



**Welcome to Teen Court,
An Option of the Diversion Program of Whatcom County
Juvenile Court.**

In Teen Court, juvenile offenders are held accountable by a jury of their peers. This program offers unique opportunities for all participants to:

**Learn about the consequences of criminal behavior & to
make positive contributions to the community.**

Teen Court provides youth offenders and community youth the chance to participate in a community service project. The program gives teens the opportunity to weigh the effects of criminal behavior on the community and have a voice in determining the community's response. Teen Court participants deal with the rights & responsibilities of individuals & the role of citizens in our justice system.

Supporters of Teen Court believe that teens can thoughtfully and responsibly represent community interests as well as defend & sentence youth offenders. Teen Court is a place where peer pressure can exert a positive influence on teen behavior! Program goals include: 1) Educating the offender about the effects of his/her crime on others; 2) Shortening the time needed to resolve charges; 3) Reinforcing a sense of community responsibility for all participants.

Teen Court hears cases involving youth who are facing a second discretionary diversion charge or who failed a traditional diversion contract. The offenses involved are misdemeanors, and do not normally include offenses involving weapons or gang activity.

In Teen Court, the offender admits to the offense and then goes before a jury of high school students who determine the restorative justice penalties. The jury is a mix of non-offender volunteers and those who previously had their own charges resolved in Teen Court, Diversion, or Juvenile Court. High school students serve as advocates, presenting the case to the jury on behalf of the state and the accused. Other students serve as bailiffs, clerks, and student judges. Volunteer attorneys fill the role of adult judge or serve as mentors for the advocates. High school teachers coach the students at each of the participating eleven schools. Parents, victims, police officers and others with direct knowledge of the offense and/or the offender may also participate by providing information to the teen court advocates.

Students can volunteer to serve in Teen Court through existing volunteer programs at their schools or by contacting the program directly at Northwest Youth Services (Cathy Beaty 734-9862 ext 130). School districts can encourage student participation through appropriate class projects or independent study programs.

Four cases are heard in a two-hour evening session once a month from October to May, with a Fall Training for ALL Teen Court members in September. Eligible youth are referred to the program by the Whatcom County Juvenile Services. Northwest Youth Services personnel conduct intake interviews with the offender and parent, schedule the Teen Court session and monitor sentence compliance. Failure to comply with the disposition of the Teen Court will result in referral of the case back to the Whatcom County Prosecuting Attorney for formal prosecution.

Throughout the country, Teen Courts report successful outcomes and reduced recidivism. Youthful offenders often respect the judgments of their peers more than those handed down by adults. Offenders have a better sense of the wrongfulness of their conduct and have a chance to change in a positive manner. This type of restorative justice benefits the entire community, not just the youth that face a teen jury.

Use of Manuals

Suggestions for Teachers:

- The Teen Court manual is accessible by computer.
- Have all Teen Court participants read the manual.
- Discuss importance and need for confidentiality.
- Discuss the various Teen Court roles and responsibilities.
- Review the Jury Orientation.
- Discuss Sentencing Options.
- Discuss why they can't require the offender to attend a "faith based organization".
- Discuss Terms and Definitions – how they apply to TC.
- Discuss how best to use Attorney Mentor.
- Discuss diversity
- Increase students' awareness of their own biases.
- Test students on their understanding of:
 - Purpose of Teen Court.
 - Duties and responsibilities of each TC role.
 - Definitions of terms.
 - What is Restorative Justice and how is it applied to TC

Suggestions for Attorney-Mentors:

- Make sure Advocates have read student manual and have clear understanding of their role and the overall process.
- Be sure Advocates understand the principles of Restorative Justice and how they apply in Teen Court.
- Review with students the section regarding Advocate's Training Tips and Juror Suggestions for Advocates.
- Review how to decode police reports.
- Review courtroom dress and demeanor.
- Refer to manual checklist for both Defense and Prosecution.

RESTORATIVE JUSTICE

The goal of a Teen Court sentence is to follow the principles of restorative justice and help young offenders become responsible citizens who contribute to their community.

By agreeing to participate in Teen Court, offenders have already started the restorative justice process: they have admitted their guilt and shown a desire to change their behavior. The jury's responsibility is to develop a sentence that will best help the offender complete the process.

There are 3 key parts to Restorative Justice:

- **Accountability** – the offender must be held accountable for the damage to person, property, community

Examples: 1) Letter of apology or Public apology to victim, parents, or peers to show understanding of the impact of the crime on others.
2) Attend Theft Workshop or Drug & Alcohol Impact Panel.

- **Restore the situation to status quo** – the offender must be involved in returning the person, property, community to the condition prior to the crime.

Examples: 1) Restitution – paying for damage or theft
2) Repairing damaged property
3) Family mediation to “repair” broken trust

- **Restore the offender to the community** as an active citizen.

Examples: 1) Community service hours in local community
2) Serve on Teen Court jury
3) Assessments to clarify concerns in the offender's life (drugs & Alcohol, etc.).

TEEN COURT CONFIDENTIALITY CONTRACT

The undersigned Teen Court participant understands and agrees to the following as being necessary to maintain the high standards as set forth in the Teen Court program:

1. Confidentiality:
 - a) The information written and spoken about Teen Court defendants is to be considered strictly **confidential**.
 - b) In your role as a Teen Court participant, you are obligated to not discuss (nor write about) any of the information regarding the defendants in Teen Court. *This includes not talking with family and friends about the defendants and their case.*

2. I understand that as a representative of the Teen Court program I am a role model for other students and must therefore:
 - a) Dress appropriately for court as outlined in the Teen Court student manual and demonstrated at Teen Court trainings.
 - b) Follow the rules for appropriate courtroom demeanor.
 - c) Be aware that my actions and behavior outside of the courtroom also reflect on the Teen Court program.

3. I understand that failure to respect this agreement can result in dismissal from Participation in the program.

“I agree that I will keep confidential any information that comes to my knowledge in the course of a teen court presentation. I understand that as a representative of the Teen Court program I am expected to be a positive role model as reflected in my attitude, dress and behavior.

Volunteer (print name)

Signature of Volunteer

Date

ORDER OF TEEN COURT HEARING

Before Court Begins:

- 1) All participants check-in at tables in the hall.
- 2) Jurors meet for jury orientation and then go to separate jury rooms.
- 3) Offenders meet with Defense Advocates.
- 4) Bailiffs and Clerks meet with NW Youth Service staff to review duties.
- 5) All other participants wait in assigned courtroom.

The Teen Court Session

- 6) 6:00 – hearing begins (after any closing ceremonies).
- 7) Clerk gives welcome, explains courtroom etiquette, notifies Judge when ready.
- 8) Judge enters courtroom.
- 9) Bailiff brings in jury when Judge directs.
- 10) Judge asks Advocates to introduce themselves and the offender.
- 11) Judge asks Jurors if they know offender; and asks offender if he/she knows any Jurors (if so, that Juror will not hear that case).
- 12) Clerk swears in Jury.
- 13) Judge gives jury initial instruction.
- 14) 1st Prosecution Advocate states facts of case.
- 15) 1st Defense Advocate states the facts that the defense wants to emphasize.
Offender may testify or make a statement or the advocate may read the offender's statement.
- 16) Judge reads victim statement (if any) to jury or the victim makes a statement to jury.
- 17) Judge asks jurors if they have questions for the offender.
- 18) Bailiff collects note cards from all jurors (even if they don't submit a question)
- 19) If there are questions, Judge, advocates and offender take a short recess to meet in chambers to discuss answers. Jury remains in jury box.
- 20) Once court reconvenes, Judge reads answer(s) to the jury.
- 21) If no questions, skip over 19 & 20. 2nd Prosecution Advocate summarizes and makes sentencing recommendation. **(If new facts were introduced by answers to jurors' questions, 2nd Pros. Advocate may address them at this time.**
- 22) 2nd Defense Advocate makes a sentencing recommendation.. **(If new facts were introduced by answers to juror's questions, 2nd Defense Advocate may address them at this time.**
- 23) Judge gives concluding instruction to the Jury.
- 24) Bailiff escorts Jury to jury room for deliberation.
- 25) Recess – judge meets with Advocates.
- 26) Jury informs Bailiff that they've reached a verdict.
- 27) Clerk informs the Judge.
- 28) Judge enters courtroom.
- 29) Bailiff escorts Jury back to courtroom.
- 30) When the Judge requests, the Bailiff takes the jury report form from the presiding juror and hands it to the Judge for review and then returns the form to the presiding juror.

- 31)** Presiding juror reads disposition – Bailiff hands to Judge for signature.
 - 32)** Judge asks offender if he/she understand penalties and directs offender to meet with NW Youth Services staff immediately after court.
 - 33)** Judge thanks jury, hands jury disposition form to the Clerk and dismisses court.
 - 34)** After 1st case, Jurors wait in jury room for 2nd case to begin and participate in short evaluation process.
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COURTROOM DEMEANOR

Everyone must:

- behave respectfully in court at all times;
- stand when the Judge enters and leaves the courtroom ;
- remain standing until the Clerk announces that people may be seated

Once the Judge enters, people must stop talking and pay attention to the proceedings. Spectators **are not** to eat, drink, chew gum, have pagers or cell phones in ring mode, wear hats, lounge around or put their feet on the furniture.

The Judge must be addressed by everyone as "Your Honor" or "Judge _____." Sometimes the judge is referred to as "the court.

ADVOCATES

- Must stand when addressing the Judge or the jury.
- Must address the Judge as "Your Honor" or "Judge _____."
- When consulting with co-counsel or the offender, the Advocate should say "Excuse me, Your Honor, may I consult with...."
- If you forget another advocate's name, you may refer to them as "counsel".
- Stand when the jury enters the courtroom
- Defense Advocates will stand with their client when the sentence is being read.

JURORS

- Each panel of jurors must stay together until excused.
- Enter the courtroom in single file and remain standing until told to sit down.
- **While jurors are in the courtroom, they may not talk to each other or anyone else. Unless the Judge asks a juror a direct question, jurors should not speak in the courtroom.**
- While in the courtroom, jurors must pay attention at all times.
- When jurors retire to the jury room, jurors must file out silently.
- After jury deliberations are completed, the jury will notify the Bailiff.
- After the jury returns to the courtroom, the Judge will check the jury report form and ask the foreperson to stand and read it to the offender.
- After being excused by the Judge, the jurors will be escorted from the room through the jury door. **After the last case, jurors must remain for debriefing.**

MENTOR/ATTORNEYS AND TEACHER/COACHES

- May sit in the audience, but should play **no** role in the trial (no coaching).

TEEN COURT PARTICIPANTS' DRESS CODE

In private life, you have the freedom to dress in a way that makes a personal statement about your values, your personality or your sense of fashion. How you dress affects the way others perceive and treat you, either positively or negatively. In your private life, dress is your choice because the consequences of dressing in a certain way only affect you.

HOWEVER, when you choose to participate in the Teen Court, you become a representative of the court system –

- the defense advocates represent the offender,
- the prosecution advocates represent the state
- the clerk and bailiff represent the court.

When youth or adults choose to represent others in court, they have a responsibility to dress and behave in a way that conveys the respect and importance due their clients and the court.

Teen Court advocates especially owe a duty to their clients to not dress or behave in a way that might cause the court or the jury to become biased against the clients. Jurors closely observe the way advocates dress and behave and then draw conclusions about the client. If an advocate dresses for court in a way that is not business-like or is considered extreme to many people in society, the administrators of Teen Court may not allow the advocate to participate in trial. This is because Teen Court will not allow the risk of bias to impair a client's right to a fair hearing.

The following items are examples of what is **appropriate** attire:

- Slacks
- Blazers
- Dress Shirts
- Sweaters
- Dresses/Skirts (knee-length or longer)
- Dress Shoes

➤ No food or beverages
The following items are examples of what is **inappropriate** attire:

- Jeans
- Hats
- T-shirts
- Athletic wear
- Shorts
- Short skirts
- Bare midriff shirts
- Beach wear/sandals
- Very baggy clothing

BEHAVIOR

- No gum chewing

Guidelines for Teen Court Advocates

As Teen Court advocates, it is your duty to evaluate the facts and circumstances of the case and to use your best judgment to formulate a sentencing recommendation that is just and appropriate. In evaluating the case, you must consider the following:

- Seriousness of the crime
- Impact on the victim
- Age and circumstances of the offender
- The purpose of sentencing

The purposes of sentencing are:

- To hold the offender accountable for having committed a crime
- To rehabilitate the offender
- To restore those who have been victimized
- To deter future bad behavior

A good sentence will include a balance of the following elements:

- Education - workshops, counseling, essays, classes
- Punishment - fines, restitution, loss of driver's license
- Restorative justice - community service, apology letters, conflict resolution class, mediation, Victim Impact Panels

Important elements to consider when preparing statement to the jury:

- Jury has short time to consider recommendations
- Make clear, specific sentencing recommendations
- Write sentencing recommendations on the easel board provided
- Explain why recommendations are fair and appropriate
- The 2nd Advocate of each team **cannot** bring up facts unless they have already been presented by the 1st Advocate

General Courtroom procedures:

The Judge will do the following **before** the jury enters the courtroom:

- Ask if there are preliminary matters – will offender or victim testify or address the jury

The Judge will do the following **after** the jury enters the courtroom:

- Ask Advocates to identify themselves and Defense Advocates will also introduce their client.
- Ask if any jurors know the offender. If so, they will be asked to step down for this case.
- Ask offender if he/she knows anyone on the jury that they prefer not to have sit on their case. If so, the Judge will ask the juror to step down for this case. (*if it is the 1st case, they will still be a juror for the 2nd case*).
- Jury will be sworn-in.

ADVOCATES

There are 2 advocate teams (defense, prosecution) each with 2 members. The first member of the advocate team is responsible for presenting the facts of the case and the second member is responsible for closing statements and sentencing recommendations. The following is a checklist for each advocate team. Following the checklist, you will find separate guidelines for the Defense Team and the Prosecution Team.

CHECKLIST FOR ADVOCATES:

Opening statements:

- Did you summarize the facts of the case for the jury?
- Did you tell of any aggravating circumstances (PROSECUTION)?
- Did you tell of any mitigating circumstances (DEFENSE)?
- Did your client make a statement to the court? (Optional)

Closing statements:

- Did you restate the offense and surrounding facts?
- Did you tell of any aggravating or mitigating circumstances?
- Did you remind the jury of the offender's attitude during the court process?
- Did you give sentence recommendations and reasons for them?

ADVOCATES TRAINING TIPS

1. Stand when speaking in court.
2. Address the court properly – “May it please the court, counsel, members of the jury....” Or “ Your Honor, counsel, members of the jury...”
3. Look at the jury, speak slowly and clearly - read from notes only if necessary.
4. Introduce yourself and your role (“I am _____, counsel for (either defense or the state),”; “I will be stating the facts of the case” or “I will be giving our recommendation for the sentence”).
5. If you are the first to present from your side, **your job is to set out the facts and the evidence only – do not argue for a result.**
 - a) Give the facts in a coherent manner – i.e. chronologically or in some other logical order
 - b) If you are presenting for the Prosecution, be sure to mention all of the facts that relate to the commission of the offense and those facts that indicate the offender’s need for an appropriate sentence
 - c) If you are presenting for the Defense, highlight the facts that are positive for your client and do not repeat those that are harmful
 - d) You may put a different light on facts the Prosecution brings out **if that is true within the materials you have.**
6. If you are the 2nd to present from your side, explain why your recommended disposition (sentence) is appropriate and fair – do not reiterate the facts unless it is for a specific point that is essential to your recommendation.
 - a) If you are presenting for the Prosecution, emphasize why the penalties you are recommending will deter further offenses or will correct the offender’s behavior.
 - b) If you are presenting for the Defense, emphasize the positive aspects of your client and his/her remorse, willingness to change, positive changes made since the event, etc.

7. If you use visuals, do so to illustrate a point – be sure visuals are clear and readable to the jury.
 - a) Visuals must be large and dark enough to be easily seen.
 - b) You may want to have your team member check that the proper visual is being displayed.
 - c) Prepare your visual prior to the hearing and be familiar with it.
8. Remember this is not a competition between defense and prosecution. The focus of Teen Court is restoring the youth offender back to their community through community service and educational programs.
9. Thank the jury for their attention.

Juror Suggestions for Advocates

When talking to the jury, face them and use eye contact.

Advocates need to be speak CLEARLY AND LOUD ENOUGH TO BE HEARD – speak slowly.

Advocates need to provide more information rather than interpretation of the crime and provide a clear summary.

Example – Give more details of the situation: was the victim hurt? Did victim press charges or did the school? What was offender’s personal background –did he/she have previous history with anger..etc.

Offender and victim letters/statements should be read out loud.

Using ADD (Attention Deficit Disorder) or similar things as an excuse doesn’t help.

One of the advocates used a very theatrical (exaggerated) voice – IT DEFINITELY DID NOT WORK – Don’t use big words.

Don’t try to look like a real lawyer.

BUT - Don’t look or act too casual – this is a real court.

Be careful not to overstep bounds by bringing in previous charge: for example - drug use if drug use wasn’t an issue in this case.

BE SURE TO WRITE THE SUGGESTED SENTENCE ON THE EASEL

Big No-Nos

Unprofessional behavior in presentation

Unprofessional dress

Laughing or talking during the court procedure

Using a sarcastic tone of voice

Don’t act like this is a case of Capital One Murder

MAIN SUGGESTION:

PRACTICE! PRACTICE! PRACTICE!

DECODING POLICE REPORTS

Abbreviations:

- V** Victim. V1 is apparent first victim contacted, V2 a second victim etc. Officers will often use abbreviations 1 and 2 so they don't have to write out names all the time.
- W** Witness. Can be W1, W2 etc.
- S** Subject or suspect. May be S1, S2 etc.
- P** Parent
- A** Arrestee (person arrested)
- C** Contact: person contacted by police.
- I** Informant
- CI** Confidential Informant
- DOW** Day of the Week: Monday is 1, Sunday is 7, etc.
- F/U** Follow up investigation.
- DV** Domestic violence, assault or threat of assault among family members or those in a dating relationship.
- DVPA** Domestic Violence Protection Act
- NCO** No Contact Order. Usually issued after a domestic violence incident, where one person is ordered to have no contact with another person.
- MIP** Minor in possession of alcohol.
- PSP** Possession of stolen property
- DUI/DWI** Driving a motor vehicle while under the influence of intoxicants (alcohol and/or drugs).
- JUVENILE WARNING** Juvenile is advised of the right to have a parent present when questioned
- MIRANDA/MIRANDIZED** Arrested person read Miranda warnings, i.e., right to remain silent, right to be represented by a lawyer, etc.
- EVENT/EVENT NUMBER** Every incident that a law enforcement agency investigates is given an event number which is coded to the agency and date.
- IMPOUND** When an object is taken by officers, it is impounded either as evidence or for safekeeping until it is released to the owner.
- TIME** Military time (a 24 hour sequence) is used on reports.
For example, 1:00 a.m. is 0100 and 1:00 p.m. is 1300; 4:30 a.m. is 0430 and 4:30 p.m. is 1630. If a report says something happened on 6/20/98 at 2230, it happened at 10:30 p.m. on June 20, 1998.

DEFENSE

The Defense Team represents the interest of the offender. Teen Court is a sentencing court only. Therefore, the defense advocate role is to present the case from the offender's view. Based on a personal interview with the offender and parent/guardian, the defense advocate recommends a sentence that will best reflect "restorative justice" for the offender. Typically, this means recommending a more lenient sentence.

Although the defense team is an advocate for the offender, they do not present *false statements* in the courtroom in order to have their client receive a more lenient sentence. An important purpose of Teen Court is to hold the offender accountable for their actions and to discourage further negative behavior.

The Defense Team is advocating for an appropriate sentence based on *mitigating* factors. (See Terms & Definitions section of this manual).

The Defense Team 1) reviews the facts of the case, 2) interviews the offender and parents(s), 3) finds out what led up to the incident, and the circumstances of the incident. The defense advocates find out if there was any action taken at home regarding the incident, if the offender has apologized to the victim(s) (if applicable) or made any attempt to right the wrong.

The defense team must:

- ✓ Read the police report
- ✓ Determine questions to ask the offender and his/her parents before interviewing them privately
- ✓ Have offender give his/her version about what happened
- ✓ Determine who will make opening and closing statements
- ✓ Speak in a respectful manner and remain professional at all times to all members of the court
- ✓ Determine sentencing recommendations, keeping in mind that the role of defense is to advocate on behalf of the offender
- ✓ Excuse yourself from the case if you hold any biases toward the offender or any member of their family

DEFENSE – Things to consider for your interview questions:

Circumstances:

- Was this incident planned?
- Was peer pressure involved?
- Did the incident pose a danger or threat to others?
- Was there any punishment at home as a result of the incident?
- Does the offender demonstrate an understanding of the consequences of his/her actions?
- Was restitution made prior (if applicable) to Teen Court?
- Did the incident occur in the heat of passion or was it a reaction to an event?
- Did the incident occur under unusual circumstances, unlikely to re-occur?

Offender's point of view:

- Was the offender actively involved in the crime or more of an observer?
- What was the offender's first offense – similar to this crime?
- Does the offender have any condition that would significantly reduce his/her ability to understand the consequences of the crime?
- Does the offender accept responsibility for their actions?
- Does the offender demonstrate any remorse for the offense?
- Is the offender cooperating fully with the Teen Court process?
- Did the offender mistakenly feel his/her actions were justified?
- Does the offender have strengths they can identify about themselves?
- If the situation were to present itself again, what would the offender do?

Victim's point of view:

- Did the offense involve a victim(s) (person or organization)?
- Was something taken, either in monetary amount or personal value?
- Did the victim suffer any loss or damage to property as a result of the offense?
- Was the victim an aggressor, willing participant, or provoker of the incident? (Example: fighting)
- Did the incident pose a danger or threat to others?

ADVOCATES CLIENT CONTACT INSTRUCTIONS

- Defense Advocates need to contact their defendant immediately after receiving their assigned case and set up a time to meet in person with client and parent (if possible). Direct contact is very important as clients need to be involved in the planning of their case presentation.
- Besides your first meeting with your client, be sure to arrange to meet them the night of Teen Court at 5:30. If you cannot make contact with your client, please call Cathy right away at 734-9862 ext 130 . She may be able to locate them through their school or by other means.
- Encourage client to make a statement to the jury, but they should not be forced to do so. If they get too nervous, they can choose to have their advocates read it for them, or if they prefer not to make any statement at all, that is their choice.

CHECKLIST FOR DEFENSE:

- Did you ask the offender to tell his/her version of the facts?
- Did you ask the offender about school, work, goals for the future or other responsible behaviors?
- Did you ask if s/h is sorry for their actions and has anything been done to make amends?
- Did you ask the offender what s/h would do the next time if in the same situation?
- Did you ask the offender what they think their consequences should be?
- Did you ask if they wish to make a statement to the jury?
- Did you ask what if any consequences they received at home?
- Did you ask the offender if they are still associating with the other people involved in the incident?

PROSECUTION

The Prosecution Team represents the interest of the community, victim or victimized community. Teen Court is a sentencing court only, therefore the prosecution advocates will recommend a sentence based upon the harm done to the victim(or community), accountability for the offense, and the seriousness of the action. It is not the role of prosecution to seek the most severe sentence. Rather the prosecution advocate should explain to the court the seriousness of the offense and the effects of the action on the community as well as the offender. The recommendations should not only compensate the victim, but also serve as deterrents for further negative behavior.

The prosecution team does not have to prove guilt, because the offender has already taken responsibility for the crime. Prosecution has the job of pointing out aggravating circumstances surrounding the offense and serving in the interest of the victim or victimized community. Aggravating circumstances are those that increase the severity of the offense.

The prosecution team works together to determine the appropriate sentence recommendations. Sentencing recommendations are chosen from a list of possible consequences (see page 28). The two advocates review the various points of the incident and may read a victim impact statement (if provided) or allow the victim to make a statement to the court. Their role is to deter the offender from further negative activity, point out why the behavior is unacceptable, and speak on behalf of the victim and/ or community.

During the opening statement, the prosecuting attorney should state the respondent's name, and why he/she is appearing in Teen Court. He should also state the seriousness of the incident and what affect it has had on others.

The prosecuting attorney responsible for the closing statement should summarize the need to hold the offender accountable and the seriousness of his/her actions. The closing statement includes recommendations to the jury regarding sentencing.

The prosecution team must:

- ✓ Decide who makes the opening statements and who will close
- ✓ Review the police report
- ✓ Review any statements from a victim
- ✓ Determine appropriate sentence (following guidelines)
- ✓ Speak in a respectful manner; constructively explaining why the behavior is unacceptable
- ✓ Remain professional at all times to the offender, their family and other court members
- ✓ If the prosecution team has personal biases toward the offender or the offender's family, they must excuse themselves from the case.
- ✓ Include the reasons for your sentence recommendation

Jury Orientation

Check-in:

- Sign-in at table in hall
- Obtain juror tag and proceed to assigned jury room
- Remain with assigned jury at all times
- Orientation will be in assigned courtroom

A. General duties.

1. You are hearing and deciding a real case and it is important to the offender and the community that you take your job seriously. If you are not willing to give the case and the jurors your full and respectful attention, please ask to be excused.
2. The reason we have juries composed of an offender's peers is to send the message that an offense is committed against everyone in the community.
3. The jury's duty is to be fair and impartial, which means:
 - a) Jurors can't be biased by knowing the offender, victim etc.,
 - b) Jurors must decide the case based only on the evidence presented, even if it seems incomplete.
4. As jurors you must stay together at all times, in the jury room and courtroom. When you enter the courtroom together in order, you will remain standing until told to sit, not talk in court, not chew gum, etc. The judge and your bailiff will direct you.
5. Your duty is to decide only the offender's sentence, not guilt or innocence.
6. You should decide the sentence based only on the facts and arguments that are presented during the hearing, the instructions given by the court and the sentencing options allowed for the case.

7. The sentence should contain elements of accountability, and elements of rehabilitation, to assist the offender to reconnect with the community and learn skills to make better choices in the future. Trying to avoid future offenses is a goal of the sentence as well.
8. After hearing the case, you will go back to the jury room to discuss and decide the sentence. Your first task will be to elect a presiding juror, whose job it is to insure that the discussion is conducted in an orderly fashion giving each juror's opinion due consideration. The presiding juror is to notify the bailiff when a decision has been reached. If no decision can be reached within the time allotted, you will be brought back in to court and the presiding juror will tell the judge of any items agreed upon and answer any questions the judge may have before the judge pronounces the disposition.

B. Court procedures. The hearings proceed as follows:

1. The offender and the advocates will be introduced to the jury and the Judge will ask the jurors if anyone knows the offender or advocates. **It is important that you answer this question honestly.**
2. The judge will read a preliminary instruction.
3. One advocate for each side will present the facts of the offense and the offender may read a statement. The jurors may take notes on the pads provided. **All** notes **shall** be left in the jury room and not shared with anyone outside.
4. The court will then ask you if any jurors have questions. If you do, you must write the question down (you will be provided a note card). The bailiff will collect the questions and give them to the judge. (You hand in a card whether you have a question or not). After reviewing the questions, the court will confer with the advocates and the offender. If the court decides it is appropriate, the court will answer your questions.
5. The advocates will then present sentencing recommendations.

6. The judge will read the concluding instruction and the sentencing options. Then you will retire to the jury room to decide on a sentence.

C. Jury Instructions. The judge will read three instructions to you during the hearing and you will be given a written copy of the instructions to review in the jury room. (*The instructions look like this: show copies*) The instructions should be discussed briefly. During deliberations:

1. Give special consideration to the factors listed in the Concluding Instruction, covering numbers 1 through 6.
2. Review the sentencing options.
3. The verdict does not have to include an item from each possible sentencing option. Only include those sentencing options that you decide are relevant to the offense and the offender.
4. Remember that a Teen Court offender is not on probation and Northwest Youth Services (NWYS) cannot directly supervise ongoing sentence requirements such as curfew or school attendance.
5. If the jury orders community service, Northwest Youth Services will provide information on community service sites.
6. If the offender must pay restitution, the amount will already be entered on the disposition form.
7. The verdict form must be filled out legibly and completely. The presiding juror will read the verdict out loud in court. (*Show the verdict form*)
8. You will hear two cases, unless otherwise informed, so after the first case, you will wait in the jury room until called by the bailiff for the second case.
9. There will be a short discussion in the jury room after the 2nd hearing for you to fill out an evaluation form.

OFFENSES

The following are misdemeanor, gross misdemeanor and class C felony offenses that are heard in Teen Court:

Assault IV

Criminal Trespass

Disorderly Conduct

Driving without a Valid Operator's License (NVOL)

Harassment

Malicious Mischief III (value less than \$250)

Minor In Possession (MIP)

Possession of Marijuana – Less than 40 grams (POTL4)

Possession of Stolen Property III (PSP) (value less than \$250)

Reckless Endangerment

Theft III (value less than \$250)

Vehicle Prowl

Weapon Possession

INSTRUCTION TO JURORS PRIOR TO HEARING

_____, the offender, has already admitted that he/she committed the offense/s of _____.

Your role is to determine the sentence the offender should receive based on the evidence that will be presented to you. You must try to make the sentence fit the offense.

Your duty as a juror is to discuss the case between your fellow jurors in order to reach a unanimous decision. You each should decide the case for yourself after considering the views of the other jurors.

You should not be influenced by the opinion of the majority of jurors if you strongly believe otherwise. You may consider the sentencing suggestions of the attorneys, but you have the right to disregard them entirely.

In your role as jurors, remember to exercise your power fairly and justly. What you are doing matters a great deal to the offender and to your community.

REVISED CONCLUDING INSTRUCTIONS

The Bailiff will take you to the jury room to discuss the case and determine what the consequences will be. Your first duty is to select a foreperson. It is the foreperson's duty to see that discussion is carried on in a sensible and orderly fashion, that the issues are fully and fairly discussed, and that every juror has an opportunity to be heard and to participate in the deliberation upon the issues.

As you deliberate, there are some things you need to consider:

1. The rules you will follow as you deliberate. These rules might include having only one person speak at a time, no interruptions, a procedure to be sure everyone is heard, etc.;
2. Review the facts you heard and the circumstances of the offense;
3. Determine who has been affected by the offense and in what way;
4. Consider the needs of the youth , who is going through the hearing tonight, lthe victim and the community;
5. Consider what needs to be done to repair any harm that has Occurred due to this offense.
6. Determine the appropriate sentence and reach a consensus about the reasons for it.
7. **All assigned classes and workshops will automatically apply towards any community service hours required. The combined hours of classes and community service cannot exceed 100 hours.**

You are instructed that your verdict must be unanimous. **That is, you must all agree on the sentence.**

You will be furnished with a jury verdict form. When you have completed your deliberations and have determined the sentence, the foreperson must write the sentence on the jury report form and date and sign the form.

When you have completed your deliberations and are ready to return to the courtroom, please notify the bailiff outside the door. (You can notify the bailiff by telling him/her or knocking on the door.)

INSTRUCTIONS ON DISPOSITION **(Deciding on a Sentence)**

When deciding an appropriate sentence, the jury must consider the following factors:

- The type and seriousness of the offense
- What steps the Offender has taken since the incident to alter his/her behavior
- Offender chooses which class (gendered) reflects their identity
- The sentence should address the three goals of restorative justice:
 - 1) Hold the Offender accountable
 - 2) Assist the Offender to develop new competencies
 - 3) Promote community safety
- Always be aware of how total hours of assigned options will impact the Offender. **All classes & workshop hours will be applied to community service. Total cannot exceed 100 hrs.**

SENTENCING DISPOSITIONS: Three Areas of Restorative Justice

1. **ACCOUNTABILITY OPTIONS:**

- **Community Service** (20 – 100 hrs.)
- **Jury Duty** (Limited to *two* nights)
- **Apology Letter**
- **Restitution** (Will automatically be on Disposition Form)
- **Fine** (\$100 max.)

2. **COMPETENCY BUILDING OPTIONS:**

- **Community Links**
- **Conflict Resolution Coaching**
- **Drug and Alcohol Evaluation**
- **Facing Conflict Without Violence (boys)**
- **Healthy Choices for Girls**
- **Parent - Teen Mediation**
- **Special Activity**
- **Theft Reflections Class**
- **Victim - Offender Mediation**
- **Vocational Readiness Class**

3. **PROMOTE COMMUNITY SAFETY:**

- **Substance Use & Community Impact Panel** (Drug and Alcohol)

CLASS DETAILS: Competency Building Options

COMMUNITY LINKS

Cost:	Free
Time:	3 hour class, 4 nights (2 consecutive Tuesdays and Wednesdays) 5 – 8 p.m. Must be accompanied by parent/guardian for all 4 sessions
Goal:	Making connections with other youth and families who are dealing with similar issues. Learning and gaining skills revolved around communication, human development and conflict resolution. Meeting community agency professionals for information and referrals. --- Creating opportunities to bond as parent and child while participating in fun activities.
Summary:	The focus is on problem solving, positive interaction with parents and other adults, communication skills, etc all through hands-on activities.

CONFLICT RESOLUTION (Coaching and 1:1 Workshop):

Cost:	Free
Time:	2-6 hrs. Scheduled according to Whatcom Dispute Resolution Center and client availability.
Goal:	To teach youth how to deal with conflict. The goal is to teach youth effective ways to communicate and how to avoid unhealthy conflict.
Summary:	For individual support or a custom schedule, coaching services provide confidential support to individuals in conflict. Youth learn how to apply effective communication skills at work, school, home and in the community. They learn how different people deal with conflict and how to avoid violent, unhealthy reactions to conflict (i.e. damaging property, harassing someone, etc.) Note: This class should <u>not</u> be assigned if you are assigning Conflict Without Violence or Healthy Choices for Girls.

DRUG & ALCOHOL EVALUATION

Cost:	Can cost between \$150 - \$200. Some places have a sliding fee scale.
Time:	Youth must schedule own appointment. They will be provided with a list of agencies from which to choose.
Goal:	For a chemical dependency counselor to determine if the youth has a problem or not and to make recommendations for treatment.
Summary:	An evaluation can be assigned whenever the jury believes that drug or alcohol use may be a problem in the offender's life. The offender cannot be assigned more than 10 hrs of treatment which includes time spent in the evaluation.

FACING CONFLICT WITHOUT VIOLENCE:

Cost:	Free
Time:	Classes are 2 hours – there are 4 sessions for a total of 8 hours. 4 – 6:00 pm
Goal:	Learning how to be assertive without anger – for male identifying persons only.
Summary:	Youth are referred through Teen Court, school, juvenile court, community bases organizations or by self-referral. The focus is on self-awareness, communication skills and peer dynamics. The program is designed to develop a supportive environment to teach the boys how to make positive change. Note: This class <u>should not</u> be assigned in addition to Conflict Resolution Class and is only for boys.

HEALTHY CHOICES FOR GIRLS:

Cost:	Free
Time:	Each class is 2 hours. There are 4 sessions for a total of 8 hours. 4 – 6:00 p.m.
Goal:	To make each girl aware of themselves, to teach them effective communication skills, how to resolve conflict and how to be an effective leader. The ultimate goal is to show girls how to make positive changes.
Summary:	Healthy Choices is for girls referred by Teen Court, school, juvenile court, community based organization or even self-referral. The program is designed to help the girls develop a supportive environment in which they can make positive changes. These young women participate in a skill-building workshop, leadership project, girls' night. They have access to mediation services, referrals to other resources and even counseling. Note: Do not assign this class in addition to Conflict Resolution Class.

PARENT – TEEN MEDIATION

Cost:	By donation.
Time:	Appointment to be arranged between youth’s family and the Dispute Resolution Center.
Goal:	For family members to work on communication skills and overall family issues which may be contributing to youth re-offending.
Summary:	This can be assigned if youth and/or parents indicate that they feel mediation would be helpful for them as a family. An Intake Assessment will be completed at the center first to determine if the youth and family would benefit most from Family Mediation or individualized support. The youth and/or family must then follow up with recommendations in order to complete their Teen Court contract.

VICTIM – OFFENDER MEDIATION

Cost:	Sliding fee scale
Time:	To be arranged by offender, victim and Dispute Resolution Center
Goal:	To increase the offender’s awareness of how his/her actions have affected the victim and hopefully bring some closure to the event.
Summary:	This is facilitated by a trained mediator. It should only be assigned if the victim is willing to participate.

SPECIAL ACTIVITY

Cost:	Depends upon the activity
Time:	Will vary according to the activity chosen.
Goal:	To give the offender the opportunity to give back to their community by use of any special talents they might have. To encourage youth who are not involved in any activities to explore new options.
Summary:	The special activity must be approved by the case manager from NW Youth Services. The jury may not require participation in a faith based program.

SUBSTANCE USE & VICTIM IMPACT PANEL
(DRUGS & ALCOHOL)

Cost:	FREE – parent may attend with youth for no additional cost.
Time:	2 hour class from 7-9 p.m. (held once a month)
Goal:	To increase awareness of the consequences of choosing to drive while under the influence of drugs or alcohol.
Summary	Involves the testimony of both victims and offenders involved in driving while under the influence of either drugs or alcohol . Testimonials are often quite emotional, so I recommend that a parent attend along with their son/daughter.

THEFT REFLECTIONS CLASS:

Cost:	Free
Time:	One hour and 15 minute class (one session): 3:30 - 4:45 Thursdays
Goal:	For the offender to understand why they stole and how it affected the victim. Because of this understanding, hopefully they will not re-offend.
Summary:	This is a discussion-based class that includes a variety of topics: 1) What cops think vs. robbers, 2) License to steal, 3) Mental rehearsal, 4) Damage done to themselves as well as others, 5) Consequences of their actions, 6) Caring, 7) Circular thinking. Attendees are encouraged to reflect on their actions and to discuss ways to avoid stealing in the future.

VOCATIONAL READINESS

Cost:	Free
Time:	One hour and 30 minutes. 4:00 to 5:30 p.m.
Goal:	To help youth create resumes and prepare for job interviews
Summary:	Designed for older teens who are ready for work experience.

Automatic Requirements:

- ✓ **Shoplifting fines imposed by stores are kept separate from the court process.**
- ✓ **Payment of Restitution will automatically be on contract**
- ✓ **Report Progress – Offender must report completion of disposition requirements to NW Youth Services.**
- ✓ **attend closing ceremony**

WHATCOM COUNTY TEEN COURT

JURY REPORT FORM AND SUPERVISION AGREEMENT

THE STATE OF WASHINGTON

OFFENSES: _____

VS.

We the Teen Court Jury, determine that the Offender shall receive the following disposition:

We, the Teen Court Jury, are unable to reach a unanimous disposition in this case. (If you fill in this box, DO NOT fill in a sentence above)

Presiding Juror's Signature

The above disposition is hereby imposed, this ____ day of _____ 20__.

Teen Court Judge

* * * * *

Supervision Agreement

It is the responsibility of the offender to keep Northwest Youth Services informed of any changes of status (i.e., changes of address, phone number and job circumstances as long as the case is active).

Failure to complete this agreement will result in a non-compliant disposition to be returned to the Whatcom County Prosecutor's Office for further legal action.

Offender

Parent or guardian

JURY REPORT FORM AND SUPERVISION AGREEMENT

BAILIFF DUTIES

THE BAILIFF IS RESPONSIBLE FOR:

- *CONDUCT OF THE JURY IN AND OUT OF THE COURTROOM*
- *ESCORTING JURY TO AND FROM COURTROOM*
- *INFORMING THE COURT WHEN A VERDICT HAS BEEN REACHED.*

BEFORE COURT

- Meet with the Judge and Clerk prior to the court session.
- Be sure you know where the jury room is in relation to the courtroom.
- Be sure jury room door is unlocked.
- Be sure you know where to sit during the hearing

DURING COURT

- The Bailiff will be in the courtroom when the Judge enters.
- The Judge will tell the Bailiff to bring the jury in when ready.
- You will remind jurors to remain standing until the Judge tells them to sit.
- Take a seat near the jury box during the trial.
- If a juror is excused for any reason, you will escort that juror to a seat in the courtroom.
- **When the teen advocates have completed their arguments, the Judge will ask the jury if they have any questions they would like answered by the defendant. If so, The Bailiff will collect them and pass them to the judge.(you collect cards from everyone, even if they don't have a question)**
- The Judge, advocates and defendant will meet for short recess in the judge's chambers.
- The judge will then read the answers to the jury.
- The judge will instruct the jury. The Bailiff will take the written instructions and verdict form and escort the jury back to the jury room.
- You will wait in the courtroom, just outside the jury room, while the jury deliberates. The jury will notify you when they are done by telling you or knocking on the door.
- You will notify the Clerk when a verdict has been reached. The Judge will tell you when to bring the jury back to the courtroom after the court has reconvened.

- When the Judge asks for the verdict form you will take it from the presiding juror and hand it to the Judge. The Judge will read it silently then return it to you. You will hand it to the presiding juror who will read it out loud then hand it back to you. You will return it to the Judge for signing.
- After the Judge discharges the jury, escort them back to the jury room.
- Bailiff will remain for debriefing with Judge, Advocates and Jury.

CLERK DUTIES AND SCRIPT

CLERK'S RESPONSIBILITIES:

- OPENS COURT
- MANAGES THE PAPERWORK FOR THE JUDGE
- CLOSSES THE COURT SESSION

BEFORE COURT

- Meet with the Judge and Bailiff to be sure of the pronunciation of names (i.e. Judge, Offenders) and in what order the cases will be heard.

OPENING COURT

- The Clerk for the 1st Case reads the **Teen Court Introduction** (this is only done once and not repeated for the 2nd case)
- When all parties are ready, ring Judge on "hot line" phone.
- **THE CLERK IS TO READ EVERYTHING IN THE BOXES.**
- *When the judge enters the courtroom, say loudly:*

1. CLERK:
**"ALL RISE. THE TEEN COURT DIVISION OF
WHATCOM COUNTY JUVENILE COURT IS NOW IN
SESSION.
THE HONORABLE JUDGE _____
PRESIDING."**

- *After the Judge sits down you say:*

2. CLERK:
“YOU MAY BE SEATED”.

- *After everyone else sits down say:*

3. CLERK:
“THE CASE BEFORE THE COURT IS THE MATTER OF STATE VERSUS _____.”

- *Then you sit down.*
- *The Judge will ask the bailiff to bring the jury into the courtroom.*

4. CLERK:
“ALL RISE.”

- *Once they’re in the jury box and about to be sworn in you tell everyone else:*

5. CLERK:
“YOU MAY BE SEATED.”

- *Clerk will sit down AFTER the Judge asks clerk to swear in jury.*
- *Judge has advocates introduce themselves and asks jurors questions.*
- *The Judge will ask the Clerk to rise and swear in the jury. You will face the jury, raise your right hand and say:*

6. CLERK:
“JURORS, PLEASE RISE AND RAISE YOUR RIGHT HANDS”.

- *After they raise their hands, say:*

7. CLERK:

“DO YOU SOLEMNLY SWEAR THAT YOU WILL CAREFULLY AND TRULY TRY THE CASE BEFORE YOU AND RENDER THE VERDICT ACCORDING TO THE LAW, THE EVIDENCE AND THE INSTRUCTIONS OF THE COURT?” “ IF SO, PLEASE ANSWER ‘YES’.

8. CLERK:

“YOU MAY BE SEATED”.

WHEN THE FIRST MEMBER OF EACH TEAM HAS PRESENTED THE FACTS OF THE CASE:

- The judge will ask the jurors to write down any questions they have that they feel are relevant to the case but were not addressed during the presentation of facts.
- The bailiff will collect a note card from each juror and present them to the judge.
- The judge will announce a short recess to discuss the questions with advocates and the defendant. (**If there are no questions - skip down to 2nd member of each team presents their recommendations.**)
- **If there are questions** , the judge will tell the court they are taking a brief recess, **when he/she stands – you say:**

9. CLERK:

“ALL RISE”

- The judge, advocates and defendant will go into the judge’s chambers.

- After they leave the courtroom, say :

10. CLERK:
“YOU MAY BE SEATED”.

- When the judge re-enters the courtroom, You say:

11. CLERK:
“ALL RISE. COURT IS NOW IN SESSION.”

- When the judge is seated, you say:

12. CLERK:
“YOU MAY BE SEATED”.

- The judge will then read the answer(s) to the question(s).

START HERE IF THERE ARE NO QUESTIONS FROM JURY

AFTER 2ND MEMBER OF EACH TEAM PRESENTS THEIR RECOMMENDATIONS TO THE JURY

- The Judge will read instructions and then hand them to the Bailiff.

- The Judge may or may not say, “the court is adjourned”. When the Judge stands to leave you say:

13. CLERK:
“ALL RISE.”
(If the Judge has not done so, say:) “THE COURT WILL BE IN RECESS UNTIL THE VERDICT HAS BEEN REACHED.” HAS BEEN REACHED.”

14. CLERK:
“YOU MAY BE SEATED”

WHEN THE JURY HAS REACHED A VERDICT

- The Bailiff will tell the clerk a verdict has been reached. You will **RING** the judge & advocates . Return to your desk.
- *As the judge enters the courtroom*, you say:

15. CLERK:
“ALL RISE. THE TEEN COURT DIVISION OF WHATCOM COUNTY JUVENILE COURT IS AGAIN IN SESSION IN THE MATTER OF STATE VERSUS _____.”

- When the Judge is seated, say:

16. CLERK:
“YOU MAY BE SEATED.”

- When the bailiff brings in the jury, you will say:

17. CLERK:
“ALL RISE”.

- Once all the jurors are seated, you say:

18. CLERK:
“YOU MAY BE SEATED.”

- The Judge will direct the foreman to hand the verdict to the Bailiff, who will hand it to the Judge.

- After Judge’s review, the verdict form will be handed back to the Bailiff who gives it to the foreman to read aloud.
- The Bailiff returns the verdict form to the Judge for his signature and the **verdict form is then handed to you.**
- The Judge will thank and release the jury, adjourn court and rise to leave.
- You say :

19. CLERK:
“ALL RISE”.

The Clerk will then give jury form to NWYS staff.

- You say:

20. CLERK:
“Court is dismissed”.

TEEN COURT INTRODUCTION

(TO BE READ BY 1ST CLERK IN EACH COURTROOM)

Welcome to Whatcom County Teen Court. There will be two cases heard in the courtroom and the 2nd case will start as soon as the verdict has been rendered in the 1st case.

Please remain quiet during the court sessions. This is out of respect for the Court and those presenting cases, as they may be distracted by noise from the audience.

Please remove all hats and chewing gum. No food or drink is allowed in the courtroom. All cellular phones are to be turned off during court sessions.

There will be a recess while the jury deliberates and those present are free to move around and talk during recess. Just remember that when you are in the hallway to keep voices down, as there is a hearing going on in the other courtroom and noises carry easily. When a verdict has been reached, please take your seat and remain quiet for the remainder of the court session.

Thank you!!

ATTORNEY-MENTOR INSTRUCTIONS

Duties of attorney mentors: (One attorney is assigned to each school)

- Meet with the advocates from assigned school well in advance of Teen Court. (Should meet at least one week prior to Teen Court hearing).
- **Advise the student advocates for both the defense and prosecution. Be sure to emphasize that this is not a competition.**
- Serve as resource to assist student advocates with court procedures, case evaluation & presentation.
- Encourage the advocates to look at the case from alternate viewpoints.
- Assist the advocates to express their own argument persuasively and effectively.
- Avoid influencing the advocates – allow them to develop their own recommendations for the jury

The court is committed to the goal that Teen Court arguments and sentences will reflect the values of the community as the teen participants perceive them, not as adults think the teens should interpret them. Attorney mentors are encouraged to keep that in mind when working with the advocates. Teen Court participants accept a lot of responsibility, and therefore, the juries and teen advocates must be given independence to express and act on their opinions.

However, it is important that advocates recommend sentences within the options and limits of the jury instruction for the offense charged. Mentors should not let the advocates make recommendations outside the guidelines for two reasons.

- 1) The sentence needs to be within the statutory requirements (which are included in the jury instruction).
- 2) The sentence has to be one that Northwest Youth Services (NWYS) has the capacity to monitor. NWYS is not a probation department and does not have the authority to supervise offenders in the same way as

juvenile probation. If advocates want to get creative, the suggestions need to be discussed with Cathy Beaty (734-9862 ext 130) before the recommendations are made to the jury. Some examples of sentencing alternatives that NWYS cannot monitor are curfews, and school attendance,

Tips for Attorney-mentors:

- Be familiar with the materials provided –a copy of the case and the sentencing recommendations will be sent to attorney mentors prior to meeting with the advocates.
- Remember Teen Court is only a sentencing procedure – not adjudication.
- Keep in mind the jury is of high school age, so avoid legalisms whenever possible.
- Encourage a balance of punishment and restorative justice activities when formulating sentencing recommendations.
- Allow the advocates to create their own arguments and recommendations.
- Ask the advocates questions to help them organize their thinking.
- Give guidance as to the proper order and presentation of an argument to the jury
- Advise them on proper use of visuals (e.g., writing the sentence recommendations on the easel).
- Help advocates with delivery, emphasize – how to get a point across to jurors.

Judges Script

INTRODUCTORY INFORMATION

- *THE JUDGE PRESIDES OVER A SENTENCING HEARING.*
- *THE JUDGE WILL MAKE A RULING IF THE JURY IS UNABLE TO REACH A VERDICT IN THE ALLOTTED TIME.*
- *DURING THE JURY DELIBERATION, THE JUDGE WILL “DEBRIEF” WITH THE ADVOCATES, CLERKS, AND BAILIFFS.*

PRIOR TO COURT

The judge will meet with the clerk and bailiff to discuss need-to-know courtroom instructions. Be sure they know the spelling and pronunciation of your name.

Check with student advocates to see if there are any preliminary matters. The court may have to rule on whether new information will be admitted.

DURING COURT

The court session consists of:

- Introductions of the advocates and the offender.
 - A check to be sure the jurors and offender do not know each other.
 - Collection & review of juror’s questions
 - A presentation of the case
 - Reading of the verdict
 - Imposition of the disposition.
- The script that follows lists the things that will occur in the proper order and includes the specific instructions that the judge will read to the jury. **The Judge should read the portions set out in the boxes out loud.**
 - The jury packet includes copies of these instructions for the jury to review in the jury room if they need to.
 - The judge is in charge of the proceedings but should also be personable and not overly formal.
 - After each case, thank the jury, clerk, bailiff and advocates for the work they have done.

THE HEARING

THE CLERK WILL:

- *Call the judge into the courtroom by ringing the telephone.*
- *Announce the name of case.*

JUDGE:

1. “DEFENSE COUNSEL, WILL YOUR CLIENT ADDRESS THE JURY, AND IF SO, IN WHAT MANNER? “

The youth may: 1) speak directly or read a statement to the jury; or; 2) defense may read their client’s statement or questionnaire to the jury.)

2. “BAILIFF, PLEASE ESCORT THE JURY INTO THE COURTROOM.”

- *Judge stands as well when the jury enters the room. When the Jury is seated you may sit too.*

You say:

JUDGE:

3. “WILL COUNSEL FOR THE STATE PLEASE INTRODUCE THEMSELVES TO THE JURY?”

4. “WILL COUNSEL FOR THE DEFENSE PLEASE INTRODUCE THEMSELVES AND THEIR CLIENT TO THE JURY?”

**5.”DO ANY OF THE JURORS KNOW, MR./MS.
_____?”**

IF YES - THAT JUROR IS EXCUSED FROM THAT CASE ONLY.

IF NO - PROCEED WITH THE HEARING

JUDGE:

6.”DO YOU, MR./MS. _____ KNOW ANY OF THE JURORS?”

IF YES, THAT JUROR IS EXCUSED FROM THAT CASE ONLY.

IF NO, PROCEED WITH THE HEARING.

JUDGE:

7. “MADAM/MR. CLERK, WILL YOU PLEASE SWEAR IN THE JURY?”

The clerk swears in the jury:

After the Jury is sworn in:

JUDGE:

8. “ I WANT TO TAKE A MOMENT TO TALK TO YOU , THE JURY AND THE AUDIENCE, ABOUT THE IMPORTANCE OF CONFIDENTIALITY. TONIGHT YOU ARE GOING TO HEAR THE FACTS ABOUT SEVERAL CASES THAT ARE BEFORE THE COURT. WITHIN THOSE FACTS WILL BE SOME PERSONAL INFORMATION ABOUT THE YOUTH. OUT OF RESPECT FOR THE THEM AND FOR THE COURT, WE REMIND YOU THAT YOU ARE NOT TO SHARE ANY OF THE PERSONAL INFORMATION, INCLUDING NAMES, WITH ANYONE OURSIDE OF THIS COURTROOM. THANK YOU”

JUDGE:

**9. “ _____, HAS ALREADY
ADMITTED THAT HE/SHE COMMITTED THE OFFENSE OF**

**_____.
YOUR ROLE IS TO DETERMINE THE SENTENCE THAT THEY
SHOULD RECEIVE BASED ON THE EVIDENCE THAT WILL BE
PRESENTED TO YOU. YOU MUST TRY TO MAKE THE
SENTENCE FIT THE OFFENSE.”**

**“YOUR DUTY AS A JUROR IS TO DISCUSS THE CASE
AMONG YOURSELVES TO REACH A UNANIMOUS DECISION,
YOU SHOULD DECIDE THE CASE FOR YOURSELF AFTER
CONSIDERING THE VIEWS OF THE OTHER JURORS.”**

**“YOU SHOULD NOT BE INFLUENCED BY THE OPINION OF
THE MAJORITY OF JURORS, IF YOU STRONGLY BELIEVE
OTHERWISE. YOU MAY CONSIDER THE SENTENCING
SUGGESTIONS OF THE ADVOCATES, BUT YOU HAVE THE
RIGHT TO DISREGARD THEM ENTIRELY.”**

**“IN YOUR ROLE AS JURORS, REMEMBER TO EXERCISE YOUR
POWER FAIRLY AND JUSTLY. WHAT YOU ARE DOING
MATTERS A GREAT DEAL TO _____ AND TO YOUR
COMMUNITY.”**

**“YOU HAVE BEEN PROVIDED WITH NOTE CARDS AND YOU
MAY WRITE DOWN QUESTIONS THAT YOU HAVE FOR
_____ THAT YOU FEEL WERE NOT
ANSWERED DURING THE PRESENTATION AND I WILL
COLLECT THEM AFTER YOU HAVE HEARD THE FACTS OF
THE CASE”**

JUDGE:

10. “WILL THE PROSECUTION PLEASE OUTLINE THE FACTS OF THE CASE FROM YOUR PERSPECTIVE”

One Prosecution Advocate will state the facts to the jury.

JUDGE:

11. “ WILL THE DEFENSE PLEASE OUTLINE THE FACTS OF THE CASE FROM YOUR PERSPECTIVE”

One Defense Advocate will state the facts.

JUDGE:

12. “ DEFENSE, IF YOUR CLIENT HAS A STATEMENT TO MAKE, PLEASE HAVE THEM DO SO AT THIS TIME.”

“PLEASE STAND WHILE READING OR MAKING A STATEMENT “

AT THIS TIME, THE YOUTH’S STATEMENT (if any) IS READ).

***IF A STATEMENT HAS BEEN SUBMITTED BY THE VICTIM, THE JUDGE WILL READ IT INTO THE RECORD AT THIS TIME**

JUDGE:

13. “JURORS, PLEASE COMPLETE ANY QUESTIONS YOU MIGHT HAVE ABOUT THE FACTS OF THE CASE”

JUDGE:

14. “ BAILIFF, PLEASE COLLECT ALL THE CARDS AND HAND THEM TO ME.”

If there are no questions - skip down to the indicated line * .

If there are questions, say:

JUDGE:

15. “THERE WILL BE A BRIEF RECESS WHILE THE ADVOCATES AND THEIR CLIENT MEET WITH ME IN MY CHAMBERS TO DISCUSS THE QUESTIONS WHICH HAVE BEEN SUBMITTED. JURORS, YOU ARE TO REMAIN SEATED AND YOU ARE NOT TO TALK TO ANYONE DURING RECESS.” BAILIFF, PLEASE SEE THAT THIS DIRECTION IS FOLLOWED”

Upon returning to the courtroom:

- **The Judge will give the jurors the defendant’s answer to their question(s).**

***Skip to here if there are no juror questions.**

JUDGE:

16. “THERE ARE NO QUESTIONS FROM THE JURY”

Continuation after answering questions:

JUDGE:

17: “WILL THE 2ND PROSECUTING ADVOCATE PLEASE MAKE YOUR RECOMMENDATIONS FOR DISPOSITION TO THE JURY.”

The Second Prosecution Advocate will make his/her recommendations for disposition,

JUDGE:

18. “ WILL THE 2ND DEFENSE ADVOCATE PLEASE MAKE YOUR RECOMMENDATIONS FOR DISPOSITION TO THE JURY .”

The Second Defense Advocate will make his/her recommendations for disposition.

JUDGE:

19. “MEMBERS OF THE JURY, YOU WILL BE GIVEN INSTRUCTIONS TO REFER TO IN THE JURY ROOM. PLEASE READ ALL OF THE INSTRUCTIONS. ONE OF THEM SETS OUT THE SPECIFIC PENALTIES YOU CAN IMPOSE. THEY ARE DIVIDED INTO 3 CATEGORIES:

- ACCOUNTABILITY
- COMPETENCY BUILDING
- COMMUNITY SAFETY

THE GOAL IS TO CREATE A BALANCED SENTENCE. THIS MAY INCLUDE ONE OR MORE PENALTIES FROM EACH CATEGORY, HOWEVER, YOU ARE NOT REQUIRED TO CHOOSE PENALTIES FROM ALL THREE CATEGORIES IF YOU SO DECIDE.”

JUDGE:

20. “THE BAILIFF WILL TAKE YOU TO THE JURY ROOM TO DISCUSS THE CASE AND DETERMINE WHAT SENTENCE THE OFFENDER SHOULD RECEIVE. YOUR FIRST DUTY IS TO SELECT A PRESIDING JUROR. IT IS THE PRESIDING JUROR’S DUTY TO SEE THAT DISCUSSION IS CARRIED ON IN A SENSIBLE AND ORDERLY FASHION, THAT THE ISSUES ARE FULLY AND FAIRLY DISCUSSED, AND THAT EVERY JUROR HAS AN OPPORTUNITY TO BE HEARD AND PARTICIPATE IN THE DELIBERATION.”

“AS YOU DELIBERATE, THERE ARE THINGS YOU NEED TO CONSIDER. THEY ARE:

- 2. REVIEWING THE FACTS AND CIRCUMSTANCES OF THE OFFENSE.**
- 3. DETERMINING WHO HAS BEEN AFFECTED BY THE OFFENSE AND IN WHAT WAY.**
- 4. CONSIDERING THE NEEDS OF _____, THE VICTIM AND THE COMMUNITY.**
- 5. DETERMINING THE APPROPRIATE SENTENCE BY CHOOSING THOSE WHICH BEST FIT THE CASE AND REACHING A CONSENSUS FOR THE REASON FOR IT.”**

“YOUR VERDICT MUST BE UNANIMOUS. THAT IS, YOU MUST ALL AGREE.”

JUDGE:

21. “ BAILIFF, PLEASE TAKE THIS PACKET AND ESCORT THE JURY TO THE JURY ROOM FOR DELIBERATION.

“THERE WILL BE A BRIEF RECESS.”

- *Hand the packet to the Bailiff.*
- *The clerk will then ask all to rise as the judge leaves the courtroom.*

There will be a recess while the jury deliberates.

DURING THE DELIBERATION, THE JUDGE WILL MEET WITH THE ADVOCATES, TEACHERS, CLERK & BAILIFF FOR DEBRIEFING & FEEDBACK.

THE VERDICT

Upon return to the courtroom: (Clerk notifies Judge by ringing phone).

JUDGE:

**22. “BAILIFF, HAS THE JURY REACHED A VERDICT?” (yes)
“PLEASE ESCORT THEM BACK INTO THE COURTROOM.”**

You will rise when the jury enters the courtroom.

When the jury has been seated (you will sit too), you say:

JUDGE:

**23. “WOULD THE PRESIDING JUROR OF THE JURY PLEASE STAND?
HAVE YOU REACHED A VERDICT?”(yes) “PLEASE HAND THE FORM TO THE BAILIFF. BAILIFF PLEASE STAY HERE AS I WILL BE HANDING THIS BACK TO YOU”**

If a verdict has not been reached, the judge shall determine the consequences after inquiring of the Jury what they were considering.

Review the form to make sure it is in order, then hand it back to the Bailiff so that the presiding juror may read it aloud.

JUDGE:

**24. “MR/MS. _____ AND DEFENSE COUNSEL,
PLEASE RISE WHILE THE VERDICT IS READ.”**

JUDGE:

**25. “MS/MR. PRESIDING JUROR, WOULD YOU PLEASE
NOW STAND AND READ THE VERDICT.”**

The Presiding Juror will read the verdict.

JUDGE:

**26. “BAILIFF, WILL YOU PLEASE HAND THE VERDICT
FORM BACK TO ME?”**

**27.” Mr./Ms. _____ DO YOU UNDERSTAND
THE CONSEQUENCES THAT YOU HAVE BEEN GIVEN BY
THE JURY?”**

**The verdict form will be returned to the judge for his/her
signature. The Judge then hands the verdict form to the Clerk
(she gives it to NWYS staff person.**

CLOSING

JUDGE:

28.” MEMBERS OF THE JURY, I WANT TO THANK YOU FOR YOUR TIME AND SERVICE. ADVOCATES, THANK YOU FOR YOUR GOOD WORK. “

29. “Mr./Ms. _____ ON BEHALF OF THE COMMUNITY, I WANT TO THANK YOU FOR TAKING RESPONSIBILITY FOR YOU ACTIONS. I HOPE THAT THIS HAS BEEN A LEARNING EXPERIENCE FOR YOU AND I WISH YOU THE BEST OF LUCK IN COMPLETION OF YOUR TEEN COURT CONTRACT. BE SURE TO MEET WITH A REPRESENTATIVE FROM NORTHWEST YOUTH SEVICES BEFORE LEAVING TONIGHT”

30. “ COURT IS NOW DISMISSED.” (You leave the courtroom).

RECESS BETWEEN CASES

There will be a short recess while counsel sets up for the next case.

APPLICATION FOR STUDENT/JUDGE

Name: _____ Date: _____

Address: _____ Phone: _____

High School _____ Grade: _____

Have you ever been charged with an offense? If so, what was the disposition and have you completed all the requirements?

Number of times you've served in the role of advocate: _____

List any other roles you have filled in Teen Court and how often in each:

List other involvement you have had in community outreach in regards to Teen Court (example: presentations to service clubs):

Why do you want to serve as a student judge?

Explain what you think is the role of a student/judge.

Why do you think you would fit this role?

Send completed application to:

Bonnie Schultz-Lorentzen
1155 N. State St.
Bellingham, WA 98225

TERMS AND DEFINITIONS

- Advocate:** One who supports or defends a cause; one who speaks in another's behalf. Lawyers are advocates for their clients or for the community.
- Affidavit:** A written statement signed by the person who swears that the contents are true, to the best of their knowledge.
- Aggravating Circumstances:** Circumstances that increase the seriousness of a crime, and that can increase the wrongdoer's penalty or punishment.
- Assault:** A crime that occurs when one person tries to physically touch or harm another in a way that makes the person under attack feel immediately threatened. Actual physical contact is not necessary; threatening gestures are enough for an assault.
- Bailiff:** Officer of the court responsible for keeping order and maintaining appropriate courtroom behavior and who has custody of the jury.
- Bench:** Seat occupied by the judge; more broadly – the court itself.
- Charge:** In Teen Court, the charge is the crime the offender has admitted committing.
- Closing argument:** In a trial, a speech made by each party after all the evidence has been presented. In Teen Court, the defense and prosecution advocates summarize the facts and make a final recommendation to the jury for a sentence
- Confidential:** Communicated privately with the understanding that the information will not be shared without permission. Teen Court participants should **not** discuss information about the case with other people.

<u>Contradicts:</u>	Express the opposite of (a statement).
<u>Culpable:</u>	Deserving blame; guilty.
<u>Disposition:</u>	The sentence decided upon by the Teen Court jury.
<u>Defense:</u>	Something that defends or protects; an argument in Support or justification.
<u>Deliberation:</u>	Formal discussion and debate of all sides of an issue; Thoughtfulness in action or decision; Careful and thorough in deciding or determining outcome. In teen court, necessary process to arrive at sentence.
<u>Demeanor:</u>	Behavior or conduct.
<u>Evidence:</u>	Information that is the basis for a conclusion or judgment; the documents or verbal statements admissible as testimony in a court of law.
<u>Felony:</u>	Serious crime (in contrast with misdemeanors and infractions, less serious crimes), usually punishable by a prison term.
<u>Hearing:</u>	Formal proceeding with definite issues of a law or a fact to be heard.
<u>Hearsay:</u>	Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible as evidence in court.
<u>Imply:</u>	To suggest a conclusion; to express indirectly.
<u>Inadmissible:</u>	Information that is not acceptable for use in court.
<u>Infraction:</u>	Violation of law not punishable by imprisonment; minor traffic offenses generally are infractions.

- Instructions:** Judge's directions to the jury regarding the responsibilities and procedures to aid the jury in its deliberation.
- Intake:** Procedure prior to hearing to decide how to handle the case. In Teen Court, a Northwest Youth Services staff person would conduct the initial intake, explaining process to the parent/guardian and youth, answering questions they may have regarding the program.
- Irrelevant:** Information that does not apply to the current case before the court.
- Judge:** Presiding officer of the court.
- Juror:** Individual who swears to fairly decide a case along with others on the jury.
- Jury:** Group of individuals who are impaneled to decide sentence for the offender.
- Leniency:** Recommendation for a sentence less than the maximum allowed.
- Misdemeanor:** A less serious offense for which a statute provides a lesser punishment than for a felony.
- Mitigating Factors:** Information about the offender or circumstances of the incident that could lessen the seriousness of the offense or sentence.
- Mitigation:** To make less rigorous or punishing. Crimes are frequently committed under circumstances that are not justifiable nor excusable, yet they show that the offender has been greatly tempted; as, for example, when a starving man steals bread to satisfy his hunger, this circumstance is taken into consideration in mitigation of his sentence. Thus the term *mitigating circumstance.s*

<u>Oath:</u>	Declaration that one will speak the truth, keep a promise; <i>under oath</i> - bound by having made a formal oath, as in a court of law.
<u>Omission:</u>	Something left out or neglected.
<u>Prosecute:</u>	To begin legal or criminal court action against: to act as a Prosecutor.
<u>Rebuttal:</u>	Evidence disproving previously given evidence.
<u>Respondent:</u>	Same as “ <i>defendant</i> ”, “ <i>offender</i> ” - person responding to a charge.
<u>Sentence:</u>	Judicial decision; a penalty or punishment imposed on an offender.
<u>Sequester:</u>	To separate; to isolate the jury from the world outside the courtroom so that they will not be influenced by events and information not presented in the Teen Court hearing.
<u>Summation:</u>	Concluding statement containing a summary of principal points.
<u>Suspension:</u>	Temporary loss of right to attend school.
<u>Teen Court:</u>	Also referred to as “youth court, student court or peer court”; programs that involve young people in the sentencing of their peers. Teen Courts operate in schools, or in a juvenile justice or community settings. Young offenders volunteer to participate in teen court as an alternative to the criminal justice system. Most Teen Court juries impose a sentence, but do not determine innocence or guilt.
<u>Testimony:</u>	Declaration of truth or fact given before a court: <i>Proof:</i> evidence in support of a fact or assertion; written and spoken testimony offered in a legal case.
<u>Witness:</u>	Person who is sworn at a trial to provide evidence.