



Greenpoint Youth Court members in front of the John Jay College of Criminal Justice after touring the facilities and speaking with professors.

Teen Courts – Do They Work and Why?

By Jeffrey A. Butts and Jennifer Ortiz

Introduction

Teen courts (also known as youth courts or peer courts) are specialized diversion programs for young offenders that use court-like procedures in courtroom settings. The typical delinquent youth referred to teen court is probably 12 to 15 years old, in trouble for the first time, and charged with vandalism, stealing or other non-violent offense. Teen court offers a non-binding, informal alternative to the regular juvenile court process. In most cases, young offenders agree to participate in teen court as a way of avoiding formal prosecution and adjudication in juvenile court. If they agree to participate, but then refuse to comply with teen court sanctions, young offenders risk being returned to juvenile court to face their original charges.

When judged by the straightforward metric of proliferation, teen courts are clearly a success. The number of teen court programs in the United States grew quickly over the past two decades. Although fewer than 100 programs existed prior to 1990, recent surveys suggest that more than 1,200 programs are in operation today.¹

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Despite their popularity, there are many unanswered questions about the effectiveness of teen courts. The overall impression one gets from the evaluation literature is positive, but researchers have yet to identify exactly why teen courts work. Most important, studies have not yet investigated whether some teen court models are better than others.

What Does Research Tell Us?

The most recent, most comprehensive investigation of teen court effectiveness was conducted by the Urban Institute.² The project studied teen courts in four jurisdictions: Alaska, Arizona, Maryland and Missouri. More than 500 teen court cases from the four sites were compared with similar cases handled by the traditional juvenile justice system. In three of the four study sites, recidivism was lower among youth handled in teen court. In Alaska, for example, recidivism for teen court cases was 6%, compared with 23% of cases handled by the traditional juvenile justice system and matched with the teen court sample on variables such as age, sex, ethnicity and offense history. In Missouri, the recidivism rate was 9% in teen court and 27% in the traditional process. The difference among Arizona youth (9% vs. 15%) trended in the same direction, although the difference was not large enough to reach the level of statistical significance. In these three sites, teen courts were compared with the average juvenile justice response in cases involving matched cases of first-time offenders. The young offenders in the comparison group were not offered special services or sanctions. They received whatever was typical for first-time offenders in that jurisdiction, including warning letters, informal adjustments and outright dismissals.

In the fourth site (Maryland), teen court was compared with a proactive, police diversion program in a neighboring county. The police program provided many of the same services and sanctions offered by teen courts. Young offenders were ordered to pay restitution, perform community service, and write letters of apology, just as they would in a teen court, but without a court hearing or any peer-to-peer justice. The entire process was managed by police officers and a police department social worker. Recidivism among the Maryland comparison group was slightly lower than it was among teen court cases (4% vs. 8%), although the size of the difference was not statistically significant. One could argue that the evaluation design in Maryland was a more rigorous test of teen court effectiveness, because it came closest to isolating the effects of peer-to-peer justice in a courtroom setting. The comparison group in Maryland, however, was a

convenience sample, drawn from a neighboring county, and the cases were not matched on a case-by-case basis with the teen court sample, as was true in the other three sites. For these reasons, the Urban Institute described the Maryland findings as inconclusive.

Still, the Maryland results suggested that when most aspects of another kind of diversion program are similar to that of teen court – i.e., when teen court cases and comparison group cases receive similar sanctions and services – there may be little difference in recidivism. The evaluators inferred from these results that the real value of teen courts might be their ability to ensure the delivery of meaningful sanctions for first-time delinquent offenders, the type of youth usually ignored by the traditional juvenile justice process. In jurisdictions unable to provide meaningful interventions for these youth, teen court may offer an effective alternative.

Another interesting aspect of the Urban Institute study was the courtroom models used by each study site. The Alaska and Missouri sites used teen court models that relied heavily on youth themselves for courtroom management (even youth judges). The Arizona and Maryland programs used models in which adults were largely responsible for managing the court process and the courtroom dynamics (youth may question the defendant, but an adult judge determines sentencing). Thus, the sites with the strongest findings that favored teen court were those that used courtroom models in which youth themselves performed all the key roles. The study was not designed to test the effect of different courtroom models on recidivism, and the disparities in the

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recidivism comparisons could be due to the nature of the comparison groups themselves more than the program effects, but the pattern at least suggested the need for further investigation.

What Does Theory Tell Us?

Teen courts are an appealing alternative to traditional juvenile court processing, but why? What is the theory behind the effectiveness of teen courts?

Juvenile justice interventions are often compatible with more than one theory of delinquency. In its 2002 evaluation of teen courts, the Urban Institute proposed several variants of theory that seemed to be consistent with teen courts as a method of reducing future recidivism.³ Of all the theoretical perspectives identified by the Urban Institute – peer influence, procedural justice, deterrence, labeling and restorative justice – only the first, peer influence, seemed to be uniquely suited to teen courts. Teen courts are believed to reduce recidivism by tapping the power of positive peer influence. Adolescents crave peer acceptance and peer approval. The teen court process takes advantage of this naturally powerful incentive. Just as association with deviant or delinquent peers is commonly associated with the onset of delinquent behavior, pressure from pro-social peers may propel youth toward law-abiding behavior.

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The idea is not new. Researchers and practitioners have for decades used pro-social peer pressure in delinquency prevention programs, including Guided-Group Interaction, Positive Peer Culture and Peer Group Counseling. All of these programs are based upon a common principle: If peer-group influences lead to delinquency, peer-group influences might also be used to prevent delinquency. For more than 50 years, social scientists have found that delinquent acts are disproportionately committed by groups of juveniles rather than by lone offenders.⁴ Numerous studies have found that youth

with antisocial friends and associates are more likely to be delinquent themselves.

The theory of differential association posits that criminal behavior is learned through direct and repeated interactions with people who have attitudes or beliefs favorable to deviance.⁵ Through social interaction, uninitiated youth are taught criminal techniques as well as definitions favorable to violating the law. The central tenet of differential association theory is that “a person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law.”⁶ Criminological theory suggests that reducing teenagers’ antisocial interactions and increasing their exposure to the influences of non-delinquent, pro-social peers is a plausible approach to delinquency prevention. Every parent who worries about a child “hanging out with the wrong crowd” knows this as well.

Which Kind of Teen Court Is the Most Effective?

Not all teen courts are alike. They vary in how they handle cases and in the extent to which they assign responsibility to youth. Some include youth in prominent roles; others do not. Some involve youth judges; others permit only adults to serve as judge. Are these differences important? Do they affect the ability of teen courts to reduce recidivism? Do they shape the experiences of youth, either volunteers or defendants?

In more than half of all teen courts today, adults manage the courtroom process and decide all sentences. Young people are restricted to the lesser roles of attorney, clerk and bailiff. To some observers, this seems to contradict the very spirit of teen courts – the idea that youth will learn greater respect for the law when they are judged by their peers. To others, however, an adult presence may seem vital to maintaining order during teen court proceedings. Some practitioners worry that the impact of teen court may be diminished by the disorder and frivolity that may occur without adult supervision.

When viewed through the lens of the juvenile justice system, the particular courtroom model used in a teen court may not seem to be a critical issue. Juvenile justice professionals may express a preference for the adult judge model simply because it is thought to ensure a

greater degree of order and control – and because it takes less time to prepare youth for their roles. Certainly, it is easier to recruit and train youth volunteers for an adult-operated program. Young people are not expected to manage the courtroom process; they do not have to be as responsible, or as prepared. Many teen court program directors believe firmly in the superiority of the adult-run model, but is this simply a matter of convenience?

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During the Urban Institute’s study of teen courts, investigators were told many times by advocates of the adult-run model that the presence of an adult on the bench is a critical ingredient of program effectiveness. This comment was often accompanied by descriptions of how chaotic courtrooms can be when an adult judge must leave the room even for a few moments. Adult supervision is necessary to restrain the natural tendencies of teenagers to “goof around.” The underlying message in these comments is that young people cannot learn to be responsible.

Research suggests this is not true. The Anchorage program was run entirely by youth. The adult program director recruited the volunteers for the court, managed the office, scheduled the courtrooms, and monitored whether defendants completed their assignments and

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sanctions. These tasks, however, were all out of the public eye. The public aspects of the program – those witnessed by young defendants and their parents – were managed entirely and exclusively by young people. Teens managed the courtroom process, presided over all hearings, deliberated on appropriate sanctions for each defendant, and announced their findings in open court.

The Urban Institute study showed that a youth-run court can run like clockwork. Courtroom procedures were orderly and timely. Participants behaved professionally. The entire process was conducted with great seriousness. The respect that both defendants and parents

showed for the court was obvious to any observer. One of the principal conclusions of the Urban Institute study was that youth-run programs deserve closer attention from policymakers and practitioners.

Conclusion

There is sufficient research evidence to believe that teen courts have meaningful benefits for youth participants, their families and communities, yet many questions remain. One particularly vital question overlooked by researchers is whether communities are better served by teen courts that rely on youth rather than adults to manage the court process.

As New York moves further ahead with its teen courts, hopefully this question will be resolved by rigorous evaluation research, which will additionally serve the larger interests of teen courts throughout the nation. ■

1. J.M. Schneider, *Youth Courts: An Empirical Update and Analysis of Future Organization and Research Needs*, Hamilton Fish Institute (George Washington University 2008), available at http://hamfish.org/Publications/Serial/HFI_Youth_Courts_Reports.pdf.
2. J.A. Butts, J. Buck & M. Coggeshall, *The Impact of Teen Court on Young Offender* (The Urban Institute (2002), available at <http://www.urban.org/uploadedpdf/410457.pdf>).
3. *Id.* at 8–10.
4. See, e.g., M. Warr, *Age, Peers and Delinquency*, 31 *Criminology* 17–40 (1993).
5. See R.L. Akers, *Criminological Theories: Introduction, Evaluation and Application* (Los Angeles: Roxbury 3rd ed. 2000).
6. E.H. Sutherland & D.R. Cressey, *Principles of Criminology* (J. B. Lippincott Co. 1974).

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