

I am an attorney and Stoneleigh Center Foundation Fellow. Stoneleigh has awarded a dozen Fellowships to advocates who develop youth programs, perform research and/or publish articles on promising practices for at-risk youth in the child welfare, juvenile justice and education systems. I work in Chester City and train teenagers to operate student driven youth courts as an alternative to more punitive school discipline. Working with the PA Bar Association I provide assistance to other PA school districts seeking to start youth courts.

#### **SCHOOL TO PRISON PIPELINE**

Many students who fail in school today become prison inmates tomorrow. A former Superintendent stated in a report to PDE that her school district had become a school to prison pipeline with six percent of her students going to college and five percent going to prison. Turned off by curriculum many students see as irrelevant to their lives, and turned out by school zero tolerance codes, vulnerable youth face the dangerous streets of inner city communities lacking family and school support. Academic failure, truancy, and dropping out of school predict adult criminal behavior. (A study by Farrington showed that 20% of boys with poor elementary school performance were convicted of violent offenses as adults. Loeber & Farrington, 1998) A 2008 PCCD report stated that even with an expenditure of \$700 million PA's prisons would be more overcrowded in 2013 than in 2008. In 1980 PA had 8,000 inmates in state prisons, today it exceeds 51,000. In an era of reduced public revenue a better way to help youth needs to be found.

#### **STUDENT VOICE**

Student operated youth courts promote listening to the student voice. Much of what went wrong in Luzerne County occurred because nobody was listening to the stories of the juvenile offenders. Youth courts give students a voice - both respondents (offenders) and student volunteers. Instead of viewing students as the problem we see them as the primary resource in a youth court system. The Chester Youth Court Motto is Students Helping Students Make Better Decisions.

#### **YOUTH COURT HISTORY AND CONCEPTUAL FRAMEWORK**

In 2007 CUSD received a service learning grant to reduce the high rate of truancy. A student survey asked students why the truancy rate was so high. The students gave three reasons: 1) curriculum was irrelevant to their lives; 2) family issues (taking care of parents, grandparents, siblings, children, etc.); and 3) inconsistent discipline. Students chose youth court as a strategy to the inconsistent school discipline realizing they could have no impact on the first two causes of truancy. As the court evolved we added hallwalking, profanity, disruption, dress code and cell phone violations to the list of cases we handle.

Youth courts are peer justice disciplinary systems which capitalize on the fact that many youth value the opinion of their peers more than the opinion of adults. They operate on the principle of positive peer pressure. Just as negative peer pressure encourages bad behavior, positive peer pressure contributes to improved conduct.

# **Youth Courts**

**Students Helping Students**

**Make Better Decisions**

# Fast Facts

- In 1994 there were 78 youth courts in the U.S. There are currently over 1,200.
- Last year over 100,000 cases were handled in youth courts and over 130,000 hours of volunteer service were provided.
- Nationally 9% of juvenile offenses are processed in youth courts.
- The average youth court case costs less than \$500 to process.
- Pennsylvania only has 15 youth courts and Illinois has over 150.
- There is no cookie cutter model for youth courts, each community can adapt the concept to local needs and realities.

# Why Youth Courts?

Youth courts are an early intervention, multi-purpose youth development tool. They divert youth out of traditional disciplinary systems. Student volunteers develop hands-on knowledge of citizenship, legal concepts and social skills. They then use acquired skills to combat the vicious cycle of truancy and drop-out, juvenile justice contact, unemployment and dependency. Youth courts slow the flow of disconnected youth rushing into our prisons.

# What are Youth Courts?

An alternative disciplinary system for first time, non-violent offenders (respondents) referred by the justice or education systems. Youth courts utilize peer pressure applied by students trained by professionals. They emphasize restorative justice principles: making the victim, offender, and community whole. They recognize and build on the honesty, integrity and intelligence of our youth.

# Methods and Procedures

Youth Court members (students who operate the court) learn the functions of judge, juror, jury foreman, bailiff, prosecuting and defense attorney, and clerk. All Youth Court dispositions (sentences) include mandatory jury duty so respondents (offenders) get to view the disciplinary process from both the vantage point of the offender and the community. Youth court manuals ensure order and fairness.

# Stakeholders

There are two types of youth courts:

- (i) School-based
- (ii) Juvenile justice based
- (iii) Additional stakeholders include parents, law firms, law schools and higher education institutions, funders, and faith-based entities.

# Benefits for Respondents (Offenders)

- Early intervention allows attention to be focused on errant behavior before it gets too serious, “a stitch in time” etc.
- Allows student to stay connected and not lose valuable instruction time.
- Provides a means for them to hear from their peers why their behavior is unacceptable and how it affects others.
- Holds offenders accountable for their behavior; provides a means to constructively make amends to these offenders.
- Appropriate sentence is tailored to meet the respondent’s needs.
- Some respondents are interested in becoming involved in the program the following year.
- Can be connected to programs / services already in place in school.

# Benefits for Youth Court Members

- Builds life skills such as conflict resolution, problem solving, teamwork, and leadership.
- Encourages service learning and community participation.
- Assists students in learning academic skills such as deliberation, collaboration, reflection, and consensus building.
- Teaches students to apply legal techniques, concepts, and processes such as how to ask open ended questions, what evidence is relevant, and how to integrate facts within school rules.
- Encourages and teaches civic responsibility.
- Holds juvenile offenders accountable for their actions.
- Contributes to community solutions.
- Builds confidence and self-esteem.
- Assists development of executive functioning.

# Education, Juvenile Justice, and Community Benefits

- Improved School Climate
- Reduced Recidivism
- Decreased Truancy
- Service Learning Opportunities
- Increased understanding of citizenship roles
- Increased attention to Executive Functioning
- Improved academic performance
- Leadership development
- Community development

# Youth Court Course Curriculum

- Will be taught last period of the day at Chester High School in 2009-2010 as a social studies course entitled Youth Court/Law and Civics and use the Street Law textbook.
- Youth Court training is integrated with law and civics.
- Training prepares students to serve as youth court members and hold hearings during class.

# School Challenges Addressed

Truancy, hall walking, drop out prevention, violations of school rules; school-to-prison pipeline is replaced with a platform capable of coordinating school-to-career tools such as mentoring, tutoring, job assistance, leadership development, etc.

# Developing a Vision for Pennsylvania Youth Courts

1. There is no PA statute authorizing youth courts.
2. There is no dedicated revenue source for youth court operations in either the education or juvenile justice field.
3. There is no statewide association of youth courts.
4. By careful research and planning, including exploring best practices statewide and nationally, there is potential for PA to build a network of youth courts to support the mission of multiple state agencies, contribute to reduced violence and dependency, and foster a new generation of resilient youth.

Youth courts are also a platform for youth development using creative dispositions to help respondents reach their potential and develop competency skills. The Chester youth court follows the principles of restorative justice and seeks to make the family, school, neighborhood, victim, and respondent whole. Youth court jurors tell respondents that their intention is not to punish but to restore and help the respondent not repeat their mistakes. Our court welcomes all volunteers not just the brightest. Many respondents choose to volunteer in youth courts after completing the mandatory jury duty component of their disposition. Many students tested below grade level in literacy, yet had little difficulty operating a youth court.

#### **YOUTH COURT TRAINING AND PRACTICE**

Youth court volunteers learn key legal concepts and court procedures needed to operate a court room. In our court students are judges, bailiffs, clerks, advocates and jurors. The youth court is an alternative to school discipline and successful completion of the disposition results in expunction of the offense. We use law students, judges, private attorneys, professors, parole officers to train the students. We provide 8 hours of legal training followed by 8 hours of youth court training and youth court members must pass an online test developed by the National Association of Youth Courts.

Youth courts have resulted in improved self-confidence, public speaking and teamwork competencies by youth court members. These skills will be used the rest of their lives. Students have also learned to have more respect for the rule of law, the consequences of breaking rules, and taking responsibility for one's actions. One student said youth court was the most challenging activity at school. Students enjoy youth court, find it rewarding, and reconnect to the importance of education. They are affordable with the average operational cost of a youth court at \$40,000 annually but many at less than \$10,000. Florida estimates youth courts save taxpayers tens of millions of dollars annually.

Our after-school youth court just completed its third year of operations. This past year we succeeded in integrating youth courts within the social studies curriculum of two classes at Chester High School - a significant achievement. We were contacted by the University of Texas Law School after they read our research article. They created a middle school youth court as an alternative to school suspension in Austin, Texas. Next year we are developing youth courts at an additional three schools in Chester, one an elementary school. We have support from the local judiciary, the Bar Association, and colleges.

#### **CONCLUSION**

Youth courts can be school-based, juvenile justice based (including within juvenile detention centers), or they can serve both systems - as in Arizona. Youth courts advance four social goals: 1) they are an effective alternative to more harsh discipline; 2) they are an effective citizenship, socialization and academic tool; 3) they reconnect a community to the rule of law, law enforcement, and the justice system; 4) they stem the flow of students into the school to prison pipeline and are cost effective relying on student resources for operations. Chester has developed a functional youth court system and now serves as a model for replication.

I would respectfully offer the following recommendations:

- 1) The Interbranch Commission should maintain its status, meet at least annually, and closely monitor compliance with its recommendations.
- 2) The Center for Court Innovation's "Recommended Practices for Youth Court" should guide PA in constructing a network of youth courts to support at-risk youth, and foster a new generation of resilient youth.
- 3) PA should create a youth court statute linking the juvenile justice and public education systems. The statute should authorize funding to support all PA law and education programs, attract philanthropic funding, and support a public private partnership for justice reform.
- 4) PA should create a PA Association of Youth Courts to provide training, research and grant writing assistance to PA youth courts.