

Bayfield County Teen Court

December 14th 2011
Bayfield County Courthouse

A Collaborative Project Between



Bayfield County Circuit Court



BAYFIELD COUNTY
Department of Human Services





Bayfield County Teen Court Training
Bayfield County Courthouse
December 14, 2011

- 5:00 Welcome Introductions & Training Overview**
- 5:15 Pizza**
- 5:35 Overview and History of Bayfield County Teen Court**
- 5:45 Tracking the Defendants Experience from start to finish**
- 6:00 Restorative Justice: what is it and how does it apply to Teen Court?**
- 6:15 Working together to question the defendant & their parents**
- 6:30 Open ended questions**
- 6:45 Mock Trial**
- 7:15 Deliberation...how to develop logical consequences**
- 7:30 Review Training and discuss Teen Court case for 2012**

OVERVIEW OF THE BAYFIELD COUNTY TEEN COURT

The Bayfield County Teen Court was established in February, 1998 through a collaborative between the Department of Human Services and the UW-Extension office. The Bayfield County Teen Court is comprised of high school students from five high schools in Bayfield County. Since 1998, the Bayfield County Teen Court has trained 80 youth panelists representing each school in Bayfield County. During this time the Teen Court has heard over 100 cases and only 12 of these defendants have reoffended. That is a recidivism (defendants who reoffend) rate of under 12%.

Teen Court meets once a month at the courthouse to hear cases of first time juvenile offenders that have already admitted to their crime. The Teen Court asks clarifying questions of both the youth and the parent in order to get a better understanding of the crime that was committed. This information is balanced with questions about how the defendant functions at home, school and in their community. After hearing the case, the Teen Court deliberates in private to create a sequence of logical consequences for the defendant. Teen Court panelists are encouraged “to think out of the box” and create sanctions that are innovative, reflective and educational for the defendants. Teen Court sanctions are based in restorative rather than punitive justice theory.

The Teen Court panelists receive training and case support from Ian Meeker, UW Extension’s 4-H Youth Development Educator and Crystal Clark, Bayfield County Intake Worker. The court has advisory support from lawyers in the community, and meets annually with the District Attorney and Circuit Court Judge to review their role in the legal system. All panelists take an oath of confidentiality before serving on the Teen Court. Panelists are selected by their peers through an open application process prior to serving on the Teen Court.

When the terms of sanctions have been completed, the juvenile’s record is in essence “wiped clean”. For the offender and the community, Teen Court can truly be a second chance for youth that have made a poor decision.

Overall, the feedback from the parents of the defendants has been very positive and encouraging. The Teen Court panelists benefit, as well, by having the opportunity to practice and hone their leadership skills in a judicial setting. Bayfield County has been on the forefront of a national Teen Court trend with the establishment and successful implementation of this program.

Guidelines

As a Teen Court panel member you will hear and discuss each case with your fellow panel members and reach a unanimous decision regarding sanctions for the defendant. Your role is to question the defendant and assess the attitude, sincerity, and needs of the defendant as it relates to the factual information of the case presented.

Court members then deliberate in closed session to create sanctions for the deferred prosecution agreement. Your role is to actively participate in the deliberation process and develop a list of appropriate recommendations that relate to the case. The majority should not over influence your perspective if you feel strongly otherwise. It is each member's duty to the defendant and the community to speak his/her conscience, a member who simply agrees with the majority is not doing their job. Every effort should be made to make the sanctions fit the offense and the identified needs of the defendant.

To appear before the Teen Court, each defendant has already admitted to what is written in the case summary. During the questioning, all pertinent matters, such as whether or not the defendant is remorseful, whether punishment has been received from parents or others for the offense, and the specifics of the event should be considered.

Roles and Assignments:

Jury Spokesperson:

- Greets defendant, walks them into the courtroom
- Explains that the Teen Court have all taken an Oath of Confidentiality
- Begins the questioning process by asking the defendant to introduce themselves, where they live and a few personal interests.

Jury Foreperson:

- Oversees that everyone has read the case and is prepared to enter the courtroom. Instructs the Spokesperson to escort the defendant in.
- Assigns a person to write the dispositional agreement.
- Facilitates the discussion after the case which leads up to the completion of the dispositional agreement.
- Reads the dispositional agreement to the defendant and provides the option to accept this agreement or have it passed on to a higher court.
- Concludes hearing by thanking the defendant and their parent(s) for attending and asking if they have any questions.

Teen Court Offenses

Only teens who are first-time offenders may be referred to Teen Court. The most common charges accepted by Teen Court are:

Shoplifting

Criminal Mischief

Criminal Trespassing

Unauthorized Use of a Vehicle

Unlawful Possession of Drug Paraphernalia

Minor in Possession of Marijuana

Minors in Possession of Alcohol

Alcohol Intoxication

Disorderly Conduct

Harassment

Assault

Affray (fighting)

Receiving Stolen Property

Criminal Damage to Property

Misdemeanor Battery

Truancy

Bayfield County Teen Court Commitment



Accountability: Show up on time. Communicate when you can't attend and uphold the Oath Confidentiality.

Respect: For the defendant, their parents and anyone associated with the offense. The privilege to serve as a Teen Court panelist.

Compassion: For the victims, the defendant and, his family and everyone the crime has effected. Create meaningful sanctions that make sense, fit the crime and promote active reflection.

Honesty: Using only information that is gathered from the case summary and active questioning.

Oath of Confidentiality

I solemnly swear that I will not divulge, either by words or signs, any information about actual cases which comes to my knowledge in the course of a Teen Court presentation, and that I will keep secret all said proceedings which may be held in my presence.

Further, I understand that if I break this Oath of Confidentiality by telling anyone else the names of Teen Court defendants or specific details of the case, which may identify that juvenile, I will no longer be able to serve as a Teen Court participant.

Signature: _____

Date: _____

Restorative Justice Principles

PRINCIPLE #1:

Crime is primarily an offense against human relationships and secondarily a violation of a law

Laws are important:

They provide a context and guide. A restorative justice approach is to examine how a particular offense has effected the human relationships that caused the law to be written in the first place.

Example: If we take a purse snatching for an example, the offender may admit guilt or be found guilty and punished. What he doesn't know and take responsibility for is that the victim had to get a new license, credit cards, and perhaps change locks on the house out of fear because the offender knew the address, and the list goes on and on. This significant human violation is most likely never dealt with. And the needs of the victim created by the offense will most likely be completely ignored.

Restorative justice is a structure to create a relationship between the defendant and the victims related to the offense. Through this process the defendant is encouraged to recognize the human relationship they have to the victims and the impact their actions had on everyone involved.

PRINCIPLES#2:

Recognizing the wrong in the criminal offense, how it violates individuals and society, is an important starting point in the healing and restoration process for victim and offender.

PRINCIPLE #3:

Restorative Justice is a process to make things as right as possible and includes: attending needs created by the offense such as safety and repair of injuries, relationships and physical damage resulting from the offense; and attending needs related to the cause of the offense. (See Teen Court Question guideline)

PRINCIPLE #4:

The primary victim(s) of a crime is the one(s) most impacted by the offense. The secondary victims are others impacted by the crime and might include family members, friends, criminal justice officials, community, etc.

PRINCIPLE #5:

Restorative justice is a process for making things as right as possible rather than simply punishing the offender *Restorative Justice* views the situation as a teachable moment for the offender—an opportunity to encourage the offender to learn new ways of acting and being in community.

PRINCIPLE #6:

Restorative Justice prefers responding to the crime at the earliest point possible and with the maximum amount of voluntary cooperation and minimum coercion since healing in relationships and new learning are voluntary and cooperative processes.

PRINCIPLE #7:

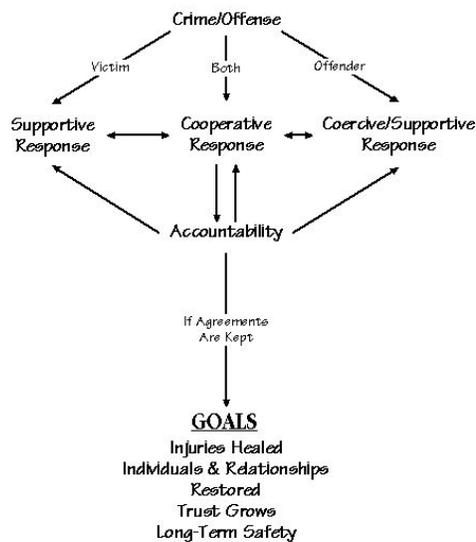
Restorative Justice prefers that most crimes are handled using a cooperative structure including those most impacted by the offense as a community to provide support and accountability. This might include primary and secondary victims and family (or substitutes if they choose not to participate), the offender and family, community representatives, government representatives, faith community representatives, school representatives, etc.

PRINCIPLE #8:

Restorative Justice recognizes that not all offenders will choose to be cooperative. Therefore there is a need for outside authority to make decisions for the offender who is not cooperative.

PRINCIPLE #9: Restorative Justice requires follow-up and accountability structures utilizing the natural community as much as possible since keeping agreements is the key to building a trusting community.

Restorative Justice System



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Restorative Justice Overview was developed by Ron Classon, Fresno State University, 1996

<http://www.fresno.edu/pacs/docs/rjprinc2.html>

TEEN COURT Summary for Mock Training Trial

DATE: October 25th 2011

CASE:

NAME OF YOUTH: Sophomore Student

Age: 15

Offense: Possession of Marijuana and Paraphernalia

SUMMARY OF UNDISPUTED FACTS: Student admits that she was with another youth and at her home when she smoked marijuana. Also at her house was a 19 year old former high school student who provided the marijuana. Students has been told by her mother that she can not have friends over at the house without her permission. During her Juvenile Intake meeting, student talked about other times when she has drank alcohol with two of her friends and two older males and one time it took place at their house. Student's mother has told her several times that older boys are not allowed at their house when she is not there.

Student admitted to using marijuana, cigarettes, and alcohol over Thanksgiving weekend. She is in the 10th grade at the South Shore School in Port Wing. She stated her grades were below average and her mother insists she has the potential to do much better. She is active in Forensics and likes to rider her horse at the county fair. Student states that she knows she has a "short fuse and loses her temper easily". Student is unsure about what she wants to do after high school but thinks she might go to college or take nursing classes at WITC. Student likes to play basketball too when not riding her horse.

Student and her family lived in Minnesota up until 4 years ago then moved to Northern Wisconsin. Student has two younger brothers; they along with their mother and grandmother live in Port Wing.

According to student she thinks her mom is too controlling and she has nowhere to go after school. At the Intake Conference student displayed a very poor attitude until the ground rules for intake were established and her attitude improved. She also enjoys time on the computer, talking with friends on Facebook and texting.

Deferred Prosecution Agreement

Should include the following components:

Active Reflection:

Examples:

Reflective paper on subject related to offense like the health effects of smoking marijuana or the adult consequences of possession of marijuana.

Letters of apology to victims, parents and anyone who was negatively effected by the crime.

An understanding about what the adult consequences would be.

Goals and Expectations

Where do they see themselves going in life 1 year, 2 years or in 5 years?

Specific Needs

Does the defendant need any special services related to anger management, substance abuse or related services that could be helpful to them?

Restorative Justice:

Does the deferred agreement encourage the defendant to assume full responsibility and take action to restore the harm they caused to the community or identified victim?

Opportunities to use their talents:

What are they interested in?

What are they good at?

What do they like to do that can have a positive impact in the community?

Positive Active Response

What can they give back to the community?

Community Service Hours

Involvement with clubs or organizations in their community

Supervision

You have the option to assign supervision as a sanction. This means that a social worker will be assigned to oversee the completion of the sanctions the defendant has agreed to complete.

Bayfield County Teen Court Question Guide

What Happened?

Family

School

Hobbies/Interests/Goals

Community

What happened?

This is your chance to hear the defendant tell their story. As you listen to their story compare its details and accuracy to the case statement.

Where did the defendant get the idea?

Were they alone or with a group?

Who did the crime directly or indirectly effect?

Why did they do it, who's idea was it?

What were they hoping to accomplish?

What have you learned from this incident?

Who has it negatively affected?

How did they get caught?

Family:

To get a sense of what their home situation is, you need to know who they live with and how they feel about things at home.

How many brothers or sisters do you have?

How do you think they feel about what you did ?

Mom or Dad

How did you hear about the incident?

How did it make you feel?

Has anything like this ever happened before?

What consequences have already been given at home?

How long have you lived in (what ever town)?

Are both parents still together and living at home?

How would you describe your relationship with your son/daughter?

How often do you spend what you would consider quality time with your parent son or daughter?

Interests, Hobbies and Goals:

These questions help you get to know the defendant better and the interests of the defendant are important when you are writing the deferred agreement. You can use this information to assign community service that fits personal interest.

Tell us about a hobby you are involved with?

How often do they set aside time to pursue these interests?

If you could choose a profession to job shadow for a day, what would it be and why?

Tell us about something you find real interesting?

Describe a person you know whom you look up to?

What goals do you have for yourself in the next three years?

School

This will give you a sense of how well school life is going and whether they may need more educational support or need to focus harder on their school work.

How would you say school is going for you?

How do you feel about being at school each day?

Ask them specifically what letter grades they are getting so it provides a reference for responses like “Schools going ok” or “I could be doing better.”

If their grades are down ask how long this has been and try and find out if it’s related to a lack of effort of a need for more personal instruction, tutoring etc.

What are your favorite classes?

Do you have a teacher or adult in the school that you know and trust?

Who is this teacher and why do you like him/her?

Community:

Find out how the respondent perceives the effect their incident had on others in the community.

How has your decision affected your relationship with your family?

What would you want to see happen if someone did this to you?

Do you feel bad about having done this?

What do you think would be a fair consequence for making amends for the harm you caused by your decisions/actions?

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