SARPY COUNTY TEEN COURT

TRAINING MANUAL

LET THE JURY DECIDE

Introduction

Teen Court is an innovative approach for young people who have their first misdemeanor contact with the juvenile justice system. The primary purposes of Teen Court are to discourage criminal activity through positive peer influence and to encourage youths to respect and abide by the law.

Teen Court usually handles offenses such as shoplifting, theft, assault, criminal mischief, disturbing the peace, trespassing, minors in the possession of alcohol, and possession of marijuana or paraphernalia.

The Teen Court coordinator determines whether a referral to Teen Court is appropriate.

Teen Court is available to teens who:

1. Voluntarily choose Teen Court rather then the regular legal system.
2. Admit their guilt. Teen Court does not decide guilt or innocence.
3. Do not want a conviction on their record.

Expectations of Volunteers

1. Must be 13 to 18 years of age (18 and still in school).
2. Must attend trainings before each Teen Court hearing. These trainings are from 4:45-5:00 p.m. on Teen Court nights. The jury is prepared for each case at this time.
3. Must honor confidentiality, which is a critical component of Teen Court. All records and notes written in the court are confidential. Teens cannot discuss any of the information that they hear in the courthouse with anyone.
4. Must sign the oath of confidentiality for every teen court session. This serves as a reminder to keep the oath.
5. Will advise the court when there is a conflict of interest because the defendant is a friend or acquaintance.
6. Will demonstrate the ability to treat defendants and their families with respect, with objectivity, and without prejudice.
7. Will participate with the other court members in determining fair consequences for each defendant. Must have the ability to communicate with other court members.
8. Will maintain standards of conduct consistent with the expectations of the justice system. Will behave as role models both in and out of the courtroom.
9. Shall abide by the Dress Code and the Code of Conduct at all times.

Teen Court Code of Conduct

1. All volunteers shall act in a mature and professional manner.
2. Jurors will be respectful of defendants and their parents at all times.
3. All volunteers must follow the dress code.
4. Volunteers will treat the Teen Court staff, other volunteers, required jurors, and defendants and their families with the utmost respect.
5. Volunteers will respect the Oath of Confidentiality. Violating the Oath of Confidentiality is grounds for dismissal of a volunteer.
6. Volunteers are not allowed to talk about hypothetical or actual cases in the hallway. Talking about cases in the hallway is a violation of the Oath of Confidentiality and will be treated as such.

Teen Court Dress Code

- Clean school clothes are appropriate.
- Coats and jackets are not allowed in the courtroom.
- No hats allowed.
- No torn or sagging jeans allowed.
- No sweatpants or hooded sweatshirts allowed.
- No short skirts allowed. Skirts must be no shorter than 2 inches above the knee.
- No short shorts allowed.
- No spaghetti strap tank tops allowed.
- No crop tops allowed.
- No revealing clothing allowed (no cleavage or extremely tight clothing).

As a reminder you are representing not only yourself but the Teen Court Program. This is a professional atmosphere and will be treated as such. If your attire violates the Dress Code, you will not be allowed to participate that night.

Courtroom Protocol

The Judge

The judge presides over the hearing:

1. To ensure that correct procedures are followed.
2. To see that the defendant is treated fairly and impartially.
3. To advise the jury of their function, their duties, and their obligations.
4. To give the jury instructions about reaching a fair, unanimous verdict.
5. To intervene and seek clarification if the defendant denies or minimizes responsibility for the law violation.

The Bailiff

The role of the bailiff is to ensure the orderly operation of the court procedure. The bailiff is a neutral participant but he/she sets the tone of the trial. It is important that the bailiff stands straight and speaks clearly and slowly.

Duties

1. Calls the court to order.
2. Announces the case name. Ex: The State of Nebraska vs. Jane.
3. Assists during the hearing as requested by the judge.
4. Swears in the jury, defendant, and any other witnesses after directing them to the stand.

The Foreperson

The foreperson is to lead the jury in deliberations by encouraging all of the jurors to participate. The foreperson mediates any disputes between jurors and keeps the discussions focused on the decision-making process. The foreperson's input has no greater value than the input of the other jurors.

Duties

1. Leads the jury's deliberations by stimulating discussion among the jurors.
2. Requires each juror to state his/her view about the sentence and why the juror has that view.

3. Calls for a vote during the deliberations. The foreperson is responsible for making sure that the jury had reached a unanimous decision for each of the consequences.
4. Writes the sentence on the Teen Court contract. The writing on the contract should be neat and easy to read.

The Jury

The right to have a jury of one's peers is one of the basic rights of our constitution. The right to have a jury of one's peers is covered under the seventh amendment. The jury must be professional in how it acts and presents itself. Jurors are not allowed to slouch or sprawl in their chairs, chew gum, text, talk with other jurors, and giggle or laugh. The atmosphere is purely professional and Jurors must act appropriately in and out of the courtroom while volunteering.

Information

1. Prior defendants may be volunteer jurors regardless of their age once they have completed all their requirements.
2. The jury does not decide guilt or innocence. It only decides the consequences.
3. Listen carefully to all the evidence presented and all witnesses in an effort to determine an appropriate sentence.

Duties and Responsibilities

1. To be fair and impartial.
2. To discuss the case in a mature, responsible manner.
3. To follow the court's instructions.
4. To reach a unanimous decision for each of the consequences. The decision-making process might not be easy. It requires candid discussion among all the jurors. When there is disagreement on the verdict jurors should negotiate and compromise by discussing each juror's reasons for or against the requirement.

5. To consider all mitigating and aggravating circumstances brought out in the hearing. Mitigating circumstances make the defendant's crime appear to be less severe. For example, the defendant wrote an apology letter to the LPO immediately after being caught shoplifting without being told to write it.

   Aggravating circumstances make the defendant's crime appear to be more severe. For example, the defendant planned to shoplift with his/her friends for days before the crime.

6. To consider how the community has been affected by the offense committed by the defendant.

The Sentence

The jury should ask itself, "What consequences are appropriate for the offense committed and what sentence will require the defendant to take responsibility for his/her actions, and thereby reduce the likelihood of the defendant breaking the law again?" The defendant should be able to gain self-esteem through a positive experience in Teen Court while learning from the consequences.

The jury is encouraged to be creative in deciding consequences. It is important to remember that the defendant has 90 days to complete the conditions. The sentence will be final as long as it is an appropriate sentence for Teen Court. The judge or the Teen Court coordinator may change the sentence only when it is unreasonable, unrealistic, or cannot be completed in 90 days. Changes are made on very rare occasions.

The defendant can be sentenced to a minimum of 10 hours of community service and a maximum of 50 hours. All defendants must serve on the jury at least twice but they can sit in up to 4 times.

Teen Court sentences have four major goals. The jury should be sure that all four of the goals are addressed when they come up with their verdict.

The four goals are:

1. To give consequences to the defendant for violating the law.
2. To deter the defendant from breaking the law again.
3. To connect the defendant with the community. People who feel connected with the community are less likely to do things that harm the community.
4. To connect the defendant with himself/herself. We want to help the defendant explore their skills, talents, and abilities so they see a positive future that they do not want to jeopardize by breaking the law.

Sentencing options

- Community Service (10-50)
- Jury Duty (2 – 4 times)
- Letter of Apology (victim, store, police officer, family, and/or self)
- Research or reflection paper.
- Abstain from drugs, alcohol, and other controlled substances.

- Improve performance in school.
- Improve grades.
- Join an extracurricular activity
- Attend classes : StopLifting, Alcohol/Drug Education, Young Women's Group, Young Men's Group, Anger Management, and Making Appropriate Decisions for Teens, etc.

OFFENSES

Some offenses handled in Teen Court are more serious than other offenses. We all have different ideas about what is serious. Each volunteer should consider how he or she regards various offenses. Volunteers should view each offender as an individual and each offense as unique. No two crimes are the same. Nor are any two offenders the same. Volunteers should consider all of the factors surrounding the offender and the offense to reach an effective and just sentence. Some factors are listed below.

Factors for consideration:

1. Age: Did the offender's relative immaturity contribute to the offense? Was the offender of sufficient age to know what he/she was doing was wrong?
2. Family Circumstances: Do you believe that the individual was raised to know better than to break the law?
3. Prior Incidents: Has the offender broken the law before and not been caught? Does the offender have a prior history of shoplifting or stealing from friends, school, parents, etc.?
4. Respect for Others: Does the offender have respect for other's property or does he/she damage other's property when angry, bored, etc.?
5. Academic Record: Has the offender demonstrated a reasonable dedication to school? Does the offender give ample time for studies and effort? Does offender have respect for teachers and for school rules?

6. Extracurricular Activities: Does the offender participate in any extracurricular activities at school, church or in the community?
7. Employment record: Does the offender have a job, and if so what is their employment record? Are they responsible, reliable, prompt? (Remember: babysitting, mowing lawns, shoveling snow and paper routes are forms of employment.)
8. Intent: Did the Offender plan to commit the offense or did they act recklessly in the heat of the moment?
9. Motive: Why did the offender break the law? Was it to help a friend or for their own benefit? Was the offender trying to hurt someone?
10. Victim: Who is the victim in each offense (store, school, friend, stranger, community, etc.)?
11. Role in the Offense: This applies only when the offender was with another person. Was the offender a leader or a minor participant? Whose idea was it to commit the crime? Which participant would have benefited the most from the crime?
12. Acceptance of Responsibility: Does the offender acknowledge responsibility for his/her conduct and sincerely demonstrate remorse? Does the offender make excuses or shift the blame in an attempt to avoid responsibility?

The Prosecuting Attorney

Role

The prosecuting attorney represents the state of Nebraska. The function of the prosecutor is to represent the interests of the people in the community. All crimes have some effect on the community. The prosecutor presents whatever evidence he/she thinks is appropriate to show the jury the nature of the crime committed, the resulting harm of the crime, and any other facts relevant to the jury's decision-making.

Duties

The prosecutor is to ensure that the jury has a clear understanding of the following:

1. The action taken by the defendant that constituted a law violation.
2. The events surrounding the law violation.
3. The defendant's motivation(s) for committing the crime.
4. Whether or not restitution has been made if it is applicable.
5. What overall sentence is appropriate for the defendant.
6. What, if any, aggravating circumstances need to be considered.

Prior to the hearing

1. Thoroughly read the police report and discuss any concerns with the attorney advisor or the Teen Court coordinator.
2. Write down pertinent questions to be asked based on the police report. Determine what facts need to be brought out during the hearing. The list of questions should be viewed as a work in process. Questions will change with the answers given by the witness.
3. Write your opening statement.
4. Write a tentative closing statement. The closing statement can be changed to include information brought out during the trial. A sentence recommendation should be included in your closing statement.

During the hearing

1. When advised by the judge enter your appearance and give your opening statement by standing and addressing the jury.
2. Question the defendant about the incident.
3. Cross-examine the defendant. Ask any questions missed by the defense. (Ex: grades in school, punishment at home)
4. Make your closing statement with sentencing recommendations.

Opening statement: The opening statement is a brief summary of the facts of the case (2 to 3 sentences). The facts include the date of the offense, the location, and the nature of the offense. Do not give all of the details from the police report.

Example: Joe and a few friends were hitting golf balls toward city shops on the night of March 7 of this year. They shattered the window of a police cruiser causing damages of $157.75. The prosecution intends to bring forward the facts of this case regarding this act.

Direct Questioning: Ask questions about the law violation, the intent of the crime, how he/she does in school, what this person does in her/his free time, drug and alcohol history, peer relationships, chores or curfew at home etc. The Teen Court Coordinator will meet with each attorney group before the hearing to answer any questions or help them with questioning or opening /closing statements. Feel free to quote from the police report when asking about inconsistencies.

Sample questions for Shoplifting Case

- Please state your name and age for the court.
- Where were you on June 12th?
- What happened on that date? • Why did you steal the items?
- Did you have money with you when you entered the store?
- How much money did you have with you?

- Could you have earned the money? How? Saved money? How many times have you shoplifted before this incident?
- Have you ever used drugs? Drank alcohol? What type(s)? How much was used/consumed? How often? Under what circumstance?
- Can you tell the court what you do in your spare time?
- Are you involved in any activities in school? How are your grades?

Cross-examination: This takes place after the defense questions the defendant. Ask questions about the topics the defense avoided. For example:

1. School- grades, skips, suspensions, expulsions. Drop out? Why? Class Clown?
2. Job- ever fired, calls in sick, does not show up at work without giving notice.
3. Home- sneaks out, fights with siblings, disrespects parents, etc.
4. Drugs/Alcohol- have you ever used either, how often, type used, alone or with friends, do parents know?

Prosecution also cross-examines witnesses for the defense. Bring out information that may be helpful to the jury in their deliberations.

Closing statements: The closing statement is used to summarize the information obtained during the hearing. The closing statement is the attorney's final argument to convince the jury to accept the prosecution's sentence recommendation. The sentence recommendation should be the final part of the closing statement.

Examples of closing statement

Ted was charged with Shoplifting. He has admitted to stealing the items that day with friends and stated that he has shoplifted before. It is up to the jury to decide on consequences that will cause Ted to reflect back on this day and deter him from making similar mistakes in the future.

The Defense Attorney

Role

The defense attorney represents the defendant. The defense should put the defendant at ease and allow the jury to hear the defendant's point of view. The defense attorney determines what questions will be most beneficial for the defense's case. The defense attorney should ask questions of the defendant that will bring out facts about the defendant that will help explain his/her behavior. The defense attorney meets with the defendant before court for an interview. This interview will give the defense attorneys better knowledge of the case and the defendants actions.

Duties

1. Represent the interests of the defendant.
2. Bring out the positive aspects of the defendant.
3. Bring out any mitigating circumstances. (Ex: The defendant has already written an apology letter to the victim.)

Prior to the hearing

1. Read the police report to obtain the facts. Write down questions about the incident to ask the defendant.
2. Interview the defendant with his/her parents.
3. If it will be beneficial, ask the parents if they would like to take the stand to give a statement about their son or daughter. Write out a brief opening statement.
4. Write a tentative closing statement and sentence recommendation. Be flexible so you can incorporate information that comes out during the hearing.

Opening statement: Keep the opening statement brief (2 to 3 sentences). The statement should be a summary of who the defendant is and what you intend to show when you

question the defendant. Ex: The defendant is truly sorry for the committing the offense. The defendant is on the honor role and is active in school activities.

Example: Peer Pressure! We have all experienced this in some way. The need to fit in is apparently in every person and some people fall victim easily as in Jane's case. We ask you to keep an open mind while hearing this case.

Direct Questioning: Ask about the following topics if they benefit your client:

- The Incident- You will ask questions that you already know the answers to from interviewing the client beforehand.
- School- Attend school? Decent grades? Time and effort put into grades? Honor roll? Academic awards? School activities?
- Job- Type of job? Number of hours worked per week? How long employed? Responsible, punctual, reliable, etc.? Volunteer work?
- Responsibilities- Type of chores? Do them without being reminded? Quality work?

Cross-examination: Ask questions prompted by the prosecution's cross-examination. Ask any question that were omitted or forgotten during direct questioning.

Closing statements: Present your closing statement to the jury after questioning is completed. Tie together information brought out during the hearing. Your closing should highlight the defendant's good qualities.

Examples of Closing Statements

Jill paid restitution to the store for the stolen goods. On her own she also wrote an apology letter. She feels that stealing is completely out of character. She is a responsible teenager who is active in school and church. So I recommend . . .