

An Evaluation of a Delaware Teen Court

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ABSTRACT

The Kent County Teen Court Program (teen court) provides sanctions for juvenile delinquency from a panel of a juvenile's peers rather than from a Family Court Judge. Part of the concept behind teen peer courts is that the sanction from one's peers carries more weight than sanctions from adults. The Delaware Criminal Justice Council (CJC) awarded a grant to Delaware Teen Courts, Inc. to support the operation of the Kent County Teen Court Program. The teen court program was designed to provide participants with hands-on education in the judicial process, to create a sanction program that will not create a permanent record for a juvenile, and to foster a sense of community responsibility in the program participants. The teen court program is an *adult model* teen court in which all of the judicial actors are juveniles with the exception of the judge. This article reflects the results of an evaluation on the Kent County Teen Court program's first two years of operation (Garrison, 2001).

Literature Review

In recent years, teen courts have been used as a tool to deal with first-time offenders and provide sanctions to delinquent youths without formal juvenile court proceedings (Harrison, Maupin, & Mays, 2000; Shiff & Wexler, 1996; Rothstein, R., 1987). Teen courts provide youths with the experience of being judged by their peers and hands-on experience with the criminal justice system and how it functions and deals with offenders (Reichel & Seyfrit, 1984, Rothstein, N., 1985). Teen courts offer offenders an opportunity to receive a sanction for an offense without creating a formal and/or permanent delinquency record. Sanctions usually entail letters of apology, service on peer juries, community service, and restitution (Zehner, 1997) as well as counseling and participation in drug and/or alcohol recovery groups like Alcoholics Anonymous (Williamson, Chalk, & Knepper, 1993). Thus, teen courts provide the community, youths within the community, and the offender opportunities and protections for first-time minor offenses that the formal juvenile justice system may not be able to provide.

A key component underlying the teen court

concept is that youths build socialization skills and feelings of ownership in their community (Godwin, 1998). Community bonding is important in the development of youths and the community for "if youth do not see themselves as being bonded to the social contract that the adult society adheres to, they will see no reason to follow it" (Godwin,

1998, 4). The process of the teen court facilitates this bonding by:

1. Providing youths accountability for their delinquent behavior;
2. Providing youths practical experience and understanding of how their actions impact others;
3. Providing youths with instruction on how the judicial system works;
4. Providing youths with experience in group decision making and how to use conflict resolution skills when dealing with disagreement; and
5. Providing youths with a forum to exercise various interpersonal skills.

"The skills learned, combined with the education received on the legal and judicial system from participating in teen court programs, can cause youths to

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rethink their views on delinquent behavior and lead them to adopt more prosocial attitudes. This outcome ultimately can enhance public safety” (Godwin, 1998, 4). From an ecological theory perspective, teen courts have been found to provide an opportunity for various protective factors to influence the defendant youth’s behavior and prevent recidivism (Beck, 1997).

Teen courts are established to provide a dispositional alternative to formal adjudication for first-time offenders. Teen courts are based, in essence, on the concept that “young people who understand the nation’s laws are less likely to violate them [and] that lawful behavior stems from respect for the legal system grounded in an understanding of the place of law in a democracy” (Williamson et al., 1993, 54, 56). Rather than having a judge impose a sanction on a youth in an effort to control behavior, teen courts use the power of positive peer pressure to affect youth behavior (Williamson et al., 1993). Because teen courts are dispositional alternative programs and not diversion programs, they more closely resemble “the juvenile court process than a program designed to divert offenders away from juvenile court” (Williamson et al., 1993, 57) without the labeling that comes from formal adjudication. A teen court does not provide the stigma of a finding of delinquency, but teen courts maintain the formality of accountability and application of sanctions appropriate for the offense.

There are various types of teen courts. According to National Teen Courts of America, the teen court concept has nine major classifications and 45 subclassifications (National Teen Courts of America, 2000). Godwin (1998) identifies four categories of teen courts, three trial oriented and one strictly sanction oriented. The three types of trial oriented teen courts differ in the roles of the youths. In the *adult model*, youths serve as prosecutors, defense attorneys, bailiffs, and jurors but the judge is an adult volunteer. In the *youth judge model*, all court functions including that of the judge are handled by the youths under adult supervision. The *tribunal model* has no youth jury, and the youth attorneys argue their case before a panel of youth judges who determine the sentence of the charged youth. The *peer jury* model has no youth prosecutors or defense attorneys; the court is comprised of a panel of youth peers on the jury

who question the youth directly and determine the sanction. Most teen courts are authorized to impose sanctions on a youth and not to determine actual guilt of the charge (Butts, Hoffman, & Buck, 1999). Teen courts require the youth to “admit to the charges against them in order to qualify for teen court...only 13% of teen courts [are] authorized to determine guilt; of these, 44% use the tribunal model and 36% use the youth judge model” (Butts et al., 1999, 1). Theoretically, teen courts in general provide youths with an opportunity to take responsibility for delinquent acts and be held accountable for them by a group significant to the offender, his/her peers (Harrison et al., 2000; Lott, Thai, & Weisz, 2000; Hisson, 1991). Peer courts have also been supported for reducing recidivism, providing education to participating youths on how the criminal justice system functions, and providing peer court participants with a greater sympathy for the feelings of others and how to work together for a common goal (Minor, Wells, Soderstrom, Bingham, & Williamson, 1999; Lott et al., 2000; Godwin, 1998).

Recent research has noted that peer courts have limits to what they actually accomplish. Lott and his colleagues reviewed an *adult model* peer court program in Lancaster County, Nebraska (Lott et al., 2000). The study sought to test two assumptions about teen courts, first that participants will have “low recidivism rates and teens who took part would show a positive change in their attitudes to authority figures and to institutional authority generally. Secondly, it was further expected that teen court volunteers, as compared to both teen court defendants and control [group] youth, would have a higher respect for the legal system and authority figures generally than the other groups did” (Lott et al., 2000, 5). The study determined that participants in the program thought the teen court experience valuable, that it gave them an opportunity to be heard, and that only 13% of the teen defendants reoffended within a year after completing the program (Lott et al., 2000, 7, 9). But the study also concluded that “the participants evidenced very little change of attitude or beliefs” (Lott et al., 2000, 7). The study found that peer defendants “showed a positive and significant linear correlation between belief in the unfairness of institutional authority as measured after teen

court, and higher satisfaction with the teen court process" (Lott et al., 2000, 8). Teen court defendants also showed a "significant increase in their expressed alienation from the institutional system after they had completed teen court" (Lott et al., 2000, 9). Teen court volunteers did not show any change in their beliefs before or after participating, but showed "that they have lost some of their belief in the absolute priority in rules during the time they have been involved in the program" (Lott et al., 2000, 8).

Minor and his colleagues evaluated an *adult model* peer court program operated by the Kentucky Administrative Office of the Courts (Minor et al., 1999). The Kentucky program is a juvenile court initiated program, with the juvenile court judges referring cases to the teen court for sentencing (Minor et al., 1999, 470). The program is statewide with ten sites in various locations. The study sought to assess the recidivism rate of participants in the program. Recidivism was defined as "the number of further appearances in juvenile court for new offenses" (Minor et al., 1999, 472). The study reviewed 234 juvenile cases over a three-year period (1994-1997) (Minor et al., 1999, 471). More than 96.6% of the cases had information about recidivism, of which 31.8% "recidivated at least once during the year after sentencing" (Minor et al., 1999, 472). Community service was the most often imposed sanction, followed by letters of apology, court ordered participation as a peer juror and attendance in counseling (Minor et al., 1999, 472).

Minor and his colleagues, using a chi-square analysis, found that prior delinquent history and community service were significantly associated with sentence completion (Minor et al., 1999, 472). With the presence of either of these variables, there was less likelihood of completing the imposed sentence (Minor et al., 1999, 472). Minor et al., found a significant association between prior offending and recidivism, in that youths with prior records had a higher proportion of recidivism (Minor et al., 1999, 472). Youths who had a curfew sanction were also found to have a higher proportion of recidivism than those who did not have a curfew sanction (Minor et al., 1999, 472-473). Using a logic regression model, the study found that youths sentenced to "community service were .35 times less likely to complete the peer-imposed sentence than youths who

received some other type of sentence" (Minor et al., 1999, 474). For each prior court appearance, "a youth was 2.9 times more likely to recidivate than a youth lacking priors. Similarly, persons sentenced to curfew were 2.7 times more likely to recidivate than persons not receiving this sentence" (Minor et al., 1999, 474).

Minor and his colleagues noted that community service completion requires a more "sustained and intense" effort than other types of sanctions and that community service sanctions need to be meaningful to the youth to increase compliance rates (Minor et al., 1999, 476). The study theorized that curfews are less likely to encourage juveniles to reflect upon their behavior and its consequences (Minor et al., 1999, 477). The study concluded that (1) community service sanctions were significantly associated with sentence completion, (2) community service was not associated with recidivism, (3) recidivism was not affected by sentence completion, (4) the only factors associated with recidivism were prior court appearances and sentence curfews, and (5) past offending was a predictor of future offending (Minor et al., 1999, 476-477).

Hissong (1991) conducted a study of an *adult model* teen court program within the Arlington Independent School District, in Arlington, Texas. Youths adjudicated delinquent of a class C misdemeanor were given the option of receiving a sanction in court or the teen court. Hissong sought to test an underlying hypothesis of teen courts, "that young offenders respond more positively when judged by their peers and required to serve the community constructively than when judged and sentenced in the traditional fashion" (14). The study compared 196 participants in the teen court to a control group of 196 youths who had committed similar offenses during similar time frames but were sanctioned by juvenile court. Hissong found that 75% of the youths who participated in the teen court program did not recidivate within the first 12 months after participating in the teen court. The control group had a 64% non-recidivism rate. Additionally, after conducting a survival analysis, Hissog found that "at every month the probability of surviving beyond the month [without recidivism] was greater for Teen Court participants than for the non-participants" during the study period (Hissong, 1991, 19). Hissong concluded

that the teen court program was more effective than non-teen court programs but that the program's effect waned after one year.

Seyfrit, Reichel, and Stutts (1987) conducted an effectiveness evaluation of a *peer jury* teen court program in Columbia County, Georgia, to determine whether the program was successful in reducing recidivism. The teen court program was part of a diversion policy that sought to implement state required informal adjustment programming in the juvenile courts. Under the county juvenile court system, an intake officer would receive a complaint against a juvenile and determine whether the case should be handled through the formal juvenile court process, be dismissed, or be handled through an informal process. One of the options the intake officer had was placing the youth before a peer jury to determine a proper sanction for delinquent behavior. The youth had to admit to the charge to be eligible to participate in the program. If the youth agreed, the intake officer would convene a peer jury of five jurors who would be briefed on the charges and other information about the youth and the family. The peer jury would directly question the youth, his/her parents and the intake officer, and the jurors would then retire and develop recommendations for disposition of the case. Recommendations from the peer jury included restitution, curfew restrictions, counseling, and surrender of driver's license.

Seyfrit et al., (1987) compared the program in Columbia County to that in a similar county, Liberty County, which used a traditional informal adjustment program (a program in which the intake officer refers the youth to a social service agency, places the youth under probation, sets curfew restrictions and/or orders restitution). The researchers found that the *peer jury* program handled more serious crimes and second offenders than the traditional program and had a slightly lower recidivism rate than the traditional system (312). The *peer jury* program had five out of 52 youths (9.6%) commit additional offenses while six out of 50 youths (12%) in Liberty County (comparison group) committed additional offenses (Seyfrit et al., 1987, 312). Additionally, in the peer jury program only one (2.3%) out of 44 first-time offenders committed another offense as compared to five (10.4%) out of 48 first-time

offenders in the traditional informal adjustment county (Seyfrit et al., 1987, 312).

The literature on teen courts suggests that teen courts have a positive impact on recidivism. Although the concept of teen courts includes increasing respect for the criminal justice system in youths participating in the programs, some research (Lott et al., 2000) did not find this effect to occur. The evaluation of the Kent County Teen Court is intended to add to this growing body of knowledge and research on the effectiveness of teen courts.

Description of the Kent County Teen Court

The Kent County Teen Court Program's goal is to provide more focus on minor offenses committed by juveniles to better ensure effective enforcement of sentences imposed, recoup a high percentage of restitution ordered, make youths more accountable for their actions, and deter further delinquency. Additionally, the Kent County Teen Court is designed to provide more education on the judicial process, create a sanction program that will not create a permanent record for a juvenile, and strive to promote a sense of community belonging in juveniles. The Kent County Teen Court program began on January 4, 1999 and began hearing cases on January 20, 1999. This article reviews the first two years of the Kent County Teen Court operation (January 20, 1999 through December 15, 2000).

The Kent County Teen Court is an *adult model* program in which all of the judicial players in the court process are juveniles with the exception of the judge. The role of the judge is held by a sitting judge on the Kent County Family Court. Cases are referred to the teen court by the Supervising Deputy Attorney General in the Kent County Family Court. The Deputy Attorney General agrees to offer a first-time offender the opportunity to plead guilty to the charge, be placed on Attorney General's probation, and have the sanction determined by the teen court process. If the youth agrees, the case is sent to teen court for a hearing to determine sentence. If the youth completes the sanction, the offense is considered closed for the remainder of the length of time under the Attorney General's probation. No formal charge is on the youth's record. The youth is warned by

TABLE 1
Teen Court Participant Offenses

TYPE OF OFFENSE	NUMBER	PERCENTAGE OF TOTAL NUMBER OF CHARGES
Shoplifting under \$1000	30	21.0
Intentionally Recklessly Causing Harm	1	.7
Criminal Trespass 3rd	4	2.8
Under Age Drinking	15	10.5
Conspiracy to Commit a Misdemeanor	18	12.6
Theft under \$1000	6	4.2
Offensive Touching	12	8.4
Attempted Criminal Mischief under \$1000	1	.7
Disorderly Conduct	28	19.6
Criminal Impersonation	4	2.8
Receiving Stolen Property over \$1000	4	2.8
Forgery 3rd	1	.7
Criminal Trespass 2nd	5	3.4
Assault 3rd	2	1.4
Harassment	1	.7
Criminal Mischief under \$1000	4	2.8
Loitering	1	.7
Terroristic Threatening	2	1.4
Offensive Utterance	1	.7
Conspiracy 2nd - Felony	2	1.4
Receiving Stolen Property under \$1000	1	.7
Total	143	100.0

the Attorney General and the teen court coordinator that compliance with the teen court sanction does not end the Attorney General's probation agreement. A youth can be held liable for the offense if he/she is arrested for another offense during the 12-month probation period. Thus, unlike other types of teen court programs, completion of teen court sanctions does not settle the offense completely.

The teen court handles all types of misdemeanor cases except those that involve drug offenses. Although the Deputy Attorney General refers cases to the teen court, the teen court coordinator works with the Deputy Attorney General in selecting cases. As shown in Table 1, typical cases involve incidents of offensive touching, shoplifting, criminal mischief, and alcohol possession.

After a youth is referred to teen court, the program is explained to the youth and his/her parent/guardian. Upon accepting the terms of the program, the youth will be informed of the hearing date. The youth defendant is provided a youth attorney who works with the defendant to get him/her ready to take the stand and develop a case for lenient sentencing. A youth prosecutor is also assigned the case to advocate for the most stringent sanction possible. A youth bailiff controls the courtroom and makes sure records are kept in regard to the names of the jurors, the prosecutor, defense counsel, and the sanction imposed by the jury. Both the judge and the teen court coordinator reserve the right to reject a sentence and order the jury to revise the sanction.

The sanctioned youth works with the teen court

TABLE 2
Teen Court Sanctions Imposed

OTHER SANCTIONS IMPOSED	NUMBER OF TIMES SANCTION IMPOSED
Community Service	61
Jury duty	83
Attend counseling / anger management / Shoplifters Anonymous	40
Letter of apology / verbal apology	46
Curfew	10
Restitution	7
Essay on wrongfulness of behavior	20

TABLE 3
Teen Court Cases Opened and Closed

YEAR	OPENED	PERCENTAGE	CLOSED	PERCENTAGE
1999	51	48.1	29	27.4
2000	55	51.9	42	39.6
Current	////////	////////	35	33.0
Total	106	100.0	106	100.0

TABLE 4
Teen Court Participant Discharge Status

DISCHARGE STATUS	NUMBER	PERCENTAGE OF TOTAL PARTICIPANTS
Successful	45	42.5
Unsuccessful	26	24.5
Current	35	33.0
Total	106	100.0

coordinator to form a plan for compliance with the sanction imposed by the jury. As shown in Table 2, sanctions most often included participation on the jury as a peer juror and some level of community service.

Additional sanctions such as curfews, letters of apology, participation in counseling, and writing an essay acknowledging the wrongfulness of the conduct have been applied to the defendant as cases warrant. Upon successful completion of the sanction, the teen court coordinator sends a letter to the Deputy Attorney General certi-

fying that the sanctions imposed by the jury have been completed. If the youth does not complete all sanctions, or the youth is arrested after agreeing to participate in the teen court program, the case is returned to Family Court for formal disposition of the charge.

Program Results

As shown in Table 3, the program opened 51 cases in 1999 and 55 cases in 2000. These results are in line with most of the research on teen courts. A national sur-

TABLE 5
Teen Court participant discharge by reason for unsuccessful discharge

DISCHARGE STATUS	NUMBER	PERCENTAGE
Successful	45	42.5
Non-compliance with court sanctions	3	2.8
No trial occurred	10	9.4
Re-arrested during program	8	7.5
Arrested before hearing / after agreeing to participate	5	4.7
Current	35	33.0
Total	106	100.0

Teen Court participant discharge by reason for unsuccessful discharge (detailed grouping)

DISCHARGE STATUS	NUMBER	PERCENTAGE
Successful	45	42.5
Non-Compliance – failure to comply with jury service	1	.9
Non-Compliance – failure to comply with imposed sanctions	2	1.9
Re-arrested during program	8	7.5
Arrested before hearing / after agreeing to participate	5	4.7
No trial – failure to appear before teen court	9	8.5
No trial – accused does not plead guilty to charge	1	.9
Current	35	33.0
Total	106	100.0

TABLE 6
Teen Court participants arrested after discharge from program

ARRESTED	THREE MONTHS	SIX MONTHS	NINE MONTHS	TWELVE MONTHS
Yes	8	2	4	0
No	14	20	18	22
Total	22	22	22	22

vey of teen courts shows that 25% of the teen courts handle about 51 to 100 cases per year (Butts & Buck, 2000). Twenty-nine cases were closed in 1999, and 42 cases were closed in 2000. As of December 15, 2000 the program had 35 open cases. Open cases include youths who have been referred to the court and are awaiting trial dates and cases in which youths are in the process of completing sanctions received from the teen court.

Forty-five (63.3%) of youths discharged from the program (N = 71) successfully completed all the sanctions imposed by the peer court. Table 4 provides a breakdown of participant discharge status.

Less than 2.8% were unsuccessful due to non-compliance with imposed sanctions. As shown in Table 5, the majority of unsuccessful youths failed to attend the teen court hearing, were re-arrested during the program, or were arrested after agreeing to partic-

TABLE 7
Teen Court participants successfully discharged and arrested after discharge from program

ARRESTED	THREE MONTHS	SIX MONTHS	NINE MONTHS	TWELVE MONTHS
Yes	5	2	0	0
No	2	5	7	7
Total	7	7	7	7

TABLE 8
Teen Court participants arrested after discharge (3 months) compared to community service sanction imposition (Current cases and cases that did not have teen court hearing discounted - N=50)

Arrested within three months	COMMUNITY SERVICE ORDERED		TOTAL
	Yes	No	
Yes	2	4	6
No	35	15	50
Total	37	19	56

ipate in the teen court process but before the teen court hearing took place.

As discussed above, in addition to participation in the teen court, youths were placed on Attorney General’s probation for 12 months. Of the 45 youths who successfully completed the program (i.e., completed the sanctions imposed by the teen court) 84.4% of the youths did not violate their probation under the Attorney General. Only seven out of 45 (15.6%) of the youths who successfully completed teen court sanctions violated their Attorney General probation.

The majority of youths discharged from the program, either successfully or unsuccessfully (N = 71), were not arrested within 12 months of discharge. As shown in Table 6, of the 71 youths who were discharged only 22 (30.9%) were arrested within a 12-month period. The majority of youths who were rearrested were arrested within the first three months of discharge.

Within the first three months after discharge, only 11.2% (8 out of 71) of the youths discharged were rearrested. Within six months after discharge, 2.8% percent of the youths discharged were rearrested. Within nine months after discharge, 5.6% percent of the youths were rearrested. None of the youths were rearrested after the nine month mark.

rested after the nine month mark.

As shown in Table 7, of the 71 youths discharged, only seven, or 9.8%, were successfully discharged and rearrested within a 12-month period. The majority of successfully discharged youths were rearrested within the first three months of discharge.

The youths ordered to perform community service were less likely to have been rearrested during the first three months after discharge compared to those youths who did not receive community service as part of their sanctions.

Table 8 shows the breakdown of youths (N = 56) who completed the teen court program. As shown in Table 8, 15 youths, or 26.7%, did not receive community service and were not rearrested within the first three months of discharge. Conversely, 35, or 62.5%, of youths who received community service were not arrested within the first three months of discharge. The majority of youths who were rearrested did not have community service imposed, and the majority of youths who were not rearrested had community service imposed. Although the number of youths who were rearrested is small — six, or 10.7% of the total — twice as many youths who did not receive community service were

TABLE 9
Teen Court time periods involving case processing and adjudication

	Time between arrest and court hearing (days)	Time between arrest and teen court hearing (months)	Time between court hearing and teen court (days)	Time between teen court hearing and completion of sanctions (months)
Mean	44.5	3.05	48.07	4.54
Median	29.5	3.00	35.00	4.30

rearrested than those who did receive community service. During the six- and nine-month periods, only two youths were arrested and there had been no arrests of youths at the 12-month period.

The Kent County Teen Court averaged three months between arrest and teen court hearing. The teen court heard between two and four cases per meeting date and had one meeting date per month. As shown in Table 9, the teen court had a median time of 35 days between court referral and teen court hearing. The median time between arrest and appearance before the Teen Court was about three months. The median time between teen court hearing and completion of imposed sanctions was about 4.3 months. The time between arrest and teen court hearing did not prove significant to violation of Attorney General's probation.

The median age of youths in the teen court program at time of offense was 14.7 years old with the mode age being 15 years old. During the first two years of operation the teen court had an equal number of males and females, 53 each. Fifty-eight percent of the participants were Caucasian and 38.7% were African American. Of the 71 cases in which youths were discharged from the program (successful and unsuccessful completion of imposed sanctions by the teen court), the teen court had a 63.3% success rate (successfully completed sanctions imposed by the teen court).

Fifty-seven percent of the total cases (N=106) included the application of community service. Excluding cases in which a teen court hearing was not held (N = 15), 67% of the youths received community service as part of the sanction. The average number of community service hours imposed was 11.7 with a mode of 10. The most often-imposed groupings of com-

munity service hours were six to ten and 16 to 20 hours of community service. The majority of youths, 91.2%, received jury duty as part of the imposed sanctions. Only in 8.8% of cases in which a teen court hearing occurred (N=91) was peer jury duty not imposed. Other sanctions imposed included attending counseling, letters of apology to offended parties (including parents), curfew restrictions, restitution, and writing essays on the wrongfulness of behavior. National research (Butts & Buck, 2000) shows that community service, offender letter of apology, written essay, and teen court jury duty were the top four sanctions reported to be imposed by teen court programs. As shown, the Kent County Teen Court imposed all of these sanctions with community service being the most imposed sanction, which is in line with teen courts nationally.

Summary of recidivism results

Of the 45 youths who successfully completed the program (i.e., completed the imposed sanctions imposed by the teen court), 84.4% of the youths did not violate their 12-month Attorney General probation. Of the total youths discharged (N = 71), within the first three months after discharge, only 11.2% were rearrested; within six months after discharge, 2.8% were rearrested; within nine months after discharge, 5.6% were rearrested; and within 12 months after discharge, only 9.8% were rearrested.

Conclusion

The results of the Kent County Teen Court program are similar to results of other teen court programs. Research has found that teen courts have low recidivism rates (Harrison et al., 2000; Minor et al., 1999; Hissong,

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1991; and Seyfrit et al., 1987). The Kent County Teen Court program had a recidivism rate of 15% with a 63% sanction completion rate. Teen courts may be most effective, not in reducing recidivism, but in having first-time offenders complete sanctions intended to make them reflect on the wrongfulness of their behavior.

Teen courts handle cases in which youths are more impressionable and open to community correction. It is the community correction and the effect of having peers inflict that impression that makes teen courts effective.

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