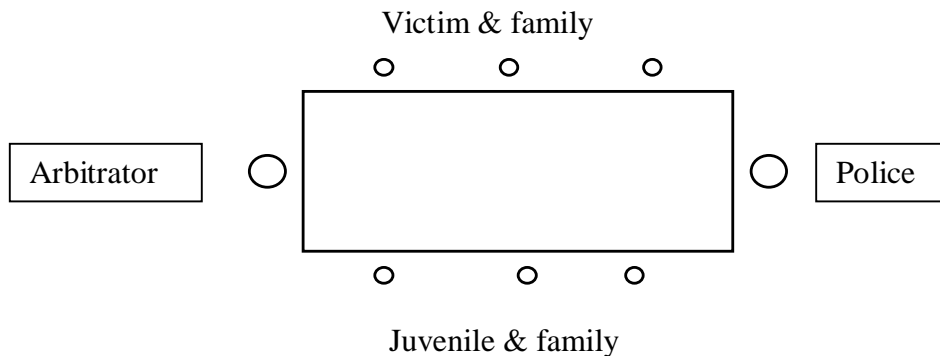


Arbitration Hearing Guidelines

- I. Be prepared.
 - A. Read over incident report and statute.
 - B. Prepare some **tentative** sanctions that may apply to this situation.
- II. Arrive 5-10 minutes early.
 - A. Make sure hearing site is neat.
 - B. Check and/or rearrange seating. This is important. Correct seating can establish authority as well as create balance among your participants.



- III. Introduce yourself and ask each person present to do the same. They should tell what their role is in the hearing.
- IV. Ask juvenile offender if he/she understands why he/she is here. Did they read and understand the letter that came with the hearing notice?
 - A. Accused of committing offense/crime
 - B. They were recommended by the Solicitor's Office and the Department of Juvenile Justice (DJJ).
- V. Explain the Program, Diversion and Qualifications
 - A. History of the program. Began in 1983 as a way to alleviate overcrowding in the juvenile facilities. Places responsibility for solving juvenile offender problems with the communities, where the crimes are taking place. Intervention was needed due to the number of kids that were coming through the formal Court system, getting probation and reoffending.
 - B. The process is **VOLUNTARY**.
 - C. No record will exist if the defendant completes the program successfully.
 1. Explain how a juvenile record can affect the defendant even after he/she is an adult. (Education, employment, military)
 2. Family Court can keep jurisdiction until age 21
- VI. Waiver of Rights
 - A. Read thoroughly paraphrasing when necessary.

- B. Frequently ask the juvenile and the parents if they understand
 - C. Get signatures on the Waiver form
- VII. Review the incident report with the group.
- A. Ask Law Enforcement Officer to give his account of the incident.
 - B. Ask Victim (if present) to give his/her account of the incident.
 - C. Ask juvenile for their account of the events on _____.
 - 1. If the juvenile is hesitant, ask them to begin with a particular time of day.
 - 2. If they pause, you could help by asking “What happened next?” or “...and then what happened?”
 - 3. Do not lead them by telling the story for them and saying “That’s how it happened, isn’t it?”
 - 4. Don’t let silence make you uncomfortable. Give them time to answer. Remember they may be scared.
 - D. Ask the parents about what happened when the police called them and how they felt.
- VIII. Review the statute with the group, making sure the defendant understands the statute as it relates to his/her offense.
- IX. Ask defendant if they know the difference between guilty and not guilty?
Ask the defendant if he/she is guilty?
- X. Fill out Disposition/Sanction Form.
- A. Ask juvenile “Who has been hurt by this incident?”
 - B. Ask parent what type of punishment is already in place?
 - C. Ask defendant what punishment that he/she feels would be appropriate.
 - D. Ask other participants for punishment suggestions.
 - E. It may be necessary to modify some of the suggestions. You may need to add some of your own or shorten the list, dependent on what punishment has already occurred.
 - F. Do not set the child up to fail!!!! Make sure that the sanctions can be fulfilled. (transportation, etc.)
 - G. Get signatures on Sanction Form and hand out copies.
- XI. Explain consequences of failure to comply
- A. Ask defendant to explain what happens is he/she does not complete the sanction contract.
 - B. Ask defendant to explain what will happen is he/she re-offends during the arbitration period.
 - C. Ask youngster how they would respond if the same situation or temptation occurs again.
- XII. Give out Evaluation Forms. Thank everyone for attending.
- XIII. Mail the following to the Program Office

- A. Original, signed Waiver Form
- B. Original, signed Sanction Form

XIV. During next 90 days

- A. Monitor progress of the juvenile through **phone calls** or visits to community service sites.
- B. Keep documentation of any contact and turn in on Progress Forms
- C. Once notified of completed sanctions, send in case closure form
 - 1. Successful
 - 2. Unsuccessful
- D. Return file to Program Office