

# KNOX COUNTY TEEN COURT

## INSTRUCTIONS FOR VOLUNTEER JUDGES

Teen Court judges are expected to read this entire manual before acting as a Teen Court judge.

The documents on this site are the provided by the Knox County Teen Court, Galesburg, Illinois.

### I. INTRODUCTION

The purpose of this manual is twofold. First, it is to provide guidance and assistance to those attorneys and judges who volunteer to serve as a judge in the Teen Court program. Second, it is designed to assist in achieving uniformity and consistency on the part of judges throughout the Teen Court program.

The manual begins with an overview of the Teen Court program, including the requirements for eligibility, the format of the proceedings and the benefits of participation in Teen Court. Following this explanation is a session proceedings outline/script which can be used by the Teen Court judge in conducting the session. Finally, this manual contains guidance as to what to do if special situations arise during a Teen Court session which are outside the scope of the normal script and procedure.

Be aware that your adherence to the rules of confidentiality is required. As a Teen Court judge, you will have access to various case files and other pertinent records. These may never be copied or in any way removed from the court. Additionally, you are not to discuss the cases which come before you with anyone or in any way divulge information which comes to you during a Teen Court session.

#### Overview of Teen Court

Teen Court brings offenders into a court environment comprised of peers from the local high schools. Teen volunteers assume the role of defense /prosecuting attorneys, bailiffs, court clerks and jurors. The role of the judge is the only adult involved in Teen Court, this position may be filled by a program staff member or a local attorney who volunteers.

#### Teen Court Eligibility

Juveniles between the ages of 6th grade (12 years) and 18 years or senior in high school who plead guilty to misdemeanors are eligible for participation in the Teen Court program, Participation is voluntary, and the teen defendant or the Teen Court program may terminate their relationship at any point in the process. Eligible persons will generally be allowed only one opportunity to participate in Teen Court.

#### Format of Teen Court Proceedings

The judge introduces the teen defendant to the teen jurors and informs them of the charge against the teen defendant. The teen defendant must have a parent or guardian present. Evidence is presented by the teen prosecutor and teen defense attorney through the testimony of the defendant on the witness stand, then the teen jury deliberates to determine the teen defendant's sentence. The teen jury does not decide innocence or guilt- they only determine the sentence of the teen defendant. The court then reconvenes and the judge calls the Teen Court defendant before the bench to hear the sentence, which will include: (a) mandatory sentences of community service hours, (b) serving as a Teen Court juror, (c) completing the Teen Court Basic Training, and (d) an apology. Other sanctions the teen Jury make decide varies on their decision, such as writing an essay, apology note to victim, house arrest with parent's assistance or any other special conditions the teen jury may decide. If the sentence is not completed with specified time frame given by the Court Coordinator, the teen defendant will be referred back to the original referral source with an unsuccessful completion report.

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### II. TEEN COURT JUDGE'S SCRIPT

#### Session Proceedings:

1. Upon entering the courtroom prior to the start of the proceedings, locate your teen bailiff and give him or her your name.
2. The teen bailiff will first call the court to order and announce your name. Enter the courtroom and take a seat at the bench and give a brief introductory remark, ~~Good~~ Good evening, ladies and gentlemen.
3. Ask the teen jury to stand and be sworn by the Teen Court clerk. ~~At this time, I would ask that the jury please stand and be sworn by the court clerk.~~ ~~(after they stand say) Court, clerk, you may proceed to swear in the jury.~~ ~~Will do.~~ court clerk please call the first case? On occasion, there may be an insufficient number of Teen Court volunteers to fill the role of the Teen Court clerk. In such situations, proceed to call the case style and case number yourself.
5. After the case has been called, briefly explain the nature of the charge to the teen ~~Members~~ members of the jury, the defendant is here today because (explain the charge).
6. Opening statements are next. The teen state attorney (prosecutor) gives an opening statement first and then the teen defense attorney. Direct the teen state attorney to proceed first. ~~We~~ We are now ready to begin with the opening statements. Will the

state please go first? (Following the state's opening statement) Will the defense please give an opening statement at this time?

7. After the opening statements, ask the teen defendant to step forward and stand next to the witness chair to be sworn by you. Following the oath, direct the teen defendant to state his or her name and age for the court. ~~With the~~ defendant please rise and come forward to the witness chair. Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth? (After an affirmative response.) Will you please be seated and state your full name and age to the court.

At this point, direct questioning will begin by the teen defense attorney. Once concluded, the teen defense attorney ~~Defense~~ say passes the witness or in some way indicate that he or she is through with the witness. If he or she fails to do so, ask the teen defense attorney if he or she is through with the witness.

9. The teen state's attorney now has an opportunity to conduct its own cross-examination of the witness. When finished with its questioning, the teen state's attorney should ~~state~~ passes the witness or in some way indicate that he or she is through with the witness. If the teen state's attorney fails to do so, as if he or she is finished with the witness.

10. Each side is now allowed brief redirect or recross with the teen defense attorney proceeding first. If you believe it appropriate, teen jurors may be allowed to ask brief questions.

11. Once questioning is concluded, direct the teen defendant to return to his or her seat.

At this time, permit the teen state's attorney to make a closing statement to the teen jury. The judge should make sure a sentence is recommended.

13. Next, permit the teen defense counsel to make a closing statement to the teen jury.

14. The teen state's attorney is permitted a brief rebuttal, at this time, if so desired.

15. At this point, instruct the teen jury in a fashion similar to that set forth below.\* Also, direct the teen court clerk to give the bailiff the sentencing form for the teen jury to fill out. You will also need to instruct the teen bailiff to take the teen jury to the deliberation room where they will decide on the sentence. You should call a recess during the deliberations, unless there is another case ready to go with a teen jury waiting to be seated.

\*Members of the jury, you are charged with an important and solemn duty to evaluate all of the evidence you have heard here today and, to reach a fair and just sentence. Remember, guilt is not at issue in this case. Your only duty is to consider those facts discussed with weigh in favor of or against a particular sentence. **YOUR DECISION MUST BE UNANIMOUS.**

Once in the jury room, you will need to pick a jury spokesperson to lead your discussion. The jury spokesperson will be responsible for marking the sentence form and announcing the sentence to the court.

The bailiff will take you to the jury room where you will decide upon the appropriate sentence.

After the teen jury leaves.

If no other case is ready, this court stands in recess during the jury's deliberations.

If there is another case, ask the teen court clerk to please call the next case. Then ask the teen bailiff or another Teen Court staff member to bring in the next teen jury.

16. When the teen jury reaches a verdict, they will knock on the door of the jury room where the teen bailiff is standing. If everyone is not returned to their seats, call the court to order and direct them to do so. The teen bailiff will bring the teen jury from the jury room. The teen jury will reenter the courtroom and be seated. Ask the teen jury if they have reached a sentence. Then ask the spokesperson to hand the sentence form to you for review. You will then hand the form back to the teen bailiff, who will give it back to the spokesperson. The spokesperson will read the sentence in a clear, distinct voice to the teen defendant and the Teen Court clerk will record the disposition on the docket. (Again, if a Teen Court clerk is unavailable, you should record the disposition yourself.)

Members of the jury, have you reached a sentence? Will the spokesperson please hand the sentence form to the bailiff? (After you have read the sentence silently and returned it to the jury.) Will the defendant please rise and face the jury? Will the jury spokesperson read the sentence? (After the sentence is read.) Mr./Ms. [defendant's name], do you understand the sentence? (Wait for a response. If the answer is no, explain the sentence. If the answer is yes or the answer is yes once you have explained the sentence.) At this time, you are remanded to the attention of the Teen Court coordinator, who will supervise completion of your sentence. Good luck.

At this point, question the teen defendant regarding the sentence.

17. At this point, thank the teen jury for faithfully discharging their duties.

Set forth below are some examples of special situations which potentially could arise during a Teen Court session. Included with is the suggested appropriate response.

A. Teen defendant or parent withdraws from participation in Teen Court during the session.

Participation in Teen Court is voluntary. In order to participate, the teen defendant must admit that he or she has committed the question. Thereafter, the only issue is the appropriate sentence for the act committed. At any point during the proceeding or even following the sentencing, the teen defendant or his parents have a right to withdraw from participation in the Teen Court program.

Withdrawal from participation may occur in a subtle form. For example, rather than standing before the court and directly addressing the judge on his or her intent to withdraw from participation, the teen defendant may merely deny in his or her testimony that he committed the act in question. Watch out for this situation.

IN THE EVENT THAT ANY SITUATION OCCURS IN WHICH THE TEEN DEFENDANT OR HIS OR HER PARENT INDICATES IN SOME FASHION A DESIRE NOT TO CONTINUE PARTICIPATION IN THE TEEN COURT PROGRAM, YOU SHOULD PAUSE THE PROCEEDINGS, DIRECT THE BAILIFF TO TAKE THE JURY INTO THE JURY ROOM AND QUESTION THE TEEN DEFENDANT AND HIS OR HER PARENT AS TO THIS FACT. IF THE TEEN DEFENDANT OR HIS OR HER PARENT INDICATES THAT THEY DO NOT WISH TO CONTINUE PARTICIPATION IN THE TEEN COURT PROGRAM AT THIS POINT, CALL A RECESS AND DIRECT THE TEEN BAILIFF TO TAKE THE TEEN JURY INTO THE JURY ROOM. IN DOING SO, INSTRUCT THE TEEN JURY AS FOLLOWS:

Members of the jury, at this time, I am asking the bailiff to take you into the jury room for a brief recess while this court determines whether to continue with this proceeding. Your removal from this court is in no way to be considered negatively. Rather, it is merely to protect your impartiality as jurors while I confer with the defendant, his or her parents, and the attorneys to this case. Thank you for your patience.

If the answer is no:

Direct the teen defendant to return to his or her position and instruct the teen bailiff to return the teen jury. Instruct the teen jury as follows:

I thank you for your patience. At this time, we will continue with the proceedings. As before, the only issue in this case is the appropriateness of the sentence, since the defendant has admitted that he or she has committed the act in question.

B. If there is a conflict between the teen defendant and parent about withdrawing from participation:

In the event that only one party wishes to withdraw from participation and the other does not, treat the matter as a motion for stay of proceedings. Respond with the following:

There appears to be a conflict at this time as to whether the defendant should continue participation in the Teen Court program. At this time, I am entering a stay of these proceedings until such time as this matter can be resolved by the Teen Court Coordinator and the referral source. Members of the jury, I thank you for your patience. Your duties here are discharged.

C. Documentary Evidence

The jury shall have the discretion to determine all forms of documentary evidence which may be introduced. This may be accomplished by furnishing a copy to the teen jury when they retire to deliberate.

D. Other witnesses

No other witnesses are allowed at the proceeding. Only the teen defendant is allowed to testify on his or her own behalf. If there is a letter from the victim, this may be given to the teen jury at the time of their deliberation.

E. Procedural questions by the teen attorneys

It is fairly common during the proceedings for one or both of the teen attorneys to have a question about what they may or may not say to the teen witness or say to the teen jury. If such a situation occurs, call the teen attorneys up to the bench for a conference out of the hearing of the teen jury) and try to resolve the problem.

F. Sentencing

The jury may NOT increase a sentence; however, the judge does have the discretion to reduce a sentence with an explanation.

G. Critical fact not brought out during the questioning

On occasion, you may feel that, based on your review of the fact sheet, certain salient facts have not been brought out during the questioning by teen attorneys. If this is the case, call both teen attorneys up for a bench conference out of the hearing reach of the teen jury before closing statements. Indicate to the teen attorneys the facts you feel have been overlooked and direct the parties to question the teen defendant about those facts. The teen state attorney should proceed first.

H. Critique of volunteers' performance

Time permitting, and if you feel inclined, you may wish to critique the performance of the various volunteers. This is perfectly acceptable, but be sure you do not begin your comments until the teen defendant has left the room. Try to offer constructive criticism and be sure to praise the good points as well. Remember, this is very new to some of these teens, and they were probably very nervous.

#### I. Other problems

If some other serious problem arises which you absolutely cannot resolve in any way, call a recess and confer with the Teen Court Coordinator.

THANK YOU VERY MUCH FOR YOUR PARTICIPATION.

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