



Report of Philadelphia City Council's Committee on Public Safety

Pursuant to **Resolution No. 120263**: Authorizing City Council's Committee on Public Safety to conduct hearings on how youth courts could reduce juvenile recidivism rates, violence in schools, bullying and have an effect on the expenses of incarceration by engaging and empowering previously disconnected youth in a participatory and democratic system.

Adopted by Council's Committee on Public Safety
October 16, 2012

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On June 19, 2012 the City Council of Philadelphia’s Committee on Public Safety held hearings inquiring how youth courts could reduce juvenile recidivism rates, violence in schools, bullying and have an effect on the expenses of incarceration by engaging and empowering previously disconnected youth in a participatory and democratic system. Seventeen panelists gave testimony.

This report summarizes the verbal and written testimony given at the hearing and presents recommendations for Philadelphia to move forward in integrating youth courts in existing institutions.

Committee on Public Safety

Responsible for all matters relating to the Police and Fire Departments, civilian defense and its coordination with Federal and State governments; fire codes and fire prevention programs. Also responsible for all matters relating to the illegal use and possession of narcotics and drugs, cooperation with law enforcement agencies, Courts, Departments of Public health and Department of Public Welfare and educational and research organizations to control and prevent the illegal traffic in and use of narcotics and drugs.

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City of Philadelphia



**Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia**

(Resolution No. 120263)

RESOLUTION

Authorizing City Council's Committee on Public Safety to conduct hearings on how Youth Courts could reduce juvenile recidivism rates, violence in schools, bullying and in conclusion have an effect on the expenses of incarceration by engaging and empowering previously disconnected youth in a participatory and democratic system.

WHEREAS, Youth court is far less expensive than formal court proceedings and detention, reduces racial disparity and the school-to-prison pipeline, and achieves lower recidivism rates than current practices; and

WHEREAS, Youth courts are alternative school or juvenile justice disciplinary systems where students are trained to hold disciplinary hearings, and deliberate to form an appropriate disposition for student offenders. Agencies operating and administering youth court programs include juvenile courts, juvenile probation departments, law enforcement, private nonprofit organizations, and schools; and

WHEREAS, First arrests have devastating consequences for youth. Youth arrested in high school almost double their odds of not completing high school. For youth who actually go to court, school dropout rates increase by four hundred percent; and

WHEREAS, When defendants successfully complete a youth court program, 63% of youth courts dismiss the charges, and 27% immediately expunge the defendant's record. Further, according to an Urban Institute evaluation of youth court programs, the six-month recidivism figures among programs range from 6%-9%, greatly improving public safety; and

WHEREAS, FBI statistics found that over a million and a half juveniles are charged with crime annually. According to the NAACP Legal Defense and Education Fund's report entitled "Dismantling the School-to-Prison Pipeline," in the year 2000, over three million students in the United States were suspended and over 97,000 students were expelled. Many youth are pushed out of school by formulaic and harsh disciplinary policies and are more likely to turn to crime; and

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WHEREAS, The objective of Pennsylvania's juvenile justice code is restorative justice, but overcrowded juvenile justice dockets are not always conducive to the full application of those principles; and

WHEREAS, Youth courts are structured to provide positive alternative sanctions for first-time offenders by providing a peer-driven sentencing mechanism that allows young people to take responsibility, to be held accountable, and to make restitution; and

WHEREAS, Youth courts operate in 49 states and the District of Columbia with over 1,050 programs, of which only 15 are in the Commonwealth of Pennsylvania. As the largest state without a robust youth court system, Pennsylvania is well positioned to take advantage of the best practices being used in existing youth courts and those in other states; and

WHEREAS, Youth courts are not just an alternative program for juvenile justice, but also an excellent teaching instrument for law curriculum and civics. Youth trained by legal professionals and teachers can use positive peer pressure and restorative justice to reduce errant behavior within their own communities. In the process, students acquire valuable cognitive, coping, socialization, and civic engagement skills. Many believe that youth violence and problems such as flash mobs are caused by a lack of adequate after-school programming for youth, and that youth courts are instrumental in engaging youth and curbing unsupervised free time; and

WHEREAS, Youth court programs strive to nurture in youth a respect for the rule of law, help develop positive citizenship attitudes, encourage civic engagement, and promote educational success through a diversity of service learning opportunities, strategies and activities; now therefore,

RESOLVED, BY THE COUCIL OF THE CITY OF PHILADELPHIA, That it hereby authorizes City Council's Committee on Public Safety to conduct hearings on how Youth Courts could reduce juvenile recidivism rates, violence in schools, bullying and in conclusion have an effect on the expenses of incarceration by engaging and empowering previously disconnected youth in a participatory and democratic system.

City of Philadelphia

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twelfth of April, 2012.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Jones and Quiñones Sánchez

Sponsored by: Councilmembers Jones, Quiñones Sánchez, Johnson, Green, Reynolds Brown, Greenlee, Oh, O'Brien, Kenney, Henon, Goode, Council President Clarke, Councilmembers Tasco, Bass, Squilla and O'Neill

INTRODUCTION

ABOUT THE HEARINGS AND THIS REPORT

In accordance with Resolution 120263, the City Council of Philadelphia's Committee on Public Safety was authorized to hold hearings inquiring whether youth courts could be used in Philadelphia to address juvenile recidivism rates, school violence and bullying. The panelists presented information regarding the history of youth courts in Philadelphia as well as data on the positive impact youth courts have had in Philadelphia and other communities. The panelists also assessed the economic feasibility of youth courts when used as a tool to keep young people out of the juvenile justice system and the costs of incarceration.

The resulting hearing, which included five panels, was held on June 19, 2012 in City Council Chambers, Room 400 City Hall.

This report is derived from the verbal and written testimony given during the hearing and related resources available after the hearing. Findings were highlighted from the hearing and form the basis for this report's recommendations addressing the utility of incorporating youth courts into existing institutions in Philadelphia.

Councilman Jones: "It is my sincere belief that good citizens aren't always born, but they can be groomed. And in my travels, I had an opportunity to see some of the best practices and best grooming of citizenship through this peer-to-peer communications, this peer-to-adult relationship of respect, and ultimately when we grow citizens, we have an adult-to-society respect for justice.

Many of the court personnel and judges are here today. So what we hope to do is grow good citizens. According to the Center for Disease Control and Prevention, youth violence is the second leading cause of death for young people between the ages of 10 and 24, and amongst African American males, it is the number one cause of death. Some of the factors of youth violence are poverty in the community; poor grades in school and education, families that often are dysfunctional, prior history of violence -- prior history of violence being a key factor -- drug and alcohol as well." [Transcript pp. 3-4]

INTRODUCTION TO YOUTH COURTS

Youth courts (also called teen, peer, and student courts) are programs in which young people sentence their peers for minor delinquent and status offenses as well as other problem behaviors. The primary function of most youth court programs is to determine a fair and restorative sentence or disposition for the youth respondent. These disciplinary systems can be used in schools or within the juvenile justice system. In schools, they can be integrated within social studies or English curriculum or they can be operated as an after-school program. As a diversionary strategy within the juvenile justice system, they can be operated by police departments, DA offices or linked to probation and parole programs. However, in Philadelphia the most effective youth courts are operated by non-profits. [Transcript p. 11]

Youth courts in Philadelphia date back to 1998 when a school court was implemented at Kensington High School. The youth court's model introduction to Philadelphia was initially developed out of Norris Square Neighborhood Project, which was a small Kensington community non-profit organization that operated an AmeriCorps program. At the time in 1998, the dropout rate at Kensington High School was close to 30 percent and there was below 70 percent average daily attendance in school as well as a high rate of suspensions. The youth court model was developed as an alternative to school suspension due to a belief that students were not being served by missing school and falling further behind academically. The youth court was developed and designed to serve as an alternative process for Level I violations of the School District Code of Conduct¹ or relatively minor offenses such as cutting class, profanity, or disrespect towards others. [Transcript pp. 35-38]

¹ See <http://www.phila.k12.pa.us/offices/administration/policies/CodeofConduct.pdf>

PANEL DESCRIPTIONS

PANEL 1: Students and Youth Court Coordinators

The first panel featured students who had participated in youth courts and provided insight into the peer-to-peer justice model. The young people spoke of the benefits of youth courts in their lives and their school climates. The panel also featured community coordinators who had worked in youth courts in Chester-Upland School District and the Philadelphia School District and were able to shed light on the history and status of youth courts in Philadelphia.

- Greg Volz- Public interest lawyer and Stoneleigh Foundation fellow
- Mori Hitchcock- Student and participant in Chester-Upland School District youth court
- Brian Foster- Student and participant in Chester-Upland School District youth court
- Talia Santiago- Student and participant in Kensington Culinary Arts High school youth court
- Keith Bailey- Senior Program Director, Physicians for Social Responsibility
- Mark Nock- President, Communities in Schools of Philadelphia

PANEL 2: Judicial, Agency, and Administrative support

The second panel included testimony from city agency and judicial branches. Particularly highlighted was the support for youth courts and the previous efforts that had been curtailed due to lack of funding. Also discussed was the appropriate position of youth courts within the school and juvenile justice systems as well as the educational and social benefits of fostering values of citizenship. Finally, the panel discussed the “school to prison pipeline” and the necessary efforts to keep youth in school and out of an adult criminal justice system that is unsuitable for young people.

- Anne Marie Ambrose- Commissioner, Philadelphia Department of Human Services
- Honorable Kevin Dougherty- Administrative Judge Dougherty, Philadelphia Family Court
- George Mosee- Deputy District Attorney of Philadelphia, Juvenile Division

PANEL 3: Expert and Foundation support

This panel discussed the process of establishing youth courts in Washington DC as well as Chester-Upland School District. The various factors involved in training and maintaining youth courts were elaborated with the history and social benefits to communities that incorporate youth courts.

- Edgar Cahn- Professor of Law, University of the District of Columbia School of Law and founder of the Time Dollar Youth Court, Inc. in Washington, DC
- Cathy Weiss- Executive Director, Stoneleigh Foundation

PANEL 4: Administration

The Philadelphia Youth Commission and School Reform Commission expressed their support for the continued development of youth courts in Philadelphia. The Philadelphia Youth Commission represents Philadelphia's youth and develops strategies to improve the lives of young people in Philadelphia by advising the Mayor, City Council, School District and other decision makers inside and outside of city government. The School Reform Commission is charged with the establishment, equipment, operation and maintenance of public schools in the School District of Philadelphia.

- Jamira Burley- Executive Director, Philadelphia Youth Commission
- John Dao- Chairman, Philadelphia Youth Commission
- Rodney Oglesby- Executive Director of Government Relations, Philadelphia School District (testifying on behalf of School Reform Commissioner Lorene Cary)

PANEL 5: Private Partnerships

Legal professionals discussed their personal experience with youth courts and the committed resources and support of the legal community. Legislation promoting the implementation of youth courts has been advocated by the Pennsylvania Bar Association.

- Tom Wilkinson- President, Pennsylvania Bar Association
- Timothy Welbeck- Emmanuel Law firm LLC. and Professor, Temple University
- Norman Zarwin- Zarwin Baum Devito Kaplan Schaer Toddy P.C.

HEARING FINDINGS

A. CURRENT STATUS OF YOUTH COURTS IN PHILADELPHIA

Many youth courts have been initiated in the last 15 years in Philadelphia but the efforts have been curtailed because of changes in the administration of the School District and shrinking budgets.

At the present time Philadelphia youth courts are run by private organizations that have partnered with principals and teachers. Communities in Schools currently runs five Philadelphia youth courts;² Physicians for Social Responsibility runs three youth courts.³ The Department of Human Services did fund some youth court activity through Communities in Schools but that funding had to be cut due to budget restrictions.⁴ The District Attorney's office has developed a school curriculum for sixth, seventh and eighth grade students that teaches young people about American jurisprudence and about the consequences of delinquent and criminal conduct.⁵ Teen Court is an active participant in Law Day and Law Week. Law Week is an initiative designed to reach out to the community and engage students interested in the legal industry.⁶ The University of Pennsylvania, Temple University and Villanova Law School have been active partners with Teen Court programs through a mentoring program using law students that assist with hearing cases, preparing opening and closing arguments, defendant questioning and understanding the law.⁷

Related to youth courts are the city's Youth Aid Panels⁸ made up of volunteers from the community. The District Attorney's office has expressed the concern that youth courts could conflict with the efforts of the Youth Aid Panels if youth courts were utilized in the community's justice system and not only as a disciplinary measure within the school district.

Finally, legislation promoting the use of youth courts has been drafted by the Pennsylvania Bar Association but has not yet been introduced in the Pennsylvania General Assembly.⁹

2 Nock: Transcript p. 51

3 Bailey: Transcript p. 31

4 Ambrose: Transcript p. 65

5 Mosee: Transcript pp.81-83

6 Bailey: Transcript p. 47

7 Bailey: Transcript p. 47

8 See: http://www.phila.gov/districtattorney/crimePrevention_YouthAidPanel.html

9 Wilkinson: Transcript p. 148

Jones: “Did I understand you to say that your only sources of funding were the Knight Foundation and DHS?”

Nock: “No. . . I want to go on record to say that it was flourishing. I mean, we had from the U.S. Attorney's Office, the DA's Office a number of judges and lawyers, but when we had a change of administration in the School District, that administration didn't look upon keeping kids in school.” [Transcript pp. 50-51]

B. BENEFITS OF YOUTH COURTS

Youth courts provide communities with an opportunity to ensure immediate consequences to first-time youth offenders through a peer operated sentencing mechanism that constructively allows the offender to take responsibility, be held accountable, and make restitution for violating the law. In addition, the program offers young people in the community the opportunity to participate in the decision-making process for dealing with juvenile delinquency, while gaining “hands-on” knowledge of the juvenile and criminal justice systems.

Youth courts offer young people an opportunity to directly influence their school and to effect positive change in terms of school climate. The youth court model effectively allows peers to hold each other accountable, while also providing valuable insight and support to their fellow students. Youth engaged in the program develop strong critical thinking skills, public speaking skills, and become leaders and role models within their school community and in their community at large. Youth courts allow young people in inner city communities to develop positive mentoring relationships with professionals in the criminal justice system.¹⁰

In addition to the benefits that student offenders receive such as avoiding adult-imposed sanctions and the school-to-prison pipeline, youth courts also teach academic skills and are valuable educational tools. Students exercise analyzing complex fact patterns, asking probing questions, and public speaking. Youth courts enhance civic engagement and socialization skills. Youth courts cannot function unless youth maintain order in the jury, deliberate in a body and reach consensus on an appropriate disposition. Youth courts empower youth.¹¹

¹⁰ Bailey: Transcript pp. 38-40

¹¹ Volz: Transcript p. 13

There is little data regarding the recidivism rates of youth offenders, however there is much anecdotal evidence that youth courts provide appropriate alternative and restorative justice measures while keeping young people in school.¹²

More data regarding academic performance and behavior will become available upon the publication of an ongoing evaluation compiled by The University of Pennsylvania, Children's Hospital and Physicians for Social Responsibility.¹³

Wilkinson: “Youth courts can be effective in reducing recidivism among respondents in both school and community justice settings and in reducing delinquency among youth court members operating the court. All young people involved, whether respondents or court members, learn citizenship, academic and socialization skills.” [Transcript p. 146]

Weiss: “We fully comprehend that in a school youth court setting, you can't necessarily compare juvenile justice outcomes and recidivism and engagement necessarily with what's going on there, because the youth accept their guilt. And so it's really two different systems. But what we're most interested in is, does this program keep kids going to school and keep them functioning and make them hopeful, and we have anecdotally seen this time and time again.” [Transcript p. 146]

C. BEST PRACTICES FOR A WELL RUN YOUTH COURT

- **The youth court must create a court atmosphere that impresses upon the respondent the seriousness of the matter so they respect the court and the rule of law;**

The youth court model is most effective when young people dedicate themselves to the responsibility of peer mediation. In order to take the youth court seriously there must be a standard of court decorum and an understanding that youth court provides a legitimate disciplinary function. The use of court furniture and procedure aids in elevating the student courts to an authoritative judicial body.¹⁴

- **The youth court must have reasonable and simple procedures that help the respondent understand court functions and their rights;**

Standardized procedures based on those used in the justice system can serve as a valuable educational resource and teach young people about American Jurisprudence and legitimize youth courts as disciplinary courts.¹⁵ A very effective model provides that

12 Weiss: Transcript: p. 116

13 Bailey: Transcript” pp. 41-42

14 Jones: Transcript p. 5

15 Dougherty: Transcript pp. 73-74

the respondent admit guilt so there is no finding of fact by the jury but only a thoughtful questioning of the factors leading to the behavior and an appropriate disposition.¹⁶

One example of effective youth courts is an adversarial model where young people are trained as prosecutors and as defense counsel. Some supporters of youth courts believe that the educational value of this model which mirrors the criminal justice procedures promotes respect for the justice system and better relates the seriousness of rule breaking.¹⁷ However, some experts believe this model is more competitive and less efficient at promoting a culture of civic responsibility. The peer model, where there is neither a youth defense counsel, nor a youth prosecutor, but rather a jury foreperson who reads the police report and any other information and asks the young person to tell his or her story, allows the entire jury to ask questions. These thought provoking questions are geared towards root causes of behavior as well as looking forward to the respondent's future needs and goals. This positive peer pressure prompts respondents to think critically about their behavior and reduces recidivism.¹⁸

- **The youth court must assure that the respondent is satisfied and has ample opportunity to express themselves;**

A court proceeding, more so than a school administrated disciplinary measurement affords the respondent an opportunity to be heard and to explain their behavior to their peers who will better understand the underlying factors and be able to respond accordingly. By empowering the respondent and ensuring that they are heard, the youth court model can decrease recidivism and improve school climates.¹⁹

- **An important factor is to provide sufficient training so jurors know how to elicit the main facts through thoughtful questions;**

Legal professionals and law students can offer time and training resources so that peer jurors are prepared to ask probing questions that will lead not only to just disposition of undesirable behavior but also determine root causes and allow respondents to reflect on their actions. By addressing root causes within the school climate, youth court jurors can positively affect their communities while dispensing justice for individuals.²⁰

- **The jury must not focus on punishment but on crafting a restorative justice disposition;**

The appropriate disposition will benefit the respondent and community and use positive peer pressure to ensure compliance and decrease recidivism. Effective completion of a

16 Nock: Transcript pp. 57-58

17 Dougherty: Transcript pp. 73-74

18 Cahn: Transcript pp. 98-100

19 Weiss: Transcript p. 102

20 Bailey: Transcript pp. 57-59

disposition should result in an expunged record. Youth court respondents should be given the opportunity to participate in youth court as a juror.

- **All youth court functions should be performed by students to ensure ownership by the youth.**

To achieve full youth empowerment the adults must cede control of all major decisions to the students who run the youth court. A student run court that is respected by the school administration will be able to positively influence the school climate and offer a legitimate representation of the students. Further, the empowerment of young people through youth court will encourage leadership and conflict resolution skills.²¹

- **Quality youth courts benefit participants and respondents and enhance socialization, civic engagement and academic skills.**

Youth courts can be integrated into the school day through Civic, Social Studies or English classes.²²

Jones: “And that there's no presumption -- you have to be guilty in order to submit to the justice?”

Nock: “Yes. And the critical piece is really, in my opinion, is the principal acceptance that this is an alternative to suspension.” [Transcript pp. 56-57]

HENON: “It seems like there's a little more emphasis on the peer level with their peers, what consequences really mean and how it can affect their permanent record and moving forward. So I think it's – although it's been around a little while, I think it's an ingenious way to address some of these issues you have to deal with in a school on a regular basis. [Transcript pp. 57-58]

Bailey: “If I could just jump in for a quick second. I want to also mention briefly that the District Attorney's Office has provided support to the current programs by having attorneys from their office come out, work hands-on with the young people that are engaged in youth courts. And just to speak briefly to your comment about the young people and holding each other accountable, but doing it in a positive way. I mean, one of the really great benefits of this particular program model is that although the students are there because they've done something wrong and they're going to be held accountable for that and there's going to be some type of punishment, the students that they're working with are also there to identify what are some of the root causes and what are some of the challenges and problems that you're having and how can we help you resolve them so that this isn't happening again, which is not something that typically gets done in the traditional disciplinary model in the school. You do A, you're going to get B.” [Transcript pp. 56-59]

21 Volz: Transcript p. 13

22 Volz: Transcript p. 23

D. COSTS OF YOUTH COURTS

Youth courts are affordable and can reduce the costs of incarceration.

Depending on how extensive the construction of a youth court facility is, youth courts can be outfitted with little financial drain. Legal professionals and law students are available to assist in training and development. Private partnerships may be fostered to promote development, maintenance and mentoring resources.²³

Jones: “Now, I had some figures in our due diligence and research that talked about classroom conversion, and one of the asks or findings that we'd like to do is work with both public and private sources to figure out a cost-effective way to convert some of those classrooms into courtrooms, whether it's donated used chairs, because something about that presence in walking in the courtroom just adds to the atmosphere of some of them.”

Nock: “I agree with you, in '98-'99, it cost us anywhere between \$12,000 to \$25,000 to renovate the actual physical room. First the school has to give it up, and if they give up a room large enough, you can do other things in it, but if you give up a small room, you won't be able to do a lot more in it when the court is not in session. For instance, Ben Franklin had a very small classroom. Frankford had a very large one. Kensington was about medium sized. You can do other things. You can have lectures in it and other things in it, but it is transforming that classroom into an actual court that makes a difference.”

[Transcript pp.52-53]

23 Volz: Transcript p. 12

E. INSTITUTIONAL SUPPORT

There is support for Philadelphia youth courts among the judiciary, agencies, administration and School Reform Commission. Additionally, local law firms, schools and foundations are committed to working to advocating the youth court model.

Judge Dougherty: I come to you today to say, should this go through, should Philadelphia have the experience of a teen court as a diversion to keep our children out of placement, to keep our children away from delinquent and long-term criminal records, then I stand with you as an equal, as a partner. [Transcript p. 73]

Commissioner Ambrose: I think it's really clear from the young lady who just testified from Kensington and certainly from my experience that the critical importance of teen court and youth court is really building the future leaders for the City, and the Department of Human Services will remain invested in being a partner in those conversations as we move forward. [Transcript pp. 66-67]

Mr. Oglesby: The School District of Philadelphia believes in the value of teen court and welcomes further discussion with members of City Council and our stakeholders on the potential revitalization of this program. [Transcript p. 137]

Ms. Weiss: Philanthropy in this community is often seen as something separate, and at Stoneleigh, we believe that we are part of the community, and we work every day to connect the unconnectable and to engage the disengaged and to try to find ways to join with partners to advance the well-being of our youth. [Transcript pp. 118-119]

RECOMMENDATIONS

- 1) Identify potential city funds in the budget to support the expansion of youth courts in Philadelphia;
- 2) Codify the specific authority and purview of youth courts in the School District's disciplinary code;
- 3) Develop youth courts in both middle and high schools to reduce suspension and drop-out rates and blunt the school-to-prison pipeline by strengthening existing youth court programs and establishing no fewer than four more programs in the next year;
- 4) Develop youth courts that satisfy educational as well as disciplinary and youth development objectives by integrating youth courts into existing school curricula;
- 5) Create only high quality and sustainable school-based and community based youth courts making sure the courts are primarily located in comprehensive neighborhood schools;
- 6) Support creation of a Youth Court Support Center to provide training, liaison, coordination and technical assistance to youth courts and support the development of public-private partnerships to fund and support youth courts and the Support Center;

- 7) Establish an intergovernmental task force to explore the possibility of a youth court program within the juvenile justice system. Such a task force can be convened by City Council's Committee on Public Safety and must include all relevant stakeholders including but not limited to the Office of the Mayor, the First Judicial District, the Department of Human Services, the Office of the District Attorney, the Defender's Association, the Police Department, the Philadelphia Youth Commission, and representatives from probation and parole operations;

- 8) Encourage major law firms and area law schools to adopt at least one school-based youth court; and encourage law firms and law schools to develop teams of staff that will train participants, provide administration and actively operate and participate in youth courts;

- 9) Advocate for a youth court state statute to establish standards and provide a dedicated funding stream for youth courts;

- 10) Support research efforts to quantify youth courts' effectiveness at reducing recidivism and promoting safety in schools while improving academic achievement.