

# **Sarpy County Teen Court Information Packet**



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## ***Introduction***

Sarpy County Teen Court is a diversion program for first-time juvenile law violators. It is an option that allows juveniles to go through diversion instead of going to Juvenile or County Court. The Sarpy County Teen Court is administered by the County Attorney's Juvenile Intake Program. Other Teen Courts are administered by Bar Associations, schools, Tribal councils, city prosecutors, probation, and diversion offices, etc.

Teen Court is available to juveniles who are cited for offenses such as shoplifting, criminal mischief, theft, and trespassing. Participation in Teen Court is on a voluntary basis for minors who admit responsibility for the offense and choose to go before their peers to receive the consequences of their actions. The juveniles who successfully complete Teen Court do not have a conviction on their record.

Teen Court is composed of volunteer teenagers from local middle schools and high schools. They serve as jurors, bailiffs and attorneys. Each volunteer is asked for a one-year commitment; however, many volunteers stay for more than one year. Some of the benefits of being a volunteer are the ability to serve their community, improved knowledge of the legal system, a hands-on experience for those interested in careers in law, reference letters for jobs, clubs, and scholarships, and the opportunity to receive Teen Court Scholarships if available.

## ***Establishment***

Teen Court was established in November of 1995. Rosalyn Trumm was the coordinator for the program from November 1995 to March 2003. Before she was the coordinator of the Sarpy County Teen Court she worked as a diversion officer and a probation officer. The idea of having a teen court was first presented by Larry Simodynes because he had seen a news program about Teen Courts and he thought they were an effective to deal with juveniles. At first Rosalyn Trumm did not want to be the coordinator of Teen Court, but Rosalyn changed her mind because she felt that her experience working in county gave her the knowledge to create an effective Teen Court. The funding for Teen Court came from federal grant monies through Comprehensive Community Programs. The funds were dispersed through the Nebraska Attorney General's Office.

## ***Referral Process***

The process of Teen Court starts when Lee Polikov, the County Attorney, refers a file to the juvenile diversion office. Mary Tyner, the director of Juvenile Diversion, reviews the file and if it is appropriate she assigns the file to Teen Court. The file is then reviewed by the Teen Court Coordinator, and if the case is appropriate for Teen Court, a letter is sent to the juvenile offender. The juvenile has 7- 10 days to make an appointment for an interview. The defendant must be accompanied by a parent or guardian to the interview.

### ***Intake Interview***

Appointments last approximately 45 minutes. The interview covers a variety of different topics, which include grades, behavior at school, behavior at home, cigarette/alcohol/drug use, abuse, employment, and special interests/hobbies. The information garnered in the interview is used to decide if the juvenile is appropriate for Teen Court. (Teens who have a serious drug or alcohol problem warranting inpatient or outpatient treatment are not appropriate for Teen Court. Additionally, teens that are seriously depressed or suicidal are not appropriate for our Teen Court. I will not take the chance that a teenager will internalize positive peer pressure in a negative way and become more depressed or suicidal.)

The Teen Court process is explained to the juvenile and they are given a sheet titled "Instructions for Defendants", which details the expectations of Teen Court. A copy of the sheet is attached.

If juveniles choose to go to Teen Court, they must sign a Waiver of a Speedy Trial to eliminate any legal issues related to the 6<sup>th</sup> Amendment in the event the juvenile fails to complete the conditions required of him/her or is cited for another law violation.

### ***Hearing Procedure***

The Sarpy County Teen Court uses a procedure that is similar to that of County Court; however, Teen Court does not determine guilt or innocence. The function of Teen Court is to determine what consequences are appropriate for each individual.

The Teen Court uses an adult judge model. An adult judge (an attorney from the Bar Association) presides over the hearing, and his/her role is to keep the hearing flowing smoothly. The judge has no impact on the sentence given to the defendant. The rest of the courtroom consists of teen volunteers in the roles of jurors, bailiffs, and attorney. The prosecuting and defense attorneys work in pairs.

Please see the sheet titled "Teen Court Procedure" for a detailed script of the hearing.

### ***Sentencing***

Teen jurors are encouraged to be creative when they sentence defendants. They are allowed to come up with unique consequences as long as the consequences are appropriate and can be completed within 90 days.

The teens must require two conditions when they render their verdict. The defendant is required to pay the mandatory Teen Court cost of \$75 and to be on the Teen Court jury at least one time. There are two other limitations that the teens must follow. The first limitation is that

the maximum number of times a defendant can be a juror is 4 times. The second limitation is that if community service is given there is a minimum of 10 hours and a maximum of 60 hours.

The teens do have a variety of consequences available to them, including community service, jury duty, apology letters, written papers, jail tours, observing adult court in session, restitution, raise grades, a variety of educational classes that deal with issues like alcohol use, tobacco use, and responsible decision-making). Please see the sheet titled "Sentencing Options" to see a detailed listing of potential consequences.

Defendants have 90 days to complete the conditions required by the jury. Community service hours are handled by the Community Service Office in the courthouse and information on structured programs, such as jail tours, alcohol education classes, etc, are mailed by our office to the defendant. Signing up for the various programs is the defendant's responsibility. Defendants are not reminded to complete the conditions or reminded of their deadline date. During the initial interview they are advised that it is their responsibility to remember and turn the completed conditions in on time to avoid having the charges filed in court.

### ***Volunteer Training***

Teens who are interested in volunteering at Teen Court are required to fill out an application form. The form serves three basic purposes. The first page asks for basic information about the new volunteer. It also requires the volunteer and the parent to sign a statement acknowledging the duties of a volunteer. The second page is the "Teen Court General Release/Agreement." The final page is consent to disclose/photograph the volunteer.

New volunteers receive training before they are allowed to serve on the jury. Training is completed in one session that lasts for three hours. The training familiarizes new volunteers with the procedures and protocols of Teen Court. The training also teaches volunteers how to create effective sentences, which punish the defendant for the crime they committed, deter future criminal activity, connect the defendant with the community, and help the defendant grow as an individual.

### ***Attorney Training***

Teen volunteers who are interested in becoming attorneys must attend three classes and each session lasts two hours. Session 1 covers how to write opening/closing statements and how to write sentence recommendations. Session 2 teaches volunteers how to be prosecuting attorneys. Session 3 instructs volunteers how to be defense attorneys. The training focuses on a mixture of lecture and activities. A variety of different activities are used to help familiarize volunteers with being attorneys. The activities also help them feel more comfortable when they are attorneys for the first time.

## ***Reasons for Having Teen Courts***

When teen offenders have their peers determine the consequences for their first offense, they are less likely to break the law again. The recidivism rate for our Teen Court varies between 7% and 8%. If the same offenders were handled in the legal system by adults, the recidivism rate would be 30% to 35%. My experience is that these youth offenders not only learn their lesson but grow as people. Letters from offenders and their parents support this.

### **Letters written by offenders:**

“Thank you for having Teen Court. My punishment was fair. I took it better coming from people who have been through similar situations. I can promise you that you will not see me back. I will stay the child my parents are working hard to raise me to be.”

“Right now I am completing the final hour of my 75 hours of community service. During the time at the Thomas Fitzgerald’s Veterans’ Home, I have met a lot of new people and helped a lot of people. And just because I am done with the required hours, I plan to keep coming back to help out. Who knows, maybe in the future I may even get a job here. The reason I am telling you this is because I want to say thank you to they Sarpy County Teen Court system for giving me these hours, otherwise I would never have met all of my new friends and would never feel as good about myself as I do now.”

### **Letters written by parents of offenders:**

“I would like to express my thanks to the Teen Court program and everyone involved. It has not only helped my daughter, but has opened my eyes as a parent to a lot of her needs.”

“Rosalyn, thank you for your help. I think it did a lot of good. I think your program is excellent. Keep up the good work and thank you!”

“My husband, John, and I would like to say thank you for allowing Bob the privilege to go to the Sarpy County Teen Court. It has been quite a learning experience for all of us. Bob has benefited the most and it the first to say so. He has even shared his experience with a select few of his peers and teachers at school. Thank you again!”

**INSTRUCTIONS FOR DEFENDANTS**

Participation is voluntary and requires you admit to the charge with your parent/guardian acknowledging this. You have the option of going through the traditional legal system.

1. **BE ON TIME FOR THE HEARING. ONE PARENT MUST ACCOMPANY YOU.**
2. **DRESS NEATLY.** Clean school clothes are acceptable. NO gum, hats, shorts or torn/sagging jeans.
3. **At the courtroom, check in.** You will meet your defense attorneys for your pretrial interview.
4. You will be told when it is time to go into the courtroom where you will be seated at the defense table. You and your attorneys will present your case and the teen jury will decide your consequences.
5. **If you know any of the teen volunteers, advise the court or tell your attorneys.**
6. You will be called to the witness stand, sworn in, and questioned. **DO NOT volunteer where you attend school, your address, your phone number, or the last names of other teens who were involved in the incident with you.** Parents may also be called to the witness stand if helpful and they agree.
7. Teens involved in the same incident may have different consequences.
8. **If all the Teen Court conditions are completed you will NOT have a conviction on your record.** You have **3 months** to complete the conditions. Failure to complete the conditions will result in your file being sent to the County Attorney who will prosecute the charge in court.
9. You are welcome to bring an adult reference person on your behalf.
10. **Any additional charges will make you ineligible for teen court.**
11. **You will NOT be reminded about the Teen Court date.** If you fail to appear at your court hearing, your file will be sent to the County Attorney who will prosecute the charge in court.
12. Approximately 85% of defendants are required to do community service. Community Service is handled by the Community Service Office; therefore you will be charged a cost of \$10.00.

**YOU HAVE THE RIGHT TO CONSULT AN ATTORNEY ABOUT GOING TO TEEN COURT.**

**Any problems, contact juvenile diversion services at 593-2207.**

INTERVIEW DATE \_\_\_\_\_  
NAME OF MINOR \_\_\_\_\_

\_\_\_\_\_  
DIVERSION OFFICER PARENT/GUARDIAN

COURT HEARING ON \_\_\_\_\_ AT \_\_\_\_\_

## **TEEN COURT PROCEDURE**

JUDGE: BEFORE DEFENDANT ENTERS COURTROOM, REMIND VOLUNTEERS TO SIT UP STRAIGHT AND BE ATTENTIVE. (NO GUM, NO LAUGHING, ETC.)

COURT IS READY TO BEGIN WHEN ATTORNEYS AND DEFENDANT WITH PARENTS ENTER THE COURTROOM AND ARE SEATED.

JUDGE: TELL BAILIFF TO CALL THE COURT TO ORDER.

BAILIFF: "EVERYONE PLEASE RISE. THE SARPY COUNTY TEEN COURT IS NOW IN SESSION.  
IS PRESIDING." (STATE NAME OF JUDGE)

JUDGE: WELCOME EVERYONE AND THANK THEM FOR THEIR PARTICIPATION ON BEHALF OF TEEN COURT.

"THE BUSINESS OF TEEN COURT IS SERIOUS, THE DEFENDANT HAS VIOLATED A LAW OF THE STATE OF NEBRASKA. AND HAS VOLUNTARILY CHOSEN TO COME BEFORE THE COURT TO HAVE A JURY OF PEERS DECIDE WHAT CONSEQUENCES ARE APPROPRIATE."

"THE PROCEEDINGS SHOULD BEGIN WITH ATTENTION AND RESPECT FOR THE DEFENDANT AND HIS/HER PARENTS. I ASK THAT EVERYONE REMAIN QUIET DURING THE HEARING."

JUDGE: REMIND EVERYONE THEY HAVE SIGNED THE OATH OF CONFIDENTIALITY, EXPLAINING THAT INFORMATION OBTAINED IN COURT CANNOT BE DIVULGED BY WORD OR ACTION.

JUDGE: HAVE BAILIFF ANNOUNCE THE CASE NAME. STATE OF NEBRASKA VS. \_\_\_\_\_.

JUDGE: DETERMINES THE DEFENDANT IS PRESENT. ASK DEFENDANT TO IDENTIFY PARENT(S)/GUARDIAN(S) BY NAME.

JUDGE: IDENTIFY THE COMMUNITY SERVICE OFFICER SITTING IN THE COURTROOM. TELL DEFENDANT THAT THEY WILL BE MEETING WITH THE OFFICER AFTER THE HEARING IF THEY RECEIVE COMMUNITY SERVICE HOURS.

JUDGE: ASK OTHER ADULTS IN THE COURTROOM TO STAND AND IDENTIFY THEMSELVES. ASK DEFENDANT IF IT IS OKAY IF THE ADULT(S) REMAIN IN THE COURTROOM.

JUDGE: ASK DEFENDANT IF HE/SHE PERSONALLY KNOWS ANY OF THE TEENS SERVING AS ATTORNEYS, JURORS, OR BAILIFF. (IF THE ANSWER IS YES, PLEASE ASK THE VOLUNTEER TO LEAVE THE COURTROOM.)

BAILIFF SWEARS IN THE JURY, ASKING THE JURORS TO STAND AND RAISE THEIR RIGHT HAND.

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT YOU WILL BE IMPARTIAL IN YOUR JUDGMENT OF THE DEFENDANT?"

JUDGE: ASK ATTORNEYS TO STAND AND MAKE AN APPEARANCE.

OPENING STATEMENTS BY ATTORNEYS (STARTING WITH THE PROSECUTION).

JUDGE: ASK PROSECUTION TO CALL THEIR FIRST WITNESS (THE DEFENDANT) TO THE WITNESS STAND.

BAILIFF SWEARS IN DEFENDANT. "PLEASE RAISE YOUR RIGHT HAND." "DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH", AND TELLS DEFENDANT "PLEASE BE SEATED."

PROSECUTING ATTORNEY EXAMINES THE DEFENDANT. ASKS DEFENDANT TO STATE HIS/HER NAME AND AGE AND QUESTIONS DEFENDANT ABOUT THE DETAILS OF THE CHARGE. WHEN DONE STATES, "NO FURTHER QUESTIONS".

DEFENSE ATTORNEY EXAMINES THE DEFENDANT. ASKS QUESTIONS THAT PROVIDE FAVORABLE INFORMATION ABOUT THE DEFENDANT. WHEN DONE, DEFENSE STATES, "NO FURTHER QUESTIONS".

PROSECUTION CROSS-EXAMINES DEFENDANT. AT CONCLUSION STATES, "PROSECUTION RESTS".

DEFENSE CROSS-EXAMINES DEFENDANT. AT CONCLUSION STATES, "DEFENSE RESTS".

JUDGE: ALLOW EACH JUROR TO ASK THE DEFENDANT ONE QUESTION.

JUDGE: ASK PROSECUTION IF THERE ARE OTHER WITNESSES. IF YES, HAVE ATTORNEY CALL WITNESS TO THE STAND. BAILIFF SWEARS IN WITNESS. THEN REPEAT PROCEEDURE FOR DEFENSE.

ATTORNEYS MAKE CLOSING STATEMENTS.

JUDGE: REMIND JURY TO REACH A UNANIMOUS DECISION FOR EACH OF THE CONDITIONS REQUIRED. INSTRUCT BAILIFF TO GIVE THE VERDICT FORM TO THE FOREPERSON.

BAILIFF ESCORTS JURY TO JURY ROOM WHERE THEY WILL DELIBERATE AND FILL IN THE SENTENCING FORM.

JUDGE: INSTRUCT THE BAILIFF TO NOTIFY THE ATTORNEYS FOR THE NEXT HEARING THAT IT IS TIME TO START.

JURY RETURNS TO THE COURTROOM AS DIRECTED BY THE BAILIFF. JURORS RETURN TO THEIR ORIGINAL SEATS. UPON ENTERING THE COURTROOM, FOREPERSON TAKES THE SENTENCING FORM TO THE JUDGE.

JUDGE ASKS THE JURY IF THEY REACHED A VERDICT.

JUDGE INSTRUCTS DEFENDANT AND HIS DEFENSE ATTORNEYS TO STAND FOR READING OF VERDICT.

JURY FOREPERSON READS THE DECISION OF THE JURY.

JUDGE ASKS WHETHER DEFENDANT ACCEPTS VERDICT AND IF HIS/HER PARENTS SUPPORT VERDICT. DEFENDANT IS INSTRUCTED TO TAKE AGREEMENT FO DIVERSION OFFICER TO COMPLETE THE PAPERWORK. COURT IS DISMISSED. HAVE JURY REMAIN IN COURT UNTIL DEFENDAND/PARENTS HAVE EXITED COURTROOM.

IF DEFENDANT IS DISSATISFIED WITH VERDICT, CASE IS REFERRED TO COUNTY ATTORNEY FOR PROSECUTION IN FORMAL COURT.

## **SENTENCING OPTIONS**

- Community Service (10 to 60 hours)
- Jury Duty (1 to 4 times)
- Letter of Apology (to victim, store, parents, police officers, self, etc.)
- Jail Tour
- Observe County Court #4
- Essay
- Alcohol Education
- AA Meetings
- Abstain from the use of Alcohol or Controlled Substances
- UA or Breath Test \*\*\*
- Victim Impact Panel
- Step Forward Program
- Gun Safety Course
- Show Proof that Civil Fee has been Paid
- Restitution
- Get a Job
- Go Back to School (or enroll in GED program)
- Raise Grades
- Join an Extracurricular Activity
- Give Previously Stolen Merchandise to Charity

### **15 POTENTIAL PAPER TOPICS**

1. Write a short story for your sibling about what you did, the consequences, and why you will never do it again.
2. Select a person who you think is a good role model. Explain what characteristics make them a good role model.
3. What would have prevented you from shoplifting? How can stores prevent shoplifting?
4. List 10 chemicals found in cigarettes and explain their effect on the body.
5. Explain how alcohol affects the body.
6. Find 5 articles about accidents due to driving and alcohol. Write a paper about how the accidents could have been prevented. OR Write a paper about how you felt after you read each of the stories.
7. How would you feel if someone broke into your room and stole your clothes, stole your CDs, broke your stereo, etc.
8. How would you feel if someone broke all the windows in your house?
9. Interview a loss prevention officer and write a paper about how stores are affected by shoplifting.
10. List 50 things you could have been doing instead of shoplifting, criminal mischief, drinking, etc.
11. List 10 ways to say no to a friend who is asking you to do something illegal.
12. List 7 qualities of a good friend. Do your friends meet these qualities?
13. Name 5 diseases related to smoking cigarettes and how they affect the body.
14. Research the sentencing guidelines for adults who shoplift, commit criminal mischief, etc.
15. Write a paper about why society has laws. OR write a paper about what society would be like if we did not have any laws?

**VOLUNTEER APPLICATION FORM**

CONFIDENTIAL INFORMATION

NAME \_\_\_\_\_ DOB \_\_\_\_\_ AGE \_\_\_\_\_ SEX \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

SCHOOL \_\_\_\_\_ GRADE \_\_\_\_\_ YEAR TO GRADUATE \_\_\_\_\_

TEACHER REFERENCE \_\_\_\_\_ PHONE \_\_\_\_\_

EXTRACURRICULAR ACTIVITIES \_\_\_\_\_

I understand I may be called upon at any time to serve on Teen Court. I will take my responsibility seriously and will maintain confidentiality regarding all Teen Court proceedings. I understand I will be removed from the Teen Court Program if I neglect my responsibility or breach the oath of confidentiality.

\_\_\_\_\_  
VOLUNTEER SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PARENT

\_\_\_\_\_  
DATE

MANDATORY TRAINING ON \_\_\_\_\_ AT THE SARPY COUNTY COURTHOUSE,  
1210 GOLDEN GATE DR. PAPHILLION.

WERE YOU REFERRED BY OR KNOW ANY TEEN VOLUNTEERS? \_\_\_\_\_ WHO? \_\_\_\_\_

WHY I WANT TO BE A VOLUNTEER \_\_\_\_\_

\_\_\_\_\_

QUESTIONS ??? CALL Nicole Allison AT 593-2207, OR E-MAIL [teencourt@sarpy.com](mailto:teencourt@sarpy.com)

**TEEN COURT GENERAL RELEASE/AGREEMENT**

By signature below, I affirm, as do my parents/guardians with the seal of a notary public, that I understand and agree to the following conditions and responsibilities required to participate in the Sarpy county teen court.

Members must exhibit behavior compatible with teen court’s purpose of promoting law abiding behavior.

Members must agree to a one year commitment and will give sufficient notification when unable to attend.

Will be a positive influence within the community and at school.

Participation may be revoked for violation of confidentiality or of the philosophy and expectations of teen court.

It is further agreed that the undersigned do hereby compromise and forever release, acquit, discharge, indemnify and covenant to hold harmless, the teen court facilitator, city and county of Sarpy and Papillion, Nebraska, its employees and officials, and teen court of Sarpy county from any and all causes of action, claims, liability, demands, damages, costs, loss of service, medical expense and compensation, on account of or in any way growing out of any and all known and unknown personal injuries, property damage, or any other type of damage, which the undersigned may hereinafter have, individually and/or as parent/guardian or custodian of said minor, resulting or growing out of the participation of the youth in Sarpy county teen court.

\_\_\_\_\_  
PARENT/GUARDIAN

\_\_\_\_\_  
TEEN COURT VOLUNTEER

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 200\_.

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 200\_.

NOTARY PUBLIC \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**CONSENT TO DISCLOSE / PHOTOGRAPH**

I, the undersigned, hereby give permission for my name and / or photograph to be used for publicity or as news value relating to the Sarpy County Teen Court.

Participant \_\_\_\_\_

\_\_\_\_\_

Date

We, the undersigned, give consent for the name or photograph of our son / daughter to be used in connection with the Sarpy County Teen Court.

Parents / guardians \_\_\_\_\_

\_\_\_\_\_

Date