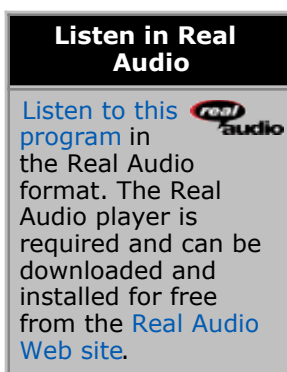


Teen Courts: A Promising Prevention Strategy?

Urban Institute, Jeffrey A. Butts

KOJO NNAMDI: When we see the headline stories in the newspapers about young people usually young teenagers committing adult-like crimes, it often tends to obscure the fact that most of the young teenagers who commit crimes are, in fact, committing low-level crimes and that they are often first offenders, so we don't seem to spend a great deal of time discussing exactly how they should be treated, especially so that the process in which they are involved can be a speedy process. That there can be some resolution—resolution that not only allows the individual an appropriate punishment for whatever the offense was, but helps that individual to increase his or her respect for the law.



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However, there are an increasing number of people who have been working on this problem throughout the U.S. Youth advocates have been working to establish such a program. It's called "Teen Court," and it puts peer pressure to good use by trying youth offenders in front of a jury of their peers, with teenage prosecuting and teenage defense attorneys, teen court clerks and bailiffs and in some cases, the case is actually heard before a teen judge.

So how does the Teen Court program work? Is it effective? And are youth and parents satisfied with the experience? A look at these questions and more as we continue our Urban Institute series on America's cities with a look at Teen Courts and joining us in our Washington studio from the Urban Institute is Jeff Butts, who is a Senior Research Associate. Jeff Butts, welcome.

JEFF BUTTS: Hello.

KOJO NNAMDI: Joining us from the studio of KJZZ in Phoenix, Arizona, is Angie Battaglia, Supervisor with the Community Services Division of the Maricopa County Juvenile Court. Angie Battaglia, welcome.

ANGIE BATTAGLIA: Thank you. Welcome. Hi, Kojo.

KOJO NNAMDI: We take your telephone calls at 1-800-443-8850 or your e-mails at pi@wamu.org.

Angie, peer pressure is often used in a negative context, but Teen Court programs are trying to turn that pressure around so that it works in favor of young people. Tell us the basic outline of how Teen Courts are run and provide if you will, some specific details of the Maricopa County system in Arizona.

ANGIE BATTAGLIA: Well, I think the overall concept of Teen Court is to allow the juveniles to accept responsibility for their actions and then be in front of their peers who decide the consequences of their peers and the overall concept is that Teen Court is basically a—the same model as a regular court hearing. It consists of a judge, which can be either a teen or an adult judge, a defense and prosecuting attorneys, clerk, bailiff and a jury. And then the juveniles decide the consequences that their—the defendant should receive and some of the consequences may include community service, educational classes, written reports and jury services.

KOJO NNAMDI: Is there any difference in how your own system, the Maricopa County system operates from the general outline you just gave us?

ANGIE BATTAGLIA: No, this is basically in our setting for the Teen Court, the kids before they are put through Teen Court, they have to admit their responsibilities, so they're not found guilty as in a regular court setting in the Maricopa County Juvenile Court.

KOJO NNAMDI: Jeff Butts, tell us a little bit about how Teen Court programs originated in the first place and how many of them there are in the United States right now?

JEFF BUTTS: Estimates are that they are as many as 700 courts across the country right now, which is up significantly from as little as ten years ago, there may have been 200-250 programs. They've increased greatly and I think the reason is that they are very appealing. It's a way of having early intervention with young people of having, as you mentioned, the low level offenders who traditionally did not get severe sanctions or any kind of attention at all from the court system and we know that every serious juvenile offender one day committed that first vandalism or shoplifting and rather than just ignore that behavior, it's a way outside of the usual justice system to do something to let that young person know that that kind of behavior is not acceptable without throwing the book at them.

KOJO NNAMDI: When you say outside of the usual justice system, does that mean that we won't be able to track what happens to the young people who pass through Teen Courts precisely because they are outside of the juvenile justice system, making it difficult for us to evaluate exactly how useful the courts might be in the long run?

JEFF BUTTS: No, not at all. They do—a lot of programs do track their outcomes by following up with the kids they've handled in checking police records, for example, or court records six months later, a year later and finding out how many of the young people they've seen are back in the system who have committed another offense and the records on that look pretty promising.

KOJO NNAMDI: And you say Teen Courts started around—what, the mid-1980s?

JEFF BUTTS: They've been around. There are traces of the Teen Court idea back into the 1940s, but they were a very obscure idea until, perhaps, the 1960s and really began to take off in the 1980s.

KOJO NNAMDI: Joining us now by telephone is the Honorable Jose Rodriguez. He is a Judge in the Ninth Judicial Circuit of Florida in Orlando, Florida. Judge Rodriguez, welcome.

JUDGE JOSE RODRIGUEZ: Thank you. Good afternoon.

KOJO NNAMDI: Could you tell us a little bit about how your program is run and how teens are involved in the court process at what levels?

JUDGE JOSE RODRIGUEZ: Basically, it is exactly as the Maricopa model. We do also require or some of the penalties that are required of the kids is that they serve on juries—to do jury duty. So what we have is we've got an individual who's admitted an offense, who is basically on trial and the jurors wind up actually requiring him to do community service. We also have—which has become something commonplace for the child to—if the parent was the one that was involved as the victim of the crime or if the parent, well, is present which usually is the case, the child will be also instructed by the jury as a common sanction to apologize in public to the parents. So we do have, not only the recognition that the child may have done something improper, but also that the parent is the one that has wound up with, well, if nothing else, the inconvenience of having to come to court. The penalty of the child is also something that the parent has had to put up with. What we wind up, I think, looking and seeing in our program is that the kids do buy in. They buy in as was described earlier as the prosecutors, as the defense lawyers, which they wind up getting their own community service credits for that if their school requires that of them to do so, but it does, I think, provide for that accountability as you were discussing it, it's accountability, I think, at the earliest stages. Hopefully, the peer pressure that Teen Court imposes is a peer pressure that goes after positive values as opposed to usually relying on peer pressure and what we see peer pressure do which is reinforced negative decision making. Hopefully, this is, you know, Teen Court is wonderful because it reinforces through the same peer pressure methodology the positive values.

KOJO NNAMDI: Jeff Butts, what tends to be the targeted age group for Teen Courts?

JEFF BUTTS: Mostly younger offenders, only because they take kids who have committed that first act of delinquency. I've seen kids as young as 8, 9, 10 in these courts. The typical kid, though, would be a 14-, 15-year-old.

KOJO NNAMDI: Angie Battaglia, how are teen juries selected?

ANGIE BATTAGLIA: Teen juries are selected through mainly—they volunteer to participate in the jury process, along with defendants that are sanctioned to do jury service. They're also put into the teen juries as well.

KOJO NNAMDI: Judge Rodriguez, is that how it works in your system also?

JUDGE JOSE RODRIGUEZ: Absolutely. And as I was mentioning, the apology to the parent is something that when I first started reviewing or sitting as a judge in that court and in Teen Court, it was interesting to watch the reactions. I think, also, what isn't mentioned often enough is that for the young person that's coming through Teen Court, what we as adults usually also feel which is that terror of having to speak in public is in place. The apology sanction, as well as just requiring someone to speak in public at a young age can be a very harrowing experience, something that will insure that someone, well, if nothing else avoid having to go through that again.

KOJO NNAMDI: Does it make a difference if the harrowing experience—speaking in public in the presence of largely adults versus largely peers?

JUDGE JOSE RODRIGUEZ: I would say that you could—that a young person could probably get over speaking in front of adults much more easily than getting up in front of a classroom of peers and, well, being

judged as being uncool.

KOJO NNAMDI: The Honorable Jose Rodriguez is a judge in the Ninth Judicial Circuit Court of Florida in Orlando, Florida. He joins us by telephone.

Joining us from the studios of KJZZ in Phoenix, Arizona, is Angie Battaglia, she is Supervisor with the Community Services Division of the Maricopa County Juvenile Court and in our Washington studio, Jeff Butts, Senior Research Associate with the Urban Institute. We're talking about Teen Courts as a part of our ongoing series on America's cities with the Urban Institute. We take your telephone calls at 1-800-433-8850, your e-mails at pi@wamu.org.

How are these sentences or appropriate punishments chosen, Jeff Butts, from generally a pre-determined list of actions that the jurors and the prosecutors know or do they have some flexibility and autonomy to choose what they might consider a suitable sentence?

JEFF BUTTS: Both really. There usually a range of—there's a range of sanctions available to every juror or—some of these programs, by the way, do not have youth juries. They operate on a model where the judge or panel of judges decides the sanctions, but in any case, the courts have a range of options they can choose. When we did a survey of these programs a couple of years ago, the top sanctions were community service, victim apologies, written essays, Teen Court jury duty and then monetary restitution. And for each case, the jury or the judges, whoever is making that decision, can look over a menu of sanctions with ranges that maybe appropriate for that case, much like an adult court would do. You don't have a judge just imposing a sentence way out of bounds. They have expectations of a certain level of sanction and Teen Courts have the same thing. So the jury may retire to decide and they may be deciding upon ten hours of community service versus 40 hours of community service or 30. And the adult supervisors who run the program make sure that those ranges are appropriate and that the kids adhere to some expectation of fairness.

KOJO NNAMDI: Angie Battaglia, is that the way it operates in the Maricopa County system?

ANGIE BATTAGLIA: Yes, basically the same way. One of our biggest things that we concentrate on is our restorative justice piece of the sentencing, where we try to have the kids increase their awareness of the effects of their actions. We offer the defendant an opportunity to repair the harm and/or make amends for their actions and we also try to increase the defendant's skills, competencies and ties to the community as well.

KOJO NNAMDI: Judge Rodriguez, what in those situations is your role?

JUDGE JOSE RODRIGUEZ: Well, basically our role is to make sure that the sentence that has been imposed or the disposition that has been imposed by the juvenile jury falls within the maximums that are established. We do wind up giving a list of the possible maximum sanctions for the juveniles that are part of the jury to go back out deliberate and then bring back. As a volunteer judge, what we wind up doing is making sure that the verdict is according to the proper format and that again; nothing is exceeded above the maximums that are established for Teen Court.

As was mentioned earlier, our system is one that does incorporate maximums that are given to the juveniles, but also if there is anything within that range that may be new, different in terms of, well, any new sanction, the judge is also there to make sure that it falls within those parameters.

KOJO NNAMDI: Teen Courts is what we're talking about this hour in our ongoing series with the Urban Institute. We're going to take a short break. We'll be right back.

(Commercial break)

KOJO NNAMDI: We're talking about Teen Courts, which have been around, it is said, since the 1940s, but which really began to proliferate more in the—starting in the mid-1980s, and by all reports, there are more than 700 such courts in the United States right now. We were talking about the sentences—appropriate sentences that are handed out by these young people and we talked about maximum, but Jeff Butts, we didn't talk about minimum.

JEFF BUTTS: Yes, and that's a very important point. That one of the reasons these programs are so well received by prosecutors and judges and law enforcement officers is that they also ensure a certain minimum of response to every case. In the normal juvenile justice system which handles a lot of cases and it deals with a wide range of problems, some youth get virtually no sanction at all. Your typical 13-year-old with the first shoplifting case in many cities may actually just get a letter sent to the home, telling the parents that the young person has been arrested and that they should take extra care to supervise their behavior. Well, if a young person is bent on breaking the law and increasing their activities that way, that letter may not accomplish much. In Teen Court, it's a way for every young person to be brought before at least someone inside a court system—inside a court room that looks formal and they get something, either that written apology letter, restitution, community service. So at the very first instance—at the very first time we see that kid willing to break the law, they have some way of accounting for that and that's unusual and important.

KOJO NNAMDI: Well, the second time that person maybe breaking the law, Angie Battaglia and Judge Rodriguez, is whether or not he or she follows up on the sentence that was imposed. What happens if some young offender simply refuses to carry out the sentence? What happens then?

ANGIE BATTAGLIA: Well, in Maricopa County what happens is the complaint is then sent to a formal court process, so it's kind of like holding the juvenile accountable if they refuse to do their consequences, then we send it on for a formal court process hearing.

KOJO NNAMDI: No more Teen Court?

ANGIE BATTAGLIA: Exactly.

JUDGE JOSE RODRIGUEZ: That's correct.

KOJO NNAMDI: Same with you, Judge Rodriguez?

JUDGE JOSE RODRIGUEZ: Absolutely. In Orange County, Florida, [what] we wind up doing is the person then is just bounced out for lack of a better expression, they are just bounced out of Teen Court. The opportunity to divert the case out of the system is gone, they come back and in all cases that I've seen, the state attorney's office here files a petition for delinquency and then what we do is we proceed just as if it had been a case that was filed for prosecution. The diversion is over. The child will wind up going formally before a court where sanctions maybe stiffer.

KOJO NNAMDI: What steps are generally taken to make sure that these young, first time offenders take the whole process seriously?

JUDGE JOSE RODRIGUEZ: In Orange County, what we wind up doing is we have a staff that basically follows up. From my perspective when I have a young person that is going to Teen Court that maybe assigned to my division for supervision, I will keep tabs on it for, say, the first 60 days. This is again a personal practice that I engage in. I don't know if it is pretty much circuit wide, but what I will wind up doing is I will review it in 60 days. If in 60 days there is compliance, no problem. If it needs to be moved on another 30 days to make sure that 90 days are given to finish up the program, fine. If they don't, the case is put back on the docket and we proceed. If they do comply, the cases—if the cases have already been filed because sometimes we do get cases that while they're being prosecuted they don't follow the traditional diversion route, so they are diverted after the petition for delinquency is filed and I make sure that gets the follow up until it's completed. And when the sanctions are done, the state files a nolle pros or a dismissal by the court and it's gone and it's done. Otherwise, the case just goes back right straight through the process as it normally would.

KOJO NNAMDI: Angie Battaglia, we're talking about young teenagers here. Is it difficult for them to make decisions about their peers? What can you do to make sure that there is no bias on the jury?

ANGIE BATTAGLIA: What we try to do is instill in these young people that, you know, the decisions that they are making are very important and so we will ask them as part of the jury, do they know the defendant? Are they their friend? Have any kind of contact with them at their schools or whatever? And if they do then we would ask them not to be on the jury. So we try to impose that this is serious and that the kids are held [by] a confidentiality agreement and everything is strictly in their confidence and that they are going to abide by the normal terms of the law.

KOJO NNAMDI: The number to call to participate in this conversation about Teen Courts is 1-800-433-8850. The e-mail address is pi@wamu.org. We are talking with Jeff Butts, Senior Research Associate at the Urban Institute. Angie Battaglia, Supervisor with the Community Services Division of the Maricopa County Juvenile Court and joining us by telephone, Judge Jose Rodriguez, who is a judge in the Ninth Judicial Circuit of Florida in Orlando, Florida.

Judge Rodriguez, you have been involved with the Teen Court system for some five years. What is your on the ground assessment, if you will, of the effectiveness of the program?

JUDGE JOSE RODRIGUEZ: Well, you know, going back to also the effectiveness of the fairness of the kids, one of the things I cannot give you numbers on, but anecdotally, I can tell you from what I have observed I've had a number of kids before me coming on charges from different economic backgrounds and one of the things that I have been absolutely pleasantly surprised [by] is the level of fairness and the fact that kids may be dressed one way or another doesn't seem to really bother or affect the verdicts. The verdicts pretty much come down—down the line. I think that kids have grown up, I think, if nothing else, at least in our area, with an understanding that what they are there to do is basically to listen, to look at the facts of the case and to render that fair verdict. What I can tell you about the effectiveness of Teen Court programs is, you know, first of all, it would be difficult to quantify how prevention keeps kids from coming back. So I would tell you that the ones that are very involved as the lawyers—whether prosecution or defense, they are there basically because they want to learn how to speak, how to talk, whatever. Obviously, they do not come back. Our rates of recidivism or repeat offense are very comparable, actually they're even better I would say, five to ten percent better than any of the other diversion programs that are out there.

KOJO NNAMDI: I do have pick up on this, even though I do have to get to the telephone. I inferred from your comment that if Jeff Butts and I were on these juries, we might tend to be influenced more than these young people are by spiked yellow hair, pierced body parts, tattoos, and baggy pants.

JUDGE JOSE RODRIGUEZ: Absolutely.

KOJO NNAMDI: (Laughter.)

JUDGE JOSE RODRIGUEZ: Kids have a way of cutting through that.

KOJO NNAMDI: Interesting. Let's go to the phones and start with Patrick in Charlotte, North Carolina. Patrick, you're on the air. Go ahead, please.

PATRICK: Good day, Kojo. Thank you for having me on. My question was being in law enforcement myself

here in North Carolina, that my question is as far as—I know our problem in North Carolina, court overcrowding and to an extent, the shuffling of cases and probably lighter sentencing pretty much to help to try and keep the court system from being overrun with different minor crimes.

My question is: Has the juvenile court helped in the overcrowding of the court system, the judicial system and if it has, how much of an impact has it had?

KOJO NNAMDI: Jeff Butts?

JEFF BUTTS: You said juvenile court. I assume you mean Teen Court. Has Teen Court helped with overcrowding?

PATRICK: Teen Court. Yes, sir.

JEFF BUTTS: It depends on how well and thoroughly the program is used, but I have seen cities. One of the cities we've been visiting as part of our evaluation for the Office of Juvenile Justice and Delinquency Prevention is Anchorage, Alaska. And in that city, they have grown their Teen Court over a period of 15 years to the point where they handle virtually every first time minor offender in the city and one family court judge there told us that he was thrilled to have it because it's now handling virtually 15 percent of the normal caseload for the juvenile court, which allows that judge to focus on the upper end and not worry about these first time young offenders. So in some cities it can be handling quite a chunk of the caseload.

KOJO NNAMDI: The evaluation that you're doing for the Office of Juvenile Justice is supposed to be completed when?

JEFF BUTTS: The spring, in March.

KOJO NNAMDI: Hey, Patrick, thank you for your call.

PATRICK: Thank you very much. Have a good day.

KOJO NNAMDI: You too. Onto Craig in Indianapolis, Indiana. Craig, you're on the air. Go ahead, please.

CRAIG: Thank you, Kojo. Thanks for taking my call. I just want to comment on this. I work for a group known as Indiana Youth Services Association. We have 35 youth service bureaus throughout the state of Indiana and over—almost half of them have the Teen Court program as a youth development program and I just want to let everybody know that this is a serious program and it's a really great youth development program. We've just finished last Friday, a three-day conference at Ball State University with a number of youth. We had 60 some youth that came to it and I was so impressed with all those young people. I got to sit through a mock trial with them and they took it very seriously. They take the program very seriously and it really gives them the self-respect and confidence and belonging that young people need today to the larger system.

So I really encourage everyone who is even remotely interested in the Teen Court program to talk to their juvenile court justices and judges, try to get them online with that, because you really can't do without the local judge.

KOJO NNAMDI: Angie Battaglia, Judge Rodriguez, I guess you endorse that?

JUDGE JOSE RODRIGUEZ: Absolutely.

ANGIE BATTAGLIA: Yes.

KOJO NNAMDI: Okay. Thank you very much for your call, Craig from Indianapolis, Indiana. Let's talk about some of the other aspects of Teen Courts, starting with cost. How much do these programs cost if one compares them to traditional methods of sentencing. Yes?

JEFF BUTTS: They can be quite cost effective in that often they have very few paid staff. There are some programs, about one-fifth of all programs, in fact, have no paid staff. It's all by volunteers. Even in programs, they have a paid adult coordinator, however, I've heard figures like the annual budgets to these programs run from 20,000 to perhaps 40,000 a year, operating at the beginning level. That's because, as you can imagine, most of the labor required to run these programs are youth volunteers. They also often have contributed costs, such as courtrooms and facilities where they borrow the courtrooms of the normal court system in the evening. Most of the programs I visited the programs use the local, city or county courts when they clear out at 5:30 or so in the afternoon. The kids come in and take it over until 8, and so that's not a cost they have to bear directly out of the program budget.

KOJO NNAMDI: Getting back, Judge Rodriguez to Craig's question about how Teen Courts impact the overall court process. Does the process, in fact, move cases off the docket faster or does it take more time to work with Teen Courts?

JUDGE JOSE RODRIGUEZ: No, it really does. It really siphons out a significant number of cases from the docket and as was mentioned earlier, it does give us an opportunity as judges to work on the higher end of the more critical cases that need adult intervention. As a matter of fact, when everybody was talking about the numbers of cases, what I did is I pulled a graph that was provided to me by our Teen Court coordinator where we have, and I've got the '96, '97 and '98 figures, that when you take a look and you combine the cases, where looking at over—close to 2,000 cases in the period of three years that were diverted and that were completed from cases received to trials through Teen Court and that's 2,000 cases that a judge did not have to see, making it possible for, perhaps, 2,000 others plus to be able to be dealt with.

So it is a tremendous assistance in terms of docket relief. And in terms of cost, well, our system seems to be patterned after the national, where our courtrooms are in use Tuesdays and Thursdays, obviously, the receiving area at 5:30 starts to be filled up with volunteers and well, with the kids and the adults that are there to man the forces and promptly at 6 o'clock, from 6 to 8, three to four cases per courtroom are handled.

KOJO NNAMDI: That's pretty speedy.

JUDGE JOSE RODRIGUEZ: It—yes.

KOJO NNAMDI: This is Public Interest. I'm Kojo Nnamdi.

Joining us now by telephone is Joshua Lopez. Joshua is a teen juror with Time Dollar Youth Court in Washington, DC. Joshua Lopez, welcome.

JOSHUA LOPEZ: How are you doing.

KOJO NNAMDI: Pretty good. It's my understanding that—well, you tell us how you entered the system?

JOSHUA LOPEZ: Um, well, I got arrested last year and, so, it was only my first charge, so you know, I got involved in the program and I ended up finishing, because they give you community service hours and you have to serve as a juror, so when all that ran up, you know, I decided that I wanted to stay, because, you know, I was actually helping out other people in the same situation as me.

KOJO NNAMDI: What was the nature of your offense?

JOSHUA LOPEZ: It was destruction of property and like I was on private property and all of that, so—

KOJO NNAMDI: So you were sentenced to serve community service. What did you do?

JOSHUA LOPEZ: Um, I worked at the Latin American Youth Center. And I just, you know, I helped around. I did some tutoring and then I did, like cleanups at like a local, public high school. Even though it's, you know, they put you in places in your own community where you can do positive things.

KOJO NNAMDI: You were willing to do the community service because you felt it was an appropriate punishment for what you did?

JOSHUA LOPEZ: Yeah, but, you know, it's also—I mean, I didn't want to go to jail and so—but like after awhile I guess my home mentality changed and, you know, I wanted to do something positive and I felt like I was doing something positive for other people. So, you know, through the youth court, you know, that kind of opened my eyes.

KOJO NNAMDI: Sure. What caused you to eventually volunteer to serve as a juror?

JOSHUA LOPEZ: Um, because I just saw the effect that that was taking on people, you know, like I don't believe that by throwing somebody in jail that's going to change them. You know, you need to like help the person out and just by, you know, putting them in a cell and like throwing away the key, that's not going to change that person. You need to guide that person through steps, you know, and you've got to just help the person out, you know, show them that they can be something positive.

KOJO NNAMDI: And Joshua Lopez, you've been involved with Time Dollar Youth Court for about two years and tell us a little bit about what serving as a juror is like? Do you find that the defendants take you seriously?

JOSHUA LOPEZ: Yeah. I mean, definitely, you know, because a lot of the kids that come in there, you know, they're like scared, you know, they don't know what to expect. When they see that the jury is, you know, made up of other youth their age, you know, they get more comfortable and nobody is there to like judge that person, you know, we're there to help that person, you know, we want to guide that person and, you know, get them into positive things and you know, that's just like the majority of the people that go through that they don't end up getting arrested again, you know. We get the involved in other programs where they're doing things that they enjoy to do, like arts and all that.

KOJO NNAMDI: So that even though the Time Dollar Youth Court uses teens only as jurors and not judges, you are able within the jury system to provide some guidance for the defendants?

JOSHUA LOPEZ: Yeah, definitely. You know, like there's a lot of the defendants, they—like we become friends with them and, you know, sometimes we go out like, for example, like one of my closest friends now, he came through the Youth Court and you know, that's like one of my best friends now, you know, we go out to the movies or whatever and he's off the streets now. He has a good job, you know, he's going to school. He's getting his GED and, you know, he's not doing the things that he was doing before.

KOJO NNAMDI: Hey, Joshua Lopez, thank you very much for joining us.

JOSHUA LOPEZ: Thank you.

KOJO NNAMDI: Jeff Butts?

JEFF BUTTS: Yes. I've been to that program that Joshua works in and they do a great job and in that program, you mentioned they act as jurors but not the judge. That's a peer jury and in a sense they act as both juror and judge. The defendant comes in or the participant comes in with their parent and sits and talks to the jury for a while, then they leave and the jury among themselves decide on the appropriate sanctions. They do both functions.

KOJO NNAMDI: Jeff Butts is a Senior Research Associate with the Urban Institute. He joins us in our Washington studio. Angie Battaglia is a Supervisor with Community Services Division of the Maricopa County Juvenile Court. She joins us from the studios of KJZZ in Phoenix, Arizona. And joining us by telephone, Judge Jose Rodriguez, judge in the Ninth Judicial Circuit of Florida in Orlando, Florida. We'll be right back.

(Commercial break.)

KOJO NNAMDI: We're talking Teen Courts in our ongoing series with the Urban Institute. Judge Jose Rodriguez, you have been quoted as saying, "My job is to advance the cause of prevention." Do you think that Teen Courts do that more effectively than other aspects of the juvenile justice system?

JUDGE JOSE RODRIGUEZ: In terms of diversion, in terms of steering kids that might be making the wrong decision for the first time, absolutely. I mean, it just goes beyond anecdotes. It is tried. It is proven. It works and that is exactly what I think we who sit in the positions of having to make those decisions, life, death, liberty over somebody, that we want to see. We want to see the kids not coming back. We want to see the kids, perhaps, having an experience as an eye-opener and a jaw-dropper that makes them, that startles them into the reality of what they're going to embark in and to address it strongly enough that they won't come back.

KOJO NNAMDI: Jose Rodriguez is a judge in the Ninth Judicial Circuit of Florida in Orlando, Florida. Thank you very much for joining us Judge Rodriguez.

JUDGE JOSE RODRIGUEZ: Thank you. It's been a pleasure.

KOJO NNAMDI: You too can join this conversation by calling 1-800-433-8850 or e-mailing us at pi@wamu.org. Allow me to go to David in Cleveland, Ohio. David, you're on the air. Go ahead, please.

DAVID: Yes. Good day to you, Kojo and your guests.

KOJO NNAMDI: Hi, David.

DAVID: Hi. I would like to make a suggestion, actually a very strong suggestion to add an additional penalty phase to this system. It sounds like a very good system and it's targeting kids that are just getting started, you know, down the wrong path. And I strongly believe that if you were to add a tour of an adult penitentiary facility in with this penalty phase in order to help the kids understand what lies in store for them if they continue to go down this road, that that you would even have more success in turning some of these kids away from—

KOJO NNAMDI: Well, David, you have touched on two controversial areas. One, is the so-called "Scared Straight" program, out of with this notion develops. And the other peculiar to the District of Columbia is that a number of public school systems who were giving trouble to their teachers in the District Public Schools, were taken on tours of the adult facility here, during which some of them were strip-searched. Well, needless to say, that's not happening anymore in the District of Columbia, but I don't know if Jeff Butts might want to add whether or not he thinks that would be useful as a part of the appropriate punishment.

JEFF BUTTS: Some programs do that. I don't think there's much research to show that has any effect and sometimes it can actually be negative. It could demystify the inside of the correctional facility for youth and make them think it maybe wouldn't be that bad. But the question of effectiveness is very important. I mentioned before that we're doing an evaluation for the Office of Juvenile Justice and Delinquency Prevention, the federal agency. And one of the things we're trying to focus on is unpacking the dimensions of effectiveness with these programs. If you think about these programs or any social programs, it's sort of like an automatic car wash with no windows. You see the car goes in the front, it comes out clean, but you don't know why. You don't know what happened to it. So we're trying to isolate the elements. Is it fairness? Is it the speediness of the process? Is it the peer component itself? And that's why we have to collect data and do studies in order to really understand why they work.

KOJO NNAMDI: David, thank you very much for your call. Joining us now by telephone is Leroy Davis. Leroy Davis is a law enforcement officer of the New York State Unified Court system and he is a court officer with the Red Hook Justice Center in Brooklyn, New York.

Leroy Davis, thank you for joining us.

LEROY DAVIS: Thank you for having me.

KOJO NNAMDI: Tell us a little bit about the Red Hook Justice Center and how teens are involved in the court process?

LEROY DAVIS: Okay. Well, it started maybe a little more than a year-and-a-half ago, an idea to put a community court out here in Red Hook and I don't know if you know a little bit about Red Hook is one of the most high crime areas that we've had out here in Brooklyn.

KOJO NNAMDI: Sure.

LEROY DAVIS: And the center—the development of the center was as a result of a teacher being shot out here, so they wanted to address some of the issues that were affecting the community, quality of life issues and stuff like that. So, you know, the Center was developed to address those things—to address a lot of those issues and also to bring the kids in the community closer to the criminal justice system to give them an understanding of how the system works. We've been talking about Teen Courts and we call it Youth Court over here and I have to tell you having gone through seeing some of the cases that the kids have been

conducting, it is truly a tremendous opportunity for kids. They get a chance to see what the system is about first hand—

KOJO NNAMDI: And participate in that. It is my understanding that teens that are jurors, judges, advocates and—

LEROY DAVIS: And they have everything over here. And I'll tell you something. They get a real kick out of it, you know. We get a lot of questions asked of this, court officers, you know, during—through the sessions, after the sessions and one of the things I found out is that, you know, it gives the kids another role model. Something else to think about in their job—in their future—when they are planning for jobs and stuff like that, I mean. So, you know, I think it helps.

KOJO NNAMDI: How did you get involved in the program? Did you have any reservations at first?

LEROY DAVIS: None whatsoever. This program was just an idea when I decided that I wanted to be a part of it. I grew up out here in Red Hook and I grew up about in the time when we had stuff like this. We had positive things. We had positive role models, you know, people we can go to that that can direct us, point us in the right direction. So when the idea of putting something like this out here to address a lot of the problems that we had out here in Red Hook, I was all for it. I knew at that time it would be a building or an institution that we needed out here really bad.

KOJO NNAMDI: Tell us how are kids are referred to this program.

LEROY DAVIS: Well, there are varieties. We get from police referrals. We get from either family court, criminal court, low-level crimes, misdemeanor violations, and stuff like that. And we're starting to get some school referrals and, you know, so that's pretty much we're we get the bulk of our—

KOJO NNAMDI: And what kind of training do you provide to the teens who participate in the program?

LEROY DAVIS: Well, you know, they go through—if you can't get give them anything too much for them to handle, because it's a court system and they don't know—they're just learning it. So what we do is there is a six-week training session that they may go through, 40 hours that they go through and a lot of it is, you know, just coming into court when regular court is going on and just seeing how things are conducted in the courts.

KOJO NNAMDI: And you're not looking here to pick the best and the brightest kids academically. You're looking for a more realistic peer review, are you not?

LEROY DAVIS: Correct. You know, we want to, you know, we want the kid that's standing before his peers to look over and not feel intimidated. Not feel that that these people are not people that he may see—he or she may see in the community. Not people that he or she maybe able to talk to. So we don't want them to be intimidated. They're already scared to coming into this Youth Court, so we don't want them to be intimidated on top of that. So yes, we try to get people that, you know, some of them may be their friends.

KOJO NNAMDI: Leroy Davis a law enforcement officer in the New York State Unified Court system and the court officer for the Red Hook Justice Center in Brooklyn, New York. Thank you for joining us.

LEROY DAVIS: Thank you so much for having me, sir.

KOJO NNAMDI: Jeff Butts, talk a little bit more about the effectiveness of these programs. Everybody who we have had on this broadcast so far has essentially said, well, this is a good thing. What do you say to the skeptics who say, well, you have not yet concluded this evaluation, so I'm not sold on it yet. It does seem like a slap on the wrist.

JEFF BUTTS: Well that is the big policy question. Does it work? What is the long-term effect? The slap in the wrist criticism, I think, can be dismissed if you go watch it and you go see a program, how it functions that often they are getting a more severe sanction than they would in the normal system. Asking a 15-year-old to write a five-page essay on the effects of shoplifting on society, for example, can have quite an effect. The long-term effects though, we still have many unanswered questions and that's why evaluation is still important.

As I mentioned before, unpacking the effects of which component of the programs are more effective. But across the country, you see what are reported as recidivism rates, that the probability of a youth being rearrested after leaving court in the order of five percent, ten percent, and these are very promising, but not despositive. You can't say that that's proof of effect, because we don't know if that's an outcome of the kind of kids that come into the program, if they would have had those low chances of rearrest anyway, but if a program can improve on the chances of success once they leave the program, that's what we're after.

KOJO NNAMDI: Angie Battaglia, have you been following the kids who come out of the program in the Maricopa County Juvenile Court and what can you tell us?

ANGIE BATTAGLIA: Yes, we follow the juveniles that successfully complete the program and what we've found is a lot—is what has been said is that there is a low recidivism rate. These kids are becoming more successful. They're doing better in school. They're turning around their lives and so we do as far as statistically see if these young people are getting in trouble again and if so, a lot of reasons where we try to find out why.

KOJO NNAMDI: Okay. I was—yes, allow me to go to an e-mail that we got from Andrew in Syracuse who says: I was previously a member of the Syracuse city youth court. I was a member of the first class of trainees that came through the system. My experiences in the youth court were amazing and enlightening for

me. I served as defense attorney, prosecuting attorney, bailiff, associate justice as well as chief justice. In my four years as a member of the court, I participated in the rehabilitation of 350 youths all under the age of 16. He said I've had the opportunity to see some of the people that came through the court while I was involved and all have thanked me and my associates for help. Of those 350 offenders, only 15 were ever shown to have gotten arrested for another offense.

Thank you Andrew for your e-mail. This is Public Interest. I'm Kojo Nnamdi.

On to Tyrone in Indianapolis, Indiana. Tyrone, you're on the air. Go ahead, please.

TYRONE: Hi, Kojo. Thanks for taking the call. I appreciate the show. I work for a non-profit organization called Reach for Youth in Indianapolis, Indiana, and we've been doing Teen Court since 1990 and we've had tremendous success with it. Last year, we had over 500 youth offenders come through the program and we have a hundred youth teen volunteers that serves as the attorneys and the bailiffs and we have over 50 adult judges and attorneys from the community who have provided great volunteer support to be judges for the proceedings.

Another added value that we have is law students from Indiana University at Indianapolis come and participate as mentors in the courtroom, to help the kids develop their cases and present their arguments, make sure they're asking the right questions to really get an appropriate sentence. And in addition to that, we know of over the past ten years, at least three of the young people who have come through the program, have gone on to law school and have become attorneys and we were very happy to elect one who came back two years ago to the board of directors of this organization and he was one of the very first volunteers that we had ten years ago when he was a high-school senior. So we've seen tremendous success for the program, but we hope that the juvenile system and the attorneys all over the country and foundations will really support Teen Court because it really does make a strong impact in the lives of these young people.

KOJO NNAMDI: Okay, Tyrone. Thank you very much for your call.

Jeff Butts, we've got the anecdotal evidence that it's positive. Is there any anecdotal evidence that is negative? Does this program have its detractors?

JEFF BUTTS: I have met a few who are concerned that it opens up the—what we call the net of intervention. The metaphor that's used among criminologists is widening the net, that because we have this program for young offenders, we maybe more willing to arrest kids for very minor behavior and then bring them into the system, even if it is diversion and that's a concern.

The other thing about the programs we were talking before about how willingly kids embrace their roles as attorneys and so forth. Sometimes the challenge of the programs is to unlearn what the kids think they know when they come in, because they've all been watching television programs like *Law and Order* and they come in and ready to do battle against the opposing side and try to win their argument and it takes some time for them to understand that most youth courts is not about winning an argument, it's about—some concepts like reintegrative shaming apply. Where you're trying to make the person feel the shame for what they've done and then welcome them back into the community in a process of no more than 15 or 20 minutes sometimes. And that can be a challenge to teach them how to do that, rather than just behave like the lawyers they've seen on television.

KOJO NNAMDI: On to Candice in Cincinnati, Ohio. Candice, your turn.

CANDICE: Kojo?

KOJO NNAMDI: Yes. Go right ahead.

CANDICE: Hi. Thank you for taking my call. I wanted to know what steps the community needs to take to get a youth court program started, because I think a program like this being discussed is desperately needed in Cincinnati.

KOJO NNAMDI: Here's Jeff Butts.

JEFF BUTTS: The best place to start is to go to the web site of the National Youth Court Center, which is youthcourt.net or you can call the offices of the Office of Juvenile Justice and Delinquency Prevention in Washington, or look at their web site and they can direct you.

KOJO NNAMDI: Thank you very much for your call, Candice. Jeff Butts is a Senior Research Associate with the Urban Institute. Angie Battaglia is a Supervisor with the Community Services Division of the Maricopa County Juvenile Court.

Today's show was a part of our ongoing series in conjunction with the Urban Institute. For more information on Teen Courts and youth crime, you can go to www.urban.org or the web site that you just heard Jeff Butts mention and that is www.youthcourt.net. You'll also find there a written transcript of this show and previous Urban Institute shows.

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This has been Public Interest. I'm Kojo Nnamdi.

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