JOINT STATE GOVERNMENT COMMISSION

General Assembly of the Commonwealth of Pennsylvania

YOUTH COURTS

Report of the Advisory Committee on the Use and Effect of Youth Courts in Pennsylvania's Education and Juvenile Justice Systems

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REPORT

Report of the Advisory Committee on
the Use and Effect of Youth Courts
in Pennsylvania's Education and Juvenile Justice Systems

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The Joint State Government Commission was created in 1937 as the primary and central non-partisan, bicameral research and policy development agency for the General Assembly of Pennsylvania.[1]

A fourteen-member Executive Committee comprised of the leadership of both the House of Representatives and the Senate oversees the Commission. The seven Executive Committee members from the House of Representatives are the Speaker, the Majority and Minority Leaders, the Majority and Minority Whips, and the Majority and Minority Caucus Chairs. The seven Executive Committee members from the Senate are the President Pro Tempore, the Majority and Minority Leaders, the Majority and Minority Whips, and the Majority and Minority Caucus Chairs. By statute, the Executive Committee selects a chairman of the Commission from among the members of the General Assembly. Historically, the Executive Committee has also selected a Vice-Chair or Treasurer, or both, for the Commission.

The studies conducted by the Commission are authorized by statute or by a simple or joint resolution. In general, the Commission has the power to conduct investigations, study issues, and gather information as directed by the General Assembly. The Commission provides in-depth research on a variety of topics, crafts recommendations to improve public policy and statutory law, and works closely with legislators and their staff.

A Commission study may involve the appointment of a legislative task force, composed of a specified number of legislators from the House of Representatives or the Senate, or both, as set forth in the enabling statute or resolution. In addition to following the progress of a particular study, the principal role of a task force is to determine whether to authorize the publication of any report resulting from the study and the introduction of any proposed legislation contained in the report. However, task force authorization does not necessarily reflect endorsement of all the findings and recommendations contained in a report.

Some studies involve an appointed advisory committee of professionals or interested parties from across the Commonwealth with expertise in a particular topic; others are managed exclusively by Commission staff with the informal involvement of representatives of those entities that can provide insight and information regarding the particular topic. When a study involves an advisory committee, the Commission seeks consensus among the members.[2] Although an advisory committee member may represent a particular department, agency, association, or group, such representation does not necessarily reflect the endorsement of the department, agency, association, or group of all the findings and recommendations contained in a study report.

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[1] Act of July 1, 1937 (P.L.2460, No.459); 46 P.S. §§ 65 – 69.

[2] Consensus does not necessarily reflect unanimity among the advisory committee members on each individual policy or legislative recommendation. At a minimum, it reflects the views of a substantial majority of the advisory committee, gained after lengthy review and discussion.

Over the years, nearly one thousand individuals from across the Commonwealth have served as members of the Commission's numerous advisory committees or have assisted the Commission with its studies. Members of advisory committees bring a wide range of knowledge and experience to deliberations involving a particular study. Individuals from countless backgrounds have contributed to the work of the Commission, such as attorneys, judges, professors and other educators, state and local officials, physicians and other health care professionals, business and community leaders, service providers, administrators and other professionals, law enforcement personnel, and concerned citizens. In addition, members of advisory committees donate their time to serve the public good; they are not compensated for their service as members. Consequently, the Commonwealth of Pennsylvania receives the financial benefit of such volunteerism, along with their shared expertise in developing statutory language and public policy recommendations to improve the law in Pennsylvania.

The Commission periodically reports its findings and recommendations, along with any proposed legislation, to the General Assembly. Certain studies have specific timelines for the publication of a report, as in the case of a discrete or timely topic; other studies, given their complex or considerable nature, are ongoing and involve the publication of periodic reports. Completion of a study, or a particular aspect of an ongoing study, generally results in the publication of a report setting forth background material, policy recommendations, and proposed legislation. However, the release of a report by the Commission does not necessarily reflect the endorsement by the members of the Executive Committee, or the Chair or Vice-Chair of the Commission, of all the findings, recommendations, or conclusions contained in the report. A report containing proposed legislation may also contain official comments, which may be used in determining the intent of the General Assembly.[3]

Since its inception, the Commission has published more than 350 reports on a sweeping range of topics, including administrative law and procedure; agriculture; athletics and sports; banks and banking; commerce and trade; the commercial code; crimes and offenses; decedents, estates, and fiduciaries; detectives and private police; domestic relations; education; elections; eminent domain; environmental resources; escheats; fish; forests, waters, and state parks; game; health and safety; historical sites and museums; insolvency and assignments; insurance; the judiciary and judicial procedure; labor; law and justice; the legislature; liquor; mechanics' liens; mental health; military affairs; mines and mining; municipalities; prisons and parole; procurement; state-licensed professions and occupations; public utilities; public welfare; real and personal property; state government; taxation and fiscal affairs; transportation; vehicles; and workers' compensation.

Following the completion of a report, subsequent action on the part of the Commission may be required, and, as necessary, the Commission will draft legislation and statutory amendments, update research, track legislation through the legislative process, attend hearings, and answer questions from legislators, legislative staff, interest groups, and constituents.

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[3] 1 Pa.C.S. § 1939 ("The comments or report of the commission . . . which drafted a statute may be consulted in the construction or application of the original provisions of the statute if such comments or report were published or otherwise generally available prior to the consideration of the statute by the General Assembly").

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July 30, 2019

To the Members of the General Assembly:

The Commission is pleased to release, *Youth Courts: Report of the Advisory Committee on the Use and Effect of Youth Courts in Pennsylvania's Education and Juvenile Justice Systems*, as directed by Senate Resolution 32 of 2017. Youth courts use peer judgement and accountability to divert youngsters who have committed anti-social, delinquent, and minor criminal offenses from traditional juvenile justice and school discipline protocols toward what is broadly known as restorative justice. This report describes how and where the different forms of youth courts are currently used, provides an analysis of their costs and benefits, and makes recommendations for how youth court programs could be utilized throughout the commonwealth.

The Commission extends its appreciation to the members of the advisory committee who provided their expertise and guidance throughout this project. Their dedication to the positive development of the commonwealth's youth is an investment in its future welfare.

Respectfully submitted,

Glenn J. Pasewicz
Executive Director

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INTRODUCTION

"May it please the court . . ."[4]

Most kids make it through the gauntlet of adolescence - after all, adults everywhere are proof of its survivability. They may come out a little battered by the emotional twists and turns on the transition from child to adult, but for the most part, the kids are alright.[5] But it can be a treacherous trip, and what may begin with some rebellious acting out at school can escalate into juvenile offenses which may ultimately lead to residential placement, and into adulthood, incarceration. Youth courts have the potential to play a vital role in both preventing behavioral problems from worsening as well as diverting youthful offenders from the juvenile justice system, so that one impetuous bad decision does not permanently alter a child's future. Positive peer pressure and judgment are the keystone of youth courts, and a continuum of peer-based interactions, from school disciplinary issues to juvenile offenses, can aid youth in realizing that their actions affect more than themselves; that they can have far-reaching consequences, ranging from not getting into the college of their choice to a juvenile detention placement. While empirical evidence is scarce, anecdotal support seems to suggest that youth courts are a promising pathway, which could lead to more intangible benefits such as improved student-teacher relationships, civic engagement, and the development of public speaking, problem-solving, and leadership skills.

> Youth courts (also called teen, peer, and student courts) are diversion programs in which youth are sentenced by their peers for minor crimes, offenses, and/or violations. Administered and operated most often on a local level by law enforcement agencies, probation departments, juvenile courts, schools, and/or nonprofit organizations, these programs offer communities an opportunity to provide immediate consequences for primarily first-time youthful offenders. . . . Youth court diversion programs are intended to offer an alternative to the traditional juvenile justice system and school disciplinary proceedings. . . .These juvenile justice voluntary diversion programs harness positive peer pressure and utilize it in a peer judgment setting to help address the anti-social, delinquent, and/or criminal behavior of youth.[6]

[4] Said by virtually every lawyer in the English-speaking world at the beginning of oral arguments before a court.

[5] With apologies to The Who.

[6] U.S. Department of Justice, Office of Justice Programs, National Criminal Justice Reference Service, Special Feature: "Youth/Teen Court Diversion Programs," accessed May 3, 2019 https://www.ncjrs.gov/youthcourts/

Both juvenile justice-based and school-based youth courts provide the opportunity for students to take responsibility for their actions, for victims to find a sense of justice, and for the community to see that accountability and restoration can go hand-in-hand. They can also help youth develop competencies that allow them to function as constructive and valuable members of society. While the offender is usually considered the primary beneficiary of this outcome, youth courts can also help students who are functioning as court officers, judges and jurors in developing skills and aptitudes necessary to be mature and competent social beings.

Acknowledging the potential benefit of promoting school-based youth courts in Pennsylvania, the Senate adopted Senate Resolution 32, P.N. 832 (2017), directing the Joint State Government Commission to organize an advisory committee comprised of education experts, school administrators and teachers, former youth court participants, juvenile court and law enforcement representatives, academicians and knowledgeable laypersons to conduct a study of youth courts in Pennsylvania's juvenile justice and education systems, proposals and policies of other states, best practices, and other resources on the topic. A final report was due in 18 months (July 2019) containing recommendations to increase availability of youth courts, an analysis of the costs and benefits of implementing youth courts and other issues relating to youth restorative justice programs.

Frequently, the distinctions between types of youth courts are blurred in the literature between justice and education system youth courts. For purposes of this report, a distinction is drawn between juvenile justice-based youth courts and student youth courts. Generally speaking, a student youth court is a youth court run by students, based in the school, and hears cases involving disciplinary violations and code of conduction violations which are not legal transgressions. Juvenile justice-based courts, frequently called teen or peer courts, are staffed by students, who may be drawn from multiple school districts and other school entities in the county, and hear cases that are referred by the juvenile justice system (frequently juvenile probation offices) that involve relatively minor legal infractions. Part of the confusion is that some "school-based" courts, while again staffed by students and holding hearings in a school building, are dealing with potential juvenile justice system referrals that involve relatively minor legal infractions and not school disciplinary infractions. There are a few student youth courts that may have the experience to hear select summary offenses and perhaps drug and alcohol violations in addition to school disciplinary infractions; they are currently the exception, not the rule.

FINDINGS AND RECOMMENDATIONS

The Advisory Committee finds that youth courts have the potential to play an important role in addressing disciplinary problems in Pennsylvania's schools,[7] diverting juvenile offenders from further contact with the juvenile justice system, promoting restorative justice opportunities for youth, and assisting youth in civic development and responsibility. Numerous benefits have been anecdotally attributed to youth courts, from "plugging" the school-to-prison pipeline to promoting civic participation and good citizenship. In order to empirically validate these claims, data should be collected on multiple outcomes, including number of suspension and expulsions, number of disciplinary referrals, juvenile justice referrals, other disciplinary dispositions, graduation readiness and completion, absenteeism, truancy, and other visible measurements of effectiveness.

The topics of a dedicated funding stream and development of a statewide plan to encourage the growth of student youth courts were discussed at length among the members of the advisory committee. Some members felt that statewide public hearings should be held to provide outreach to the public and schools about the value of student youth courts, that a statewide plan should be developed to guide implementation of student youth courts, and that a dedicated funding stream should be created to financially support student youth courts. Other members felt that although juvenile justice-based youth courts that function to divert adolescents from juvenile justice proceedings have proven effective, student youth courts, which address school disciplinary code violations, while promising, do not have sufficient data-based evidence to justify a separately funded statewide program at this time. Consensus could not be reached to endorse a statewide plan or dedicated funding stream. All parties involved agreed that providing guidance to schools through the Pennsylvania Department of Education and clarifying that student youth courts should qualify for grants and play a role in providing programs under the umbrella of school safety and security. In order to provide such guidance and support, the Advisory Committee makes the following recommendations:

RECOMMENDATION #1:

A continuum of youth court programs for adolescents should be encouraged, from student-run courts in schools that address code of conduct and other minor disciplinary infractions to juvenile justice-based youth courts that address juvenile offenses, as well as hybrid courts such as truancy courts, that address special school-related legal issues.

[7] Any reference to "schools" or "school entities" is intended to include public schools, charter schools, private and parochial schools as well as home-school environments and other similar entities.

RECOMMENDATION #2:

The Department of Education, (PDE) through the Office for Safe Schools, should provide guidance and support to schools desiring to adopt a student youth court program. This includes providing guidance materials that identify minimum standards that youth courts should attain. These guidelines should include standards for youth court trainers, suggestions for lesson plans, and teaching materials and evaluation criteria.

RECOMMENDATION #3:

The Office for Safe Schools' guidance to schools wishing to incorporate student youth courts into their curriculum should adhere to the best practices identified forth in this report, at pages 7-9, *infra.*

RECOMMENDATION #4:

Student youth courts should be considered as both a restorative justice strategy and a type of diversionary program that qualifies for Safe School Targeted Grants under Section 1302-A(c)(1) and (c)(1.2) of the Public School Code of 1949. Student youth courts should also be considered as both a restorative justice practice and a school-based diversion program that qualifies for School Safety and Security Grants under Section 1306-b(j)(2) and (j)(4) of the Public School Code of 1949. Other state programs which provide funding for behavioral challenges that result in youth court referrals should be explored by schools desiring to support and fund a student youth court program. These may include existing Department of Education, juvenile justice, mental health, addiction, and prevention programs.

New funding sources for student youth courts should be developed which may include support from the court's home county, private sources, and philanthropic foundations. These sources could include in-kind contributions, and public-private partnerships.

RECOMMENDATION #5:

Schools should consider amendments to their memoranda of understanding between schools and local police under Sections 1302.1-A and 1303-A of the Public School Code of 1949 (which address which legal violations must be reported to local law enforcement) to include mutually agreeable circumstances in which discretionary referrals to law enforcement or referrals without arrest or formal police activity can be diverted to an appropriate school-based diversionary program such as a youth court rather than the juvenile justice system.

RECOMMENDATION #6:

Schools that adopt student youth courts as a program should provide information to the PDE on a yearly basis. Three years after the effective date of any legislation enacting these recommendations, PDE, the Pennsylvania Commission on Crime and Delinquency, and the Juvenile Court Judges' Commission should coordinate an evaluation of the effectiveness student youth courts, in terms of absenteeism, truancy, graduation readiness and completion, number of disciplinary referrals, juvenile justice referrals, other disciplinary dispositions, and other visible measurements of program effectiveness.

RECOMMENDATION #7:

Each semester (if offered as a one-semester class) or school year (if offered for the entire school year), that a student youth court is in session, the school should conduct a pre- and post-survey of the student court participants (both court personnel and respondents) to examine attitudes toward school in general as well as students' opinions on civic responsibility, discipline, restorative justice goals and their overall relationship with teachers, administrators, and fellow students. The results should be shared with PDE and made available as part of the guidance provided by PDE to districts contemplating the implementation of a student youth court program. Additionally, each respondent should be interviewed before and after their case is heard to assess their reasons for opting to have their disciplinary action heard before the student court and their impression of the merits of youth court in their particular case. All of these survey efforts should be designed to protect the privacy of each student.

RECOMMENDATION #8:

Institutions of higher education, including community colleges, should be encouraged to develop curricula related to civic engagement so that students can be learn to train and operate student youth courts. Internships and volunteer opportunities within local schools would also encourage further community engagement by residents in student youth court programs. Additionally, training in the development and oversight of student youth courts should be offered as a continuing education option for educators, principals, and administrators. Local law schools can also be a source of potential volunteer trainers. Pro bono opportunities should be offered to the county bench and bar to provide the students with "real world" mentoring experiences.[8]

[8] Harcum College, an associate's degree granting college in Bryn Mawr, offered a pilot program for a youth courts elective its criminal justice degree curriculum in 2018. The course is listed in the schools 2019-2020 Course Catalog. St. Joseph's University and Swarthmore College have both developed interdisciplinary course that include a youth court practicum that will be offered in Fall 2019. Law students from Widener University's Delaware Law School, Thomas R. Kline School of Law at Drexel University, University of Pennsylvania Law School, Beasley School of Law at Temple University, and Charles Widger School of Law at Villanova University have volunteered to assist with youth courts in the Greater Philadelphia area at various times since 2013, as have individuals from the U.S. Attorney's Office in Philadelphia.

COMMENT:

The advisory committee acknowledges the role childhood trauma can play in the social development and behavior of adolescents, and how it may significantly impact school discipline and juvenile justice encounters with affected youth. The issue is beyond the scope of this report; however, the advisory committee wishes to support the continuing efforts of the Commonwealth of Pennsylvania to include trauma-informed education in all of its schools and to enhance school safety and security in general as set forth in the amendments to the Public School Code of 1949 found in Act 18 of June 28, 2019.

BEST PRACTICES FOR STUDENT YOUTH COURTS IN PENNSYLVANIA

Each of the 500 school districts in Pennsylvania has a different discipline code and a different climate, as do the 230-plus career and technical centers, charter schools, and other public school learning environments and the hundreds more private and parochial schools that can be found throughout the Commonwealth. What may be egregious behavior in one school community may be something tolerated as a lesser of other evils in another. Accordingly, student youth courts need to be tailored to each particular school's needs. A rigid structure that restricts schools from creatively developing a school-specific plan would not accomplish the goals of accountability, restoration, and social development at the core of youth courts. Therefore, the Advisory Committee recommends that schools adhere to the following best practices to the extent practicable.

The preliminary analysis each school must make before deciding to implement a school-based youth court program must consider the following:

- Buy-in from the school administrators and the school board
- Buy-in from the faculty who will be guiding/instructing the youth courts and the administrator who will be charged with making referrals
- Sufficient referrals: it is generally thought that the most effective rate of referrals is one referral for every 45 minutes of class time
- The ability for the class/program to meet at least twice a week
- A dedicated venue for the program
- Community support
- Funding sources

Type of Program

There are several ways to structure a student youth court program. One method is to make the program an in-school elective (either semester or full year), within a curriculum such as social studies, civics, or possibly language arts. Students electing this class would be trained to serve as judge, juror, bailiff, sergeant at arms, youth advocate, and other court personnel and preside over cases referred to the class by the appropriate referral source.

Adults should not be members of the court, but should provide oversight and training. An advantage of this approach is that the students are choosing to be part of the program. The biggest drawback to this approach is that respondents (in the criminal justice world, defendants) must be pulled out of regular classes to attend their hearing.

A second alternative is to include the youth court as part of the curriculum for a civics or social studies class. While this alternative may bring a greater cross-section of students to the program, some students may not want or like the concept and their participation may be lackluster at best.

A third option is to create the program as an after-school extra-curricular activity, but availability of students can become an issue, in terms of transportation, ability to stay after school. Parental permission to participate in an after-school activity may also be hard to obtain for respondents/referrals on short notice.

Referral Source

The school official in charge of disciplinary matters, such as an administrator in charge of discipline (including suspensions) or a climate dean or officer should be designated as the official referral source. This could include a principal, vice or assistant principal, or the dean of students. Anecdotal evidence suggests that referrals from teachers and guidance counselors are not usually successful.

Criteria for Referral

Low level school code of conduct violations can be processed in student youth courts. Repeat offenses can be referred to youth court at the discretion of school officials with final authority to be determined by the Superintendent or his/her designee. No student should be referred to student youth court unless they agree they committed the offense and agree to respect the youth court process. Youth court is a "sentencing court" and not an adjudicatory court.

If a memorandum of agreement (MOU) with local law enforcement has been signed, student youth courts can also process low level violations, such as summary offenses, as specified in the MOU. The MOU should be effective for a one year period, but renewable at the discretion of school and justice officials. The types of juvenile offenses eligible for processing in student youth courts should be determined by the parties to the MOU, in compliance with state law and any victim's rights laws in effect.

Parental Consent

Schools with student youth courts should include in their school handbook a disclosure that certain disciplinary incidents may be processed in student youth court. Parents of students attending that school can opt out of this program by notifying the school, or by completing a form sent home at the start of the school year by the school. The official notice in the school handbook should include the types of cases the school has determined will qualify for student youth court disposition. This criterion should serve as a minimum standard. There may be situations in which, in the discretion of the school, further contact with the student's family or guardian is needed.

Youth Court Coordinator

Each school should appoint a staff person responsible for overseeing training of students, coordination of volunteers, operation of the youth courts, and issues arising from the youth court system. The staff person should receive youth court training before operation of the program and should be in regular contact with the student youth courts and the classroom teachers. The youth court coordinator should issue reports that include impact, data, and any issues to the designated referral source four times a year.

Hearing Process

Each school should designate a method to notify student offenders if they are eligible for student youth court. Each student offender (respondent) should be released from class to meet with the student youth court advocate to discuss the facts of the case, help the youth advocate prepare their defense, and explain the basic principles of the youth court. That meeting should occur prior to the hearing date but can occur as late as the day of the hearing. Court hearings should be held at the time the student youth court class is regularly scheduled to meet.

If the incident referred to the student youth court involves another identified student (as opposed to a school community offense like running in the halls, for example), then the offended student should be given an opportunity to provide a victim impact statement, whether in writing or orally before the youth court.

Disposition

Each school with a student youth court should keep contemporaneous records of dispositions imposed for each referral. Compliance with the elements of that disposition should be verified by the youth court coordinator. Any student not completing the disposition within the time limits imposed should be referred back to the referring school official for further disciplinary action. These data shall be included in the quarterly report of the school's appointed youth court coordinator. Dispositions should be limited only by reasonableness and the creativity of the student court members.

DESCRIPTION OF YOUTH COURTS

The term "youth court" has been used broadly throughout the literature, and can frequently blur the lines between different types of youth courts that, while similar in many ways, put different emphasis on their central purposes. To help muddy the waters, all youth courts share a fundamental goal of diverting youth from formal juvenile court proceedings. The reader should bear in mind that the following section, like much of the literature, does not always distinguish between the types of youth courts. Most youth courts currently in operation in Pennsylvania are juvenile-justice based; school-based student courts are relatively rare. Further confounding the understanding of youth courts is that many youth courts, while juvenile-justice based, work with schools and recruit peer jury members from schools. The important distinction for this study is that juvenile-justice based youth courts are dealing with youth who have in some way broken a law or ordinance and become involved in law enforcement. Juvenile-justice based youth courts may use an adult judge or a peer jury. School-based student courts usually address school disciplinary code violations that do not rise to the level of delinquent behavior and use a peer jury as the sentencing tribunal. The second important distinction is the referral source of cases. Juvenile justice-based youth courts received their cases via referral from juvenile court, juvenile probation, or law enforcement. School-based student youth courts receive their referrals from internal disciplinary officials within the school, such as teachers, principals and school climate officers. Throughout this chapter, the term "student youth court" is used to specifically identify school-based youth courts that address conduct of conduct violations that do not involve juvenile justice issues nor referrals from the juvenile system or law enforcement..

Another type of youth court is a community-based youth court, which usually consists of a jury of trained volunteer adult community members who impose sentencing on youth referred by the juvenile justice system. In Pennsylvania, there are a number of these community-based youth courts, generally known as youth aid panels. These differences reflect the national profile of youth courts, which may also vary in their use for sentencing or adjudication, types of cases referred, referral sources, sentencing options, amount of training youths and adult volunteers receive, staffing, funding, and other resources.[9]

[9] Tracy M. Godwin, American Probation and Parole Association National Youth Court Center, "National Youth Court Guidelines," 2000, 2. https://www.govinfo.gov/content/pkg/ERIC-ED464862/pdf/ERIC-ED464862.pdf

Development of Youth Courts

In 1999, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice created the National Youth Court Center at the American Probation and Parole Association. The center was designed as an information clearinghouse and tasked with developing national guidelines to assist youth court programs, as well as provide training and technical assistance.[10] The National Youth Court Center has since gone out of existence, but the National Association of Youth Courts (NAYC), a non-profit organization created in 2007, has assumed many of the NYCC's clearinghouse, training and technical assistance functions, as well as promoting youth courts nationwide.[11]

This section provides information about youth court programs accumulated by the NAYC. While it nominally addresses youth courts in general, a review of the laws of the various states adopting youth courts in some form reveals that most of this information is derived from juvenile-justice based youth courts, whether the actual court is held at the courthouse, in a school or in another community venue.[12]

Youth courts have been in operation in the United States for over a quarter of a century. The NAYC identifies the Naperville Youth Jury in Naperville, IL, as one of the earliest known programs still in operation; Naperville's program started in June of 1972. NAYC also mentions anecdotal reports of a youth court that began operating in Horseheads, NY, even earlier – in 1968.[13] NAYC reports that there were only 78 youth court programs operating in the country in 1994, but that by March 2010, there were over 1,050 youth court programs in operation in 49 states and the District of Columbia.[14]

Youth court programs are operated and administered by a variety of agencies, including juvenile courts, juvenile probation departments, law enforcement agencies, schools, and private nonprofit organizations. NAYC indicates that the majority of youth courts in operation (approximately 42 percent) are juvenile justice system-based; a comparable though slightly smaller share (approximately 36 percent) are school-based, and the remaining 22 percent are community-based and are incorporated as, or operated by, private nonprofit organizations.[15] It should be noted that the assignment of programs as

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[10] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, OJJDP Fact Sheet, "National Youth Court Center," May 2000, #07. https://www.ncjrs.gov/pdffiles1/ojjdp/fs200007.pdf

[11] National Association of Youth Courts, Home – NAYC Membership, accessed June 26, 2019, https://www.youthcourt.net/blog.

[12] *See* Michelle E. Heward, "The Organization and Operation of Teen Courts in the United States: A Comparative Analysis of Legislation," *Juvenile and Family Court Journal* (Winter 2002): 19-35. https://www.youthcourt.net/legislation_Article_20021.pdf *See also,* Michelle E. Heward, "An Update on Teen Court Legislation." *Council of State Governments/American Probation and Parole Association* (September 2006). https://www.ncjrs.gov/pdffiles1/ojjdp/237390.pdf

[13] National Association of Youth Courts. *Youth Courts: Facts & Stats*, accessed May 4, 2018, https://www.youthcourt.net/about/facts-and-stats

[14] *Ibid.*

[15] *Ibid.*

"school-based" includes programs that, while located in schools, receive all or most of their referrals from the juvenile justice system, and thus the 36 percent share is likely inflated.

The four primary program models utilized around the country are the adult judge, the youth judge, peer jury, and youth tribunal models. According to the NYAC, the prevailing models are the adult judge model (used by approximately 53 percent of youth courts) and the peer jury model (used by approximately 31 percent of youth courts). Approximately 18 percent of youth courts use the youth judge model, and 10 percent use the youth tribunal model.[16] The magnitude of adult judge models in this analysis further indicates that the youth courts evaluated in the study are more likely than not to be juvenile justice related programs.

NAYC identifies the most common types of offenses accepted by youth courts nationwide (in the descending order) are:

- theft,
- vandalism,
- disorderly conduct,
- alcohol,
- assault,
- possession of marijuana,
- tobacco,
- curfew violations, and
- school disciplinary matters.

This list of offenses the focus on juvenile-justice based youth courts but combines them with school-based youth courts. Most of the common offenses are matters that involve juvenile justice, while school disciplinary matters are at the bottom of the list.

The NAYC review shows that typical sentencing options utilized by youth courts are community service (99 percent), oral or written apologies (94 percent), and essays (92 percent). Other common dispositions include educational workshops, jury duty, restitution, alcohol/drug assessment, curfew, tutoring, counseling, and others. It is worth noting that more than a half of youth court programs (53 percent) require respondents to participate in jury duty, at least, once as part of their sentence.[17]

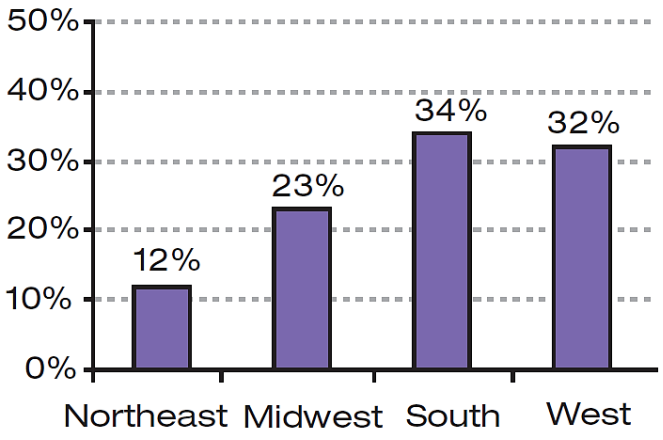
[16] *Ibid*.
[17] *Ibid*.

Between November 2004 and January 2005, the American Youth Policy Forum (AYPF), with support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Youth Court Center (NYCC), managed by the American Probation and Parole Association (APPA), conducted a nationwide review of youth court programs. A total of 365 youth court coordinators from across the United States participated in the study.[18]

The researchers conducting the study noted that the numbers of programs varied considerably state by state, with some states, (New York, Illinois, Texas, Florida, and California), having more than 50 youth courts each, while others, such as Rhode Island, Vermont, and Virginia, showing only one program registered in the National Youth Court Center database. The study included a chart displaying the distribution of youth court programs by Census regions.[19]

Figure 1

Distribution of Youth Court Programs
by Census Regions
January 2005



Source: Youth Court: A Community Solution for Embracing At-Risk Youth, A National Update (Page 9) http://www.aypf.org/wp-content/uploads/2012/03/publications/Youth%20Court%20-%20A%20Community%20Solution.pdf.

[18] Sarah S. Pearson and Sonia Jurich. "Youth Court: A Community Solution for Embracing At-Risk Youth: A National Update" Washington, DC: American Youth Policy Forum, 2005, http://www.aypf.org/wp-content/uploads/2012/03/publications/Youth%20Court%20-%20A%20Community%20Solution.pdf.
[19] *Ibid*.

The study revealed that youth courts were located in a variety of communities – small and large, rural and urban. The 365 programs participating in the study were distributed through 42 states reflecting a diversity of environments that included

- large urban areas with over one million residents, such as Manhattan, NY, and Los Angeles, CA;
- small towns with fewer than 10,000 residents, such as Chehalis, WA, or Sitka, AK;
- localities where more than 80 percent of the population is of minority background, such as Miami, FL, and Hilo, HI;
- localities where the population is 95 percent white, such as Lewiston, ME, or Bismarck, ND; and
- tribal communities, such as the Gila River Indian Community, AZ, or the Choctaw Tribal Teen Court, Choctaw, MS.

The authors concluded that youth courts had become "an integral component of the country's network of delinquency prevention and early intervention regardless of location or type of community."[20]

According to the AYPF study, the programs typically serve slightly over 100 youth per program, youth between 11 and 17 years of age, with numbers varying from fewer than 50 youth per year (almost half of the programs) to over 500. A number of youth volunteers involved in the programs participating in the study was close to the number of respondents – almost 100. Extrapolating their results to the current numbers of youth programs reported in existence, the authors estimated that "more than 100,000 youth are benefiting each year from their participation as volunteers in youth courts nationwide."[21]

Of the four general models of youth courts – adult judge, youth judge, youth tribunal, and peer jury – the AYPF study found the adult judge model and the peer jury model to be prevalent (40 percent and 26 percent, respectively). Agencies operating youth courts included juvenile justice (juvenile, municipal, superior, district, and circuit courts; district or county attorney office; probation departments; police and sheriff offices), private non-profit, local government, schools, and others; some of the school-based courts participating in the study reflected a partnership between law enforcement and the school.[22]

[20] *Ibid*.
[21] *Ibid*.
[22] *Ibid*.

The average completion rate, based on the study participants' responses, was 89 percent, and the recidivism rate indicated by a number of youth court coordinators was approximately 10 percent.[23] Responding to the survey, the AYPF study participants identified multiple benefits youth courts provide to their respondents and volunteers, to the juvenile justice system, and to communities at large.

Juvenile Justice-Based Youth Courts

Among diversion programs that share the goal of preventing or diverting adolescents from juvenile delinquency or dependency proceedings are juvenile justice-based youth courts. These courts are also called teen courts or peer juries. Their primary distinction is that they are designed to be a sentencing body for youth who have committed some type of status offense (such as underage drinking) or a violation of the law that would be a summary offense or misdemeanor if committed as an adult. Usually intended for first time offenders only, juvenile justice-based youth courts address infractions that might normally be heard before a juvenile court judge.

In 1993, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) initiated The Balanced and Restorative Justice (BARJ) Project through a grant program. The resultant Balanced and Restorative Justice Model became a national tool to address juvenile delinquency and victimization from three priorities: public safety, accountability, and competency development.[24] In 1995, Pennsylvania enacted amendments to the Juvenile Act to incorporate balanced and restorative justice as a part of its approach to youths encountering the juvenile justice system.

> Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.[25]

An outgrowth of this movement was the development of juvenile-justice based youth courts. In Pennsylvania, most of these programs operate out of the county juvenile probation offices. A successful diversion from juvenile delinquency findings for those communities utilizing them, the only significant limitation on these courts is their limitation to youth committing juvenile offenses for the first time, although there are some

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[23] *Ibid*. "Recidivism" is not defined in the study. The National Institute of Justice defines it as relapse into criminal behavior, particularly after sanctions and/or other intervention has occurred. https://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx.

[24] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, OJJDP Report, "Guide for Implementing the Balanced and Restorative Justice Model," NCJ 167887. https://www.ojjdp.gov/pubs/implementing/contents.html

[25] 42 Pa.C.S. § 6301(b)(2), added by the act of November 17, 1995 (1st Sp. Sess., P.L.1127, No. 33).

programs that permit a youth to participate in a youth court despite previous involvement with the juvenile court.

As interest in the concept of balanced and restorative justice has expanded, a broader use of diversionary practices has evolved. School-based youth courts, addressing disciplinary infractions, disputes between teachers and students and other behaviors by youth that, unchecked, could devolve into criminal behavior, have also been found to be an effective diversion for troubled youth.

School-Based Youth Courts

In a 2004 National Youth Court Center monograph, then extant school-based youth courts were described as "A youth court program's main function is to determine an appropriate disposition for the young person, not to determine guilt or innocence."[26] Typically, a student youth court model addresses school disciplinary cases, allowing school administration to hold the youth accountable for his/her negative behavior, while the youth remains enrolled and learning.[27]

Student youth courts are usually established in a classroom design. Part of a school's curriculum, a classroom design program may operate as an elective class or as part of the curriculum in a civics or other social studies class. The class teacher serves as the youth court coordinator. This model usually accepts only school disciplinary cases. During times when hearings are not being held, the class may study law-related topics plus skill development through mock youth court hearings.[28] Alternatively, a school-based youth court program may be a club program, which operates as an extracurricular activity. This second mode is more likely to accept delinquency cases (shoplifting, minor possession) along with school disciplinary cases. A teacher, school resource officer, or a community volunteer serve as the program coordinator.[29] After a case is referred and before it is presented to a youth court, a youth's parental consent must be requested and obtained prior to the case continuing.[30]

Sample Types of Cases School-Based Youth Courts May Accept

The NYCC analysis identified a wide variety of disciplinary actions that may heard in a school-based youth court program including:[31]

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[26] Mistene M. Vickers, "A Overview of School-Based Youth Court Program Design Options," *Selected Topics on Youth Courts*, National Youth Court Center, May 2004: 41, http://www.aidainc.net/Publications/monograph.pdf.
[27] *Ibid*.
[28] *Ibid*., at p. 44.
[29] *Ibid.*, at p. 44-45.
[30] *Ibid*., at p. 55.
[31] *Ibid*., at p. 55.

- Classroom disruption
- Persistent disobedience
- Failure to follow a reasonable request of a staff member
- Disrespectful and rude behavior
- Gum chewing
- Running in inappropriate places
- Not being prepared for class
- Note forgery
- Destruction of school property
- Mutual fighting on school property that doesn't result in injury
- Profanity
- Graffiti
- Smoking
- Possession of offensive material
- Academic dishonesty
- Misconduct in school or on the bus
- Excessive library fines
- Dress code violations
- Bullying
- Tardiness/skipping school
- Leaving school grounds without permission
- Truancy
- Curfew violations

According to the NYCC, minor juvenile offenses, including some summary offenses, are handled by some school-based youth courts. The appropriateness of these cases depend upon the level of training and sophistication of the youth court and the arrangements made with local law enforcement:

- Trespassing
- Shoplifting
- Simple assault
- Vandalism
- Possession of marijuana
- Possession of alcohol

Typical Sentencing Options School-Based Youth Courts Utilize

NYCC identified various consequences available and used by school-based youth courts, with community service as the most common form of sentencing. "Performing the community service in the location where the offense was committed brings home to youth the consequences of the offense."[32] The below chart summarizes common discipline used in school-based youth court programs:[33]

- Community service
- Counseling
- Educational classes
- Letters of apology
- Essays
- Researching a topic and giving a report to the youth court
- Jury duty
- Tutoring
- Victim impact panels
- Restitution
- Mentoring
- Police ride-along

Community Justice Panels

In Pennsylvania, community justice panels are usually referred to as youth aid panels, although a few are referred to as community courts. They serve as a diversion from formal juvenile justice proceedings in much the same way as juvenile justice-based youth courts do, which several notable exceptions. The "court" or "jury" in these cases is the panel, made up of adult volunteers from the community who are trained by the county. Referrals are made from law enforcement, such as the original investigator, a juvenile probation officer, or a member of the district attorney's staff. These panels are sentencing panels for first-time offenders who have admitted involvement in the incident under investigation. Disposition involves a contract that must be completed within an allotted time (usually a few months). Sentences are usually community service projects, written essays or reports, counseling, drug testing, community program participation, and restitution. Youth aid panels can be found in approximately 20 of the Commonwealth's 67 counties, with many located in southeastern Pennsylvania in Philadelphia and its four adjacent suburban counties (Bucks, Chester, Delaware, and Montgomery). However, they can also be found in Berks, Centre, Columbia, Cumberland, Franklin, Lancaster, Luzerne, Mercer, and York Counties as well. Westmoreland County's Youth Commissions are

[32] *Ibid*., at p. 57.
[33] *Ibid*., at p. 58.

recognized as the oldest established youth aid panels in the Commonwealth, in operation since the early 1960s.[34]

Truancy Courts

One common youth misconduct addressed by youth courts is truancy. In June 2003, the National Youth Court Center released a report outlining the role youth courts may play to address the chronic problem of truancy.[35] Pennsylvania law defines a "truant" as "a child subject to compulsory school laws having three (3) or more days of unexcused absences during the current school year."[36]

> Truancy is becoming a prevalent problem in too many communities across the nation. Youth courts can address this problem through adequately trained youth jurors and judge panels and appropriate services and sentencing options. Youth courts provide the young offenders with an opportunity to hear from their peers what they think of their behavior according to the laws in their community. Youth courts use the ever-present peer pressure in youth culture in a positive way to help youth who commit minor delinquent and status offenses receive appropriate consequences for their actions. Making consequences specific to the needs of each truant youth gives the young person a greater opportunity to improve his or her behavior and become a contributing member of the community. By working together, youth courts can be a positive resource for schools and communities in addressing early stages of truancy.[37]

While the causes of truancy are many and varied, the results of habitual truancy frequently are both poor academic performance and troubled behavior which may be a warning sign of delinquency.[38] In addition to the personal challenges facing truant youths, recurring truancy adds to the local court docket.[39]

An economic consequence of habitual truancy is truant youths may drop out of school and are more likely to be involved in the justice system. Consequently, these youth become adults with lower earning capacities which may lead to requests for public assistance. In 1999, the RAND Institute released a study supporting the statistic that youth who drop out of school over a lifetime cost taxpayers over $200,000 in government costs

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[34] Valerie Bender, *Best Practice Guidelines for Crime Victim Participation in Community Justice Panels within Pennsylvania's Juvenile Justice System.* Pennsylvania Council of Chief Juvenile Probation Officers. (1999). Supported by a grant from the Pennsylvania Commission on Crime and Delinquency. www.pachiefprobationofficers.org/docs/commpanel.pdf.

[35] Ramona Gonzales and Tracy Godwin Mullins, "Addressing Truancy in Youth Court Programs," *Selected Topics on Youth Courts*, National Youth Center, May 2004: 1, http://www.aidainc.net/Publications/monograph.pdf.

[36] Section 1326 of the act of March 10, 1949 (P.L.30, No.14) known as the Public School Code of 1949.

[37] Gonzales, *op.cit*. at p. 21.

[38] *Ibid*., at p. 5.

[39] *Ibid*. at p. 6.

(i.e. "public spending on social programs, incarceration costs, and income taxes generated").[40]

Problem-Solving Youth Courts

Youth court programs can address youthful underage drinking and other substance abuse issues. Along with underage drinking and driving, a youth's alcohol use may adversely affect adolescent development, impair physical and mental coordination, impede development of coping skills, and perhaps lead to violence and crime.[41] Early detection of a youth's alcohol use/abuse is important. Since the screening and assessment process serve as a crucial first step in helping a youth to change his/her behavior, this critical step should be completed on all youth entering a youth court program.[42] Once again, education and training for youth court staff is necessary for this critical screening to be completed effectively. If the initial screening uncovers a problem, a substance abuse treatment professional should complete an assessment.[43]

> Youth courts can serve as key partners in communities' efforts to combat the problem of underage drinking and can help communities enforce 'zero-tolerance' laws. However, to effectively address underage drinking cases in youth courts, coordinators must become familiar with issues surrounding the problem of substance abuse and develop and maintain solid partnerships with agencies in the community that can assist in providing adequate services for these youth.[44]

In 2006, the Commonwealth of Pennsylvania issued a Mental Health/Juvenile Justice Joint Policy Statement (the "Joint Policy Statement")[45] as a blueprint for creating a model system that responds appropriately to youth with mental health needs who may or do become involved in the juvenile court. The Joint Policy Statement, promulgated as part of Pennsylvania's participation in the John D. and Catherine T. MacArthur Foundation's Models for Change systems reform initiative, sets out a vision of a comprehensive model system that:

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[40] *Ibid*.,

[41] Tracy Godwin Mullins, "Underage Drinking and Other Substance Abuse: Opportunities for Prevention and Intervention by Youth Courts," *Selected Topics on Youth Courts*, National Youth Center, May 2004: 25, http://www.aidainc.net/Publications/monograph.pdf.

[42] *Ibid*., at p. 26.

[43] *Ibid*., at p. 27.

[44] *Ibid*., at p. 38.

[45] "Guide for Developing Pre—Adjudication Diversion Policy and Practice in Pennsylvania," prepared by the Diversion Subcommittee of the Mental Health/Juvenile Justice state work group of the Models for Change Initiative in Pennsylvania. September 2010. http://www.pccd.pa.gov/Juvenile-Justice/Documents/Pre-Adjudication_Diversion_Policy_Guide.pdf. The Joint Policy Statement was signed by the Pennsylvania Departments of Public Welfare and Education, Pennsylvania Juvenile Court Judges' Commission, Pennsylvania Council of Chief Juvenile Probation Officers, Pennsylvania Commission on Crime and Delinquency, Mental Health/Mental Retardation Program Administrators Association of Pennsylvania, and Mental Health Association in Pennsylvania.

- prevents the unnecessary involvement of youth who are in need of mental health treatment, including those with co-occurring substance abuse disorders, in the juvenile justice system; allows for the early identification of youth in the system with mental health needs and co-occurring disorders; and

- provides for timely access by identified youth in the system to appropriate treatment within the least restrictive setting that is consistent with public safety needs.

A key component of the Joint Policy Statement's vision of a model system is pre-adjudication diversion – providing opportunities for youth who would otherwise face formal processing in the court system to avoid an adjudication of delinquency or conviction for a summary offense and instead directing them into an alternative program, including treatment when appropriate. Juvenile-justice based youth courts can provide such an opportunity. This can serve many desirable goals, including avoiding stigma and a permanent record for the youth. Certain youth who would otherwise face a delinquency adjudication or conviction for a summary offense should be considered for pre-adjudication diversion. These include:

- First time offenders;

- Youth referred by magisterial district judges for failure to comply with a lawful sentence in summary offense cases; and

- Youth charged with misdemeanor/non-violent offenses.

Each county diversion policy should have written guidelines that set forth a formal referral process (including who is responsible for making referrals), the screening and assessment process, clearly articulated eligibility requirements, criteria for acceptance, procedures for non-compliance, and available community resources that can serve as alternatives to formal court processing.

CHALLENGES AND BENEFITS OF YOUTH COURTS

Most of the materials and analysis of youth courts nationwide are the result of surveys and studies conducted by the National Youth Court Center, the National Association of Youth Courts, and the American Youth Policy Forum. In general, these materials are dated, with an average age of 15 years or older. In some situations, this "aging" of research would diminish its relevancy. However, in terms of challenges facing youth courts and intangible benefits to students, schools, communities and society at large, the challenges are fundamentally unchanged. Additionally, the field of potential intangible benefits has grown. Yet a need for further research overrides all of these concerns.

Need for Restorative Justice Research

Clinical trials of interventions with adolescent offenders have become increasingly sophisticated and more scientifically convincing in their claims that interventions can produce sizeable reductions in criminal involvement of adolescents.[46] A variety of juvenile justice programs have been developed as "restorative justice" programs which are aimed at involving the adolescent, the victims of crime, and the community in resolving the violation of community norms that has occurred.[47] Evaluating the impact of restorative justice intervention is difficult because it is not entirely clear what constitutes a restorative justice program. A variety of interventions go by this name because they are guided by the general principles of a restorative justice approach. Furthermore, examinations of restorative justice programs often involve small, randomized trials so it is unclear what would happen if restorative justice was delivered on a widespread basis.

The definition of restorative justice is ambiguous enough to cover many different types of programs, even interventions that schools have been doing for years, such as student conflict resolution programs and student youth courts.[48] Teen courts, or student youth courts, offer a dispositional alternative to the traditional juvenile justice system in which the juvenile offenders' teenage peers hear facts surrounding the incident, deliberate, and determine a disposition, which often includes community service or alcohol and drug treatment.[49] Teen courts are based on the assumption that adolescents are more likely to be influenced by their peers as opposed to adult authority figures.

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[46] National Research Council. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. "Reforming Juvenile Justice: A Developmental Approach." 2013: 153. https://www.nap.edu/read/14685/chapter/1.

[47] *Ibid*., at p. 206-208.

[48] Trevor Fronius, Hannah Persson, Sarah Guckenburg, Nancy Hurley, and Anthony Petrosino. WestEd. "Restorative Justice in U.S. Schools: A Research Review." (February 2016): 1-2. https://www.wested.org/wp-content/uploads/2016/11/1456766824resourcerestorativejusticeresearchreview-3.pdf

[49] National Research Council, *supra* note 47, at 208-209.

Definitive studies about teen court outcomes have not been conducted, but there are numerous examples of positive results from teen court evaluations. In some evaluations, younger teen court participants had more positive perceptions about peer influence and teen court than older participants. This could be due to developmental characteristics or a greater likelihood that older youth have more delinquent peer associations, but research is needed to evaluate whether older youth are more likely than younger youth to offend after teen court and factors that may arbitrate to that potential relationship.

In addition to positive peer pressure, family status in the community was one of the strongest significant predictors of referral to teen court. Interventions which were found to have a positive program effect often included engaging parents and family members in the community based treatment. Conversely, a parent or family member's influence on adolescents is not always positive with some even contributing to the chaos and dysfunction in an adolescent's development. Furthermore, despite parental involvement being associated in many successful programs, focus groups reveal that parents are continually blamed for the youth's problems or regarded as obstacles and parental involvement is often overlooked as a program priority. Efforts are under way to involve families more in the juvenile justice process, but most models for parental involvement are still in the early stages of development and need further refinement and validation.

The application of evidence-based practices and sound, but not empirically tested, practices must occur in an environment that documents and monitors its operations and impacts.[50] Even if a program is implementing a brand name approach, it is necessary to collect data on youth/family characteristics, program practices, and outcomes for enrolled adolescents because it should not be assumed that a program for delinquents is effective or not. Monitoring should not simply be about whether a program did what it said it would do and worked in reducing reoffending, but it should also be used to apply a quality improvement model to help a program move toward a consistent use of practices that have been shown to improve performance.

It is important to know what an intervention accomplishes and how to improve that intervention when it is put into place. Efforts at measuring organizational and community-based program climates have been undertaken, some quality improvement strategies have been developed, and some research has been done on the effects of organizational dimensions and program content on outcomes, but the scope of this work is very limited. Ongoing organizational assessments and quality improvement processes are essential for improving the design, delivery, and ultimate effectiveness of services for juvenile offenders.

Research conducted in Pittsburgh schools in the past few years may be instructive for future restorative justice research. In 2014, Pittsburgh Public Schools was awarded a $3M Comprehensive Safe Schools Initiative grant from the U.S. Department of Justice National Institute of Justice to adopt restorative practices as a means of improving school safety.[51] The district decided to implement the SaferSanerSchools™ Whole-School

[50] *Ibid*., at p. 164-166.
[51] Pittsburgh Public Schools, "Pursuing Equitable Restorative Communities," accessed July 9, 2019

Change program designed by The International Institute for Restorative Practices (IIRP).[52] A total of 22 schools were designated as PERC (Pursuing Equitable Restorative Communities) including:

- 16 grades K-5 and K-8 elementary schools
- 4 grades 6-8 middle schools
- 2 grades 6-12 magnet schools
- 1 grades 9-12 high school (Brashear High School)

As part of this plan, the Rand Corporation was engaged to conduct a study on these practices to determine if they were effective. The study examined practices during the 2015-2016 and 2016-2017 school years. Key findings of the study include:

- Restorative practices were successful in reducing student suspensions overall.
- Restorative practices reduced suspension rates among elementary school students, African American students, students from low-income families and female students more than other groups.
- Restorative practices did not improve academic outcomes.
- Restorative practices did not reduce suspensions for middle school students.
- Restorative practices did not reduce suspensions for violent offenses.[53]

The program has been expanded to the entire district, and the district is providing training sessions for specialized restorative practices, often at the request of the teachers.[54]

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https://www.pghschools.org/Page/5027

[52] The IIRP is a private accredited special graduate school, licensed by the Pennsylvania Department of Education to offer master's degrees, graduate certificates, and professional development. The IIRP also works with schools and other organizations to implement restorative practices such a family group decision making, restorative conferences and restorative circles. Located in Bethlehem, Pennsylvania, the institute was licensed in 2006 and received accreditation in 2011. International Institute for Restorative Practices. "Defining Restorative." Accessed July 8, 2019, https://www.iirp.edu/restorative-practices/defining-restorative/

[53] Catherine H. Augustine, John Engberg, Geoffrey E. Grimm, Emma Lee, Elaine Lin Wang, Karen Christianson, and Andrea A. Joseph, "Restorative Practices Help Reduce Student Suspensions," Santa Monica, CA: RAND Corporation, 2018. https://www.rand.org/pubs/research_briefs/RB10051.html and "Can Restorative Practices Improve School Climate and Curb Suspensions? An Evaluation of the Impact of Restorative Practices in a Mid-Sized Urban School District." Santa Monica, CA: RAND Corporation, 2018. https://www.rand.org/pubs/research_reports/RR2840.html

[54] "Will a new approach to discipline improve Pittsburgh Public Schools? This New Data is Encouraging." NEXT Pittsburgh, January 4, 2019, cited at

Since 1989, the Commonwealth has conducted a survey of school students in the 6th, 8th, 10th and 12th grades to learn about their behavior, attitudes and knowledge concerning alcohol, tobacco, other drugs and violence. The Pennsylvania Youth Survey (PAYS) is sponsored and conducted every two years by the Pennsylvania Commission on Crime and Delinquency. The most recent survey results are due to be released in the spring of 2020. The survey assesses risk factors that are related to these behaviors and the protective factors that help guard against them. This information allows community leaders to direct prevention resources to areas where they are likely to have the greatest impact. [55] Although information regarding specific schools is not publicly available due to student confidentiality reasons, PAYS county-wide data can potentially help communities determine if a program like a youth court should be encouraged and supported.

Challenges

Universal challenges faced by any entity wishing to form a youth court include incomplete or non-existence data, finding steady funding sources and replenishing volunteer pools. Additionally, specific challenges apply to each type of youth court.

Juvenile Justice-Based Youth Courts

Juvenile-justice based youth courts face many of the same challenges of other courts, but have the advantage of being part of the state's juvenile justice system, which can lend legitimacy and community support to programs. The biggest challenge facing juvenile-justice based courts in Pennsylvania currently is sustainability and growth. Many reasons may exist for this, including a decision on the part of local courts, juvenile probation staff, and law enforcement leadership that other diversion programs are better suited to a particular community.[56]

Student Youth Courts

Historically, NYCC identified several specific challenges faced by school-based youth courts include:

- gaining the support of school administrators, teachers, guidance counselors, school resource officers, students, and their parents

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https://www.pghschools.org/site/default.aspx?PageType=3&DomainID=1339&ModuleInstanceID=8094&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=14045&PageID=5027

[55] Commonwealth of Pennsylvania, Commission on Crime and Delinquency. Pennsylvania Youth Survey (PAYS), https://www.pccd.pa.gov/Juvenile-Justice/Pages/Pennsylvania-Youth-Survey-(PAYS).aspx

[56] Conversations with Juvenile Court Judges' Commission staff.

- developing effective partnerships with the necessary social service agencies, including establishing broader resources for financial and political support[57]

- securing financial support to pay the program's adult coordinator (To cover operating costs, many youth court programs succeed in getting both monetary and in-kind donations, including grants.)[58]

- engaging adult coordinators who are willing to be responsible both to administer the program and to monitor the youth's compliance with the program's disposition and

    - recruiting and training youth to participate in the youth court program.[59]

These challenges remain a constant for those seeking to establish youth courts in schools.

Truancy Courts

While youth courts may assist with the issue of truancy, challenges exist. First, compared to other types of cases handled by youth courts, truancy cases require a great deal of staff time. Truancy cases demand careful staff screening and assessment combined with diligent monitoring and follow up. Considering the recurring nature of truancy, the youth court's goal is to intervene during the beginning stages of this pattern behavior before it becomes a habit. Second, since truant behavior is often rooted in many youth issues, youth court staff are unable to independently provide all of the services necessary to assist the youth and his/her family. Consequently, developing effective partnerships with social service agencies is necessary but time consuming. Collaboration with the agencies is compounded, since the shared information is both sensitive and confidential.[60]

Youth courts handling truancy issues are faced with another hurdle. Chronically truant youth often are dealing with sensitive issues, including family problems, academic failure, learning disabilities, special education determination, health-related issues, and/or conflicts with peers at school. Youth court staff must insure the peer volunteers receive appropriate confidentiality and sensitivity training to question, process, and utilize this type of information constructively.[61]

Intangible Benefits

Benefits to students, teachers, families, communities, and society in general derive many intangible benefits from being able to access alternatives to the formal juvenile justice system. All types of youth courts have the potential to provide students with opportunities to stay out of trouble.

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[57] *Vickers note 26* p. 47-48.
[58] *Ibid*., at p. 48.
[59] *Ibid*., at p. 50-51.
[60] *Gonzalez note 35*, at p. 9-10.
[61] *Ibid*., at p. 10.

Since the 1990s, zero tolerance school disciplinary policies have contributed to an increase in out-of-school suspensions, expulsions and referrals to law enforcement for school disciplinary infractions. These referrals, in turn, are believed to be a contributing factor in the "school-to-prison pipeline," the concept in which students are funneled out of schools and into juvenile delinquency proceedings. Once removed from schools, students lose educational time and positive social influences and are more likely to be suspended or expelled in the future, dropout, fail academically, and be exposed to opportunities to further engage in delinquent behavior.[62]

The U.S. Departments of Justice and Education jointly issued federal guidelines to improve school climate and discipline in 2014.[63] Among the principles espoused by the guidelines was "[S]chools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students."[64] The guidelines recommend the use of evidence-based prevention strategies, such as peer mentoring, as well as social and emotional learning experiences to complement academic skills and encourage positive behavior.

> Schools should identify key social and emotional competencies that support the school's goals for a positive school climate and academic achievement. By providing students with opportunities to practice, receive constructive feedback, and reapply these skills, social and emotional learning programs encourage students to closely examine their own behaviors and choices, consider the effect of their behavior on themselves and their communities, and think about what they might have done differently.[65]

The National Council of Juvenile and Family Court Judges (NCJFCJ), with OJJDP and other funding, began a School Pathways Project in 2012 to initiate a national response to the high proportion of delinquency referrals from schools to juvenile courts experienced in many regions of the country. In particular, the council was concerned about the proportion of referrals for non-violent acts and relatively minor misdeeds that have been a consequence of zero tolerance disciplinary policies. Of particular note for this study is the recognition that there is a lack of reliable data and that that any process that seeks to change school disciplinary processes can be lengthy and time consuming.[66] The Justice Center of the Council of State Governments (CSG) prepared a report in 2014 that similarly looked for ways to divert students from the juvenile justice system. They, too, found a formidable

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[62] *See,* Commonwealth of Pennsylvania, Joint State Government Commission. *Violence Prevention in Pennsylvania: Report of the Advisory Committee on Violence Prevention* (December 2013); *Truancy and School Dropout Prevention: Report of the Truancy Advisory Committee* (October 2015); and *Discipline Policies in Pennsylvania's Public Schools: Report of the Advisory Committee on Zero Tolerance School Discipline Policies* (October 2016).

[63] U.S. Department Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline.* Washington, D.C., 2014.

[64] *Ibid,* p. 6.

[65] *Ibid,* p. 7.

[66] National Council of Juvenile and Family Court Judges, *Judicially-Led Responses to the School Pathways to the Juvenile Justice System Project: An Overview of the Lessons Learned.* Reno, NV, 2016: Author

lack of available data. Both the NCJFCJ report and the CSG report acknowledged the use of youth courts as a diversionary program.[67]

Civic Engagement

Since the 1970s, there has been a growing interest in the intersecting areas of youth civic development and law-related education. Both concepts aim to assist adolescents in growing into adulthood as knowledgeable, engaged citizens who are connected to society as a whole and who are active participants in community and political processes. Civic literary, social skills such as active listening and perspective taking, as well as leadership and public speaking are all found to be positive outcomes of educating youth in civic life. Restorative community justice is considered a promising approach to helping youth develop civic skills.[68] Student youth courts are uniquely positioned to assist in youth civic development and education in the law and citizenry. Holding youth courts in the classroom, especially when it is part of an overall civic curriculum can take advantage of what is known as "situated learning."[69] This theory envelops the idea that students learn by actively participating in communities of practice. Students learn the practices of a community and participate with those who have mastered skills. Students are not learning in a linear fashion but rather peripherally: students can develop an understanding of the practice of law and court proceedings through mentors and relate this understanding to their own experiences and interests. Students in this community of practice acquire information in this social process. Within a school setting, the exchange of ideas that takes place among students and mentors helps students identify with the goals of the youth court. This sense of community encourages students to communicate ideas and become actively engaged in their learning. Youth courts in the classroom create an opportunity for situated learning for respondents, court members and the class as a whole. Participating in the court itself has many potential benefits for the student to learn about civics and the law, but also provides opportunities to work with volunteers such as law students, judges, lawyers, and other community volunteers serving as mentors who model positive behaviors for the students. Additionally, legitimate peripheral participation such as watching and observing the court in action, can aid disengaged students in understanding the process and may ultimately lead to their willingness to take a more active role.

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[67] E. Morgan, N. Salomon, M. Plotkin and R. Cohen, *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System,* New York: The Council of State Governments Justice Center, 2014.

[68] Constance A. Flanagan and Nakesha Faison. *Youth Civic Development: Implications of Research for Social Policy and Programs,* Social Policy Report. Vol.XV, Number 1. Ann Arbor: MI,: The Society for Research in Child Development, 2001: 9. Dr. Flanagan is Vaughan Bascom Professor of Women, Family, and Community in the Department of Civil Society and Community Studies, and Associate Dean, School of Human Ecology at the University of Wisconsin-Madison. She has been researching and writing about civic development in youth for over 20 years.

[69] Jean Lave and Etienne Wenger. *Situated learning: legitimate peripheral participation*. Cambridge [England]: Cambridge University Press, 1991.

Student and Teacher Responses

With quantitative data on youth court savings and benefits lacking throughout the United States, Pennsylvania data was even more difficult to ascertain. Schools which did gather data to measure the effectiveness of youth courts, often didn't openly publish the information or have it readily available. While it may be subjective in nature, valuable information can still be collected from those involved with youth courts.

AMY Northwest Middle School

Among the paperwork AMY Northwest, a middle school in the Philadelphia School District, utilizes for its program is a Youth Court Member Survey.[70] According to the survey, 96 percent of youth court members believed it was important that youth court is run completely by students and 89 percent of the students have changed their views on punishment. Below are several quotes from the Youth Court Member Survey:

- The most important thing I learned in youth court was how to find better solutions to real world problems and how to become a leader in my school.
- I learned to understand other people's point of view.
- Before I came to youth court, I thought a punishment had to be mean and it had to make a person feel bad about what they have done.
- Youth court helped me improve my public speaking skills.
- Youth court changed my opinion about punishment because you get to hear their side of the story and you stick by their side and make sure everything goes well.
- Youth court is not here to get you in trouble, it's here to help and give everyone a second chance at correcting their mistakes.

Boyer Charter, Franklin City-Wide, and Rodriquez Magnet High School

Existing literature seldom examines youth court from an organizational, capacity-building perspective or investigate whether youth court hearings reveal the systemic forces causing misbehavior and if such insights have a meaningful impact on school and/or classroom policies and practices.[71] Much of the existing literature on youth court focuses

[70] E-mail containing files from John Papiano, Youth Court Specialist: Philadelphia School District, April 11, 2018 (on file with the Joint State Government Commission).
[71] Dr. Marc Brasof, "Meeting the discipline challenge: Capacity-building youth-adult leadership." *Journal of Educational Chang* (June 14, 2019), https://doi.org/10.1007/s10833-019-09343-5

on youth experiences and outcomes, such as reduced recidivism. In order to understand what youth court reveals about the causes of in-school conflicts and to what extent its processes help to address them, a multi-site qualitative case study collected data in the form of observations, documents, semi-structured and focus group interviews.

Three northeastern Pennsylvania schools were identified for the study, including a charter school (Boyer, K-8), a city-wide admission school (Franklin, K-12), and a magnet high school (Rodriquez). All three schools conducted classroom-based youth courts for at least one year,[72] received 100 percent Title I funding, served mostly African American and Latino students, and were located in urban, economically struggling or gentrifying neighborhoods. Several qualitative strategies were utilized to document youth court trainings, proceedings, and outcomes during the 2014 - 2015 academic school year.

The youth court hearings provided vital information about conflict, which enabled students to design effective interventions for individuals with self-regulation and social relation problems. A dialogical approach revealed important individual and contextual factors necessary to understanding instances of misbehavior and, in most cases, were successful at getting peers to talk more extensively about behaviors, their views on the causes of conflict, and the impacts of their actions on themselves and others. The case study concluded the following:[73]

- Youth courts not only help the respondent (student offender), but have the POTENTIAL to improve school climate;

- Youth courts give students a voice in school discipline and build schools' capacities to adapt/change for improvement across a wide-range of quality indicators;

- School disciplinary systems focus too much on just what the student has done wrong, instead of factoring in all the forces that engender misbehavior;

- Youth courts can improve youth-adult relationships in schools;

- The power imbalance between students and teachers can be modified via youth courts; and

- Youth courts have potential to improve the entire disciplinary process by uncovering systemic problems created by adults.

[72] Schools selected for the study needed to have practiced youth court for at least one year so that implementation issues could be deemphasized, but implementation issues still existed to varying degrees at all three sites during the study.

[73] E-mail containing information from Dr. Marc Brasof, Associate Professor of Education, Arcadia University, July 3, 2019 (on file with the Joint State Government Commission).

Building 21, Philadelphia School District

Building 21, within the Philadelphia School District, currently has one youth court run by 12th graders which handled over 300 level 1 infractions and heard over 95 cases.[74] The youth court consists of one teacher, 15 students, and some volunteers that occasionally speak to the students. Approximately $600 was spent on building a court room setting to create an authentic experience for the students, but no additional costs were needed to operate the youth court. In order to build some sustainably, a second teacher at Building 21 is being trained to take over youth court.

Staff involved with youth court at Building 21 noted that the value of youth court is unmatched and there isn't another class that provides the same level of critical thinking, public speaking, problem solving and teamwork skills. The amount of time and resources delegated to disciplining those 300 hundred offenses would have taken over 100 hours of work which the principal or administration are now able to focus towards educating children. More importantly, due to the time constraints that most administrations are under, discipline is typically quick and heavy handed or ignored. Youth Court offers a way to help deal with discipline in a more thoughtful and restorative way which impacts the student's behavior at the core. In addition to the skills acquired by the students, Building 21 has seen a reduction in suspensions and infractions since the inception of youth courts. See table 1.

Table 1

Philadelphia School District, Building 21
Suspensions and Infractions
2017 - 2018

	2017	2018
Number of Infractions	2,269	836
Students with no Suspensions (percentage)	92.8%	96.9%
Students Attending 95% of the School Days or More (percentage)	57.9%	62.1%

Source: E-mail containing youth court information from Micah Winterstein, Teacher, Building 21, Philadelphia School District, June 25, 2019 (on file with the Joint State Government Commission).

[74] E-mail containing youth court information from Micah Winterstein, Teacher, Building 21, Philadelphia School District, June 25, 2019 (on file with the Joint State Government Commission).

Chester Upland School District

During the 2011-12 school year, the Stoneleigh Foundation commissioned Research for Action (RFA) to conduct a study of Chester Upland School District (CUSD) youth courts to explore the benefits of youth courts for the students who serve in court roles, examine contextual supports and challenges to implementation of school-based youth courts, and to suggest ways in which the challenges to implementation and research might be mitigated.[75] The RFA ran into a number of challenges, including a selection bias which prohibited a rigorous examination of the degree to which youth courts affected the academic performance of participants. The analysis did reveal that the long-term academic performance of youth court volunteers and respondents was significantly stronger than that of their peers who did not participate in the following ways:

- Significantly more volunteers graduated than non-volunteers (79% vs. 47%);
- Significantly fewer volunteers dropped out of school than non-volunteers (6% vs. 21%);
- Significantly more respondents than non-respondents graduate (71% v. 49%); and
- Significantly fewer respondents dropped out of school than non-respondents (10% v. 21%).

While the study could not point to evidence for a causal link between youth court participation and those positive long-term academic outcomes, it did uncover a number of promising ways in which youth court participation may support volunteers' and respondents' achievement of those outcomes.

- **Academic behaviors**. Academic behaviors are indicators of good student behavior. Youth court participation reinforced three important academic behaviors: attendance, participation, and being organized.
- **Academic mindset**. An academic mindset is directly related to a student's persistence with school work, which, by extension, contributes to their academic success. Youth court participation encouraged four features of positive academic mindsets: a sense of belonging to an academic community, perceived growth in academic capacity through effort, perceived possibility of success, and students' recognition of the value of hard work.
- **Social skills**. Social skills linked to academic performance include interpersonal skills, cooperation, empathy, and responsibility. Youth court participation cultivated these skills.

[75] Michael H. Norton, Eva Gold, Ph. D. and Renata Peralta. Prepared by Research for Action. "Youth Courts and their Educational Value: An Examination of Youth Courts in Chester, Pennsylvania." March 2013.

- **Reduced recidivism**:[76]
  - Fewer respondents committed multiple disciplinary infractions after their youth court hearings than referred students who did not attend youth court hearings (26% v. 33%).
  - Fewer respondents received multiple suspensions after their youth court hearings than referred students who did not attend youth court hearings (22% v. 29%).
  - A substantial majority of respondents did not commit multiple disciplinary infractions after their youth court hearings (75%).

- **Positive peer pressure**. Both youth court advisors and volunteers cited the power that positive peer pressure exerted on respondents to be contributing members of their school communities and to "clean up their act." Through peer pressure, volunteers were helping respondents stay attached to their school communities.

Toby Farms Middle School

The 7th and 8th grade students from Toby Farms, a middle school in Chester Upland School District, were asked to share their experiences with youth court.[77] Their responses demonstrate how a youth court program can affect the students from multiple perspectives. Below is a sampling of the program's impacts from the students themselves:

Regarding the Student Volunteer's Experience

- Youth court made me understand people need help with how they act and need other people to help them see perspectives and find another way to stay out of trouble.
- The most important thing I learned in youth court was how to find better solutions to real world problems and how to become a leader in my school.
- I learned different situations from the respondent's view, the teacher's view and other perspectives. I learned to be careful how I say things.

[76] Recidivism rates are based on a comparison between 223 "respondents" (students who chose youth court and attended) and 218 "referrals" (students who chose youth court, but never attended a hearing) who committed multiple disciplinary infractions and received multiple suspensions after their initial referral to a youth court. Differences in recidivism between the two groups cannot be causally attributed to youth court participation due to the selection biases associated with an inconsistent referral process and students' self-selection to attend hearings.

[77] E-mail containing files from Gregg Volz, Founder, Pennsylvania Youth Courts, June 12, 2018 (on file with the Joint State Government Commission).

- You're a kid just like them. Everyone has problems and gets in trouble, but youth courts make you a better person. I want to go to youth courts and help kids.

Regarding the Respondent's Experience

- I think that youth courts really help if the respondent has an abusive parent. If they do and you suspend them, they get beaten. Youth courts means they don't get beat.

- The Youth Advocate. If the respondent had no one, he will feel guilty. He feels he has someone on his side.

- The most important part is restorative justice because punishment isn't good. I think everyone deserves a second chance.

- Without a disposition, the respondent would just do the same thing again.

Regarding the Overall Experience

- I think in youth courts, we learned about justice, not punishment and the way to do things better.

- When kids don't care, youth court doesn't work.

- Youth court is helpful - it teaches kids to not judge anyone by their cover [their "outside," like a book cover].

- Gives [students] the perspective of a real court.

Upper Darby School District, Delaware County

Upper Darby School District has a an active youth court system consisting of a section at the Drexel Hill Middle School, two sections at Beverly Hills Middle School, and three sections at Upper Darby High School.[78] There is currently one teacher involved with the youth courts at each school. Training was a one-time cost of about $12,000 for the 6 youth court sections. Costs for a full time teacher at the high school, a half teacher at Beverly Hills and a quarter teacher at Drexel Hill who are involved with the youth courts also have to be taken into account. The full time position at Upper Darby High School was estimated to be about $100,000 for salary and benefits with all of the funding coming from the school district's budget. Some of the benefits experienced at Upper Darby School District are highlighted for:

[78] E-mail containing youth court information from Dr. Greg Manfre, Director of Secondary Education, Upper Darby School District, June 25, 2019 (on file with the Joint State Government Commission).

- *The respondent who has to attend youth court* - The opportunity to be heard, and to repair the damage that his/her actions have caused. The chance to have restorative consequences versus punitive consequences;

- *The participants who conduct the youth court* - Learning about our justice system and the opportunity to participate in a restorative approach. These students learn presentation skills and numerous life lessons; and

- *The community/others* - The teachers have reported that relationships with challenging students have improved greatly.

Other Identified Benefits of Student Youth Courts

The NYCC concluded that "[I]n essence, school-based youth courts are a win-win situation,"[79] citing five benefits. These include:

- While being held accountable for their actions by their peers, youth offenders are connected to helpful services.

- Student volunteers have a chance to identify and help solve school and community issues.

- Through participating in the youth court process, teachers appreciate their concerns about youth issues are being heard.

- Teachers have an opportunity to put "law-related education into actual practice."[80]

- "Parents are receiving support they need to hold their children accountable."[81]

- While keeping students in school, school administrators benefit from having a referral program that provides a meaningful consequence.[82]

[79] *Vickers note 26*, at p. 62.
[80] *Ibid*.
[81] *Ibid*.
[82] *Ibid*.

Other Identified Benefits of Truancy Courts

Along with youth and schools, the juvenile justice system benefits from a truancy court system. This alternative disposition system for truancy allows the juvenile system to focus on "more serious, violent, and chronic offenders."[83] Moreover a youth court is able to respond to a truancy issue soon after it occurs, increasing the chance of stopping repeated truancy perhaps before it "spirals out of control."[84]

Lastly, truancy courts benefit both families and the community. In addition to educating parents about compulsory education laws along with school policies and procedures, youth court staff may reinforce parents in teaching youth the importance of attending and staying in school. Plus, these courts confront truancy issues quickly offering immediate consequences in hopes of eliminating future truant behavior. The community, too, may reap the benefits of a truancy court system. Studies support addressing truancy can decrease the daytime crime rate, resulting in community cost savings.[85]

[83] *Gonzalez at 35.*
[84] *Ibid*.
[85] *Ibid*.

In the summer of 2018, Commission staff conducted a survey of public schools and juvenile probation offices in Pennsylvania to ascertain whether any of those entities were sponsoring youth courts in their respective jurisdictions.[86] Return rates for both the schools and the juvenile probation offices exceeded 70 percent. Additionally, staff searched for youth courts that have been mentioned in publications and articles concerning youth courts. This chapter summarizes the active youth courts found in Pennsylvania during the course of this study. Appendix B includes the more detailed summary responses for individual entities.

School-Based Student Youth Courts

School-based student youth courts are the most uncommon of youth court programs in Pennsylvania, but several exist, primarily in the Southeastern Region of the Commonwealth. Eleven school districts and two charter schools were identified as using youth courts for school discipline matters.

Chester-Upland School District in Delaware County is one of the oldest of these types of youth courts, established more than 10 years ago. In 2018 it was in operation in six middle schools and one high school. Plans for expansion would result in three courts at Chester High, one at the STEM Academy at Showalter (high school), one at Stetser Elementary (K-6), 4 at Toby Farms Middle School, and one each at Chester Upland School of the Arts (K-5) and Main Street Elementary (K-5).

In the past three to five years, the Norristown and Pottstown school districts have also begun programs. ***Norristown Area School District*** established a Restorative Justice Youth Court under the guidance of the Montgomery County Public Defender's Office in 2014. In the spring of 2019, the Pennsylvania Commission on Crime and Delinquency issued a $350,000+ community violence prevention grant to the ***Pottstown School District***, a portion of which will support a youth court program at Pottstown Middle School. The Montgomery County Public Defender's Office expects to implement the program for the 2019-2020 school year.[87]

[86] Survey responses are on file at the Commission offices.
[87] Holly Herman. "At Pottstown Middle School, a jury of their peers." *The Reading Eagle*. May 19, 2019. https://www.readingeagle.com/news/article/at-pottstown-middle-school-a-jury-of-their-peers

The ***Philadelphia School District*** uses a number of different restorative justice programs to address student discipline.[88] The district has had different programs establishing teen courts since the late 1990s. Less than 10 years ago, the U.S. Attorney's Office aided in the implementation of youth courts at Strawberry Mansion High School. Law students from the Temple University Beasley School of Law volunteered with the program, introducing restorative justice practices to the school.[89] This program no longer exists. Financial and other troubles have led to speculation that Strawberry Mansion, which has a capacity for 1,800 students, but has a 2019 enrollment of less than 200 students, might be closed or converted into a different form of education center.[90]

The Philadelphia School District has continued to support youth courts in other schools, however, and as of July 2019, district supported youth courts for students in grades 6 through 12 can be found at:

Academy at Palumbo High School
Thomas Alva Edison High School
Jules E. Mastbaum High School
Academy for the Middle Years Northwest
Warren G. Harding Middle School

These schools enroll students in grades K-8, but only 6th-8th grade students participate in youth court:

Ethan Allen Elementary
George Sherwood School
Grover Washington School
Samuel Gompers School

Additionally, independent youth courts, not given direct support from the district, are found at:

South Philadelphia High School
Building 21
High School of the Future
Franklin Learning Center

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[88] The School District of Philadelphia. Office of Climate and Safety Bulletin. April 2019. https://www.philasd.org/schoolclimate/wp-content/uploads/sites/152/2019/04/Climate-and-Safety-Newsletter-April-20193.pdf

[89] Alex Dutton. PSJD Pro Bono Publico Award Recipient, 2014-2015 (Temple University Beasley School of Law). PSJD Blog. "Restorative Justice at Strawberry Mansion High." April 9, 2015. https://blog.psjd.org/2015/04/

[90] Kristin A. Graham. "Forever Mansion? At Strawberry Mansion High, just 169 students attend a school built for 1,800. It has a new principal, promises of support, and an outsize place in its students' lives. Still: Can it survive?" *The Philadelphia Inquirer.* March 27, 2019. https://www.inquirer.com/education/a/strawberry-mansion-high-school-revival-philadelphia-school-district-20190327.html

It is anticipated that the school district will add 9 more district support schools in 2019-2020.

Universal Institute Charter School, one of Philadelphia's 87 brick-and-mortar charter schools, also instituted a student youth court within the past three years.

In Franklin County, the ***Chambersburg Area School District***, as part of an initiative by the Franklin County Criminal Justice Advisory Board Juvenile Justice Committee, established a youth court in 2017.[91] Following the lead of the Chambersburg district, the ***Waynesboro Area School District*** school board voted in 2018 to become part of the county youth court initiative and establish its own youth court. [92]

Also within the last three years, ***Athens Area School District*** in Bradford County, ***Cheltenham School District*** and ***North Penn School District*** in Montgomery County, and ***Upper Darby School District*** in Delaware County have established school-based student youth courts.

Manchester Academic Charter School (K-8) in Pittsburgh established a youth court around 2015. Students in grades 7 and 8 participate in the program, which receives assistance and mentoring from the attorneys and staff members of the Schnader Law Firm in Pittsburgh.

Brashear High School, one of 56 schools in the school district of the city of Pittsburgh known as the ***Pittsburgh Public Schools,*** has implemented a youth court as part of an overall move to implement restorative practices in the district.[93] This initiative in Pittsburgh was supported by the Pennsylvania Office of Attorney General through its Office of Public Engagement,[94] the Project PEACE Program,[95] and the Western Pennsylvania Youth Court Initiative, with the program implemented in the 2017-2018 school year.

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[91] Becky Metrick. "Youth offenders judged by their peers in New Youth Court Program." *Public Opinion*. March 31, 2017. https://www.publicopiniononline.com/story/news/crime/2017/03/30/young-offenders-judged-their-peers-new-youth-court-program/99740432/

[92] Andrea Rose. "Waynesboro Area School District gives youth court a green light." *The RecordHerald.com.* August 30, 2018. https://www.therecordherald.com/news/20180830/waynesboro-area-school-district-gives-youth-court-green-light

[93] *Supra,* note 51.

[94] The Office of Public Engagement offers a number of free educational programs to help school personnel, students, parents and the community empower Pennsylvanians with knowledge to keep them safe and to make good decisions. https://www.attorneygeneral.gov/office-of-public-engagement/

[95] A partnership of the Pennsylvania Bar Association, the Pennsylvania Bar Foundation and the Pennsylvania Office of the Attorney General. http://www.pabar.org/site/For-Lawyers/Committees-Commissions/Law-Related-Education/Projects-and-Programs/Project-PEACE.

Juvenile Justice-Based Youth Courts

Most youth courts in Pennsylvania are juvenile justice-based. Frequently operated at the county level, there are a few that are school specific. Juvenile justice-based youth courts are supervised and supported by the county Juvenile Probation Office. Juvenile justice-based youth courts have been identified in seven counties, providing youth court services to approximately 34 public school districts, four parochial schools and a charter school. According to the 2018 dispositional statistics reported by the Juvenile Court Judges' Commission, 12,042 juvenile delinquency cases were "informally disposed," in comparison to the 5,259 cases in which the youth was adjudicated delinquent. Informal dispositions include informal adjustments supervised by a juvenile probation officer, consent decrees agreed upon with the District Attorney after a petition is filed, assignment of community service work, or other pre-petition processing by the juvenile probation department.[96]

Two school districts in Allegheny County have stand-alone peer jury programs that hear low-level juvenile offenses. ***Keystone Oaks School District*** is a small, suburban Pittsburgh school district. The Peer Jury School-Based Diversion Program was established during the 2012-2013 by the school resource officer.[97] The School Resource Officer/Safety Coordinator refers cases of first-time offenders who commit violations that would otherwise result in the filing of formal criminal charges. The program operates in the district's middle and high school. The peer jury is drawn from a pool of student applicants who write an essay on why they want to participate. A teacher recommendation is also required. Cases heard include misdemeanors such as theft, possession of marijuana, possession of drug paraphernalia, vandalism, simple assault, criminal mischief and possession of a weapon at school, as well as summary offenses such as underage drinking and disorderly conduct. A contract is developed by the jurors and the offender that may include the need for drug, alcohol or mental health evaluations, anger management classes, abiding by curfew, improving grades and writing essays or apology letters.[98]

Quaker Valley School District, comprised of nine boroughs and two townships in Allegheny County. In 2015, the school resource officer that established the Keystone Oaks peer jury program became the school resource officer for Quaker Valley, where he established the Quaker Valley Peer Jury Program. Under this program, the resource officer decides if an offense is appropriate for referral the peer jury. The offender must admit guilt and consent (with his/her parents) to the referral. The peer jury is drawn from a pool of student applicants who write an essay on why they want to participate. A teacher recommendation is also required. Each administrator for a peer jury, with input from local

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[96] Pennsylvania Juvenile Court Judges' Commission, 2018 Juvenile Court Annual Report. https://www.jcjc.pa.gov/Research-Statistics/Disposition%20Reports/2018%20Juvenile%20Court%20Annual%20Report.pdf.

[97] Keystone Oaks School District, District Level Plan, 07/1/2016-06/30/2019 at 23. http://www.kosd.org/Downloads/Keystone%20Oaks%20SD%20Comprehensive-Plan%20-%2010-22-2015.pdf

[98] Deanna Carpenter. "Peer jury at Keystone Oaks High offers alternative to judicial system." *The Post Gazette.* November 25, 2014. https://www.post-gazette.com/local/.../Peer-jury...Keystone-Oaks.../201411260106

law enforcement personal decide which offenses are eligible for referral. They may include: criminal mischief, institutional vandalism, disorderly conduct, possession of a controlled substance, possession of drug paraphernalia, possession of marijuana, possession of tobacco, truancy, underage drinking, harassment, simple assault and minor violations of the weapons policy. Consequences are typical of most youth courts, and the peer jury is encouraged to be creative in ways to provide accountability, competency development, and victim restoration.[99]

Blair County Juvenile Probation Office administers the Blair County Peer Jury Program, established in the 1993-1994 school year. The program is for first time offenders. The jury is composed of students from Blair County high schools. School districts in Blair County include: ***Altoona Area, Bellwood Antis, Claysburg-Kimmel, Hollidaysburg Area, Spring Cove, Tyrone Area*** and ***Williamsburg Community.*** Students are appointed as sophomores, receive two-days training with probation office professionals and serve until graduation. The jury meets six times a year at the county courthouse. Offenses include theft, assault, marijuana possession, retail theft, criminal mischief, disorderly conduct, trespass, and other misdemeanors. Dispositions may include a letter of apology, paying restitution, writing an essay, community service, counseling, drug testing, and a tour of the prison.[100]

The Clearfield County Teen Court Program was established in 1994. School districts in the county include ***Clearfield Area, Curwensville Area, DuBois Area, Glendale, Harmony Area, Moshannon Valley, Phillipsburg-Oceola Area,*** and ***West Branch Area.*** Additionally, two parochial schools, ***Dubois Central Catholic*** and ***Clearfield Alliance Christian School,*** also participate in the teen court program. Hearings are held at the county courthouse. The program is funded by a combination of grants from Clearfield County, Clearfield Borough, Sandy Township Supervisors, two private foundations and each participating school district or private school. Contributions totally $16,550 were received for the 2018-2019 term. In 2017, 300 volunteers from the participating schools, at least 15 adult volunteers participating as judge, adult attorney assistant of tipstaff. In 2017, 22 referrals were made to the teen court program. There are established juror rules and regulations, and a written agreement by an offender to participate in the program is required. The program is for first time offenders who have committed offenses such as compulsory attendance, tobacco violations, criminal mischief, disorderly conduct, underage drinking, harassment, retail theft, school expulsions, bus discipline, and others. Community service, peer jury service, counseling session, restitution, clean up of damages, written or verbal apologies to victims and essays, as well as other special dispositions may be imposed.[101]

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[99] Quaker Valley School District, Safety & Security. Quaker Valley Peer Jury Program. https://www.qvsd.org/apps/pages/index.jsp?uREC_ID=1325885&type=d&pREC_ID=1615846 (accessed July 10, 2019).

[100] Hannah Klein, Gregg Volz. "A Snapshot of Pennsylvania Youth Courts." December 2011. https://stoneleighfoundation.org/wp-content/uploads/2018/03/A-Snapshot-of-Pennsylvania-Youth-Courts.pdf

[101] Teen court forms and information provided with school survey forms and on file in the Commission offices. Additional information found at Elaine Haskins, "DuBois Area School District to support Teen

The oldest peer jury program in Pennsylvania was established in 1982 by the Erie County Juvenile Court. Of the 13 school districts in the county, four currently participate in the peer jury program: ***Erie City, Fairview, Fort LeBoeuf,*** and ***General McLane.*** Additionally, two parochial schools, ***Mercyhurst Preparatory School*** and ***Villa Marie Academy,*** as well as one charter school, ***Perseus House Charter School of Excellence*** also participate in the teen court program. Each school selects two students to serve for a session of peer jury. A judge, public defender and district attorney usually help provide training, and probation officers assist in presenting mock trials as part of the training as well. Cases are referred by the juvenile probation intake unit, and involve misdemeanor offenses. Not all cases are first-time offenders only; if a youth has completed a prior disposition and the offense is relatively minor, they can be referred to peer jury again. Dispositions frequently include letters of apology and community service.[102]

The Clinton County Teen Court was originally established in the late 1990s, but became inactive after several years. The court was revived in the fall of 2008 by the then newly elected district attorney and a newly elected common pleas judge. Court is held monthly in one of the courtrooms of the county court. The jury, prosecuting and defense attorneys are all teens. Referrals are made to the Teen Court Coordinator by the court, the juvenile probation office, or the magisterial district judge. Local attorneys volunteer to act as coaches for the teen attorneys. Sanctions may include restitution, community service, counseling, written essay, and/or apology to the victim. The program has been found successful by its coordinators, and the teen court has heard 147 cases as of July 8, 2019. 128 youth successfully completed their dispositions, while did not and had their cases returned to either the magisterial district justice or juvenile court for further proceedings.[103]

The Greene County Juvenile Probation Office administers the Greene County Peer Jury Program, established in 2017. The program is for first time offenders. The jury is composed of students from four of five Greene County high schools. ***Carmichaels Area, Jefferson-Morgan, Southeastern Greene*** and ***West Greene*** School Districts all participate in the program. Each school appoints from 5-9 students to the panel who serve until the graduate. The program is a combined effort of juvenile probation, the magisterial district judges and the county community service director. The jury meets on average six times a year at the county courthouse, and oversees 25-30 cases per year. Offenses include low-level criminal offenses and dispositions frequently include community service. Originally all referrals came from the juvenile justice system, but beginning in 2019, principals may refer cases to the court as a diversion before filing a citation with the district justice. Parental feedback surveys are conducted for the parents of respondents and it is believed that the program has been very successful.[104]

Court," *The Courier Express.* May 31, 2018. http://www.thecourierexpress.com/news/dubois-area-school-district-to-support-teen-court/article_51596c3f-bee8-51ff-98f0-11efb8cd5b6b.html

[102] Telephone conversation with Supervisor Kirk Brabender, who oversees the peer jury program, Erie County Juvenile Probation Office, July 11, 2019.

[103] Correspondence received from Joan Welfling, Clinton County Court of Common Pleas, July 17, 2019.

[104] Telephone conversation with Jennifer Rizor, Greene County Juvenile Probation Officer, July 11, 2019.

Warren County School District in Warren County indicated that it participated in the Warren County peer jury program, the existence of which program was confirmed by the Warren Juvenile Probation Office in its survey response.

In 2011, Washington County reported that its Juvenile Probation Office provided peer jury services in all 14 school districts in the county.[105] In response to the Commission's survey, eight school districts self-identified as having a juvenile-justice based youth court in 2018. Those districts are: ***Bethlehem-Center, Burgettstown Area, California Area, Charleroi, Chartiers-Houston, Fort Cherry, Peters Township*** and ***Ringgold.*** Canon-McMillan and Washington school districts responded that they did not have a youth court. Avella Area, Bentworth, McGuffey and Trinity Area school districts did not respond to the survey.

Based on the affirmative surveys received, the Washington program appears to have been in operation for over ten years. The peer jury program functions as the high school level. The program is operated outside of class, as an extracurricular activity. Panel members are recommended by the teacher, counselor or principal and can be a past respondent. Respondent referrals are made by the juvenile justice system (juvenile probation, local police), sometimes in conjunction with the school principal. Funding is provided by the local school districts. Restitution or community service are frequent dispositions, as are letters of apology, drug and alcohol testing, counseling, anger management therapy, and curfews. First time offenders who have committed minor offenses, such as simple assault, simple possession, and retail theft are eligible for the program and sign a contract that is enforceable by Juvenile Probation. Each participating school selects 7-10 students to serve on the countywide panel. Four of the survey respondents rated the program on a scale of one to five, with five being the most effective: three of the schools rated the program a five, and one rated it a 3.

Police Diversion Programs

The Philadelphia Police School Diversion Program was implemented in 2014, in part a response to the burgeoning growth of student arrests under zero tolerance school discipline policies developed by the School District of Philadelphia and the Philadelphia Police Department. Under this initiative, police officers are trained to respond differently to calls from schools regarding juvenile offenses. Police officers make assessments of any given situation, determine if it is a low-level summary or misdemeanor delinquent offenses, verify if the student has a prior history of offenses, and if not, begins the process of referring the student to the diversion program. Within 72 hours of the referral, a social worker from the city's Department of Human Services visits the child's home to help identify underlying issues that may be contributing to the student's behavior, such as the physical environment, psychological issues or health issues. The social worker determines if a referral for prevention services is appropriate. If deemed appropriate, and with student and family

[105] Court of Common Pleas of Washington County, Pennsylvania, Twenty-Seventh Judicial District. 2011 Annual Report.
http://www.washingtoncourts.us/downloads/WCCPA%202011%20Annual%20Report.pdf

consent to participate, they are referred to Intensive Preventive Services, who coordinates appropriate supportive services.[106] Drexel University's Department of Psychology provides ongoing evaluation of the program's effective, including academic, well-being and behavioral outcomes. In the first three years of operations student arrests declined dramatically: 54 percent in year 1 (2014-2015), 64 percent in year 2 (2015-2016), and 68 percent in year 3 (2016-2017).[107] Media reports indicate that the drop for year 4 (2017-2018) was 71 percent.[108]

Washington County has an intensive diversionary program for first time offenders under the county's balance and restorative justice initiative. Called the LEADER Program (Leadership Enhanced Attitude Development Educational Rehabilitation). Intended to divert youthful offenders from residential placement. All students in any Washington County School District may be referred to the program by the county's juvenile probation officers. Youth remain in their home while performing a court-ordered consequence. Each program is individualized to the student. The program requires students to attend daily meetings Mondays through Fridays.[109]

Other School-Based Restorative Practices

Shaler Area School District in Allegheny County has taken a different approach to youth courts. Part of the middle and elementary school social studies curriculum, Students conduct mock trials based on various U.S. Supreme Court hearings and connect the content of those hearings to classroom lessons discussing various events in U.S. history. Lawyers are invited into the classroom to co-teach lessons and mentor students on these trials.[110] The district has also

> ". . . worked with lawyers from the Allegheny County Bar Association on projects in which students conducted hearings and presented them in actual courtrooms in Pittsburgh. I've piloted a youth court model (we conducted mock hearings based on fictitious behavioral infractions) in the middle

[106] Keeping Kids in School and Out of Court. Philadelphia Police School Diversion Program, accessed July 10, 2019, https://stoneleighfoundation.org/wp-content/uploads/2018/02/Philadelphia-Police-School-Diversion-Program.pdf

[107] Drexel University, College of Arts and Sciences, Juvenile Justice Research and Reform Lab. "Police School Diversion Program." Accessed July 10, 2019, http://www.pages.drexel.edu/~neg23/schooldiversion.html Accessed July 10, 2019.

[108] Dale Mezzacappa. "With police diversion, student arrests plummet." *The Philadelphia Public School Notebook.* December 9, 2018. https://thenotebook.org/articles/2018/12/09/with-police-diversion-student-arrests-plummet/

[109] Washington County, 27th Judicial District of Pennsylvania. Probation Services - Juvenile Probation - LEADER Program. http://www.washingtoncourts.us/pages/psJuvenileLEADER.aspx

[110] Rita Michel. "Shaler Area Students hold court on free speech." *The Pittsburgh Post-Gazette*. May 27, 2010. https://www.post-gazette.com/local/north/2010/05/27/Shaler-Area-students-hold-court-on-free-speech/stories/201005270413

> school using Gregg Volz's Youth Court Manual.[111] Also, at our middle and high school levels, students have the opportunity to participate in a Mock Trial Competition in which they again learn about the legislative process, choose roles for the hearing, analyze the case and present their trial for the competition."[112]

At the high school level, the School Resource Officer, Officer Frank Spiker, also conducts mock hearings for summary level offenses that the school resource officer issues citations for. Officer Spiker noted

> The students did not commit the crimes but we made them defendants with common occurring offenses, both criminal and traffic, we see with kids their age. These were all really good kids who acted out the roles in a manner folks their age would. We are hoping to expand this and make "Mock Preliminary hearings" for the group next year in that we would be charging misdemeanor and felony cases. They would work with the District Attorney and Public Defender to see how these cases and hearings are held. Again NOT the actual crimes being committed by these kids.[113]

Three Rivers Village School in Pittsburgh, is an independent, private alternative school for youth ages 5-19, which operates on self-directed, democratic basis, The school uses a school meeting structure, in which all the staff and students together serve as the primary governing body of the school. The school meeting empowers a Justice Committee to investigate all rule-breaking. The committee is composed of 4 students and one adult, who by majority vote decide an appropriate course of action to resolve the matter to the benefit of all. Mediation is also used to resolve interpersonal conflicts.[114] Similarly, ***The Circle School*** in Harrisburg maintains a peer-based judicial system. Alleged rule violations are heard by the Judicial Committee, comprised of five rotating members.[115]

Twin Valley School District in Berks County uses a variety of restorative practices promoted by the International Institute for Restorative Practices (IIRP).

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[111] Gregg Volz, a public interest attorney and a member of the Advisory Committee, has written extensively about youth courts and has developed a curriculum manual. He has worked with many youth courts in the Southeastern Region of Pennsylvania. His curriculum was used in the Brashear High School youth court program in the Pittsburgh Public Schools.

[112] Email from Darla Gerlach, social studies teacher at Shaler Area School District, dated August 1, 2018.

[113] *Ibid.*

[114] Three Rivers Village School. "About Us." http://threeriversvillageschool.org/about-us/

[115] The Circle School. "Equal Voice in Governance." https://circleschool.org/about/guided-introduction/democratic-education/

Truancy Courts

Youth Court Alliance, York County

The Youth Court Alliance (YCA) is a program of the United Way of York County, in partnership with the York County Bar Foundation, and its goal is to re-engage truant students in school and divert those students and their families from entering the Magisterial District Court for truancy hearings.[116] Student volunteers within the York City, Red Lion Area and Northeastern school districts go through months of training to serve as lawyers, judges, bailiff and jurors. The program allows the truant youth to take responsibility for their own actions and reconnect to their school through dispositions, such as community service, research papers, and tutoring.

During the 2016-17 school year, the YCA had an enrollment of 166 students with a successful completion rate of 68.7 percent.[117] By collaborating with organizations and a support staff of college interns and volunteers, costs are kept low at approximately $276 per student served by the YCA. The truant youth were assigned a wide range of dispositions during the school year and completed the following:

- 106 students had no unlawful absences for three weeks following their hearings;
- 192 days of jury duty were completed, approximately 384 hours;
- 15 sessions of Stick-N-Move;
- 41 essays, research, or college career path development;
- 31 sessions of tutoring;
- 15 apologies to teachers or parents/guardians;
- 38 journals; and
- 137 hours of community service.

The participating school districts experienced improved attendance from those who participated in the YCA regardless of whether they successfully completed the program or not. Before the YCA, participants had 1,246 unlawful and unexcused absences and 1,895 unlawful and unexcused tardies, but after 30 days following their hearing dates, participants only had 188 unlawful and unexcused absences and 171 unlawful and unexcused tardies.

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[116] United Way of York County. Youth Court Alliance, accessed June 24, 2019, https://www.unitedway-york.org/youth-court-alliance.

[117] E-mail containing data files from Judge John C. Uhler, Founder, York County Pennsylvania Truancy Prevention Initiative, April 26, 2018 (on file with the Joint State Government Commission).

As a way to further evaluate the YCA program, surveys are given to the student participants and the parent/guardian for successful and unsuccessful cases. From the 2016-17 school year, 43 student participant surveys and 39 parent/guardian surveys were completed and submitted. Of the student participants, 90.7 percent believed their disposition was fair and no student said it was too lenient, but 20.5 percent of the parents/guardians believed that the student's disposition was too lenient. Participants and parents/guardians both responded strongly that the program had a positive change on the student's school attendance, 81.4 percent and 66.7 percent respectively. In addition, only 28.2 percent of the parents/guardians perceived no change in their child's relationship with friends and family as a result of the program, but 41.9 percent of the students actually felt their involvement in the program had no change on their relationship with friends and family.

In an effort to support positive outcomes, a Youth Ally stays in contact with the participant during a 3-week disposition completion period to provide peer support, peer mentoring and a support system for dealing with bullies. Under current truancy procedures, any charges or fines imposed fall directly on the parent/guardian of the truant youth. Conversely, the YAC is an effective and inexpensive program that uses restorative justice principles, rather than punitive sanctions, to reengage the truant youth in school and avoid costly Magisterial District Court fines.

Northampton County School Attendance Improvement Court

In the fall of 2016, the Northampton County Court of Common Pleas, the Easton Area School District, Northampton County Children and Youth Services, Colonial Intermediate Unit 20, and Valley Youth House developed a plan for a School Attendance Improvement Court to address truancy in the county. [118] The program exists at all school levels, although it was initially focused on middle school students. Court is facilitated at the County Courthouse during the school day and is a voluntary program. The goal of the court is to be a diversionary program with the goal of preventing the matter from ever reaching the citation or fine phase. The respondents are referred to the Court, where an adult judge meets informally with the student and his/her family to determine the root cause of the truancy and develop a Student Attendance Improvement Plan. Parental notification is required and evaluations are completed.[119] The survey respondent rated the program as a 4 on a scale of 1-5. In 2017-2018, two elementary school students and eight high school students participated in the court. From 2016-2018, the program averaged 34-40 middle

[118] Northampton County Court of Common Pleas, Juvenile Division, Court Rule 2016-3 Northampton County School Attendance Improvement Court https://www.northamptoncounty.org/CRTSRVCS/Lists/Court%20Rule/ViewForm.aspx?ID=296&ContentTypeId=0x01003AA80BADD84CF542A9E03286F2970588.

[119] Northampton School District Board Policy Manual, September 11, 2017. https://www.nasdschools.org/site/default.aspx?PageType=2&PageModuleInstanceID=2907&ViewID=838b13a1-2ccb-4c74-83cb-0b9f098d6937&RenderLoc=0&FlexDataID=7566&SearchKeywords=

school students.[120] The program was modeled after the Truancy Court established by Monroe County[121] for its East Stroudsburg School District students in 2011.[122]

Luzerne County Truancy Court

The Luzerne County Court of Common Pleas established a truancy court beginning in the 2017-2018 school year. Magisterial district justices have the ability to include community service as a truancy sentence. All students referred to truancy court and their families will be required to participate in a program called "Parent and Student Success (PASS)," which helps families develop a school attendance improvement plan. PASS was developed by the court, Luzerne County Children and Youth Services and the Greater Nanticoke School District, which piloted the program in 2015.[123]

Wilkes-Barre Area School District also discusses truancy court referrals on their website.[124]

Problem Solving Courts

A number of other problem solving youth courts for juveniles can be found across the state. These include:

- DUI Courts – Allegheny, Berks, Blair, Centre, Columbia/Montour, Lackawanna, Lebanon, Northumberland, Philadelphia, Potter, Snyder/Union, Washington and York Counties
- Juvenile Drug Courts – Blair, Lackawanna, Lycoming, Mifflin, Northumberland, Philadelphia and York Counties
- Juvenile Pre-Adjudication Court – York County
- Juvenile Mental Health Court – York County[125]

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[120] Survey results from Easton Area School District on file in the Commission offices.

[121] Michelle Merlin. "Easton truancy plan to grow after first year deemed successful." *The Morning Call.* July 21, 2017. https://www.mcall.com/news/local/easton/mc-nws-easton-truancy-first-year-expansion-20170721-story.html

[122] Andrew Scott. "Program aims to stop unexcused school absences in early stages." *Pocono Record.* October 24, 2011. https://www.poconorecord.com/article/20111024/NEWS/110240314

[123] Bill Wellock. "County will develop a truancy court for upcoming school year." *The Citizens Voice.* June 21, 2017. https://www.citizensvoice.com/news/county-will-develop-a-truancy-court-for-upcoming-school-year-1.2209205. Commonwealth of Pennsylvania, Office of Children, Youth and Families, Luzerne County Children and Youth Services. Fiscal Year 2018-219 Needs-Based Plan and Budget. https://www.luzernecounty.org/DocumentCenter/View/1066/17-122-Needs-Based-Budget---Attachment-3-Attachment-PDF?bidId= Accessed July 10, 2019.

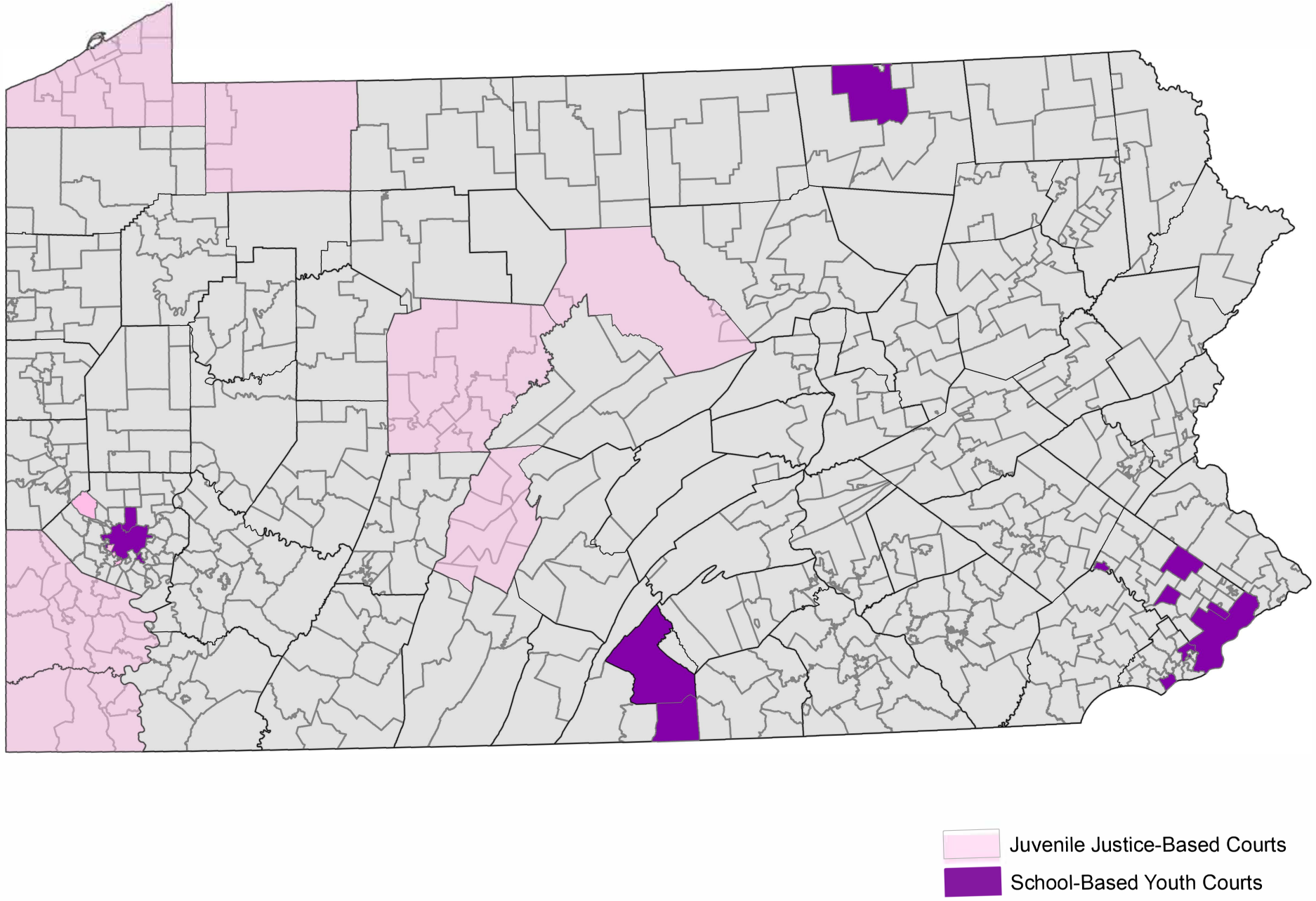
[124] Wilkes-Barre Area School District. 2017-2018 Truancy Law and Procedures. http://www.wbasd.k12.pa.us/Downloads/truancy%20for%20website14.pdf

[125] The Unified Judicial System of Pennsylvania. List of Problem Solving Courts (February 6, 2018) http://www.pacourts.us/assets/files/setting-2506/file-3585.pdf?cb=899d1b

The Pennsylvania Commission on Crime and Delinquency (PCCD) funds county initiatives that advance problem-solving courts through the Criminal Justice Advisory Boards. The Administrative Office of Pennsylvania Courts (AOPC) oversees technical assistance and procedural development of all problem-solving courts, and has established accreditation standards for drug and DUI courts in Pennsylvania. For those counties requesting funding to start problem-solving courts, PCCD gives preference to organizations accredited by AOPC.[126]

126 Pennsylvania Commission on Crime and Delinquency. "Disconnecting Mental Illness and Substance Abuse from Crime: Problem-Solving Courts, accessed June 27, 2019, https://www.pccd.pa.gov/criminaljustice/advisory_boards/Pages/PCCD-Problem-Solving-Courts-and-Intermediate-Punishment.aspx

Pennsylvania Youth Courts 2019



MODELS AND BEST PRACTICES NATIONWIDE

The National Institute of Justice (NIJ) is the research, development and evaluation agency of the U.S. Department of Justice (DOJ). NIJ maintains a web-based clearinghouse of programs and practices in a variety of justice related topics, and maintains a process for identifying and rating those programs and practices as "effective," "promising" or "no effect."[127] Rigorous evaluations and meta-analyses are conducted to determine the effectiveness of any given program or practice. Youth courts are considered "promising" programs within the practice profiles of both juvenile diversion programs[128] and restorative justice programs for juveniles.[129] Additionally, police-initiated diversion is considered an "effective" intervention.[130]

National Model

Drawing on the experience of existing youth courts, the DOJ and the American Bar Association released *Youth Cases for Youth Courts Desktop Guide: A Guide to the Typical Offenses Handled by Youth Courts*[131] in 2005. This guide serves as a valuable tool to those both creating a new youth court and expanding the types of cases accepted by existing youth courts. Focusing on developing general criteria for accepting and rejecting cases, the guide offers advice about the most common offenses addressed in youth courts, as well as common dispositions. It is important to note that this guide addresses youth courts of all types, and offenses that may be appropriate for a juvenile-justice based youth court may not be appropriate for a school-based youth court and vice versa.

[127] U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, accessed June 29, 2019, www.CrimeSolutions.gov

[128] *Ibid*, Practice Profile: Juvenile Diversion Programs, accessed June 29, 2019, https://www.crimesolutions.gov/PracticeDetails.aspx?ID=37

[129] *Ibid,* Practice Profile: Restorative Justice Programs for Juveniles, accessed June 29, 2019, https://www.crimesolutions.gov/PracticeDetails.aspx?ID=70

[130] *Ibid,* Practice Profile: Police-Initiated Diversion for Youth to Prevent Future Delinquent Behavior, accessed June 29, 2019, https://www.crimesolutions.gov/PracticeDetails.aspx?ID=86

[131] American Bar Association, *Youth Cases for Youth Courts Desktop Guide: A Guide to the Typical Offenses Handled by Youth Courts*, c. 2005. https://www.americanbar.org/content/dam/aba/migrated/publiced/youthcases_youthcourts.authcheckdam.pdf

"Typical offenses" accepted by youth courts in this survey are outlined in the below chart.[132]

Typical Offenses Youth Courts Will Accept

Type of Offense	Percentage of Youth Courts That Accept This Type of Offense
Theft	91%
Vandalism	76%
Alcohol	73%
Disorderly Conduct	73%
Assault	67%
Possession of Marijuana	60%
Tobacco	59%
Curfew Violations	50%
School Disciplinary	45%
Traffic Violation	39%
Truancy	39%
Trespassing	38%
Criminal Mischief	30%
Possession of Drug Paraphernalia	24%
Other Drug Offenses	20%
Harassment	21%
Fraud	8%

Source: Federal Youth Court Database, www.youthcourt.net (developed by the Council of State Governments/American Probation and Parole Association, available at www.youthcourt.net

Additionally, the guide outlines ten additional offenses some youth courts accept, including:

- Burglary
- False reporting
- Loitering
- Possession of stolen property
- Possession of a weapon
- Reckless endangerment
- Regulatory violations
- Resisting an officer without violence
- Runaways
- Unauthorized use of a motor vehicle.[133]

[132] *Ibid*., at p. 22.
[133] *Ibid*., at p. 51-61.

As with the earlier work on youth courts citing the National Youth Courts Center and the National Association of Youth Courts, these offenses represent an amalgam of offenses suitable for either a juvenile-based youth court or a school-based youth court, but not necessarily both.

The below chart outlines typical sentencing options utilized by youth courts.[134]

Typical Sentencing Options Youth Courts Utilize

Sentencing Option	Percentage of Youth Courts That Use This Sentencing Option
Community Work Service	99%
Oral/Written Apologies	94%
Essays	92%
Educational Workshops	73%
Jury Duty	73%
Restitution	61%
Alcohol/Drug Assessment	57%
Curfew	46%
Tutoring	37%
Counseling	37%
Drug Testing	31%
Victim Awareness Classes	29%
Victim/Offender Mediation	28%
Peer Mediation	23%
Jail Tour	22%
Observe Teen Court	14%
Mentoring	13%
Suspend Driver's License	9%

Source: Federal Youth Court Database (developed by the Council of State Governments/APPA, available at www.youthcourt.net)

While the method used to restore the youth's harm should be individualized in each case, a wide range of restorative measures is outlined in the above chart. More importantly, the youth court should encourage its participants to be innovative when deciding restorative measures, focusing on repairing the harm and rebuilding relationships—not dictating a punishment.[135]

Both the American Bar Association (ABA) and the Pennsylvania Bar Association (PBA) have endorsed youth courts. The ABA resolution "Urges federal, state, territorial, tribal and local governments to create and provide appropriate support for Youth or Teen Courts that will divert youth from the formal consequences of juvenile court petitions, proceedings, adjudications or juvenile justice sanctions."[136] The PBA endorsed the ABA's resolution and further added:

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[134] *Ibid*., at p. 63.
[135] *Ibid.* at p. 62.
[136] American Bar Association. Report 107B. Co-sponsored by the Commission On Youth At Risk, Coalition on Racial and Ethnic Justice, Commission on Women in the Profession, Section of Family Law, Criminal Justice Section, and Standing Committee on Public Education. Adopted at 2011 Midyear Meeting, February 4, 2011. https://www.americanbar.org/groups/criminal_justice/policy/policies_midyear2011/

> Recognizing that the Interbranch Commission on Juvenile Justice Report specifically called on the PBA to develop programs that bridged civic education and juvenile justice, it is further resolved that the PBA promote a system of both school based and community/juvenile justice based Youth Courts across the Commonwealth. Building on the conflict resolution, antibullying and law-related education model of the PBA's Project PEACE, Youth Courts shall be encouraged to be introduced as school based programs in the junior and senior high schools of the Commonwealth, as well as in various other settings for juvenile offenders for community/juvenile justice youth courts. The PBA further resolves that where school based youth courts exist, community/juvenile justice youth courts need to be developed; where community/juvenile justice based youth courts exist, school based ones need encouragement. Where none exist, either type should be started with the goal of adding the missing type as soon as possible.[137]

In a resolution endorsing passage of Senate Resolution 32, the authorizing resolution for the study encompassed by this report, the Philadelphia Bar Association pledged to collaborate with the ABA, the PBA, other local bar associations across Pennsylvania, the Philadelphia School District, the Philadelphia City Council, local juvenile justice authorities, other local partners such as the United States Attorney for the Eastern District of Pennsylvania and the Community College of Philadelphia, and area law schools and law firms to promote the development of quality and sustainable youth courts and to encourage the legal community to contribute resources to establish youth courts.[138]

Youth Courts in Other States

This section includes an in-depth analysis of five states with robust youth court programs.

Maryland

The Maryland Teen Court Association (MDTCA), a nonprofit organization, oversees Maryland's teen court programs. Teen court programs operate in 10 counties in Maryland. Teen courts define their mission as providing "first time misdemeanor youth offenders an opportunity to restore relationships within their communities and provide them the resources to improve future decision making."[139] The desired outcomes are "to teach responsibility while restoring a sense of safety in the community." These diversion

[137] Pennsylvania Bar Association. Resolution on Youth Courts. May 6, 2011. https://www.pabar.org/public/probono/2018/Passed-PBA-RESOLUTION-ON-YOUTH-COURTS.pdf
[138] Philadelphia Bar Association Resolution On A Pennsylvania Bill Establishing An Advisory Committee For Youth Courts. May 24, 2017. http://www.philadelphiabar.org/page/ResMay17_1?appNum=1
[139] Maryland Teen Court Association, http:///www.mdtca.org (accessed May 24, 2018).

programs "provide opportunities for youth offenders to avoid the stigma of a formal juvenile record while focusing on accountability and development."[140]

In the 1990s, members of the Maryland judiciary and representatives of the State's Attorney's Office, public defenders offices, and local law enforcement "embraced the idea of a Teen Court to fill two major gaps in the juvenile justice system."[141] In their estimation, the teen court program would fulfil two major tasks: first, it provided a diversionary program for offenders in a formal, serious setting, and second, through their voluntary participation in the program, it educated the non-offending youth on various elements of the legal system and encouraged them to take ownership of the problems of teen crime.[142] Montgomery County was the first one in Maryland to begin efforts to establish a teen court program; its first session was held in early 1997.[143] The latest one began operating in Wicomico County in spring 2017.[144]

Maryland teen courts work in close conjunction with the judicial system. The nationally recognized Charles County Teen Court program was established under the auspices of the Charles County Sheriff's Office.[145] The Hartford County Teen Court is managed by the Hartford County Sheriff's Office Youth Services Division and the Hartford County Office of Drug Prevention. It accepts referrals from local law enforcement agencies as well as school systems and the Maryland Department of Juvenile Services. District Court judge Susan Hazlett volunteers her time to preside over all of the teen court cases. The teen jury consists of Hartford County high school students, who are guided by adult volunteers.[146] In Montgomery County, several Circuit, District, and Special Appeals judges volunteer their time to assist the teen court program; they are present to answer legal questions and set the tone for the courtroom.[147] In Prince George's County, the teen court program is sponsored by the Office of the State's Attorney.[148] St. Mary's County teen court program, implemented by the county government in 2003, was reestablished and expanded in 2013 to include selected juvenile traffic violations. This became possible as a result of the joint initiative between the Teen Court Program, the St. Mary's County State's Attorney's Office, and the St. Mary's County Sheriff's Office.[149]

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[140] *Ibid*.
[141] Maryland Administrative Office of the Courts. *Multijurisdictional Teen Court Evaluation: A Comparative Evaluation of Three Teen Court Models*. June 2013, https://www.globalyouthjustice.org/wp-content/uploads/sites/19/2018/01/TEEN-COURT-RESEARCH.pdf.
[142] *Ibid*.
[143] Montgomery County Teen Court, accessed May 30, 2018, http://www.mdtca.org/mdtca-members/montgomery-county-teen-court.
[144] Maryland Teen Court Association, accessed May 24, 2018, http:///www.mdtca.org.
[145] Charles County Teen Court, accessed May 30, 2018, http://www.mdtca.org/mdtca-members/charles-county-teen-court.
[146] Hartford County teen Court, accessed May 30, 2018, http://www.mdtca.org/mdtca-members/hartford-county-teen-court.
[147] Montgomery County Teen Court, accessed May 30, 2018, http://www.mdtca.org/mdtca-members/montgomery-county-teen-court.
[148] Prince George County Teen Court, accessed May 30, 2018, http://www.mdtca.org/mdtca-members/prince-george-county-teen-court .
[149] St. Mary's County Teen Court, accessed May 30, 2018, http://www.mdtca.org/mdtca-members/st-marys-county-teen-court.

The most common kinds of cases handled by the Maryland teen courts are possession of marijuana and theft. Kinds of cases vary from court to court. For example, the Baltimore City Teen Court, which gets it cases by referral from the Baltimore City Police, the State's Attorney's Office, the Department of Juvenile Services, and the Juvenile Court system, deals with young people who have been charged with misdemeanor offenses (such as shoplifting, loitering, disorderly conduct, second degree assault) or felony "light" cases (unauthorized use of a vehicle, a passenger in a stolen vehicle).[150] The most commonly heard cases for the Caroline Teen Court are second degree assault, possession of tobacco and possession of alcohol.[151]

To facilitate a better understanding of the processes, outcomes, and perspectives of teen courts, the state undertook a study collecting data from three geographically diverse teen courts in Maryland: Baltimore City, Charles County, and Montgomery County Teen Courts. The report was prepared by the University of Maryland School of Social Work, Ruth H. Young Center for Families and Children, in collaboration with the Maryland Administrative Office of the Courts (AOC), the Institute for Governmental Service and Research, the Baltimore City Teen Court, the Charles County Teen Court, and the Montgomery County Teen Court. The Maryland Teen Court Association offered substantial input, and the Maryland Department of Juvenile Services provided the data used in the recidivism analyses.

The Maryland study sought to ask several "important but understudied questions: what is the impact of Teen Court on multiple populations (volunteers, parents/guardians, respondents)? In addition to recidivism, what other outcomes does Teen Court address? What are some of the procedures and processes common and distinct among multiple Teen Court jurisdictions?"[152] To investigate these issues, researchers utilized qualitative and quantitative methods, including court observation, document preview, pre- and post-intervention surveys and interviews, and recidivism measures.

The three teen courts programs evaluated in the report have a similar structure and procedure, emphasizing youth decision-making with support from adult volunteers. There were differences in types of offenses the programs handled and in sanctions they recommended. The overall conclusion that emerged from the study was that the three teen courts programs "offer an alternative to traditional case processing with lower recidivism rates while garnering support from youth and parents."[153]

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[150] Baltimore City Teen Court, accessed May 30, 2018, http://www.mdtca.org/mdtca-members/baltimore-city-teen-court.

[151] Caroline County Teen Court, accessed May 30, 2018, http://www.mdtca.org/mdtca-members/caroline-county-teen-court.

[152] Maryland Administrative Office of the Courts. *Multijurisdictional Teen Court Evaluation: A Comparative Evaluation of Three Teen Court Models*. June 2013, https://www.globalyouthjustice.org/wp-content/uploads/sites/19/2018/01/TEEN-COURT-RESEARCH.pdf.

[153] Maryland Administrative Office of the Courts. *Multijurisdictional Teen Court Evaluation: A Comparative Evaluation of Three Teen Court Models*. June 2013, https://www.globalyouthjustice.org/wp-content/uploads/sites/19/2018/01/TEEN-COURT-RESEARCH.pdf.

Analysis of data from the Department of Juvenile Services revealed lower rates of recidivism for program completers (there was a dramatic difference in recidivism rates depending on program completion), and qualitative data showed substantial support for teen courts from respondents, parents/guardians, and volunteers, with a high percentage of those expressing satisfaction with the program and acknowledging it was beneficial to them.

In addition to a positive impact on respondents and their families, the authors noted a number of benefits to accrue to youth who volunteer in the teen court programs, such as "an opportunity to serve others and their community, education and experience in a legal setting, and the chance to become a positive role model."[154]

The authors concluded that "after thorough review, the overall findings of this comprehensive two-year evaluation strongly support the continued operation of Teen Court programs in Maryland."[155]

Massachusetts

The first officially recognized youth court in the Commonwealth of Massachusetts was New Bedford Youth Court (NBYC), established in October 2002 and successfully hearing cases since that time.[156] Fall River Youth Court (FRYC) followed in 2009. After a financial crisis forced it to suspend its activities for a brief period of time, FRYC moved back into full operation in early 2012, thanks to a new federal grant, and has been fully active afterwards.[157]

Both South Coast Youth Courts are based on the principles of restorative justice and seek to act as an alternative to traditional juvenile justice systems. These juvenile diversion programs deal with first-time offenders who have committed misdemeanor crimes. At a sentencing hearing, juvenile respondents are expected to acknowledge the harm they have done and agree to accept a set of sanctions determined by a peer jury. The ultimate goal of the imposed sanctions is defined as helping the respondents "build necessary skills that will help them reconnect with their community in a more positive way."[158]

New Bedford Youth Court is overseen by Positive Action Against Chemical Addiction, Inc. (PAACA), a grass-roots, community-based non-profit organization, whose focus is quality youth programming and prevention services. In addition, NBYC is governed by a volunteer advisory board comprised of fifteen community organizations and agencies such as schools, police, courts, and other youth program providers. NBYC multiple funding sources include federal, state, and local programs such as the Executive

[154] *Ibid*.
[155] *Ibid*.
[156] *History of New Bedford Youth Court*, http://www.nb-fryouthcourts.org/new-bedford-history.html.
[157] *History of Fall River Youth Court*, http://www.nb-fryouthcourts.org/fall-river-history.html.
[158] *History of New Bedford Youth Court*, http://www.nb-fryouthcourts.org/new-bedford-history.html.

Office of Public Safety Byrne's Grant Program, the Office of Juvenile Justice and Delinquency Prevention, the Department of Education, City of New Bedford Invest in Kids, and others.[159]

NBYC averages about a hundred cases per year. Respondents' age ranges from 8 to 16 years old. Typical offenses are school-related acts, disorderly conduct, shoplifting, larceny, and simple assault. Common sanctions include community service (from 8 to 120 hours), after-school programming, tutoring, mentoring, clinical assessments, self-help support groups, apologies, curfews, and others.[160]

New Bedford Youth Court prides itself on a high compliance rate, which has consistently stayed over 90 percent.[161] It attributes its success in the respondents' compliance mainly to the two factors: rigorous, methodical case management and thoughtful choice of constructive sanctions designed to have a positive impact on the offending juveniles' subsequent behavior. Each respondent is assigned a case manager, who monitors his or her compliance throughout the 120-day sanction period by working with the schools, providing school-based visits, weekly communication with the families, and frequent interaction with the respondent. A wide range of constructive sanctioning developed by the youth court helps young offenders acquire basic life skills, necessary tools, and coping mechanisms that have been shown "to redirect their prior behaviors in a more positive way."[162]

Close collaboration with New Bedford and the surrounding towns allows for respondents to participate in a variety of community-based projects that are beneficial both to them and to the local community. Among these projects were Project Clean Sweep, Gifts to Give, Cradles to Crayons, Adopt a Shoreline, and others. Supervised youth court respondents performed their community service at the South Coast hospitals' warehouse, area churches and public libraries; they served for the American Red Cross and the Salvation Army.[163]

NBYC is endorsed by the New Bedford public schools, the New Bedford Police Department, and the Bristol County Juvenile Court. The court administrators report that 100 percent of the New Bedford public schools refer youthful offenders to youth court.[164]

The youth volunteers' training is based on the materials developed and funded by the American Bar Association. The Office of the District Attorney, the Office of the Attorney General, the New Bedford Police Department, and volunteer community lawyers assist in training youth volunteers. Youth court volunteers average 50-100 hours each year.[165]

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[159] *Ibi*d.
[160] *Ibid*.
[161] *Youth Court Statistics*, http://www.nb-fryouthcourts.org/statistics.html.
[162] *History of New Bedford Youth Court*, http://www.nb-fryouthcourts.org/new-bedford-history.html.
[163] *Ibid*.
[164] *Ibid*.
[165] *Ibid*.

To assess the respondents' ability to stay un-involved with the police or the traditional court system, NBYC measures recidivism rate one year post youth court completion and three years post youth court completion. The New Bedford Police Department assists the youth court in tracking the data, which includes new arrests, charges, and convictions. The post-completion recidivism rates varied from year to year, but in general, remained low and kept improving; for example, the one-year post-completion recidivism rate was 22 percent in 2002-2003 and 9 percent in 2011-2012.[166]

The Fall River Youth Court is very similar to the New Bedford Youth Court. It has its own set of by-laws and its own advisory board, with a similar range of board members. Similar to NBYC, FRYC maintains a close relationship with the City of Fall River as well as the individual neighborhood associations, park advocate groups, the Salvation Army, soup kitchens, and other local groups and agencies. Youth court respondents performed their community service in the form of neighborhood/park clean-ups, beautification projects, graffiti projects, and community gardening.[167] The FRYC administrators believe that by participating in such projects, their young people "are reconnected to the community in a more positive way through service learning projects, and a way to help them leave behind a positive impact in their own backyard."[168]

Both NBYC and FRYC have a wide range of collaborating partners, from public schools and community colleges to their state senators and representatives, and from the county court system and police departments to the inter-church council and the Boys and Girls Club. Broad community support is important for the youth courts' successful functioning.

New York

New York was one of the first states in the nation to initiate the youth courts movement. Anecdotal reports trace youth courts as far back as the late 1960s and early 1970s. One of the youth courts that responded to a recent survey in New York State, the Oneida Youth Court, was founded in 1975.[169]

By the end of the twentieth century, thirty youth courts were operating in various parts of the state, without communication with one another. In 2002, with help from state funding through the New York State Divisions of Criminal Justice System and the New York State Office of Children and Youth Services, these first thirty youth courts were able to establish the Association of New York State Youth Courts (ANYSYC). The Association convened the first New York State youth courts conference, "Raising the Bar," in 2003,

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[166] *Youth Court Statistics*, http://www.nb-fryouthcourts.org/statistics.html.
[167] *History of Fall River Youth Court*, http://www.nb-fryouthcourts.org/fall-river-history.html.
[168] *Ibid*.
[169] Center for Court Innovation' *Recommended Practices for Youth Courts: A Manual for New York Court Coordinators and Practitioners,* New York, NY, March 2010, https://www.courtinnovation.org/sites/default/files/Youth_Court_Manual1.pdf (accessed August 17, 2018).

that was attended by nearly 300 youth and adult participants.[170] Since then, quarterly meetings have been held at various locations across New York State. All youth courts directors and support staff are invited to attend. To offset travel expenses, the Association was able to secure federal subsidies through the Department of Justice. Another opportunity to participate is afforded by a Regional Representation program instituted by ANYSYC. This program provides seven regions of the state with a dedicated representative who has been charged with attending quarterly meetings and reporting back to the youth courts in their area regarding ANYSYC business.[171] Over the years, funding sources for ANYSYC conferences have also included grants from the New York Bar Foundation and private donations.

The Association has grown to count the majority of over eighty youth courts that exist in New York State. ANYSYC offers support, access to statewide and national contacts, and helpful information that youth courts are encouraged to use in order to strengthen and improve their programs.

Youth courts operating in New York State are based on the belief that they have a dual purpose. First, they serve as a vehicle for addressing real-life problems such as truancy, school fighting, graffiti, vandalism, and shoplifting, and they intervene early to avoid more serious transgressions that may trigger a downward spiral in the life of a young individual. Second, they offer participating teens, who are trained to serve as jurors, judges, attorneys, and court personnel, education in the justice system, which is often lacking today.[172]

Youth courts around New York State have various forms and are run by a wide range of parent organizations, including school districts; town or county Youth Bureaus, in some cases, in partnership with the Boys and Girls Club; police departments, and independent, not-for-profit organizations such as the Center for Youth, the Center for Court Innovation, and the Council for Prevention of Alcohol and Substance Abuse. Youth court programs are overseen by volunteer lawyers, judges, educators, law enforcement officials, or community members. The majority of youth courts in New York State use models in which young people fill all courtroom roles: a youth judge model or a peer jury model, which distinguishes it from the national trend where an adult judge model is prevalent. Typical sanctions include community service, letters of apology, behavior modification classes, counseling, and essays. New York State youth courts report high rates of compliance by respondents (87 percent on average).[173]

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[170] Association of New York State Youth Courts, *About US*, accessed April 24, 2018, http://nysyouthcourts.org/about/.
[171] *Ibid*.
[172] Association of New York State Youth Courts. *News & Events: 2014 Statewide Youth Court Conference*, accessed April 24, 2018, http://nysyouthcourts.org/news/.
[173] Center for Court Innovation. *Recommended Practices for Youth Courts: A Manual for New York Court* Coordinators *and Practitioners*. New York, NY. March 2010, accessed August 17, 2018, https://www.courtinnovation.org/sites/default/files/Youth_Court_Manual1.pdf.

Youth courts in New York State are intended to act as a diversionary hearing court for first-time non-violent juvenile offenders who admit their crime. Youth courts are based on "the principle of reparative justice, providing the young offender an opportunity to be accountable for their crime and be responsible to make amends, along with making better decisions in the future."[174]

The New York State Bar Association has a standing special committee on youth courts, which purports to examine what roles the Bar Association can play in strengthening youth courts, defining best practices, identifying locations where new youth courts can be established, and developing strategies for raising funds to expand the initiative.[175] The special committee collaborates with the local judiciary and school districts in establishing new youth courts in the areas where they did not exist earlier.

The New York State Bar Foundation has supported youth courts in a variety of ways. Significant steps included providing grants for the Center for Court Innovation to develop a comprehensive *Recommended Practices Manual*; for the State Island Youth Court to develop programs that provide opportunities for local teens to hear cases involving low-level offenses committed by youth; and for the Youth Justice Board, which runs a model participatory program that brings the voice of informed youth directly to policymakers as a means to impact juvenile justice in a positive way.[176]

Recommended Practices for Youth Courts: A Manual for New York Court Coordinators and Practitioners, prepared by the Center for Court Innovation, became a valuable resource guide for youth courts operating in the state. The Association of New York State Youth Courts was instrumental in creating the guide. In addition, the project was aided by the participation of an advisory committee comprised of representatives of key stakeholder groups such as schools, family and criminal courts, probation, law enforcement, district attorney's offices, defense counsel as well as youth development and youth court experts. As New York State youth courts are, "by design and necessity," independently run programs that reflect local needs and preferences, the manual contains "a set of recommended practices that are not prescriptive, but offer guidance to youth court practitioners to help individual programs, and the network as a whole, sustain effectiveness, maintain a high quality of program services, and report on their successes."[177] The recommended practices included in this manual draw from successful programs and

[174] United States Department of Justice, United States Attorney's Office - Northern District of New York. *Statewide Youth Court Conference*, accessed April 16, 2018, https://www.justice.gov/usao-ndny/blog/statewide-youth-court-Conference.

[175] New York State Bar Association. *Committee on Youth Courts*, accessed April 24, 2018, http://www.nysba.org/youthcourt/ (accessed April 24, 2018).

[176] Association of New York State Youth Courts. *News & Events: 2014 Statewide Youth Court Conference*, accessed April 24, 2018, http://nysyouthcourts.org/news/.

[177] Center for Court Innovation. *Recommended Practices for Youth Courts: A Manual for New York Court* Coordinators *and Practitioners*. New York, NY. March 2010, accessed August 17, 2018, https://www.courtinnovation.org/sites/default/files/Youth_Court_Manual1.pdf.

practices across the state "to provide resources, tools and guides for effective youth court operations."[178]

In order to develop their recommendations, the Center for Court Innovation surveyed available evaluative research and assessed national practices and resources utilized by youth courts across the country. The authors of the New York manual acknowledge that "relatively little evaluative data exists that documents the effectiveness of youth court programming when compared to traditional responses to low-level offenses committed by young people" and further research in this area in required.[179]

The Center conducted a survey of all currently known New York State youth court programs; over 60 percent of those responded to the survey. The Center researchers also conducted extensive, structured site visits of eight established youth court programs in various parts of the state. Interviews with staff, partners, and youth participants, along with documents and materials provided by the sites, informed and supported the recommended practices listed in the manual.

The manual identifies three core principles underlying the practices of the New York State youth courts:

- restorative justice,
- youth leadership, and
- civic education.[180]

The proposed recommendations contain suggestions to help programs realize these underlying principles more fully and consistently.

Recommended practices encompass several practice areas, including staff roles and responsibilities, professional development, adult and youth volunteers, advisory boards, funding, referrals and intake, hearings and post-hearing process, and finally, program evaluation and data management. Some of the key recommended practices are the following:

- Develop defined roles and responsibilities for staff.
- Encourage and support staff professional development.
- Consider supplementing paid staff with support from adult volunteers, especially by encouraging parent participation and by developing relationships with volunteer organizations.

[178] *Ibid*.
[179] *Ibid*.
[180] *Ibid*.

- Develop and use advisory boards to expand support in local communities.

- Develop and implement short- and long-term strategies that not only support programming but also strengthen fundraising efforts.

- Consider a range of strategies and creative ways to recruit new youth volunteers and promote incentives for participation.

- Conduct engaging and dynamic trainings that should incorporate a variety of teaching methods (for example, lectures, experiential learning opportunities, site visits, and discussion). Engage external resource people, such as attorneys, law enforcement or probation officers, law students, and judges, to serve as guest trainers.

- Ensure that youth court training programs convey a strong understanding of the substantive law and procedural framework within which programs function and help participants build skills they need to succeed as youth court members and as active, engaging members of their communities.

- Provide continuing education trainings that respond to specific cases that may present new challenges, or reflect a developing trend in the community.

- Explore with local school administrators whether youth court participation fulfills community service requirements, or may earn students academic credit. When it does, provide this information in promotional materials.

- Review members' performance regularly using a consistent, formalized structure.

- Take advantage of online social networking tools to publicize programs, recruit new members, support member participation, and engage alumni.

- Pursue multiple referral sources.

- Develop and implement protocols with referral sources regarding what cases should be referred to youth court.

- When possible, make use of information collected by referral sources during their initial assessments.

- To the extent possible, refer respondents and their families with unmet or under-addressed social service needs to resources within the community (regardless whether the case is heard by the youth court).

- Strive to engage respondents' families throughout the youth court process. Encourage parents to attend hearings and, if possible, seek to address potential

barriers to their attendance (for example, scheduling conflicts, disinterest in proceedings). Throughout the process, staff should provide clear information to parents about the process, encouraging questions and feedback.

- Develop a process and forms that ensure that parents and youth are fully informed about youth court before they consent to participate. Forms should be available in the primary language spoken by the parents.

- Consider courtroom set-up carefully. The space should provide private areas where advocates and respondents can meet and where juries can deliberate out of earshot of respondents. The timing of hearings should ensure that respondents with different cases do not spend a lot of rime together while awaiting their hearings.

- Youth court staff should, whenever possible, meet with respondents and their families after hearings to review the process, answer questions, and develop a plan for the respondent to complete sanctions imposed by the court. Youth court staff can also use the opportunity to solicit feedback about the process from respondents and their families.

- Youth court sanctions should reflect restorative justice principles as much as possible.

- Facilitate the creation of mentoring opportunities between respondents and/or members and staff or other adults in the community. Youth court members can also serve as mentors to respondents while they fulfill their sanctions.

- Develop clear goals, objectives and outcomes, and use evaluation tools to measure success in meetings those targets.

- Track a minimal set of data elements for all referrals and cases. In addition to tracking information to assist with case management, programs should record data that directly relate to programs' goals and objectives.[181]

The recommended practices listed above deserve attention both because they reflect best practices utilized by some youth court programs in New York State and because they can be of value to other states, including Pennsylvania, while they are developing their youth court systems.

In the spring of 2019, the New York State Bar Association released the Final Report of the Task Force on the School to Prison Pipeline.[182] The report recommended amendments to New York education law provisions governing suspensions of students.

[181] *Ibid*.

[182] New York State Bar Association. *Task Force on the School to Prison Pipeline: Final Report.* Adopted by the House of Delegates, April 13, 2019. www.nysba.org/pipelinefinalreport/

Specifically, the report recommended that restorative justice practices, in the form of youth courts, mediation or peer mediation, peer groups or peer mentoring programs, restorative conferencing, and restorative circles be added to the law as alternatives to suspension. This proposal merges the functions of a juvenile justice-based youth court and a student court.

These restorative justice practices are recommended for some minor juvenile offenses and student code of conduct violations, such as:

- Truancy;
- Minor drug offenses such as possession of a vape pen without illegal substances;
- First time offense for possession of marijuana;
- Violations of the Dignity for All Students Act;
- Cutting class;
- Dress code violations;
- Excessive unexcused absences, lateness or early dismissals;
- Other minor offenses that would typically result in receipt of a principal suspension; or
- Pupils who are insubordinate, disorderly, violent, or disruptive.[183]

Illinois

In Illinois, youth courts are firmly established and enjoy consistent support of the legislature and the State Attorney General. They are perceived as a kind of intervention that "begins at the start of negative behavior and diverts the respondent out of the juvenile court system and into a more positive direction."[184] Illinois boasts one of the highest numbers of operational youth programs compared to other states (about 100)[185] and one of the largest public school systems in the nation to take on peer jury initiatives. The peer jury model is the most common youth court model in Illinois.

In 2000, the Office of the Attorney General established the Illinois Youth Court Association (IYCA), which is a membership organization comprised of youth court

[183] *Id.* at p. 69.
[184] *Youth Court Fact Sheet*, accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/youth_courts_fact_sheet.pdf.
[185] *Youth Courts: Youth Delivering Justice*, accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/juvjustice.pdf.

programs across the state. IYCA assists Illinois communities with developing youth courts, enhancing existing programs, and facilitating information-sharing and inter-agency cooperation among programs."[186] The Illinois Youth Court Advisory Board offers help to communities interested in starting a youth court program by providing training and technical assistance.

The Illinois guide to youth court programs, "Youth Administering Justice," highlights common elements of youth courts such as voluntary participation and admission of guilt on the part of respondents, strict confidentiality for all participants, and the fact that all programs are youth-led but involve an adult moderator to guide jurors when needed. Notably, the guide makes a clear distinction between youth courts for criminal offenses and youth courts for school misconduct. Operating agencies, referrals sources, offenses, and dispositions differ in those two kinds of youth court programs.

Youth courts for criminal offenses, as indicated by their name, handle criminal offenses (generally minor and non-violent). These programs work as follows:

- Operating agencies: police, prosecutor's offices, probation, social service agencies, or the youth courts' own non-profit organizations.
- Referral sources: juvenile court (as a diversion), police, probation.
- Offenses: first-time misdemeanors, such as theft, vandalism, disorderly conduct, alcohol/drug offenses, assault, truancy.
- Dispositions: community service, apology letters, restitution, counseling, tutoring, drug and alcohol assessment, and classes.[187]

Each police agency has discretion over which offenses it will refer to its peer jury program. In addition to the above-mentioned offenses, some police departments may also refer criminal trespass to land; criminal damage to property; curfew violation; possession of alcohol, marijuana, or drug paraphernalia; telephone harassment, and others.[188]

Slight variations are possible in the way programs are run. For example, the North County Teen Court that serves five communities in Sangamon County, IL, and is, accordingly, affiliated with five police departments, relies on high school students who serve as jurors, licensed attorneys who serve as moderators, parent coordinators who serve as liaisons for the executive board and mentors who assist students as needed. The teen court has a scholarship fund and can issue $250 awards to senior court members. The North County Teen Court meets monthly to hear cases. In the ten years since its

[186] *Youth Court Fact Sheet*, accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/youth_courts_fact_sheet.pdf.
[187] *Youth Administering Justice: A Guide to Youth Court Programs*, accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/youthc_1007.pdf.
[188] *Homewood-Flossmoor Peer Jury: Types of Offenses Referred to Peer Jury,* accessed July 30, 2018, https://sites.google.com/site/homewoodflossmoorpeerjury/types-of-offenses-referred-to-peer-jury.

establishment in 2006 till October 2016, it processed almost 600 juveniles; juvenile offenders completed over 6,600 community service hours. The teen court enjoys generous support of the local communities.[189]

Youth courts for school misconduct handle cases involving violation of school rules. This type of youth courts operates in the following way:

- Operating agency: typically schools, but could include other juvenile facilities, such as detention centers.

- Referral sources: school or organization disciplinary offices, often as an alternative to detention and suspension.

- Misconduct: rule violations, such as truancy, minor fights, cheating, smoking.

- Dispositions: Community service, apology letters, counseling, mentoring, tutoring, extra-curricular activities.[190]

Respondents who do not complete their peer jury agreement will get the traditional sanction, such as detention or suspension.[191]

Chicago Public School Peer Jury Initiative is a good example of a youth court program operating in a public school setting. The Chicago peer jury program was initially developed by a non-profit youth and family service agency called Alternatives, Inc. The charter program was first implemented in Nicholas Senn High School in 1995. The students were looking for a model that could provide alternatives to the punitive measures set out in the school discipline code as they noticed that students who were suspended or expelled often had poor attendance, were generally unable to complete school assignments, and often ended up further isolated from the school community and culture.[192]

The basic peer jury is a student-driven program in collaboration with the school's discipline office. Students acting as peer jurors are trained to analyze the facts of a referred student's case, ask questions, and decide upon appropriate consequences to school disciplinary issues. To address root causes of the respondents' behavior and identify positive solutions, those students are connected with community resources. The program leaders emphasize that "by allowing students to take leadership roles in every level of the

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[189] *North County Teen Court Serving Sangamon County Illinois,* accessed July 30, 2018, https://www.northcountyteencourt.com.
[190] *Youth Administering Justice: A Guide to Youth Court Programs*, accessed July 30, 2018,
[191] Jessica Ashley, *School-Based Youth Courts,* accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/school_yc.pdf.
[192] *Keeping Communities Safe. Illinois Youth Court Association: Chicago Public Schools Peer Jury Initiative*, accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/iyca_peerjury.html.

process, including the development, planning and implementation of the program, the juries redefine the role of youth in addressing student misconduct."[193]

Upon the program implementation, Nicholas Senn High School experienced a positive impact, and it spurred the Chicago public schools system to replicate the program in over twenty-five schools citywide. Moreover, the Chicago Public Schools Discipline Code has been rewritten to include peer jury as a referral option for teachers. In 2001, a citywide peer jury advisory committee was formed to facilitate further expansion of the peer jury program. This advisory committee includes representatives from Chicago public schools; the Northwestern University School of Law; the Office of the Attorney General; Chicago Department of Human Services; the Juvenile and Child Protection Resource Section of the Circuit Court of Cook County; Community Panels for Youth; the Southwest Youth Collaborative; Alternatives, Inc.; the Constitutional Rights Foundation Chicago; and other organizations.[194]

Since then, the peer jury program in Chicago has received multiple awards for outstanding community service. Even more importantly, schools that have implemented the peer jury program have reported a decrease in suspensions and in-school fights and an increase in attendance.

Youth courts in Illinois are based on the principles of balanced and restorative justice. The Illinois guide highlights benefits that youth courts provide to the community, along with victims, respondents, and volunteers. In view of their promoters, "these programs offer the opportunity for collaboration between schools, the juvenile justice system, and the community."[195]

As restorative justice is understood to be one of the fundamental principles of youth court programs, the Office of the Attorney General Lisa Madigan's Illinois Youth Court Association developed a special guide to accompany the "Little Book of Restorative Justice" by Howard Zehr. The guide is designed to assist youth court programs in incorporating restorative justice principles outlined in the book into the training of youth volunteers. It suggests specific activities that correspond to sections of the book.[196]

The University of Illinois at Urbana-Champaign performed a study analyzing peer court operations in Danville, IL, over an eight-year period. The evaluation presented to the Board of Directors of Peer Court, Inc., showed that peer court serviced a variety of youth who had committed low-level offenses, from curfew violations to assaults and drug possession. In its assessment of peer court's importance to the local community in general in addition to its direct impact on juvenile offenders, the study underlined that the sanctions handed down by peer court included significant time of community service and, thus,

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[193] *Ibid*.
[194] *Ibid*.
[195] *Youth Administering Justice: A Guide to Youth Court Programs*, accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/youthc_1007.pdf.
[196] *A Guide for Using the "Little Book of Restorative Justice" in Your Youth Court,* accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/uiuc_peer_court_study.pdf.

provided "valuable service to the county and local agencies ($53,000 worth at minimum wage)."[197] The study also noted that almost 400 classes of counseling sessions had been "assigned to offenders, providing them with educational and personal support resources."[198] Measuring re-offending after peer court presented serious challenges, so the author was cautious in his conclusions; the results, however, appeared to be positive. For youth who committed misdemeanors and felonies after peer court, the recidivism rate was found to be about 0.10 a year after completing peer court sentence.[199] Comparison of those rates to rates from other populations of low-level offenders and other teen courts around the country led the author to believe that the peer court in Danville measured favorably.

Youth court programs in Illinois appear to be firmly established and continue their development.

California

Youth court in California is perceived as a diversion program and an alternative approach to the traditional juvenile justice system, as a way to put an end to the 'revolving door' and to empower young people "to take responsibility for their actions and the actions of their peers," in the words of the Honorable Judge Thomas Adams from the Santa Barbara County Supreme Court.[200] The target population is considered to be teens arrested on misdemeanor charges and some minor felonies such as graffiti writing or small-scale drug sales. Teen courts in California usually handle "nonviolent first-time defendants accused of shop-lifting, vandalism, starting schoolyard fights, and committing crimes unlikely to be prosecuted otherwise."[201]

The earliest youth courts in California appeared in the mid- to late-1980s, in Humboldt and Contra Costa Counties.[202] Youth courts in California have been growing fast since the early 1990s, from only two courts in 1991 to over seventy now.[203] Currently, they exist in about half of the counties in California.

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[197] Andrew Rasmussen, *Evaluation of Peer Court, Inc.:1993-2001 Statistics and Recidivism*. Danville, IL, 2002, accessed July 30, 2018, http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/uiuc_peer_court_study.pdf.
[198] *Ibid*.
[199] *Ibid*.
[200] Judicial Council of California. *Fact Sheet: Youth Courts*, accessed April 16, 2018, http://www.courts.ca.gov/documents/Youth_Courts.pdf.
[201] *Ibid*.
[202] Judicial Council of California. *Fact Sheet: Youth Courts*, accessed April 16, 2018, http://www.courts.ca.gov/documents/Youth_Courts.pdf.
[203] California Courts: The Judicial Branch of California. *Peer/Youth Courts,* accessed October 10, 2018, http://www.courts.ca.gov/5991.htm.

The majority of California youth courts are based at schools or school districts. The courthouse is the second most common place for youth court programs. Several are based at City Halls, Civic Centers, City Council offices, and community-based agencies. Over a half of California youth court programs utilize the adult judge model; about one-third use peer jury. The main referral source is probation, followed by school-based officers, police departments, high-school and middle-school administration. [204]

The California Association of Youth Courts (CAYC) was incorporated in 2008. It was created by leaders in the California youth court movement, with support from the Office Juvenile Justice Delinquency Prevention.[205] The purpose of the association is to facilitate the exchange of information between existing and emerging youth courts. Its primary activities are aimed at assisting in the formation of new youth courts and in helping established courts to do their work more effectively.

Most of the CAYC's training and information exchange work is done at the annual youth court conference. At this conference, known as the Youth Court Summit, "best practices and trends are exchanged through a variety of speakers and written materials."[206] To ensure access to the conference for students and adults involved in the youth court movement in all parts of the state, at least, every other year, the annual conference alternates between Northern and Southern California. The summit brings together youth court staff, juvenile bench officers, education experts, judges, and representatives of youth-focused organizations, who share their ideas and best practices. Each year, the Youth Court Summit focuses on one of the critical issues dealing with juvenile crime and interactions between youth and law enforcement. For example, a central topic for the 2017 summit was the conversation between youth and police. The keynote speaker for the 2018 summit, held at Sonoma State University in Rohnert Park, CA, was Adam Foss, a former prosecutor and an active advocate for juvenile justice reform and for putting an end to mass incarceration. The conference was attended by over 240 youth and adults.[207]

In collaboration with the Judicial Council's Center for Families, Children and the Courts, the CAYC offers informational roundtable events to local courts interested in developing efficient youth court models in their jurisdictions. The focus of these regional roundtables is juvenile court diversion and prevention. CAYC also connects new courts with some of the more experienced courts, which, in turn, offer on-site consulting services to a particular youth court.

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[204] Shayln Pugh-Davis, *California's Youth Courts in 2016: Survey, California Association of Youth Courts*, accessed October 10, 2018, https://calyouthcourts.com/2016_YCSyrveyPresentation.pptx.
[205] *California Association of Youth Courts*, accessed October 10, 2018, https://www.calyouthcourts.com/about/about-c-a-y-c.
[206] *Ibid*.
[207] California Courts: The Judicial Branch of California. *Peer/Youth Courts. Youth Court Summit,* accessed October 10, 2018, http://www.courts.ca.gov/5991.htm.

Quantitative data on youth court savings and benefits are scarce and in many cases dated. As of March 2010, there were over 1,050 youth court programs in operation in 49 states and the District of Columbia and the average annual budget for a youth court program was approximately $32,767 based on the National Youth Court Database.[208] In a review of studies conducted on specific youth court programs from 2004 through 2013, costs of the program ranged from $430 to $985 per youth. See table 2. Based on the youth courts costs in comparison with the existing criminal justice system, and in some cases the benefits to the victim and community, the net benefits ranged from $9,200 to $16,797 per youth. A study on the youth court system in Anchorage, Alaska presented their findings on an annual basis. Anchorage's youth court costs were $283,000 per year with a net benefit that ranged from $185,450 to $337,000 annually.

Anchorage, Alaska

In Alaska, juvenile criminal defendants are the purview of the Department of Health and Social Services Division of Juvenile Justice (DJJ) which collaborates in a variety of ways to provide appropriate options for juvenile offenders, including the Anchorage Youth Court (AYC).[209] In the AYC, youth volunteers act as defense and prosecuting attorneys, bailiffs, and judges to determine, within guidelines, the nature and severity of sentences. Alaska is one of very few states that authorize youth courts to determine guilt or innocence and the AYC is truly operated by its youth volunteers. A study examined the extent to which the benefits of the AYC may be quantified, how those benefits compare to the costs of operating the program and addressed the less quantifiable benefits. The AYC creates a complex set of benefits for participating defendants, youth volunteers, and the larger community. The benefits were as follows:

- The AYC conducts substantial education and life-skills training, and its structure and processes contribute to social-emotional growth for both defendants and volunteers;

- The AYC's one-year re-referral (when law enforcement refers a youth to the DJJ for a new offense) rate was 16 percent, while that of a comparison group of juvenile defendants who committed offenses similar to those of youth court participants and received informal probation was 39 percent;

[208] National Association of Youth Courts, "Youth Courts: Facts & Stats," accessed February 2, 2019, https://www.youthcourt.net/about/facts-and-stats.

[209] McDowell Group. "Cost Benefit Analysis of the Anchorage Youth Court." September 2014. http://www.anchorageyouthcourt.org/uploads/1/0/4/3/104368263/mcdowell_group_study.pdf.

- The AYC's lower re-referral rate means the Anchorage community experienced an average of 40 fewer crimes per year between 2009 and 2012 than it would have if all of the AYC's defendants had simply received informal probation;

- The AYC saved an estimated $3,900 in each of the 40 fewer crimes in victim, criminal justice, and law enforcement costs totaling $156,000 annually;

Table 2

Youth Courts
Cost Benefit Analysis
Based on Studies Conducted in Other States and the District of Columbia

Youth Court Location/ Source of Data	Year	Cases Handled (per year)	Benefits to Crime Victims	Benefits to Taxpayers	Total Benefits	Costs	Net Benefits
Anchorage, AK (Benefits per Year)	2013	100	--	--	$468,450-700,450	$283,000	$185,450-$337,000
District of Columbia (Benefits per Youth)	2004-2008	470-781	--	--	--	950	9,200
Nationwide (Benefits per Youth)	2005	--	--	--	--	430 - 480	Non-monetary benefits outlined in the report
Washington (Benefits per Participant)	2006	--	$5,907	$4,238	10,145	936	9,208
Washington - Updated (Benefits per Participant)	2010	--	--	--	17,782	985	16,797

Source: Alaska - McDowell Group. "Cost Benefit Analysis of the Anchorage Youth Court." September 2014. http://www.anchorageyouthcourt.org/uploads/1/0/4/3/104368263/mcdowell_group_study.pdf; District of Columbia - Carolyn Dallas, Rene Gornall, and Tonya Pickett. "A Five Year Look at Participation in the Time Dollar Youth Diversion Program." 2008; Nationwide - Sarah S. Pearson and Sonia Jurich. "Youth Court: A Community Solution for Embracing At-Risk Youth, A National Update." 2005. https://www.youthcourt.net/Youth_Court-A_Community_Solution.pdf; Washington - Washington State Institute for Public Policy. "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates." October 2006; Washington Updated - National Research Council. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. "Reforming Juvenile Justice: A Developmental Approach." 2013. https://www.nap.edu/read/14685/chapter/8?term=adapted#167.

- The AYC's largest economic value to young offenders is not having a criminal record which results in additional income of approximately $116,000 over a working lifetime for each defendant who avoids the stigma of a criminal record as a result of his or her AYC experience. It is estimated that the number of AYC defendants who benefit each year in this way is between 2 and 4 defendants, for a total annual benefit of between $232,000 and $464,000;

- The AYC produces community service, education, and volunteer value benefits worth an estimated $80,450. These benefits consist of community service by the offender, youth volunteer time, pro-bono legal services donated by adult attorneys and judges, and donated classroom facilities.

District of Columbia

The Time Dollar Youth Court (TDYC) is a diversion program authorized in 1996 by the District of Columbia (DC) Superior Court which has grown into the largest youth court in the country handling the broadest range of offenses.[210] From 2004 through 2008, the number of cases heard by the TDYC went from 470 to 781, a 66 percent increase. The completion rate was 69 percent for youth that had been given the requisite 120 days to complete the program during that same time period. One unique feature of the TDYC diversion program is the Computer Incentive Program which was inspired by the lack of computers and access to high technology that many of the families suffer from. If the youth continue on for at least 50 hours as a volunteer after serving as a TDYC respondent, they are eligible to receive a new computer.

To measure recidivism data for youth involved in the Youth Court, TDYC staff members compare their Youth Court Master Log, which captures intake data, hearing dates, sentences and outcomes, with data of juvenile arrests and police diversions available in police arrest diversion logs at the MPD Juvenile Processing Center. The database is updated on a monthly or bi-monthly basis. According to the recidivism data tracked since 2004, youth that successfully completed the TDYC program had a 5 percent recidivism rate at the six-month mark of their original arrest date and only a 9 percent recidivism rate at the one year mark. Since January 2003, all youth who were diverted to the TDYC, whether successful or unsuccessful, had an 11 percent re-arrest rate within one year while the recidivism rate for DC was 25 percent.

Youth courts have been shown to be an effective mechanism for helping youthful offenders, reducing recidivism and saving money. A study of Washington State conducted by The Urban Institute, affiliated with the U.S. Department of Justice, found that taxpayers save $9,200 for each case diverted to youth courts. Additionally, the cost per youth in the youth court program was only $950. Based on those figures and a small staff of only eight, TDYC estimates that it saves DC over $5.5 million per year.

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[210] Carolyn Dallas, Rene Gornall, and Tonya Pickett. "A Five Year Look at Participation in the Time Dollar Youth Diversion Program." 2008. timebankswork.net/tiki/tiki-download_file.php?fileId=220.

The TDYC Diversion Program has made a positive impact on the lives of youth in DC by:

- Slowing down the rate of youth entering the juvenile justice system;
- Giving youth a second chance to turn their lives around;
- Working with youth from the poorer wards of DC (addressing the disproportionate minority contact issue); and
- Being recognized as a positive intervention in the lives of DC youth.

Nationwide

The American Youth Policy Forum (AYPF) and the National Youth Court Center (NYCC) conducted a nationwide review of 365 youth court programs across the United States between November 2004 and January 2005.[211] The goal was to provide policymakers and the public with an overview of youth court programs, their characteristics and benefits. Depending on the jurisdiction, youth courts are sometimes referred to as "teen court" or "peer jury."

An estimated 110,000 to 125,000 youth offenders are served in youth court programs each year with another 100,000 youth benefiting from their participation in the program as volunteers. Approximately 9 percent of the juvenile arrests in a jurisdiction are being diverted from the formal juvenile justice system to youth courts.

Returns on investments are immediate with more than 80% of the youth offenders having completed their sentences successfully. The average costs of youth court programs were estimated at $430 per youth served and $480 per youth successfully completing a sentence. The low operation costs are maintained through a program's reliance on adult and youth volunteers. Youth courts provide benefits to more than just the offender and include:

- *To the juvenile justice system* - Reduced court backlogs without increasing recidivism;
- *To youth offenders* - An outlet to confront the consequences of their actions and protection from contact with "hard core" offenders as well as avoidance of a juvenile court record that may jeopardize their future;

[211] Sarah S. Pearson and Sonia Jurich. "Youth Court: A Community Solution for Embracing At-Risk Youth, A National Update." 2005. https://www.youthcourt.net/Youth_Court-A_Community_Solution.pdf.

- *To youth offenders and volunteers* - Opportunities to learn about responsible citizenship and law, and to develop skills in public speaking, mediation, and pro-social leadership through hands-on experience;

- *To families* - A chance to re-engage in a positive dialogue with their children, and to learn with them more about the justice system;

- *To communities* - Recovering losses due to juvenile crime and regaining confidence and pride in local youth.

Washington State

Long-term forecasts indicated that the State of Washington would need two new prisons by the year 2020 and possibly another prison by 2030.[212] A new prison was projected to cost about $250 million to build and $45 million a year to operate. In 2005, the Washington State Legislature directed the Washington State Institute for Public Policy (WSIPP) to identify alternative "evidence-based" options that can reduce the future need for prison beds, save money for state and local taxpayers, and contribute to lower crime rates.

In 2006, findings were presented to determine if evidence-based and economically sound options exist in adult corrections, juvenile corrections, and prevention programs. The WSIPP follows a number of steps to ensure a thorough evidence-based review which requires them to:

- Consider all available studies that can be located on a topic rather than selecting only a few studies; that is, do not "cherry pick" the studies to include in reviews. Then, use formal statistical hypothesis testing procedures (meta-analysis) to determine whether the weight of the evidence indicates outcomes are achieved on average.

- Require that an evaluation's research design include control or comparison groups. Random assignment studies are preferred, but allow quasi-experimental studies when the comparison group is well-matched to the treatment group. Then, discount the findings of less-than-randomized comparison group trials by a uniform percentage. Also, require that the groups be "intent-to-treat" groups to help guard against selection bias.

[212] Washington State Institute for Public Policy. "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates." October 2006.

- Prefer evaluation studies that use "real world" samples from actual programs in the field. Evaluations of so-called "model" or "efficacy" programs are included in reviews, but the effects are discounted from these types of studies by a fixed percentage.

- Discount the results from the study to account for potential conflict of interests, or the inability to replicate the efforts of exceptionally motivated program originators in real world field implementation if the researcher of an evaluation is also the developer of the program.

The WSIPP found that there are economically attractive evidence-based program options in adult corrections, juvenile corrections, and prevention with several of the successful programs having produced favorable returns on investment. Public policies incorporating those successful options can yield positive outcomes for Washington, but the WSIPP cautioned that while it is one thing to model results carefully on a computer, it is quite another to find a way to make them actually happen in the real world.

Teen Courts were one of the economically successful evidence-based options within the juvenile corrections programs category. The cost of the program was about $936 per youth and the benefits to the crime victims and taxpayers were $5,907 to $4,238 per youth, respectively. Based on the figures above, the net benefits for teen courts was approximately $9,208 per youth. The WSIPP also urged the legislature to establish an on-going independent review process so that information on the latest developments in evidence-based programs can be monitored and made readily available for policymakers in Washington.

The benefit-cost analyses produced by the Washington State Institute for Public Policy (WSIPP) are widely regarded as the most thorough and comprehensive in juvenile justice literature for several reasons.[213] The WSIPP examine a wide variety of juvenile justice interventions that have been carefully evaluated, they use established methods to project the reductions in crime that an intervention is likely to produce over a 13-year follow-up period, and WSIPP analysts are transparent in describing their assumptions and methods.

In 2013, a Committee on Assessing Juvenile Justice Reform, approved by the Governing Board of the National Research Council, created a report which converted WSIPP figures into 2010 dollars. States and localities have options that may produce remarkably large economic returns for programs that seek to divert juveniles before they are convicted of further crimes. Some programs show benefits of $10 or more for each $1 of cost and these findings may actually be conservative because existing benefit-cost analyses measure the interventions' costs well, but often omit some important and possibly large categories of benefits.

[213] National Research Council. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. "Reforming Juvenile Justice: A Developmental Approach." 2013. https://www.nap.edu/read/14685/chapter/8?term=adapted#167.

Teen Courts are one of six diversion program models meant to limit the penetration of adolescent offenders into the juvenile justice system which had benefits substantially exceeding costs. The benefits per participant of adolescent diversion (for lower risk offenders) were about $51,000 greater than the costs. The corresponding figures for teen courts, drug courts, restorative justice, coordination of services, and victim offender mediation were approximately $16,800, $9,700, $9,200, $4,900, and $3,400, respectively. See Table 3.

Table 3

Juvenile Offender Diversion Programs
Benefits and Costs per Participant
2010 Dollars

Program	Benefits to Victims and Criminal Justice System	Program Costs (compared with cost of alternative)	Benefits Minus Costs	Benefit-Cost Ratio
Adolescent Diversion Project (for low-risk offenders)	$53,072	$2,077	$50,995	25.6
Teen Courts	17,782	985	16,797	18
Drug Courts	12,737	3,024	9,713	4.2
Restorative Justice	10,106	954	9,152	10.6
Coordination of Services	5,270	386	4,884	13.6
Victim Offender Mediation	3,922	566	3,357	6.9
Scared Straight	-6,031	63	-6,095	n/a

Source: National Research Council. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. "Reforming Juvenile Justice: A Developmental Approach." 2013. https://www.nap.edu/read/14685/chapter/8?term=adapted#171.

APPENDIX A:

Recommendations and Testimonials
Received from Interested Parties

PENNSYLVANIA COUNCIL for the SOCIAL STUDIES

The 65th Annual Pennsylvania Council for the Social Studies Conference

October 17—October 19, 2019

Red Lion Hotel Harrisburg East

4751 Lindle Road

Harrisburg, PA 17111

Re: Youth Courts and Pennsylvania Public Policy

Dear Members of PA Senate and Joint State Government Commission Youth Court Advisory Committee:

The professional organization of social studies teachers from across the Pennsylvania Commonwealth, known as the Pennsylvania Council for the Social Studies (PCSS), held its annual conference in Harrisburg, Pennsylvania on Friday, October 19, 2018. The conference included a track of 6 youth court sessions highlighting youth court developments throughout the commonwealth. School teachers, principals and administrators from private and public schools, lawyers including those with expertise as public defenders, youth court trainers, college professors, and youth court advocates participated in those sessions. A youth court mock hearing was presented by the Cheltenham High School youth court. This was an extraordinary opportunity for educational and legal professionals and their young student youth court partners to explore current youth court practices and discuss proposals for the future direction of the youth court movement in Pennsylvania.

The final session of the day was a 90 minute discussion concerning the future of youth courts and what PCSS could do to advance momentum for youth court expansion within Pennsylvania. The attendees agreed to draft a letter to the Pennsylvania Senate and to the Joint State Government Commission Youth Court Advisory Committee. That letter should express support for an outreach strategy to provide youth court educational seminars to Pennsylvania citizens, particularly in areas historically defined as resource-poor. Those hearings would solicit feedback from Pennsylvania citizens.
The following Findings of Fact are respectfully submitted:

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Abington, PA 19001
phone 717-571-7414/fax 215-576-8695
david@leapkids.com
http://pcssonline.org/

1) Youth Courts are proliferating within Pennsylvania in both high schools and middle schools and they have the potential to empower youth, and give them a voice in how discipline is administered in both schools and juvenile justice systems;
2) Youth courts promote civic engagement, allowing youth to become "youth as resources" and contribute to a better disciplinary system;
3) Youth courts have potential to block the school-to-prison pipeline, and replace punitive disciplinary action in schools and justice systems, with restorative and helpful dispositions;
4) Training youth to operate youth courts can be conducted by teachers, lawyers, law and other higher education students, and professional volunteers working in teams (youth court training teams) or by individual teachers;
5) The Pennsylvania Joint State Government Commission Youth Court Advisory Committee, created unanimously by Pennsylvania Senate Resolution 32, has been reviewing youth court issues since April, 2018 and it will issue a report to the Pennsylvania Senate in June, 2019;
6) This opportunity to positively impact educational and juvenile justice public policy requires a plan, with broad input from historically underserved populations in rural and urban areas, to maximize its effectiveness.

The following Recommendations are proposed based on the foregoing Findings of Fact:

1) A plan for youth courts should first include outreach to all Pennsylvania citizens (rural and urban, minority and non-minority, resource-poor and resource- rich) to educate them about the benefits of youth courts and to secure informed feedback;
2) This youth court plan should be informed by public hearings on youth courts in selected geographical areas calculated to provide the most access to historically disadvantaged populations in urban and rural communities;
3) These public hearings should give citizens notice of the issues to be discussed, location, date and time of the hearings, and how the feedback from the citizens will be shared with Pennsylvania elected officials and policy makers;
4) The content of the public hearings should include how youth courts can and are structured in schools and as a diversionary program within the juvenile justice system, how they can and are integrated within school curriculum, how volunteer trainers can and are assisting teaching teachers and juvenile justice staff to operate youth courts, how meaningful data can be secured, the estimated training and operational costs of the youth courts, and a thorough discussion of how youth court benefits improve life outcomes for students, teachers, parents, residents, schools, and communities;

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5) The public hearings should include current data on local student school suspension and expulsion rates, the costs of operating those disciplinary systems, and comparable data demonstrating Disproportionate Minority Contact (DMC) within Pennsylvania's justice programs and the costs of operating those systems;
6) The leadership of the PCSS, the Pennsylvania Bar Association, county bar associations, the Defender Association of Philadelphia and District Attorney offices, the Philadelphia Region Youth Court Advisory Board, and the Youth Court Initiative of Western Pennsylvania should be asked to assist and provide information at these public hearings;
7) Feedback from public hearings and citizen comments should be encouraged and included in the Joint State Government Committee Youth Court Advisory Committee report to the PA senate;
8) The Pennsylvania Senate should have its staff review transcripts from state hearings conducted in June, 2010 in both the Pennsylvania Senate and Pennsylvania House, which explored alternatives to traditional discipline in schools and justice systems, and included youth court testimony from both trainers and youth court members.

Sincerely yours,

David Keller Trevaskis, Esquire
Executive Secretary, Pennsylvania Council
for the Social Studies

DKT/dt

cc: Gregg Volz
Kathleen Smith

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Media, Pa. 19063

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June 11, 20187

Re: Chester Youth Courts

To Whom It May Concern:

In 2007 I drove two Chester City residents and a public interest lawyer (Gregg Volz) to Washington to observe a youth court in Washington D.C. At that time, I was a clinical law professor at the Widener Law School in Delaware. I was interested in ideas to reduce the number of Chester youth who were being suspended and expelled and often ended up in the juvenile justice system. I was impressed with the D.C. youth court and have supported youth courts in Chester, in many ways, ever since. I have participated in several regional youth court seminars encouraged educators and lawyers to support youth courts. I have helped Mr. Volz train students in Chester schools to operate youth courts.

I am of the opinion that Youth Courts create "youth as resources" to combat disruptive behavior, conflict, and violence. Students learn respect for their colleagues, themselves, and the rule of law. They learn why we have rules and what responsibility means. By processing minor disciplinary problems, youth court students acquire problem solving skills, socialization skills, and learn the importance of actively participating in, and contributing to, efforts to improve their school and neighborhood climate.

As you may know Mr. Volz has trained more than a thousand Chester youth to run youth courts over the past 11 years. He has trained teachers in the Chester Upland School District to operate youth courts and as a result of their training some no longer need his help in order to operate a youth Court. His youth court training manual was published in February, and he is a member of the new Joint State Government Commission Youth Court Advisory Committee, which I believe will issue a report in support of Youth Courts recommendations to the General Assembly.

During my term on the bench, Delaware County Juvenile Probation allowed youth in one case to participate in Youth Court as part of their required community service. Due to the success of his work, Mr. Volz is being asked to help train students in schools districts beyond our county. I support expanded use of youth courts in the juvenile justice systems and in schools. They are a great way to hold youth accountable while simultaneously giving them tools to make better decisions and to contribute positively to their school and their community.

I would be happy to discuss my support for Mr. Volz's work, if you would like further details.

Sincerely Yours,

Nathaniel C. Nichols Sr

Nathaniel Nichols [Retired Judge of the Delaware County Court of Common Pleas]

Widener University
Delaware Law School

Committee Members
462 Main Capitol Building
Harrisburg, PA 17120

June 17, 2019

Dear Joint State Government Commission on the Use and Effect of Youth Courts in Pennsylvania's Education and Juvenile Justice Systems:

As Delaware Law students, we understand the importance of a quality education, giving back to the community and supporting an important cause. This is why we have a Youth Court organization at our law school. We know that youth courts play an integral part in our education system and have tremendous benefits for the students, teachers and entire school community. Law students have participated in these youth courts for over ten years and have assisted many teachers in achieving the goal of restorative justice. As law students, we teach the youth about how to take responsibility and control over their mistakes, how to change their reactions to an unpleasant or inappropriate comment and how to use coping mechanisms to control their anger. Such practices allow the students to analyze their behavior and reflect on how to better handle themselves in the future. By volunteering, we have taught students important skills, but have also learned far more than any law school textbook could provide.

We have learned that some students are experiencing trauma at home or personal issues that attribute to disruptive behaviors in the classroom. Some students may not be receiving three meals a day. By understanding the underlying issues, we can better solve the educational issues

and help students thrive into mature young adults. By being involved in the youth court process, we show the students that we care about their wellbeing and educational experience, for example, by fostering a curiosity of the law.

While conducting a mock hearing in a fourth grade classroom, one of the students told me she found the youth court to be fun and wanted to be a lawyer as well. It is clear that by allowing the students to take the reins in youth court, they feel a sense of empowerment. The students learn that through teamwork, patience, and cooperation they are able to conduct their own court the same way that is expected of upper level students. These skills are important to establish and exercise from an early age and it is clearly beneficial for students. Living in low socioeconomic areas has been proven to affect students in emotional and psychological ways because they are not taught skills such as cooperation, patience, or empathy. Through youth court the students learn different methods to combat anger or retaliation that stray away from the well-known zero tolerance policy that facilitates the school-to-prison pipeline.

Law students are an invaluable asset in the classroom and many are excited to share their experiences. Most importantly, I have found that every child I have worked with has innate intelligence and potential, despite many of them facing adversity and trauma that few could imagine. Throughout my experience, I watched quiet students break out of their shell and a student who did not want to participate at all become the student that raised his hand to be the judge. Students treat each other with more respect than they did at the beginning of the year and they listen to myself and other volunteers after we gave them the respect they deserved. Some students even tell me they want to go to law school one day. In fact, at the end of this letter you will find direct testimony from 7th grade students at Toby Farms Middle School. Youth court provides children with a renewed sense of power in controlling their own future and they dream big when

given the chance, as exemplified in their comments. When children believe they are in control, they will act with a sense of responsibility for their actions. Being a part of this transformative process in a child's life is an experience that will certainly help us become better attorneys.

Another key element to youth courts is enthusiastic teachers. Teachers are central to the success of youth courts and make a remarkable difference. One teacher at Toby Farms Middle School in Chester, PA really understood the issues facing her 7th graders outside the classroom. Mrs. Ebersole understood that some children did not have enough to eat at home and would supply granola bars to students that seemed lethargic. Not having enough to eat is a real issue and having someone who cares creates a safe environment for the children to learn. This in turn leads to high participation levels from the students. Having the trouble maker turn into a participant in youth court is one of the greatest successes of the program. Mrs. Ebersole whole-heartedly believes in the mission of the youth court and this greatly helps us when we volunteer with the children. Youth Courts would further succeed with more involved teachers like Mrs. Ebersole. We as law students are only as helpful as the teachers allow us to be.

A former Youth Court President at Delaware Law stated, "[Last] year I was lucky enough to have two teachers that valued this program as much as I did and who wanted to truly be a part of it. I have sometimes dealt with teachers who seemed like they wanted no part of the program. It saddened me because the students could tell by the teacher's behavior that youth court was not that important. The teachers need to realize that we as volunteers are there not only to help the students, but also to help them. We want the students to be more respectful towards their teachers not just their peers. The future classrooms that hold youth courts need to have teachers who not only want to be involved in the program, but understand the purpose of it and what impact it can

have." We encourage the committee to train teachers who are enthusiastic about the program and who will further the mission of Youth Court.

Youth Court has tremendous positive effects on children. As future prosecutors and defense attorneys, we continue to learn a great deal about how students in resource poor schools interact with one another and how trauma affects their learning abilities. Children in lower income school districts are treated as criminals for breaking the rules. Once, a law school volunteer witnessed a 7th grader being taken out of the school in handcuffs when she committed a school infraction. This is psychologically damaging for a young adolescent and we hope to reform the criminal justice system and advance the mission of youth courts as an alternative, hoping one day it will be the standard.

Involving law students in Youth Courts is such an integral part of the program. Law students can relay messages about law and discipline in a way that teachers or other school-aged students cannot. I cannot imagine a more impactful group of instructors than future lawyers to emphasize the significance of a fair and restorative justice system. Law students help bridge the gap between the students in resource-poor schools who are most affected by the juvenile justice system, with the lawyers and judges who often will not see these students until it is too late.

This letter was a collaborative effort between current and former Delaware Law Youth Court volunteers as well as former board members of the Youth Court Club who all truly valued their time as participants in this restorative justice program. A special thank you to Gregg Volz who has been an invaluable coordinator and advisor to our Youth Court organization at Delaware Law.

Attached you will find responses from Toby Farms Middle School 7th and 8th grade classes. We hope you find these comments as inspirational as we do. Thank you.

Truly yours,

Katie M. Costa
Class of 2021

Candace C. Hardy
Class of 2018

Madison McGuirk
Class of 2018

Professor Francis J. Catania
Faculty Advisor

Megan Traynor
Class of 2019

Ashley Reyes
Class of 2021

Ashley L. Pipari
Class of 2020

Professor Kathleen M. Turezyn
Faculty Advisor

Michael Assad
Class of 2019

Paige DeBell
Class of 2021

Lavanda Harris
Class of 2021

Widener University
Delaware Law

Katie M. Costa
Youth Court Vice President
2019-2020 School Year
Delaware Law School
Box # 839
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Wilmington, DE 19803
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Toby Farms Middle School 7th Grade Class

Question: What impact did Youth Court have?

1. Half the kids that get expelled go to prison. They think being expelled is vacation and don't learn. Youth Court makes them learn.
2. I think that Youth Courts really helps if the respondent has an abusive parent. If they do and you suspend them, they get beaten. Youth Courts means they don't get beat.
3. Youth Court is helpful - it teaches kids to not judge anyone by their cover. It helps us think about that person's point of view.

Question: Did you enjoy Youth Courts?

1. Yes. I like helping other kids in Youth Court by being a better person.
2. I like that I got to be the judge.
3. I like helping kids solve problems instead of suspensions - when kids are suspended all they do is stay home and don't learn.
4. I liked that people came out here to teach us about punitive and restorative justice. When you are the judge it feels like you are a real judge.

Question: Does Youth Court develop Leadership skills?

1. When I was a judge I kept it serious.
2. I saw the other students keeping students respectful.
3. Youth court made me understand people need help with how they act and need other people to help them see perspectives and find another way to stay out of trouble.

Question: What part of Youth Court was most real?

1. The judge controls things
2. After you are done they [the respondent] actually have to do things you say.
3. The Youth Advocate. If the respondent had no one he will feel guilty. He feels he has someone on his side.
4. The jury - it's the most important part.

Question regarding the dispositions in Youth Court - are they helpful?

1. It depends on the disposition. Dispositions like apologizing to the teacher and changing classes are good but it's not good to make someone pay because they might not have the money.
2. It [the disposition] fixes what they are going through. If they have an attitude or are sad and if there is no youth court when they go home they get a beating. Youth court is better it doesn't hurt them more than they already are.
3. Without a disposition, the respondent would just do the same thing again.

Question: How has Youth Court helped you as a person or as a student?

1. I learned to treat others with respect.

2. I learned different situations from the Respondent's view, the teacher's view and other perspectives. I learned to be careful how I say things.
3. As a student Youth Court helps me be good and as a person when someone is smart with me I learned to just say no and not yell.

Question: How does Youth Court help other students?

1. It helps other students with their actions and to think about their actions.
2. It helps a lot of kids in trouble -helps them to not get in trouble with their parents.
3. It helps students at Youth Court if they are having an off day because something happened at home. No one can control all of their actions all the time. Every action has a consequence.
4. Youth Court helps kids at Toby Farms because us kids help kids like some other person wouldn't. The kid gets help fast at Youth Court and don't have to go home and get a beating.

Question: What did you think about the volunteers who helped?

1. They helped us a lot.
2. When we began they guided us through and were really helpful. They found a way to tell us how to improve.
3. They are important. They gave us tips and advice and when we had difficulty they gave us help.
4. They care. When we are wrong, they help us make it better.
5. They helped us. After a real hearing or a mock hearing, they would talk to us and get our opinions.

Toby Farms Middle School 8th Grade Class

Question: What did you enjoy most about Youth Court?

1. Mock hearings and discussing the disposition. Sometimes you disagree and sometimes you agree.
2. Law isn't that much argument as it is getting to the cause of why something happened.
3. Real hearing and helping people get through real problems.
4. I learned how to be a Youth Advocate and I like taking up for someone.

Question: What is a major thing you remember from Youth Courts?

1. I look at the positive side of things now.
2. Just thinking - and learning what actual court is like.
3. Youth Court helps and doesn't hurt.

Question: Did you learn leadership skills in Youth Court?

1. Yes - when you tell the Respondent the right thing to do.

2. You learn to listen to the Respondent and help them to resolve their problem and motivate others.
3. Patience - every though a respondent was rude we learned to be patient and learned it was because she was uncomfortable.

Question: How does the disposition help the person in trouble?

1. It helps the person change their mindset.
2. It helps the respondent get their behavior together.
3. It helps them see what they did wrong and fix the mistake.
4. We try to make them see how the other person feels.

Question: How does Youth Court help other students?

1. It eases down on punishment.
2. Gives them the perspective of a real court.
3. Toby Farm students want to become lawyers or judges now. It was great when we went to the law school.

Question: Is Youth Court fun?

1. Yes! The challenge is fun.
2. Youth Court makes you think.
3. You get to argue about the disposition.

Question: Tell us about a specific incident where Youth Court affected your behavior.

1. I used to be disrespectful to my teacher.
2. Youth Courts made me kind of bold. I'm really shy so I learned to speak up.

Question: Has Youth Court affected what you think of the legal system?

1. I used to think it was all cops and lawyers and that they were all mean.
2. I thought they didn't like us.

Question: How has Youth Court influenced you?

1. I want to be a lawyer now.
2. It showed me that being a lawyer is fun and not that hard.
3. I have a better perspective on being a lawyer.

To: Yvonne Llewellyn Hursh, Counsel
Joint State Government Commission

From: Kathryn S. Atman, Ph. D.
Emerita Associate Professor,
University of Pittsburgh, School of Education

Date: Received by EMAIL on 6/18/2019

Hello Ms. Hursh,

I have been working with Gregg Volz to establish youth courts in Pennsylvania for more than a decade. I was a member of the University of Pittsburgh, School of Education faculty from 1970 to 2004 when I retired. In 2007, I learned about the work that Gregg was doing to implement a youth court at the Chester High School in the Chester Upland School District and located some travel money so I could visit the youth court in Chester periodically. This enabled me to continue working with Gregg from 2007 until 2010.

During that time, we had many conversations about ways to ensure that the students who were being trained to be judges and jurors at the Chester youth court would put forth consistent, well--focused performances that were of the highest quality in those roles. Excellent dispositions need to be the rule, not the exception, and the best way to 'make this happen' was to bring lawyers and judges into to the training sessions to answer student questions and to give feedback to the students on their performances in mock trials and actual hearings with respondents.

At the same time, I knew Dr. Jean Lave, a professor of social anthropology at the University of California, Berkeley, whose book, *Situated learning: Legitimate peripheral participation* (Lave and Wenger, 1991), aptly described the process that we could see was being enacted, daily, in the youth court training class. As the students were coached by legal experts, they sharpened their performance skills.

Situated Learning refers to the social context in which learning takes place. *Legitimate peripheral participation* refers to

"the point that learners inevitably participate in communities of practitioners and that the mastery of knowledge and skill requires newcomers to move toward full participation in the sociocultural practices of a community. *'Legitimate peripheral participation'* provides a way to speak about the relations between newcomers and old-timers, and about activities, identities, artifacts, and communities of knowledge and practice. It concerns the process by which newcomers become part of a community of practice." Lave and Wenger, *Situated Learning.* Cambridge, UK: Cambridge University Press, p. 29)

I discussed the relationship between a school-based youth court and both Situated Learning and Legitimate peripheral participation with Dr. Lave on several occasions. In each conversation, she affirmed the relationship and said that a school-based youth court was an excellent example of both Situated Learning and Legitimate peripheral participation. I have copied Dr. Darla Gerlach on this email since she met with Dr. Lave and will be able to speak to this issue. Dr. Gerlach cited Situated Learning as part of the conceptual framework for her dissertation research (2008).

When the students who are being trained to manage a youth court have prolonged contacts with members of the legal and justice communities, they experience the "professional presence" of the members of those communities and hear the tone of voice and vocabulary the lawyers and judges use as they go about their professional work. When the students who have worked with the lawyers and judges step into the court room, they know how to act and, if they have been well trained to consider mitigating circumstances, the dispositions that they render will be thoughtful, well-focused and sensitive to the issues that were uncovered during the hearing.

When you write the up-coming committee report about youth court development across Pennsylvania, please consider noting the processes of Situated Learning and Legitimate peripheral participation in the text of the report. These two processes are easily identified and simple to bring about: always include lawyers and judges from outside the classroom as an integral part of the training team needed to create well-seasoned student judges and jurors.

Thank you for taking time to read through this description of an important way to be sure of continuing high quality in youth courts across the state. I have just completed two years as a volunteer youth court advisor at Brashear High School in Pittsburgh. The process that I described above was evident at Brashear and was a replica of the process that I saw at work at the Chester High School from 2007 to 2010. It is exciting to watch this process at work!

Best wishes as you complete your work on the report.

Yours Sincerely,
Kay Atman

Kathryn S. Atman, Ph. D.
Emerita Associate Professor,
University of Pittsburgh, School of Education

Sharpsville
AREA MIDDLE SCHOOL

June 21, 2019

Yvonne Hursh, Esq.
Counsel, Joint State Government Commission
General Assembly of the Commonwealth of Pennsylvania
108 Finance Building
Harrisburg, PA. 17120

Dear Ms. Hursh:

I was introduced to the Youth Court program during a C.L.E online seminar called *Youth Courts: Breaking the School-to-Prison Pipeline*. As a lawyer and a public school language arts teacher, I welcome this opportunity to offer my voice in support of this positive initiative.

As I viewed the online seminar about Restorative Justice from Keith Bailey, David Trevaskis, Gregg Volz, and Roberta West, I immediately recognized an opportunity to influence the culture in my district in a constructive way. Specifically, the establishment of a Youth Court with the emphasis on student responsibility and engagement offered the transformative potential to promote change and empower our student body as stakeholders in the school community. While our district as a whole and our middle school building in particular is not characterized by excessive discipline or the prison pipeline issue, the Youth Court model developed by Gregg Volz nevertheless addresses the vital and urgent need to foster leadership, role models, critical thinking skills, and the positive engagement in daily affairs that leads to success in high school and beyond. Moreover, I see in the model of this student-driven tribunal the foundation of self-confidence, fairness, and empathy that we as educators are striving to cultivate in our students in order to guide their growth and maturity.

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E.O.E. Institution

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For the past decade, I have been involved with a program that pairs students from our district with overseas students to read and discuss the Holocaust through literature and online academic forums. This particular program was originally supported by a foundation connected to the legacy of Janus Korczak, a Polish pediatrician and director of an orphanage in Warsaw during World War II. Korczak became a world symbol of heroism and child advocacy when he remained with his orphans in the Warsaw Ghetto and marched with all 200 of them when they were ultimately sent to die at Treblinka. But in his progressive pre-war orphanage, Korczak also established a Children's Republic, complete with a Children's Court that functioned very much in the same way that the Youth Courts of today are currently operating. While Korczak's system was established in the 1930s to empower the weakest and most vulnerable members of society, I see in the current Youth Court a reflection of a child-centered mechanism that embodies the very best of Korczak's progressive vision, namely that children are not people of tomorrow, but of today. According to Korczak: "The unknown person inside each child is the hope for the future."

With its roots in Korczak's progressive view of the responsibilities and potential of each child, our own Sharpsville Korczak Youth Court is unique in the nation in that it also recognizes virtue and rewards the Six Pillars of Character; furthermore, it is reinforced through young adult literature, including the writing of Korczak as well as stories such as *A Retrieved Reformation* by O. Henry. Our hope is that all students have a chance to understand the consequences of their actions, learn from their mistakes, and make better decisions in the future. Knowing that classic detention or suspension does little to help students learn to self-regulate behavior, we are approaching behavioral issues with energy and creativity, believing, like Korczak, that by empowering students as stakeholders in their own governance and leadership, there will be significant change that positively affects the entire school community and sets a model for other schools to follow.

In recognition of its impact and relevance, our administration is actively planning to offer the Youth Court this year as a full-year rotation course for nearly our entire seventh grade, thereby immersing our student-participants in a range of activities to reinforce of the core concepts of community, culture, communication, and collaboration. Our middle school was recently recognized as a *Pennsylvania Don Eichhorn Schools: Schools to Watch*, joining a very select cadre of 38 schools

in Pennsylvania, and over 400 around the nation, and it is clear that my principal views the goals of youth court as inextricably aligned to our district commitment to student achievement as a measure of voice and engagement; her unqualified and enthusiastic support of our youth court program has been pivotal in building a culture in which restorative justice is becoming an active virtue in our hallways. By ensuring that the overwhelming majority of our seventh grade will be trained in youth court, my principal is reworking the concept of a pipeline into a positive model of experienced leadership buildingwide.

Together with the traditional courtroom roles such as judge, bailiff, jury foreman, and advocate, our students will take part in a variety of practical hands-on activities that encourage questioning skills, mentoring, public speaking, and critical thinking. The overall and consistent goal, however, remains the focus on restorative principles that connect the individual to and with the school community in a meaningful and active way.

Along with Korczak's Court of Peers, the additional Korczakian element that Sharpsville has added to our youth court involves our incorporation of Korczak's awarding of postcards in our proceedings. Specifically, each court session begins with the recognition and awarding of postcards based on the Six Pillars of Character. These postcards are noted in the court records and awarded on the basis of positive acts by students in the school community submitted to the court director by the faculty.

I am proud to follow in the noble tradition of empowering children to make meaningful and relevant contributions to their school and community, and I recognize in the Youth Court program a tradition of historic precedent and respect for the children in our care. By promoting individual responsibility and the value of constructive group interaction, the Youth Court program balances the crucial need for dealing with our students' compelling issues and concerns while preparing them to be active and confident stakeholders in a meaningful and relevant future that benefits all of us.

Respectfully,

Ira T. Pataki

Ira T. Pataki
Instructor, Sharpsville Area Middle School
ipataki@sasdpride.org

DEFENDER ASSOCIATION OF PHILADELPHIA

1441 Sansom Street
Philadelphia, PA 19102-3004
(215) 568-3190 (215) 988-0208 fax

KEIR BRADFORD-GREY
CHIEF DEFENDER

June 24, 2019

To the Advisory Committee on the Use and Effects of Youth Courts,

As the Chief Defender of the Defender Association of Philadelphia, I lead an office charged with defending more than 60% of the adults and juvenile defendants in state courts and in civil and criminal mental health hearings and serving as child advocates for dependent and neglected children in Philadelphia. The team I lead seeks to do more than process cases - we strive to support and develop programs which address the underlying causes of involvement in the criminal justice and juvenile justice system. With respect to the juvenile justice specifically, the school to prison pipeline has long been the focus of our efforts to disrupt the flow of our young people into the criminal justice system and my deep belief in Youth Courts as a powerful tool in this effort stems from this priority.

My own background with Youth Courts provides a context for my support. I first became involved with Youth Courts while serving as the Chief Defender of Montgomery County. In that capacity, I participated frequently with the actual training and observation of a school-based Youth Courts. Each week I saw young people become more empowered, confident and engaged and I saw school discipline issues dramatically improve as a sense of community and unified purpose evolved among the participants. I recall one teacher in particular who was resistant to the ability of students to assume the responsibility of seriously resolving disciplinary transgressions who made a complete turnabout after seeing the power of Youth Courts to change the classroom environment. That teacher took the time to wrote me a letter expressing her amazement at not only the growth of the students but her own transition from Youth Court skeptic to devoted supporter.

The defenders that I lead deal with children every day and the reality of the trauma and poverty that shapes their lives cannot be overemphasized. In my view, Youth Courts has the ability to restore some of the power that is stripped from our young people by trauma and poverty and effectuate some healing of many individual students and the school community. The power of this not only interrupts the school to prison pipeline but also develops engaged young citizens who can further help their communities.

As noted above, my experience has been with school-based Youth Courts. I am thoroughly convinced, however that, in addition to the expansion of school-based youth courts that Youth

Courts belong in the Juvenile Justice System. We must do more than process cases of juveniles through the system; we must recognize that we are dealing with a broken a system and it is negligent at best to continue the course in the same way. Youth Courts offer a powerful and effective option which will help engender needed change.

It is therefore my recommendation to this committee that an entity with youth court expertise be funded by the Commonwealth to support and encouraged Youth Courts expansion in both the school systems and the juvenile justice system.

Secondly, I also recommend state-funded public hearings to develop community understanding of the power of Youth Courts and to bring together juvenile justice professionals, school officials, and citizens.

Finally, to deepen support for Youth Courts I urge the Committee to encourage its ten law schools and dozens of higher education institutions to develop service-learning programs and courses so youth court training teams can reduce the cost of youth court training for schools and justice systems.

I appreciate the opportunity to provide the Committee with my thoughts on this matter and look forward to your report.

Sincerely,

Keir Bradford-Grey
Chief Defender

KBG/cmn

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

June 24, 2019

Ms. Yvonne Llewellyn Hursh
Project Manager
PA Joint State Government Commission
General Assembly of the Commonwealth of Pennsylvania
108 Finance Building
Harrisburg, PA 17120

Re: Pennsylvania Attorney General Letter in Support of Youth Courts

Ms. Hursh:

I write today to voice my strong support for implementation of youth courts in Pennsylvania's schools. Based on my years collaborating with youth courts, I know they are effective vehicles to: (1) reduce the "school to prison pipeline"; (2) reduce unnecessary suspensions in schools; (3) educate students about non-violent conflict resolution skills and methods to resolve disputes; and (4) provide a hands-on program in which students are entrusted with the responsibility to operate all facets of youth courts where they collaborate to determine the appropriate restorative justice resolution to complaints made against fellow students.

Since 2011, I have supported the creation of student run youth courts in the Philadelphia and the city of Chester as Executive Assistant U.S. Attorney in the Eastern District of PA. In these trainings, I assisted Gregg Volz in training students at Strawberry Mansion High School to operate its youth court and in training students (with seven other Assistant U.S. Attorneys) in the city of Chester to operate their youth courts. Over a four-year period, I saw first-hand the success of the Strawberry Mansion youth court: first, 250 school suspensions with alternative restorative justice consequences imposed in a school that was rated the most challenged high school in Philadelphia; and secondly, the personal growth of the students in the youth court was impressive and moving. Some students went from rarely participating in class to flourishing as the judge or member of the youth court jury, while others reported that the youth court experience was motivating them to not just complete high school but to apply for and be accepted into college.

Since joining the Office of Attorney General in 2017, I have continued this work by helping to create and support youth courts in the city of Pittsburgh and the city of Lancaster. In fact, as a result of our office's involvement, in 2018, Brashears High School in Pittsburgh became Pittsburgh's first high school to implement a youth court program. We are continuing to work with the Pittsburgh School District to expand youth courts to additional high schools and we

are in the process of working with several other school districts to implement youth courts for the first time.

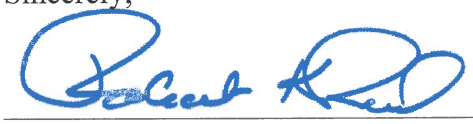
As you move towards the publication of your report on youth courts, please consider these additional comments. First, it is critical to consider the impact of trauma and adverse childhood experiences on the many youth who become respondents in youth court hearings. My current responsibilities at the Office of Attorney General include working with communities across Pennsylvania to provide trauma-informed trainings to law enforcement and criminal justice professionals and to facilitate relationships with other systems serving the public to prevent crime and violence and to provide alternatives to entry into the juvenile and criminal justice systems. This type of training is similarly important for the teachers and volunteers supporting youth courts so that they have the framework to better understand and connect with participants.

Second, youth courts help young people develop non-violent, restorative justice, conflict resolution skills. Including trained lawyers from the public and private sector as well as law students to assist in youth court trainings will enhance invaluable lessons that conflicts can be resolved by rules and laws and can be done so peacefully.

During the upcoming school year, the Office of Attorney General will continue to support youth courts in Pittsburgh and Lancaster and to expand them to additional schools in these jurisdictions.

Please accept my thanks and the thanks of the OAG for the work of the commission on this important subject.

Sincerely,



ROBERT K. REED
Executive Deputy Attorney General
for Special Initiatives

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June 14, 2019

Yvonne Hursh, Esquire
Counsel
Pennsylvania Joint State Government Commission

Re: PA Report on Youth Courts

Dear Ms. Hursh,

I am a former teacher and am pleased that the Pennsylvania State Senate has unanimously adopted a Resolution calling for a review of youth courts in schools and in the juvenile justice system. I chaired the Stoneleigh Foundation for many years. Stoneleigh funded a fellowship from 2009 until 2012 which created several youth courts in the Chester-Upland School District. Since the fellowship ended I have funded other youth courts in the Philadelphia region. I have encouraged other philanthropic organizations to support youth courts and intend to continue doing so.

Youth courts are innovative, efficient and badly needed in our society. Over the past decade they have expanded into other Delaware County school districts - Upper Darby being the most prominent. The School District of Philadelphia now has a director of youth courts. Youth courts were started in Montgomery County and in the states of New Jersey, and Delaware. The Philadelphia region has dozens of youth courts – with more planned next school year due to support from the District Attorney of Delaware County and the Office of the PA Attorney General. Several higher education institutions have programs that train college students who then support middle and high school youth courts.

Youth courts are a platform for youth to contribute to a more positive school or neighborhood culture. Youth court helps student offenders repair the harm their behavior caused, rather than punish them. Students running the courts feel empowered, respected and valued. Youth courts help students build competencies including confidence to speak up, teambuilding, critical thinking, and problem solving.

I hope you recommend that Pennsylvania needs a youth court plan, and the funding to implement it. The plan should prioritize objectives. Funding for professional expertise to assist youth court start-up efforts statewide should be

provided. Quality evidence-based research is needed. For years, youth court advocates have attempted to secure high quality empirical research but the great cost requires a specific strategy and probably a public-private partnership. That issue might be discussed in your report.

I testified at the Philadelphia City Council youth court public hearing in 2012 and stated I would continue to support youth courts, but I hoped the public sector would also do its part. Since then significant private funding has supported youth courts- particularly in resource-poor schools - but minimal public money has supported youth courts. Hopefully your report will encourage public funding to be increased, and if that happens I am confident philanthropy will step up again.

The greatest resource a school district has is the children who attend its schools. Youth court empowers those very children unlike any other program of which I am aware. Thanks for considering my thoughts.

Very truly yours,

Carol A. Shaeffer

Sent via email
yhursh@legis.state.pa.us

July 10, 2019
To the members of the JSGC Advisory Committee on Youth Courts,

On behalf of the Youth Court student volunteers at Swarthmore College, we feel obliged to write to you in support of the increased establishment and utilization of Youth Courts in Pennsylvania schools. For the past twelve years, Swarthmore students have worked with Chester City Youth Courts under the leadership of Gregory Volz, assisting in the development of Youth Court curricula and literature, as well as helping in the classroom as trainers and co-facilitators. We work directly with Chester students as they wrestle with the core concepts of Youth Courts, gaining ownership over the knowledge, skills and procedures necessary to run a successful Court. Oftentimes we form close bonds with the classes we serve as we witness students grow throughout the year into fully functioning and self-directed court practitioners.

As you are aware, Youth Courts are a student-run disciplinary intervention program founded on the principles of restorative justice. Respondents are brought before a jury of fellow students who are trained to ask questions which reveal the facts of a case before crafting through deliberation a disposition that allows a respondent to repair any harm they caused. When students facilitate their own courts, they take active ownership over disciplinary outcomes and their school climate while learning in detail about the judicial procedures of a real court. This progressive method for incorporating civics education into the classroom introduces students to concepts in self- and community-advocacy, students rights, collective decision-making and restorative justice. In Youth Courts, students acquire the language to express their opinions and values effectively, using critical thinking and problem-solving skills to envision and carry out restorative action and student accountability. In doing so, juries often instruct the respondent to invest time in their communities through community service. Students who participate in school civics are more likely to grow into active political citizens and invest in the health of their communities, and Youth Courts are one way that students can become active co-producers of justice in their school communities.

Research shows that Youth Courts are a cost-effective method of intervention in the American juvenile discipline system, which as we know, disproportionately punishes black and brown students and leaves them more vulnerable to dropping out or expulsion, police arrest, and criminal sentencing - or, the School-to-Prison Pipeline. In a country which confines 63,000 youths in prisons and jails, we are in dire need of radical initiatives which alleviate the flow of young people into the criminal justice system. Student-led Youth Courts are one such solution. Considering the relatively low cost of establishing Youth Courts in schools, coupled with the money saved by keeping students in school and out of criminal justice and law enforcement agencies, the establishment of Youth Courts in schools yields a significant return on investment. Youth courts which utilize the services of student volunteers can reduce costs even more, with the added benefit of increasing contact between underserved students and higher education institutions.

We have heard from some students that Youth Court is the most interesting thing they do in school; it is an opportunity for them to learn about issues which are pertinent to their lives, to engage in ethics-oriented dialogue, to take an active role in shaping their school's community, and, when implemented well, to address and repair problematic student-teacher and student-student relationships. Furthermore, volunteer undergraduate and law students have the capacity to build impactful relationships with students, serve as role models for them, support

them to develop knowledge and personal empowerment, and offer theoretical contributions and personal insight to curricula and classroom discussion. If Youth Courts are not implemented with keen attention paid towards building just and healthy relationships within the school community, they have the potential to recreate and thus maintain punitive and disempowering discipline measures which defined the zero-tolerance era - whose harmful consequences we are now working to undo. Because of this, it is crucial that Youth Court trainers emphasize the principles of restorative justice and support students to reach the root of an issue through dialogue in order to offer creative and restorative dispositions. In our work, we have seen that many conflicts in the classroom arise out of miscommunication and misunderstanding. In these cases, student volunteers can act as intermediaries in the conflict resolution process. The Chester City Youth Courts model in which Courts operate with support from student volunteers requires consistent reliability from students and intricate scheduling, but is cost-effective and offers many benefits for Youth Court students and student volunteers alike. Swarthmore students have reported that working with students through Youth Courts positively impacted their future work in law, their educational trajectory or simply their personal outlook and growth.

We hope that this background on student involvement in Chester Youth Courts and our recommendations for future development will be taken into consideration by the committee. In order to ensure the sustainable growth of new and existing Youth Courts in Pennsylvania, we offer the following recommendations:

1.) Funding must be allocated to schools for the adequate training of coordinators and teachers in restorative justice and Youth Court facilitation. This will help ensure that Youth Courts continue to operate from a foundation in restorative and not punitive justice.
2.) Legislators should consider incorporating the civic, judicial and historical curriculum of Youth Courts with student testing in accordance with PA Act 35 (2018) providing for assessment of civic knowledge in schools.
3.) The State of Pennsylvania should establish a permanent committee for Youth Courts, or hire a statewide manager who ensures ongoing referrals and consistent meetings.
4.) Consistent recordkeeping and surveys should be incorporated to track data on Youth Court outcomes, especially in the interest of recording students' feedback and their perception of the non-monetary benefits of Youth Court.
5.) Education departments in surrounding colleges and universities should be contacted and given information on Youth Courts with the aim of expanding the current network of student volunteers.

Thank you for your consideration.

Sincerely,

Tessa Hannigan '20
Nya Kuziwa '22
Naomi Horn '22
Jenny Koch '13
Sonia Linares '22
John Fan '19
Leah Owen-Oliner
Jasmin Rodriguez-Schroeder '17
Skylar Thoma '21
Sofia Saiyed '10
Naudia Williams '14
Shilpa Boppana '11

Chester City Youth Court volunteers at Swarthmore College, current and former.

"Youth Court is important because it empowers young people in school to take control of their school environment in the context of an educational system that all too often disempowers students, particularly students of color. It challenges them to change the framework with which they think about misbehavior and punishment. It provides them an opportunity to be a part of creating a more peaceful, positive school environment. And finally, it gives students who get in trouble a chance to contextualize their problem behaviors and come up with creative solutions to the root causes of their acting out. I am so pleased to see that the youth court program is still going strong and I hope that it will only continue to grow!"

- Sofia Sayed '10

"The Youth Court model is a testament to the power of peer engagement and collaboration. I have borne witness to students in Chester confronting and undermining negative stereotypes about their intellect, their potential, and their ideas. As a volunteer, I was teaching them how to ask probing questions, build their critical thinking skills, and to lead with empathy. In turn, the students showed me lessons in curiosity and resilience. They blossomed under new-found autonomy and they developed nuanced understandings of the criminal legal system. The power of youth court is its commitment to restorative justice in a society that still prioritizes punitive punishment to the detriment of its citizens."

- Naudia Williams '14

Widener University
Delaware Law School

Ms. Yvonne Llewellyn Hursh, Project Manager
Pennsylvania Joint State Government Commission
General Assembly of the Commonwealth of Pennsylvania
108 Finance Building
Harrisburg, PA 17120

Re: Youth Courts

Dear Ms. Hursh,

By way of introduction, I am the Director of the Experiential Education at the Delaware Law School of Widener University, whose main campus is in Chester, Pennsylvania. (Widener University is chartered in Pennsylvania.) I have been involved in the experiential education for law students for more than 3 decades. I write today in support of school-based Youth Courts – a program of considerable interest to students at Delaware Law School, and with which I have had a fascinating experience over the past six years.

It was about six years ago that my predecessor as Director of Experiential Education, now-retired Judge Nathaniel C. Nichols, brought the idea of school-based Youth Courts to my attention. He asked our faculty encourage our law students to volunteer to help teachers, lawyers and other higher education students at Widener and other institutions to provide youth court training to students in the Chester-Upland School District. Anyone knowledgeable about the conditions in Chester is aware that many of the children in that city grow up in deep poverty, experience racial isolation, and attend schools lacking sufficient resources to match public education opportunities in nearby communities. Some colleagues and I were persuaded of the opportunity to help level the playing field, block the school to prison pipeline, and teach youth that the conflicts they encounter at school, and in the streets, could often be handled in non- violent ways.

A small group of our faculty (Professors Kathleen Turezyn, James May, Serena Williams and myself, and then-acting Dean Erin Daly) met with a group of our students who were intrigued by the idea and wanted to volunteer to bring Youth Courts to CUSD. Our faculty were involved in the training of our students as youth court trainers of high school and middle school students, and also spent some time actually going into the schools with our students. We saw our law student volunteers not only helping the Chester youth acquire new skills, but developing important professional skills as well.

From the start, we noticed that participation in the cascading mentoring system that Youth Courts demanded capabilities of our law students that we believe are skills and values needed for successful lawyers. We found that our students who were engaged as Youth Court volunteers were increasingly capable of

- explaining legal systems and concepts to school students, peers from other disciplines, community members, *etc*.
- coordinating legal aspects with approaches of other disciplines
- working collaboratively with others not necessarily of their choosing
- subordinating their personal prerogatives to the needs of the client, program, *etc*.
- considering developmental levels and learning capabilities of school students (and other clientele) and tailoring their presentation accordingly
- appreciating confidentiality and other aspects of professionalism in Youth Court setting, and acting accordingly
- making an informative and interesting presentation on a wide range of topics

We also found law student involvement with Youth Courts to be rich with learning opportunities for law students, including

- to learn law to teach law (learn the dynamic of learning in order to teach)
- to learn to present the legal system and its peculiarities to a particular audience
- to learn to inhabit and project lawyer identity; professionalism
- to take leadership role among peers and with school students
- to learn to take subordinate role among peers
- to develop and project expertise
- to learn to work with professionals in other disciplines
- to learn to assess full spectrum of needs of clients
- to learn to negotiate systems in varying degrees of functionality on behalf of clients
- to learn to assess effectiveness of work done on behalf of clients
- to learn about community (history, politics, economics, *etc*.)
- to take advantage of networking opportunities within community, University, legal community, etc.
- to reinforce notion that lawyers should be contributing to their communities (working w/ models like Gregg Volz; volunteers from the office of the U.S. Attorney; Judge Nichols, *etc*.)
- to learn about power and privilege imbalances
- to learn about helping clients effect change in relevant systems
- to reinforce notion of lawyers as public servants - subordinating their personal prerogatives to the needs of the client, program, *etc*.
- to learn to critique, develop and fine-tune exportable, sustainable program models

Sometimes our students worked with a public interest lawyer or an Assistant U.S. Attorney. Sometimes they worked with other law students or graduate or undergraduate students from Widener and other nearby colleges and universities (*e.g.*: Swarthmore College; Temple University). The end to which our students aspired was to help Chester youth learn to reflect and acquire problem-solving skills.

None of our students received academic credit for their work with Youth Courts, and none are paid. Their contributions are solely voluntary. Because of this support from student volunteers from the Delaware Law School of Widener University, it has been possible to provide more Youth Courts in Chester than would otherwise be the case. Our students have noticed and commented upon the positive impact this volunteerism has had on them; they are pleased and amazed by the fact that the Chester youth look up to them as role models.

There is a real opportunity for synergism here. Experiential education is increasingly a focus of higher education. Youth Courts afford an opportunity for undergraduate, graduate and professional students to immerse themselves in experiential learning while simultaneously helping to provide an essential need for resource-poor school districts –the need for a just and non-punitive disciplinary system.

Each year around 15 of our law students engage in our Youth Court program, training middle-school and high-school students to run their own disciplinary system. Many do it both semesters. I know that other law schools, colleges and universities across the Commonwealth could engage in this work and provide a valuable resource to our public schools. That is why I chose to write to you today –to emphasize that this program should be introduced and strongly supported in school districts and institutions of higher education across the Commonwealth.

The Superintendent of the Chester-Upland School District has stated that the greatest resource a school district has is its students. Youth Courts are a program that teaches students that disputes can be handled peacefully by following the rule of law. Youth Courts also promote the acquisition by young people operating these programs of a vast array of skills (teamwork, cooperation, problem solving, critical thinking, self-confidence). Youth Courts provide a civic forum in which these young people contribute to their school district today, and to society tomorrow.

I understand that you are drafting the report on Youth Courts to the Legislature for the Joint State Government Commission. I hope our experience at the Delaware Law School of Widener University helps your report to emphasize the potential that higher education, and in particular legal education, has to contribute to and to benefit from high quality and sustainable Youth Courts. **Please feel free to publish my letter with the report.** And please do not hesitate to have anyone on your committee contact me with any questions you may have.

Best Regards,
Francis J. Catania, Jr.
Associate Professor of Law
Director of Experiential Education
Delaware Law School
Widener University
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July 12, 2019

Yvonne Llewellyn Hursh, Esquire
Joint State Government Commission
Room 108, Finance Building
Harrisburg, PA 17120

Re: Youth Court as a Trauma Informed Practice

Dear Ms. Hursh:

Gregg Volz requested that I submit a letter emphasizing the relationship between student behavioral issues, childhood trauma, and the value of restorative practices in schools. By way of background, I am a former educator who now practices school law in Pennsylvania. I also present extensively on the topics of your report.

As you have likely found through the course of your own research, youth courts offer an alternative to traditional school discipline and juvenile justice programs based on restorative justice principles. In contrast to the lasting negative effects of retributive and punitive discipline systems, evidence shows that restorative practices are more likely to strengthen communities by resolving conflict, reintegrating offenders, and decreasing recidivism rates. Youth courts, in particular, replace adult imposed discipline with peer imposed sanctions. They harness the power of positive peer pressure and social expectations to transform students from passive punishment recipients into active community members who are accountable to one another and to the community itself.

Children who experience trauma and its effects benefit from the principles underlying restorative practices. Trauma often arises from an inescapable stressful event that overwhelms an individual's coping mechanisms. Based on the 2016 National Survey of Children's Health, between 38.1% and 55.9% of children experience at least one adverse childhood experience in their life, with 15% to 30.6% experiencing two or more. Children who experience acute or complex trauma are more likely to also experience developmental problems in areas of childhood development, including the ability to manage behavior, cognitive processing, identity development, and affect tolerance. Specifically, trauma has been shown to alter the brain structure and the chemistry of the developing brain, causing over-development of the areas responsible for fear and anxiety and under-development of the areas responsible for complex thinking and executive functioning.

These developmental changes can cause some children to develop maladaptive behaviors. Rather than responding in a socially appropriate way, students with maladaptive behaviors will exhibit what may appear to be disruptive behaviors in the classroom, but are instead a product of learned coping skills from their environment. Moreover, the behaviors may also present with similarities to impairments that would otherwise qualify a student for special education and related services or reasonable accommodations in school. These symptoms can include behavioral problems, such as reactivity and impulsivity issues, aggression, defiance, withdrawal and an inability to pay attention, or academic problems. The behavioral problems can also lead to displays of conduct that warrant school discipline.

Traditional modes of discipline target the symptoms of trauma but fail to adequately address the underlying causes of the behavior. In traditional disciplinary schemes, adults impose punitive punishments in an attempt to control student behavior. These tactics involve a series of escalating exclusionary punishments that often fail to address underlying causes of misbehavior. A student's disability must also be considered in some circumstances. Students who are subject to discipline are more likely to be truant, less likely to graduate, and are highly likely to reoffend. In addition to negative outcomes for individual students, extreme punishments tend to disproportionately affect students of color and students with disabilities. Rather than changing behavior, zero tolerance and punitive policies trigger the fight or flight response in traumatized adolescents fostering an atmosphere of hostility and fear, and augmenting the symptoms of trauma or even creating re-traumatization.

Moreover, traditional programs fail to address the environmental and systemic issues underlying student misbehavior. As a result, some traditional school discipline and juvenile justice programs may be creating a toxic school community that perpetuates injustice and inequality and stifles educational growth. Lasting effects from that toxicity bleed into the community at large. Any program, disciplinary or not, that is implemented by a school should contribute to the community within which the school is situated. Abuse of traditional school disciplinary tactics has eroded the foundation of some communities by impacting the educational and life outcomes of individual students and contributing to the school to prison pipeline.

Countering the effects of childhood trauma requires a different approach—one that often involves a shift in the entire school community's response to symptoms of trauma. Rather than asking "What's wrong with this student?," schools should ask "What happened to this student?" Studies have repeatedly shown that students feel safer and more connected to schools when students perceive their teachers to have high expectations for positive behavior, and implement discipline fairly and tolerantly. This is the foundation for restorative practices such as youth courts.

Schools that switch to a more balanced approach to learning and discipline by implementing a trauma-informed framework that includes restorative practices experience positive effects in traditional academic measures because academic learning is most productive when it takes place free from distraction and stressors. By addressing the traumatic experiences through a holistic approach of teaching adequate coping skills, replacement behavior, and community involvement, the disruptive classroom behaviors in students who have experienced trauma will decrease and engagement will increase throughout the entire student population.

Youth courts combat the problems associated with traditional disciplinary programs with strategies that treat, rebuild, and empower the offender, the victim, and the community within which the offense occurred. Data on graduation rates, academic outcomes, and recidivism demonstrates that youth courts are more effective than traditional discipline at modifying student behavior and discouraging repeat offenses. In those ways, youth courts beat traditional disciplinary programs in their own game, and that alone makes youth courts a viable alternative to traditional discipline. Youth courts perform an additional function, however, that adds immeasurable value to the school community and to the community at large.

Schools are tasked with preparing students to be productive citizens. Youth courts approach student misbehavior with the belief that every student has the potential to be the greatest citizen and provide students with the opportunity to demonstrate good citizenship. Unlike retributive and punitive punishment systems, which may seem nonresponsive to the realities of a student's life, restorative measures reinforce fairness and empathy, teach offenders about the practical consequences of their actions, and allow them to learn how to make better decisions in the future, thus combating the negative outcomes that are typically associated with adverse childhood experiences and trauma.

Although no one approach provides a panacea to student misbehavior, a state-wide initiative aimed at implementing restorative practices would undoubtedly benefit individual students, school communities, and the community at large.

Youth courts empower students by providing opportunities for meaningful participation in their school community and training students how to be good citizens in their communities at large. Not only are youth courts more effective than traditional disciplinary programs at modifying student behavior, but they also teach students the value of good citizenship while reinforcing important skills like critical thinking and communication. These results emphasize community and relationship building, which in turn remedies the effects of trauma.

Thank you for your time and consideration. If you have any questions, please feel free to contact me.

Sincerely,

William J. Zee

WJZ:cla
7140511.1

Received by email July 18, 2019.

To: Ms. Yvonne Hursh, Advisory Committee on the Use and Effects of Youth Courts
In Pennsylvania's Educational and Juvenile Justice Systems (ACYC)

From: Professor Edgar Cahn, Founder, TimeBanks USA & Time Dollar Youth Court

Edgar S. Cahn

Re: Upcoming Report to the Advisory Committee

I was thrilled to learn that the Advisory Committee would be issuing a formal report on Youth Courts for submission to the legislature and wanted to go on record with a formal statement of the national significance of that undertaking. Please feel free to share this statement publicly and to include it as an attachment to be appended to that report.

First, some history. My first job out of law school was as Special Counsel to Attorney General, Robert Kennedy in the Department of Justice assigned to a special task force he established to address issues of juvenile justice. That in turn led to my assignment to the working group that developed plans for the War on Poverty. That provided me with the opportunity to fashion the legal services program which evolved into the National Legal Services program.

My subsequent development of the Youth Court in the District of Columbia stems from my role in implementing the legislative mandate in War on Poverty programs to require that that programs conform to the legislative mandate to promote "maximum feasible participation" in our efforts to address the causes of poverty.

Subsequently, I developed TimeBanking to create a way to record and honor civic engagement which is vital to advance justice. I created the The Time Dollar Institute with the mission is to build an economy that rewards decency, caring and a passion for justice. In 1996, a study was released revealing that over 54% of African American males in the District between the age of 18 and 35 were either in prison, probation or parole.

I went to Chief Judge Hamilton to note that these young adults had not committed their first offense at 18 and that we needed to intervene earlier. In 1996, a formal "Agreement between the Superior Court of the District of Columbia and the Time Dollar Institute for the Establishment of a Youth Court Diversion Program" created a "partnership for the purpose of jointly developing a diversion program which provides a meaningful alternative to the traditional adjudicatory formation juvenile cases." That Agreement provided that the Youth Court "shall serve as a unique pre-petition diversion program for nonviolent first-time offenders. The Program will foster accountability, mobilize peer pressure to reduce delinquency and recidivism, promote responsibility to the community and victims of delinquent acts, and assist in the development of self-esteem and respect for the rule of law in the District of Columbia." On June 25, 2001, Chief Judge Hamilton wrote,

> "In 1996, as Chief Judge of the D.C. Superior Court, I authorized the creation of the Youth Court as a diversion program to insure that we took a youth's first brush with the law seriously.... The Youth Court has established itself as an important cornerstone in a system of juvenile justice that really provides justice for juveniles."

In May 2002, the American Bar Association and Office for Juvenile Justice and Delinquency Prevention released one in a series of "Roadmap" publications designed to help the community, the bench and the bar implement change in the justice system. The publication, entitled "Youth Courts, Young People Delivering Justice," singles out the Time Dollar Youth Court as a "particularly noteworthy" innovation with this description: "The Time Dollar Youth Court in Washington, D.C. was established in an inner city context. To create a subculture in which youth would feel safe to tell peers that their behavior was wrong, the program offers rewards in the form of a local currency that can be used to purchase a computer or a scholarship to a local college.... ***The Time Dollar program is the only one to move beyond service delivery to system reform."***

Subsequently, I worked with Gregg Volz to launch a Youth Court in Chester, , Pennsylvania and then continued involvement in Pennsylvania to advance the development of youth courts statewide.

I write this statement because the Commission's report has national significance.
In the past, the expert focus and policy thrust has been on delivering more services to disadvantaged youth. That defines them as deficient and in need of "fixing."
This Commission on Youth Courts redefines these youth as assets, as partners and as coworkers in advancing justice and the rule of law.

That is a paradigm shift. Elevating that by this commission to the level of state policy constitutes system change. It is nothing less than a paradigm shift. And that is my reason for writing this letter as a formal statement.

To: Joint State Government Commission

From: Mary Hall, Youth Court Initiative of Western Pennsylvania

Received by email Thursday, July 18, 2019

Dear Ms. Hursh,

We do not yet have a website, but hope to design one in the coming academic year. Meanwhile I will describe our program to date as well as our future plans.

Our first Youth Court in Pittsburgh was at the Manchester Academic Charter School (MACS) on the North Side. Facilitated by David Trevaskis of the Pennsylvania Bar Association, it has been led by Dennis Henderson, a Social Studies Teacher and then Principal of this Middle School. (Mr. Henderson has gone on to take a leadership position in successfully fundraising for a new MACS location atop the Children's Museum here in Pittsburgh.) He was ably assisted by Dr. Kathryn Atman, Emeritus Associate Professor of Pitt's School of Education. Interns were provided by Pitt's School of Social Work, Pitt's School of Law and Brown University. Lawyers providing situated learning in the classroom came from the U. S. Attorney's Office and the Schnader, Harrison, Segal and Lewis law firm. Our curriculum was Gregg Volz's Youth Court Training Manual, 3rd Edition. Additional training was provided by Schnader in such things as helping the students develop their own Bill of Rights for their school.

Special events included mock trials in the Common Pleas Courtroom of Judge Joseph Williams and community policing seminars with Pittsburgh Police officers. A graduation ceremony and student demonstration was held in the courtroom of the Pennsylvania Supreme Court with a speech by Justice David Wecht, as well as one by Tracey McCants Lewis, Esq., who later represented one our YCI partners, the Duquesne University School of Law.

Our organization has been part of a number of the annual conferences of the Pennsylvania Council for the Social Studies (PCSS). We have made presentations and a number of us have been honored by PCSS. One year in particular our MACS Youth Court students demonstrated their Youth Court prowess and spoke to the difference Youth Court training had made in their lives. Their trip to Harrisburg was underwritten by the Schnader law firm. State Representative Jake Wheatley arranged a tour of the State Capitol for them while they were there.

My own work has involved a great deal of outreach, particularly to the Pittsburgh Public Schools. I made a special point of testifying before the Pittsburgh Public School Board on restorative justice, youth courts and community schools, usually coordinating with community groups that were testifying that same evening. I also have taken the opportunity of getting to know school board members and candidates for the school board while advocating for our work. I participated in the community meetings leading to the development of the Strategic Plan for our schools, becoming a member of the Superintendent's "Stakeholder" group. I became knowledgeable about the restorative justice method currently used in our schools utilizing the technique of circles by attending a conference on the subject and later becoming partially certified in the method. This is important because we are currently facing the issue of integrating the youth court methodology into the system's disciplinary code which incorporates the use of circles.

Because I think that it is critically important to involve the judiciary in our work, I have met with a number of judges and judicial candidates over time. When I joined Dr. Atman's group one of the first things that I did was to invite Judge Kathryn Hens-Greco and Judge Eleanor Bush of Common Pleas Court to join us for a meeting. As it turned out, they were already quite knowledgeable about youth courts and had attended judicial conferences about them. As you may remember, the judge who appears in our video is Judge Hens-Greco. Her interaction with our students that day was compelling. I'm hoping to use the additional film of their time together for instructional purposes. Our goal is to see that relationship as a partnership. I want students whose family members have had adverse experiences in our court system to realize that they can partner with judges who believe in restorative justice as they do.

Our more recent pilot program has been at Brashear High School, a highly diverse school of 1500 students. It has been led by a very experienced social studies teacher named Joel Graham. He has utilized Gregg Volz's Manual while augmenting it with his own curriculum on such topics as truancy. Interestingly, one of his Youth Court students developed a on-line system for transmitting the results of Youth Court deliberations to the school administration that might be a model for other schools. The Principal of Brashear, Kimberly Safran has been very supportive of the effort. (We have found that foundational support by the principal of any prospective Youth Court school to be critically important.) Throughout the program Dr. Kathryn Atman's contribution has been invaluable. Others who have contributed substantially to the classroom have included: Bridget M. Gillespie, Esq., Director of Western Pennsylvania Services, Pennsylvania Bar Association; Elliot Howsie, Chief Public Defender of Allegheny County (he has since been appointed to our Court of Common Pleas by Governor Wolf); and Tad Wissel of the Saturday Light Brigade, who was responsible for the videography and radio interviews where Youth Court participants described their work.. The latter is an indication of the value we place on "student voice," an indispensable part of our curriculum. In addition to having an opportunity to develop their communication skills, our Youth Court students have demonstrated that they have acquired high levels of empathy for their fellow students who come before them as Respondents. They have given them their cell 'phone numbers with the offer of out-of-school advice and companionship and have suggested that they walk home together. Activities outside the classroom have included: attending an interactive presentation by Dr. Fania Davis, a nationally known expert on restorative justice; the appearance in Common Pleas Court with Judge Hens-Greco, as seen in our video; and a presentation of their Youth Court program at a symposium at Carlow University.

Our status with the Pittsburgh Public Schools is that we have been invited to start Youth Court programs at four additional high schools. A fifth school, Obama Academy, has strong interest in our program coming from their parent-teacher group. In gaining the confidence of the Pittsburgh Public Schools we have to note the extraordinary assistance of Rob Reed, Executive Deputy Attorney General of the Commonwealth. He has also been instrumental in arranging for Gregg Volz to come to Pittsburgh in the near future to offer training in his Youth Court curriculum and outreach to multiple audiences including members of the legal profession, colleges and universities and community groups.

Thank you for your interest in our Youth Court program. Please feel free to use this document and our prior communication, including our video, in your publication. We look forward to seeing your Report.

With our best wishes.
Mary Hall
Youth Court Initiative of Western Pennsylvania

SJU Saint Joseph's University

Department of Philosophy

July 19, 2019

Yvonne Hursh

Counsel to Joint State Government Commission

Dear Ms. Hurst:

I have recently become aware of your work with the Advisory Committee on Youth Courts in Pennsylvania. I am writing, admittedly at the last minute, to express my support for the development and extension of youth courts in public schools in our state. Please feel free to include my letter with your report to the Legislature.

I have become acquainted with youth courts in Drexel Hill Middle School and in Upper Darby High School, through teaching a philosophy First Year Seminar at Saint Joseph's University over the past four years. The seminar is titled "Sweet Revenge…and Alternatives" (those being retribution, restorative justice, mercy and forgiveness). I designed this course out of my long time research interest in restorative justice as a corrective to so much that is dysfunctional in the standard criminal justice system.

This seminar, and the Moral Foundations class that follows in the second semester, is a service-learning course. Through the Faith Justice Institute at Saint Joseph's, we place the students in the class at sites connected in some way with criminal justice, including antidotes to juveniles' future involvement with that system. As I am sure you know, the "zero tolerance" disciplinary approach in too many schools feeds the school-to-prison pipeline, by diverting young people from educational success and to a life that often leads to trouble with the law. As I believed, and my Saint Joseph's students have found through their experience, youth court offers a much more constructive alternative to suspension or dismissal (sanctions that further marginalize at-risk students). My students also learn in concrete ways how restorative justice works in practice.

Building on this positive experience, I am currently developing a more advanced "Law Practicum" course with a member of the Sociology Department, Donald Haldeman. We intend the course this fall as a pilot, with up to fifteen upper division students combining field work in a particular school's youth court with classroom engagement focusing especially on restorative justice. Gregg Volz is working with us to place our students in the Chester Upland School District (details being worked out as I write this).

Our hope is that a version of this course (cross-listed as PHL and SOC) will become a permanent part of our fall curriculum. We expect that it will have special appeal to students majoring in Criminal Justice and/or minoring in Justice, Ethics and the Law.

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I hope that it will be useful to the Advisory Committee to know of another university in Pennsylvania that hopes to integrate youth courts into its educational offerings. As a Jesuit university, Saint Joseph's has the promotion of social justice as an integral part of our mission. Partnership with youth courts in the public schools is a very promising avenue to achieving this mission.

Thank you for your consideration, and thank you for your work on this.

Sincerely yours,

Elizabeth Linehan, RSM, Ph.D.

Elizabeth Linehan, RSM, Ph.D.

Professor Emerita of Philosophy

Saint Joseph's University

APPENDIX B:

Summary of School Survey Responses.

School Districts

Athens Area School District (Bradford County)

Creation: Within the last 1-3 years
School level: Middle school
Type of program: Non-graded enrichment opportunity during the school day
Model: peer jury
Panel composition: combination of volunteer; in class assignment; recommendation by teacher/counsel/principal; past respondent
Respondent referral source: Principal
Parental notification: yes
Evaluations: yes
Funding source: School district

Chambersburg Area School District (Franklin County)

Creation: Within the last 1-3 years
School level: High school
Number of students involved: 30-40 per year as court members and respondents
Type of program: After class, as an extracurricular activity
Type of offenses: Disciplinary code violations such as skipping class, disrespect to authority, negative peer interactions/fighting
Recognized alternative to school disciplinary proceedings: Yes
Types of dispositions: apology letters, worksheet packets, jury duty, community service, etc.
Model: Combination of adult judge, youth judges, tribunal of youth judges, peer jury
Panel composition: combination of volunteer; in class assignment; recommendation by teacher/counsel/principal; past respondent
Respondent referral source: Principal
Parental notification: yes
Follow-up: Youth court coordinator oversees completion of disposition
Evaluations: No
Survey respondent evaluation of effectiveness (on a 1-5 scale): 4
Funding source: Local

Cheltenham School District (Montgomery County)

Creation: Within the last 1-3 years
School level: High school
Type of program: In class, as a graded lesson integrated into the curriculum
Model: Combination of adult judge, youth judges, tribunal of youth judges, peer jury
Panel composition: open volunteer
Respondent referral source: Teacher
Parental notification: no
Evaluations: Yes
Funding source: Local

Chester Upland School District (Delaware County)

Creation: more than 10 years ago
School level: All levels: 3 at Chester High School; 1 at STEM Academy; 4 at Toby Farms Middle School; one each at three elementary schools
Number of students involved: currently 180 but expected to increase to 300 in 2019-2020
Type of program: In class
Type of offenses: Primarily behavioral issues – disruption, defiance, cursing, hallwalking, cell phone and dress code violations – drawn from disciplinary code
Recognized alternative to school disciplinary proceedings: yes
Types of dispositions: Written and verbal apologies essays, community service; creativity encouraged to find ways to accomplish restorative justice
Model: Youth judge
Panel composition: Teacher recruitment
Respondent referral source: School climate staff
Parental notification: varies from school to school
Follow-up: Climate staff
Evaluations: Two professional evaluations have been conducted. Further analysis of these evaluations can be found at page 33-35
Survey respondent evaluation of effectiveness (on a 1-5 scale): 4
Funding source: private grants and federal funds; experienced teachers who have learned how to operate the youth court do not need outside support and thus lessen the cost to the school district

Norristown Area School District (Montgomery County)

Creation: 3-5 years
School level: High school
Type of program: In class, as a graded lesson integrated into the curriculum
Type of offenses:
Recognized alternative to school disciplinary proceedings:
Types of dispositions:
Model: Youth judge
Panel composition: Teacher referral
Respondent referral source: High school discipline office
Parental notification: yes
Evaluations: no
Funding source: federal/school-based

North Penn School District (Montgomery County)

Creation: Within the last 1-3 years
School level: High school
Number of students involved: approximately 30 as court members; 4 respondents in April and May of 2018 (first year); plan is to add three more courts in the district
Type of program: After class, as an extracurricular activity
Types of offense: tardy to school, tardy to class, cutting class, non-violent behavioral disruption, insubordination
Recognized alternative to school disciplinary proceedings: yes
Types of dispositions: community service; research consequences (e.g. vaping); mediation; other ways to accomplish restorative justice
Model: Combination of adult judge, youth judges, tribunal of youth judges, peer jury
Panel composition: combination of volunteer; in class assignment; recommendation by teacher/counsel/principal; past respondent
Respondent referral source: Teacher, with principal approval
Parental notification: yes
Evaluations: Yes
Funding source: Self-funded by the school district

Philadelphia School District

Creation: 3-5 years ago
School level: Multiple levels
Type of program: In class, as a graded lesson integrated into the curriculum
Type of offenses: Low level disciplinary code infractions, such as cursing, failure to follow classroom rules, cutting class, fighting and conflict
Recognized alternative to school disciplinary proceedings: yes
Types of dispositions: restorative sanctions, such as apologies, community service, reflection on how to do things differently
Model: Youth judge
Panel composition: combination of volunteer; in class assignment; recommendation by teacher/counsel/principal; past respondent
Respondent referral source: Principal
Follow-up: Teacher/principal
Evaluations: Planned for future
Survey respondent evaluation of effectiveness (on a 1-5 scale): 4
Funding source: Some grant funding; school district funding

Shaler Area School District (Allegheny County)

Creation: Within the last 1-3 years
School level: Elementary school
Type of program: In class, as a graded lesson integrated into the curriculum
Model: Adult judge
Panel composition: open volunteer
Respondent referral source: Teacher
Parental notification: Yes
Evaluations: Yes
Funding source: Federal

Universal Institute Charter School (Philadelphia County)

Creation: Within the last 1-3 years
School level: Multiple (K-8 school)
Type of program: Enrichment program
Model: Combination of adult judge, youth judges, tribunal of youth judges, peer jury
Panel composition: combination of volunteer; in class assignment; recommendation by teacher/counsel/principal; past respondent
Respondent referral source: Principal
Parental notification: yes
Evaluations: Yes
Funding source: Local

Upper Darby School District (Delaware County)

Creation: Within the last 1-3 years
School level: Middle school
Number of students involved: 25-30 as judge or jury member; 45-60 as case respondents
Type of program: In class, as a graded lesson integrated into the curriculum
Types of offense: All offenses except expellable offenses; drawn from school disciplinary code
Recognized alternative to school disciplinary proceedings: yes
Types of dispositions: Letter of apology; personal apology; serving on the court; other restorative dispositions
Model: Combination of youth judge and peer jury
Panel composition: Students pick class as an elective
Respondent referral source: Principal
Parental notification: yes
Follow-up: Youth court
Evaluations: Yes
Survey respondent evaluation of effectiveness (on a 1-5 scale): 4
Funding source: Local

Additionally, the following school districts noted on their survey responses that they did not currently have a youth court, but that they had some form of court in the past:

Bradford Area (Bradford County)
Canon-McMillan (Washington County)
Clairton City (Allegheny County)
Keystone Central (Clinton, Centre and Potter Counties)
Oil City (Venango County)
Penn Hills (Allegheny County)
South Eastern (York County)

Literature from the late 1990s through 2011 identify several youth courts that were in existence at the time, but now appear to be defunct. They include:

Chester County Youth Court
Coatesville Youth Court Program (Chester County)
Northampton County Youth Court
Northumberland County Youth Court
Sto-Rox School District (Allegheny County)[214]

[214] Megan Clouser. "Teen Court/Peery Jury: A Positive Model of Peer Pressure." *Pennsylvania Progress.* Vol.3, No. 5. November 1996. National Center for Juvenile Progress, Pennsylvania Progress. Harrisburg, PA http://www.ncjj.org/Publication/Teen-Court-Peer-Jury-A-Positive-Model-of-Peer-Pressure.aspx; Greg Volz. "Youth Courts: An Idea Whose Time Has Come?" *The Pennsylvania Lawyer.* March/April 2011. https://stoneleighfoundation.org/wp-content/uploads/2018/02/Youth-Courts.An-Idea-Whose-Time-Has-Come.pdf. Hannah Klein, Gregg Volz. "A Snapshot of Pennsylvania Youth Courts." December 2011. https://stoneleighfoundation.org/wp-content/uploads/2018/03/A-Snapshot-of-Pennsylvania-Youth-Courts.pdf.; and Gregory Volz, David Keller Trevaskis, Rachel Miller. "Youth Courts: Lawyers Helping Students Make Better Decisions." *University of Pennsylvania Journal of Law and Social Change.* Vol. 15, pp. 199-231. 2012. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1113&context=jlasc.

APPENDIX C:

2017 Senate Resolution 32

PRINTER'S NO. 382

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 32 Session of 2017

INTRODUCED BY FARNESE, GREENLEAF, SCHWANK, TARTAGLIONE, COSTA, YUDICHAK, HAYWOOD, BREWSTER, BOSCOLA, STREET AND BROWNE, FEBRUARY 16, 2017

REFERRED TO JUDICIARY, FEBRUARY 16, 2017

A RESOLUTION

Directing the Joint State Government Commission to study the use and effects of youth courts in the education and juvenile justice systems, establish an advisory committee to conduct a thorough and comprehensive analysis of the benefits and effectiveness of youth courts and report to the Senate its findings and recommendations.

WHEREAS, Large numbers of Pennsylvania's youths experience early contact with the justice system and are at greater risk for future, more serious contact as adults; and

WHEREAS, This contact may affect and limit their opportunity to contribute to society as adults and imposes significant costs on communities; and

WHEREAS, Research demonstrates that the adolescent brain is not fully matured, which may contribute to bad choices and behavior; and

WHEREAS, Diversion programs help youths make better choices, reduce contact with the juvenile and criminal justice systems, reduce future costs and assist with productive youth development; and

WHEREAS, Youth courts have been shown to be a cost-efficient and successful diversionary program in Pennsylvania and elsewhere for decades; and

WHEREAS, Youth courts are student-operated disciplinary systems that use positive peer pressure to correct disruptive behavior; and

WHEREAS, Trained youths use positive peer pressure to hold offenders accountable and repair harm; and

WHEREAS, Youth courts can be structured within a school-based or juvenile justice-based system; and

WHEREAS, Youth courts keep at-risk youths in school, where the youths continue their education and are less likely to enter the formal juvenile or criminal justice system; and

WHEREAS, Youth court programs include public speaking, creative problem solving and literacy and promote the citizenship and socialization of youth court respondents and peer volunteers; and

WHEREAS, Youth courts attract new resources, including lawyers and volunteers, from higher education and faith-based institutions; and

WHEREAS, There are more than 1,200 youth courts in the United States, but fewer than 10 of Pennsylvania's 67 counties have youth courts; and

WHEREAS, Pennsylvania's increased deployment and utilization of youth courts and the creation of more youth courts could result in greatly reduced corrections costs and school disciplinary costs as in other states; and

WHEREAS, The Senate recognizes the value of youth courts as a positive reformative juvenile justice tool; therefore be it

RESOLVED, That the Senate direct the Joint State Government

Commission to establish an advisory committee of 21 members consisting of public education officials, the legal community, the law enforcement community and experts on the issue of youth courts and juvenile justice; and be it further

RESOLVED, That the membership of the committees be balanced so that it encompasses a wide range of backgrounds and viewpoints; and be it further

RESOLVED, That the advisory committee contain the following individuals:

(1) the Secretary of Education or the secretary's designee;

(2) a superintendent of a school district or the superintendent's designee;

(3) a principal of a public high school or the principal's designee;

(4) a principal of a public middle school or the principal's designee;

(5) a judge or former judge in the juvenile justice system;

(6) a public defender;

(7) a district attorney;

(8) a representative from the law enforcement community;

(9) a public high school teacher who has operated a youth court;

(10) a public middle school teacher who has operated a youth court;

(11) a representative from a Pennsylvania law school;

(12) two members who are former youth court student participants;

(13) the executive director of the Juvenile Court

Judges' Commission or the executive director's designee;

(14) a representative of the Pennsylvania Commission on Crime and Delinquency; and

(15) six members of the public who are experts on the issue of youth courts or juvenile justice or who are involved in any other profession relevant to the issue of youth courts;

and be it further

RESOLVED, That the Joint State Government Commission, working with the advisory committee, conduct a thorough and comprehensive analysis of youth courts in the State education and juvenile justice systems, the issues set forth in this resolution and other related issues as determined reasonable and necessary by the commission; and be it further

RESOLVED, That the Joint State Government Commission, working with the advisory committee, review the following to identify the best youth court practices, identify cost savings and benefits from establishing youth courts in the education and juvenile justice systems and to develop recommendations best suited for schools and the juvenile justice system:

(1) youth court policies currently in place at schools in this Commonwealth;

(2) youth court proposals and policies of other states; and

(3) other resources on the issue of youth courts;

and be it further

RESOLVED, That the final report include recommendations to implement necessary changes in State statutes, practices, policies and procedures relating to youth courts, including measures to increase availability of youth courts, and to

develop awareness, education and other strategies to address issues relating to youth restorative justice programs; and be it further

RESOLVED, That the Joint State Government Commission report to the Senate its findings and recommendations no later than 18 months from the adoption of this resolution.