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Teen Court/Peer Jury: A Positive Model of Peer Pressure

by Megan Clouser

The mood in the courtroom is serious as the juvenile defendant approaches the witness stand and is sworn in by the presiding juvenile court judge. The juvenile glances nervously at his defense attorney and then at the prosecuting attorney as they prepare to begin questioning.

A scene that perhaps could be witnessed at the beginning of any delinquency proceeding, except that in this court room both the defense and prosecuting attorneys are themselves no older than the defendant, and in the jury box—usually vacant during a juvenile proceeding—six youths prepare to consider the circumstances of the defendant's crime and determine the appropriate punishment for their offending peer.

This Teen Court in Clearfield County, Pennsylvania is one of many such programs established across the nation since the 1970's. The programs, most commonly known as Teen Courts or Peer Juries, use the influence of positive peer pressure to help divert first-time and non-violent juvenile offenders away from further delinquent activities.

Based upon the principle of personal responsibility for actions committed, offenders wishing to participate in a Teen Court or Peer Jury program must first admit guilt for the charged offenses. In a Peer Jury model, the teenage jury then decides appropriate punishments based on the nature of the offense committed. A Teen Court incorporates the use of teenage prosecution and defense attorneys to bring out aggravating and mitigating circumstances that may influence the jury in the determination of an appropriate disposition.

Pennsylvania counties have been experimenting with this promising program model since 1982 when the state's first Peer Jury program was established in Erie County. In 1992, the Juvenile Advisory Committee of the Pennsylvania Commission on Crime and Delinquency funded the development of the state's first Teen Court, as depicted above, in Clearfield County Pennsylvania.

This issue of **Pennsylvania Progress** is dedicated to recognizing the initiative and success of the four Pennsylvania counties that have designed and continue to operate Teen Court and/or Peer Jury programs. It is hoped that juvenile justice officials interested in innovative and successful approaches to juvenile justice will be able to learn from and build upon the experiences of their colleagues in expanding these promising program models across the Commonwealth.

Pennsylvania Progress is a publication of the National Center for Juvenile Justice (NCJJ)—the research division of the National Council of Juvenile and Family Court Judges. It is distributed to juvenile justice professionals within the Commonwealth and nationwide to acquaint them with important achievements within Pennsylvania's juvenile justice system. Technical Assistance materials and additional information on the topics presented are available from NCJJ's Harrisburg office. Please contact Megan Clouser at (717) 233-3343.

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PEER JURY PROGRAMS

▼ Erie County

In 1982, Erie County implemented the Commonwealth's first Peer Jury program. Based on encouraging reviews of a Peer Jury program in Denver, Colorado, an Erie County juvenile court judge decided that this program model held the potential for successful replication.

With no special funding available at the time, two juvenile probation staff were assigned the task of developing and implementing the Peer Jury program within the constraints of the existing budget—obviously a significant challenge that required a sincere dedication to the concept.

According to a juvenile probation officer from Erie, the initial program model was designed to divert first-time offenders away from further delinquency by capitalizing on the most influential relationships in a youth's life—his or her own peers. The promising effects of **positive** peer pressure helped gain the voluntary support and participation of schools, non-delinquent youth volunteers, and parents.

In addition to the application of positive peer pressure, the Erie County program incorporated the concept of youth accountability with admission criteria requiring juveniles to admit guilt for the charged offenses prior to program participation. The jury, then, is not responsible for a determination of guilt or innocence, but rather deliberates on the appropriate actions the youthful offender must take in order to make restitution to the victim and community for the offenses committed and to reduce the risk of his/her further criminal involvement.

The Peer Jury was designed to meet two weekday afternoons per month at the Erie county court house. Each Peer Jury was to be comprised of 12 to 14 youth volunteers with precautions taken to assure that the jury members and juvenile defendant were not acquainted. Eight local high schools committed their support to this program model providing a total of 27 student volunteers to serve in the first year of the program.

While the schools were given primary responsibility for selecting the youth volunteers, the juvenile courts maintained strict control over the participation of juvenile defendants. An intake officer from the probation department screened the records of first-

time youth offenders to determine which juveniles would benefit the most from a trial before a jury of their peers. The juvenile defendants were then given the option of pleading guilty to the offenses charged and participating in the program or appearing before the traditional juvenile court.

Based upon this program model, Erie County convened the Commonwealth's first Peer Jury in March 1982. The cases of 28 first-time juvenile offenders were heard during the program's first year of operation. Dispositions assigned ranged from formal apologies to the victim to community service with defendants allotted up to 90 days to complete their disposition.

Once a disposition was completed, the original charges were dropped and the juvenile, unlike a youth processed in the formal juvenile court, had no juvenile record. Of the 28 cases handled the first year, 25 of the juveniles successfully completed their dispositions and those who did not were re-referred to juvenile court for formal processing as a consequence.

Today, 15 years later, the Erie County Peer Jury Program continues to operate without additional funding. Through the voluntary participation of 14 school districts, the cases of approximately 28 juveniles are heard before a Peer Jury each year and another 28 non-offending juvenile volunteers are provided with a valuable educational exposure to the American judicial process.

Records show the program remains effective today with 89% of the juveniles appearing before the Peer Jury in 1995 successfully completing their dispositions within the required time period.

▼ Northumberland County

In 1984, independent of the Erie County effort, Northumberland County began work to implement a Peer Jury program. However, with administrative changes and funding constraints, the Peer Jury effort faded over time and was not fully revived until the 1990's.

With renewed enthusiasm, the Northumberland County Chief Juvenile Probation Officer began efforts in 1991 to institute the Peer Jury program in Northumberland County. Interestingly, the process of program development for this county almost mirrored the efforts of Erie County a decade ago.

Without additional funding available, two probation staff accepted responsibility for designing a program and gaining the support and participation of schools, juveniles and parents. The program design involved the application of positive peer pressure, the admission of guilt by a juvenile defendant prior to program participation, and the hearing of cases in the county court house one or two weekday afternoons per month.

Differences noted in the program models include the size of the Peer Jury (10 student volunteers per jury in Northumberland and 12 to 14 in Erie), and the absence of a time limit for disposition completion in the Northumberland County model. Also, in Northumberland County, while the school guidance counselors provide applications to all interested students, the probation officers conduct personal interviews with the students and select 10 youths from each school to participate on the Peer Juries.

Northumberland County convened the new program's first Peer Jury in 1992 with the voluntary participation of only one school district. However, the popularity of the program quickly grew with four of the county's eight school districts currently participating.

While no official statistics were available, officials in Northumberland County report that the Peer Jury program hears from 30 to 40 cases per year. It is estimated that in 70 percent of these cases, the juvenile successfully completes his/her disposition and has all formal charges dropped.

▼ **Blair County**

Soon after the establishment of the Northumberland County program, a juvenile court judge in Blair County learned of the effort and expressed interest in duplicating the program. Upon invitation, Northumberland County probation staff conducted a formal presentation on the Peer Jury program for Blair County juvenile probation officers, police and school officials.

The next step for Blair County was the development of a Peer Jury Advisory Board to oversee the development and operation of a Peer Jury Program. With no additional funding available, the voluntary Advisory Board included three high school principals, a state trooper, two juvenile police detectives, a juvenile court judge and a juvenile probation officer.

Similar to the Northumberland and Erie County programs, Blair County's Peer Jury program is directed toward first-time non-violent offenders who accept responsibility for the offense committed. The Peer Jury meets one weekday afternoon a month in the county court house for the processing of up to four cases per session. For each case, eight students are selected to serve on the Peer Jury.

The Blair County Peer Jury officially began in the 1993-94 academic year with the voluntary participation of three school districts. Since its inception the program has heard the cases of 55 juvenile offenders. For those who successfully complete their disposition within the time-frame determined by the Peer Jury, all charges are dropped and the youth has no juvenile record. For those who do not, the case is referred to juvenile court for formal processing.

ISSUES IN IMPLEMENTATION

Each of the Peer Jury and Teen Court programs described faced many of the same issues in implementation, with concerns ranging from how to best select juvenile offenders and youth volunteers for participation to the best mechanisms for reinforcing confidentiality requirements. The following sections speak briefly to these issues and provide examples of the procedures used by each county to overcome these obstacles to success.

▼ **Which juvenile defendants should participate?**

The county juvenile probation department maintains full responsibility for selection of eligible juvenile defendants in each Peer Jury program. In the Teen Court model, the juvenile probation department and district magistrate make initial referrals to the Master Coordinator who then conducts a thorough screening of juvenile defendants to determine eligibility.

Each of the four counties requires voluntary participation on the part of the juvenile offender, a signed formal admission of guilt for the offense charged, and the consent and attendance of a parent or legal guardian.

TEEN COURT: THE CLEARFIELD COUNTY EXPERIENCE

In 1994, the District Attorney in Clearfield County took action to reduce the overload of cases he saw coming through the juvenile court. Based on Teen Court programs in Texas and Florida, the Clearfield County District Attorney's office submitted a grant application to the Pennsylvania Commission on Crime and Delinquency requesting funds to establish the Commonwealth's first Teen Court.

During the application process, the District Attorney (who currently serves as a juvenile court judge) worked to gather support for the program from juvenile court personnel, district magistrates, police and area schools. The idea was greeted with much enthusiasm with nine area public and private schools offering to provide a school coordinator for the program at no cost to the county.

Clearfield County received formal grant approval on September 13, 1995. The \$21,450 in Juvenile Justice and Delinquency Prevention grant monies were used primarily for the purchase of equipment and to hire a Master Coordinator. The duties of the Master Coordinator include selection of appropriate juvenile offenders for program participation, attaining the support and participation of community agencies, working with the school coordinators to ensure all juveniles—offenders and non-offending volunteers—are fully informed, trained and prepared to appear in Teen Court, and monitoring the offending juveniles' progress toward program completion.

Once a juvenile is identified as eligible for participation in the program, the appropriate school coordinator is notified. The school coordinator then meets with the juvenile and his/her family to explain the program. If the juvenile chooses to have his/her case heard in Teen Court a full admission of guilt must be signed and returned to the Master Coordinator.

The school coordinators are also responsible for selecting students to volunteer in Teen Court as jury members and attorneys for the prosecution and defense. Each school provides the Master Coordinator with a list of up to 20 students willing to participate on peer juries and six students and two alternates willing to serve as teen attorneys. For each session of Teen Court, one of the nine participating school districts is responsible for providing all youth volunteers.

The inclusion of teen prosecution and defense attorneys is the primary factor distinguishing Teen Court programs from Peer Juries. The teenage attorneys receive formal training and case summaries prior to appearing in court. Also, defense attorneys are allotted a brief meeting with their clients in the court house immediately preceding the hearing.

The Teen Court convenes one evening per month at 6:00 p.m. in the Clearfield County Courthouse. Once proceedings begin it would be difficult to distinguish the process from adult court on any basis but the age of the jury and attorneys. Jury members and the defendant are sworn in, both attorneys are given an opportunity to question, re-address the witness and offer closing arguments to the jury. The presiding judge (either a juvenile court judge or a juvenile court attorney) may also ask questions of the defendant.

When questioning is complete, the jury retires to its chambers and completes the Peer Jury Disposition—a contract specifying the decision of the jury. After receiving his/her disposition, the juvenile and accompanying parent or guardian meet with the Master Coordinator to determine the best agencies for the youth to work with to complete the terms of the disposition.

As of October 1996, Clearfield County Teen Court has heard a total of 191 cases. Of these, 125 juveniles have successfully completed their dispositions and approximately 50 youths are still working towards completion. Only 19 juveniles have been removed from the program for reasons ranging from failure to admit guilt at the time of trial to failure to comply with disposition requirements. In addition, the Master Coordinator routinely polls district magistrates and probation departments to determine if any of the youths who have appeared before teen court have been re-arrested. Based on this survey, Clearfield County reports a recidivism rate of under 6% for Teen Court participants.

▼ **Who should serve on the Peer Jury?**

In the Clearfield County Teen Court and the Erie County Peer Jury programs, the schools have complete authority over which youths are selected to participate as jury members and, in Clearfield County, as teen attorneys.

Northumberland and Blair counties assign schools with initial responsibility for recruiting interested students; however, all potential volunteers are then screened and final selection completed by the juvenile probation department. In Northumberland County the screening process is done through personal interview, while Blair County relies on written essays to select the most qualified candidates.

The counties also differ in methods for assigning students to jury duty. Erie and Blair counties integrate student volunteers from the various participating school districts into a single group for jury selection with Blair County volunteers serving a one year term and Erie County students serving for six months.

Northumberland and Clearfield counties compose a specific jury from each participating school (i.e. in Clearfield County there are nine participating schools, so there are nine peer juries—one from each school). The juries then take turns appearing at court sessions.

▼ **What types of dispositions may the Peer Jury assign?**

The three Peer Jury programs allow the jury members to determine a disposition based on all options available through the juvenile court excluding probation and placement. According to officials, dispositions have included the paying of restitution, curfews, written essays and apologies to victims.

The Clearfield County Teen Court model incorporates a more limited and formal disposition contract to be completed by the jury members. The contract requires the jury to order the offender to serve between five and 40 hours of community service and between two and four jury duties in Teen Court. The jury may require the offender to provide a personal or written apology to the victim and to write an essay on a topic related to the offense committed. The jury may also make other comments and/or recommendations; however, these are enforced at the discretion of the probation department.

Blair, Erie and Clearfield counties include a time limit for completion of the disposition while Northumberland is currently debating the benefits of incorporating this component into its program model.

▼ **What are the best mechanisms for addressing confidentiality concerns?**

All of the programs resoundingly agree on two program strategies critical to maintaining confidentiality for the juvenile offender: jury composition and volunteer training.

First, it must be assured that no juvenile is tried before a jury member (or attorney) with whom he/she is acquainted. In Clearfield and Northumberland counties this task is easily assured since student volunteers for any one session of Teen Court or Peer Jury are drawn from one school district.

The Blair and Erie County programs, both of which mix student volunteers from participating schools, have incorporated other measures to satisfy this confidentiality concern. Erie County has each of the 14 participating school districts provide one student volunteer. When the case of a defendant from a volunteer's home district is heard that jury member must decline participation. In Blair County, participating schools are asked to provide a rotating jury of approximately 24 members. For each case, eight students are drawn to serve on the peer jury with each student selected asked to confirm that he/she does not attend the same school as the defendant and does not have any previous acquaintance with the youth.

The second strategy is volunteer training with each program providing a comprehensive training session for all student volunteers. Training sessions incorporate such components as the history of the juvenile justice system, rules of confidentiality, techniques in questioning and objective decision making.

In addition, at the time of the hearing an oath of confidentiality is administered to every participant and only first names are used throughout all proceedings.

PROSPECTS FOR THE FUTURE

The Peer Jury and Teen Court programs described above incorporate many new and valuable components into the juvenile justice system including the positive application of peer pressure, involvement of community, schools and families, and the opportunity of offending and non-offending youths to learn first-hand how the American judicial process operates.

In Pennsylvania, at least two additional counties have expressed interest in replicating these models with a Peer Jury program pending in Mifflin County and Chester County seeking funds to begin a Teen Court program.

The interest in Peer Juries and Teen Courts, however, reaches far beyond the borders of Pennsylvania. The programs have received the attention and support of the American Bar Association and the American Probation and Parole Association. Indeed, the APPA is currently working to prepare a handbook on all Teen Court and Peer Jury programs operating throughout the nation.

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