-Teen-Courts.pdf>.

150 Office of Juvenile Justice and Delinquency Prevention, Goodwin, T. M., Steinhart, D. J., & Fulton, B. A., *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*, November 1998 Update (1998). Available online: <https://ojjdp.ojp.gov/library/publications/peer-justice-and-youth-empowerment-implementation-guide-teen-court-programs-0>.

151 Stickle, Wendy Povitsky, Nadine M. Connell, Denise M. Wilson, and Denise Gottfredson. *An Experimental Evaluation of Teen Courts*. *Journal of Experimental Criminology* 4, no. 2 (2008): 137–63. <https://doi.org/10.1007/s11292-008-9050-8>.

152 OJJDP, Goodwin, T. M., Steinhart, D. J., & Fulton, B. A., *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*, November 1998 Update (1998). Available online: <https://ojjdp.ojp.gov/library/publications/peer-justice-and-youth-empowerment-implementation-guide-teen-court-programs-0>.

153 Stickle, Wendy Povitsky, Nadine M. Connell, Denise M. Wilson, and Denise Gottfredson. *An Experimental Evaluation of Teen Courts*. *Journal of Experimental Criminology* 4, no. 2 (2008): 137–63. <https://doi.org/10.1007/s11292-008-9050-8>.

154 OJJDP, Goodwin, T. M., Steinhart, D. J., & Fulton, B. A., *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*, November 1998 Update (1998). Available online: <https://ojjdp.ojp.gov/library/publications/peer-justice-and-youth-empowerment-implementation-guide-teen-court-programs-0>.

operate throughout the United States today,¹⁵⁵ and see 110,000-125,000 cases annually,¹⁵⁶ though that number likely includes teen court programs run by traditional courts.

How Teen Court Works

Unlike many of the other programs in the report, teen courts operate very similarly to the traditional juvenile justice system. The main difference is that instead of being tried and sentenced by adults, the teen offender is tried and the sentence recommended is handed down by other teenagers, including, in some cases, former teen offenders serving on the teen jury.

Teen courts vary in the kind of court actors involved. Some teen courts have teens in all court officer positions, including as judge, some teen courts have teen attorneys while still others let the jury directly question the teen offender.¹⁵⁷

Some teen courts also integrate the principles of restorative justice, such as requir-

ing admission of guilt before entering the program and utilizing Braithwaite's theory of reintegrative shaming,¹⁵⁸ though other practitioners dispute whether those can truly be counted as a teen "court," since guilt is decided before entry into the court.¹⁵⁹

There are numerous teen court models, so no process will fully encapsulate all types of teen courts. However, teen courts typically follow the following five-step process.

1. Referral - The teen offender is referred to the teen court by a court officer or law enforcement official.

2. Intake meeting - The teen offender, usually accompanied by a parent, attends an intake meeting to learn more about the teen court process and be evaluated for suitability. In the meeting, the teen court staff will explain to the teen and their family how the teen court works, what the sentence may look like, and in some cases, take evaluations related to psychological health and /or drug and alcohol use.

155 National Association of Youth Courts. (2020). *The Significance of Youth Courts: The Mission of the National Association of Youth Courts*. National Association of Youth Courts. Retrieved May 17, 2022, from <https://youthcourt.net/the-significance-of-youth-courts/>.

156 Rep. American Bar Association. (2011). *Youth Cases for Youth Courts: A Guide to the Typical Offenses Handled by Youth Courts*. ii. <https://www.ojp.gov/pdffiles1/ojtdp/237388.pdf>.

157 Butts, J. A., & Wilson, J. B. (2002, March 1). *The Sudden Popularity of Teen Courts*. Urban Institute. Retrieved May 18, 2022, from <https://www.urban.org/sites/default/files/publication/45456/1000262-The-Sudden-Popularity-of-Teen-Courts.pdf>.

158 Office of Juvenile Justice and Delinquency Prevention, *Literature Review* § (2010). https://ojtdp.ojp.gov/model-programs-guide/literature-reviews/teen_youth_court.pdf.

159 Researcher conversation with Scott Peterson, Executive Director of Global Youth Justice, April 19th, 2022.

3. Court hearing - The teen offender appears in a court hearing, sometimes with a teen attorney, to hear the charges brought against them. A judge, sometimes a teen and sometimes an adult, presides. The teen jury asks questions about the harm caused and the teen pleads to the charges. In some more restorative courts, the teen jury questions the offender about challenges in their background and what they believe they can do to repair the harm caused.

4. Sentencing - Then, the teen jury leaves the hearing room to deliberate their recommended sentence for the offender. After deliberation, the teen jury delivers their recommendations, which often include community service, restitution, or apology letters. The teen offender and their guardian are then given the opportunity to agree to the recommended sentence or send their case back to traditional juvenile court.

5. Monitoring - If the teen offender and their guardian agree to the sentence, teen court staff monitor sentence completion over time. Once the contract has been completed, teen court staff submit the contract to the referring court, and have the charges removed from the teen's record. In some courts, a graduation ceremony is held that celebrates the teen completing their sentence.

Benefits of Teen Court over Traditional Justice Approaches



While there have been few conclusive studies on the impacts of teen courts, two benefits offer potential - reduced recidivism and changed attitudes about the justice system.

Short-Term Benefits

Changed Attitudes towards the Justice System

One benefit may be improved attitudes of teens towards the justice system. A 2001 study by Logalbo and Callahan found that teen court participants had an increased knowledge of how the justice system works and increased positive attitudes towards judges in general.¹⁶⁰

Community Benefits

Potentially Reduced Recidivism

Given the widespread nature of teen courts, there have been numerous studies attempting to establish whether teen courts ultimately reduce youth recidivism. There have been some promising studies. In one 2002 multi-state study, youth participants in an Alaska teen court recidivated at 6%, compared to 23% of youth offenders, while youth offenders in a Missouri teen court recidivated at 9% and 27% respectively.¹⁶¹ However, due in part to the fact that there are so many variations in the setup of teen courts, numerous meta-analyses have not so far found a statistically significant difference in recidivism overall¹⁶² so these should be taken with caution.¹⁶³

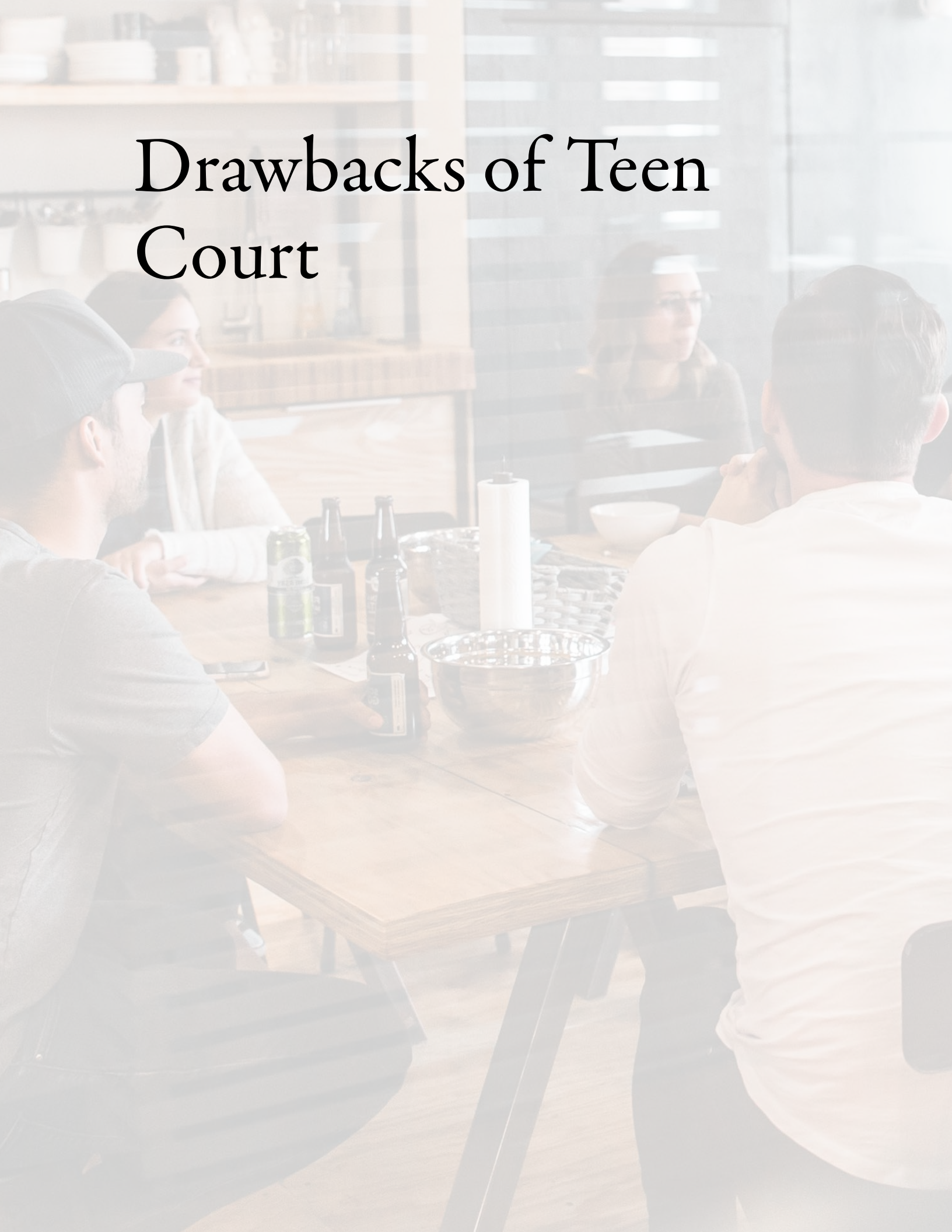
160 Gase, Lauren N., Taylor Schooley, Amelia DeFosset, Michael A. Stoll, and Tony Kuo. *The Impact of Teen Courts on Youth Outcomes: A Systematic Review*. *Adolescent Research Review* 1, no. 1 (2015): 51–67. <https://doi.org/10.1007/s40894-015-0012-x>.

161 Butts, Jeffrey A, and Jennifer Ortiz. Rep. *Teen Courts – Do They Work and Why?*, January 2011. <https://drj.fccourts.org/uploads/Teen%20Court%20Article.pdf>.

162 Gase, Lauren N., Taylor Schooley, Amelia DeFosset, Michael A. Stoll, and Tony Kuo. *The Impact of Teen Courts on Youth Outcomes: A Systematic Review*. *Adolescent Research Review* 1, no. 1 (2015): 51–67. <https://doi.org/10.1007/s40894-015-0012-x>.

163 Cotter, Katie L., and Caroline B. Evans. *A Systematic Review of Teen Court Evaluation Studies: A Focus on Evaluation Design Characteristics and Program Components and Processes*. *Adolescent Research Review* 3, no. 4 (2017): 425–47. <https://doi.org/10.1007/s40894-017-0056-1>.

Drawbacks of Teen Court



There are a few potential drawbacks to this solution as well, including that, because teen jurors are minors, sentencing options are often limited, and that if teen court changes other attitudes or actions outside of views towards the judicial system, they have yet to be empirically proven.

Limited Sentencing Options

Because teens sentence their peers in teen courts, sentencing options are understandably limited. However, there may be an overreliance on certain options like apology letters and community service as opposed to others. One meta-analysis found that while sentencing options can vary by court, the vast majority of teen court sentences are community service¹⁶⁴ leaving out other potentially more effective sanctions.

Attitudes and Actions

One other potential drawback is a limited effect on other attitudes and actions proponents hope teen courts will create. Five different studies, including the 2001 study mentioned above, have examined the effects of teen courts on participant attitudes and actions, with few showing any significant effects on drug use, self-reported delinquency, or increase in self-worth compared to the juvenile justice system.¹⁶⁵

Limited Effects on other

Impact Story - Catching Fire

164 *Ibid.*

165 Gase, Lauren N., Taylor Schooley, Amelia DeFosset, Michael A. Stoll, and Tony Kuo. *The Impact of Teen Courts on Youth Outcomes: A Systematic Review*. *Adolescent Research Review* 1, no. 1 (2015): 51–67. <https://doi.org/10.1007/s40894-015-0012-x>.

Teen Court Case Study - Council on Alcoholism and Drug Abuse

Teen Court Program

Summary

Organization: Council on Alcoholism and Drug Abuse

- Program: **Teen Court**
- Location: **Santa Barbara, CA**
- Established: **1993**
- Cases per year: **500+**
- Average case length: **45 days**
- Average cost: **\$1,000/case**
- Caseload: **48% of juvenile delinquency cases in Santa Barbara County, CA**
- Impact: **85%-90% of youth complete the teen court program, between 85-92% of youth did not commit a similar or more serious offense within one year after graduating from the program.**

Operations

- Staff: **2**
- Volunteers: **54 adults, 350 youth**

Support

- Community: **63%**
- Government: **37%**

In sixth grade, Luis made a big mistake. Playing around in an avocado grove near his home, he placed a smoke bomb in a snake pit. Then the field caught fire. Surrounding fields also caught fire, and the Santa Barbara Fire Department eventually had to fly in air support to calm the raging inferno.

Luis was facing felony charges, but the assistant DA diverted him to teen court instead. In teen court, CADA staff found that Luis's mother was a functional heroin addict, and Luis wasn't home because drug dealers had been banging on his mother's door for payment. The teens in the court sentenced him to treatment and to volunteer to clean trucks at the local fire department over the summer.

15 years later, Luis ran into Ed Cue, Director of CADA's teen courts program, as a full-fledged firefighter and introduced him to his captain. CADA's teen court program had not only diverted Luis from serious criminal charges, but gave him a new direction he could take in his life. Instead of being another statistic, Luis is an example of teen court's power to change a young person's life.

History of CADA's Teen Court Program

In 1993, Santa Barbara County, CA, Judge Thomas Adams saw what he believed was a "revolving door" of kids coming back to juvenile court again and again. Worse still, he was seeing those same kids appear again in adult court. After hearing about a teen court program in Odessa, TX, he brought the idea back to Santa Barbara. "Everybody said he was crazy, that teenagers could not operate a program like this," said Ed Cue, now the Director of the Teen Court program under CADA. "But he stood firm and held his ground."

After the local nonprofit that first ran the teen court program went under, teen court was picked up by the Council on Alcoholism and Drug Abuse. "We'd seen that 75% of the teens that were screened at the intake assessment were screening use or abuse of alcohol or drugs," Ed says. CADA's teen court is now a key part of Santa Barbara County's continuum of responses to juvenile crime, handling, on average, 48% of juvenile delinquency cases in the county.¹⁶⁶

CADA now operates teen courts in several locations in Santa Barbara County, including Santa Barbara, Santa Maria, and Santa Ynez. Over the past 29 years, CADA's courts have diverted over 8,000 cases out of Santa Barbara County juvenile court, including 65 in 2021.

How CADA's Teen Court Works

CADA's teen court program is designed with both court and treatment in mind. Because such a high percentage of the youth served by the courts struggle with mental health and substance abuse issues, having in-house treatment after sentencing "really helps get a lot of teens the help they need and helps parents engage in treatment services that are otherwise impossible to navigate," Ed says.

The courts accept minors from ages 10-17 for most misdemeanor offenses. Offenders are referred to the courts by probation, which is often pre-trial for California youth, as well as local police and sheriff's departments. On receiving a referral, Ed or another adult court volunteer will meet with the youth for screening. During screening, the adult volunteer will attempt to determine the youth's needs outside of just the crime that they committed. "We go through different screening tools

and we ask what are this particular youth's needs? What are we learning about who they are?," Ed says.

The adult volunteer also performs a behavioral wellness and substance abuse screening. Ed says the screening process is necessary because the crime doesn't always tell them how to serve the youth best. "This young person will come in for fighting, but we [can] see that based upon the screening, they have a mental health issue, or there are some substance abuse issues that led to this," he says.

On their court date, an adult volunteer, typically an attorney or superior court judge, serves as the judge, but their role is primarily to keep order in the courtroom. The youth speaks directly with the jury the majority of the time. "If the jury is going to determine the sentence, they're asking the questions," Ed says.

Unlike juvenile court, teen court is of, by, and for teenagers. All of the jurors are teenagers. "What we found is that that power of peer influence had a significant effect on the teenagers coming into the courtroom process and completing the terms of contract," says Ed.

Some of the jurors are even youth offenders that are serving on the jury as part of their

Courts on Youth Outcomes: A Systematic Review. Adolescent Research Review 1, no. 1 (2015): 51–67. <https://doi.org/10.1007/s40894-015-0012-x>.

sentence. Ed says this really helps the youth internalize the teen court experience. “While the sentence may seem harsh at first, it becomes very clear when they become part of the jury...part of the intervention that continues even after their case is over is when they get to sit on the panel and hear a number of cases themselves.”

After the jury and the youth exchange questions and answers, the jury will deliberate the case and deliver a sentence that can include community service, nights of jury duty, letters of apology, educational classes, or youth services. The youth offender gets to hear the justification for each of the items in their sentence. “The judge may pick a juror from the pool and ask them ‘Why did you guys suggest this?’ ‘Did you think the [young person] was honest?’ ‘Do you think the [youth] was respectful to the court?’” Ed says.

At the end of sentencing, the youth is asked if they agree to the terms of their sentence, which most do. When the youth agree, CADA staff forwards that sentence to their referring agency, and then monitors the completion of that sentence.

Once the teen completes their sentence, they participate in a graduation ceremony. “For some of these kids, they’ve never had success before. For them to be able to com-

plete the terms and contract of teen court is a huge success,” Ed says.

Impact

\$1000 Per Case	45 Days to disposition	8-15% Recidivism Rate
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Impact data backs up the teen court program’s effectiveness, both in contract completion and recidivism, over several decades. Since 1993, 85-90% of the youth sentenced by teen court completed their sentences. Data from the Santa Barbara County Probation Department from 2003-2017 found that between 85-92% of youth did not commit a similar or more serious offense within one year after their contract was completed, compared to the California Department of Juvenile Justice re-conviction rate of 55.5%.¹⁶⁷

Another big impact Ed sees is on the attitude of youth offenders when they come into the court. “There are going to be some teenagers that come into the program kicking and screaming,” but he says that somewhere in the middle of the program, whether it’s going to counseling, attending a remedial class, or participating on the jury themselves, things change.

“All of a sudden, you see the light going on

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Rep. 2017 Division Of Juvenile Justice Recidivism Report. *California Department of Corrections and*

within these kids, and you see that in the questions that they're asking the other teens in the courtroom, because now they're asking intelligent questions and because they're using their experience, not in a show off type of way, but in a I'm trying to help you kind of way," Ed says.

For the parents of the kids in trouble, teen court often helps communicate to their child what they've been trying to communicate all along. "Those parents are coming in and saying, Eddie, you know what, the conversation that you've had with my child during intake, those are the things that we've been wanting to say for a long time," Ed says. "[They'll say] 'I didn't know what to expect when I went to the court. But when I walked out of that court and I saw how those kids were very responsible and how they came across, that totally caught me off guard.'"

Perhaps the greatest long term impact is that since the court is set up with a treatment, as opposed to punishment, model it can really help teenagers figure out what they want to do in their lives. Former youth offenders in CADA's teen court have become police detectives, firefighters, event planners, and more. "[Completing teen court] allowed them to say, Hey, you know what, I'm on better ground. Now I see where I can win here."

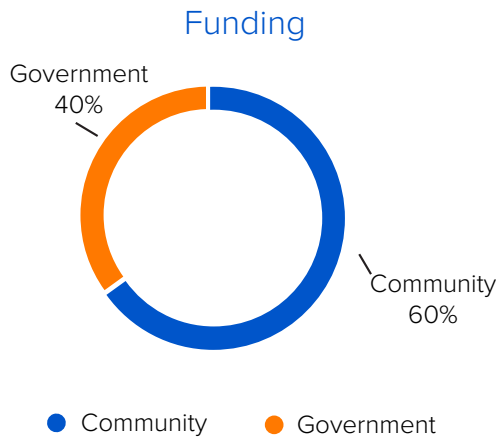
While CADA charges \$250 to the family of the youth offender, no family is turned away for inability to pay. The average cost of teen court, plus treatment services, to CADA is \$1,000. This can increase with treatment services, but medicare and private insurance often offset that cost.

Why it Works

Ed emphasizes that a big reason teen court works is because it isn't set up to punish the youth offender, but to deal with their underlying needs. "We tell the teen jurors that their sentence is not designed to be punitive, it is designed to be corrective. The decisions you make can change or save a life." The screening, the corrective approach from the jury, and the teen court-to treatment model are all designed to address the underlying challenges the teen is facing. If they didn't do that, Ed says, "[the] mitigating factors were going to have a crushing effect on this child's life for the rest of their lives."

Another reason the model works is because of how quickly the court processes cases. It may take months for a teen to be heard in juvenile court. "We knew if we closed those windows, from citation to some treatment, teenagers were more apt to succeed." Ed says the court has gotten that window down significantly. "It could have been 9 month

Rehabilitation, January 2019. https://www.cdcr.ca.gov/juvenile-justice/wp-content/uploads/sites/168/2020/10/2017-Division-of-Juvenile-Justice-Recidivism-Report_ADA.pdf.



windows, but we're able to get it down to 45 days. Some cases are even faster than that." The final thing Ed believes makes teen court work is hope. "I think from my experience working in corrections, I worked with a large population of young men and women that did not have hope. Because they did not have hope they could not have a dream of their future. Because they did not have a dream of their future they were more apt to reoffend and become involved in delinquent or felonious acts."

Because of this, the teen court operates like a mentorship program for youth offenders. Ed does his best to make sure to show the teen a better path for their skills than crime. After completing teen court, when Ed asked her what she really wanted to do, a young offender said she wanted to become a police officer. Ed got her lunch with the police chief. "He made the time for that. And so we took her to lunch. So she ended up going to lunch, meeting the chief." That young lady is now a police detective. "I'm not your parole agent. I'm your success coach. My job is to make sure you complete the program successfully and get something out of it," Ed says.

Funding & Support

CADA's Teen Court program is 63% commu-

nity supported, including voluntary donations, volunteer hours and fees for services, and 37% government supported through national, state, and local contracts and grants.

2 staff are involved in the program, who provide case management and support for youth offenders, run intervention classes or groups, operate the court, and provide clerking services. 54 adult volunteers, typically attorneys or judges, volunteer for the bench and help with court operations, case management, and intervention services. 350 youth volunteers serve as jury members.

How to Implement a Teen Court in Your Community

To implement teen court in another community, Ed recalls the lessons learned when they created a similar teen court in Santa Maria, CA. The first is to build the teen court around the community it is designed to serve. "They are different communities, with different populations, and different challenges," Ed says. "In Santa Barbara county, we have this urban, suburban population, with all the richness that takes place here, while Santa Maria is very gang-oriented, more apt to have weapons and guns pulled, people getting shot and killed."

The second thing is to bring that community into the design of the court. Ed says this is what really opens the door for the community to be able to use it. “We asked the schools, we asked the community leaders, we asked them how are we going to shape it? What services are we going to put in your community? Where?”

Finally, continuing the trend, Ed says that the ultimate goal should be to let the community own the court and the services around it. When he was building a collaborative around the teen court in Santa Maria, he says that one of the members approached him and asked how the court could be expanded to cover other needs in the community. Ed helped them get funding to add those additional services.

“And as a result of that, they were able to build upon [teen court] for themselves. They took ownership of it. That collaboration built an opportunity for that community to try to create, to build their own destiny with their own people.”

For advice on implementing a similar program in your community, contact CADA at <https://cadasb.org/>.

