

# Ashland County Teen Court

2016

Ashland County Courthouse

A Collaborative Project Between



Ashland County Circuit Court

ASHLAND COUNTY  
Office of the District Attorney



ASHLAND COUNTY  
**Law Enforcement**

ASHLAND COUNTY  
**Department of Health & Human  
Services**

*This Teen Court Training Manual Prepared with documents by Nancy Anne Livingston of Vilas County and Ian Meeker of Bayfield County (2004) updated and adapted by Doug Liphart, Ashland County UW-Extension (2006).*

Ashland County UW-Extension. University of Wisconsin, U.S Department of Agriculture and Wisconsin counties cooperating. An Equal Opportunity/Affirmative Action employer, the University of Wisconsin-Extension provides equal opportunities in employment and programming including ADA and Title IX requirements



## OVERVIEW OF THE ASHLAND COUNTY TEEN COURT

The Ashland County Teen Court was conceived of in a meeting held in the Spring of 2005. Preparations to implement a Teen Court in Ashland County began in April of 2006. The Ashland County Teen Court heard its first case in June of 2007 and has heard cases monthly since then. The first Teen Court program in Wisconsin was started in 1996 in Winnebago County. Teen Court offers youth ages 11-16 who commit first-time misdemeanor violations an alternative to Juvenile Court. If elected as an option, offenders appear before a panel of their peers and receive their sentence (or sanctions) from those peers. It provides creative sanctions based on the concept of restorative justice and positive peer pressure with community based consequences. It also offers community youth on the Teen Court panel a chance to be engaged in our justice system and community governance. Currently over 43 Teen Courts hear cases throughout the state. A 2005 study of 16 Wisconsin Teen Courts found the average recidivism rate for those Teen Courts in 2005 was 5.4% (based on the Wisconsin Teen Court Association gathering of state statistics). The successful Teen Court process completion rate for Teen Court defendants for the same time period was 92.6% according to the same statistical data.

Teen Court meets once a month (6pm; briefing at 5:30pm) in the third floor county courtroom (302) to hear cases where first time juvenile offenders have already admitted to their crime in front of the Judge, and have elected to participate after the Judge has endorsed the Teen Court option for them. The respondent/defendant must appear before the Teen Court with his or her parents.

The Teen Court asks clarifying questions of both the youth and the parent in order to get a better understanding not only of the crime, but how the youth functions at home and in their community. After hearing the case, the Teen Court deliberates in private to create a sequence of logical consequences for the defendant. The Teen Court panelists have been encouraged "to think out of the box" and create Teen Court sentences that provide innovative, yet educational options for the defendants. The focus of the Teen Court is primarily based on restorative, rather than, punitive justice. The respondents have 3 months to complete sanctions unless they petition the Teen Court for additional days. Respondents must appear before the Teen Court with proof of compliance, whereupon the Teen Court will give a discharge at

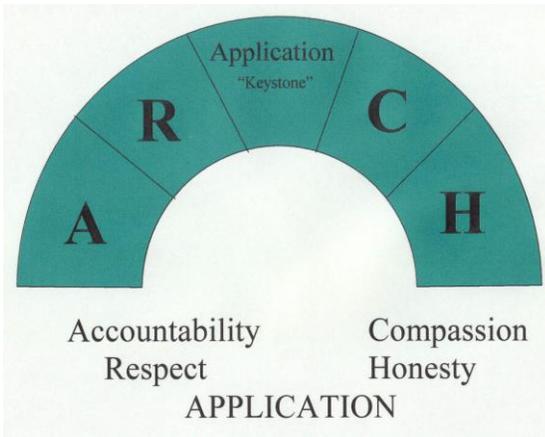
the time of the appearance. Failure to comply will result in the respondent's file being returned to the Circuit Court which will send a letter requiring them to appear before the Circuit Court, or the file will be returned to the Health and Human Services Department intake or the Ashland County District Attorney's office as appropriate.

When the terms of the Teen Court sentence have been successfully completed, the offender will have the conviction removed from their record. For the offender and the community, Teen Court can truly be a second chance for youth that have made a poor decision.

Teen Court panelists receive training and case support from Doug Liphart, UW Extension 4-H and Youth Development Educator, Ashland County Health and Human Services, and the DA's office. They also meet annually with the District Attorney and Circuit Court Judge to review their role in the legal system. All panelists take an oath of confidentiality before serving on the Teen Court. Panelists are selected through an open application process by a group of their peers and selected adults who are approved by the advisory committee prior to serving on the Teen Court. The Panel will be made up of two or three 9<sup>th</sup> -12<sup>th</sup> grade representatives of each school district in the county. Between four and ten panelists will sit for each hearing.

Overall, the feedback from the parents of the defendants has been very positive and encouraging. The Teen Court panelists benefit, as well, by having the opportunity to practice and hone their leadership skills in a judicial setting.

# Ashland County Teen Court Commitment



**Accountability:** Show up on time and communicate when you can't attend

**Respect:** For the defendant, their parents and anyone associated with the offense.

**Compassion:** For the victims, the defendant and his family and everyone the crime has effected. The objectives in the deferred agreement shows compassion by creating an agreement that makes sense, fits the crime and will create active reflection

**Honesty:** Using only information that is gathered from active questioning, Honoring the oath of confidentiality.

The ARCH is used with permission from Ian Meeker, Bayfield County UW-Extension Youth Development.

## ***Oath of Confidentiality***

"I solemnly swear that I will not divulge, either by words or signs, any information about actual cases which comes to my knowledge in the course of a Teen Court presentation, and that I will keep secret all said proceedings which may be held in my presence."

"Further, I understand that if I break confidentiality by telling anyone else the names of Teen Court defendants or specific details of the case, which may identify that juvenile, I will no longer be able to serve as a Teen Court participant."

Note: All events and dialogue that occur in the Teen Court courtroom are to remain confidential. This mirrors Juvenile Court; the respondents are guaranteed confidentiality. We are requested to uphold this standard in all Teen Court proceedings. If we discuss the events with persons who are not present, we will do a great disservice to American jurisprudence as well as eliminating ourselves from future Teen Court participation. Each of us will be held accountable in fulfilling this oath, not only to the respondents, but also to the integrity of the Teen Court proceedings.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **RULES OF THE ASHLAND COUNTY TEEN COURT**

The most important thing regarding dress and behavior is to show respect for the court proceedings at all times.

### **Dress:**

Be neat and clean

No cut-off shorts

No tank tops

No hats

Jeans if they are neat and clean

Try to avoid shirts and sweaters with large brand logos or prominent writing on them

### **Behavior:**

Be courteous and respectful to all participants.

Do not display anger or lose your temper.

Be attentive and businesslike.

Speak loudly and clearly.

Refrain from any unnecessary talking.

No profane or obscene language or illustrations.

### **General Guidelines:**

Rise on appropriate occasions: (When instructed to, the opening of court, the recess of court, the closing of court.)

Maintain good posture while seated.

No gum or tobacco chewing, no smoking.

No eating, and no drinking in the courtroom during a session.

Be on time

Remember your oath of confidentiality

## Guidelines

As a Teen Court panel member your ultimate duty is to question the defendant and discuss the information you heard from the defendant with your fellow Teen Court members in order to reach a unanimous decision regarding the consequences you write up for the deferred prosecution agreement. Your role is to determine the attitude and the sincerity of the defendant and the factual information presented.

You should decide the case for yourself after considering the opinions of your fellow Tribunal members. The majority should not influence you if you strongly believe otherwise. It is each member's duty to the defendant and the community to speak his/her conscience, a member that simply goes along with the rest, is not doing his/her job.

To appear before the Teen Court, each defendant has already admitted to what is written in the case summary. Every effort should be made to make the deferred prosecution agreement fit the offense; you must base your decision on the evidence and the testimony of the defendant.

During the questioning, all pertinent matters, such as whether or not the defendant is remorseful, punishment has been received from parents or others for the offense, and the specifics of the event should be considered.

While deliberating, *keep in mind the intent of the Juvenile Court and Teen Court system is to:*

- \_ Protect citizens from juvenile crime
- \_ Hold juvenile offenders accountable for their actions/acts and restore them back into the community as responsible citizens
- \_ Prevent future delinquent behavior
- \_ Provide the juvenile a fair hearing
- \_ Keep juvenile out of the court system
- \_ Respond to the juvenile's needs for care and treatment
- \_ Protect victim's rights
- \_ Educate teens on the Juvenile Justice system
- \_ Empower teens to have a voice in County-wide juvenile justice decisions

During deliberation, determine the most appropriate disposition for the respondent, family, victim, and community. Tailor the disposition to the respondent as much as possible.

# Ashland County Teen Court Offenses

Only teens who are first-time offenders (age 11-16) may be referred to Teen Court. The most common charges accepted by the Ashland County Teen Court are:

Shoplifting

Criminal Trespassing

Unlawful Possession of Drug Paraphernalia

Minor in Possession of Marijuana

Minors in Possession of Alcohol

Disorderly Conduct

Natural Resource Violations

Receiving Stolen Property

Minor Property Offense

Obstructing an Officer

# *Restorative Justice Principles*

## **PRINCIPLE #1:**

Crime is primarily an offense against human relationships and secondarily a violation of a law

### **Laws are important:**

They provide a context and guide. A restorative justice approach is to examine how a particular offense has affected the human relationships that caused the law to be written in the first place.

**Example:** If we take a purse snatching for an example, the offender may admit guilt or be found guilty and punished. What he doesn't know and take responsibility for is that the victim had to get a new license, credit cards, and perhaps change locks on the house out of fear because the offender knew the address, and the list goes on and on. This significant human violation is most likely never dealt with. And the needs of the victim created by the offense will most likely be completely ignored.

*Restorative justice is a structure to create a relationship between the defendant and the victims related to the offense. Through this process the defendant is encouraged to recognize the human relationship they have to the victims and the impact their actions had on everyone involved.*

## **PRINCIPLE #2:**

Recognizing the wrong in the criminal offense, how it violates individuals and society, is an important starting point in the healing and restoration process for victim and offender.

## **PRINCIPLE #3:**

Restorative Justice is a process to make things as right as possible and includes: attending needs created by the offense such as safety and repair of injuries, relationships and physical damage resulting from the offense; and attending needs related to the cause of the offense. (See Teen Court Question guideline)

## **PRINCIPLE #4:**

The primary victim(s) of a crime is the one(s) most impacted by the offense. The secondary victims are others impacted by the crime and might include family members, friends, criminal justice officials, community, etc...

## **PRINCIPLE #5:**

*Restorative justice* is a process for making things as right as possible rather than simply punishing the offender *Restorative Justice* views the situation as a teachable moment for the offender—an opportunity to encourage the offender to learn new ways of acting and being in community.

**PRINCIPLE #6:**

Restorative Justice prefers responding to the crime at the earliest point possible and with the maximum amount of voluntary cooperation and minimum coercion since healing in relationships and new learning are voluntary and cooperative processes.

**PRINCIPLE #7:**

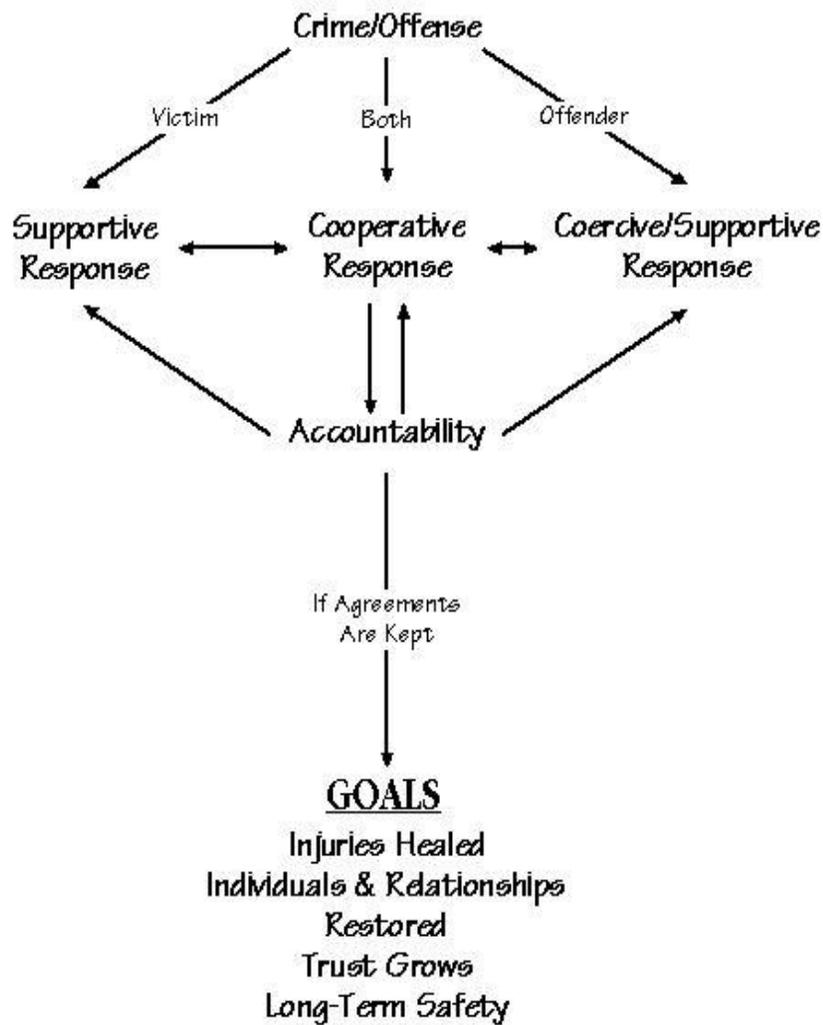
Restorative Justice prefers that most crimes are handled using a cooperative structure including those most impacted by the offense as a community to provide support and accountability. This might include primary and secondary victims and family (or substitutes if they choose not to participate), the offender and family, community representatives, government representatives, faith community representatives, school representatives, etc.

**PRINCIPLE #8:**

Restorative Justice recognizes that not all offenders will choose to be cooperative. Therefore there is a need for outside authority to make decisions for the offender who is not cooperative.

**PRINCIPLE #9:** Restorative Justice requires follow-up and accountability structures utilizing the natural community as much as possible since keeping agreements is the key to building a trusting community.

# Restorative Justice System



©1995 Ron Claassen, Center for Peacemaking & Conflict Studies

# Additional Ashland County Teen Court Materials

## **Teen court models**

(from the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention)

### **Adult judge model**

An adult judge rules on court procedure and clarifies legal terminology. Youth volunteer as defense and prosecuting attorneys and jurors (may also serve as bailiff and clerk).

### **Youth judge model**

Similar to adult judge model, but a juvenile serves as judge.

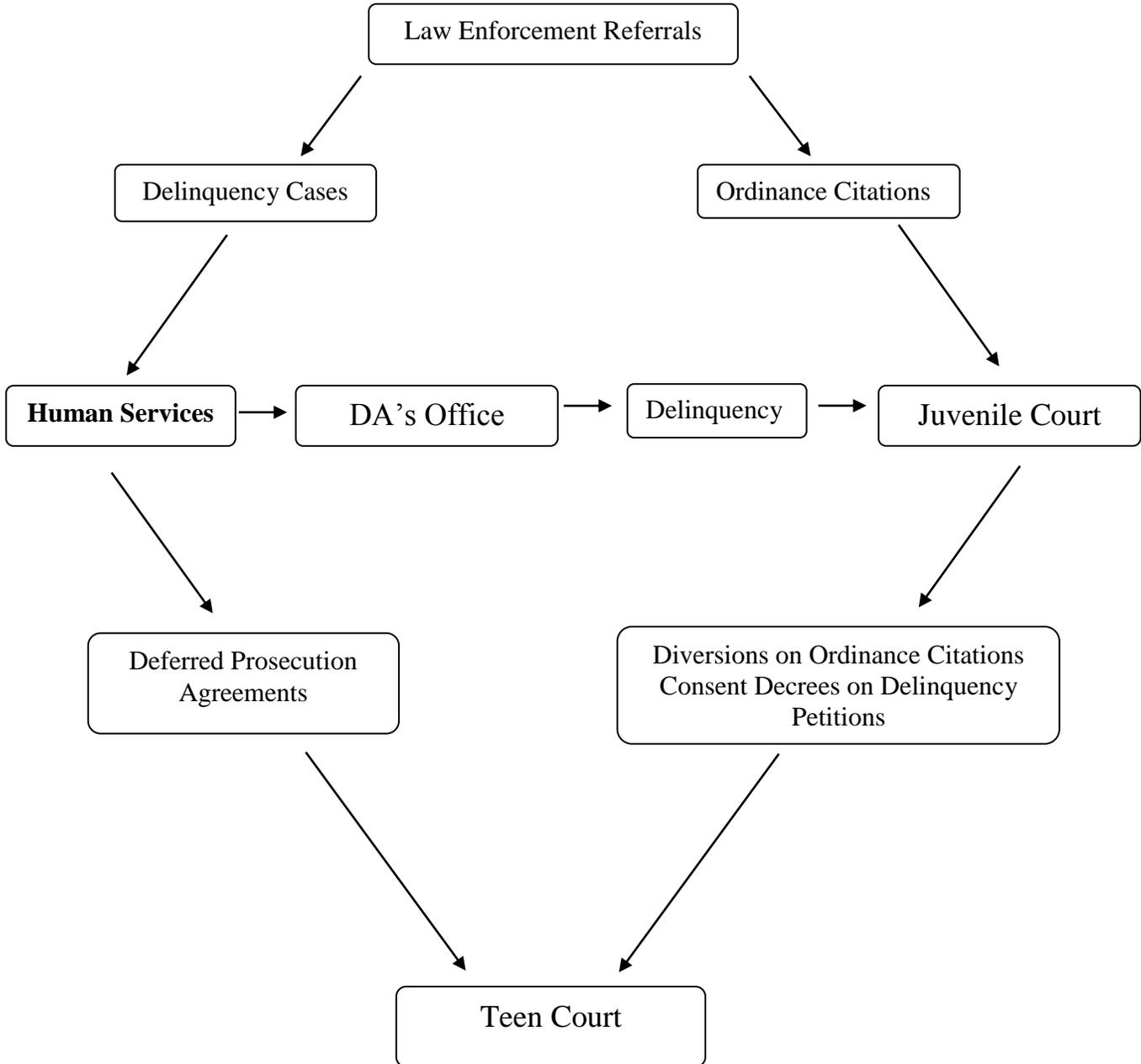
### **Tribunal model**

Youth serve as defense and prosecuting attorneys to present cases to a juvenile judge(s) who determines appropriate disposition for the defendant (respondent). A jury is not used.

### **Peer jury model**

Does not use youth attorneys. Case is presented to a youth jury by a youth or adult. The youth jury then questions the defendant (respondent) directly.

# TEEN COURT FLOW CHART



## Teen Court Flow Chart

All statutory sections that permit a disposition or diversion through a teen court require that the teen court program be approved by the chief judge of the judicial administrative district. The only offenses that can be referred to a teen court program involve misdemeanors or civil law or ordinance violations. Further, the juvenile must admit the charge in the presence of his parent, guardian or legal custodian and have not participated in such a program within the prior two years. See, sections 118.163(1m)(f), 938.245(2)(a) 8, 938.32(1m), 938.34(2m), 938.342(1g)(f), 938.343(2m).

- 1. Referrals to court by police departments on ordinance violations.**

The juvenile court judge can divert an ordinance case to teen court if the juvenile admits the offense in the presence of his/her parent, guardian or legal custodian for the following types of violations.

  - a. Violations of the civil law or ordinances. Section 938.343(2m).
  - b. Violations of a municipal or county truancy or school dropout ordinance violations. Section 938.342(1g) f.
  - c. Violations of intoxicating liquor, beer or drug violations. Section 938.344(2g)(a) 4.
- 2. Pre-charging by HHS Intake Workers through deferred prosecution agreements (DPA) on delinquency referrals.**
  - a. Section 938.245(2)(a) 8, permits an intake worker to enter into a deferred prosecution agreement in teen court. The juvenile must admit to the worker and his/her parent, etc.
  - b. Section 938.24(5) requires the intake worker to submit the DPA to the DA's office for approval.
  - c. Section 938.245(5), allows the DA's office to approve or disapprove of a DPA that has a referral to teen court.
- 3. Post-charging, pre-disposition by the DA's office through a consent decree on delinquency cases.**
  - a. Section 938.32(1)(a) & (1m), permit a diversion to teen court via a consent decree entered into by the juvenile, his parents, the DA and social worker, subject to the approval of the court.
- 4. Post-adjudication dispositions by the juvenile court on delinquency cases.**
  - a. Section 938.32(2m) permits a court as a disposition to a delinquency petition to refer a juvenile to teen court in lieu of placement on supervision.

## Operations Parameters for the Ashland County Teen Court

**Ashland County Teen Court Model:** Peer Jury Model

### **State Statues on Teen Courts:**

(see attached)

### **Eligible Respondents (Defendants):**

Youth ages 11-16 who commit first-time misdemeanor violations, admit to their offenses, and are given the option by the Judge. Youth must be accompanied by their parents (see list of Teen Court offenses; attached #1).

### **Intake Process (see flow chart; attached #2):**

There are three ways to get involved in Teen Court prior to issuance of delinquency charges.

- Diversion by the Ashland County Department of Health and Human Services or the DA's office.
- The Court can divert a case in a non-criminal municipal or county citation.
- The Court can divert a case to Teen Court as a disposition.

In all cases the juvenile has admitted to his or her guilt in the presence of parents and before a Judge or a Social Worker.

### **Teen Court Panelists:**

#### *Selection*

Panelists are selected through an open application process by a group of their peers (standing Teen Court panelists) and selected adults who are approved by the advisory committee. Recruitment will take place in the county high schools each year. Applicants need to be in good, but not necessarily exemplary standing at their respective schools.

#### *Panelists*

The Panel will be made up of two or three 9<sup>th</sup> -12<sup>th</sup> grade representatives of each school district in the county. (By 2008, the Teen Court will consider eligibility for 8<sup>th</sup> graders).

#### *Number of Panelists per Hearing*

Between four and six panelists will sit for each hearing.

#### *Training*

Teen Court panelists receive training and case support from the Ashland County UW-Extension 4-H and Youth Development Educator, Ashland County Health and Human Services, and the DA's office. They also meet annually with the District Attorney and Circuit Court Judge to review their role in the legal system.

#### *Confidentiality*

All panelists take an oath of confidentiality before serving on the Teen Court, and at the start of each hearing in front of the respondent and his or her parents. Failure to carry out the oath of

confidentiality will result in serious consequences for the panelist and/or loss of his or her seat on the panel (see attached #3).

### **Teen Court Hearings:**

#### *When?*

Once each month at 6pm (Teen Court Panel Members will meet at 5:30 for briefing).

#### *Where?*

Hearings will be held in one of the Courtrooms at the Ashland County Courthouse.

#### *How? The Teen Court Process:*

The Teen Court asks clarifying questions of both the youth and the parent in order to get a better understanding not only of the crime, but how the youth functions at home and in their community.

Several roles are assigned within the Teen Court Panel to ensure that the hearing runs smoothly for both the Teen Court and for the Respondent (defendant). See attachment for a list and description of those roles.

After hearing the case, the Teen Court deliberates in private to create a sequence of logical consequences for the defendant. The Teen Court panelists have been encouraged “to think out of the box” and create Teen Court sentences that provide innovative, yet educational options for the defendants. The focus of the Teen Court is primarily based on restorative, rather than, punitive justice (see list of sanction options and restorative justice document; attached #4 and #5).

### **Terms of Teen Court Sanctions:**

#### *Timeline:*

The respondents have 3 months to complete sanctions unless they petition the Teen Court for an additional 90 days.

#### *Compliance and discharge:*

Respondents must appear before the Teen Court with proof of compliance, whereupon the Teen Court will give a discharge at the time of the appearance.

When the terms of the Teen Court sentence have been successfully completed, the offender will have the conviction removed from their record. For the offender and the community, Teen Court can truly be a second chance for youth that have made a poor decision.

#### *Failure to Comply:*

Failure to comply will result in the respondent’s file being returned to the Circuit Court which will send a letter requiring them to appear before the Circuit Court, or the file will be returned to the Health and Human Services Department intake or the Ashland County District Attorney’s office as appropriate.

### *Records:*

Records will be housed in the County Clerk's office, and available to the Teen Court Coordinator. Teen Court Panelists will have access to information about the case taken from police records at the start of each hearing. They will work with a summary of undisputed facts during the hearing. Minutes and a summary of the hearing will be recorded. A copy of the sanctions and terms will be given the respondent and kept at the courthouse upon the completion of the hearing.

### **Statistics**

The Teen Court Coordinator will be responsible for reporting statistics for the Ashland County Teen Court yearly. In addition, available statistics for Teen Courts statewide should be included for comparison and evaluation.

### **Evaluation**

The Teen Court Program will be evaluated using statistics, respondent surveys, panel member surveys, parent surveys, and feed back from an annual review by the Teen Court Advisory Committee.

The Advisory committee shall be made up of interested representatives of the Ashland County Circuit Court, Ashland County Law Enforcement, Bad River Law Enforcement, Ashland County Health and Human Services Department, School Districts of Ashland County, Ashland County District Attorney's office, Office of the Public Defender, Ashland County Board Ag and Extension Committee member, UW-Extension 4-H and Youth Development, and a representative of interested citizens (if desired). It is imperative that the Ashland County Teen Court be shaped by this body to reflect an option that addresses Ashland County's unique needs and characteristics. The Teen Court Program belongs to the county.



## ASHLAND COUNTY TEEN COURT

### Notice of Court Appearance

Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

Address: \_\_\_\_\_ Citation Number: \_\_\_\_\_

City: \_\_\_\_\_ Phone Number: \_\_\_\_\_

You are to appear in the Ashland County Teen Court at the following time:

Wednesday, \_\_\_\_\_ 20\_\_\_\_ at promptly \_\_\_\_\_PM

Teen Court is held in the Ashland County Courthouse (3rd floor Courtroom 302). Please be prompt. There are chairs in the hallway for your convenience. The Teen Court Escort will let you know when your case is ready to be heard. You must have your parent or legal guardian with you.

If you have any questions or concerns, please contact Doug Liphart, at (715) 682-7017, or leave a voice mail message.

*The mission of Ashland County Teen Court is to benefit youth and the community by providing an alternative method of adjudicating first time juvenile offenses giving youth the opportunity to become accountable for their actions.*

