

Peer/Teen (*included in workbook)

1. **Creating a Youth Court in Your Community: The California Model* Placer County Peer Court (June 2004)
2. *The Impact of Teen Courts on Young Offenders* Butts, Jeffrey A., Janeen Buck, and Mark B. Coggeshall.. Urban Institute Research Report (April 2002)
A comprehensive overview of the teen court model and the results of a study of existing programs in four states.
3. **Kids, Courts and Communities: Lessons from the Red Hook Youth Court. Center for Court Innovation Best Practices* Anderson, David C. (1999).
A comprehensive look at a youth court in Brooklyn, including program structure, lessons learned, challenges, and snapshots of real court cases.
4. *Tools to Evaluate and Manage Youth Courts.* TYC NYS Forum for Information Resource
5. Management. Seventh Annual 2001–2002 Best Practices Award Winner.
A brief discussion of the challenges and possible solutions to a multi-agency collaborative program requiring data collection and storage.
6. *Teen Courts: A Juvenile Justice Diversion Program* Herman, Madelynn. Report on Trends in the State Courts, 2002 Edition. Williamsburg, VA: National Center for State Courts, 2002.
A discussion of the various models of teen/peer court and information on the unique administrative issues of implementing such a court.
7. *Youth Court: A Community Solution for Embracing At-Risk Youth-A National Update* Sarah S. Pearson and Sonia Jurich American Youth Policy Forum. 2005
A review of the youth court movement and its impact.

**CREATING A YOUTH COURT IN
YOUR COMMUNITY: THE
CALIFORNIA MODEL**

June 2004

PLACER COUNTY PEER COURT

671 Newcastle Rd, Suite 7

Newcastle, CA 95659

(916) 663-9227

TABLE OF CONTENTS

I.	YOUTH COURTS: WHAT ARE THEY?.....	3
II.	BUILDING THE PARTNERSHIP.....	5
III.	YOUTH COURT MODELS.....	9
IV.	THE SCHOOL CURRICULUM UNIT.....	22
V.	COURT PROCEDURES.....	26
VI.	YOUTH COURT COORDINATOR.....	31
VII.	FUNDING.....	37
VIII.	EVALUATION.....	38

I. YOUTH COURTS: WHAT ARE THEY?

Youth courts are juvenile offender programs where students determine the consequences to be imposed on other young people for low-level criminal conduct. Students may assume the role of attorneys, court staff, judge, and jury in a trial to determine what should happen to a peer who has violated the law. Youth court programs also may provide services to schools through a prevention curriculum on the juvenile justice system.

Youth courts are premised on the belief that peer influence, properly focused, is a powerful weapon against juvenile crime. These courts give young people practical experience in the juvenile justice system so they may better understand their rights, more easily meet their responsibilities, and make better decisions about their daily lives.

WHERE THEY STARTED

The origins of youth court are a bit sketchy. There are indications that early versions of youth courts may have existed in the 1940's. It is generally conceded, however, that the modern youth court system had its origins in the West Texas city of Odessa in the early 1980's. Youth courts rapidly expanded throughout Texas, then throughout the nation. Active youth courts currently exist from Alaska to Florida and New York to California.

It is not certain when the program first came to California. In the mid to late 80's programs had been developed in

Humboldt County and by the Danville Police Department in Contra Costa County.

WHY THEY WORK

"Recidivism," the rate offenders later return to the criminal justice system with new law violations, frequently is used to measure the success of judicially supervised programs. Approximately 75%-80% of the adult defendants sentenced to state prison return to court because of new crimes. The return rate for persons committed to the California Youth Authority is approximately 45%-50%. Nearly 25% of the minors handled in the traditional juvenile justice system return with new offenses. Although there have been no formal statistical studies of youth courts, anecdotal reports indicate that young persons completing these programs return to the justice system less than 5% of the time. The reasons for such phenomenal success are varied.

Unlike any other juvenile program, youth courts empower young people by giving them the authority to hold other youths accountable for decisions they make. Youth court programs bring to students an awareness of current laws affecting young people and an understanding of the juvenile justice system.

Youth courts are a new method to divert students from the formal court system by providing additional options to combat juvenile delinquency at its earliest

stages. They interrupt thoughts of unlawful activity before a pattern of lawbreaking is developed. The programs promote feelings of self-worth and motivation for self-improvement; they foster a healthy attitude toward authority. The trial process challenges its mix of volunteers and defendants to perform at their highest levels.

Most jurisdictions operate diversion programs for low-level, first time juvenile offenders. Diversion caseloads typically include such offenses as petty theft, trespassing, minors in possession of alcohol, and simple assault and battery. While diversion programs have been very successful in keeping many children from going on to higher levels of delinquent behavior, such programs generally lack any long-term accountability and have no component focused on prevention of criminal activity before *any* crime is committed.

With larger caseloads dictated by tough budget decisions, probation officers are forced to concentrate on the more serious offenders. The entry-level petty offenders tend only to receive a “slap on the wrist,” and are told to go home and “be good.” Without serious consequences to contend with, these young offenders will come back again and again until they are well entrenched in criminal behavior, commit a serious offense and are finally brought within the jurisdiction of a formal juvenile court process. Youth courts provide the needed accountability for these new offenders.

With resources being spread ever thinner, it is imperative that agencies come together in a collaborative effort to address and effectively resolve the

complex issues associated with juvenile crime. Successful youth court programs frequently are the result of joint efforts by the juvenile court, probation department, schools, the district attorney and defense bar, mental health agencies and police departments.

Whatever style or system of youth court is used, the ultimate success of any program is rooted in the commitment and enthusiasm of those who participate in it. Youth courts have the ability to attract and sustain people committed to the goal of making a difference in the lives of children. Adult and juvenile participants alike quickly learn that even a modest effort expended on the program will return a huge dividend of gratitude from their community.

One of the best descriptions of the program came from Justin Bosserman in his application for membership as a youth member on the Placer County Peer Court board of directors: “This program is something unique to those teens who have committed crimes. It offers not only a punishment that deters further criminal behavior, but something much more substantial: a chance to change. Every person that I have defended I have gotten to know personally, and every time the emotions I see them go through in a single trial amaze me. Their fear of being judged by their peers, their dealing with what they have done, nervousness, repentance, and acceptance. I have seen people cry on the stand, I have seen them boldly face their consequences, and I have seen them learn....[H]aving their own peers judge them makes the verdict more real; “this is what your own friends think” says far more to today’s teens than “this is what the adults think.”

II. BUILDING THE PARTNERSHIP

THE FIRST PLAYERS

The formative stages of any new program inevitably involve a number of key individuals coming together to discuss the desire for the program, the perceived needs of the community and the initial “vision” of the program itself. The initial planning group should be small, hopefully composed of people who trust each other and have the ability to work together. In the creation of programs for our youth there generally is no shortage of persons willing to work on the project; there frequently is a shortage of persons with the ability, power and resources to get the job done.

The development of a youth court program naturally seems to call for the involvement of the following persons and agencies:

1. The juvenile court:

It is difficult to imagine any youth “court” program being successful without the active support of a juvenile court judge. Judges have the ability to bring together people with divergent interests and competing demands, and forge compromises that allow the project to move forward. The influence of judges may be critical in bringing along people who are necessary to the creation of the youth court, but who have reasons not to actively support the program.

2. The district attorney:

The ultimate success of a juvenile offender program may greatly depend on the support of the chief law enforcement office of the county. The district attorney must accept the validity of the program at its earliest stages. There must be willingness to confront and defeat those in the law enforcement community who feel that any youth program is too “soft” on juvenile offenders.

3. The public defender/ private defense counsel:

Just as the district attorney must take the lead in the law enforcement community, the public defender or private defense attorney must take the lead in the criminal defense community. Although youth courts observe a degree of procedural fairness, young offenders frequently are asked to give up a number of substantial rights in exchange for their participation in the program. It is important that the leading defense firm appreciate that such trade-offs are necessary so long as there are appropriate safeguards.

4. The schools:

Schools need to be a contributing partner in solving juvenile crime. If there is a desire to develop a crime *prevention* program rather than simply a crime

diversion program, schools must be committed actively to bringing the youth court educational component into the classroom. A close relationship between the schools and the court also will assure a steady flow of young jurors, attorneys and other participants necessary to sustain the continued operation of the program.

5. **The probation department/ law enforcement:**

Probation departments are charged by statute with making initial decisions regarding the disposition of most low-level juvenile offenses. Probation officers will decide whether a particular young offender will receive a brief, informal counseling session with the officer, or be referred to the district attorney for the filing of a formal petition for wardship in juvenile court. Youth court programs will not succeed without the willingness of the probation department to trust in the decisions of the youth courts. Probation departments also will bring to the planning process a good understanding of the laws affecting juvenile crime and can assist in the development of resources to correct the improper behavior.

The law enforcement perspective also may be provided by police officers who work in the juvenile arena. School resource officers and police departments with resources allocated to juvenile cases can make valuable contributions to the program.

THE FIRST MEETING

Depending on the extent of the relationship between the persons attending the first meeting, all or a portion of the following issues need to be addressed:

What is the nature and extent of the juvenile crime problem in the community, particularly with respect to low-level first time offenders?

What are schools doing to inform students and families of juvenile laws and the justice system?

What division programs are being used by the probation department and local law enforcement agencies; are there adequate resources; how effective are they in curbing repeat offenses?

How are the needs of the victims of juvenile offenses being addressed by the juvenile justice system?

Does the current juvenile justice system accept and support the concepts of restorative justice?

How successful is the existing system in preventing young offenders from returning to the juvenile justice system?

What resources does each agency have in dealing with low-level offenders; are they successful; are services and resources needlessly duplicated?

Are police agencies failing to respond to many low-level offenses because they feel that such crimes are not adequately

addressed by the existing juvenile justice system?

Is there a concern about safety on school campuses?

Is there a willingness to share scarce funding and in-kind resources to create a youth court program in the community; how much is each partner willing to commit to the project?

Who will be the lead agency to administer any project funds and supervise the project itself?

Is there a need for a coordinator for the program? How will he or she be compensated, if at all?

Are there additional agencies or persons that need to be a part of the youth court program?

What are the possible funding sources for the program; is there a need for one agency to act as a fiduciary for the centralized management of the program?

Are there sources of assistance from the state or other counties that may help in the creation of the program; should the team visit another youth court?

Is there an agency that should be a part of the team that is not convinced that the youth court program is needed?

Although not critical at the early stages of the project, the group forming the program should begin thinking about ways to evaluate the components of the project. Without an active process to measure the success or failure of a particular program design, there may be

a tendency to accept the status quo without question. Complacency will make it more difficult to get the impetus necessary to implement needed changes.

WHAT NEXT?

Once the group reaches a tentative consensus on the answers to the foregoing questions, the group may consider the next steps in the development of the program.

1. Board of Directors:

It generally is appropriate to form an advisory board or board of directors to oversee the development of the program. Composition of the board should include the persons or agencies discussed above. The board should also consider including representatives from the county juvenile justice and delinquency prevention commission, the county bar association, and selected youth members. Each of the persons or groups will bring an important perspective and potential resources for the development of the fledgling project.

2. Written Agreement:

An agreement in some form should be reached between the project partners for the management of the youth court. The agreement could take the form of a Memorandum of Understanding (MOU). Typically the MOU should address the key issues related to the formation and running of the program. What may be critically important to a partner in one jurisdiction may not matter to a counterpart in another jurisdiction.

Among the issues that may be addressed are:

1. Who decides which cases go to the youth court?

Through MOU's with local law enforcement agencies and the probation department, there will be a clear understanding of the types of cases that will be appropriate for the court. May the decision be made only by a probation officer, or may the school resource officer also have the ability to refer cases?

2. Are youth court cases considered within Welfare and Institutions Code § 654?

Are the participants willing to agree that cases referred to the youth court will not come within the statutory structure of section 654? Will the minor offender, in essence, have a second chance at "informal probation" if there is a subsequent offense?

3. Who is responsible for making sure that the youth court sentence is carried out?

Will a probation officer supervise the case? Who is to work with the offender, the family and the school? If one of the goals of the project is to reduce the workload of the probation department, should the responsibility of supervision fall to the coordinator? What protocol is followed when the sentence is completed or not completed?

4. How do teachers know what to teach and what do they use as a guide to the curriculum unit?

Who will be responsible for giving the teachers the necessary in-service training for the presentation of the school component? How will the material in the Juvenile Justice Handbook be incorporated into the curriculum? Who will arrange for the speakers and what groups of speakers will be asked to participate? At what grade level will the curriculum be presented?

5. What kinds of crimes will be referred to the youth court?

Will the jurisdiction of the court be limited to traffic cases or misdemeanors; may the court hear low-level felonies? Will there be a need to start conservatively, adding more serious cases as the success of the program is demonstrated?

6. What happens if a juvenile doesn't complete the sentence?

Does the case return to the probation department? Is the coordinator given authority to impose additional consequences?

7. How does the program handle issues of confidentiality?

Must the child and the parent waive confidentiality? Do other juvenile justice agencies have access to the youth court records? How are police reports distributed within the program?

8. **What is each agency going to contribute to the development and operation of the program?**

What will be the cash or in-kind contributions of each agency? Will there be an annual or continuing commitment to fund the program?

III. YOUTH COURT MODELS

There is no “perfect” way of structuring a youth court program that will work in every jurisdiction. Each county or region has unique aspects of its local legal culture that inevitably will effect the way a youth court program is created and grows. Structure may be dictated by the person or group that first brings the program to the jurisdiction; a program created first in the schools may look quite different from one created by the courts. Programs may be created to reflect the source of funds received; a given grant, for example, may require that a certain age or group be served. Programs also are shaped by the participants. Urban areas plagued with gangs and other related issues may create a structure quite different from the rural areas where students can move freely from school district to school district.

The creation of any successful youth court program will depend on the

recognition that it is the students that must be served, and they must be served in a way that makes sense to them. No one program has all the correct answers. There are many legitimate ways to reach the objectives of the program.

Three successful youth court “models” are presented in the pages that follow. Each program has been in operation for a number of years and has continued to meet the needs of its jurisdiction. The programs are presented in a similar format for ease of comparison. Programs may be “cloned” directly from the models; programs may be created by using “bits and pieces” from these or other programs. In each case a contact person is indicated if additional information is needed.

The ultimate question to ask in the creation of any new youth court program is simple: *DOES IT WORK FOR YOU?*

PLACER COUNTY PEER COURT

Coordinator: Karen Green
Placer County Peer Court
671 Newcastle Rd., Suite 7
Newcastle, CA 95658

(916) 663-9227 FAX (916) 663-2965
e-mail: placerpeercourt@aol.com

I. KEY ATTRIBUTES OF THE PROGRAM:

The Placer County Peer Court Program has two key components: (1) a traditional youth court trial where student juries determine the consequences of a law violation in a process that replicates most of the stages of a regular adult jury trial; (2) an educational curriculum at local high schools designed to foster crime prevention.

II. SOURCES OF CASES:

THE PROBATION OFFICE:

Most cases come to the program from the probation department after the youth has been cited or arrested for a crime. The intake officer will screen the student for suitability based on past record and nature of the offense.

The program also utilizes a memorandum of understanding with all local police agencies to allow school resource officers to make direct referrals to the program for qualified offenses. In such instances, the court coordinator is responsible for checking on any past violation record with the probation department.

THE DISTRICT ATTORNEY:

The district attorney's office has referred cases to peer court. The district attorney usually is involved because the case has come to the office through the probation department because of a mandatory referral. After a review of the case, the district attorney determines that formal proceedings will not be brought in juvenile court, but that peer court will be suitable for disposition.

THE JUVENILE COURT:

In a few instances the juvenile court has referred two types of cases to peer court. First, the court has referred cases where peer court is completely suitable for disposition because of the student's background and nature of the offense. Second, the juvenile court has made participation on peer court juries a condition of probation in establishing wardship.

III. TYPES OF CASES:

The program handles low-level criminal cases, tobacco citations and truancy violations in two styles of court proceedings.

ALL CASES:

There are three requirements for a referral to peer court:

- A. The offense must be the student's first offense in the juvenile justice system. The first offense may consist of multiple charges.
- B. The juvenile must admit guilt. The court does not accept cases where the student is pleading guilty when the student does not believe he is guilty, but pleads just to get the referral to peer court (*Harvey* waiver). A parent must agree that the child should admit the offense.
- C. The student and the parent must waive confidentiality.

THE TRADITIONAL JURY PROCEEDING:

The traditional jury process includes both felony and misdemeanor offenses, in the discretion of the referring probation or police officer. The crimes generally are low-level misdemeanor offenses such as shoplifting, minor in possession of alcohol, trespassing, and simple assault and battery. The court has handled low-level felony offenses such as burglary when the crime really is an aggravated petty theft or neighborhood offense. The court does not handle crimes of violence, traffic cases (including DUI), serious drug offenses, or students who readily appear to have significant social or psychological problems beyond the capability of peer court.

THE TRIBUNAL PROCEEDING:

The program also handles tobacco citations and, on an experimental basis, truancy. The tribunal proceedings are discussed below.

IV. GRADE/AGE LEVEL OF PARTICIPANTS:

The program generally serves 12 to 18 year old students. On a few occasions the program has handled 5th and 6th grade level students as defendants.

V. THE COURT PROCESS:

All peer court trials are conducted in a real court room in the evenings. The Placer County Peer Court program utilizes two types of court proceedings: the tribunal and the traditional jury.

THE TRIBUNAL:

Tribunals are used for tobacco citations and truancy. Tobacco citations come from the police agencies. Truancy citations are issued by the school vice-principal after the third violation as a diversion process prior to the matter being referred to the School Attendance Review Board (S.A.R.B.).

Rather than gear up the entire court process with student attorneys and judges, students are invited to participate as officers on a tribunal for the resolution of these important, but low-level cases. Selected students receive training in the subject area. For tobacco cases, for example, students learn about the causes and effects of smoking and community resources available for stopping smoking. Truancy panels usually are composed of students who have had prior experience with poor school attendance.

The court sessions consist only of three to five student tribunal officers and the offender. Any police report is made available to the tribunal in advance. The tribunal makes inquiry of the student as to the nature of the offense and the student's background.

A sentence imposed for a tobacco violation, for example, is calculated to be an intervention in the hope of reducing or eliminating smoking and to integrate the student back into the mainstream school.

Truancy verdicts attempt to reach some of the problems leading to the student's disconnection with the school. Verdicts may require the participation in school or community clubs, curfew, driver's license suspension. The only required condition for the truancy defendant is participation in a counseling session with the coordinator. The coordinator closely monitors the school attendance for the period of time she has the case.

The value of having a coordinator experienced in school related issues is clear. The causes of truancy are as complex and varied as the number of

truants. It is critical that if the youth court program undertakes these kinds of cases, that the person administering this portion of the project be well versed in the nature and solutions to the problem. Under no circumstances should these cases be considered so “minor” that they are handed off to inexperienced interns or other office staff.

THE TRADITIONAL TRIAL:

Trials are conducted in a manner to closely mirror regular adult proceedings, except that all but one of the participants are students. The defense and prosecuting attorneys are students, the jurors are students, the court clerk and bailiff are students. The judge is either a regular member of the court or an attorney willing to sit as a judge.

The trial proceeds through all of the stages of the trial: selection of the jury, opening statements, presentation of evidence by both sides, closing argument and instruction. The jury deliberates until a unanimous verdict is reached. Following the verdict, the jury is asked to explain why the particular verdict was rendered.

The teen attorneys are assisted throughout by volunteer mentor adult attorneys. The adult attorney is helpful in reviewing trial strategy, reviewing the police report and preparing questions to ask the witnesses.

The trials are open to the public, particularly students from local high schools who may attend because they are interested in the trial process or who have been encouraged to attend as a class requirement or for extra credit offered by a teacher.

VI. THE VERDICTS:

THE TRIBUNALS:

The tribunals are to return verdicts that are to assist the student to quit smoking or stop truant behavior. Verdicts include such elements as smoking session classes, mediation, essays, hypnotherapy, and curfews. An important component of the tobacco verdicts is the completion of a community service activity. The student is given a one-time-use camera and asked to take pictures of things that are wrong in the community. The photos are developed, then are used as a basis for subsequent projects to meet community service hours ordered by the tribunal.

Defendants also may be directed to serve a number of times on subsequent tobacco or truancy tribunals.

THE TRADITIONAL TRIALS:

Jurors are given a verdict form that suggests a number of possible sentences, but the jury also is free to structure any reasonable requirement. Sentences include letters of apology to the victim, educational programs, tours of the jail, police ride-alongs, drug testing, suspension of a driver's license for up to one year, community service of up to 50 hours, and service on subsequent peer court juries.

Two conditions are mandatory in every case: the offender must (1) serve at least two times on a peer court jury and (2) complete at least 10 hours of community service. The intent of the first requirement is help the offender learn to become a participant in the system rather than feel victimized by it. The intent of the second requirement is to emphasize that every crime has a victim, if even it is only the community in which the offender lives and that something always is due back to the community.

An offender may "opt out" of the system at any time and the case returns to the probation department for traditional handling. Acceptance of the verdict always is voluntary.

VII. FOLLOW UP TO THE VERDICT:

It is the responsibility of the coordinator to make sure that the verdict of the jury is carried out. The case is tracked for a minimum period of six months. If the verdict is satisfied and there have been no further problems, the case is closed following a face-to-face exit appointment by the coordinator and the probation department is so notified. If the student fails to complete the sentence or re-offends, the case is returned to probation for traditional handling.

VIII. SCHOOL PROGRAMS:

The school program consists of a curriculum piece that attempts to give students as much accurate information about the juvenile justice system as possible. Police officers, attorneys, probation officers and judges go to the classroom to explain their role in the process and to answer questions. High impact presentations have been made by persons recently paroled from the California Youth Authority and the adult state prison system.

The peer court coordinator also presents a segment on the peer court program. Students become interested in the program and participate later as jurors and attorneys. In essence the juvenile system is discussed first in class, then the students are invited to actually participate in the "lab"—the actual peer court trial.

IX. THE ROLE OF THE COORDINATOR:

The peer court coordinator is an independent contractor with the county and the court to administer all aspects of the project. Duties primarily include participation in the presentation of the school curriculum and arranging for speakers at the school; receiving cases and assigning them to student attorneys and adult mentors; participating in the evening trials; and monitoring the student's conduct to assure that the terms of the verdict are satisfied.

X. FUNDING:

The funding of the Placer County Peer Court project has come from a number of sources. In the past, most of the funding has come from a CalServe grant obtained through the state office of education. Funding has come from a number of small, specific grants. Contributions to funding have come from the courts and the probation department. Schools have paid for peer court services through the use of drug, alcohol and tobacco education monies (DATE and Safe Schools funds). Finally, the Placer County Bar Association regularly contributes to the operation of the program.

The current budget for the project is \$127,500. The program was started ten years ago on a budget of \$5,000.

SANTA BARBARA COUNTY TEEN COURT

Coordinator: Ed Cue

Santa Barbara County Teen Court
232 E. Canon Perdido St.
Santa Barbara, CA 93102

(805) 963-1433, ext. 103 FAX (805) 963-4099
e-mail: teencrt@silcom.com

I. KEY ATTRIBUTES OF THE PROGRAM:

The Santa Barbara Teen Court program is an example of the “master jury” approach to youth courts. Students sit as jurors to hear cases that are presented first by the Teen Court Judge who reads from a prepared summary provided by the defendant. The Teen Court jurors then are responsible to ask follow-up questions of the defendant. There are no prosecuting or defending student attorneys.

II. SOURCES OF CASES:

The main source of case referrals comes from the probation department. Other agencies also refer to the program such as juvenile court, traffic court, community-based organizations, and local schools. Cases referred from the juvenile court primarily come for full disposition; a few are referred because the offender has been ordered to participate in Teen Court as a condition of juvenile court probation.

III. TYPES OF CASES:

The court hears first offenses only, although the first offense may include a number of different crimes. The court hears no felonies; all crimes are low-level misdemeanor offenses such as possession of small amounts of drugs, alcohol, tobacco, petty thefts, assault and battery without injury, and some traffic offenses.

IV. GRADE/AGE LEVEL OF PARTICIPANTS:

The program includes participants with ages 10 to 17, although there have been instances where 18 year-olds have been accepted if the crime occurred when the defendant was a minor.

V. THE COURT PROCESS:

The court accepts first time offenders where there is a clear admission of guilt. The court process is explained to the parent and child at the initial intake of the

case. The child is expected to give a commitment to follow the decision of the jury when it is rendered.

The trial session begins on the designated date with what is called the “Peer Circle.” During this session students who will later serve as jurors are broken into groups by age and gender to discuss current issues related to juvenile crime. They are given an opportunity to discuss any current problems affecting their lives such as drugs, school, and home life. The objective of the Peer Circle is to offer a space where students may facilitate their own discussions and also heighten the sensitivity of the jurors to some of the issues that may concern the cases they will hear.

The potential jurors then check in for assembly at the courtrooms. Panels are created primarily through random selection by youth court staff. The panels receive further instruction on any key issues of the day, particularly as the issues might relate to teens. New jurors are given basic training in the function of the jury.

In advance of the defendant appearing in front of the jury, the jurors receive a “briefing” on the case from the judge who will preside over the trial. Judges for the program come from the bench and attorneys willing to sit as “prop tem” judges. The police report is reviewed and explained. The judge may comment on the strengths, weaknesses and seriousness of the case. The judge also assists in the preparation of questions to be asked the defendant, particularly if there are discrepancies between the police report and what the defendant has said in the summary.

The trial commences with the defendant present in the courtroom. The student “court reporter” reads the case summary. Questions are asked by the panel of 10 to 12 student jurors. At the judge’s discretion, questions also may be asked by students in the audience. The defendant is given an opportunity to offer any further explanation of the case if he or she wants to supplement the summary. No witnesses are called; no attorneys are used for either the defense or prosecution.

When the verdict is returned, the offender is asked if he or she accepts the decision of the jury. If the verdict is accepted, the defendant and parent are asked to sign a contract to complete the conditions imposed.

VI. THE VERDICTS:

Verdicts include a wide range of potential consequences. The program utilizes a schedule of crimes with a specified number of times the defendant must serve on jury duty and community service hours. Jury service ranges from 3 to 10 times; community service is from 5 to 45 hours. The jury must order some form of education program and one or more individual or group counseling sessions. Verdicts can include counseling requirements such as alcohol, drugs, tobacco,

family counseling, crime awareness, anger control, and life choices. The jury must also choose from a culturally specific and gender appropriate workshop: the life skills workshops or the Latino and Latina workshops.

The vast majority of offenses include a fine. Optional portions of the sentence include letters of apology, essays on specified issues, graffiti cleanup, a parenting project, and a drug and alcohol program called Super II, which includes the defendant and a parent.

VII. FOLLOW-UP TO VERDICT:

If the offender has accepted the conditions of the verdict, he or she is referred to teen court staff for the completion of the contract and to make arrangements to complete the verdict. The teen court staff is charged with the responsibility to see that the terms of the verdict are completed.

VIII. SCHOOL PROGRAMS:

The Santa Barbara Teen Court program has no formal program in the schools. Individual judges in the county, however, facilitate presentations in the school at the 7th and 8th grade levels. Information is presented about the justice system, utilizing speakers from the probation department, attorneys, and California Youth Authority graduates. A mock teen court trial is used to entice future jury service.

IX. THE ROLE OF THE COORDINATOR:

The coordinator oversees the Santa Barbara project at three different venues. Each program has been adjusted to meet the needs of the community it serves. Each year the program serves approximately 450 defendants, 90% of whom complete their sentence. The coordinator is responsible for all aspects of the program including supervision of the offenders and jurors, and budget and staff administration.

X. FUNDING:

Funding for the Santa Barbara project comes from the Counsel on Alcoholism and Drug Abuse, the Santa Barbara County Department of Health and Human Services, United Way, a grant from the Office of Criminal Justice Planning (OCJP), and miscellaneous smaller grants. The current annual budget for the program is \$235,000.

LOS ANGELES COUNTY TEEN COURT

Contact person: Hon. David Wesley
Los Angeles Superior Court, Dept. 100
210 W. Temple St.
Los Angeles, CA 90012

(213) 974-5711 FAX (213) 617-1224
e-mail: dwesley@lasc.co.la.ca.us

I. KEY ATTRIBUTES OF THE PROGRAM:

The Los Angeles Teen Court program is one of the few in the nation that permit the student juries to determine whether the offender is guilty of the charged offenses. The program uses a “Master Jury” concept for the trial process.

II. SOURCES OF CASES:

All of the cases are first screened by the probation department for suitability. Final referral to the teen court, however, depends on the approval of the judge presiding over the trial. The probation department prepares a packet containing the police report, a summary of the case and the defendant’s school grades. The judge determines whether the offense and background of the defendant is such that he or she will benefit from the program.

III. TYPES OF CASES:

The program is available only to first time offenders, but the defendant may have multiple charges. The cases generally must qualify for informal handling under Welfare & Institutions Code §§ 654 and 236. The most common offenses tried by the court include petty thefts, shoplifting, assault and battery, disturbing the peace, brandishing of a weapon, vandalism, trespassing, solicitation of a prostitute and low-level robbery. The court will do felony offenses depending of the circumstances.

I. GRADE/AGE LEVEL OF PARTICIPANTS:

The program is offered to students between the ages of 11 and 17. If an offender is close to age 18, however, he or she likely will be rejected since there will not be sufficient time to benefit from the program.

V. THE COURT PROCESS:

The teen court process starts with an interview by a probation officer with the offender and a parent. If the probation officer determines that the case is suitable for teen court, the parent and offender are asked to sign a form that requests that the case be heard by the court, an agreement to be bound by the teen court verdict, and a waiver of confidentiality. Because of the nature of the program, the offender is not required to admit guilt.

The trials are held from 3:00 to 5:00 p.m. at high schools within the county. An on-site coordinator from the school makes sure that sufficient jurors are on hand. The court uses a jury summons system. So great is the interest in the program that many want to serve. Those interested in being on a jury must attend an orientation session given at the beginning of the school year. The program is explained and they are instructed on the proper role and conduct of the student jurors. The summons are generated at random from the available pool of jurors.

The trial is presided over by regular sitting judges and attorneys sitting as “pro tem” judges. The Master Jury must have at least six jurors, but usually contains 10 to 12. The students act as clerk and bailiff. If possible, the bailiffs are drawn from the ROTC program at the school. The bailiff attend court in uniform. The clerk and bailiffs generally serve for an entire semester. Students also act as interpreters if needed for the defendant or the parents.

Prior to the commencement of the trial, all of the defendants are introduced to all of the potential jurors. An effort is made to use only those jurors who do not know the defendant. Generally the program requires that the jury be composed of students from a school different from that attended by the defendant.

The offender is asked once again if he or she is willing to participate in the teen court process. The clerk reads the charges. The “charges” have been prepared in advance by the probation officer and contain the defendant’s age, the name of the crimes and a summary of the facts. The offender is then given an opportunity to give his or her side of the story. The jury may ask questions of the defendant and parent. Witnesses generally are not called. There are no student attorneys.

At the conclusion of the case the judge instructs on the applicable law. The jury is given a form of verdict which requests a decision on guilt or innocence. If the defendant is found guilty, the jury is asked to specify the punishment. A volunteer attorney is available in the jury room to answer any questions about the case and to make sure that there is a discussion between all of the jurors. The attorney is not permitted to suggest a particular result. Participation by the attorney also gives the jurors an opportunity to meet with a real attorney and learn about the practice of law.

VI. THE VERDICTS:

The verdicts can include such conditions as curfew, community service hours (usually within a range of 50 to 75 hours, but there is no artificial limit to the number of hours), counseling programs such as anger control and drugs and alcohol, non-association clauses, and letters of apology. The jury is encouraged to add any additional conditions considered appropriate. The jury is not required to have the defendant return for jury service.

After the verdict, the judge places the defendant on “probation” for six months. If all conditions of probation have been met, the case is dismissed. The conditions of probation include obeying all laws and the sentence of the teen court, good school attendance and citizenship, no weapons possession (if appropriate), and standard drug and alcohol conditions (if appropriate).

The judge retains the discretion to set aside a verdict if clearly wrong, or to pull the case from the program if considered inappropriate. The judge is not to substitute his or her judgment for the jury’s; rather, the judge should only reverse a jury’s decision if a defendant has been wrongfully convicted. The program reports no instance where a judge has taken such action.

VII. FOLLOW-UP TO THE VERDICT:

The probation office is responsible for the completion of the jury’s verdict. The program also has used reserve probation officers and student interns to assist in monitoring compliance.

VIII. SCHOOL PROGRAMS:

The entire program takes place at the school sites. In most instances the trials are conducted in the classrooms. In a few instances, however, the program has received donations and grants that have permitted the schools to construct a courtroom on the school campus.

IX. THE ROLE OF THE COORDINATOR:

The Los Angeles program does not use a coordinator for the entire program. Teachers at each site volunteer to assist in the management of the program by arranging for trial dates and jurors.

X. FUNDING:

The Los Angeles teen court program has no budget. The entire project is operated through in-kind services and volunteers. The community spirit behind the project is extraordinary.

IV. THE SCHOOL CURRICULUM UNIT

The youth court curriculum should be developed to support the youth court activities. It should cover the various agencies involved in juvenile justice, clarify the rights and responsibilities of youth, and answer questions related to laws that impact minors. The curriculum is fundamental to a well informed jury and other youth court roles.

Through reading and discussions students study things of interest to them – juvenile law, police, courts, contracts, driving rules, and curfews. Students and their teachers work with the community speakers to bring the law to life and proved students with the skills, knowledge and attitudes to act responsibly and become productive members of society.

The Placer County Peer Court program placed its curriculum unit in the ninth grade. The unit is taught in the general state requirements, health and safety, and life skills classes. The selection of the ninth grade was based on data that indicates that many students run the risk of criminal involvement, drugs and alcohol related crimes, dropping out of school and other high risk behaviors in the tenth grade. It was felt that the most effective prevention impact would be felt at the ninth grade. Education Code § 51220.2, however, provides that the youth court curriculum may be presented anywhere in

grades 7 to 12 as an area of study in California public schools.

A pre-test should be given before any speaker or Handbook lesson. The test is for evaluation purposes and helps to hold the educators and program organizers accountable: what do students know going into the unit and what do they know at the conclusion of the unit? The post-test should have the same set of questions.

The youth court juvenile justice unit ideally is taught over a twelve day period, with classes of 50 to 60 minutes. Seven of the days are taken by speakers who come from the involved agencies to made presentations and answer questions. Speakers are scheduled in the sequence suggested below, based upon the order of contact a juvenile would have going through the system. Scheduling will need flexibility, however, because the ideal sequence of speakers rarely is achieved due to demands of courts and law enforcement activities.

There may be a need to modify the number of speakers and the classes for presentations. Because of school scheduling, some of the speakers may be omitted or joined with other speakers. Some of the presentations can be spread out to other classes such as government or history. It is important that the information be made available; the

program should not be rigid in the mechanisms of delivery.

CURRICULUM PRESENTATIONS:

1. Local police or sheriff:

Students would enter the system through a citation issued by a police officer. Officers speak to students about law enforcement's responsibility to apply juvenile laws. An important segment of their presentation is a discussion of what choices the system gives and does not give the officers in the performance of their duties.

2. Probation officer:

The student's hypothetical citation would advance to the probation department. An interview is set up between the probation department, the child and a parent. The probation officers would speak on their role at intake, in court and with court follow up. Probation officers are given an opportunity to explain the limits of their authority and what motivates their decisions. They often include information on the juvenile hall and how students reach that level of handling.

3. The judge:

The judge will discuss what happens in court, rather than what is seen on television. Judicial officers can give valuable insight into the operation of the juvenile justice system. The judge can answer questions relating to the jurisdiction of the juvenile court, how adult and juvenile proceedings differ, and how decisions are made. The judge can also address the legal relationship between parents and children on such important issues as rights of privacy and discipline.

The judge, in a neutral and unbiased manner, is able to dispel many of the myths associated with the legal system.

4. District attorney and public defender:

The juvenile has a right to counsel and often is represented by the public defender. The district attorney represents "the people of the State of California." Students learn that their attorney represents them, not their parents who might seek a different result in the juvenile process. The speakers are able to talk about the practical application of the laws, and the costs involved to the juvenile, the family and the community. Speaking in teams, the presentation can be an effective point and counter-point discussion of important legal issues.

5. Gang experts:

It is important to give students accurate and current information about gangs, particularly in those areas where gangs have not been firmly established. Since there is a wealth of misinformation among juveniles on the subject of gangs, it is useful to expose students to law enforcement experts working daily in this area.

6. Youth court coordinator:

Presentations on the youth court in local schools is vital to the operation and growth of the entire youth court program. The coordinator frequently is in the best position to describe how the court works and its affect on the young offenders. An enthusiastic coordinator will act as a "Pied Piper" in bringing new students to the program to act as jurors, attorneys and other participants. The coordinator will

have an opportunity to show videos of the project, outline court dates, distribute cases and assign participants. The presentation also can include discussion of extra credit benefits, career exploration and enhanced college applications. There is an opportunity to emphasize how juvenile recidivism is effectively reduced through peer sentencing, expectations and positive peer pressure.

**7. California Youth Authority/
adult offenders:**

High impact presentations can be made by former participants in the juvenile and adult criminal justice systems. Appropriately screened and trained, these persons have significant impact on the youthful audience. The presentations are straight forward, rough and powerful as they explain why they went wrong and how they found their way out. Students who have had “cool” or “know it all” attitudes frequently are “nailed” by the former offenders as they confront the students regarding their own behavior and attitudes.

8. Alternate dispute resolution:

A useful presentation may be made by persons trained in the techniques of mediation and arbitration. Students learn that there are alternatives to the court resolution of disputes; there are better means to resolve disputes than with violence. Discussions can outline simple and effective means where students can mediate their own disputes and reach solutions where everyone is a “winner.”

CURRICULUM APPROVAL:

Moving the school unit into the classroom is a process with some definite and

important steps. Buy-in and commitment by school administration must be in place. Numbers and types of juvenile offenders, at times, must be presented to substantiate the need for the program at a particular school. School staff needs to understand the importance of their role and influence with students and how critical they are to the team. Having the county superintendent of schools behind the program and making time available at a monthly meeting of school district superintendents for a presentation of the program clearly is helpful. It is advisable for the coordinator and the juvenile court judge to make that presentation.

Start small. Bring just one high school on board as the pilot site for at least the first semester. Gradually bring on more schools as the staffs are ready to participate. Positive publicity is critical to the initial success of the project. Presentations at faculty meetings, school board meetings, and parent and service club meetings help build necessary support. Coordinate with campus resource officers if they are on campus; they should welcome the additional help in working with the students. Try to make the school *want* the program at their site rather than have them acquiesce to the project because the superintendent or principal has directed that it shall occur. When schools start talking about campus violence, graffiti, gang problems and high risk students, it's difficult for them to explain why they haven't previously infused the juvenile justice unit into their curriculum.

Schools are required to go through a process in introducing new curriculum. Curriculum steering committees are usually the first step in reviewing new coursework; it is an advisory body to the principal, the final on-site person to

approve the teaching unit. Approval then moves to the district's board of trustees.

Depending on the nature of the persons at the high school or in the district office, it may be more appropriate to start the curriculum approval process with the school board. Presentations to the boards may convince them to request implementation of the program in the schools. The final decision, however, would fall to the site principal.

TEACHER INSERVICE:

A day needs to be set aside to in-service the teachers who will be facilitating the unit. The most successful training has been immediately prior to school opening in the fall. Teachers should have been made aware of the project months before by school presentations and meetings where they have had an opportunity to express concerns and ask questions. Depending upon the project budget, a small stipend might be offered to the teachers. Snacks and lunch are also important to assure high moral.

The training lasts approximately six hours. Holding the in-service in a courtroom provides an interesting and unusual environment for the teachers and helps set the stage for the day's events. The same series of speakers who make presentations to the schools make presentations to the teachers (except for the gang experts and the prior offenders). The teachers need to gain at least a basic understanding of how

the juvenile justice system operates, including the working relationship between agencies. It is important to emphasize to teachers they are *not* expected to be experts; in fact, when students ask questions they should be advised to write the question down for a later response from the appropriate professional.

Teachers may know little about the system, but they are eager supporters. Teachers will be anxious about their role and specifically how they fit into the presentation of the curriculum. The in-service sessions also provide a convenient opportunity to set dates for the speakers in the classroom.

Teachers should be given encouragement in designing, for their own classes, how the Handbook should be presented. They are the experts in the classroom. They can look over the Handbook material, devise lessons, and see their student's needs or the community's concerns. There may be a current community issue around gangs or graffiti, for example, that would be of immediate interest to the students.

Classroom teachers have observed that during the presentation of the youth court curriculum student attendance is high and students are genuinely involved in the subject readings and discussions. Students indicate this is relevant information to their daily lives, and, therefore, are fully engaged in assignments and classroom activities.

V. COURT PROCEDURES

LOCATION OF YOUTH COURT TRIALS:

The location of youth court trials is a matter of considerable importance. Since one of the objectives of the program is to acquaint students with the judicial system, it is very important to conduct the trials in a regular courtroom if at all possible. If the initial impetus for the project comes from the educational community, it may be tempting to conduct trials in conveniently located classrooms or assembly halls. Failure to use a regular courtroom, however, may seriously diminish the “majesty” and importance of the proceedings. The program may fail to command the full respect of the participants for the judicial process.

While it is certainly preferable to have trials in courtrooms, other circumstances may be entitled to greater consideration. In areas with significant gang problems, for example, it may not be possible to have courts on a neutral site. It may be necessary to avoid any turf issues by keeping the program within existing school district boundaries. Clearly security is important and conducting trials at schools is more important than having no trials at all.

Youth courts should mirror, as much as reasonably possible, adult criminal trials. All appropriate formality should be observed, not only by students serving as attorneys and court personnel, but also by

the audience. The ever-popular baseball caps should be removed; no food, drink or gum should be permitted in the courtroom; pagers and cell phones should be turned off. Students should be directed to rise when the judge takes the bench; “Your honor” should be used in addressing the judge. Distracting talk, and traffic in and out of the courtroom is to be discouraged

It is important for all participants to understand that even though the proceedings are being conducted in a youth court, they nevertheless are real, with real people who have real problems that need addressing. The role of the youth court, in this regard, must be respected.

THE TRIAL JUDGE:

It is important that some consideration be given to the selection of the trial judge to preside over the youth court trials. Ideally the judge should be a sitting member of the bench, preferably with an interest or involvement in the juvenile justice system. Sitting members of the bench generally are more attuned to trial procedure and are comfortable in dealing with juries. An actual judge also tends to command greater respect for the process from the participants. The best possible situation occurs when the trial judge also participates in the school presentations.

Because of work commitments and other time demands, however, it may not always

be possible to secure the services of sitting judges for the youth court trials. The program also should consider the use of retired judges and practicing attorneys who are willing to sit a "pro tem" judges. As the program expands, more and more judges will be needed. It is helpful to have a large pool of experienced attorneys and judges available to sit on juries so that no one person is asked to sit more than three or four times a year.

SECURITY:

The court program will need to determine the appropriate level of security for the trials. Depending on the nature of the students being served, particularly in areas where there may be gang problems, it is foolish not to have appropriate security for the protection of all participants.

Depending on the circumstances, it may be possible to use adult volunteers to "patrol" the halls while trials are in session. Programs have solicited members of the Juvenile Justice and Delinquency Prevention Commissions to assist in the supervision of evening programs.

The best security is that of a uniformed police officer or court bailiff. The presence of an officer gives actual and perceived protection. Security is enhanced if the officer is able to utilize regular court security systems such as x-ray and magnetometer machines. Simply having an officer visibly present on site will go a long way to setting the appropriate tone of the trial proceedings.

RULES OF EVIDENCE:

While youth court should resemble actual trials, it is not reasonable to enforce all of

the procedures required in a real criminal trial. By the same token, it seems inappropriate to allow such a wide range of evidence that simply anything is fair in love, war and youth court.

The suggested rule of admissibility of evidence is that any evidence is admissible if it comes from a reasonably reliable source and is relevant to the issue of punishment. Such a rule obviously opens the door to considerable evidence (such as hearsay statements) that might not otherwise be admissible in a regular trial. It will, however, limit the evidence to only those things that are properly considered by the jury in fashioning the verdict. The rule will give sufficient latitude to defense counsel to develop appropriate information about the reputation and character of the defendant. It also will allow the prosecution to discuss the impact of the crime on the victim and other sentencing considerations such as problems at school and home.

Actual operation of the rule in Placer County has been fairly successful. There have been occasions when the attorneys bring pretrial motions (in limine motions) to challenge the admission of certain evidence. The rule also has provided an opportunity to "object" to questions, something even real lawyers love to do, without allowing the attorneys to turn the whole process into a game.

PHYSICAL EVIDENCE:

At times the prosecution or defense will want to introduce at the trial some of the physical evidence seized in the case. It is useful to have an evidence protocol for such situations. Law enforcement will want a clearly established procedure to

cover those rare situations where the case returns to the regular juvenile system for trial.

TRIAL PROCEDURE:

A judge’s script should be prepared to structure the trial in the style of regular criminal cases, with some necessary limitations. The outline should expose the participants to all of the key elements of an actual case: jury selection, opening statements, presentation of evidence, and closing arguments and jury instructions. Since most of the participants are not familiar with the court process, it is important for the judge to “talk through” the process at each step. Comments such as “the clerk will now swear the jury,” or “the foreperson will now hand the verdict to the bailiff” will help the students to understand what to do next.

In addition to instructions from the bench, it is helpful to have instruction sheets for the bailiff and the clerk. The clerk particularly will need to have the various oaths set out on paper or cards to read. The clerk and bailiff are required to do their work without any other person readily available to answer questions; student attorneys are able to ask for help from the mentor attorneys.

It will be useful to establish some limit on the extent of questioning by witnesses. Without some restrictions, trials can become unnecessarily long, with questioning eventually becoming redundant and argumentative (just like real trials). The following structure for questioning witnesses provides a reasonable balance between the need to have full questioning, but without becoming overly protracted:

1. Direct examination by counsel calling the witness.
2. Cross-examination by opposing counsel.
3. Questions by the jury.
4. Re-direct examination by counsel calling the witness.
5. Re-cross examination by opposing counsel.
6. Further questions as allowed by special leave of the court.

The suggested structure includes open questions by the jury. Although such a practice rarely occurs in regular trials, it is appropriate for youth court. Since the jury is partially composed of prior offenders, some of the best questions are asked by people who can recognize a scam when they see one!

The jury panel should be as close to twelve as possible. Because of demands on students’ time, a full panel may be difficult to achieve. There also may be an excess of jurors available on a given day. The court should be flexible enough to proceed with trial if there are as few as six jurors; less than that will unreasonably skew the deliberations. The court should accept up to 15 jurors on the panel, if such a need arises. Greater than 15 jurors makes it difficult to reach a verdict and some jurors will “hide” in the larger number of persons. “Participation” is to be the guide, not precision in legal procedure.

The jury should be given a suitable place to deliberate. Whether adults should be in the jury room is a matter of some debate. The Placer County program takes the position that adults have no place in the jury room. First, such monitoring does not happen in real trials. Second, it may send

the message to the students that they cannot be trusted. The Santa Barbara program uses adults as facilitators of the jury process to make sure the jury stays on task so that a verdict may be reached without unnecessary delay. The adults do not structure the *results* of the verdict, they only monitor the *process* of deliberation.

THE VERDICT:

Youth court verdicts should be logical, constructive and designed to fit the offense. A sample form of verdict is included in the Appendix of Forms. The verdict should clearly identify the defendant and give some guidance to the jury in suggesting possible sentences. The form needs to be tailored to the programs available to the court such as counseling, tours of the jail, community service and police ride-alongs.

Jurors should be allowed to add conditions of the sentence as may be felt appropriate. Many of the best verdicts have come from consideration of the unique facts of the case. In one Placer County case, for example, a defendant was caught making small "bombs" out of plastic pipe. The jury ordered that the defendant tour a munitions factory, not to learn how to build bigger and better bombs, but to learn the dangers of handling explosive materials and the care used in the manufacturing process. Such unusual cases give jurors an opportunity to deal creatively with a problem and structure the verdict with the particular defendant in mind.

The program should consider two mandatory aspects of the sentence: jury duty and community service. The Placer County program requires a minimum of two times on jury duty; the jury is free to

add more times. Jury participation is an important element in the process of reintegrating the offender into the community. The defendant enters the system as the accused; he or she may even feel they are being victimized or "picked on." Jury service empowers the offender; it allows the offender to leave the program as a participant in the judicial process. By serving on the jury the young offender will see the strengths and weaknesses of the legal system from an entirely different perspective.

Other students benefit from the offender's participation in the jury. Some of the high achievers, who might not otherwise have reason or desire to associate with students having problems, will have an opportunity to see that these people really are not so different and have something to contribute to the judicial process.

The program also should consider some form of community service as a mandatory component of the verdict. Such a provision emphasizes that every crime has a victim; if nothing else, the community has been "injured" and needs recompense for the wrong. The Placer County program requires a minimum of 10 hours and allows up to 50 hours of community service. Care must be taken in the selection of the community service projects. While some value is obtained in cleaning up trash along a public roadway, much more satisfaction and service will be achieved if the offender assists at a county fair or senior center. Public service should be viewed as something of value that should be repeated; it should not be viewed simply as punishment.

The judge should use care not to substitute his or her judgment for that of the jury. The judge is there to make sure that the

death penalty is not returned in *every* case; the judge should not alter the jury's decision unless it goes beyond the "shock the conscience" test. The repeated alteration of verdicts soon will destroy the independence of the juries and eventually will destroy the program. As in real cases the judge will agree with the results in most trials; occasionally the judge might have done something different. Almost never will the judge feel a substantial miscarriage of justice has occurred.

The judge should always inquire of the defendant if the verdict is accepted. Some of the conditions imposed by the jury such as drug testing and license suspension may not be legally possible without the defendant voluntarily accepting the decision of the jury. The defendant always should be free to reject the verdict if deemed too harsh, and return to the traditional juvenile justice system.

JURY REFLECTION:

Jury reflection on the verdict is a powerful statement to the offender. The judge should inquire of the jury about how the verdict was reached. The jury is given an opportunity to explain something that might otherwise seem unrelated or even inappropriate. Sometimes the most important component of a defendant's acceptance of the verdict is the reasons given for it. Sometimes it is important for the defendant to hear that the jury did not believe the testimony or that one defendant was treated differently because of greater involvement in the crime. The dialogue also can soften what might otherwise be considered an overly harsh sentence. The defendant may understand that the verdict was not a personal attack, but rather a reflection of the concern of his peers for his or her future.

FOLLOW-UP TO VERDICT:

After the jury has been discharged, the defendant and parent meets with the coordinator to review the terms of the sentence and how it is to be carried out.

The coordinator has the ultimate responsibility to see that the terms of the verdict are satisfied. In most instances the verdict is completed without difficulty. The coordinator tracks the defendant for at least six months. If the sentence has been satisfied and there are no other problems, the coordinator does an exit interview, notifies the probation department that the case is closed, and, when appropriate, assists the defendant in obtaining an order under Welfare & Institutions Code § 781.

In a few instances minors will not complete their sentence expeditiously. If the problems are relatively minor, the coordinator is given the discretion to add community service hours. If the misconduct is continuing, a session is scheduled with the judge for a firm "heart to heart" talk. In those very rare instances where all efforts fail to achieve the desired response from the minor, the matter is referred back to the probation department for traditional disposition.

The Placer County program has established a simple, yet effective means of bringing the recalcitrant offenders into line. The offender and parent are mailed an "order to show cause" why additional sanctions should not be imposed for failing to complete the youth court sentence. The "heart to heart" talk is intentionally scheduled to coincide with the supervising judge's criminal arraignment calendar. The young offender must sit through the custody arraignments that last for about one hour. A recess is

taken so that the offender and parent can meet with the coordinator and judge in

chambers. Very few offenders fail to get the message!

VI. YOUTH COURT COORDINATOR AND PROGRAM MANAGEMENT

THE PROJECT COORDINATOR:

Youth court programs of virtually any size will need the services of a coordinator. Someone must take the responsibility for assigning out cases, monitoring the defendants as their sentences are completed and arranging for school presentations. Finding the right person can be difficult; the decision is critical to the success of the project.

Sources of qualified persons are varied. Programs have been supervised by probation officers, police officers, school personnel, retired school teachers, legal secretaries, volunteers and attorneys. The decision to hire a coordinator likely will hinge on two key factors: money and work load. Small programs are able to use existing staff. Initially it may be possible to allocate part of an employee's day to the project; the cost is "absorbed" in the employer's budget. As the project grows, however, the time demands simply become too great for part-time or volunteer assistance.

Coordinators will assume a wide variety of tasks. Frequently the work must be done on weekends and in the evening to accommodate the schedules of students, attorneys and other participants. The coordinator must have or acquire some appreciation of the legal and educational

systems. Through it all, the coordinator must evidence a genuine commitment to the project and the youth it serves.

Services rendered by the coordinator potentially include:

1. Receiving and assigning cases in the court; making sure that trial dates are set, and that student and adult mentor attorneys are assigned, and that jurors will be present; notifying defendants and parents of court dates; responding to concerns and explaining the court process to defendants, parents and other interested persons.
2. Supervising trials to make sure they proceed in an orderly and appropriate manner.
3. Monitoring sentences imposed on offenders.
4. Maintaining files and records of the program.
5. Assisting in the publication of any materials used by the program, including a juvenile justice handbook.
6. Coordinating speakers at the schools.
7. Drafting and submitting grant applications
8. Preparing and administering a project budget

9. Responding to communications from other persons regarding the project.
10. Participating as appropriate in related conferences.
11. Hiring and supervising any necessary staff.
12. Providing adequate office facilities for the project.

The desired qualifications of the coordinator are equally varied:

1. Knowledge of the juvenile justice system, including the roles played by probation, district attorney, public defender and the juvenile court.
2. Experience working with school systems including teaching departments, counseling and administration.
3. Desire to work directly with school age students.
4. Ability to organize, plan and implement.
5. Ability to work with people from a variety of professional disciplines.
6. Hold a teaching degree, or a Masters degree in counseling or social work, with a Pupil Personnel Service Credential.
7. Knowledge of the grant application process.

CONTRACT WITH COORDINATOR:

The relationship between the coordinator and the youth court project should be well documented in the form of an employment contract or memorandum of understanding. The MOU might be used when the coordination services are provided as part of the duties of a regular government employee. The employment

contract is more appropriate when the coordinator is an independent contractor.

CASE MANAGEMENT:

After a case has been referred to the youth court, the coordinator assigns counsel, places the matter on the trial calendar and contacts the mentoring adult attorneys. Police reports are given to the student and adult attorneys; students are advised of the name and phone number of their mentoring attorney and the date the case is scheduled for court. The coordinator records which case numbers are to be heard on a particular night, as well as the names and phone numbers of the adult and juvenile attorneys.

The coordinator makes contact with the juvenile defendant and parent, advises them of the court date, time and location; explains or answers any questions or concerns about the court session, and advises them of the name of their assigned student attorney. The program also may use a form of written notice to the participants.

The coordinator delivers the packet of case materials to the teen and adult attorneys. The trial judge is given a sheet with the names of the defendants, the charges and the names of the adult and juvenile attorneys.

The coordinator insures that the positions of clerk and bailiff are filled and that adequate jurors will be present to decide the cases. An adequate jury pool can be maintained with regular notices to school bulletins about court sessions and in the course of presenting the school curriculum. The program may want to use posters and other means of advertisement to stir interest in the program.

The coordinator must arrive early enough to court to set up the courtroom, give appropriate instructions and paperwork to court staff, and answer questions that may arise. The coordinator should also survey the court facilities as they exist prior to the evening's court sessions so that everything may be returned to its original condition when the evening has ended.

The coordinator welcomes participants and visitors and explains the basic rules: no gum, no hats, no leaving the courtroom while cases are in progress, and the common courtesies to be observed in the court building. The coordinator makes appropriate notation on court records regarding attendance by any defendant.

The clerk takes sign-ins for jury duty for the evenings cases and the bailiff circulates a sign-in form for guests in the audience. The jury is self-selecting for the cases. The coordinator, however, should make any necessary adjustments if it is apparent that a case has too many or too few former defendants. Codefendants from a case should not be allowed to serve as jurors on the same jury.

At the conclusion of the case the coordinator meets with the child and a parent regarding the verdict and how the sentence is to be satisfied. Upon completion of the verdict and the expiration of any period of supervision, the coordinator notifies the probation department or the referring police agency that the case has been closed. If local police agencies have requested special notification of the disposition of the case, the appropriate information is to be forwarded. When the juvenile completes the sentence, a letter of congratulations is sent which includes exit appointment

information and instructions for obtaining the sealing of the offender's record.

If the defendant fails to complete a sentence, the coordinator is responsible for meeting with the parent and child to determine why the problem exists and how to correct it. Added sanctions may be imposed within the guidelines set by the program. A meeting with the supervising judge of the program may be necessary. If all efforts have failed, or if the juvenile chooses to leave the program, the case should be returned to the probation department or referring police agency for appropriate disposition.

COMMUNITY SERVICE:

Many of the cases include community service hours. It is the responsibility of the coordinator to make these arrangements. Locating events, activities and responsible supervision can be a challenge. While community service is assigned as "punishment," it should hold value for the offender. The hope is to repay the community for the infraction, damage or inconvenience caused by the crime. Having the defendant soured on future community service is not the intent. Learning about the minor's interests, capabilities or skills can help in selecting an appropriate community service project.

Road clean-up, fairground or recreation park work are usually available. Convalescent hospital volunteering has been successful, as has assigning minors to work with willing Little League teams, soccer or other sports coaches. Local libraries have children's story hours; after school day care programs are anxious for help. Other events include CPR Saturday, Special Olympics, Start-A-Heart, Great American Smoke Out, various marathons

and service club events. Frequently students will know and identify some place they could volunteer their assigned hours. The program needs a simple, but good, system for tracking the completion of community service hours.

As the students complete their sentence, all components are to be recorded on a tracking form. Court dates for jury service are given to the parent and offender immediately after the trial. If educational classes have been assigned, forms and instruction for enrollment also are reviewed at the end of the trial.

It is the juvenile's responsibility to report to the coordinator, or any designated individual, any trial attended and indicate their case number so the file can be pulled and the appropriate completion noted on the case tracking form.

While responsibility for completion of the sentence ultimately must be on the offender, the coordinator, in reality, must frequently remind juveniles of missed court dates and other deficiencies in the completion of the sentence.

Any letters of apology or restitution to any victim must be routed through the coordinator for proper tracking.

Viewing of drug and alcohol films must be arranged by the coordinator. County and district personnel can assist in loaning the necessary films.

The coordinator must be prepared to deal with counseling issues. One of the advantages of having a coordinator with a P.P.S. or a M.S.W. is that counseling can take place with the student regarding personal issues as well as general school issues.

Alternatives and resources can be discussed related to current behavior, and assistance and plans can be suggested to help the student in affecting changes in behavior. It is a fact that counseling for the entire family in dealing with a current situation (and the incidents leading up to it) around the juvenile's behavior frequently is the task of the coordinator. It is important that the coordinator be familiar with local resources to assist the families.

ADULT ATTORNEY TRAINING:

Mentoring attorneys are drawn from the area through presentations to service clubs and bar association meetings. Interested attorneys are invited to a meeting where they are given a packet of information on youth court procedures and are asked to sign up for a particular date to mentor the student attorneys. They should be instructed on the proper role of a mentoring attorney: to answer questions and assist students; not run the case or force the student attorneys to do things that the adult attorney wants. The adult attorneys also may assist the students in their training at mock trials.

STUDENT TRAINING:

High school freshmen receive the juvenile justice curriculum unit in their normal coursework and become familiar with youth court proceedings. Many upper grade students are also interested in the project and learn about the court procedures through attending trials as spectators and jurors.

There are two ways of conducting training for student participants. The first system is to use adult trainers who are willing to share their time and skill in training the

students. The program will need to recruit real court clerks, bailiffs and attorneys willing to talk to the students. These individuals bring broad experience and are able to answer most any question about the process. Personal stories based on their experiences generates interest and enthusiasm. Attorneys are particularly helpful in teaching the young attorneys to properly prepare for cases, develop a list of questions to ask the witnesses, and organize the opening statements and closing arguments. Attorneys can assist in reading police reports and to utilize what is and is not disclosed by the reports.

The second approach is to use experienced students to train the new participants. There are a number of advantages to this approach. First, and most importantly, students speak the same language to each other. Peers tend to listen to other peers better than to the adults. The experienced student attorneys can comment effectively on what student juries will respond to, they can assist in reading reports and preparation of the case. In short, for the purposes of youth court, the student attorneys can be equally effective as the adult attorneys. Scheduling problems can be reduced since adult work time is not involved. The training can occur at the local school, particularly if there are experienced attorneys at that site.

A collection of training materials for student defense and prosecution attorneys and court staff, together with a training outline is included in the appendix of forms at the end of these materials.

YOUTH COURT CALENDAR YEAR:

Placer County Peer Court runs from September through May, with four court sessions per month alternating between

Roseville and Auburn. Sessions in Auburn have one regular trial department with three cases per night. Another courtroom is used for tobacco or truancy panels. Roseville runs two courts per night, three cases per courtroom.

Trials are not held the week of Thanksgiving, during the Christmas holiday period, or during spring break.

It is critical to work with the school calendar. Students tend to be very busy with graduation and other end of the year activities. Competition for students' time makes court dates in June a frustration in getting adequate participation. Vacation and work schedules in the summer make an extended summer court schedule impossible. The Placer County program does hold two court sessions in early June, usually for most of the day, to clean up any cases unresolved during the regular school year.

SCHOOL AND SPEAKER SCHEDULING:

The ideal schedule of speakers begins with a police officer and concludes with a presentation by the California Youth Authority. In order to schedule classroom speakers a school calendar and class schedules are necessary. Bell schedules at high school vary widely. Contending with assembly, advisory, shortened day, block and other special schedules, and in-service days makes scheduling a challenge. Additional information will come from teachers, such as when they would like to teach the unit, which periods are best, the length of the period, location of the class, and whether classes will be combined .

Making the most of the speaker's day is essential since many of the presenters have

left critical court positions to volunteer their time. Speakers frequently have conflicts. Utmost in consideration is the scheduling of the judge when he or she has time. The other pieces of the system such as the attorneys, probation officer, police need to be worked in as best possible. The gang experts and the coordinator frequently have the most flexible schedules. The Youth Authority team is limited in the number of times they can be away from their facility in a given week; advance scheduling with this group is imperative.

Speakers will need a map to the school, schedule of time and location, class size and length, where they are to report on arrival at the campus, and who is to meet them.

When there are large breaks of time in the schedule, try to schedule the speaker at one of the nearby schools also teaching the unit. It is not unusual for a continuation high school to teach the class during a single period. Such classes frequently can be accommodated during multiple presentations at a nearby comprehensive high or junior high school. In any event, a complete schedule of the day should be given to presenters so they can plan their work or take work with them should they so choose.

Teachers are advised regarding the last minute possibilities of cancellation should unforeseen circumstances arise. If the coordinator can remain flexible, occasions may arise where other speakers can be filled in with little or no notice.

RECOGNITION:

It is important to celebrate the success of the program and everyone's efforts at the

end of the year. Holding a pizza party or some other recognition event is essential. Teachers who have taught the curriculum unit, mentoring attorneys, training and classroom presenters, board members, pro tem attorneys and all of the participating students should be invited. Certificates of appreciation and other mementos should be distributed.

A scholarship program can be created if funds permit. The dollar amount of an award is not so important as the recognition of the student recipient. Making the scholarship presentation at the high school awards assembly provides added recognition for the student in front of his peers and teachers. The local bar association is a good source of seed money. Memorial contributions in the name of a deceased judge, attorney or law enforcement officer can be placed in this fund. Service clubs frequently will be willing to make small donations; the scholarship provides an opportunity to contribute to an educational youth program, a funding category most service clubs utilize.

Publicity through radio shows and newspaper article keeps the project visible in the community. Share the program's successes. Bring the community in and let them feel proud of what is happening in their local area and the pro-active role that is being taken to address crime issues. Television news programs may want to film portions of trials, something that can be very informative to the public. With any public exposure of the program, care must be taken, however, to obtain the appropriate waivers of confidentiality. Even with such waivers, defendant's names should not be used unless full and informed consent is given by the child and a parent.

VII. FUNDING

Funding of youth courts, absent extraordinary circumstances, will be a lifetime struggle. The ideal funding system is to secure a permanent spot in the budget of some government agency. Such opportunities, at least at the outset of any program, are very rare. The search for funds should be a collaborative effort by all involved agencies. Even small contributions of cash or in-kind services can make the difference necessary to run a new project.

Possible funding sources include:

1. Safe and Drug Free Schools funds.
2. Safe Schools funds from school sites.
3. Drug, Alcohol, Tobacco Education (DATE) funds.
4. Donations from service clubs for specific projects.
5. Local bar associations.
6. Grants from the Office of Criminal Justice Planning (OCJP).
7. Service learning grants from Cal Serve (State Department of Education).
8. Payments from individual school districts for services rendered.
9. United Way.
10. County general funds.
11. Probation departments.
12. Mental health departments.
13. Trial court, through trial court funding with the state.
14. Health and Human Service departments.

Program expansion will require more extensive funding. Grants should be an aggressive part of seeking support. The program must be cognizant, however, of the conditions imposed by grants. Programs funded entirely by grants may find that they are being grant driven instead of youth need driven.

Nationally the student service learning concept is gaining momentum. Most recently through the Commission on National and Community Service, a grant program to fund K-12 programs has been created. These federal dollars flow into California through the CalServe program. In 1994, for example, \$1.6 million was allocated to California projects. The Placer County Peer Court project was one of the 36 school based projects funded. Service learning projects must infuse community service experiences into the school curriculum and be a natural outgrowth of the desired learning of students.

Following some degree of experience and evaluation, the project could approach the local board of supervisors for partial funding. The cost of having a juvenile go through youth court is far less costly than going through the regular juvenile justice system (where costs range from \$3,000 to \$5,000 per offender). Many of the young offenders will reach some portion of the system in any event; why not make it the least expensive and the most effective?

Youth courts can assist schools in complying with several new educational mandates such as Goals 2000, School to Work Transition and Service Learning. The project also meets the Safe School Plan requirements. Every effort should be made to collaborate in seeking funding

with law enforcement, schools, cities, chambers of commerce, health agencies or any other entity involved with community health and safety. With each of these mandates and initiatives comes funding opportunities.

<h2>IX. EVALUATION</h2>

The Placer County Peer Court project utilizes pre and post testing of students in the content area of the peer court curriculum. Peer Court also is integrated into other curriculum departments that require students to perform community service as a course requirement. In these courses students write about their experiences and observations.

It is essential that students be provided reflection time to integrate and internalize the experiences of the actual youth court process. Facilitation of students thoughts can be carried out at the end of a court session by the presiding judge. In the classroom, teachers and the various speakers can facilitate this formative evaluation. The youth court board of directors also must evaluate the program processes and results, making appropriate adjustments for continual improvement.

Recidivism results should be tracked as one means of evaluating the success the program has with the offenders who participate. It is essential to have good dialog and careful record keeping between the coordinator and local law enforcement

agencies and juvenile probation department.

An outside agency needs to be involved in evaluating the annual goals and objectives of the project. It is important to ensure that service learning is being taught effectively through academic concepts and skills. The program must develop an understanding of the whole criminal justice system, particularly the juvenile justice component. The program must instill in the participants a sense of the rights and responsibilities of all citizens and a process where students may learn to effectively evaluate the consequences of their actions.

The measure of recidivism is relatively easy to accomplish with any good data tracking system. The measure of the subtle changes in students' attitudes toward the justice system is extraordinarily difficult to measure. How does any program determine that a crime was not committed because the potential offender attended a youth court trial? Yet the development of some form of self-criticism is critical to the continued relevancy and vitality of the project.

There are some things that an organization does that simply “feels right;” empirical data is not necessary to prove that the program is doing some good. Introspection, backed up with measurable and objective data, can be vital in making proper program decision. A good data base can be critical in the process of grant applications. Clearly there are no “off the shelf” evaluation systems. Programs will need to create their own method of evaluation from the unique attributes and legal culture.

The Placer County Peer Court program has utilized a variety of tools for evaluation:

1. Student pre and post tests: Students are given a simple test on the juvenile justice system and some of the laws affecting youth prior to the presentation of the unit in the schools; the same test is given at the end of the unit. A comparison of the results is some indication as to the effectiveness of the educational component of the project.
2. Teacher and school administrator evaluations:

Teachers are asked to comment on the perceived effectiveness of the program in the classroom and at the school. Teachers generally are in the best position to assess the strengths of the curriculum unit and to suggest modifications that will make the unit more interesting to the students.

3. Community impact survey:
The survey is given to attorneys who participate in the project as mentors, and to other participants and spectators. The survey solicits comments on the program, how it can be improved, and whether the program appears to have a positive impact on juvenile offenders.
4. Exit survey by parent and offender:
Each participating parent and young offender is asked to comment on the Peer Court experience. The survey is anonymous to encourage candid responses. The purpose of the survey is to determine how these key participants view the effectiveness of the program. Each are asked to comment on any behavior changes, and suggestions for improvement.

CENTER

FOR

COURT

INNOVATION

A Public/Private Partnership with the
New York State Unified Court System

BEST PRACTICES

Kids, Courts and Communities

Lessons from the Red Hook Youth Court

BJA

Written by

David Anderson

1999

The Red Hook Youth Court is funded by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention through the New York State Division of Criminal Justice Services. Additional support is provided by the Louis Calder Foundation, Pinkerton Foundation and Surdna Foundation.

This publication was supported by the Bureau of Justice Assistance under Grant Number 96-DD-BX-0090. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the United States Department of Justice.

About the Author

David Anderson is acting director of communications at the Ford Foundation and a former member of the editorial board of the New York Times.

Lessons from the Red Hook Youth Court

Rhonda

Rhonda wants to be a lawyer: "I like to argue a lot," she says. And it was an argument that ended up putting the 15-year-old in a good place to advance her ambition — an internship with the Brooklyn Bar Association. A dispute with another girl (she doesn't care to say what it was about) led to heated words, then an exchange of blows. No one was hurt, but the other girl's mother felt aggrieved enough to report Rhonda to the police. Instead of a visit from a police officer, however, Rhonda got a call from a man named Derek Miodownik, who asked her to come in for an interview at the Red Hook Youth Court.

Rhonda knew some other young people who were involved in the youth court, which operates out of a ground floor apartment in her Brooklyn housing project. But she didn't know much about how it worked or what it was all about. Now she was about to learn.

At the Youth Court office, Miodownik, who runs the program, told her that the police had forwarded her case to the court. If she would accept responsibility and submit to a sanction imposed by the court's jury of teenagers, she could clear up the matter with the police. If she refused, she wouldn't be subject to arrest, but her failure to respond could be taken into account if she got into trouble with the law again.

Rhonda thought it over and decided to cooperate. That meant an interview with a "youth advocate" who would represent her during a hearing before the full court, a group of six, most of whom she also knew from the streets and projects of Red Hook. At the hearing, her advocate told Rhonda's story — Rhonda, she said, does well in school, understands that fighting harms the community, and is willing to make amends. Then the group peppered her with questions, drawing her out about the circumstances of the fight and her feelings about it.

Finally, the jurors who had led the questioning retired to deliberate about a sanction. After several minutes of discussion, they reached consensus, ordering Rhonda to perform four hours of community service -- helping out the maintenance crew at the health clinic across the street from her project building.

Before sending her on her way that day, one of the jurors thought to ask Rhonda another question: "How would you feel about becoming a Youth Court member yourself?"

"I told them I would like it," she recalls, and after the hearing, Miodownik explained that it was possible, if she were willing to do the work.

That turned out to be substantial. Rhonda attended Miodownik's training classes, 24 hours over the course of three weeks. Then as a member of the court, she served for five hours per week. The work paid off. Impressed by her motivation and interest in the law, Miodownik wound up recommending her for an internship at the local bar association, where she now helps out in an office that refers clients to attorneys. The job gives her a first hand view of the legal world, a good reference for college and the beginnings of a contact network in the profession.

"Getting in that fight," Rhonda reflects, "wound up having a big effect on my life."

A Broken System

Rhonda's case amply demonstrates the Red Hook Youth Court's capacity to intervene in troubled young lives and turn them in positive directions.

While a number of jurisdictions have set up youth courts nationwide, the Red Hook model is one of the first to serve a densely populated low-income community — youth courts are more typically found in suburban or rural jurisdictions. And it has purposefully engaged youngsters who have had problems in school and with the law as jury members, providing them with training and continuing involvement in a constructive program. The links the youth court has forged with local high schools give its value as an educational project the same weight as its contribution to juvenile justice.

The need for the court grew out of concern over the obsolescence of New York City's traditional system for handling the lowest level cases of juvenile delinquency. In suburban or rural areas, offenses like vandalism, fighting and other mischief may still be referred to juvenile or family courts. But in New York this rarely happens. Instead, when a young person is picked up for a minor offense, police are required to note the incident in their "YD card" files and then call the offender's parents, on the assumption that discipline will take place at home.

The process is a vestige of an earlier era, when police officers were intimately familiar with a precinct's families and kids. All too often today, parents are absent, distracted or otherwise unable to exercise any meaningful control.

"The system has broken down," Miodownik says. "A YD card is essentially just a write-up of an incident. There's no punitive measure, no links to services." Sarah Bryer, a Center for Court Innovation planner who helped set up the youth court, adds that the system sends the message to delinquents that "nobody cares, nobody will do anything about it. It doesn't matter."

Even so, Bryer and other planners recognized an opportunity in the YD card problem. For many young people, the card is an early warning of more serious trouble. A court that could intervene at this stage, holding offenders accountable, getting them to give something back to the neighborhood, perhaps linking them to social services, could make a big difference.

Origins

A number of forces coalesced to create a youth court in Red Hook, a Brooklyn neighborhood of some 11,000 residents dominated by a massive low-income housing project and a general sense of neglect.

Since 1994, the Center for Court Innovation has been an active presence in Red Hook, leading an effort to create a community-based justice center modeled after the Midtown Community Court in Manhattan. As part of a community needs assessment, planners from the Center engaged in extensive discussions with neighborhood residents and leaders. "One of the clearest things that emerged from these conversations was the urgency of coming up with a new approach to delinquency," says Greg Berman, who led these early planning efforts. "Local residents urged us to create some sort of early intervention for young people, particularly those who were on the precipice between success and getting involved in the justice system."

Setting up such a program made strategic sense as well. The Center's planning team knew that building a justice center would take years. In the interim, it was crucial to build credibility with the local community. They sought a project that could be established quickly and effectively to demonstrate their commitment to the neighborhood.

A door-to-door survey of local residents revealed that 90% felt Red Hook needed more youth programs. Pursuing that idea, the Center convened a series of focus groups with local parents and kids. Young people who participated confirmed the general failure of the YD card system. Adults lamented the passing of a time when parents in the community were able to check up on each others' children. As the groups talked, everyone, adolescents included, began expressing enthusiasm for a youth court.

To turn this idea into a reality, planners from the Center assembled an unusual partnership, bringing together the Brooklyn District Attorney's Office and Good Shepherd Services, the largest social service provider in Red Hook. The prosecutors tended to focus on accountability while the social workers pondered how a youth court could help troubled youth. "In a sense, we had both punishment and help sitting at the table with us," Bryer says. "Our task was to develop a product that incorporated both perspectives."

Chris and Jamie

Chris, a massive young man of 17, seems to command any room he enters. As a youth advocate, he is questioning Jamie, a 15-year old picked up for truancy. At first Jamie is reluctant to admit that he actually cuts school, but Chris slowly breaks down the defense.

"How often do you cut a class?"

"Only once."

"Once a week?"

"Well, more like four times a week."

"Oh, so you're basically cutting a class every day."

"Yeah."

"Look," Chris says. "I used to be just like you. I went to school freshman year, did great the first semester. Then the second semester I started cutting. It's what everybody did. It's addictive. I'd come in at 8:50 in the morning, and I'd leave one period early. I never got caught out on the street. I look older than I am; the cops thought I was in my twenties, a guy out on the street. They never bothered me. But that doesn't mean I didn't cut."

He stares directly at Jamie who stares back, then bows his head, breaking eye contact.

"Well," says Chris, "sooner or later you have to get your life on the right track."

Positive Peer Pressure

It quickly became clear that the youth court would be a significant departure for the Center for Court Innovation. The Center's previous experiments — the Midtown Community Court, the Brooklyn Treatment Court, the Brooklyn Domestic Violence Court and others -- had relied heavily on the use of coercive power to engage criminal offenders in community service projects and social services. The decision to target YD card cases meant that the youth court would have no such authority, since these are cases that never reach a courtroom. Instead of the legal authority of a judge, the youth court would have to rely on the power of peer pressure and teenage culture.

The initial challenge for project organizers was to find a core group of youngsters willing to articulate standards of behavior, in effect setting norms for other teenagers. The Center's team of planners insisted that those chosen be genuine peers of the young offenders appearing before them. "We decided that if we were going to do this in an urban setting," Bryer says, "it couldn't be run by the straight A students and called peer pressure. There had to be kids on the court that the offenders could relate to -- and vice versa."

Instead of "creaming" honor students and campus leaders, the court sought out interested youngsters with histories of truancy and other problems, then sought to train them for work on the court.

Structure

The youth court also departed from familiar models by having an active jury. In other youth courts, the star students with training serve as judge, prosecutor and defense attorney in a process that mimics the traditional adversarial process of adult courts, while untrained students sit passively through the proceedings as jurors. In the Red Hook court, all participants receive extensive training qualifying them to serve in all of the court positions: judge, bailiff, community advocate, youth advocate and juror.

The judge supervises the hearing while the bailiff maintains order, distributes confidentiality forms and conducts the jury out of the room for deliberations. The community advocate delivers a statement explaining the nature of the offense and its impact on the community. The youth advocate meets with the offender before the hearing in order to deliver a statement that highlights the

offenders' positive qualities -- interests, school record, commitment to family and friends, willingness to perform community service.

It is the jurors, however, who carry the weight of the hearing; although anyone is allowed to question the offender, they are expected to take the lead. In addition to determining the facts of the offense, their questions are also expected to elicit a rounded picture of who the offender is, how he or she is getting along with family and in school, what specifically led to the commission of the offense and what larger problems underlie the misbehavior.

As they deliberate, the jurors take all they have learned into account in order to craft a constructive sentence that combines accountability with help. The youth court staff puts at their disposal a range of community service possibilities; in addition to setting a number of hours, up to a maximum of 20 (most sentences are for six to eight), the jurors look for appropriate matches. A truant, for example, may be sent to tutor grade schoolers, getting a reminder that education is important and a chance to be seen as a positive role model. The jurors may order letters of apology to victims or, commonly, to the offender's parents, setting the number of words to match the severity of the crime. And they can require attendance at workshops on anger management or consultations with caseworkers from Good Shepherd Services.

Voices from the Bench

Court members develop clear preferences for different roles. "I like being the youth advocate," says 17-year-old Chris. "I try to calm them down before the hearing. I say, 'I'm there. You have a problem in the hearing, just tell me, and I can ask for a recess and we can talk about it.'"

Nineteen-year-old Melissa says she prefers community advocate: "You can make them realize what they do to the community, that they should stop thinking about themselves." Maria, 16, says she likes to be the judge: "You get to be in control."

Whatever their preferences, members of the court are expected to rotate through all the roles during their semester-long commitment to the program. "All the members are trained to think of themselves as part of a team," Miodownik says. "They're supposed to work together, trying to act in the offenders' best interest. The offenders pick up on this, which is one of the reasons why they don't feel under attack."

Most of the court's participants come from South Brooklyn Community High School, an alternative school run by Good Shepherd Services for teenagers who were truant or who had been expelled from public school. South Brooklyn agreed to offer youth court membership as an elective course: Miodownik conducted training at the school, spreading a 32-hour course over a 12-week semester. The class drew heavily on the local legal community for expertise. Local defense lawyers and prosecutors helped teach students about the legal process and how to craft an effective oral argument. A field trip to an adult criminal court yielded advice from a judge. Students who passed the class joined the

youth court, earning high school credit for their service for the first three months. In later stages, they were eligible to receive a small stipend.

While the idea of paid service might raise eyebrows among managers of wholly voluntary suburban or rural youth courts, the Red Hook planners consider it essential in a low-income community. Without such compensation, many Red Hook teenagers would forgo a voluntary opportunity, however interesting or rewarding, in order to supplement family income with a job at McDonald's or an obligation to care for younger siblings.

As the court began to function, word spread in the neighborhood and young people who had no connection with the South Brooklyn High School or Good Shepherd Services began to inquire about it. Others, like Rhonda, signed up for training after getting their first taste of youth court as offenders. Last summer, Miodownik held an open training for anyone from the neighborhood who was interested. He has also begun offering a training course at John Jay, the local public high school. Since the program opened in April 1998, 25 youngsters have served on the court. Another 18 are currently in training.

Francisco and Luisa

Fifteen-year-old Francisco comes to a meeting with Luisa, his youth advocate. He brings with him his mother and his little sister and brother. He has a sweet face and a diffident manner, but it soon becomes clear that he's in a lot of trouble. The police stopped him at one o'clock in the morning and cited him for carrying a knife with a blade more than four inches long.

"What were you doing on the street?" Luisa asks.

"I'd been visiting my aunt, and I was walking home."

"Wasn't this a school night? You were out walking home at one o'clock in the morning?"

"He doesn't go to school," his mother says. "He won't go to school, he won't work. He won't do anything."

Luisa looks at Francisco. "Why don't you go to school?"

"There's nothing there that interests me."

"What did you like when you did go to school?"

"Science. Computers. I want to run a computer business."

"Well if you want to learn about computers, don't you need to go to school?"

Francisco has no answer.

"Look," Luisa says, "how do you think your mother feels about your not going to school?"

"She doesn't like it."

"How does it make you feel to know you are making her so upset?"

"Not good."

"Do your little brother and sister look up to you?"

"Yes they do."

"And do you think you are being a good role model for them?"

Again, no answer. Francisco's little sister whines something to her mother.

"Be quiet," the mother says to the little girl. "We have to wait until Francisco is finished with the lady."

Luisa looks at her, surprised. "I'm not a lady," she says, gesturing at Francisco. "I'm the same age as him."

Getting to Court

A youngster's trip to youth court begins at one of the three precincts in the court's catchment area. The cops refer cases directly to the court, exercising some discretion over whom to send. Those affiliated with street gangs are eliminated, for example, lest youth court members be marked for retaliation.

When Miodownik receives referrals, he and the court's only other salaried employee, Red Hook resident Michael Williams, attempt to contact the offender and his or her parents. A good deal of attrition occurs at this point in the process, since there are no consequences for not participating. Many youngsters get away with giving police false telephone numbers and addresses. In some cases, the court reaches offenders' homes but the offenders choose not to cooperate and parents don't respond. In some cases, parents are indifferent; in others they prefer to keep discipline within the family. Many are simply wary of "the system." As a result, only about a fourth of referrals result in a youth court appearance.

Miodownik and Williams emphasize that the youth court is a voluntary process. "You don't have to do this," they tell offenders during intake interviews. "But by appearing in youth court, you will clear up the matter with the police and, more important, you will show that you are willing to take responsibility for yourself."

The pitch doesn't always work, but it does often enough to maintain a healthy caseload. So far, the youth court has held 71 hearings, an average of more than two per week.

Partnership

The youth court depends on the active involvement of local partners. The housing authority contributes office space. Hearings are held at a church or at the precinct house. The Brooklyn D.A.'s Office, the Legal Aid Society and others participate in training. Victim Services provides a mediator to help resolve ongoing disputes between offenders and their families.

Other local agencies supervise community service sentences as they put offenders to work. Assignments include helping out at the local health clinic, shelving books at the library, serving food at a soup kitchen and reading to elementary school children at a program sponsored by the local tenants association. Additional supervision is provided by staff from the Center for Court Innovation's neighborhood AmeriCorps program.

Results

There are two ways to evaluate the youth court: by its effect on the young people who participate and its effect on offenders. While it is still early, there are signs that the youth court is making a difference to both.

Exit interviews and focus group conversations with program graduates reveal that they leave with a better understanding of the criminal justice system, a greater sense of commitment to their neighborhood and improved self-confidence. The program's effect on offenders is more difficult to gauge. Peer pressure appears to generate compliance: more than 90 percent of offenders complete the sanctions ordered by teenage juries. Questions about more lasting effects on offenders can't be answered until the court has been in business longer.

In addition, there are indications that the program is gaining currency as an alternative to more traditional juvenile justice in the broader Red Hook community. In recent months, several parents have brought their children before the youth court when they began to engage in delinquent behavior, rather than calling the police or filing a PINS (Person-In-Need-of-Supervision) petition in Family Court.

The court also draws praise from police. "This is very good," Alex L'elie, a youth officer from the 78th Precinct, said of the youth court. "It makes the individual realize that they are going to pay for the crime." He also points out that he doesn't see much recidivism from youngsters who go through hearings and complete sanctions. "I look through juvenile reports to see if any are coming back, and I haven't seen any yet. Those kids have stopped getting in trouble. I definitely say the program is effective."

Judging the Judges

At neighborhood schools and on the street, the youth court seems popular, despite the resentment of some offenders. "They didn't believe me," says 14-year-old Mannie, sanctioned for fighting. "They weren't even handling it...they were just going like that, like I'm lying." He considered his sentence to five hours of community service "kind of long."

Concerns that angry offenders might cause trouble in the neighborhood for youth court members have proved unfounded so far. Indeed, Mannie wound up assigned to help the cops photograph youngsters for an identification program designed to aid investigations of missing child reports and enjoyed playing photographer with the Polaroid they handed him. Youth court members often perform service alongside offenders, reinforcing the larger message of community.

Rhonda recalls that she felt no resentment against the young people sitting in judgment on her in her hearing. "I feel that business and pleasure are two different things and you should be able to keep them separate," she says. "I saw them afterwards, and I could still be friendly with them." She appreciated being judged by teenagers rather than adults — "When you're older, you don't understand how fights start that easily" — and she thought her sanction was fair.

Fifteen year-old Roberto, caught with an illegal knife, also harbored no bitterness. "I did something wrong; I have to pay the price," he says. The court gave him four hours of community service, a 150-word letter of apology to his mother and an anger management class. His record of truancy led the jury to more

pointed questions about how he hoped to get ahead in life without an education. He now terms the encounter with the court a "good experience...I thought about it. It gave me chances. I'm going back to school. I want a great future."

Ricky

Between cases, members of the court have been hanging out, flirting, jiving with each other. As the court comes to order again, the atmosphere of gentle horseplay continues; there's a bit of shoving as they take their seats, laughter only barely stifled. But as the case is presented, they suddenly get serious:

The offender, Ricky, is 14 but looks about 10, hunched on his chair in the witness box. He got arrested for carrying a box cutter; as the story unfolds, however, the court learns that he pulled the weapon in the course of a sidewalk scuffle between two groups of boys. The jurors quickly get to the heart of the matter.

"Why do you carry a boxcutter anyway?"

"For protection."

"You are 14. Do you really think you need to carry a box cutter?"

"No."

"So why do you carry it?"

The question hangs in the air.

"Do you know how to use a box cutter?"

"Yes."

"Have you ever used a box cutter?"

"No."

"Then how do you know how to use it?"

Another shrug.

"How would you feel if you cut somebody?"

"I don't know."

The questions circle off in other directions, an effort to learn more about Ricky's school history (poor) and his relationship with his mother (difficult). The jurors also discover that he has an older brother who doesn't live with the family.

"What would your older brother say if he knew you were carrying a box cutter?"

"He'd tell me to stop."

"And if he told you to stop, would you?"

"Yes."

"Then why can't you do it on your own behalf?"

In the hallway outside the courtroom, the jurors don't need much time for debate. They find Ricky's attitude unrepentant. They decide on 10 hours of community service, a letter of apology to his mother and field trip to a federal penitentiary where adult inmates reflect upon their experiences for the benefit of youngsters.

Ricky's mother, who has sat through the whole proceeding, is impressed. "This is different from other courts with a lot of adults and an angry judge. It

was something different to see children trying to teach other children." And how would Ricky respond? "I don't know for sure, but I think he needed something like this to wake him up."

A National Movement

At last count, there were more than 500 youth courts across the country. Since the first was created in the early 1970s, every state but Maine has implemented at least one. And all of this has occurred on shoestring budgets with minimal prodding from the federal government.

What accounts for the popularity of youth courts? One factor may be their potential to change public perceptions about courts, which in recent years have grown more remote from the lives of citizens and neighborhoods. Youth courts encourage civic engagement and education about justice.

Experiments like the one in Red Hook offer evidence that youth courts can play an important role in building safer neighborhoods. Recent research shows lower rates of violence in neighborhoods with a strong sense of community, where neighbors are likely to intervene when a child is truant from school or scrawling graffiti on building walls. The Red Hook experience suggests that youth courts can serve as catalysts for change within neighborhoods, reinforcing positive values within the peer culture and creating networks of support for troubled adolescents. The youth court provides a legal framework for adolescent energy and peer pressure, channeling it in a positive way. At the same time, it mobilizes other agencies -- the district attorney's office, schools, the bar association -- to create a constructive new dynamic between court and community.

The case of Rhonda, the teenager charged with menacing, demonstrate the possibilities. Before the youth court, the matter would have ended with the police calling her parents and letting her off with a warning. With her agreement to go before the court, Rhonda wound up giving something back to the community, embracing the values of the court as a member of its team, even gaining exposure to a professional workplace.

If that's good for Rhonda and the Red Hook neighborhood, it's also instructive for the larger national debate about courts and communities. The youth court offers valuable lessons about how to engage a neighborhood and mobilize youngsters to enforce common standards of behavior.

Challenges and Questions

Many questions remain. How far can the youth court model be pushed? Peer pressure and local services appear effective in dealing with low-level juvenile cases; could they address more serious offenses and offenders as well? Would the youth court work if it were to hear cases referred from the Probation Department or Family Court? At what point does a case become so grave that it demands a more traditional approach with adult decision makers?

And what of offenders? Rhonda's case is unusual in that she went on to join the court as a member; for most offenders, engagement remains short-term. How can the youth court do more to link young people to longer-term mentoring,

treatment and education? How can it involve their parents, guardians and siblings as well?

Finally, how should the Red Hook and other youth courts measure success? No one has yet undertaken a rigorous evaluation. What should it entail?

Recidivism? Education? Effect on community perceptions of youth and justice?

These are provocative questions. The Red Hook experiment so far suggests that positive answers are possible, and well worth pursuing.

Notes

Center for Court Innovation

The winner of an Innovations in American Government Award from the Ford Foundation and Harvard's John F. Kennedy School of Government, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how courts can solve difficult problems like addiction, quality-of-life crime, domestic violence and child neglect. The Center functions as the New York State Unified Court System's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, family treatment courts and others.

Nationally, the Center disseminates the lessons learned from its experiments in New York, helping courts across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice by convening roundtable conversations that bring together leading academics and practitioners and by contributing to policy and professional journals. The Center also provides hands-on technical assistance, advising court and criminal justice planners throughout the country about program and technology design.

For more information, call 212 397 3050 or e-mail info@courtinnovation.org.

Center for Court Innovation
520 Eighth Avenue, 185h Floor
New York, New York 10018
212 397 3050 Fax 212 397 0985
www.courtinnovation.org

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance
810 Seventh Street, N.W.
Washington, D.C. 20531
202 307 5974
www.ojp.usdoj.gov/BJA

**CENTER
FOR
COURT
INNOVATION**

**A Public/Private Partnership with the
New York State Unified Court System**

