

Letter from Former Defendant

Dear Teen Court,

Right now I am completing the final hour of my 75 hours of Community Service sentence. During this time at Thomas Fitzgerald Veteran's 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 Sarpy County Court System and to you for giving me these hours, otherwise I would have never met all my friends and would never feel as good about myself as I do now. Helping the elderly can be very rewarding in its own way.

Introduction

Teen Court is an innovative approach to dealing with young people who have their first misdemeanor contact with the juvenile justice system. Teens that go through Teen Court for their first law violation are less likely to break the law again. The experience also exposes them to the legal system through direct participation and decision-making.

The primary purposes of Teen Court are to discourage criminal activity through positive peer pressure and to encourage youths to respect and abide by the law.

Teen Court usually handles offenses such as shoplifting, theft, criminal mischief, disturbing the peace, and occasionally minors in the possession of alcohol and driving privilege violations. The Teen Court coordinator determines whether a referral to Teen Court is appropriate. Teenagers who have a problem with drugs and/or alcohol, are associated with a gang, or have mental health issues are not allowed to go to Teen Court.

Teen Court is available to teens who:

1. Voluntarily choose Teen Court rather than 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 14 to 17 years of age (18 if still in school).
2. Must agree to serve for one year. May serve longer if desired.
3. Must attend training and know the information in the training manual.
4. 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.
5. Must sign the oath of confidentiality for every teen court. This serves as a reminder to keep the oath and as a record for keeping track of volunteer hours.
6. Must attend scheduled hearings. The coordinator must be informed in advance if you are unable to attend.
7. Will advise the court when there is a conflict of interest because the defendant is a friend or acquaintance.
8. Will demonstrate the ability to treat defendants and their families with respect, with objectivity, and without prejudice.
9. Will participate with the other court members in determining fair consequences for each defendant. Must have the ability to communicate with other court members.
10. Will maintain standards of conduct consistent with the expectations of the justice system. Will obey all laws and school rules. Will behave as role models both in and out of the courtroom.
11. Shall abide by the Dress Code and the Code of Conduct at all times.

Volunteers will be removed if they cannot abide by the conditions listed above.

Teen Court Code of Conduct

1. All volunteers shall act in a mature and professional manner. Volunteers who are unable to purport themselves in a mature and professional manner will be dismissed as volunteers.
2. Jurors will be respectful of defendants and their parents at all times. Laughing, smiling and/or talking in the courtroom will not be tolerated.
3. All volunteers must follow the dress code. Repeated violations of the dress code will lead to dismissal as a Teen Court volunteer.
4. Sexual harassment will not be tolerated. Volunteers who engage in sexual harassment will be dismissed as volunteers.
5. Volunteers will treat the Teen Court staff, other volunteers, required jurors, and defendants and their families with the utmost respect.
6. Volunteers shall not make fun of other volunteers, required jurors, or defendants.
7. Juror shall not play with the sugar, magazines, or any other articles in the jury room. Those items are meant to be used by adult jurors.
8. No running, skipping, or dancing in the hallway.
9. Volunteers will respect the Oath of Confidentiality. Violating the Oath of Confidentiality is grounds for dismissing a volunteer.
10. 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.
11. Threatening or intimidating any Teen Court participant will not be tolerated. Volunteers will be removed for threatening or intimidating any Teen Court participant.
12. If a volunteer is cited for a law violation (other than a minor traffic ticket), they will be asked to leave Teen Court until they are finished with the legal system.
13. All volunteers shall abide by the attendance policy. Volunteers will be dismissed from Teen Court if they “no show” two consecutive times. A “no show” is defined as failing to give notice that you will not be at Teen Court, telling a friend to tell the Teen Court Coordinator/Assistant that you will not be at Teen Court, or failing to give notice that you will not be at Teen Court

prior to 12pm on the Monday before court. Further, if a volunteer accumulates 4 or more “no shows” they will be dismissed from Teen Court.

Teen Court Dress Code

- ◆ Clean school clothes are appropriate.
- ◆ Coats and jackets are not allowed in the courtroom.
- ◆ T-shirts must be tucked in.
- ◆ No torn or sagging jeans allowed.
- ◆ No shorts allowed.
- ◆ No sweatpants or hooded sweatshirts allowed.
- ◆ No short skirts allowed.
- ◆ No spaghetti strap tank tops allowed.
- ◆ No crop tops allowed.

If your attire violates the Dress Code, you will not be allowed to participate that night and you will be sent home. Repeated violation of the Dress Code will lead to dismissal as a Teen Court volunteer.

Regular Jury Member versus Jury Pool Member

- ◆ Regular Jury members come to every Teen Court. They do not get notices to come for jury duty. They do receive notices for attorney duty.
- ◆ Jury Pool members come when they receive a jury notice or an attorney notice. They do not attend every Teen Court.
- ◆ All volunteers start out as members of the jury pool. Some volunteers become regular jury members when spaces are available.
- ◆ Jury Pool notices are sent via e-mail or regular mail. Volunteers are responsible for checking to see if they have received notification of jury duty.
- ◆ Volunteers can check the Teen Court website to see if they are on the schedule. The address is www.sarpy.com/teencourt.
- ◆ Jury Pool members should not come to Teen Court on days that they are not scheduled.
- ◆ If there is bad weather on Teen Court day, call voice mail to see if we are still having Teen Court. If Teen Court is cancelled and the weather clears up, Teen Court will still be cancelled.

Courtroom Etiquette

Stand when:

- Court is called to order. (Everyone)
- The jury leaves the room. (Everyone)
- The oath is administered to the jury. (Jury only)
- Giving the opening and closing statements. (Attorneys only)
- The verdict is read. (Defense Attorney and Foreperson)

Addressing the Court:

- Always address the judge as “Your Honor.” Ex. “Your Honor, the defense has no further questions.” Or “The prosecution rests, Your Honor.”
- The jury should always be addressed as “the members of the jury,” “jury members,” or “ladies and gentlemen of the jury.” They should NEVER be addressed as “you guys” etc.

Courtroom Protocol

The Judge

The judge presides over the hearing like a referee:

1. To insure 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 v. Jane Doe.
3. Assists during the hearing as requested by the judge.
4. Swears in the jury, defendant, and any other witnesses after directing them to stand and raise their right hand.
5. Escorts the jury to and from the jury room at the appropriate time. (Instructs the jury to return to their original seats.)
6. Makes sure all the paperwork is taken out of the jury room and returned to the table in the hall when Teen Court is over.

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. Maintains order in the jury room.
3. Requires each juror to state his/her view about the sentence and WHY the juror has that view.
4. 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.
5. Write the sentence on the Teen Court contract. Do not write on the contract until everyone has agreed on all the requirements. The writing on the contract should be neat and easy to read.
6. Communicates with the judge in the following situations:
 - There is a hung jury.
 - The jury feels that the defendant is not appropriate for Teen Court.

Helpful Hints

- ◆ Use the form in the Foreperson folder to write down the sentence recommendations made by attorneys. The form can also be used to write down a tentative sentence while the jury is deliberating.
- ◆ Try to talk about one sentence recommendation at a time.
- ◆ Do not allow jurors to interrupt each other. If someone is interrupting another juror, gently ask them to wait to talk until the other person has finished talking.
- ◆ Name calling, teasing, and yelling are not allowed in the jury room. If a juror is calling other names, teasing other jurors, or yelling, gently suggest that they stop that behavior. If they do not stop, please notify Michelle.

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, talk with other juror, and giggle or laugh.

Information

1. A minimum of 5 jurors per hearing with a maximum of 12 jurors.
2. Prior defendants may be volunteer jurors regardless of their age once they have completed all their requirements.
3. No more than 4 former defendants are allowed on a jury.
4. The jury does not decide guilt or innocence. It only decides the consequences.
5. Listen carefully to all the evidence presented and all witnesses in an effort to determine an appropriate sentence.
6. Each juror may ask one question of the defendant.

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 knocked over an elderly gentleman while fleeing from Loss Prevention.
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.

There are some restrictions on the number of hours a defendant can serve and the number of times a defendant can serve on the jury. Defendant can be sentenced to a minimum of 10 hours of community service and a maximum of 60 hours. All defendants must serve on jury at least one time but they can sit in on two, three, or four hearings.

Sentences should not include any requirements for the defendant’s parents. Some examples of inappropriate conditions are counseling or parenting classes. The defendant should not be required to attend counseling because it is expensive and we do not know if they have the means to pay for it.

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 punish 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
- Jury Duty (1 – 4 times)
- Letter of Apology (victim, store, police officer, family, and/or self)
- Restitution if property damage or medical injury is sustained by the victim. Restitution does not apply to shoplifting charges.
- Show proof that any civil fees have been paid in cases of shoplifting.
- Research or reflection paper.
- Get a job and provide pay stubs.
- Abstain from drugs, alcohol, and other controlled substances.
- Tour the Sarpy County Jail
- Enroll in school or a GED and provide Teen Court with report cards.
- Raise grades.
- Join an extracurricular activity or a youth program.
- Observe sentencing for adults in County Court #4 any Friday from 9am to 11am.
- Attend:
 - Step Forward Program – how to make better decisions
 - Character Counts program - on trustworthiness, respect, responsibility, fairness, caring, and citizenship
 - Alcohol Education
 - Tobacco Education
- Any other conditions that jurors feel are appropriate.

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: baby-sitting, 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? Was the offender threatened with harm if they did not break the law?
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.)?
Was the victim damaged physically, psychologically, emotionally, or financially?
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. Ex: The defendant knocked down three people while fleeing from loss prevention.

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. Interview any witnesses for the state.
4. Write your opening statement.

5. Write a tentative closing statement. The closing statement can be changed to include information brought out during the trial. A possible 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.
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. Present witnesses or written statements from the victim(s).
5. Make your closing statement with sentencing recommendations.

Opening statement: The opening statement is a brief summary of the facts of the case (2to 3 sentences). The facts include the date of the offense, the location, the nature of the offense, the damage done to property, the cost of any damage, the items stolen, and the total cost of stolen items. If more than one person was involved, state the defendant's share of the cost or damage. 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 prove that this was a deliberate act of vandalism and not just an accident.

Direct Questioning: Primarily ask questions about the law violation. Do not ask about school, grades, or punishment at home. Do not be afraid to question inconsistent testimony that differs from the police report. Feel free to quote from the police report when asking about inconsistencies.

Sample questions

- Please state your name and age.
- 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?
- Have you ever been arrested before?
- How many times have you shoplifted before and not been caught?
- Have you ever stolen from friends, family, or school?
- Were you under the influence of drugs or alcohol when you committed the offense? Have you ever used drugs? Drank alcohol? What type(s)? How much was used/consumed? How often?
Under what circumstance?

**Teen Court is comparable to the sentencing hearing in adult court. So, questions can be asked about alcohol / drug use, prior law violations, etc. If the defendant has a “habit” of breaking the law the sentence should be stronger than if this is the first time the defendant has broken a law. As a prosecutor you can recommend that the defendant abstain from the use of drugs, alcohol, and tobacco.

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, call in sick a lot, and not show up at work without giving notice.

3. Home- sneak out, fight with siblings, back talk to 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. It is possible that the prosecution may not have any questions.

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 committed a crime. Many people would consider shoplifting a minor crime, but it is still a crime. When asked, convicted criminals say that they started out with petty crimes such as this. We don't want this to happen to Ted. It is up to the jury to decide on a punishment that will cause Ted to reflect back on this day and deter him from making similar mistakes in the future.

How would you feel if someone came into your house and smashed all your lights? The defendant is here today not just because he was goofing off in the locker room but because he damaged several light fixtures and lockers by smashing them with a paddle. He broke the law not once but several times. The defendant is very young and needs to realize that this behavior is not the "IN THING" to do.

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.

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 paid the civil fee and has already written an apology letter to the victim.)
4. Instruct the defendant in courtroom etiquette. Tell the defendant to sit up straight, answer question with "yes" or "no," etc.

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. (Use the interview rooms if they are available. If they are not available interview the defendant away from the other people in the hall.) This is the most important step in preparing for trial. The defendant needs to tell you his/her side of the story. Remember you represent the defendant and his/her interests. **If two or more siblings are at court for an offense, interview your sibling away from the other(s). Each sibling will have his/her own attorney.
3. Interview any character witnesses.
4. If it will be beneficial, ask the parents if they would like to testify. You should only ask parents to testify when they have something positive to add to the hearing. Example: The defendant's parent can explain the harshness of the punishment better than the defendant. After the defendant testifies, look back at their parents to see if they have anything to add. WARNING:

Do NOT call parents who only have negative things to say about their child. Teen Court is not a forum for parents to berate their child. Also if the defendant does not want certain information (such as a learning disability or attention deficit disorder) to come out, do NOT put the parents on the stand unless you are absolutely positive they will not bring it up.

5. Write out a brief opening statement.
6. 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 roll and active in school activities.

Example: Peer Pressure! We have all experienced this demon in some way, shape or form. 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 your own mistakes in mind as you hear the case.

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

- The Incident- Do NOT ask the same questions asked by the prosecution. Your approach is different than the prosecution's approach. Some examples: Did you plan to break the law? Did you cooperate with the police? Respectful to the police? What did you learn for this? Consequences at home? Consequences at store? etc.
- 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 be spontaneous and it should highlight the defendant's good qualities.

Examples of Closing Statements

Jill paid the store almost \$100.00 for the stolen goods. On her own she also wrote the store asking for her job back and apologizing for her wrongdoings. She feels that stealing is completely out of character. She is a responsible teenager who is active in school and church. So I recommend

As you have heard Emily is normally a responsible person, an honor student, and a child that does not cause problems for her parents. She realizes her mistakes and the bad example she set for her younger siblings and is trying to regain their trust and the trust of her parents. She is making positive changes in her life, so the defense recommends

Questions

Presume nothing!! Question everything!! We do not know anything about the offender simply by their looks, dress, etc. We only get the truth by asking questions. Ex. By looking at an offender, we do not know if they have stolen before. We only know by asking them.

It is expected that each attorney will develop his/her own style of questioning. The only rule to remember is to keep your questions brief and to the point.

Open ended questions that ask for specific questions should be asked. Questions that begin with words like “who, what, where, when, how, and why” are usually the best. Leading questions are not allowed. Leading questions suggest the answer. Ex. “Isn’t it true that John Doe broke your windshield on June 30th.”

There are some questions to avoid. Do not ask where the defendant works, goes to school, or lives. Do not ask if the defendant could have asked their parents for money because parents may feel responsible for their child’s theft.

Recommendation Letters and Scholarship Criteria

The Teen Court Coordinator is happy to write recommendation letters for scholarships, colleges/universities, jobs, etc. Letters are written for volunteers who have been involved with Teen Court for at least six months.

The Teen Court Non-Profit Corporation awards scholarships to graduating seniors who meet certain criteria.

Scholarship Criteria

1. Good Attendance- (Proper advance notice when cannot attend. Calling the afternoon of the hearing is not sufficient unless ill.)
2. Length of Involvement
3. Quality of preparation
4. Level of Commitment
5. Personal Presentation- (Appropriate attire, behavior, and level of professionalism both in the courtroom and in the hall.)
6. New Recruits (Teens you have encouraged to volunteer for Teen Court.)