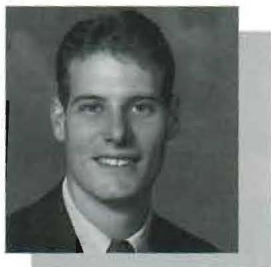


THE BENEFITS OF TEEN COURT



By Benjamin R. David

In a time and place not too far removed from here (Mount Airy, North Carolina, circa 1960 to be more precise), Barney Fife lamented to his boss Andy, “we’ve got to nip it in the bud,” after learning that a band of sling shot wielding hoodlums had been terrorizing the streets of Mayberry by shooting out porch lights. Something had to be done to stop this gang of boys (of which, it turned out, Andy’s son Opie was a member) before bigger trouble started. No need for severe punishment, just swift action at a teachable moment.

Barney Fife, for all of his simplicity, had struck upon something essential. The way to stop youth crime was to catch it early on, before it developed into something serious. In fact, that same principle has been at the root of the juvenile justice system for years. Historically it was felt that children, unlike adults, were capable of learning from their mistakes and making positive changes. They did not go to prison — they went to “reform” school. Kids’ sins were pardonable and fleeting, after all, “boys will be boys.”

That overused adage, however, which to my knowledge has no female equivalent, does not excuse the recent behavior of a teenage mom who left her newborn child to die in a bathroom stall while she returned to her high school prom to request her favorite song. Nor could it justify the actions of two boys in London, barely above the age of ten, who were videotaped leading another child away from a shopping mall shortly before bludgeoning him to death. Kids these days are committing very adult crimes and an outraged society wants them to be judged accordingly.

But as court systems around our country and around the world scramble to rewrite rules to deal with the very small percentage of kids who are committing these heinous offenses, an even bigger issue is what to do with all the other kids who are still shooting out street lights with sling shots. We don’t want to punish truancy, joy riding and shoplifting in the same way that we punish car jacking, crack dealing and murder. Opie Taylor is a good kid. How can we help him see the error of his ways without putting him in a holding pen with a future Charlie Manson?

Forsyth County’s answer to this question has been the creation of Teen Court, a unique concept that is producing remarkable results. To illustrate how the court works, let’s take Opie. Because he committed a non-violent misdemeanor, and because he has not been in too much trouble before, Opie is eligible for Teen Court. However, to qualify, he must first have the courage to admit to officials in the juvenile justice system that what he did was wrong. Without this crucial first step, he remains in the traditional court setting.

If Opie’s case is diverted to Teen Court, which sits at night in the Forsyth County Courthouse and is the site of adult criminal court during the day, he is tried by a jury of his peers. That’s right, everyone in the jury box is a teenager. But it does not stop there. Opie’s defense attorney, the prosecuting attorney, the bailiff, and the clerk, are also teenagers. In fact, except for some family members in the crowd, the district court judge or practicing attorney hearing the case is usually the only adult in the courtroom.

Because Opie has already admitted liability, the young lawyers focus their questions on what possessed Opie to shoot out the street light, whether he has ever been in trouble before, what he has learned from the experience, and whether he has already been punished at school or at home. With that information in hand, the jury retires to deliberate on the appropriate “constructive sentence.” Jail is not an option. Instead, depending on the level of the non-violent offense, Opie will face between five and 20 community services hours, another one to five jury duty sessions (where he may learn, perhaps for the first time, that other people make mistakes too), and four to five educational seminars to teach him about the justice system.

The purpose behind Teen Court is not punishment. Nor is Opie held up to public ridicule. (Everyone who enters Teen Court must take a confidentiality pledge). Instead, the focus is on reform and on Opie. It is remarkable to watch a kid admit, under oath and in front of his family and peers, that he made a mistake. There is something empowering about it and anyone familiar with the adult justice system will tell you that it just does not happen with older defendants.

The lesson that Teen Court teaches a kid like Opie is that somewhere along the way he has to take responsibility for his actions. Because he took the bold step to admit that

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what he did was wrong, there may be a way out. But he has to prove that he is worthy of the trust the community has placed in him. There is no probation officer or other adult around to force Opie to complete his community service hours or to perform jury duty. If he fails to serve out his "constructive sentence," his case is referred back to a traditional court. Andy and Aunt Bee will be around to encourage him and give him support (in fact, the judge frequently meets with family members after the trial) but in the end, Opie must decide to help himself. I am convinced that because Opie has to make the effort, rather than having "the system" pass judgment on him, he is much more likely to stay out of trouble in the future.

The results bear this out. In the Fall of 1995, Forsyth became only the sixth county in North Carolina to establish a Teen Court. In that time, 152 youthful offenders have passed through its doors. To date, only six youth have failed to complete their "constructive sentence" and only two known graduates of the program have returned to the legal system. (The number could be slightly higher but not capable of measure since juvenile records are sealed). Given this remarkably low rate of recidivism, to say nothing of the benefits that other teens — including the lawyers — get from the experience, several other counties around the state are now following suit.

When media images bring the brutality of teenage crimes into our homes, it is easy to forget that the great majority of offenses committed by kids are relatively minor in the grand scheme of things. For these "offenders" what is needed is a shot at reform, not punishment. Making kids see that what they did was wrong is the best opportunity to "nip it in the bud." Emerging from the rubble of a juvenile justice system that has been shaken to its foundation by the severity of youth crime today is a court that still embodies the simple philosophy that has existed for years: There is no such thing as a problem kid — only a kid with problems. With that concept in mind, many kids are walking out of Teen Court much better off. The folks in Mayberry would be proud. ♣

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