



Youth Courts:

An Alternative to Traditional Juvenile Courts

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Fifteen-year-old Britney started hanging out with some older kids in school. She asked her parents to increase her allowance and became more secretive. One night, Britney called her parents from the police station. She had been picked up for shoplifting.

One of the police officers, who volunteered at the local youth court, suggested that since this was not a violent offense and Britney had no prior conviction or trouble with the law, she should consider being tried through the youth court program. Before her case could be heard, she would be required to admit to the crime and agree to serve the sentence given.

By entering the youth court program to have her case tried by her peers, and by completing her sentence, Britney would stay out of the traditional juvenile justice system. More important, she would escape a formal court record that could affect her future. Through her experience in the program, Britney would have a chance to learn more about her responsibilities as a citizen, think more

coherently about the choices in her life, and volunteer to help other teens.

Britney's defense attorney was not much older than she was. Her defender, Jenny, had been adjudicated through youth court the year before. She had become a fan of the program and decided to get training to be a youth court attorney. (In this system, adult lawyers volunteer to mentor youth court attorneys.)

Jenny's job was to prepare her client, or "respondent," for likely questions, advocate for her client, and present evidence to the jurors that her client has learned a lesson.

Inspired by her involvement in youth court, Jenny decided to pursue law studies after high school graduation. By defending and prosecuting youth court cases, Jenny built her knowledge of the law, and gained valuable experience that would help her enter law school. Through her experience in youth court, Jenny applied skills learned in school (writing, persuading, debating, presenting) to her youth court training (introduction

to juvenile justice law, court procedures, duties of a defense and prosecuting attorney) and provided a service in the community.

The youth court Britney went through was held in a real courtroom. An adult judge presided. Most of the jury were former respondents serving part of their community service sentence by participating in her trial.

A boy younger than Britney served as the prosecuting attorney. He questioned Britney's apparent disregard and disrespect for the law, the store owners, and her parents. "Could this behavior lead to more trouble?" he asked. He then passionately pointed out how these types of crimes drive the cost of merchandise up for everyone, and that breaking the law on this level not only shows little regard for herself, but also hurts the reputation of youths in general in the eyes of store owners. It was a tense moment that was eased by Britney's attorney, who introduced Britney's record of achievements and good behavior.

Britney's case was tried in less than 15 minutes, and deliberation by the jury took about the same amount of time. After the jury discussed the sentencing, under the guidance of adult volunteers, they gave Britney a sentence of 35 hours of community service with a local community-based organization, three sessions as a juror for other youth court cases, and a letter of apology to her parents and the owner of the store. Britney would also have to write a three-page essay on the effects of shoplifting on consumers and the community.

Weeks later, Britney had met interesting people at the local senior center where she served her community service hours and developed career experience as an assistant to the center's director. She has served her sentence, learned a lesson, and given back to the community.

In the youth court world, Britney's case was simple, but some cases are more complicated, and sentencing differs from state to state. Sometimes respondents must write multiple letters of apology to members of the community, do considerably more community service, and pay for damage done to property.

Youth Court Background

Youth court, sometimes referred to as teen court or peer jury, is a "restorative justice" program that provides an alternative to adjudication through the traditional juvenile justice courts. Restorative justice helps offenders rebuild their rela-

tionship with others and the community. The National Youth Court Center (2005) defines restorative justice in the following way:

Restorative justice addresses crime and problem behavior by recognizing that crime harms victims and communities. Restorative justice focuses on repairing harm (and restoring broken relationships) caused by crime through active involvement of the offender, victim, and the community.

Some of the benefits that youth courts can derive from incorporating practices based on restorative justice principles include more effective services for respondents (i.e., defendants), victims, and the community; better respondent accountability; increased skill and competency development for respondents; improved relationships among respondents and their families, friends, victims, and community; and more meaningful community involvement in solving local problems.

Cases normally handled by teen or youth courts include shoplifting, theft, possession of drug paraphernalia, assault or disorderly conduct, criminal trespassing, interfering with the peace at school, possession of a weapon, false reporting to an officer, and minor possession of alcohol, marijuana, tobacco, or other illegal drugs.

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volunteers are trained to serve as attorneys, they prepare to argue a case in front of a jury. Through workshops, youths use language arts standards for listening and speaking. They organize speeches and learn about verbal and non-verbal communications.

Youth court fits naturally in a social studies class where the curriculum looks at the structures of governance and the principles of due process. School-based youth courts are often operated by a civics or social studies department. Content, skills, and dispositions that students learn as a part of their youth court experience are linked to core curriculum standards,

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such as understanding the U. S. Constitution and the Bill of Rights.

Youth court programs have enjoyed an enormous growth spurt of 1,300 percent since 1994. The

program is active in 9 percent of schools and approximately 1,000 courts across the nation.

Youth courts are created and operate at the local level, but can also be initiated through state governments. By 2002, 25 states had passed legislation incorporating youth courts in some manner. Youth courts rely heavily on youth and adult volunteers and a cooperative arrangement between community and government to make certain that the service provided benefits the victims, the community, *and* the respondent.

A national evaluation released in 2002, conducted by the Urban Institute, reported that:

- Teen court may be a viable option for cases not likely to receive meaningful sanctions from the juvenile justice system.
- Client satisfaction is very high among youths and parents, even after teen court sanctioning.
- No clear evidence suggests that one courtroom model is best, but youth-run models deserve wider consideration (Pearson and Voke 2003).

Youth court justice is real and swift, and it comes with benefits that both parents and respondents appreciate. The program diverts offenders from the traditional juvenile justice court system, avoiding

not only a court record, but also the stigma of the traditional system. The program provides respondents an outlet to confront the consequences of their actions and protection from contact with “hard core” offenders.

According to practitioners, the program provides opportunities for teens to take on important roles in their community where they can become “real leaders with a voice for change.” Youths between 13 and 18 years of age undergo training before serving in the program. Youths become skilled in (1) the duties and responsibilities of volunteer roles in the program (attorney, juror, bailiff, judge), (2) youth court process and hearing procedures, (3) case preparation and questioning techniques, and (4) program services and sentencing options.

Youth volunteers who take on the responsibility of serving as a member of the jury or as bailiff, attorney, or judge learn firsthand about responsible citizenship and law, and develop skills in public speaking, mediation, and social leadership. Thirty percent of youth court programs participating in a survey conducted by the American Youth Policy Forum in 2005 reported that one in five offenders returns to the program as a volunteer (Pearson and Jurich 2005, 11).

There are four general models of youth courts: adult judge, youth judge, youth tribunal, and peer jury. In the adult judge model, youth volunteers serve as defense attorneys, prosecuting attorneys, clerks, bailiffs, and jurors, while the adult volunteer, either an attorney or judge, serves as judge. In the youth judge model, youth volunteers serve in all roles, including that of judge, under the watchful eye of the adult volunteer. The youth tribunal model usually adopts a panel of three youth judges and has no peer jury. In the peer jury

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model, adult or youth volunteers serve as jurors and question the respondent directly; sometimes youth advocates are involved (Pearson and Jurich 2005, 13).

Research by Pearson and Jurich (2005) reveals other interesting facts about youth courts:

- 100,000 youths per year participate in the program as volunteers.
- On average, nine percent of juvenile arrests in a jurisdiction are being diverted from the formal juvenile justice system to youth courts.
- The average costs of youth court programs are estimated at \$430 per youth served, and \$480 per youth successfully completing a sentence. These low operation costs are maintained through the programs' reliance on adult and youth volunteers.

Civic Engagement

Through law-related education and youth development, youth courts are promoting competent and responsible citizens who are better prepared to serve as active members of a democratic society. While building ties with the community, the program offers both respondents and youth volunteers opportunities to exercise and increase important life skills such as decision-making, problem-solving, listening, and communicating. As a community-based and community-operated program, youth court addresses the immediate needs of the



Photo courtesy of CNCS.

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Youth engagement initiatives such as youth court have multiple payoffs. Youths make important contributions to their communities before reaching adulthood, and youth engagement and service initiatives are powerful tools for improving communities and meeting the needs of people of all ages who live in those communities. Through their civic contributions, youths are exposed to and gain the skills, knowledge, and attitudes, associated with effective civic action, such as voting, volunteering in the community, abiding by

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laws, being knowledgeable about community activities and leaders, being a good or responsible neighbor, and holding leadership roles in the community.

In the American Youth Policy Forum survey “Youth Court — A Community Solution to Embracing At-Risk Youth,” youth court practitioners said that they believe the program teaches the relevance of community involvement and responsibility both to the offender and especially to the juror volunteers. “[Youths] get a better understanding of how their behavior affects others and contributes to the view of teenagers. I am always impressed at the way the jurors take their jobs seriously and give a lot of thought to the consequences they impose,” a practitioner from Alexandria, Minn., wrote. A practitioner from Eureka, Calif., added, “The youths in our county have shown an increased understanding of the law, why the laws are in place, and the consequences for breaking

those laws. They have worked together to find solutions to juvenile crime and restoration concepts. These concepts help instill empathy, compassion, and justice principles.”

Peer Mentoring

Peer mentoring is a relatively new practice for youth courts and there is growing interest among practitioners. According to Susan Goetsch, the director of the Granite Falls Teen Court, Granite Falls Boys & Girls Club in Monroe, Wash., peer mentoring is an important aspect to the role of restorative justice practices in youth courts. Peer mentoring training occurs before youths take on a peer mentee, and attention is given to carefully match the offender with the youth volunteer and to monitor the relationship closely.

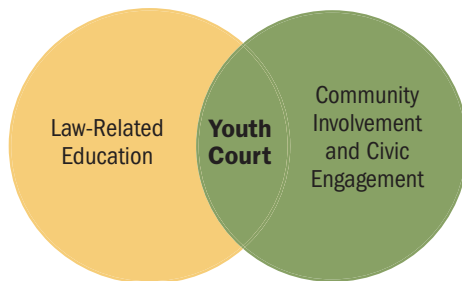
In a youth court, the jury or judge may opt to assign one of their officers (a youth volunteer serving as attorney) to a respondent (youth offender). The youth volunteer may check on how the respondent is doing with his or her sentencing, and offer to help or answer questions relating to the consequences in the contract. Goetsch says, “I can’t emphasize enough how important it is to connect the respondent with the school and community. By using peer mentor-

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ing by youth court officers, you will in fact be using restorative justice practices.” (Some youth courts, such as the Stayton Sublimity Youth Peer Court in Stayton, Ore., are developing guidelines and forms that help with the peer mentoring procedure. Their contact information is provided at the end of this story.)

In Sarasota, Fla., youth court leader Katie Self describes her experience with peer mentoring:

“We strongly encourage our teen attorneys to be sure to communicate with the teen defendants after a case is presented, i.e., when the defendants return to serve on their



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jury duties. I believe it is a strong justification for allowing the kids to be exposed right away to positive peer role models. I know there is some opinion that the jury duty should be served at the end of [the youth offender's] participation [in the program], but we have such good luck with kids' "attitude adjustment" starting more quickly as a result of the mentoring that takes place."

The Salt Lake Peer Court in Salt Lake City, Utah, provides peer mentoring for every referred youth who goes through the peer court program. After a sentence has been given, peer court volunteers from the 10th to 12th grades contact respondents weekly to remind them of their required classes, community service, or papers that are parts of their sentence. Peer court volunteers sometimes tutor or attend a peer court activity with their mentees, and when their respondents come before the court for the return/completion hearing, their peer mentor usually attends to congratulate and reflect with them. The Salt Lake Peer Court provides peer mentoring training to support the mentoring process, and adults keep in touch with mentors weekly to offer support and guidance.

(For more information on peer mentoring through youth court, contact the National Youth Court Center's website, www.youthcourt.net/resources/RFIs/Peer_Mentoring_OCT03.htm.)

Law-Related Education

According to Paula Nessel of the American Bar Association, youth courts offer the active learning of law-related education through hands-on experience with the justice system. Youth courts promote understanding of the legal system, reduce recidivism, and encourage participants to accept responsibility for their actions. Nessel believes there is

considerable local, state, and federal commitment to youth courts. She predicts that they will continue to spread rapidly and provide a positive alternative to traditional juvenile justice and school disciplinary procedures.

There are important values, attitudes, and beliefs that are fostered by law-related education, such as a commitment to constitutional democracy; dedication to the ideal of justice in society; informed, active, and responsible participation in civic life; respect for the fundamental dignity and rights of humans; and an appreciation for legitimately resolving conflicts and differences.

Youth courts use established rules and regulations found in school policy and local laws, providing context for those adjudicated through the program. Youth volunteers learn self-discipline and confidentiality as they make a decision that impacts a peer. To participate, youths must consider the rights and responsibilities of law-abiding citizens, and learn how to analyze public issues that come before them in the courtroom. These youths, through their service, learn about the judicial system, laws, and resolution.

Deliberating a case takes on a different life when it is not a fictional story or a reenactment of a case already decided. Youths see themselves in their peers because most of those serving on the jury have been in those situations. The critical thinking that happens when a juror

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weighs conflicting points of view and decides a just and appropriate sentence is part of what makes the youth court experience a service-learning experience (Nessel 2002).

Intergenerational Experience

It is not unusual for adults to be suspicious yet intrigued by the youth court program. Many do not easily give up the desire to control youths, especially when it comes to decision-making. Just as youths need training in leadership skills to be effective public problem-solvers, adults who work with them need training in how to listen to what youths have to say and to respect the experiences, knowledge, and perspectives that youths bring to the table. Some youth courts offer training for both youths and adults to prepare them to overcome this challenge.

Conclusion

Youth courts inform and educate young people about the role of law in democracy and about their role as citizens. Youth courts educate not only about court procedure, sentencing options, and trial techniques but also about the structure of justice systems, the meaning of justice, the role of rehabilitation, and the relationship between rights and responsibilities. By equipping youths with this knowledge, they

may have a better understanding of their connection to the U.S. system of justice and to be participants rather than potential victims. To strengthen this pathway to civic engagement for youths and communities, citizens and policy-makers should champion the program at the local, state, and federal levels, offering not only support and resources through funding, but also their own personal involvement. Leaders in education and youth development who want youths to be engaged in real-life problem-solving should consider starting a youth court. **G2G**

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