

# Teen Court Jurors' Sentencing Decisions

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Teen Courts provide a forum in which juvenile offenders are sentenced by their peers. This system, based on principles of restorative justice, serves as an alternative to the traditional juvenile justice system. Sentencing options typically include restitution, community service, jury duty, apologies, attendance at educational workshops, and tours of correctional facilities. Previous research has examined the effectiveness of Teen Courts but little is known about how sentencing decisions are made. The purpose of this study was to assess how adolescent jurors make such decisions in one Teen Court program. The authors observe 32 Teen Court trials and deliberations and question 98 adolescent jurors about their sentencing choices. Results show that the deliberations are fairly cursory and that jurors have poor recollections of what evidence had been presented. Still, they put more weight on evidentiary information than on extralegal factors, and were motivated by a desire to rehabilitate offenders and set them on a socially acceptable path—goals consistent with restorative justice objectives on which Teen Court programs are based.

**Keywords:** *juvenile justice; teen court; sentencing*

Legal responses to youthful offenders have become increasingly punitive in recent years despite the fact that rates of juvenile offending have declined steadily since 1994 (Snyder, 2003). In the past decade, many state legislatures enacted laws that treat adolescent offenders much like adults. These laws expand the charges for which juveniles can be tried and sentenced as adults and lower the age at which this can be done (Salekin, 2002).

At the same time, however, a radically different system of juvenile justice has emerged for first-time, nonviolent offenders. This system—variably known as Teen Court, Youth Court, or Peer Court—gives youthful offenders the option of pleading guilty to a misdemeanor offense, being sentenced by a jury of other teens, and having the charges cleared from their records on completion of the sentencing requirements. According to the National Youth Court Center, more than 1,000 Teen Court (the most common appellation) programs operate in 48 states ([http://www.youthcourt.net/national\\_listing/overview.htm](http://www.youthcourt.net/national_listing/overview.htm)). They are typically organized by court personnel, law enforcement agencies, schools, nonprofit organizations, or municipalities (Heward, 2002).

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Teen Court programs are built on principles of restorative justice and rehabilitation, rather than on notions of punishment and incapacitation. Important restorative justice goals embraced by these programs include restoring relations by holding youthful offenders accountable for their crimes, requiring reparation for damage and broken trust, and reintegrating or reengaging young offenders into the community as socially responsible citizens (Forgays, Demilio, & Schuster, 2004). In terms of rehabilitation, originators of the Teen Court model reasoned that because teenagers are especially responsive to peer influence, a system that allows other teens to question and confront youthful offenders about their behavior and attitudes would have a powerful rehabilitative effect (Weisz, Lott, & Thai, 2002). In addition, teens involved in a judicial proceeding in which their peers determine the sentence are expected to be less likely to run afoul of the law in the future.

Teen Court programs can have several other objectives as well: reducing caseloads in the juvenile court system; encouraging a sense of responsibility and an awareness of the consequences of criminal behavior among adolescents; providing an opportunity for defendants, as part of their sentence, to return to Teen Court in the role of jurors and to see the criminal justice system from the “other side”; and promoting feelings of self-esteem, self-efficacy, and constructive attitudes toward authority in teenagers. In addition, processing a youthful offender through Teen Court costs less than does the traditional juvenile justice system (Shiff & Wexler, 1996). Finally, Teen Court programs often provide closer monitoring and more rehabilitation options than traditional juvenile courts (Black, 2000). In general then Teen Court’s goals are to “rescue” errant youths before they move on to more serious crimes, to encourage them to understand the consequences of criminal behavior and take responsibility for their actions, and to direct them to more productive pursuits.

Still, Teen Court programs should not be envisioned as the cure-all for the obdurate problem of youthful offending (Acker, Hendrix, Hogan, & Kordzek, 2001). Many programs are still in their infancy and the premises and objectives of such programs remain largely untested: “Sufficient slippage could occur between basic ideals and philosophies of youth courts and their attempts to implement those objectives in practice that—much like the original juvenile court—the performance of these institutions may fall lamentably short of their ambitious promises (Acker et al., 2001, p. 199).

Our goal in this study was to address Acker et al.’s implication that Teen Court programs should be examined empirically before they are endorsed as a solution to juvenile offending. In particular, Acker et al. (2001) suggest that to fully understand the effectiveness of youth courts, one must understand the role of *all* participants in the proceedings, including jurors. The current study responds to that premise and provides an exploratory test of whether the ideals and philosophies of Teen Court programs are embraced and practiced by the fact finders themselves, that is, whether Teen Court jurors reach decisions that are consistent with the goals of restorative and rehabilitative justice inherent in the Teen Court model.

This focus is relatively unique. Whereas the vast majority of past research on Teen Courts has assessed their effectiveness in reducing criminal recidivism,<sup>1</sup> we opted instead to examine how important dispositional decisions are made and whether the goals of decision makers are consistent with those of Teen Court programs, generally. Whether sanctions imposed by jurors promote restorative justice or rehabilitation is, according to Acker et al., an important question that must be addressed for the effectiveness of youth courts to be fully understood. Our study, though exploratory and primarily descriptive, tackled that

question. It also examined what evidence teen jurors consider in reaching their sentencing decisions.

In the sections that follow, we describe various models of Teen Court, the way that Teen Court proceedings are typically conducted, and the scant existing research on Teen Court fact finders, including their ability to perform their duties effectively. We also survey past research on sentencing goals and objectives and on jurors' reliance on evidence and non-evidentiary information in reaching a verdict, topics of relevance to the present study.

## **Teen Court Models and Procedures**

Although Teen Court programs vary by jurisdiction (Heward, 2002), most are "dispositional," meaning that offenders are required to admit culpability and then go to court to be sentenced. Programs in a few states are "adjudicatory," requiring fact finders to first determine a defendant's guilt. Then, if the defendant is found guilty, a decision about disposition follows (Heward, 2002).

Four models of Teen Court programs exist, differentiated by the roles assumed by various participants in the process (Acker et al., 2001). The most common practice—used in approximately half of the country's youth courts—involves an adult judge who presides over the youth-filled courtroom and trained teenagers who act as prosecutor, defense attorney, and bailiff. These individuals have typically interviewed the defendant and various witnesses and may occasionally call these people to testify during the hearing or present letters that have been written about the defendant and the circumstances of the crime. At the conclusion of the trial, the jury typically receives instructions from the judge informing them that the defendant has already pled guilty and that their task is to determine an appropriate sentence.

The second most common model, utilized in approximately one quarter of jurisdictions, involves a peer jury whose members hear details of the case and directly question the defendant about his or her involvement in a nonadversarial setting prior to determining a sentence. Less frequently, teens function as judges, presiding over a courtroom in which all other roles are also filled by teens and the jury, also composed of teens, deliberates to a verdict on sentencing. Fewer still are programs that use a teen tribunal, whereby a disposition in the case is determined by a three-member panel of youths (Acker et al., 2001).

In some jurisdictions, aspects of the sentence are mandated. For example, many programs require the imposition of community service because it is believed to serve both restorative and rehabilitative ends (Acker et al., 2001). Aside from this requirement, jurors and tribunal members generally have broad discretion to impose penalties they deem appropriate. Typical sentencing options include restitution, attendance at drug and alcohol awareness or anger management classes, Teen Court jury duty, tours of local correctional facilities, curfews, and written letters of apology (Rasmussen, 2004).

## **Previous Research on Teen Court Juries**

Rasmussen (2004) examined archival records of 648 youthful offenders whose cases were processed through Teen Court between 1993 and 2001 to assess, among other things, the nature and severity of the sentences imposed by teen juries. He determined that the average

sentence involved 11 to 29 hr of community service, two or more sessions of jury duty, a written essay, and an apology. He further determined that there was an exponential pattern to Teen Court sentences; for example, the more of one type of obligation (e.g., hours of community service) imposed, the more likely the defendant was to also be sentenced to a different type of obligation (e.g., jury duty). This finding suggests that jurors may form some impression of the offender's character and from that impression, assess the appropriate sanctions.

To date, only one study has examined Teen Court programs from the perspective of the adolescent jurors themselves. Using posttrial surveys and focus group responses from 42 male and 68 female adolescents who were involved in 16 juries, Forgays et al. (2004) determined that teen jurors were able to follow court procedures and fashion sentences that met restorative justice guidelines. The researchers also showed that the deliberations generally progressed smoothly, with jurors agreeing on most aspects of the defendant's sentence, and that adolescent jurors gained practical knowledge about and respect for the judicial system. Content analysis of the focus group discussion and survey responses revealed three themes regarding jurors' perspectives on their experiences. Teen jurors believed that the process was fairer than juvenile court precisely because the jury was composed of an offender's peers; that the sentence would matter to offenders because they would care about the opinion of their peers; and that the sense of responsibility attached to determining a fair sentence was greater than anticipated. Approximately two thirds of jurors considered their sentences to be fair.

Though helpful in illuminating jurors' *descriptions* of the process, these data have some limitations. First, they come from brief self-reports and group discussions, both of which are subject to social demand biases. Jurors may have said what they believed the researchers wanted to hear. In addition, they may have misremembered or misinterpreted some aspect of the proceedings or the deliberation, which would further cloud their ability to accurately report what occurred. Furthermore, because the researchers did not observe the trial or the deliberations, they could not explore the ways in which teen jurors weighed evidence presented during the trial or the extent to which jurors discussed this evidence during their jury deliberations. This was an objective of our study.

We observed Teen Court trials and deliberations to assess not only what adolescents *said* they did as jurors, but what they *actually* did. We determined what information is typically presented in Teen Court trials, what portions of that evidence were recollected by jurors and discussed during their deliberations, which factors teen jurors deemed most important to their sentencing decisions, and whether the goals they hoped to achieve with their sentencing choices reflected the restorative justice aspirations of Teen Court proponents.

### **Providing a Context: Previous Research on Sentencing Goals and Jurors' Use of Evidence**

Because Teen Court is the only formal legal entity in which teenagers are the sole decision makers, and because even adult jurors rarely are involved in sentencing decisions (this decision usually rests with the judge), it is difficult to predict how adolescents will sentence their peers. But some past work is relevant to our concerns and we frame our study within this broader literature. Of particular relevance are studies on the perceived desirability of

various sentencing goals and on jurors' reliance on evidentiary and nonevidentiary information (e.g., personal characteristics of the defendant) in their decision making. We provide a brief overview of this work below.

## **Sentencing goals**

Some research has explored the public's justifications for punishing wrongdoers. Several different, complementary goals of sentencing have been identified (see, e.g., Oswald, Hupfeld, Klug, & Gabriel, 2002): among them, general deterrence (punishing an offender to prevent future crimes by members of the general population), specific deterrence (punishing an offender to prevent future crimes by that particular person), retribution (punishment inflicted on an offender who deserves to be penalized to a degree commensurate with the crime), restitution of harm (requiring wrongdoers to compensate victims for their losses and damages), incapacitation (depriving an offender of the capacity to commit future crimes by detention in a correctional facility), and rehabilitation (restoring an offender to a constructive place in society through some form of treatment).

Sentencing priorities typically reflect societal values in vogue at the time. Thus, the effectiveness of rehabilitation—in favor for many years—has been questioned in recent decades as sentencing decisions have become more punitive (Kury & Ferdinand, 1999). But regardless of societal inclinations, particular individuals will value sentencing goals differently; some will be more motivated by a victim's needs, whereas others will attend to an offender's needs or be concerned about public safety (Miller & Vidmar, 1981).

Some recent work has examined adolescents' punishment preferences (e.g., Landsheer & Hart, 2000). Particularly relevant to our concerns is research that compares the attitudes of delinquent teens to nondelinquent teens and to adults. When asked to assign punishment to hypothetical adolescent offenders in a traditional juvenile justice context, delinquents did not prescribe less severe punishments than nondelinquents (Landsheer & Hart, 2000) and in fact endorsed harsher punishment than did members of the public (Sprott, 2003). These findings suggest that delinquents apparently subscribe to conventional punishment norms and are not especially tolerant of norm violations.

More broadly, these studies suggest that the attitudes of teen jurors to delinquents may be fairly punitive. But the studies say nothing about the willingness of adolescents to embrace the goals of restorative justice. Indeed, the Teen Court model favors some punishment goals (e.g., rehabilitation, restitution) over others (e.g., incapacitation, retribution). One aim of this study was to assess whether teen jurors (many of whom had been defendants themselves) subscribe to the restorative justice goals that form the cornerstone of the Teen Court philosophy. In particular, we ask how the sentencing goals of teen court jurors compare to those that underlie the program.

## **Jurors' Focus on Evidence and Nonevidentiary Information**

Another question we addressed was the extent to which teen jurors used the evidence presented during the trial in formulating a sentence. Adult jurors are more likely to be influenced by the evidence than by extralegal influences such as the age, gender, or appearance of the defendant (Visher, 1987). The personal demographic characteristics of adult jurors

(e.g., their ages, occupations, income levels) also have little effect on verdicts and when they do, the influence is often case-specific (e.g., the effects of jurors' race tend to depend on the particular facts of the case being tried; Bonazzoli, 1998; Brigham & Wasserman, 1999). Thus, in general, the facts of the case are more likely to determine its outcome than are the personal characteristics of the defendant or the jurors themselves, at least among adult jurors.

But recall that adult jurors are assigned the task of determining guilt in a criminal case and the law instructs them to consider the evidence in the case (i.e., evidence of the conduct of the offender and his or her state of mind at the time of the offense) and not to be swayed by nonevidentiary information. That jurors can follow these directions tells us something about adult jurors' focus when assessing guilt, but different factors may be significant when the decision is sentencing. Here, the broader context of the offender's life may be important and indeed relevant. Perhaps it *should* matter to teen jurors that offenders have a difficult home life, or that they have improved at school since being involved with Teen Court, or that they have already repaid the victim, for example. To assess the relevance Teen Court jurors attach to these factors, we asked about their importance to the sentencing decision.

This study will draw on elements of these diverse literatures. We ask about the sentencing goals of adolescent jurors, examine their recollection and discussions of evidentiary and nonevidentiary information, and assess, more generally, how they make decisions and pass judgment on the actions of others.

## Method

### Participants

Participants were 98 adolescent jurors involved in the Teen Court program in a midsized city in the western United States; 47% were male and 53% female. Their mean age was 14.83 years ( $SD = 1.65$ ). Nearly all participants (95%) were first-time jurors. Seventy (71%) had previously been Teen Court defendants themselves (defendants are typically sentenced to serve on Teen Court juries); the others were volunteers. Only jurors whose parents or guardians had consented to their involvement in the study were asked to participate; 82% of those eligible to participate (because their parents had consented) agreed to do so. In all, we sampled jurors in 32 different trials.<sup>2</sup>

### Materials

*Juror questionnaire.* Jurors completed a questionnaire designed to assess both qualitatively and quantitatively how they used the evidence presented during the trial. The questionnaire is shown in Appendix A. The first two questions were open-ended and asked jurors what information presented during the trial was most important to their sentencing decisions and what objectives they hoped to achieve with their sentencing choices.

To assess jurors' recollection of the evidence presented during the trial, we provided a list of 15 specific pieces of information that typically arise in Teen Court trials (e.g., restitution already made by the defendant to the victim, family-related difficulties that the defendant had been experiencing). Because no descriptions of Teen Court trial evidence

were available, we generated the list after interviewing the program director and executive director of the Teen Court program we studied who, together, had observed several hundred Teen Court trials.<sup>3</sup> Using a Yes–No format, we asked whether jurors heard each piece of information during the trial. We intended to compare their recollections with the data provided by coders who observed the trials and who made note of any mention of these items. (Coding is described in more detail below.)

We asked those jurors who had previously been defendants whether their own sentencing had seemed appropriate and whether that sentence affected their judgment as jurors. We then asked them to rate each of the previously described 15 pieces of information for importance to their sentencing decision using a 5-point scale where 1 = *Not at all important* and 5 = *Extremely important*. (As described more fully in the Results, we disregarded pieces of information that had not been presented at trial.) Finally, we asked them to rate the importance of various punishment goals to their sentencing decision, using the same 5-point scale. The goals included punishing the offender to keep that person from committing future crimes (specific deterrence), punishing the offender as an example to others (general deterrence), ensuring that the offender compensate the victim for injuries and losses (restitution), and providing an opportunity for the offender to recognize the error of his or her ways and develop new, more appropriate behaviors (rehabilitation).

*Coding forms.* To determine what information actually *had been* presented during the trial and to assess what evidence jurors discussed during deliberations, we constructed two similar coding forms (one for the trial and a second for the deliberation). The trial coding form is shown in Appendix B. Both forms included the 15 pieces of information that jurors had been asked about. Coders were instructed to note whether a given piece of information had been presented during the trial and whether that information was mentioned during deliberations. The trial coding form also asked for the offense type, the defendant's age and gender, and the number of jurors serving on that particular jury. Details of the sentence handed down by jurors were recorded on the deliberation coding form.

## Procedure

Prior to the commencement of trial, the Teen Court administrator welcomed the jurors, outlined the rehabilitative and restorative objectives of Teen Court, and provided details about how the trial would proceed. The trials were then conducted in accordance with standard trial procedures, that is, both sides gave short opening statements, the prosecution presented its evidence first, the defense followed with its evidence, and both attorneys gave short closing arguments. A volunteer adult judge presided over the trial and trained teen volunteers acted as prosecutor and defense attorney. Defendants typically testified on their own behalf and admitted to having committed the offense for which they were being sentenced. School records were often admitted into evidence, and letters from friends and family members of offenders were also presented. At the conclusion of the trial, jurors received instructions from the judge listing the available sentencing options and then retired to a separate room to decide about sentencing.

Two coders were present in the courtroom during each trial and the same two coders were present in the jury room during each deliberation. These were graduate research assistants who had been trained in using the coding forms and who had practiced coding two simulated

trials and deliberations. Working independently and using the trial coding form, they each recorded what evidence was presented in the courtroom. They were instructed to note any mention of the 15 items of evidence, regardless of who mentioned them or how strongly they were emphasized. The coders then accompanied the jurors into the jury room to observe the deliberations as unobtrusively as possible and to independently record, using the deliberation coding form, what evidence the jurors actually mentioned. As before, they were instructed to note any mention of the 15 pieces of evidence, regardless of how prominently they factored into the deliberation.

Immediately after the jury returned to the courtroom to give its verdict and jurors were dismissed from jury service, our questioning began. We approached teens whose parents or legal guardians had provided consent and asked these young people whether they would be willing to participate in our study. Jurors who agreed were asked to sign assent forms, and were ensured that their responses would remain confidential and that the Teen Court staff would not have access to any information they provided. The jurors then completed the questionnaires. They were paid \$5 for participating.

## Results

Of the 32 cases, shoplifting constituted the most common charge (24 cases, or 75% involved this charge). Two cases (6%) involved physical assault and two cases (6%) involved drug or alcohol use. One case (3%) concerned vandalism and property damage, and another case (3%) concerned the giving of false information. Two cases (6%) involved a combination of charges. Seventy-five percent of defendants were male. The mean age of defendants was 15.60 years ( $SD = 1.28$ ).

### Jury Sentences

Jurors were mandated to include community service in their sentences. The mean number of hours of community service to which defendants were sentenced was 25.49 ( $SD = 8.81$ ). Jurors were also mandated to impose future jury duty (either one or two evenings) and, in trials that involved shoplifting or theft, participation in a mandatory theft-awareness class. They were given the opportunity to impose other sentencing options as well. Their sentencing choices are shown in Table 1.

### Jurors' Recollection of Trial-Related Information

To determine how jurors used the evidence presented during trial to arrive at a sentencing decision, we first asked whether they could recollect what information had actually been presented. To answer this question, we compared their recollection of whether each of 15 discrete items (e.g., family-related difficulties, improvements in schoolwork, attorneys' sentencing recommendations) was mentioned during the trial to the report provided by the coders.<sup>4</sup> The mean percentage of agreement between jurors and coders was 70.33%, with a range from 40% (i.e., only 40% of jurors correctly recalled whether information about the defendant's gender had been mentioned during the trial) to 93% (i.e., 93% of jurors correctly recalled whether drug or alcohol use was mentioned during the trial).

**Table 1**  
**Percentage of Cases in Which Jurors Imposed Various Sentencing Options**

Sentencing Option	Percentage of Cases
Write letter of apology	75
Two evenings of jury service	50
One evening of jury service	47
Write essay	41
Pay restitution	16
Attend drug and alcohol awareness class	9
Tour county jail	6
Participate in anger management class	3

### Jurors' Discussion of Trial-Related Information

Jury deliberations are typically conducted behind closed doors and are not observed by anyone. No statute prevents observation of the deliberations of Teen Court jurors, however. Thus, we had the unique opportunity to watch these young people deliberate and assess what evidence they considered in formulating a collective decision. In particular, we were interested in assessing the thoroughness of their discussions. How much of the evidence presented during the trial was considered during the deliberation?

The deliberations were surprisingly short, ranging from 4 minutes to 30 minutes in length; the mean was 10.68 minutes ( $SD = 6.74$ ). Several members of each jury said nothing during the discussion, except to assent to another person's suggestion. In general, jurors tended not to discuss the evidence prior to deciding on elements of the sentence (so-called evidence-driven deliberations). Rather, they typically began the deliberation with one member asking others what he or she thought was an appropriate sentence (so-called verdict-driven deliberations). Jurors referred to aspects of the evidence as justification for a particular sentence they advocated.

Because these deliberations were fairly short, we wondered what evidence was actually discussed and what evidence was ignored. For each of the 15 items of information that typically arise in these cases, we tabulated the percentage of jurors who were presented with this information during the trial and the percentage of jurors who sat on juries in which the information was discussed during deliberation. Had the discussions been relatively thorough, covering the bulk of the evidence that was offered at trial, these two percentages would be approximately equal. These data are shown in Table 2.

Jurors failed to discuss much of the evidence they heard during the trial. For example, 90% of jurors heard that the defendant had made some sort of apology, yet only 37% of them were on juries that discussed an apology during their deliberations. Averaging across all 15 items of information, the mean percentage of jurors who were presented with the relevant evidence was 55% (ranging from 11% of cases in which evidence of improvements in family life was presented to 93% of cases in which the defense attorney gave a recommended sentence). On the other hand, the mean percentage of jurors in deliberations in which this information was discussed was 29% (ranging from 0% of cases in which family improvements were discussed to 69% of cases in which the act of property damage was

**Table 2**  
**Percentage of Jurors Presented With Each Piece of Information During Trial,**  
**Percentage of Jurors on Juries in Which Each Piece of Information Was Discussed,**  
**and Results of  $z$ -Test on Differences in Overall Percentages**

Information	Presented at Trial (%)	Discussed in Deliberation (%)
Defense recommendations	93	60
Defendant was sorry	90	37
Prosecution recommendations	88	74
Defendant caused property damage	85	69
Defendant received punishment	70	12
Defendant had difficulties in school	68	32
Defendant's age	63	20
Defendant in extracurricular activities	54	28
Defendant showed school improvements	49	18
Defendant reimbursed victim	43	33
Defendant's gender	41	27
Defendant had family difficulties	33	17
Defendant used drugs and/or alcohol	21	13
Defendant caused physical injury	14	7
Family has shown improvements	11	0
<i>M</i>	54.87	28.80

Note:  $z = 3.71$ ;  $p < .01$ .

discussed). A  $z$ -test of the difference between proportions showed that these figures were significantly different ( $z = 3.71$ ;  $p < .01$ ).

### **Rated Importance of Trial-Related Information**

To understand how jurors used the evidence they heard to formulate a sentencing decision, we asked each of them to rate (using a 1 to 5 scale) the importance they attached to various pieces of trial-related information. In the analyses described below, we include only data from trials in which a particular piece of information (e.g., that the defendant showed remorse) was provided (as determined by the coders).

Table 3 shows ratings of the importance of various items of evidence. In general, evidence pertaining directly to the crime itself (e.g., the presence of physical injuries, property damage, alcohol and drug use) was rated as most important to jurors, and demographic characteristics of the defendant (e.g., age and gender) were rated as least important. Information pertaining to the defendant's behavior in school and at home was rated as moderately important.

### **Sentencing Goals**

We asked two questions to inquire about jurors' objectives in sentencing the offender. First, we asked jurors to tell us in their own words what they wanted to achieve with their sentence. Responses to this open-ended question were transcribed and categorized by two coders working independently. (Interrater reliability assessed by Cronbach's alpha was .88.)

**Table 3**  
**Mean Importance Ratings (and Standard Deviations) From Jurors Who**  
**Were Presented Each Piece of Information on a 1 to 5 Scale**

Information	Mean Rating	SD
Defendant used drugs/alcohol	4.70	0.73
Defendant caused property damage	4.14	1.27
Defendant caused physical injury	3.92	1.60
Family has shown improvements	3.91	0.70
Defendant was sorry	3.66	1.19
Defendant received punishment	3.63	1.26
Defendant had family difficulties	3.63	1.16
Prosecution recommendations	3.42	1.02
Defense recommendations	3.38	1.06
Defendant showed school improvements	3.23	1.46
Defendant had difficulties in school	3.14	1.23
Defendant reimbursed victim	3.00	1.23
Defendant in extracurricular activities	2.90	1.29
Defendant's age	2.38	1.37
Defendant's gender	1.40	0.90

Note: 1 = *Not at all important* and 5 = *Extremely important*.

Thirty-nine percent of respondents mentioned their desire that the defendant take responsibility for his or her actions and learn from past mistakes (e.g., "I wanted her to learn from it and use the experience to change her behavior"). Eighteen percent said they used the sentence to punish the offender (e.g., "To teach him a lesson"). Setting the defendant on the "right track" was the stated objective of 17% of jurors (e.g., "[I wanted] to set him straight and make him choose the right path"). Future deterrence was the aim of 13% of jurors (e.g., "What he did was wrong and next time he will think before he acts"); 9% wanted to extend compassion to the defendant (e.g., "I know what a hassle court can be. I wanted to try to give her a lighter sentence so she could put this all past her"); and 4% of responses were not classifiable.

We also asked jurors to rate the importance of four goals to their sentencing decision: general deterrence, specific deterrence, restitution, and rehabilitation. They used a 5-point scale where 1 = *Not at all important* and 5 = *Extremely important*. Two of the four goals were rated as *Quite important*: specific deterrence ( $M = 4.36$ ;  $SD = 0.82$ ) and rehabilitation ( $M = 4.44$ ;  $SD = 0.95$ ). The other two goals were rated as *Moderately important*: general deterrence ( $M = 3.13$ ;  $SD = 1.19$ ) and restitution ( $M = 3.81$ ;  $SD = 1.07$ ).

### **Influence of Personal Sentence Received on Sentence Delivered**

In criminal cases, it is exceedingly rare for former defendants to pass judgment on other defendants. In fact, in many jurisdictions, convicted felons are automatically excluded from jury service (Kalt, 2003). Thus, we were in the unique position to assess what effect, if any, jurors' sentiments about the sentence they received as Teen Court defendants had on their thinking about appropriate sanctions in the case they judged. Of the 70 jurors who had

formerly been defendants, the vast majority (86%) felt that the sentences they received were fair and only 14% said their sentences were unfair.

We asked these respondents whether they wanted to use the sentencing opportunity to give the defendant a fair sentence or whether they intended to retaliate against the system. Only 10% of jurors who thought that their own sentences had been appropriate said that they considered retaliation, and 20% of jurors who felt that they had been treated unfairly offered this rationale. These figures are not significantly different (by *z*-test for significance of difference between two proportions).

## Discussion

There were multiple objectives in this study: to assess what portions of the evidence teen jurors recollected and discussed during jury deliberations, to gauge the importance of various pieces of evidence to their sentencing decisions, and to determine whether jurors' sentencing goals were in line with restorative justice principles.

Observations of the deliberations showed that discussions of the evidence were fairly cursory and that a sizeable portion of information presented during the hearing was never discussed. In fact, most juries tended to move quickly to a discussion about the appropriate sentence, rather than first offering any reflections or impressions of the evidence. Of the 15 sources of information that could be (and often are) conveyed in these cases, jurors heard on average 55% of them but discussed only 29% during their deliberations.

One explanation for the cursory nature of the discussions is that the jurors simply forgot that they heard certain kinds of evidence during the trial and were not able to incorporate this evidence into their discussions. In fact, our data indicated that jurors' recall of the evidence presented during the trial was rather poor—a point to which we return below.

We suspect that another, more plausible explanation of the abbreviated length of the deliberations is that these teen jurors had little incentive to invest time or resources into the deliberation. They may have reasoned that their sentencing options were fairly limited, that the offender—by acknowledging his or her wrongdoing in a very public setting—had already been punished to some extent, and that they did not want to appear to their peers to be overly involved in a process established and condoned by adult authority figures. In fact, we saw many quiet teenage jurors simply acquiesce to the sentencing options proposed by the more vocal members of the jury. This kind of differential contribution to the discussion also occurs in juries composed of adults (see, e.g., Tindale, Davis, Vollrath, Nagao, & Hinsz, 1990). Thus, although conformity pressures may have played a role in these deliberations, similar group dynamics apparently affect adult jurors' deliberations as well.

We were surprised at the low level of recall of evidence. Assuming that the coders were correct in noting whether a certain piece of evidence had been presented and comparing jurors' recollections to this coding, we found that jurors' responses differed from coders' responses on many of the evidence items. We suspect either that jurors were not attentive to the evidence presentations (which might also explain the brevity of their deliberations), or that the evidence, although presented and attended to, was mentioned only fleetingly during the trial<sup>5</sup> and hence was not well remembered. Alternatively, jurors' expectations of what information is typically available in the context of a shoplifting offense, for example, may have colored their recollections of what evidence was actually presented (see, e.g., Smith, 1991).

When asked to rate the perceived importance of various factors to their decision making, jurors rated the following as most important: the presence of alcohol or drugs, property damage, and the infliction of physical injuries—information pertinent to the offense and the offender's behavior. Nonevidentiary factors such as the defendant's age, gender, and involvement in extracurricular activities were deemed less important.

These findings fit with other work that has assessed the relative importance of the evidence and of extralegal factors on adult jurors' decisions (e.g., Visher, 1987). But that earlier work examined determinants of the *decision to convict*, whereas this study looked at factors that influence sentencing decisions. Whether jurors should focus exclusively on factors related to the offender and the offense is not clear; indeed, individualized sentencing may require an assessment of factors specifically related to a defendant's circumstances, including aspects of his or her home life and schoolwork.

Results showing that teen jurors discussed relatively few factors relevant to sentencing during deliberations are also consistent with the literature on factors that affect probation officers' decision making. These court personnel also consider relatively few factors in their assessment of offenders and of the risks associated with various recommendations for disposition (Giles & Mullineux, 2000). In particular, Giles and Mullineux (2000) found that probation officers' assessment of offenders focused almost exclusively on the severity and length of the offender's criminal record. In assessing the impact of factors related to dispositional decisions by probation and field officers, Tomkins (1990) determined that only five factors were significantly correlated with their recommendations and that only one—motivation to accept intervention—accounted for more than 8% of the variance in disposition recommendations.

Most of the teen jurors in our study heard recommendations from both the prosecutor and defense attorney about what an appropriate sentence would entail. We wondered whether these recommendations would have any persuasive appeal. (According to Ebbesen and Konecni, 1981, probation officers' recommendations are highly influential in judges' sentencing decisions.) We found that jurors placed moderate (and equivalent) weight on these suggestions; the mean importance rating (on a 1 to 5 scale) for the prosecutors' recommendations was 3.42, and the mean rating for the defense attorneys' recommendations was 3.38. We suspect that these numbers were not higher because the attorneys were teenagers themselves and were probably perceived as biased players in the courtroom.

We also inquired about teen jurors' goals in sentencing their peers and whether these goals reflected notions of punishment on one hand or of rehabilitation and restoration of relationships and trust on the other. The Teen Court model favors the latter over the former, and adolescent jurors interviewed by Forgays et al. (2004) seemed able to devise sentences that met restorative justice guidelines. Our jurors did the same: When asked an open-ended question about their sentencing goals, the favored response was nonpunitive; it involved desires that the offender take responsibility for his or her actions and learn from this experience. When asked to rate the importance of various goals, jurors deemed the goals of rehabilitation and specific deterrence more important than general deterrence or restitution. So the focus seems to be on the teenage defendant (rather than on the victim or others in society) and reflects a desire that the offender learns about the consequences of his or her behavior and makes more appropriate choices in the future. These aims are in line with the objectives of Teen Court, and diverge from the more punitive judgments documented in

studies of adolescents' punishment preferences in nonrestorative justice contexts (Landsheer & Hart, 2000).

Finally, we asked jurors who had been defendants themselves whether the sentences they received seemed fair and whether the sentences they issued as jurors reflected sentiments about their *own* treatment in Teen Court. Like Weisz et al. (2002), we found that most respondents felt that they had been treated fairly. We also found that most wanted to extend that fairness to another offender.

Because this is the first study that directly examined the *process* of decision making among adolescents who must judge the actions of an errant peer, at least within the formal setting of a courtroom, it was necessarily exploratory and descriptive. The study provides hints about the factors that influence decision making and the more global objectives that drive that choice. General application of these findings may be limited to venues in which the procedures we described are in place. As we noted, a variety of Teen Court models exist and our findings may be applicable only to the "adult judge model" we examined. The findings are also limited by their application only to Teen Court jurors, the majority of whom had been defendants themselves. Because most states and the federal government preclude convicted adult felons from serving on juries (Kalt, 2003) we do not know how adult ex-offenders might function as jurors. We also do not know if and how teen jurors in our study who had themselves been defendants differ from volunteer teen jurors in their thoughts about sentencing, nor how teens who were able to participate in our study (because they and their parents had consented) differ in their decision making from teen jurors who were not able to participate. We hope that future researchers might be cognizant of these limitations and address them in their studies. We also hope that they can springboard from this work and provide a more nuanced assessment of these decisions and that in time, a literature on adolescents' judgments in legal settings will develop.

## Notes

1. In general, the studies have shown beneficial results. For example, Butts, Buck, and Coggeshall (2002) found that defendants sentenced in Teen Court had a lower recidivism rate after 6 months than did offenders whose cases were disposed of by more conventional means. Weisz et al. (2002) showed that only 10% of teens who completed a Teen Court program reoffended within 1 year of completing their sentence, compared to a 24% rearrest rate for the entire diversion program in the same county. Finally, Harrison, Maupin, and Mays (2001) found that successful completion of the Teen Court program had a positive effect on recidivism rates: Only 23% of youths who completed the program were rearrested whereas 32% of teens who did not complete the program were rearrested, a statistically significant difference. On the other hand, Rasmussen (2004) showed that recidivism rates increased steadily throughout the first 4 years post-sentence completion and that Black offenders and those whose cases are processed more slowly were at increased risk of reoffending.

2. Between 7 and 15 jurors served on the juries in these trials ( $M = 10.69$ ;  $SD = 2.35$ ) but not all jurors in a particular trial were eligible to participate because their parents or guardians had not provided prior consent (typically because the parents had completed Teen Court paperwork before we requested their child's participation).

3. For ease of data analysis, we opted to generate a checklist that could be used in all trials rather than attempt to record the particular evidence that was introduced in each. Court personnel indicated that there was significant overlap in evidentiary issues that arise in Teen Court trials.

4. We calculated the percentage of agreement between the two coders for both the trial and deliberation content. Cronbach's alpha = .90 for trial coding and .85 for deliberation coding. When coders disagreed, we defaulted to assuming that the item actually had been mentioned. We suspected that the more likely coding error

was one of omission (failing to note when something had been mentioned) rather than commission (remembering something that had not occurred).

5. Unfortunately, we did not measure how long each critical item was discussed during the trial and/or how much emphasis was placed on that piece of evidence, so we cannot rule out the possibility that jurors simply discussed the evidence that assumed most prominence during the trial.

## Appendix A Juror Questionnaire

1. What was the most important thing you heard during the trial that helped you in your sentencing decision?
2. What did you want to achieve by giving the defendant this sentence?
3. Were any of the following presented during the trial? Please check “yes” or “no” for each item.

- Yes \_\_\_ No \_\_\_ The defendant said he/she was sorry  
 Yes \_\_\_ No \_\_\_ The defendant has had school-related difficulties  
 Yes \_\_\_ No \_\_\_ The defendant already reimbursed the victim  
 Yes \_\_\_ No \_\_\_ The defendant already received punishment from school or family  
 Yes \_\_\_ No \_\_\_ The defendant has shown school-related improvements  
 Yes \_\_\_ No \_\_\_ The defendant caused physical injury  
 Yes \_\_\_ No \_\_\_ The defendant damaged property  
 Yes \_\_\_ No \_\_\_ The defendant has used drugs or alcohol  
 Yes \_\_\_ No \_\_\_ Information about the defendant’s age  
 Yes \_\_\_ No \_\_\_ Information about the defendant’s gender  
 Yes \_\_\_ No \_\_\_ The defendant is involved in extracurricular activities including sports, clubs, jobs, etc.  
 Yes \_\_\_ No \_\_\_ There have been improvements in defendant’s family relations  
 Yes \_\_\_ No \_\_\_ Sentencing recommendations of prosecutor  
 Yes \_\_\_ No \_\_\_ Sentencing recommendations of defense attorney  
 Yes \_\_\_ No \_\_\_ The defendant had family-related difficulties

4. If you were previously a defendant, please answer the following question. If not, please go on to Question 5.

Which of the following statements best describes how you feel about being a juror on this case? Put a check next to that statement. (Remember that your response is completely anonymous so please be honest.) Only one check mark, please.

- \_\_\_ I thought the sentence I received as a defendant was **appropriate** so I used this experience to give someone else a fair chance.  
 \_\_\_ I thought the sentence I received as a defendant was **not appropriate** but I used this experience to give someone else a fair chance.  
 \_\_\_ I thought the sentence I received as a defendant was **appropriate** but I used this experience to retaliate anyway.  
 \_\_\_ I thought the sentence I received as a defendant was **not appropriate** so I used this experience to retaliate.

5. In deciding a sentence for this case, how important were each of the following things?  
Please use this scale and give a number between 1 and 5 for each item:

1	2	3	4	5
Not at all important	Slightly important	Moderately important	Quite important	Extremely important

1. \_\_\_\_ The fact that the defendant said he/she was sorry
2. \_\_\_\_ The fact that the defendant has had school-related difficulties
3. \_\_\_\_ The fact that the defendant already reimbursed the victim
4. \_\_\_\_ The fact that the defendant already received punishment from school or family
5. \_\_\_\_ The fact that the defendant has shown school-related improvements
6. \_\_\_\_ The fact that the defendant caused physical injury
7. \_\_\_\_ The fact that the defendant damaged property
8. \_\_\_\_ The fact that the defendant has used drugs or alcohol
9. \_\_\_\_ Information about the defendant's age
10. \_\_\_\_ Information about the defendant's gender
11. \_\_\_\_ The fact that the defendant is involved in extracurricular activities including sports, clubs, jobs, etc.
12. \_\_\_\_ The fact that there have been improvements in defendant's family relations
13. \_\_\_\_ Sentencing recommendations of prosecutor
14. \_\_\_\_ Sentencing recommendations of defense attorney
15. \_\_\_\_ The fact that the defendant had family-related difficulties

6. There are various goals that can be achieved in sentencing offenders. Please tell us how important these goals were in your sentencing decision.

Please use this scale and give a number between 1 and 5 for each item:

1	2	3	4	5
Not at all important	Slightly important	Moderately important	Quite important	Extremely important

- \_\_\_\_ Punishing the offender to keep that person from committing other crimes in the future
- \_\_\_\_ Punishing the offender to provide an example to others
- \_\_\_\_ Making sure that an offender will compensate victims for their injuries and losses
- \_\_\_\_ Providing an opportunity for the offender to recognize the error of his/her ways and develop new, more appropriate behaviors

How many times have you served on a jury? (circle one) 1 2 3 4 5

Your age \_\_\_\_

Your gender \_\_\_\_ Male \_\_\_\_ Female

Thank you very much for participating.

## Appendix B Trial Coding Form

JURY: \_\_\_\_\_ Date: \_\_\_\_\_ Your initials: \_\_\_\_\_

Simply put a check mark next to these items if they were mentioned during the trial.

- Yes \_\_\_ No \_\_\_ The defendant said he/she was sorry
- Yes \_\_\_ No \_\_\_ The defendant has had school-related difficulties
- Yes \_\_\_ No \_\_\_ The defendant already reimbursed the victim
- Yes \_\_\_ No \_\_\_ The defendant already received punishment from school or family
- Yes \_\_\_ No \_\_\_ The defendant has shown school-related improvements
- Yes \_\_\_ No \_\_\_ The defendant caused physical injury
- Yes \_\_\_ No \_\_\_ The defendant damaged property
- Yes \_\_\_ No \_\_\_ The defendant has used drugs or alcohol
- Yes \_\_\_ No \_\_\_ Information about the defendant's age
- Yes \_\_\_ No \_\_\_ Information about the defendant's gender
- Yes \_\_\_ No \_\_\_ The defendant is involved in extra-curricular activities including sports, clubs, jobs, etc.
- Yes \_\_\_ No \_\_\_ There have been improvements in defendant's family relations
- Yes \_\_\_ No \_\_\_ Sentencing recommendations of prosecutor
- Yes \_\_\_ No \_\_\_ Sentencing recommendations of defense attorney
- Yes \_\_\_ No \_\_\_ The defendant had family related difficulties

Type of offense: \_\_\_\_\_

Defendant's age (if known): \_\_\_\_\_

Defendant's gender: \_\_\_\_\_

Number of jurors serving on this jury: \_\_\_\_\_

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