

Understanding the Youth Court Model

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What is a youth court?

- Tribunals of young people who have been trained to hear actual cases of offenses committed by other youth, serving as judge, jury and advocates.
- Youth court members impose sanctions that reflect restorative justice principles. (Youth courts do not determine guilt/innocence.)
- Sanctions (e.g., community service, reflective essays and letters of apology) provide opportunities for youth court respondents to redress the harm they have committed against the community and learn how to make better decisions going forward.
- Can also link respondents and their families to community resources that promote positive youth development.

Basic Youth Court Process

- Youth court members are recruited and trained.
- Young people who commit eligible offenses are referred to the program as potential respondents
- Potential respondents are screened by the program
- Respondents (and parent/guardian) opt into the program
- Youth court members review the case and prepare for hearing
- Hearing takes place
- Youth court assigns sanctions to the respondent (e.g. community service, written reflections or letters of apology, workshops or classes, etc.)
- Respondent completes assigned sanctions, case closed (or, respondent fails to complete them, referred back for traditional case processing)
- Respondents recruited to become youth court members

What kinds of cases are typically appropriate for youth court?

- Ones for which the alternative penalty is sufficiently onerous that there is an incentive to choose the youth court option
- Repeated or excessive low-level infractions, such as electronics use and dress code violation
- Vandalism
- Truancy and chronic lateness
- Verbal altercations, insubordination, and conflicts with students or staff
- Some instances of fighting
- Bullying, harassment

Sanction options focus on:

- **Accountability** (i.e., increasing respondents' awareness of the effect of their actions on others and offering them opportunities to repair the harm caused, either directly or indirectly)
- **Competency development** (i.e., building youths' relationships with caring and positive adults or peers and providing respondents with opportunities to increase their skills and competencies so they are able to function as more productive members of society),
- **Community protection** (i.e., increasing youths' skills and ties to the community so they will be less likely to harm the community in the future)

Sanctions should NOT:

- punish respondents for the sake of punishment

Examples of Sanction Options:

- Community Service
- Educational workshops
- Reflective essays
- Letters of Apology

Creating community service options

- Ideally are oriented to community needs and linked with broader community issues
- Activities should be constructive and educational – not punitive
- Youth should not feel isolated while doing community service; rather, they should feel connected to the community
- There should be opportunities for members, respondents, and adults to work together on projects

Educational Workshops

- Assist youth in developing skills and in gaining some social capital.
- Allow the youth to build relationships with others and have an ongoing role in their community based on something of value that they have to offer
- Reflect competency development goals, as opposed to merely passing on information in a passive format.
- Subjects may include decision-making, conflict resolution, anger management, setting and achieving goals.

Reflective Essays

- Essays can be assigned in varying lengths for the respondent to research and write about how the offense affects them as an individual and as the community. The essay can be shared with the victim or kept in the respondent's file.

Apologies

- For an apology to be an effective option when viewed within the restorative justice context, it must be sincere.
- Does the respondent feel remorse?
- Is the respondent able to articulate his or her remorse in a sincere and respectful manner?
- Does the victim wish to receive an oral or written apology from the respondent? (If they do not wish to receive an apology, then an oral apology to the victim should not be required. A written apology could be ordered regardless of whether the victim wishes to receive it or not. If the victim does not want to receive the written apology, it can be placed in the respondent's file.)

What is the theory behind Youth Courts?

Restorative Justice: Theory animating Youth Court processes.

- Increases victims' feelings that justice was served
- Increases the feelings of people who have committed offenses that they were treated fairly
- Increases community awareness of responsibilities to maintain safe and supportive society

**How do youth courts put
restorative justice principles
into practice?**

Youth Courts as restorative justice programs

Youth Courts:

- Focus on repairing harm resulting from offenses, not punishing respondents
- Recognize respondents' personal strengths and positive contributions to the community
- Create a voice for the community, the victim of offenses that negatively effect the community
- Prepare and support community members to respond to negative behavior in their community
- Create activities that allow respondents to repair harm and make meaningful and positive contributions to the community

Focus on responsibility, accountability and consequences

- **Responsibility** – what are respondents' responsibilities as members of the community?
- **Accountability** – how does youth court encourage respondents to be accountable for their actions?
- **Consequences** – how does youth court communicate that actions have consequences (both good and bad)?

Key strategies for ensuring youth courts take a restorative approach:

- Involve youth in decisions that affect them by listening to their views and genuinely taking their opinions into account through advocates' statements, respondents' testimonies, and jurors deliberations.
- Fully explain what youth court is (and is not) to respondents, parents, and the community
- Make sure that respondents clearly understand the reasons for the sanctions and what is expected of them
- Train members to understand that the purpose of youth court is to repair harm, not punish
- Train members to use strategies that elicit from respondents:
 - The effect the respondent's behavior has had on his or her family, the victim and/or the community
 - What understanding the respondent has about the effects of his or her behavior
 - What, if anything, the respondent has done to make amends for his or her behavior
 - What the respondents' think they can do to repair the harm

Questions and answers

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Creating a School-Based Youth Court: Major Tasks & Challenges

Youth Court Training Symposium

October 11, 2012

Nancy Fishman

School Youth Court Goals

- Support students in learning how to modify their behaviors and make better choices.
- Provide constructive alternative to suspension, detention and other disciplinary practices.
- Create civic engagement opportunity for students.
- Strengthen school culture and community through positive peer pressure and student leadership.

Basic requirements for starting a youth court

Space

- At least one classroom-sized space for hearings
- An additional space for jury deliberations
- Space for staff or faculty to meet privately with parents and students before and after hearings; can be existing office space such as a dean's office or guidance office.

Staffing

- Adult staff train the students, administer the program (e.g., field referrals within the existing discipline process, screen cases, schedule hearings, and track compliance with sanctions), supervise hearings and other activities of student youth court members
- Staff may also supervise assigned sanctions such as community service and facilitate skill-building workshops used as sanctions
- Functions may be all done by one faculty member, as a class or an extracurricular activity, or shared among several staff
- Faculty/staff who direct the program must be trained to implement the youth court curriculum and run the program, and to understand fully the restorative justice approach

Costs

- Staff costs (additional staff, or extra hours/responsibilities)
- Materials costs associated with the training, such as duplication of handouts and classroom supplies
- Facilities costs, if renting extra space or keeping school facility open later
- Optional costs for judicial robe and gavel, t-shirts or badges for members, special events like a graduation, snacks for afterschool programs

Sanction Options

- Program needs to develop and maintain a range of sanction options
- Volunteer/community service: can include partnerships with community groups or school-based projects, collaboration with teachers; all should present opportunities for positive adult and/or peer interactions and contribution to the community
- Skill-building workshops or guidance (e.g., conflict resolution or decision making)
- Written reflections (letters of apology, essays)
- Connections to existing school resources or programs (peer mediation, tutoring, community service projects, guidance interventions)

Number of Hours and Students

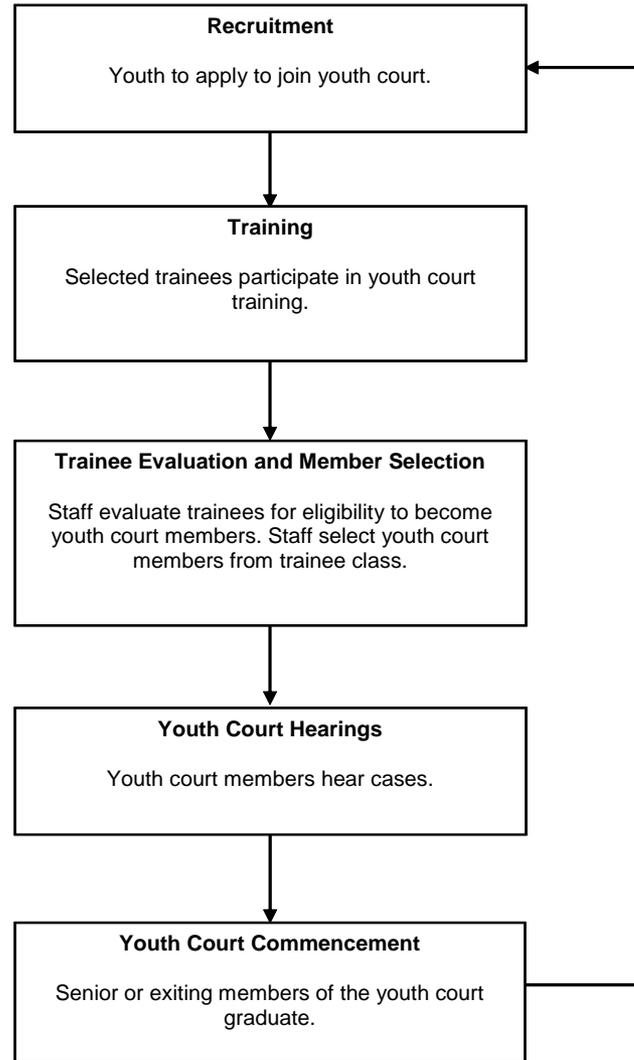
- School decides how frequently a youth court will meet and when, based on projected caseload and resources; in a two hour session, a youth court can hear up to 4 cases
- Frequency of youth court sessions also depends on whether offered as a class or extra-curricular program
- Number of training participants will depend on the design of the court, the frequency of hearings, and whether the program is offered as a class or as an extracurricular program
- Number of members may range from as few as 15 to as many as 30 or 40 at any one time
- Curriculum requires minimum of 23 hours to deliver

Preparation for School

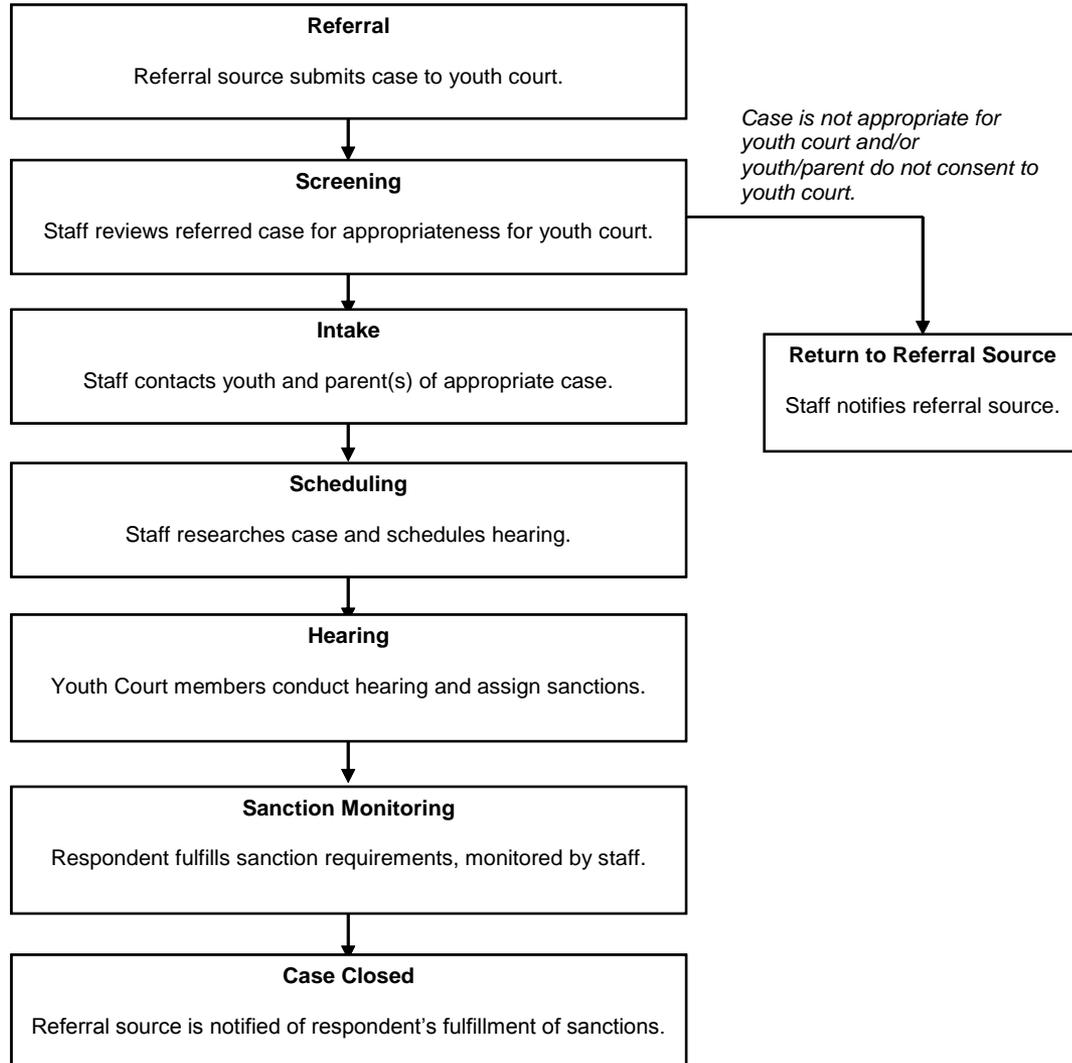
- All school staff, including teachers and administrators, should be briefed on the youth court and how it will be integrated into the school's response to disciplinary infractions
- Teachers should be prepared to reinforce the positive youth development message of the youth court, including collaborating with youth court respondents on community service projects
- Entire student body should learn about the purpose of the youth court, so that they understand youth court as a disciplinary response and can express interest in participating as members
- Parents should receive information about the program and use as disciplinary alternative

Program Flow Charts

Youth Court Member Development Flow Chart



Case Development and Processing Flow Chart



Questions and answers