Teen/Youth Court

Teen (or youth or peer) courts are programs designed to divert young, first-time offenders from formal juvenile court proceedings to an informal process that incorporates components of restorative justice to hold youth accountable for their offenses and prevent future delinquency (Stickle, Connell, Wilson, and Gottfredson 2008). Teen courts are much like traditional courts in that there are prosecutors and defense attorneys, offenders and victims, and judges and juries. However, young people fill these roles and, most important, determine the disposition through a wide array of sentencing options (Godwin 2000). The principal goal of a teen court is to hold young offenders accountable for their behavior by imposing sanctions that will repair some of the harm imposed on the victim and community, and thereby reduce repeat offending (Butts, Buck, and Coggeshall 2002). Unlike other problem-solving court models, teen court programs do not operate as a court within the judicial branch of government, but rather as part of a diversion process that works to keep youth from formal court proceedings in the juvenile justice system (Fischer 2007).

Target Population

Teen courts are spreading rapidly across the country. Today there are more than 1,150 teen/youth courts operating in 49 states and the District of Columbia. A 2005 survey by the American Youth Policy Forum estimated that between 110,000 and 125,000 youthful offenders were served in teen courts in 2004 (Pearson and Jurich 2005). The target population of teen courts is juveniles ages 11 to 17 who have been charged with less-serious offenses and have no prior arrest records. The most typical offenses that youth courts will accept are theft, vandalism, underage drinking, disorderly conduct, assault, possession of marijuana, tobacco violations, and curfew violations (Fischer 2007). Typically, young offenders are offered teen court as a voluntary alternative to the traditional juvenile justice system, and youths must usually admit guilt to the charge to participate in the process (Butts and Buck 2000).

Theoretical Foundation

There are several basic criminological theories supporting the use of young people in the teen court process. One theory is that, in court, youth will respond better to prosocial peers than to adult authority figures. This peer justice approach assumes that, similar to the way in which an association with delinquent peers is highly correlated with the onset of delinquent behavior (Loeber and Dishion 1987), peer pressure from prosocial peers may push youth toward prosocial behavior (Butts, Buck, and Coggeshall 2002). Another theoretical perspective views teen courts through the lens of procedural justice. Teen courts can make an impact on juvenile offenders by increasing their knowledge of the criminal justice system and influencing their perceived fairness of the system (LoGalbo and Callahan 2001).

Teen courts are also based on elements of restorative justice, including a concentration on the harm done to the person or the community, a concentration on repairing the harm, and an emphasis on an open dialog rather than on procedure and evidence (Fischer 2007). Based on Braithwaite's reintegrative shaming theory (1989), teen court programs seek to provide an atmosphere in which youths can be reintegrated into the community, instead of being stigmatized for their delinquency (Stickle et al. 2008).

Types of Teen/Youth Courts

In general, teen courts follow one of four models:

- The adult judge
- The youth judge
- The youth tribunal
- Peer jury (Godwin 1998)

The most popular model, used in more than half of all teen courts, is the adult judge model, followed by the peer jury model, the youth judge model, and the youth tribunal model (National Youth Court Center 2006). The adult judge model uses youth volunteers to serve in the roles of defense attorneys, prosecuting attorneys, and jurors but requires an adult volunteer to serve as judge. The youth judge model uses a similar organizational structure but uses a youth to serve in the role of judge. The youth tribunal model differs from the other models in that there are no youth jurors; youth attorneys present the case to a youth judge or judges. Finally, the peer jury model does not use youth as defense or prosecuting attorneys. Instead, it operates much like a grand jury: a case presenter introduces the facts of the case, and a panel of youth jurors interrogates the defendant directly.

Regardless of the model used, the primary function of most teen courts is to determine a fair and appropriate disposition for a youth who has already admitted to the charge (Butts, Buck, and Coggeshall 2002). Participating youths are subject to a wide variety of creative and innovative dispositions that the court may order. According to guiding principles, dispositions should be designed to address needs of the victim/community, be based on restorative justice principles, and promote positive youth development (Godwin 2000). The most common disposition is community service, which is used in 99 percent of teen courts (Fischer 2007). Other typical dispositions include paying restitution, writing formal apologies, and serving on a subsequent teen court jury. Teen courts may also order offenders to attend classes designed to improve their decision-making skills, enhance victim awareness, and deter them from future delinquent acts (Butts and Buck 2000).

Outcome Evidence

Although teen court diversion programs have been enormously popular in juvenile justice, there are relatively few studies that have examined the effects on program participants. Butts, Buck, and Coggeshall (2002) completed the most comprehensive evaluation of teen courts by examining four different sites (Alaska, Arizona, Maryland, and Missouri). The research used a quasi-experimental design to measure differences in recidivism between youths participating in teen court and youths participating in the traditional juvenile justice system. The evaluation suggests teen courts are a promising alternative for the juvenile justice system: all four teen court sites reported relatively low recidivism rates. In two sites (Alaska and Missouri), youth participating in teen courts were significantly less likely to be re-referred to the juvenile justice system for a new offense within 6 months of the original offense. In the other two sites (Arizona and Maryland), the difference was statistically insignificant. Consequently, the findings indicate that in some jurisdictions teen courts may be preferable to the traditional juvenile justice system.

However, not all evaluations have found favorable results. A recent study from Stickle, Connell, Wilson, and Gottfredson (2008) used an experimental design to examine the effectiveness of a teen court diversion program in Maryland to reduce recidivism rates and improve attitudes and opinions of program participants, compared with a control group who were formally processed through the Department of Juvenile Services. The results consistently showed less-favorable outcomes for the youths who participated in teen court, compared with those youths who were formally processed, including significantly more delinquent behavior following teen court and lower values in measurements of beliefs in conventional rules. The authors suggested that the restorative justice elements of the teen court program—such as the use of peers throughout the process—may not reduce or prevent recidivism for youths who commit minor offenses for numerous reasons. For example, youths in the program may be embarrassed by peers witnessing the experience or the program may succeed at shaming but not at reintegrating youths.

Finally, some evidence suggests that teen courts may provide other benefits for offending youth. For instance, participation in teen courts may provide a general satisfaction with the experience (McLeod 1999; Swink 1998; Wells, Minor, and Fox 1998), improved attitudes toward authority (LoGalbo 1998; Wells, Minor, and Fox 1998), and greater knowledge of the legal system (LoGalbo 1998; Wells, Minor, and Fox 1998). The research so far has shown mixed results; further research is needed to fully evaluate the effectiveness of teen court programs.

References

Braithwaite, John. 1989. *Crime, Shame, and Reintegration*. Cambridge, England: Cambridge University Press.

Butts, Jeffrey A., and Janeen Buck. 2000. *Teen Courts: A Focus on Research*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Butts, Jeffrey A., Janeen Buck, and Mark Coggeshall. 2002. *The Impact of Teen Court on Young Offenders*. Washington, D.C.: The Urban Institute.

Godwin, Tracy M. 1998. *A Guide for Implementing Teen Court Programs*. Fact Sheet. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Godwin, Tracy M., David Steinhart, and Betsy A. Fulton. 1998. *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*. Washington, D.C.: U.S. Department of Transportation, National Highway Traffic Safety Administration.

Loeber, Rolf, and Thomas James Dishion. 1987. "Antisocial and Delinquent Youths: Methods for Their Early Identification." In John D. Burchard and Sara N. Burchard (eds.). *Prevention of Delinquent Behavior, Vol. 10*. Newberry Park, Calif.: SAGE, 75–89.

LoGalbo, Anthony P. 1998. *Is Teen Court a Fair and Effective Juvenile Crime Diversion Program?* Tampa, Fla.: University of South Florida, New College.

LoGalbo, Anthony P., and Charlene M. Callahan. 2001. "An Evaluation of Teen Court as a Juvenile Crime Diversion Program." *Juvenile and Family Court Journal* 52(2):1–12.

McLeod, Maureen. 1999. "Satisfaction With Youth Court Proceedings: A Follow-Up Analysis of the Colonie (N.Y.) Youth Court." In American Society of Criminology Annual Conference. Toronto, Ontario.

Pearson, Sarah S., and Sonia Jurich. 2005. *Youth Court: A Community Solution for Embracing At-Risk Youth*. Washington, D.C.: Youth Policy Forum.

Stickle, Wendy Povitsky, Nadine M. Connell, Denise M. Wilson, and Denise C. Gottfredson. 2008. "An Experimental Evaluation of Teen Courts." *Journal of Experimental Criminology* 4:137–63.

Swink, M.I. 1998. *Onondaga County Youth Court Recidivism Rates*. Syracuse, N.Y.: Syracuse University, Maxwell School of Citizenship and Public Affairs.

Wells, J.; J. Minor; and J. Fox. 1998. *An Evaluation of Kentucky's 1997–98 Teen Court Program*. Richmond, Ky.: Eastern Kentucky University, Center for Criminal Justice Education and Research.

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