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Opinion

Guest Column: Student-run youth courts are a proven alternative

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Times Guest Columnist

The Interbranch Commission on Juvenile Justice Report on the Luzerne County judicial scandal revealed a multi-systemic failure. Juvenile offenders — some as young as 12 years of age — were taken from their parents and placed in detention facilities for weeks, sometimes months, for extremely minor offenses. To put these youths in juvenile detention for minor transgressions at a cost of several hundred dollars a day for months on end is unconscionable public policy.

The report outlines both a virtual breakdown in all three branches of government and a system plagued by tension between those who wanted the juvenile justice system to punish misconduct, and those who wanted it to teach youth how to avoid repeating bad behavior.

Also at fault, according to the report, “is the fact that there exists an inaccurate perception about the children who come into the juvenile courts.” While some accounts conjure up images of “juvenile predators” or “gang leaders,” our juvenile courts generally deal with less serious conduct — cases that reflect common immaturities among juveniles.

The commission’s report severely criticizes the zero-tolerance policies in public schools that cause “a less serious range of conduct” to be processed in court, condemning the frequent use of the justice system as a school disciplinarian. In discussing overuse of the courts and detention facilities for minor disciplinary infractions in schools, the report states, “there are alternatives that are much better and effective in ensuring a safe, secure and supportive environment for each child who attends school in Pennsylvania.”

Student-run youth courts are a better alternative because they put a stop to the school-to-prison pipeline. This revolutionary court system effectively uses student panels to screen low-level school disciplinary offenses and filter cases that ought not result in children being expelled from school or entering the stigmatic juvenile justice system.

Youth courts are an early intervention, multi-purpose youth development tool that can reduce truancy, improve student citizenship and school climate, and give youth a voice.

Youth courts keep student offenders attached to school, while training students to process school disciplinary infractions without relying on adult participation and without referring cases to juvenile officials. By using creative sentences, or “dispositions,” youth courts teach responsibility and the consequences of rule breaking, yet avoid the expensive and traumatizing impact of the juvenile justice system.

Moreover, students who operate youth courts report it improves their own behavior, increases their interest in school, teaches them needed socialization skills, and allows them to help their peers.

In 2006, Chester Upland was a school district where students were almost as likely to go to prison as attend college. In 2007, we initiated a peer-justice youth court.

The proceedings are similar to those in juvenile court, but court officials are all high school students. There is a judge and a jury, the respondent is given the opportunity to explain his actions, and the jury issues its verdict.

Sentences are tailored to the offense — a student found destroying property may be asked to spend time with the school's maintenance crew, or a youth may be ordered to apologize to a teacher. No matter what the sentence, all respondents receive mandatory jury duty as part of their disposition. The lessons — including conflict resolution, problem solving, teamwork and leadership — are invaluable.

The court works because, just as negative peer pressure contributes to bad behavior, positive peer pressure contributes to positive behavior. The court follows restorative justice principles in trying to restore the victim, school, neighborhood, family and offender. Youth court jurors tell the respondent, "We are not trying to punish you; we are trying to help you."

The Luzerne County judicial scandal has provided an opportunity to re-examine how Pennsylvania helps its youth and to create the best youth courts in America.

To do this it should first appoint a committee of educators and lawyers to analyze and report on the best national youth court practices. It should then enact a statute to govern school-based and juvenile justice-based youth courts, establish a statewide association of youth courts, and provide a dedicated funding stream for youth courts.

Skepticism is high, and confidence in our judicial system has been tested. Having personally seen young lives transformed by participation in youth courts, I know there is a better way to manage juvenile justice.

Though the Interbranch Commission is set to expire at the end of the month, it is imperative that the General Assembly appoint a neutral, competent entity to oversee the implementation of all its recommendations. Systems resist change. Only oversight from an objective and nonpartisan entity will ensure successful change — then, and only then, will public confidence be restored.

Gregg Volz is a senior fellow with the Stoneleigh Foundation, an organization committed to supporting talented practitioners, researchers, and policymakers to develop and test new ideas and approaches that will improve the well-being and future for young people with the greatest needs. A sponsor of successful youth courts in Chester, he is an expert in juvenile justice and offers suggestions for expanding the use of youth courts statewide.

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