YOUTH CASES *for* YOUTH COURTS

DESKTOP GUIDE

A Guide to the Typical Offenses Handled by Youth Courts

ABA Defending Liberty Pursuing Justice

A Message from the United States Department of Justice and the American Bar Association

J. Robert Flores

Karen J. Mathis

The ideal of justice for all can only be achieved when people both understand and trust our justice system. Through youth court, the nation's young people have a chance to contribute directly to the administration of justice and develop a foundation for that trust.

In youth court, also known as teen court, student court, and peer court, youth volunteers work with adults to conduct sentencing hearings and trials for young offenders. The primary purpose of the youth courts is to effectively divert juvenile delinquents from the formal juvenile or criminal justice system. Adults and youth volunteers work as colleagues to achieve the goals of restoring justice to the victims, the respondents, and the community. Most importantly, young offenders learn that their peers will work with them to ensure that justice is served and that there are consequences for their delinquent behavior.

According to a 2005 report by the American Youth Policy Forum, an estimated 110,000 to 125,000 youth offenders were served in youth courts in 2004. The report indicated that returns on investment are immediate—in programs with only two years of operation more than 80 percent of the youth offenders completed their peer-imposed sanction successfully.

In 1994, there were just 78 youth courts. Today, more than 1,150 youth courts operate in 49 States and the District of Columbia. Several hundred additional communities are at various stages of implementing more youth courts. Youth court has quietly emerged as the most replicated—and fastest growing—juvenile intervention program in the United States. Based on documented growth rates, estimates that youth court could be handling as many as 25 percent of all juvenile arrests by 2015 are not unreasonable.

This guidebook can help community leaders make decisions about what cases to accept and reject when starting a new youth court or expanding an existing youth court. Who should be involved in the decision-making process? What factors should youth courts consider when making decisions about whether to accept or reject specific referrals? What dispositions and resources should be available in order to hear various offenses? The guidebook draws on the experience of youth court experts, many of whom have been involved in youth courts for more than a decade.

The American Bar Association (ABA) has long strived to improve the juvenile justice system in the United States, with funding and support from the Office of Juvenile Justice and Delinquency Prevention. This guidebook provides another opportunity for our organizations to work together to provide quality resources for use in communities throughout the nation.

Working together, we can encourage the involvement of young people in making positive contributions to their communities. We will continue to provide support for youth whose choices and circumstances have placed them at risk for delinquent behavior. Our nation's youth are our most important asset; youth courts are key to helping them realize their potential.

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Table of Contents

Message from OJJDP & ABA ii

1 INTRODUCTION

History of Youth Court Programs in America 1

Definition of Youth Courts 2

Purpose of the Desktop Guide 3

The National Advisory Committee 4

How to Use the Referral Guide 5

6 SECTION 1

Identifying Appropriate Referrals for Youth Court 6

- Researching juvenile arrests, youth problems, and program resources in your community 7

Setting Up an Advisory Group 8

- Membership 8

Setting Up a Local Referral Committee 9

Deciding Which Referrals to Accept and Reject 10

1. Addressing problems in the community 11
2. State laws 11
3. Availability of appropriate dispositions 12
4. Timing: From arrest to appearance in youth court 13
5. Safety of participants 13
6. Age range of respondents 13
7. Referral from parents or guardians 14
8. Parental or guardian involvement in the offense 15
9. Multiple respondents 15
10. Multiple offenses 16
11. Prior offenses 16

Red Flags 17

Maintaining Communications with Referral Agencies 18

Ensuring and Reporting Consequences 18

Reviewing and Expanding Referral Options 18

22 SECTION 2: Offenses

1. Theft/Larceny 25
2. Vandalism 27
3. Alcohol Offenses 29
4. Disorderly Conduct 32
5. Simple Assault (or Battery) 33
6. Possession of Marijuana 34
7. Tobacco Offenses 35
8. Curfew Violations 36
9. School Disciplinary Cases 37
10. Traffic Violations 39
11. Truancy 41
12. Criminal Trespass 44
13. Criminal Mischief/Criminal Nuisance 45
14. Possession of Drug Paraphernalia 46
15. Drug Offenses Other Than Marijuana or Alcohol 47
16. Harassment 48
17. Fraud 50
18. Burglary 51
19. False Reporting 52
20. Loitering 53
21. Possession of Stolen Property 54
22. Possession of a Weapon 55
23. Reckless Endangerment 56
24. Regulatory Violations 58
25. Resisting an Officer Without Violence 59
26. Runaways 60
27. Unauthorized Use of a Motor Vehicle 61

62 **SECTION 3: Restorative Dispositions**

Community work service 63

Apologies 65

Essays 65

Education classes 65

Youth court duty 65

Restitution 65

Alcohol and drug assessment, treatment, and urine testing 66

Curfew and travel restrictions 66

Tutoring 66

Counseling 66

Mediation or conflict resolution 66

Adult or peer mentors 66

Statutory dispositions 67

68 **APPENDIX: Additional Resources**

INTRODUCTION

History of Youth Court Programs in America

The idea of utilizing young people to handle student misconduct is not new. School administrators may remember when student governments held hearings on student misconduct at school. But youth courts[1] have progressed far beyond those humble beginnings. Youth courts today hear cases from the justice system as well as the school disciplinary system. They involve collaborations with judges, law enforcement, court workers, community agencies and organizations, attorneys, and youth from other schools.

Youth court is an intervention program and not a court within the judicial branch of government. It fits within the graduated, or accountability-based, sanctions approach to juvenile offenses. This approach provides swift and appropriate responses to youth offenders based on the gravity of their offense, an assessment of the potential risk for reoffending, and appropriate treatment to reduce the risk of committing additional offenses. Graduated sanctions operate on a continuum, from immediate care within the community for first-time, nonviolent offenders (youth courts are here) to secure care for the most violent offenders.[2]

Youth courts have quietly emerged into the most replicated juvenile justice program in the history of the juvenile court. The rapid increase in youth court programs is due in part to the documented benefits of youth courts, including reductions in repeat offenses.[3] Support from federal government agencies, the low cost of youth court intervention, and the involvement of grassroots volunteers have also enabled rapid growth.

[1] The term *youth court* is used in this referral guide. Alternative terms include *teen court*, *peer court*, and *student court*.
[2] Juvenile Justice Reform Initiatives in the States, 1994–1996, available at http://ojjdp.ncjrs.org/PUBS/reform/contents.html.
[3] Butts, Jeffrey, Janeen Buck, and Mark Coggeshall, *The Impact of Teen Court on Young Offenders*, Urban Institute, Justice Policy Center, 2002, available at www.youth.urban.org.

Definition of Youth Courts

Youth courts are forums in which young people sentence their peers for offenses.[4] Local communities create youth courts that reflect their unique concerns and experiences. As a result, there is a rich diversity in the structure, operations, caseloads, and characteristics of youth courts across the nation.

All youth courts are diversion processes: These programs may handle crimes and offenses that would otherwise be eligible for prosecution in juvenile court, adult court, traffic court, or a school's disciplinary process. Without a youth court, in some cases, juvenile offenders would not be held accountable for their anti-social, delinquent and criminal behavior because of the backlog in the juvenile system. Youth courts provide a measured response for youth who violate the law.

Depending on which of the many youth court models is followed, young people may take on the roles of judge, prosecutor, defense attorney, community or victim advocate, respondent or youth advocate, juror, presiding juror, bailiff, or clerk.

In the majority of cases, young defendants admit their wrongdoing or plead no contest to be eligible for youth court. A few youth courts (less than 8 percent) will allow youth to plead not guilty in youth court. In those programs the youth court can conduct a trial to determine guilt or innocence. If the young person is found guilty, he or she is sentenced by the youth court. Young people must give informed consent to participate in all youth courts. In most youth courts, parents or guardians must also give consent.

Youth courts turn peer pressure into a positive tool; youth volunteers tell respondents clearly that their behavior is wrong. However, the underlying philosophy of youth courts is not merely to punish respondents. Instead, youth volunteers work through creative ways to have respondents understand in concrete terms that their behavior has harmed specific individuals and the community. This balanced and restorative approach provides respondents with opportunities to repair the harm that they caused and to give back to their community in a meaningful way. Specific needs of the respondents are identified, and the sentence (or disposition) is directed at building strengths and skills in the respondents.

At the same time youth court offers opportunities for other young people to participate actively in the decision-making process for handling juvenile delinquency, as they gain hands-on knowledge of the juvenile and criminal justice systems.

Quite commonly, a disposition requires a respondent to serve on the youth court as a juror or bailiff in a subsequent youth court case. This means that respondents are not excluded from the circle of their law-abiding peers but are included once more within

[4] The term *offenses* is used to include crimes, juvenile offenses, traffic infractions, status offenses, and school rule violations.

the community and have a chance to see the law from both sides. This requirement also helps to ensure that the youth court reflects the diversity of the community.

Failure to complete the disposition imposed by the youth court will generally result in referral back to the original agency. For example, youth failing to complete their disposition for crimes will be referred back to the referring agency; youth failing to complete their disposition for violating school rules will be referred back to the school disciplinary process.

Purpose of the Desktop Guide

This guide has two primary purposes:

1. To assist **new** youth courts to make decisions on cases to accept and reject, and
2. To help **existing** youth courts to expand their caseload by expanding the categories of referrals that they accept.

It is anticipated that up to 25 percent of all juvenile arrests will be handled in youth court by 2015. This referral guide is designed to help the flood of new and developing youth courts make appropriate choices as to referrals.

The *National Youth Court Guidelines* provide some excellent recommendations about starting a youth court. Guideline 1 suggests:

> *With the assistance of key stakeholders, youth courts should develop a written policy that outlines the respondents, offenses, and problem behaviors (that is, the identified respondent population) acceptable for the program. The identified respondent population accepted by the youth court should:*
>
> - *Be governed by any state legislation, local regulations, agency policies, or school district policies that set parameters for the types of respondents and issues that can be addressed by a youth court or a diversion program;*
> - *Reflect the goals and objectives of the youth court; and*
> - *Be one for which the program will have or be able to provide adequate sentencing options or program services.*[5]

This referral guide builds on the national guidelines to include practical information and advice about how to identify the *respondents*, *offenses*, and *problem behaviors* acceptable for youth courts. Drawing upon the experiences of new and existing youth courts in the years since the guidelines were published, this publication provides information about how to set up a referral committee, factors to consider when selecting which cases

[5] Godwin, Tracy M., Michelle E. Heward, and Tom Spina, Jr., "Identifying Offenders, Offenses, and Problem Behaviors Acceptable for Youth Courts," *National Youth Court Guidelines*, 2000.

to hear and which to reject, and red flags that should trigger careful consideration of whether a referral is appropriate for youth court.

There is an important qualification, however. Youth courts take young people, not cases, and each respondent who is being considered for referral to youth court must be individually screened. For example, a young person charged with an offense that is eligible for youth court may be screened out because that particular respondent is suicidal or has been a victim of a violent crime. The type of case and the circumstances of the victim are also relevant issues to take into account when considering whether a case is suitable for youth court. In some cases, a particular offense may inflame the public and lead to a decision not to refer the case to youth court. That individual screening process is not the subject of this publication, although Section 2 of this guidebook identifies some issues that might limit acceptance of cases. For example, youth courts may hear vandalism cases but generally would not take vandalism cases that were hate crimes or were part of an ongoing focus on a specific victim. Youth courts may take alcohol offenses but decline referrals involving impaired driving because the youth court does not have the authority to order certain mandated sanctions, such as license suspension. See the national guidelines for more on the issue of specific screening.[6]

Youth courts also exist in several tribal communities. This referral guide is not specifically tailored to the unique issues presented in tribal communities.[7] Sections 1 and 2 may be relevant to deciding which cases to hear or not to hear, but the dispositions in tribal youth courts will need to be made more culturally relevant to the tribe.

The National Advisory Committee

A National Advisory Committee of experts in the field was convened and met in Chicago at the American Bar Association in December 2005 to provide a guidance on the development of this Desktop Guide. The Committee's task was to develop general criteria for accepting and rejecting cases and to formulate specific advice about the most common offenses addressed in youth courts. In addition, several committee members agreed to be interviewed about their own experiences in starting their youth courts and expanding their caseload to include new types of cases. Advice from these interviews appears throughout Section 1. Committee members also reviewed drafts of the Desktop Guide. The members of the committee are listed in the front pages of this publication.

[6] *National Youth Court Guidelines*, ibid., p. 59.
[7] See Melton, Ada Pecos, "Building Culturally Relevant Youth Courts in Tribal Communities," *Selected Topics on Youth Courts: A Monograph*, OJJDP and NHTSA, Tracy Godwin Mullins, ed., May 2004.

How to Use the Referral Guide

The referral guide is divided into three main sections. Section 1 consists of:

- Information about how to find case referrals for your youth court;
- Advice on setting up an advisory group and referral committee; and
- Factors to consider in selecting the types of referrals to be heard or avoided.

This section is peppered with hands-on advice from members of the National Advisory Committee. Section 1 should be read in its entirety.

Section 2 is intended as a reference. It sets out 27 offenses that are frequently addressed by youth courts. It gives general definitions of the offenses and examples of typical cases. It also lists some of the factors youth courts should consider in deciding whether to accept or reject these cases and notes any special issues or controversies that youth courts might face with respect to the offense. If your youth court is considering hearing truancy cases, you might turn to the truancy explanation in Section II to find out more about some of the special issues truancy cases raise, which will help you decide whether your youth court should handle such referrals.

Section 3 contains information about some of the dispositions that are generally available to youth courts. The Appendix contains a list of additional youth court resources.

SECTION 1

Identifying Appropriate Referrals for Youth Court

Many times finding a source of referrals is very simple. A judge who hears juvenile cases may approach you and ask you to get involved in setting up a youth court to hear minor misdemeanors and violations.

Other times, identifying sources of referrals is a more formal process. A group of interested people might meet to discuss youth problems in the community, existing resources, and what kinds of referrals the youth court should handle.

How did you first decide what cases to hear?

New youth court organizers need to know that the process of establishing a new youth court and selecting cases does not have to be very formal. It can just be the right people sitting around a kitchen table and figuring things out. In our case, I had been part of a truancy task force that came up with several recommendations.
Lessie Penn, Dorchester School District Two Youth Court, South Carolina

Our juvenile judge invited me in for a conversation and asked me in my role with the Junior League to start a youth court for first-time juvenile offenders. We would take the cases in which young people were charged with minor misdemeanors and violations.
Katie Self, Teen Court of Sarasota, Florida

As a member of the police force at the time, I was in charge of juvenile cases, and I saw that kids charged in low-level crimes weren't being taken care of in the courts. Family court wasn't able to focus on the low-level offenses because they had more serious cases that needed their attention.
Chief Steven Heider, Colonie Youth Court, New York

In Tennessee, it is a little different. There is a statutory list of cases that can be heard in youth court. The list includes misdemeanors and violations. Judges, sometimes after talking to their staff, decide what cases their youth court will hear. Since they typically see a lot of shoplifting cases, almost every youth court in Tennessee hears shoplifting cases. Even though in the statute youth courts can take cases of unauthorized use of a motor vehicle and animal cruelty, I don't know of any Tennessee youth court that has heard those cases. When I get asked for my advice, I also caution the judges to consider having variety in the cases for youth court. If the judge only sends shoplifting cases over to youth court, the kids can get a little tired of only hearing shoplifting cases.
Anjanette Eash, State Youth Court Coordinator, Tennessee Youth Court Program

Researching juvenile arrests, youth problems, and program resources in your community

If you (or a group of people) are considering starting a youth court, you may already have some knowledge of the juvenile misconduct issues facing your community. But if you do not know what the youth problems are in your community, you may have to do some detective work.

You may be able to find existing data on juvenile offenses in your community if you approach the courts that hear these cases and ask for information.[8] Each state has an administrative office of the courts that tracks the caseload of its courts and issues reports. Those reports are generally broken down by offenses and community and may be available on the Internet.[9]

You may also be able to find information in the FBI's Uniform Crime Reports, which contain annual statistics on the numbers of offenses committed in each state.[10] Additionally, each state has a juvenile justice specialist, who knows about the crimes and criminal trends in the state.[11] Many times the state's juvenile justice committee produces an annual report that breaks down juvenile arrests and crime by local community.

You will probably also need to talk to individuals involved in youth justice issues in your community. Prosecutors, defense attorneys, and probation and intake officers can often provide information about what resources are available in the community for juvenile offenders and where gaps in services exist for certain types of offenders and offenses. Law enforcement personnel—including the sheriff's office, local police, and school resource officers—can also give you information about the types of offenses being committed by youth on a local level. Community groups that work with youth may also have anecdotal information or be willing to survey their members or conduct discussion groups focused on youth problems.

If you are interested in finding out about misconduct at school, you can explore the issue with administrators and school resource officers. These people can help you determine whether youth courts might be a useful tool for school rule violations.

You may get creative and consider approaching other entities in your area that have the power to issue citations. For example, in Wisconsin, the Department of Natural Resources (DNR) can issue citations for offenses such as use of alcohol on DNR property, fishing without a license, or hunting out of season.

[8] The age when a person is tried in adult court for crimes varies by state. In New York, for example, the age is 16. Therefore, youth courts in New York get referrals from adult court for 16- and 17-year-old offenders. In some states traffic violations for 16- and 17-year-olds are not heard in family or juvenile court but instead in courts of limited jurisdiction.
[9] For a directory of state offices, see www.ncsconline.org/WC/Publications/StateLinks/AdmOCtStateLinks.htm.
[10] These can be accessed at www.fbi.gov/ucr/ucr.htm.
[11] The designated person for each state may be found at http://ojjdp.ncjrs.org/jabg/jaibg.html.

In addition to identifying youth problem behaviors, it is also important to find out what program services are available to address these issues. Are there teen driving classes, anger management classes, or conflict resolution classes? What community work service[12] locations are available in the community? What programs or services are available to youth who are on traditional probation? You may be able to work with the probation office to arrange to send respondents to these community work service sites and educational classes.

During your investigations into problem behaviors and program services, you will make valuable contacts and may inspire other people and agencies to join your youth court efforts.

Setting Up an Advisory Group

After you and your partners in organizing a youth court have an understanding of problem behaviors in your community and available program services, you should pull together an advisory group of key stakeholders.

One of the first responsibilities of this group is to create a mission statement or statement of purpose and set out the goals and objectives for the youth court. For more information, see *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*.[13] This mission statement should provide a framework for selecting the cases to be heard. Remember that you can change your mission statement down the line as your program evolves.

Membership

In selecting members for the advisory group, it is important to think about who needs to be in this group in order for the youth court to succeed. Who can best represent an entity? Who has the authority to speak for an entity and carry the support of the entity? The advisory group might consist of the following members (note that the names for these positions vary by state):

- Staff of the youth court
- Representatives of the referring agencies, including:
  - judges and court employees from adult criminal, juvenile, traffic, city, or other lower courts
  - employees of the sheriff's office or police department

[12] This guide uses the term *community work service* to indicate that this is volunteer activity required as part of the disposition. The term *community service* refers to the volunteer activity that is done without youth court order. For example, the volunteers in youth court generally receive community service credit for the hours donated to youth court.
[13] Godwin, Tracy M., David J. Steinhart, and Betsy Fulton, www.youthcourt.net.

    - prosecutors (district attorneys, state's attorneys, solicitors, or county attorneys)
    - juvenile probation officers and juvenile intake officers
    - school administrators
- Youth members of existing youth organizations, school leadership classes, or community entities that address youth issues. Youth should also be included on the youth court's advisory group.
- Parents/guardians (in some cases, parents/guardians may also refer cases)
- Victims of crimes that may be heard in youth court
- Defense attorneys and public defenders
- City and state officials
- Business and civic leaders
- Organizations that may provide educational and community work service opportunities to respondents, including:
    - Community groups
    - Social service agencies
    - Youth agencies
    - Youth organizations (also possible source of youth volunteers)
    - Religious institutions (also possible source of youth volunteers)

Do you have any advice on setting up an advisory group?

One big part of our success here has been having a Student Advisory Board from each of the high schools that participate in our program. They help make, and often suggest, policy for our program. Their input has been consistently top-notch, and the youth often see issues that elude the adults. We have empowered our board quite a bit and find that not only does it help the program with regard to design and implementation, but it builds a real ownership in the kids and has been instrumental in keeping our program relevant and going over the years.
Judge Charles Snyder,
Whatcom County Teen Court,
Bellingham, Washington

Setting Up a Local Referral Committee

The advisory group should establish a referral committee. In some youth courts, the referral committee encompasses everyone on the advisory group. In other youth courts, the referral committee is a smaller subgroup, which takes recommendations back to the full advisory group for feedback. In either case, all members of the advisory group should ultimately have a say in what offenses are heard.

The referral committee's job is to make decisions about what cases the youth court should accept and make arrangements with referring agencies to get cases sent over to the youth court. It is also generally responsible for informing itself of gaps in services in the community, the types of dispositions available to youth court, and additional

resources available for addressing respondents' needs. The referral committee is often also charged with researching state laws and agency policies to see if there are any limits on the cases that youth courts can handle.

New youth courts obviously need a referral committee to help them establish what cases to accept when they start their youth court. Established youth courts also should consider establishing a referral committee to help them address ongoing issues with the referral process, issues related to expanding their referral base, and so on.

What strategies have you used when seeking new referrals for an existing youth court?

We have a youth court in Tennessee that doesn't hear alcohol cases, even though there are a lot of alcohol issues for teens in their community. Based on our statute, the judge decides what cases youth court can hear. I advised the youth court coordinator wanting to add alcohol cases to make a presentation to the judge and to take a teen with him. The teens are going to be as persuasive as the youth court coordinator. The coordinator and teens need to have done their research, to show that their teen court has an incredibly low recidivism rate with their other cases. They should remind the judge that with all youth court cases, there is judicial oversight. The judge has the authority to review and amend the youth court disposition.
Anjanette Eash, State Youth Court Coordinator, Tennessee Youth Court Program

Deciding Which Referrals to Accept and Reject

Once the referral committee has been established and informed about the types of youth problems facing the community and existing program services, it can begin to identify the types of referrals it wishes its youth court to hear.

The following issues need to be addressed by the committee as part of the process of determining which cases a new youth court should hear. These guidelines may also be useful to an established youth court seeking to expand the types of referrals it accepts.

How did you decide what cases your youth court should hear?

The deputy superintendent and I went over the rules and regulations in the school's code of conduct and the rules and regulations of the school. We began by identifying the cases we would not take—no gang, violent, sexual offenses, or weapons possession offenses. The code of conduct divides student offenses into three levels based on severity. We accepted the two lowest levels of offenses but not the most serious level. We started with persistent disobedience, failure to follow requests, vandalism that is not charged criminally, inappropriate language, and other cases that are disruptive of the classroom. Then we formed a group of stakeholders, including teachers, school administrators, community people, and the president of the teachers' union to discuss what offenses they thought could appropriately be addressed by youth court. We set up our student court for fourth grade through twelfth grade.
Judy Wolfe, Syracuse City School District Student Court, New York

1. Addressing problems in the community

As discussed on page 7, new youth courts must ensure that they address problems that the community is actually experiencing and that are not being adequately addressed elsewhere in the community. Established youth courts should also periodically check in with the community to see whether the problem behaviors and program services have changed. Youth court programs need to guard against becoming the dumping ground for problems in the community. The programs must ensure that they are being consistent with their mission statement and that youth court intervention in this type of referral can be meaningful.

2. State laws

After you have investigated the types of youth problems facing your community, you have to match up that misconduct with the types of cases your state law may permit a youth court to take. Not all states have statutes governing this aspect of youth court.[14] Many times, state laws permit youth courts to hear any cases that are eligible for other juvenile diversion programs from juvenile court. State law may also permit youth courts to hear specific types of cases or prevent youth courts from hearing certain kinds of cases.

Every committee must determine whether their state has laws that govern youth courts and make sure that they follow the law. Remember that the statutes may refer to youth courts as teen courts, peer courts, or student courts. In fact, *teen court* is the term used most often in existing statutes. Statutes may affect not only the cases youth courts can handle but also possible dispositions and even the model of the youth court.

Some statutes include mandatory dispositions by the juvenile system. This can create issues for youth courts that referral committees should consider. If a state law has mandated dispositions and a youth court takes the case, could that run afoul of legislative intent and cause problems for youth court? For example, in Utah, there are mandatory dispositions for second alcohol offenses and controlled substances violations. The statute that regulates youth courts specifically excludes those offenses from youth court. In Illinois, the first DUI offense for a driver under age 21 results in loss of driving privileges for a minimum of two years and a second offense results in loss of driving privileges for a minimum of five years. The DUI penalties are permanently on the driving record. Mandatory dispositions should be considered by youth courts when they are deciding which offenses to take.

Has legislation affected referrals to your youth court?

When we started in Anchorage in 1989, we took misdemeanors and some felonies. At that time, there was not a specific youth court statute; instead we operated under a more general part of the Alaska code. Later on, a specific youth court statute was passed and that limited our cases to misdemeanors.
Sharon Leon,
Anchorage Youth Court, Alaska

[14] Log onto www.youthcourt.net/Resources/legislation to learn which states have youth court legislation.

Whether or not you have a youth court statute in your state, you should screen the specific offenses you are considering to determine whether any of them require specific consequences, for example, loss of driver's license, full restitution, or one night in detention. Youth courts may have to reach an arrangement with the referring court to be able to provide these dispositions. If they cannot provide such dispositions, they may not be able to accept those offenses.

States without youth court statutes can still operate youth courts. This may be done through the discretionary power of the judge, the existence of other diversion programs authorized by statute, the ability of a law enforcement officer to adjust an offense prior to formal processing, and school administrators' ability to include youth court as part of the discipline system of a school.

3. Availability of appropriate dispositions

Youth courts must create or have access to appropriate dispositions for their youth court cases. They should not accept respondents or cases if they do not have access to appropriate dispositions to meet the needs of the respondents. For example, alcohol offenses are very common. In order for youth court to handle these referrals appropriately, they must have access to assessment, treatment, and monitoring facilities. If youth courts want to accept theft cases, they should have a way to handle restitution, either by establishing a youth court process to collect, monitor, and pay out the funds or by asking the referring court to handle restitution.

Taking cases when there are no resources to manage appropriate dispositions can damage the credibility of the youth court in the community. For example, if youth courts

Have you had to reject cases because appropriate dispositions were not available?

Since the beginning of our youth court in 1991, there had been heavy pressure for us to take truancy cases. However, we didn't have the resources or access to effective programs in the community for truant students. Truancies take the most time and significant resources. The issues that students present in truancy cases are often very difficult. They may reveal abuse, parents keeping kids out for needed help in the home, and cultural issues in which females of the family are expected to provide care for younger siblings. We got a grant from a California agency, and it allowed us to put money into this effort. Now there are programs to provide free tutoring after school and support for the families. Also we offer mediation between students and teachers, because sometimes teachers unwittingly reinforce the difficulties of truant students by labeling them or teasing them for their absences. We have found that there is a common thread to all truancy cases—the student who is frequently truant is not connecting to anything—not in the community, the school, a club, or a youth group. They were like lost souls. They came to school because they had to. If they didn't have to, they wouldn't go to school. Youth court can help change that.
Karen Green, Placer County Peer Court, California

take referrals involving drugs, alcohol or tobacco, they could lose credibility if they cannot refer youth to programs to help them stop using these substances.

4. Timing: From arrest to appearance in youth court

One of the compelling advantages of youth courts is their ability to intervene quickly, and it is a good idea to encourage youth courts to review their procedures/protocols to do what they can to hear cases within a week or two of the offense.[15] Ongoing survey data suggest that approximately 25 percent of youth courts report that they are able to hold hearings within one to two weeks of the offense/arrest.[16]

One of the goals of youth court is to help respondents link their behavior to consequences. Young people have a shortened sense of time. For young people to perceive that youth court is a consequence of their misconduct, the disposition needs to occur within a short time frame. Additionally, the more time that passes without an intervention, the more likely it is that a youth will garner a second arrest or citation. Youth courts that hear cases two or three months after the misconduct occurred have lost much of their power to change youth behavior.

How long does it take for cases to be referred to youth court?

We worked out a process in which law enforcement can directly refer cases to teen court. This expedites the process in getting more immediate services to the family and delinquent child. Generally speaking, it takes three to seven days after the incident to receive the police report. By comparison, if the case is referred into the traditional system to be screened before sending it to our office, it may take several weeks.
Katie Self,
Teen Court of Sarasota, Florida

5. Safety of participants

Offenses that you accept should not jeopardize the safety of any youth court participants. Generally, youth courts do not hear cases that involve gangs or serious drugs. Youth courts do not hear offenses involving firearms or assaults or traffic cases that involve significant bodily injury to others. They avoid cases where the underlying psychological issues of the respondent are beyond the ability of youth court to handle. Youth courts generally avoid harassment and vandalism cases that involve a hate motive or intentionally target a specific victim in an ongoing campaign. Youth court programs are not appropriate for offenses of a sexual, violent, or psychological nature.

6. Age range of respondents

The referral committee needs to determine the age range of respondents it will accept. In general, youth courts handle respondents aged 12 to 18.

[15] These time lines are consistent with best-practice principles contained in the Juvenile Delinquency Guidelines.
[16] Data taken from the federal youth court database on June 5, 2006.

Many youth courts are feeling community pressure to handle younger children. The referral committee should consider whether the youth court can respond to the needs of younger children with the resources it has available. Also, they may need to consider whether their current youth court program model is one that will produce a productive experience for a younger child. A different model of youth court (one less adversarial, for example) might be more suitable for younger children.

Youth courts are based on a peer model, and therefore the age of youth court volunteers should reflect the age range of the respondents. However, experienced youth courts also see the value of having older students serve as the court members for younger respondents. What is probably not very effective is having court members be younger than the respondents who appear before them. Some youth courts partner younger court members with older court members, and this works well.

How have you expanded your youth court?

In 2000, juvenile intake asked us again to work with younger respondents, grades 4 through 6. We created the pre-court program for respondents in those lower grades. In that way we expanded our program and the number of students with whom we can work. The program requires the respondent to appear, with his or her parents, before a student judge in a round-table setting. There are two attorneys—one for the defense and one for the prosecution—both of whom are usually in grade 7 or 8. The goal is to get the defendant to understand why what they did was wrong, rather than to give the defendant a lecture. The defense attorney must suggest two assets that the respondent should develop. The respondent will be required to spend at least two hours of their work service addressing and developing those assets. The defense attorney will have the responsibility to mentor the defendant by calling him/her after the case to encourage the defendant and help the defendant brainstorm things he or she can do to address and develop those assets.
Sharon Leon, Anchorage Youth Court, Alaska

7. Referral from parents or guardians

Some youth courts allow parents or guardians to refer their children to youth court for misconduct. A disadvantage of parent/guardian referrals is that youth courts do not have any way to address issues of noncompliance. If the respondent fails to complete the youth court disposition, the youth court does not have any backup. There is thus reduced incentive for the respondent to comply with the youth court's order. Some youth courts suggest that parents/guardians refer cases to law enforcement so that the case reaches youth court via law enforcement and the youth court has some options if the respondent does not complete the disposition.

Youth courts should carefully screen cases referred by parents/guardians to ensure that the respondent's misconduct is sufficiently serious to merit youth court intervention. Youth courts may be reluctant to accept cases involving high levels of conflict between

the young person and the parents/guardians. Youth courts should not accept cases involving domestic violence.

8. Parental or guardian involvement in the offense

Youth courts occasionally report that parents/guardians are personally involved in an offense. For example, parents/guardians may have been involved with the respondent in a shoplifting offense or may have provided alcohol or tobacco to their child. Program coordinators say this information often comes out for the first time at the hearing.

The referral committee should instruct staff to include questions in their intake sessions with parents/guardians and respondents prior to the hearing to determine whether a parent or guardian was involved in the offense with his or her child. The referral committee will also need to decide whether parent/guardian involvement will result in refusal to accept the case, or whether the program will proceed with the handling of the case and use this information in the hearing.

If the case goes forward and is heard in youth court, dispositions to help the respondent make more independent decisions would be particularly appropriate.

9. Multiple respondents

The committee needs to consider how the youth court will deal with cases in which multiple respondents were involved in the same offense. Such cases often involve underage parties where alcohol was consumed and charges were made against several people, shoplifting offenses involving several young people, and fighting cases.

Many youth courts will accept all the respondents involved in a case who meet the usual criteria for youth court (i.e., the offense is appropriate, the respondent is not a danger to her/himself or the community, the respondent admits guilt, and the parents/guardians consent). In most youth courts, respondents appear individually, one at a time. In some youth courts, a special effort is made to ensure that the same prosecutors and jury panels are used in each of the related cases. Sometimes, particularly in fighting cases or when there is substantial disagreement about what actually happened, youth courts will see more than one respondent at the same time.

Respondents and their parents/guardians need to be told that respondents involved in a single case may end up receiving different dispositions, depending on the individual's role in the offense, the individual's attitude, and the level of cooperation with youth court. The youth court needs to be able to point to the circumstances of the case to justify the disposition.

Some kinds of cases involving multiple offenses give youth courts great opportunities for ordering creative dispositions. For example, multiple offenders involved in a fight might

be required to do their community service together, or they might be ordered to interview each other and write 1000-word biographies of each other.

Those respondents who don't meet the requirements for youth court may be referred to juvenile court. This may result in different dispositions for the various respondents.

How have you dealt with cases involving multiple respondents?

We had a case involving a number of 7th grade girls who consumed alcohol at school (they passed around a cup someone had brought in). The girl who brought the alcohol in did not come to us, but the others did. Although they each went to different courts, they received the same dispositions for community service hours and apology letters. I had advised our judges of what the first girl had received and they took it from there. They felt that all the respondents were equal in guilt; therefore the sentence remained the same.

I've had other cases in the past where siblings were involved and we had them go separately to court—they tend to speak more freely if the other guilty party is not present, and usually one was the instigator and the other the follower. Our student court would take into consideration the fact that one was older and should be the role model for a younger sibling; therefore the sentence was higher for the older sibling.
Judy Wolfe, Syracuse City School District Student Court, New York

10. Multiple offenses

Many youth courts accept cases involving respondents who are charged with multiple offenses at one time. For example, a youth court might accept a case involving a respondent charged with disorderly conduct, who was also in possession of cigarettes. All of the offenses have to be offenses that the youth court would ordinarily take if only one offense had been committed. In some youth courts, cases involving multiple offenses committed at one time are considered more serious offenses, and the jury may require the highest amount of community work service hours.

Some youth courts also accept cases involving respondents who have committed multiple offenses on several occasions before the hearing. For example, a Tennessee youth court accepted a tobacco case, and the respondent committed another tobacco offense before the hearing. The youth court accepted both cases and heard them at the same time. The jury took the multiple offenses into account when deciding on an appropriate disposition. However, if a respondent is scheduled to attend youth court for a minor offense and commits a more serious offense before the hearing, then the youth court may decide to send the case back to the original referring agency.

11. Prior offenses

You need to explore whether your youth court will hear cases of respondents with a prior offense or problem behavior. If there is no restriction in state law, many youth

courts hear cases in which respondents have a prior history.

The youth court should undertake a careful screening of an individual respondent's history and the facts and circumstances of his or her offenses in order to determine whether the respondent can benefit from youth court. If the respondent appeared in youth court for the first offense and successfully completed the disposition, then the youth court might be more likely to accept him or her for a second offense. Sometimes, youth courts will choose not to allow a respondent to return to youth court for the same offense as the first offense but would allow return for a new type of offense. For example, if a youth has been to youth court for shoplifting in the past but is referred to youth court a year later on a tobacco violation charge, the youth court is more likely to hear the case than if the respondent appears for a second shoplifting charge.

Does your youth court hear only first-time respondents?

After we'd been operating a few years for first-time respondents only, we'd established trust with our judge. We met with the judge and said that we were open to taking children who had prior legal problems. We met with the state's attorney's office. There were some skeptics. We had the state's attorney preside at our youth court hearings, and that got his support.

Katie Self
Teen Court of Sarasota, Florida

Red Flags

Here's a quick summary of red flags for youth courts. These are not all hard and fast rules—remember, youth courts take young people, not cases. But there are some issues that should trigger careful consideration of whether a referral is appropriate for a youth court.

- If a youth court accepts felony cases, it needs to carefully consider the facts and circumstances to ensure that youth court is an appropriate intervention.
- Youth courts should not accept cases that are sexual, psychological, or violent.
- Youth courts should not accept cases in which they cannot meet the needs of offenders.
- Youth courts should not accept cases in which the safety of victims and youth court participants is at risk.
- Youth courts should not take cases involving physical injury unless it is minimal.
- Youth courts should not accept cases where a victim would not be able to receive restitution (if warranted) if the youth participates in youth court.
- Youth courts should avoid hate-crime cases.
- Youth courts should avoid gang-related offenses.
- Youth courts should avoid cases that are likely to cause negative public perception of the youth court or that have low community tolerance. Caution needs to be exercised here—it can be difficult to "read" the public.

Maintaining Communication with Referral Agencies

After the referral committee decides which cases to accept or reject, it needs to get a written memorandum of understanding with each referring agency. Having written agreements helps promote the continuous operation of youth court.

However, written agreements alone are not sufficient. It is also important to establish a process for maintaining ongoing communication with referral sources. There is often a high turnover rate in agencies that refer cases. Even if there is a written memorandum of understanding, new staff of agencies may not be aware of the program or know how it works and may not use it appropriately or at all. Youth courts need to ensure that there are other means—such as personal connections and regular meetings—of maintaining that communication.

What challenges have you faced in your court when staff at referral agencies change?

Many times the school administration changes. This can have an impact on getting cases to student court. Every year it is almost like starting over and having to sell the program to the new administration. I invite people to come in and see youth court in operation, if they are able to. It is important to get away from the mindset that youth court is just one after-school activity or a club. It isn't. These kids are actually making a difference in the lives of students.
Judy Wolfe, Syracuse City School District Student Court, New York

Ensuring and Reporting Consequences

The referral committee needs to establish a process for letting the referral sources know the outcomes of cases. The referral committee can adopt several different strategies to achieve this. It might send letters informing the person who made the referral of the outcome of the youth court hearing and when the person completes his or her disposition requirements. It might also conduct periodic meetings with referral agencies to discuss the program and get feedback regarding any questions or problems the referral agency may be having with the youth court. This kind of feedback can help identify problems at the early stages, build trust, and promote stability of the youth court.

The referral committee should also make absolutely sure that there are consequences if youth do not complete the youth court process. The referral agencies must agree to prosecute or take further action against these youth to give credibility to the youth court process.

Reviewing and Expanding Referral Options

The referral committee should meet on a regular basis to review the list of cases that a youth court accepts. The list of cases appropriate for youth court may change as communities change and more resources or dispositions become available. After the youth

court has been in existence for some time and has established trust with the rest of the players in the justice system, referral agencies might begin to send new types of cases to youth court. The referral committee should meet to review each type of new case and consider whether it is appropriate for youth court. Additionally, there are times that a community might see a spike in the number of certain youth offenses, such as trespassing or alcohol use in the local parks. The committee can develop and offer a specialized community work service option that addresses that particular offense.

How do you decide which new cases to accept from referral agencies?

Since Anchorage Youth Court's success with young respondents became apparent, many of those in authority have wanted youth court to expand the types of cases or the severity of cases it accepts. When you are successful, people are always trying to throw things at you. We decided that we need to focus on our mission in deciding what cases to accept and reject.
Sharon Leon, Anchorage Youth Court, Alaska

Can you give some examples of new cases that were referred to you?

While we don't generally take hate crimes, the prosecutor did send us one young person charged with a hate crime. The youth court included in the disposition a requirement that the person volunteer at the Holocaust Museum. We had great success with that case. It was only because the teen court had proved itself that the prosecutor felt comfortable in sending this one case to us.
Katie Self, Teen Court of Sarasota, Florida

Sometimes, youth courts may actively look for new types of cases to increase their caseload. They should refer back to and update their original investigation into the problem behaviors and existing program services in the community to determine what has changed. They can then identify some type of youth problem behavior that is not effectively being dealt with in their community and offer their services.

Review is also necessary to keep the youth court in step with the state legislation that defines offenses. For example, an offense that was once a misdemeanor may be upgraded to a felony, which would generally take it out of the reach of youth courts.

Have you considered and rejected some kinds of cases?

Alcohol is a big problem in our community. Our board program committee, composed of youth and adults, took a two-year look at the issue in Anchorage. They spoke with judges and other youth courts that handle these cases and possible sentencing options. The board decided against expanding for several reasons. We would have to set up a whole new court for alcohol cases. Funding is unsteady, so it would take substantial resources away from our regular program. In addition, we could not provide better or different sentencing options than those already adequately handled by the current District Court Youth Alcohol Court that works in conjunction with Volunteers of America.
Sharon Leon, Anchorage Youth Court, Alaska

What changes have you made to your youth court as you have expanded?

From 1989 to 1996, we handled about 15 to 20 cases a year, because all respondents could plead not guilty at arraignment and go to trial for determination of guilt or innocence. Most did this, but changed their plea on the first day of trial, saying, "I did it, and I don't want to spend a week in court." In 1996, juvenile crime was rising really dramatically here in Anchorage, and our municipal assembly spearheaded an effort to reduce juvenile crime. To do that, AYC changed operationally so that most juveniles were arraigned at juvenile intake and then came to youth court for sentencing. As a result, we can take 400 to 500 cases per year.
Sharon Leon
Anchorage Youth Court, Alaska

What advice would you give to people trying to start new youth courts?
Meet with other youth courts in your state. Find out what they consider appropriate offenses and appropriate dispositions. Start with the types of offenses that you know you can handle. This way people can see that youth court can work in their community. Start small and add as you go. Be sure to communicate well with all the stakeholders. One school administrator didn't support teen court because she mistakenly believed that school staff would be responsible for supervising community work service. Once she learned that wasn't accurate, she supported teen court.

At the outset, don't ever go and tell people what you're going to do. Instead, describe what teen court looks like and ask, "What do you think? What do you think would work in our community? What do you think is important?" Put them in the driver's seat as far as generating ideas and helping them know whether teen court is a positive idea, could be tweaked, or is not appropriate. Don't be discouraged if people don't agree at first. Keep moving forward. It's about relationship building throughout the entire community, and that takes time.
Nancy Livingston
Vilas County UW-Extension Teen Court, Wisconsin

Start small. Our peer court does a lot of different cases now, but we didn't do those in the first few years. The other players know that they can trust us. We don't hide anything; our files are open. Be patient. Build your program and build your integrity. Be honest and trustworthy with all the different agencies. Remember that other systems you work with have restrictions and responsibilities, too. You are all part of the juvenile justice system.

Avoid the pitfall of stereotyping communities—that certain areas may have certain types of offenses. In fact, the drug of choice may change by neighborhood, but juvenile offenses go across the economic spectrum. You will have wonderful successes and wonderful students. We regularly have students come back four to five years later, thanking us for our efforts for them when they were in trouble.
Karen Green
Placer County Peer Court, California

Our biggest hurdle in getting started was to get referrals. This meant that some agency or group had to relinquish control or authority. They dug in their heels. Our teen court is the proof of staying power. We did in-service training on teen court with each law enforcement agency and showed how you can use it. We developed a process to get cases to teen court. The biggest selling point is that youth wouldn't get intervention services without teen court.
Katie Self
Teen Court of Sarasota, Florida

Include everybody who could possibly be a stakeholder when you start out, but especially individuals who are positive and who you know will be supportive. Get their buy-in—that's how our juvenile intake here became involved. They are still included in every change we make. We listen to their suggestions, so they are real partners. They meet with us and our other partner, Volunteers of America, every six weeks. Every two months, we all also meet with the Anchorage Juvenile Justice Working Group, which includes representatives of most of the agencies here that work with juveniles. There will be occasional holdouts, but you just have to wear them down by showing your student volunteers provide effective and economical intervention. That's happened over and over again. Slow but steady wins the race.
Sharon Leon
Anchorage Youth Court, Alaska

Sit down and decide what you want this youth court to do. Do you want to tackle school problems, or are you looking at the community at large? That's the biggest question you need to decide, even before you start pulling in stakeholders. Then you'll know who you need to go out and discuss your ideas with. Make sure that you are addressing a real need.
Lessie Penn
Dorchester School District Two Youth Court, South Carolina

Unless you have the time, the money and the people committed, don't do it! Youth courts require a far greater level of commitment than any other program.
Chief Steven Heider
Colonie Youth Court, New York

It is important to start small and build up your youth court. Be willing to adapt, because every child and case are unique. Flexibility is a must. Get your judicial system excited about the program and then get your community involved. Remember to call your "neighbor" city for help. And have fun!
Tammy Hawkins
Odessa Teen Court, Texas

SECTION 2

Offenses

This section gives basic information about 27 categories of offenses addressed by many youth courts and outlines some of the special issues that should be considered within each offense category.

The federal youth court website lists 17 "typical offenses" that youth courts accept. This publication includes information about all of those offenses and also provides information about an additional 10 offenses that are heard by some youth courts. The offenses are listed in Section 2 in order of the frequency with which they are heard, as in the table below.

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

Following the first 17 offenses, the remaining 10 offenses are listed alphabetically.

When using this section as a guide for determining which cases to accept and reject, it is important to remember a key fact: Youth courts take young people, not cases. Accepting or denying a case solely because of the offense category or type of case referred is not the most effective means for determining youth court eligibility. In every case, the circumstances of the offense and the young person should be considered.

Offense categories can sometimes be misleading. For example, suppose a youth is charged with possession of a weapon. This may seem by the nature of the offense category to be a serious case, and it may raise red flags for the youth court. However, further review of the facts and circumstances of the case may reveal the case is more innocuous and an acceptable case for youth court (e.g., it involves a young woman who was using a metal nail file to fix her fingernails at school).

Remember that police and prosecutors have discretion about what offense they will charge an individual with and how many offenses they will charge. In making decisions about charging, police and prosecutors will take the facts and circumstances of the case into account. For example, sometimes police and prosecutors will decide to charge a youth with criminal trespass and theft instead of burglary in order to avoid charging the youth with a felony. Even though two or more offenses might be charged, the prosecutor may choose to only formally charge the respondent with one offense (e.g., criminal trespass). Similarly, a young person who pulled a fire alarm as a prank might be charged with making a false report or with reckless endangerment. In a case where there is an allegation of theft but theft cannot be proven, the person will often be charged with possession of stolen property.

Regardless of the presenting charge, each respondent's case must be screened to determine whether it is an appropriate referral. Two main factors should be taken into account in determining whether a case is eligible for youth court:

1. The facts and circumstances of the individual's case. Youth courts should not limit their inquiry into the facts and circumstances of the case to information provided in the police report and received from the respondent. To get a more thorough understanding of the case, input also should be requested from parents, victims, and other witnesses. Sometimes other agencies—such as child welfare services, juvenile probation, law enforcement, courts, or schools—have information about specific respondents that come to youth court. Representatives from these entities can often help the committee determine the types of dispositions that might be helpful for meeting the needs of certain types of respondents/cases. The referral committee will need to network with these groups and discuss advantages of, and barriers to, information sharing. It will probably need to develop forms for parents/guardians and youth to sign that will allow them to receive and share information with other agencies.

2. The program's capacity to meet the needs of the respondent, his or her family, victims, and the community.

This section provides a general definition for each offense, which is taken from the Federal Bureau of Investigation's Uniform Crime Reports, available online at www.fbi.gov/ucr/ucr. Of course, states define these offenses in a variety of ways. Where the Uniform Crime Reports do not provide a definition, a general definition has been synthesized from existing statutes. Each offense description also lists a few typical cases heard by youth courts.

Specific challenges and controversies for youth courts are identified for each offense under the subheading "Special issues for youth courts." This section is not meant to be exhaustive; it provides a starting point for thought and discussion related to the handling of certain types of offenses. Upon examination and discussion of these and other issues, a youth court may:

1. decide whether to accept a certain category of offenses,
2. determine which specific cases within an overall category of offense may or may not be acceptable, and
3. create screening criteria for individual cases, so that youth courts can reject cases and identify the need for special services or special disposition requirements in individual cases.

Youth courts have a general range of dispositions available to them on a local level. The dispositions commonly available to youth courts are listed in Section 3. Some offenses have specific education or community work service dispositions that are particularly effective. Where such specialized dispositions are appropriate, they are listed with the offense. Of course, youth courts should not limit themselves to the dispositions listed in this guidebook.

1 OFFENSE THEFT/LARCENY

Definition: Theft is the unlawful taking of property from the possession or constructive possession of another. Constructive possession is where a person does not have physical possession but is in a position to exercise control over the property.

Typical cases involve:

- shoplifting
- stealing a motor vehicle or bicycle
- stealing from a motor vehicle
- stealing from pay telephones, parking meters, video machines, and coin-operated laundry machines
- theft from family members
- stealing from backpacks and purses

Special issues for youth courts

Youth courts should consider the following special issues relating to theft cases:

- Youth courts generally only hear misdemeanor theft cases, though some will accept felony theft cases, depending on the circumstances of the case.
- Youth courts should avoid theft cases involving the theft of guns or drugs.
- If a victim is seeking restitution or would have a right to do so in court, then the youth court should make sure it has the ability to address restitution needs.
- Youth court staff should educate themselves about the USMA National Theft Database. This is a database designed to assist retailers in identifying shoplifters (16 years of age and older) for up to seven years after an incident takes place. This database can result in negative consequences for youth charged with theft. It is a private database and is not subject to the same confidentiality provisions as court or law enforcement records. Therefore, successful youth court respondents may have no criminal record of the theft they committed, but they may have a record in this database that could affect their future employment. Youth court staff should educate youth on steps they can take to have their name removed from the database. Several recommendations for youth courts are identified in an

article titled "Retailers and Theft: The Price Youth Court Pays."[17] Youth courts should also keep informed of other private theft databases that may be developed in the future and investigate strategies for addressing problems that respondents may face.

- Youth courts should be aware that businesses can assess civil fines in addition to restitution. Many times, respondents will receive a letter in the mail regarding civil fines. This is not a criminal action and is separate from the traditional delinquency court or youth court process. Being referred to youth court does not eliminate respondents' responsibility to pay these charges. If respondents want to protest payment of civil fines, then they should be directed to consult a private attorney on that issue.
- Many times a business will want the respondent to stay off the business premises for a specified length of time. If so, this should be incorporated into the youth court disposition. Entering that store after such a ban may constitute a new charge of criminal trespass.
- Be aware that some theft cases may also have facts and circumstances that could qualify the case as a burglary. If your program categorically does not accept burglary cases, be cognizant of the case facts or circumstances that might result in exclusion of the case from your program.

Teen jurors from the Jefferson County Teen Court (KY) deliberate.

[17] Dugdale, H., and D. Zolotor, "Retailers and Theft: The Price Youth Court Pays." *In Session*, 5(1). pp. 4–5. Available at www.youthcourt.net. For more information on the USMA Theft Database and detailed information about the steps youth courts can take to inform respondents about the database and have their names removed from it, read the full article published in the Winter/Spring 2005 issue of In Session (available at www.youthcourt.net).

2 OFFENSE VANDALISM

Definition: Willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, without the consent of the owner

Typical cases involve:

- tagging, graffiti
- cutting auto tires
- drawing on public restroom walls
- smashing windows
- destroying school records
- turning over gravestones
- defacing property, e.g., library books
- keying a car

Special issues for youth courts

Youth courts need to consider the following special issues relating to vandalism cases:

- In deciding whether to accept or reject a case, the youth court should consider the amount of damage caused and whether the victim is supportive of the youth court handling the case.
- In cases where there was a monetary loss, the youth court should ensure that the victim can receive restitution if the case is handled in youth court (whether restitution is handled by another agency or by the youth court itself).
- Youth courts generally won't take vandalism cases involving hate crimes, such as burning crosses or graffiti containing a hate message.
- Youth courts may choose not to hear cases in which the respondent specifically targeted the victim over a period of time. They are more likely to hear cases when the victim is randomly selected.
- Youth courts should avoid cases of gang-related graffiti involving territorial marking. It is advisable if dealing with gang-tagging vandalism to include or consult with your police department's gang enforcement officers/specialists.
- Generally, youth courts do not hear cases involving sexually explicit graffiti, although it may depend upon the location of the graffiti. For example, youth

courts may take cases involving sexual drawings on a bathroom door at school but not cases with similar drawings on the windows of a local business.

- If the youth court wants to have the youth remove the graffiti as part of his or her sentence, it must ensure that the business or residential owner is supportive. Sometimes, a business prefers to have the graffiti removed professionally. In those instances, depending upon the size of the community, youth may be able to work with community clean-up crews to remove graffiti in public places or pay for graffiti removal.

Participants in the Colonie Youth Court Program (NY).

3 OFFENSE ALCOHOL OFFENSES

Definition: A violation of state or local laws or ordinances prohibiting the possession or use of alcoholic beverages.

Typical cases involve:

- underage possession, purchase, or consumption of alcohol
- attending school under the influence
- providing alcohol to other underage persons
- possessing an open container of alcohol in public or in a motor vehicle

Special issues for youth courts

Youth courts should consider the following special issues relating to alcohol cases:

- Most states have laws and local justice agencies have policies in their communities that stipulate specific sanctions for driving while impaired or under the influence, such as license suspension. Most of these laws or policies prohibit youth court as an option. The small number of youth courts that do accept driving under the influence cases indicate that when they do receive a DUI referral, it typically involves a youth who has been drinking and is driving, yet the youth's blood-alcohol level is below the adult limit.[18] These programs have been able to arrange for license suspension through the department of motor vehicles.
- Youth courts should establish a method for screening youth referred on alcohol-related cases for more serious substance-use issues. Youth courts should be aware of screening tools that can be used to determine if a more formal drug and alcohol assessment is necessary. For example, the six-question CRAFFT assessment tool at www.projectcork.org/clinical_tools/pdf/CRAFFT.pdf can help determine whether a more formal assessment is necessary. If a problem is determined, then further alcohol and drug assessment should be required. If this is not a service that a youth court has the expertise or capacity to perform in-house, then partnerships with mental health and substance-abuse treatment professionals should be developed to provide this service.
- There are several approaches to prevention that have been proven effective at reducing substance use. By learning more about proven strategies, youth courts

[18] Godwin Mullins, T. "Addressing Traffic Safety Concerns Through Positive Peer Influence." Lexington, Kentucky: American Probation and Parole Association. Unpublished paper (2006).

can assess and strengthen their services and sentencing options for alcohol-related offenses. Suggested strategies for youth courts include:

- Become familiar with risk and protective factors for substance abuse and develop options that seek to reduce risk factors and enhance protective factors for youth.
- Avoid ordering alcohol or substance-abuse awareness classes that focus solely on providing knowledge to youth about the dangers of alcohol and other drugs.
- Avoid sentencing options designed to shock, scare, or threaten youth.
- Avoid sentencing options in which youth merely watch a video presentation or listen to a speaker on the topic of substance abuse. When these approaches are used, make sure they are part of an ongoing prevention program and allow time for youth to process the information they have received.
- Avoid having youth listen to stories from a person in recovery that send a message—even inadvertently—that glamorizes the use of alcohol or drugs.
- Don't rely on classes that "teach" self-esteem.
- Choose classes that focus on skill building (e.g., development of life skills; resistance, refusal, and assertiveness skills). Also, select classes that offer youth an opportunity to practice skills they learn.
- Involve parents and family members in the youth court and have services available to them (through the youth court or through referral to another organization) such as parent education, support groups, and counseling.
- Get the youth court involved in community coalitions designed to combat underage drinking. Have staff, volunteers, and respondents help with ongoing activities designed to help implement community-based strategies to combat underage drinking.
- Provide a peer or adult mentor to youth who lack positive social support.
- Place youth in community work service assignments that will allow them to experience self-efficacy, serve others, and share what they have learned.
- Provide opportunities for alcohol- and drug-free activities (e.g., recreational, cultural, and social events).
- Coordinate services and sentencing options with other community organizations and, when possible, refer and assign youth to services and sentencing options within their naturally occurring social networks.

- Focus the youth court hearing and the services/sentencing options on the youth and family's strengths, rather than focusing exclusively on deficits.
- Youth courts advise their members to ask the respondent whether he or she committed any other offenses while under the influence of alcohol or drugs. The respondent does not have to answer but should be asked. If the respondent answers that he or she has committed other offenses while under the influence, the youth court can use this information to help the youth see that negative behaviors are facilitated while under the influence.[19]

- There are several national resources available for youth court programs to use with respondents, which are specific to alcohol and drug use. The Street Law for Youth Courts: Educational Workshops contains several lessons on this subject. In addition, Street Law developed a free online lesson for youth court respondents titled "Web Search: What do Our Laws and Policies Say About Underage Drinking." The lesson is available on www.youthcourt.net.
- Ordering the respondent to attend a victim impact panel, e.g., from Mothers Against Drunk Driving (MADD) or Students Against Destructive Decisions (SADD) may also be an appropriate disposition.

Jurors in the Colonie Youth Court Program (NY).

[19] Godwin Mullins, T. (2004). "Underage Drinking and Other Substance Abuse: Opportunities for Prevention and Intervention." In Godwin Mullins, T. (Ed.), *Selected Topics on Youth Courts: A Monograph*. Lexington, Kentucky: American Probation and Parole Association, pp. 25–39.

4 OFFENSE DISORDERLY CONDUCT

Definition: Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality

Typical cases involve:

- fighting in a public place
- disturbing the peace, e.g., playing a boom box at extremely loud volumes
- cursing at a teacher
- flashing, mooning, or engaging in other indecent exposure
- partying loudly in a camping location after quiet hours

Special issues for youth courts

Youth courts should consider the following special issues relating to disorderly conduct cases:

- Disorderly conduct cases are often highlighted in the media and may be affected by public perception and opinion. In cases that might be publicized, it is especially important that both the victim and the community understand that youth courts will take appropriate action to discipline disorderly conduct.
- In many disorderly conduct cases, it turns out that bullying is an underlying issue. Refer to the special issues section on harassment (pages 48–49) for more information about bullying. Depending on the length of time that the bullying has been going on and the degree of impact on a specific victim, bullying cases may or may not be appropriate for youth court.

5 OFFENSE SIMPLE ASSAULT (OR BATTERY)

Definition: An unlawful attack without a weapon by one person upon another

Typical cases involve:

- bullying when it amounts to assault
- child/parent disagreements that get physical
- shoving or pushing a person

Special issues for youth courts

Youth courts should consider the following special issues relating to simple assault cases:

- The amount of physical injury caused should be considered. Typically, youth courts only accept misdemeanor cases with little or no physical injury.
- In cases involving physical injury, youth courts will need to consider how they will address the issue of restitution.
- Youth courts should avoid cases involving assaults with weapons, premeditated assaults, assaults that can be classified as hate crimes, and assaults involving victims who are in positions of authority.
- Youth courts should be on the alert for underlying bullying issues. See special issues for harassment offenses on pages 48–49.
- Assault cases often involve co-defendants. Sometimes the youth court will receive referrals for both respondents, while other times only one respondent will be referred to youth court. Parents and defendants will sometimes question why one youth got different treatment or a different disposition than the other person. Youth courts must be able to explain that restorative justice takes into account the specific circumstances of each respondent. That may result in different dispositions.

6 OFFENSE POSSESSION OF MARIJUANA

Definition: Possession of less than a certain amount of marijuana (as defined by state statute)

Typical cases involve:

- possessing small amounts of marijuana
- smoking marijuana in a park or other public place

Special issues for youth courts

Youth courts should consider the following special issues relating to possession of marijuana cases:

- Youth courts should be aware of screening tools that can be used to determine if a more formal drug and alcohol assessment is necessary. For example, the six-question CRAFFT assessment tool at www.projectcork.org/clinical_tools/pdf/CRAFFT.pdf can help determine whether a more formal assessment is necessary.
- Statutes in some states prohibit youth courts from taking any marijuana cases. For states that permit marijuana possession cases in youth court, the state statute will determine the amount of marijuana that constitutes a misdemeanor.
- Youth courts advise their members to ask the respondent whether he or she committed any other offenses while under the influence of alcohol or drugs. The respondent does not have to answer but should be asked. If the respondent answers that he or she has committed other offenses while under the influence, the youth court can use this information to help the youth see that negative behaviors are facilitated while under the influence.
- See the special issues section for alcohol offenses (Offense 3) for more information on special issues to consider.

7 OFFENSE TOBACCO OFFENSES

Definition: Purchasing, possessing, or obtaining tobacco products by a minor

Typical cases involve:

- illegally purchasing tobacco
- chewing or smoking tobacco on school grounds or in school lavatories
- providing or enabling youth to smoke or use tobacco products

Special issues for youth courts

Youth courts should consider the following special issues relating to tobacco violations:

- It may be difficult for some youth courts to get agencies to refer tobacco cases. Many times, the community may oppose using law enforcement resources to enforce smoking and tobacco bans, believing that limited resources should be focused on investigating and enforcing more serious offenses.
- The youth court community may need to play a role in educating referral agencies and the community on the importance of stopping youth tobacco use and the role that youth court can play in addressing this problem.
- Because of the addictive nature of tobacco, youth courts accepting tobacco cases need to have sentencing options and services available to address addiction issues.
- Because of the addictive nature of tobacco, youth courts hearing tobacco cases tend to have high rates of recidivism, which can distort the overall recidivism rates of the program. Youth courts may want to keep separate statistics on recidivism for tobacco cases.
- Appropriate dispositions for tobacco offenses may include interviewing a long-term smoker and writing an essay; conducting a tobacco awareness campaign for youth; painting an anti-smoking mural; and tobacco-stopping classes.

8 OFFENSE CURFEW VIOLATIONS

Definition: Violations of a court order or law requiring the withdrawal of persons from the streets or other specified areas during specific hours

Typical cases involve:

- sneaking out of home after curfew
- walking home after hours
- cruising (driving a car in an area that restricts the frequency with which the same car can travel through the area)
- violating a park curfew

Special issues for youth courts

Youth courts should consider the following special issues relating to curfew cases:

- Curfew cases may involve underlying problems in the respondent's home life, particularly issues between parents and children. Careful screening of curfew cases is required to determine whether there are such issues. If family or other issues are identified, then the youth court needs to have appropriate services and sentencing options available to address these issues. If the youth court cannot provide the services in-house, then it may wish to develop partnerships in the community that can be used for referral.
- Specialized dispositions include participation in youth organizations to involve respondents in constructive and organized activities during appropriate hours.

9 OFFENSE SCHOOL DISCIPLINARY CASES

Definition: Violations of student disciplinary code (noncourt-involved activity)

Typical cases involve:

- disrupting class
- food fights
- school parking violations
- interfering with the operation of a school bus
- violating the dress code
- using vulgar language
- cheating
- entering a bathroom of the opposite gender
- riding on the roof of car in a parking lot (or other dangerous activities)
- using a computer inappropriately
- being incorrigible (This is a catchall violation for when students are unmanageable and beyond the control of the schools.)

Special issues for youth courts

Youth courts should consider the following special issues relating to school disciplinary cases:

- School disciplinary cases refer to those behaviors that youth engage in on school property that are not considered delinquent or status offenses by statute. In other words, if the action that is perpetrated on the school campus could be considered a delinquent or status offense that could be heard in municipal, juvenile, or family court (e.g., assault, truancy, harassment), then it would not be considered a school disciplinary case.
- Some school-based youth courts hear delinquent and status offenses as well as school disciplinary cases. In some of these programs, the local prosecutor must screen certain types of cases and decide not to file charges before the student court can hear the case. This may be required in cases where there is an assault or fighting.

- It is always important to make sure that the school administration will back up the youth court in school disciplinary cases if respondents don't comply with youth court orders or complete their disposition.
- There are privacy and confidentiality issues regarding student records, especially in cases involving special education students. It is important that student courts work with school administration to comply with these requirements. In one student court, the youth court coordinator types up the offenses after reviewing the discipline file so that no student identification numbers are revealed to the youth court members. In addition, the coordinator also seeks the parents' permission to have access to those records. They do take respondents who are in special education programs if a student is able to comprehend what is going on and has the ability to be successful with sanctions that are specifically tailored for him or her. Parents are given the option not to reveal their child's disability, but usually the parent and student have chosen to let the court know. The coordinator informs the parents and respondent that the proceedings are confidential.
- Be aware of zero-tolerance policies for certain offenses on school campuses. These may limit the types of cases the youth court can accept.

A teen attorney from Jefferson County Teen Court (KY) makes her opening statement.

10 OFFENSE TRAFFIC VIOLATIONS

Definition: Violations of laws or ordinances regulating the operation of vehicles and bicycles

Typical cases involve:

- speeding
- failing to yield
- improper turning
- failing to have proof of insurance
- obstructing traffic
- driving without a valid license
- violating graduated license requirements
- violating motorbike, motorcycle, or bike regulations
- not wearing a seat belt
- illegally driving while using a handheld cell phone
- riding in the back of a pickup truck

Special issues for youth courts

Youth courts should consider the following special issues relating to traffic violations:

- Youth courts hearing driving cases recommend that the jurors or tribunal judges for that case be qualified drivers.
- Youth courts should avoid traffic cases in which there was an accident involving personal injury.
- Youth courts should avoid traffic offenses that occur while the driver is under the influence of drugs or alcohol. See the special issues for youth courts listed for offense #3 for more information about how youth courts deal with alcohol offenses.
- Community perception sometimes plays a role in traffic cases. The public may think that handling traffic cases in youth court is an easy way of escaping tickets. The public may also not be convinced that youth court can address the danger posed by youthful drivers. The youth court must do a good job in educating the

community about the potential benefits of youth court in order to respond to these concerns.

- Sometimes the referring sources are reluctant to send traffic violations to youth court because of the potential loss of revenue for the government from tickets. Youth courts need to provide a realistic accounting of what impact this may have on revenues and underscore the savings by showing that youth court can help improve the driving of youth drivers.
- The referring court should establish a system to notify the department of motor vehicles of the outcome of the youth court case so that driving records remain current and accurate.
- Appropriate dispositions include safe or defensive driving classes for young drivers; attendance at victim-impact panels in negligent driving cases; development of information pamphlets about the consequences of traffic infractions for use in drivers' education classes; or research assignments in which youth research the impact of teen accidents in the state and analyze how their violation relates to overall teen driving.

Jurors from the Jefferson County Teen Court (KY).

11 OFFENSE TRUANCY

Definition: Willful and unjustified failure to attend school by one who is required to attend

Typical cases involve:

- cutting class
- failing to attend an entire school day without an excused absence
- earning contempt of court after failure to obey court order to attend school
- having excessive tardies

Special issues for youth courts

Youth court should consider the following special issues relating to truancy cases

- There is widespread agreement among existing youth courts that truancy cases are some of the most challenging cases for youth courts, and perhaps the most rewarding.
- When addressing truancy cases, youth courts should be established as an early intervention in truant behavior in order to prevent truancy before it becomes a pattern.
- Youth who are truant often have underlying issues contributing to their truant behavior that can be addressed with sufficient resources from the youth court. Underlying reasons for the truancy may include the need of the truant's family for the youth to be at home, the youth's treatment at the school, or concerns about safety traveling to and from school. Effective dispositions for truancy cases must address the underlying reason for the truancy. Therefore, youth jurors or judge panels need to be trained to identify these issues in hearings and to connect respondents and their families to appropriate services through the disposition.
- Most youth courts will not be able to provide all of the services that youth and families of truant youth need, nor will they have access to all of the information they need to screen, assess, and make appropriate dispositional recommendations. Therefore, youth courts will need to establish partnerships with other community agencies and organizations to which they can refer youth and their families for needed services.

- Another consideration regarding the appropriateness of youth court for truancy cases may involve cultural differences between participants and the youth court volunteers and staff. It is imperative that youth court is staffed by culturally competent staff and volunteers and, when necessary, that translation services be provided for respondents and their families. It is also important that culturally relevant services and sentencing options be available to help reconnect these youth to education.
- Since truancy often is symptomatic of other issues (e.g., abuse in the home, homelessness, or other complex problems), many times truancy cases involve very sensitive personal information about respondents and their families. Youth volunteers who are unnecessarily confrontational or combative when questioning truant youth will be counterproductive to the process and could alienate the respondent and his or her family from the program. Therefore, youth court volunteers who are questioning respondents must be trained to question truant youth in a respectful and empathetic way and to make constructive dispositional recommendations. Also, confidentiality issues, rules, and regulations need to be explained and reinforced.
- Experienced youth courts handling truancies find that most truancies have the common thread that these students are not connected to the community in any way. Through the disposition, truant youth can be connected to people (e.g., mentors), places (e.g., library, YMCA, job), and activities (e.g., service-learning projects, sports, clubs).
- Information sharing among agencies can be a significant barrier when addressing truancy cases. Youth courts will need to educate their partners about the need for information and building trust among their partners to overcome this obstacle.
- Family involvement is critical to the success of working with truant youth. Youth courts will need to develop strategies for building trust, engaging families, and responding to their needs.
- When monitoring case compliance, direct and consistent contact with truant respondents and their parents and guardians is important.[20]
- Appropriate dispositions include making a contract with the truant student and parent or guardian regarding school attendance, joining in activities of youth organizations, participation in peer mentoring panels with peers who have had

[20] In addition to information provided by the National Youth Court Guidelines Advisory Group for the development of this manual, issues identified in this section also were adapted from Gonzales, R., and T. Godwin Mullins, "Addressing Truancy in Youth Courts." In Godwin Mullins, T. (Ed.). *Selected Topics on Youth Courts: A Monograph*. Lexington, Kentucky: American Probation and Parole Association, 2004. Available at www.youthcourt.net.

problems with truancy, remedial work or peer tutoring, and having the respondent tutor elementary school students. Youth courts may also order respondents to call a mentor when they wake up in the morning or to meet a mentor in school before class. Youth courts may also order youth and parents to take classes on education laws in the state.

Teen attorney from the Colonie Youth Court Program (NY) questions a witness.

12 OFFENSE CRIMINAL TRESPASS

Definition: Unlawfully entering land, a dwelling, or other real property

Typical cases involve:

- entering a vacant building but causing no damage, usually with the intention of drinking alcohol, smoking cigarettes, or engaging in sexual activity
- remaining in a public building after closing time
- entering onto land or a dwelling without permission
- returning to a store after being banned as a result of prior shoplifting

Special issues for youth courts

Youth courts should consider the following special issues relating to criminal trespass cases:

- In practice, trespass is the charge that is used when a prosecutor does not want to charge burglary. Youth courts often do not accept trespass cases if the youth is charged with other offenses at the same time.
- If there are circumstances surrounding the trespass case that are of a highly personal nature (e.g., young people entered the building to engage in sexual activities), the youth court may decline to hear the case. This avoids causing unnecessary embarrassment to the respondent.
- Street Law lessons on "Crimes and Consequences" may be an appropriate disposition for trespass offenses.

13 OFFENSE CRIMINAL MISCHIEF/CRIMINAL NUISANCE

Definition: Inflicting wanton or reckless injury to persons or property

Typical cases involve:

- Leaving a gate open so that livestock get out of their enclosure
- Picking flowers in a restricted area like a park or arboretum
- Egging or toilet-papering a house
- Damaging a mailbox
- Driving a golf cart or vehicle on a football field or track

Special issues for youth courts

Youth courts should consider the following special issues relating to criminal mischief/criminal nuisance cases:

- Youth courts generally do not accept criminal mischief or nuisance cases that result in wanton or reckless injury to persons, unless the injury is minimal.
- Most youth courts would not accept an offense of this type if it were committed with a hate motive.
- Another factor that should be considered when screening these types of cases relates to the amount of damage (if any) caused. If the damage was excessive and if the youth court cannot make provisions to address victims' needs (e.g., restitution), the youth court may not be an appropriate option.
- Special dispositions that may be appropriate for these offenses—particularly offenses that involved damage to public property—include community gardening and painting equipment in public parks.

14 OFFENSE POSSESSION OF DRUG PARAPHERNALIA

Definition: Misdemeanor possession of equipment or devices used to grow, make, or use illegal drugs

Typical cases involve:

- using drug paraphernalia to produce, process, pack, conceal, or use a controlled substance
- possessing or making use of drug paraphernalia to grow marijuana
- having a pipe in pocket

Special issues for youth courts

Youth courts should consider the following special issues relating to drug paraphernalia cases.

- Youth courts should consider the amount and size of the drug operation when determining if it is an acceptable drug paraphernalia case.
- Most youth courts limit cases to those in which the respondent used the drug for personal use and do not accept cases where the respondent was manufacturing drugs for sale.
- Generally, youth courts do not hear cases involving ingredients of or equipment to make methamphetamine.
- Youth courts should avoid cases involving cocaine or heroin paraphernalia.
- Youth courts advise their members to ask the respondent whether he or she committed any other offenses while under the influence of alcohol or drugs. The respondent does not have to answer but should be asked. If the respondent answers that he or she has committed other offenses while under the influence, the youth court can use this information to help the youth see that negative behaviors are facilitated while under the influence.
- See special issues identified for working with alcohol offenses (Offense #3), possession of marijuana (Offense #6), and drug offenses other than marijuana or alcohol (Offense #15) for additional information.

15 OFFENSE DRUG OFFENSES OTHER THAN MARIJUANA OR ALCOHOL

Definition: Possession or use of controlled substances other than marijuana or alcohol

Typical cases involve:

- inhaling glue, paint, correction fluid, acetone, or computer cleaner
- trading prescription drugs
- snorting Ritalin or other stimulant medications
- attempting to sell a counterfeit substance, e.g., selling sugar as cocaine
- using steroids
- ingesting over-the-counter medications numerous times to get high (e.g., cold and flu tablets)

Special issues for youth courts

Youth courts should consider the following special issues relating to drug offenses other than alcohol or marijuana:

- Before accepting these types of cases, the youth court needs to determine whether it has the ability to screen and assess the youth for substance-abuse issues and refer cases for appropriate intervention if necessary.
- Because of myriad issues related to these types of offenses, many times the local community objects to having youth court handle these types of cases.
- Generally, extensive program services must be available for the assessment and referrals, as well as classes and counseling for the youth and the family.
- Youth courts advise their members to ask the respondent whether he or she committed any other offenses while under the influence of alcohol or drugs. The respondent does not have to answer but should be asked. If the respondent answers that he or she has committed other offenses while under the influence, the youth court can use this information to help the youth see that negative behaviors are facilitated while under the influence.
- See special issues identified for working with alcohol offenses (Offense #3), possession of marijuana (Offense #6), and possession of drug paraphernalia (Offense #14) for additional information and specialized dispositions.

16 OFFENSE HARASSMENT

Definition: Words, gestures, and actions that tend to annoy, alarm, and abuse (verbally) another person

Typical cases involve:

- making telephone calls without a good reason
- insulting, taunting, or challenging another person in a way that it is likely to provoke a disorderly response
- bullying
- making repeated communications anonymously, at extremely inconvenient hours, or in coarse language
- subjecting another to offensive touching
- engaging in any other course of alarming conduct serving no legitimate purpose
- posting alarming messages or rumors online, in blogs, or in text messages

Special issues for youth courts

Youth courts should consider the following special issues relating to harassment cases:

- Youth courts need to establish policies, procedures, and practices to address the needs and issues of victims involved in harassment cases coming before the youth court.
- An overall concern in harassment cases is the safety of victims and youth court participants. Therefore, the youth court must establish procedures and practices designed to address and alleviate safety concerns of victims and youth court participants. If safety concerns are high due to the circumstances of the case (e.g., stalking), it may not be appropriate for youth court to handle the case.
- Youth courts should avoid cases involving hate motives or where the harm to the victim is substantial. Hate crimes are criminal acts that are motivated by the offender's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.
- Youth courts should consider the duration of the harassment, the prior history with the victim, and any psychological issues of the respondent when deciding whether to accept or reject a case.

- Youth courts should avoid cases involving domestic violence because of the ongoing nature of the violence and the intensely personal issues raised.
- Youth courts should consider the context of the harassment and whether there was group involvement in the harassment or whether the respondent acted alone.
- Due to privacy concerns and possible negative public perception, youth courts should be cautious of cases involving sexual harassment.
- Harassment may mask underlying bullying problems. In general, bullying is not a crime, unless it rises to the level of assault or harassment. When bullying is suspected, consider the length of time that the bullying has been going on and the degree of impact on a specific victim when determining whether the case would be appropriate for youth court.
- In cases involving harassment or bullying, consider community work service assignments that could help respondents build more empathy toward others.
- Appropriate dispositions include anti-bullying classes (using Street Law curriculum) and victim empathy classes. Students may also be required to read books about bullying to younger students and talk about the impact of bullying. Joint community work service may be appropriate if two respondents were involved together, if the youth and their guardians agree. If the bullying involved some type of harassment based on ethnicity, then volunteer work in a refugee program may be a suitable disposition.

Proceedings in the Colonie Youth Court Program (NY).

17 OFFENSE FRAUD

Definition: The intentional perversion of the truth for the purpose of getting another person to rely on the false statement and to part with something of value

Typical cases involve:

- using false identification to buy beer or cigarettes
- deliberately failing to return rented DVDs
- writing bad checks
- leaving a full-service gas station without paying the attendant
- using a credit or debit card or ATM unlawfully for fraudulent purposes
- impersonating another person
- committing fraud via e-mail
- leaving a restaurant without paying ("dining and dashing")
- using a library card when it is not authorized

Special issues for youth courts

Youth courts should consider the following special issues relating to fraud cases:

- Before accepting fraud cases that involve monetary loss, youth courts should consider their ability to determine, order, and collect appropriate restitution.
- Given recent increased concern about terrorism and identity theft, prosecutors may be more wary of referring any case involving false identification. Therefore, the specific facts and circumstances of the case should be assessed during the intake session to determine whether accepting the case may cause issues for program stakeholders and partners or may result in negative public perception.
- Appropriate dispositions include fraud classes offered by store loss prevention officers and volunteer work at the defrauded business. Some youth courts have ordered respondents to develop an educational campaign for younger students about the consequences of fraud to businesses and youth.

18 OFFENSE BURGLARY

Definition: Unlawful entry of a structure with the intent to commit a felony or a theft

- Forcible entry includes when force is used and when entry is by concealment.
- Unlawful entry is entry without force, through an unlocked door or window. Trespass is an essential element.

Typical cases involve:

- entering friends' or relatives' homes in order to steal something
- opening an unlocked door and entering a school building after hours to steal from the vending machines

Special issues for youth courts

Youth courts should consider the following special issues relating to burglary cases:

- Burglary is a felony almost everywhere and is therefore usually excluded from youth court. However, some youth courts do accept felony-level cases. In these programs, the circumstances of the case are essential to making a determination of whether the case is acceptable and appropriate for youth court. For example, if the residence that was burglarized belongs to a relative or friend/acquaintance of the respondent and the victim agrees, the youth court might hear it. On the flip side, a youth court would generally not take a burglary case that involved entry into the residence of an unknown person.
- If a theft was also committed during the burglary, the value of the item taken often limits whether the case can be accepted.
- It is especially important to consult victims in these cases to assess their needs and determine if there are any factors (e.g., concern for their safety, large amount of damage to property) that they reveal that might indicate that the case is not appropriate for youth court.
- If the forced entry caused damage to property, repair of the damage may be appropriate as a part of the disposition.

19 OFFENSE FALSE REPORTING

Definition: Knowingly circulating a false report of a fire, explosion, crime, or emergency, knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility or to cause public inconvenience or alarm

Typical cases involve:

- pulling the fire alarm or calling in a bomb threat as a prank
- calling in false 911 calls
- posting a bomb threat on a website
- making a false anthrax threat

Special issues for youth courts

Youth courts should consider the following special issues relating to making false reports:

- Due to privacy issues, youth courts should not accept cases involving false reports of sex crimes (e.g., false allegations of rape).
- Due to heightened concerns around terrorism, youth courts should consider public perception issues when determining whether to accept cases of false reports of bomb threats or similar threats.
- In deciding whether to accept a false-report case, youth courts may wish to take into account the extent of panic caused.
- As part of a disposition, youth courts may order respondents to pay restitution for the cost of responding to the false alarm or to undertake volunteer work at the fire department or at a dispatch center.

20 OFFENSE LOITERING

Definition: Remaining in an area or place in an idle or aimless manner

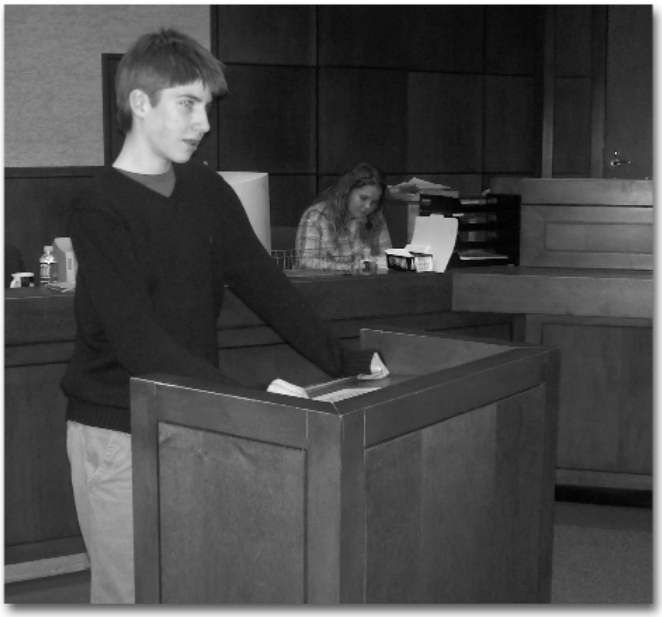
Typical cases involve:

- hanging out in front of buildings in big groups
- smoking in groups on a street corner
- hanging around a store after normal business hours
- being in a park after closing time

Special issues for youth courts

Youth courts should consider the following special issues relating to loitering cases:

- Be aware of whether the case involves gang issues. If it does, then consider whether it is an appropriate referral for your youth court.



A teen attorney from the Jefferson County Teen Court Program (KY) makes closing arguments.

21 OFFENSE POSSESSION OF STOLEN PROPERTY

Definition: Possession of any property with the knowledge that it has been unlawfully taken

Typical cases involve:

- situations in which a youth shoplifts in one store but is caught shoplifting in a second store. He or she can be charged with possession of stolen property from the first store.
- receiving goods stolen by a friend who works in a store
- receiving large numbers of promotional scratch-off cards from friends who work at a store
- taking large giveaways and free meals from friends who work in a restaurant
- buying an item for far below the normal selling price so that the buyer would have to know the item is stolen; for example, buying a $350 bicycle from an unknown person for $10
- having a bicycle, knowing it was stolen

Special issues for youth courts

Youth courts should consider the following special issues relating to possession of stolen property cases:

- If the case involved monetary loss, the ability for appropriate restitution to be determined, ordered, and collected when an offender is referred to youth court should be considered before accepting possession of stolen property cases.
- See the special issues for Theft/Larceny offenses at pages 25–26.

22 OFFENSE POSSESSION OF A WEAPON

Definition: Unlawful possession of a weapon

Typical cases involve:

- carrying weapons, such as a billy club over 20 inches, blackjack, slingshots, nunchukus, or metal knuckles
- possessing a BB gun or pellet gun while underage
- unlawfully possessing pepper spray
- unlawfully using toy guns
- unlawfully possessing gravity knives, potato guns, box cutters, paint ball guns, or pocket knives over a certain size

Special issues for youth courts

Youth courts should consider the following special issues relating to possession of a weapon cases:

- Youth courts should carefully screen these cases during intake session to determine if they are appropriate for youth court. Some factors to consider include the type of weapon the youth was charged with possessing, the reasons why the youth was carrying the weapon, and where the youth was (or was going) at the time he or she was charged.
- If the case is accepted, youth volunteers should ask questions to explore the reasons the youth was carrying a weapon. For example, it may be revealed that the youth brought the weapon as self-defense in a bullying situation. In these cases, dispositions that are directed at resolving the issues between the respondent and the bully may be helpful.
- Schools generally will not allow weapons possession cases to go to student court. Schools with zero-tolerance policies must expel the student for any weapon, no matter how small, including pocket knives.
- Youth courts should avoid cases involving firearms.
- Due to a heightened sense of concern regarding school shootings and youth violence, youth courts should consider and address public perception before deciding whether to take possession of weapon cases.

23 OFFENSE RECKLESS ENDANGERMENT

Definition: Reckless conduct that creates a substantial risk of death or serious physical injury to oneself or another

Typical cases involve:

- providing alcohol to a younger person
- shooting a BB gun at another, causing injury
- riding too fast on a dirt bike, causing danger to others
- throwing missiles at cars or off an overpass
- hanging off an overpass
- speeding out of a parking lot or horse-playing in traffic
- anything affecting or involving the fire or police department
- street racing/drag racing
- hanging onto a moving car
- driving underage in some circumstances
- throwing smaller kids in trash cans
- pointing lasers at drivers

Special issues for youth courts

Youth courts should consider the following special issues relating to reckless endangerment cases:

- The level of personal injury inflicted or the potential for injury should be considered when determining if the case is appropriate for youth court.
- The age difference of the parties involved (respondent and victims) should also be a factor for consideration. For example, if the respondent provides alcohol to a significantly younger person, the youth court might not take the case.
- See issues identified for false reporting (Offense #19), which is sometimes charged as reckless endangerment.
- Appropriate dispositions include meeting with young people who have been injured or seriously harmed by reckless behavior; visiting an emergency room or a

trauma unit; and interviewing a doctor about the types of injuries that result from reckless behavior. Youth may also be required to give speeches to younger students about the dangers of their behavior or to develop an education campaign about safe behavior.

Jurors with the Jefferson County Teen Court Program (KY) listen to the facts of the case.

24 OFFENSE REGULATORY VIOLATIONS

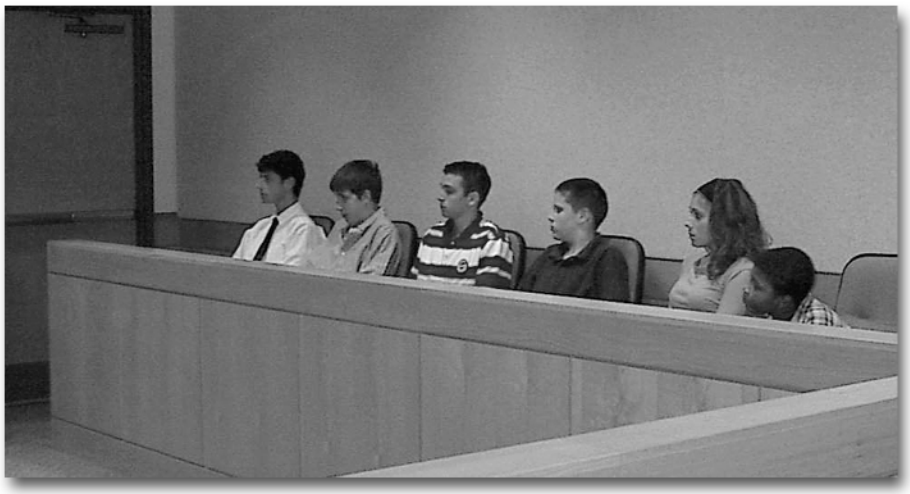
Definition: Violations of noncriminal ordinances

Typical cases involve:

- failing to wear a bike helmet
- throwing objects from a vehicle
- possessing illegal fireworks
- using a handicapped parking permit without authorization
- littering
- hunting or fishing out of season or without license
- skateboarding on sidewalks

Special issues for youth courts

- Most regulatory cases would be acceptable in youth courts. However, as with all cases, the individual facts and circumstances should be examined to ensure that the case is appropriate.



Colonie Youth Court Program (NY) jurors.

25 OFFENSE RESISTING AN OFFICER WITHOUT VIOLENCE

Definition: Obstructing, opposing, and trying to prevent law enforcement from making a lawful arrest or enforcing the peace, without using actual force

Typical cases involve:

- lying to an officer, including about one's age
- refusing to move when ordered by an officer
- running away from law enforcement
- hiding from an officer
- refusing to walk with an officer

Special issues for youth courts

Youth courts should consider the following special issues related to resisting an officer:

- Usually, resisting an officer without violence involves an underlying offense for which the officer interacted with the youth. Therefore, the seriousness of the underlying offense should also be considered.
- The amount of resistance involved in the case should be a factor in determining whether to accept a case.
- Appropriate dispositions include the police patrol curriculum of the Constitutional Rights Foundation. Youth courts may also order the respondent to work in a law enforcement office, ride along with a law enforcement officer, or interview a school resource officer.

26 OFFENSE RUNAWAYS

Definition: Runaways are persons under 18 years of age who have left home without the permission of their parent(s) or guardians.

Typical cases involve:

- running away from a noncustodial parent's house during the time the young person is required to be with the noncustodial parent
- going to another city or state to be with a girlfriend or boyfriend when forbidden to do so by a parent

Special issues for youth courts

Youth courts should consider the following special issues relating to runaway cases:

- Many cases involve underlying issues, including family dysfunction (e.g., domestic abuse) and intensely private family information (e.g., the runaway engages in prostitution). These types of issues need to be discussed during the intake session prior to the case being docketed for a youth court hearing. If youth courts cannot address the individual and family issues, then the youth court should not hear the case.
- If the safety of the youth is a factor, the youth court should not take the case.
- If the circumstances reveal habitual runaway behavior, the youth court should not take the case.
- During the hearing and deliberation processes, youth volunteers need to explore and address issues that are causing the youth to run away in a sensitive and confidential manner.
- Appropriate dispositions may involve mediation, conflict resolution, or counseling for the parent and youth.

27 OFFENSE UNAUTHORIZED USE OF A MOTOR VEHICLE

Definition: Taking a motor vehicle without the permission of the owner or person entitled to possession

Typical cases involve:

- joyriding
- taking parents', neighbors', or friends' car without permission
- unlawfully using all-terrain vehicles (ATVs), golf carts, snowmobiles, or tractors
- driving without a license (for those under 16)

Special issues for youth courts

Youth courts should consider the following issues relating to unauthorized use of a motor vehicle cases:

- Consider whether the circumstances of the case indicate gang issues (e.g., some gang-related initiations require potential gang members to take a certain number of cars in order to qualify to join). Youth courts do not accept gang-related offenses.
- If there was an accident causing personal injury or damage to the vehicle, then youth courts would generally not take the case.
- Many youth courts will not take a case if drugs or alcohol are involved, unless they have the capacity to require drug and alcohol assessment and treatment.
- Appropriate dispositions include safe driving class for teens; delay in getting a driver's license; and an order to wash, clean and vacuum the vehicle involved.

SECTION 3

Restorative Dispositions

Restorative justice is a philosophy for addressing crime that underpins youth court. It focuses on repairing harm and rebuilding relationships. It seeks to involve stakeholders in addressing crime in an active and respectful way and emphasizes the community's role in problem solving. There is no single "right way" to implement restorative justice principles in youth court; the way in which the principles are implemented will depend on local resources, traditions, and cultures. Common restorative elements in youth courts:

- A focus on the fact that harm has been done to a person or the community, rather than the fact that the law was broken.
- A focus on repairing the harm done to the victim and community, rather than punishment.
- Emphasis on dialogue and understanding during youth court hearings, rather than procedure and evidence.
- Options for victim involvement.

Most common youth court dispositions, such as community service, educational workshops, and apologies to victims, can be designed and implemented in accordance with principles of restorative justice. Restorative dispositions focus on the following:

- Accountability—they increase respondents' awareness of the effect of their actions on others and offer them opportunities to repair the harm caused, either directly or indirectly.
- Competency development—restorative dispositions focus on building youths' relationships with caring and positive adults or peers and focus on strengthening respondents' skills and competencies.
- Community protection—increasing respondents' skills and ties to the community so they will be less likely to harm the community in the future.[21]

A number of general dispositions available to most youth courts follow. The emphasis on restorative justice is more evident in some dispositions than others. However, all the dispositions listed can be adapted within a restorative framework, taking into account the circumstances of the case at hand.

This is not meant to be an exhaustive list. The more disposition options available, the better able the jury or judge panel will be to customize dispositions to hold offenders

[21] Tracy M. Godwin, "The Role of Restorative Justice in Teen Courts: A Preliminary Look," 2000.

accountable by meeting their individual needs, providing them with needed life skills, helping them understand the effect their actions have on others, and giving them an opportunity to repair the harm they caused and give back to their communities. Referral committees may have a role in developing dispositions that target particular problems in the community. See the Appendix for some national publications and resources designed to assist programs in developing some of these disposition options (e.g., educational classes, meaningful community service projects).

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)

Community work service

According to the federal youth court's database[22] (June 2006), community work service is a required disposition in 98 percent of youth court programs. Community work service creates ways for respondents to:

[22] Degelman, Charles, *Giving Back: A Community Service-Learning Manual for Youth Courts, Constitutional Rights Foundation*, 2nd edition, 2006.

1. make up for the harm to the victims,
2. improve their communities,
3. better understand the impact of their actions,
4. work with people who are different from themselves (e.g., younger children, senior citizens, non-citizens, members of minority groups),
5. plan for their own futures by job shadowing and building life goals and strategies.

It is important to ensure that community service does not simply revolve around menial assignments. Community work service should be constructive and educational—not punitive. Creative community service assignments can influence youths' attitudes and provide public benefits, while offering youth a chance to repair harm caused by their actions, directly or indirectly. Some examples of creative community work service assignments follow.

Community Work Service Ideas[23]

- Hold a community car wash. Youth volunteers and respondents can work together at the car wash. Collect donations for the service being provided and give the money to a local charity. Have the youth identify and decide on the local charity that will receive the money.
- During domestic violence month, get teen court respondents to help distribute literature that educates the community on domestic violence issues.
- Conduct discussions or educational workshops on timely issues and organize projects around those issues.
- Partner with a group that is building a Habitat for Humanity house.
- Organize and hold a youth summit. Have teen court respondents participate and assist in the planning process.
- Work with a community action or neighborhood group on neighborhood repair (e.g., fixing broken equipment on a playground, park beautification project).
- Have youth serve as mentors to younger children (e.g., tutor an elementary school-age child in math, work with younger kids at the YMCA or Boys and Girls Club).
- Have youth volunteer at nursing homes and senior citizen centers to promote intergenerational mentoring.
- Conduct a neighborhood food drive. Collect food for local food pantries and serve the food or help distribute the food to needy families.
- Assist elderly or disabled persons with household projects, snow removal, lawn care, or other services that can help them maintain a productive lifestyle.
- Conduct community surveys about the needs of the community, perhaps on behalf of local government planning groups, to help agencies better plan for and meet community needs.
- Work with the community or an agency to develop, plant, and maintain a community garden. Raise vegetables and fruit that can be distributed to needy families or to the elderly.

[23] Reprinted by permission from Tracy M. Godwin, "The Role of Restorative Justice in Teen Courts: A Preliminary Look," 2000.

Apologies

Apologies are a popular disposition used by youth courts. Apologies often are ordered to parents, victims, law enforcement, school administration, and/or teachers. Youth courts should implement strategies to facilitate apologies that are sincere. Apologies may be face-to-face (if the person receiving the apology is willing) or in writing.

Essays

Essays that reflect a respondent's research into the impact of their offense are also commonly required. Essay topics might also include reflections on what respondents learn from community work service, counseling, or mediation or conflict resolution.

Education classes

Most youth courts have educational classes to which juries and judge panels can refer offenders to educate them on issues related to the offense they committed or teach them life skills. Classes might involve developing "refusal skills" and techniques for resisting peer pressure. Other common dispositions include anger management classes, conflict resolution classes, victim-awareness classes, character-building classes, life skills courses, good decision-making classes, and law-related education classes.[24] To meet competency development goals espoused in restorative justice, educational workshops and projects need to be designed to assist youth in developing skills and gaining social capital.[25]

Youth court duty

Many youth courts require respondents to participate in a certain number of youth court cases. In many youth courts using a jury model, the respondents are required to be part of the jury. In other cases that use either the tribunal model of youth court or only use trained jurors, the respondent may be ordered to serve as bailiff. Both roles give respondents an opportunity to participate on the other side of the program and demonstrate their membership in the law-abiding community. It also ensures that the youth court reflects the diversity of its community. When neither of these options is available, youth courts may order respondents to observe youth court cases.

Restitution

Restitution may be appropriate when there is an identified money loss to any victim. In accordance with restorative justice principles, victims may be involved in recommending the type of community service that should be made.

[24] Morreale Scott, Lena, *Street Law for Youth Courts*, 2nd edition 2006, for download at www.streetlaw.org/content.asp?ContentId=204.
[25] Tracy M. Godwin, "The Role of Restorative Justice in Teen Courts: A Preliminary Look," 2000.

Alcohol and drug assessment, treatment, and urine testing

Such treatment may be appropriate when the offense or the respondent's behavior indicates use of alcohol or drugs.

Curfew and travel restrictions

Curfew may be appropriate if the youth court feels that a respondent needs more structure in using his or her time or if the offense involves late-night activity. Youth courts need parental assistance to monitor curfew requirements.

Travel restrictions may be appropriate when respondents get in trouble at particular places, such as a park or a mall. For example, if a youth is sent to youth court for shoplifting at a local store, he or she may be required to not go to that store for a specified time.

Tutoring

Tutoring may be appropriate when respondents have fallen behind in their school work. Respondents may also be required to tutor younger students, which can create opportunities for respondents to build and practice skills and show that they have something to give to the community.

Counseling

If special individual or family needs are identified that should be addressed, counseling may be recommended for the entire family or for the individual respondent as needed.

Mediation or conflict resolution

In some cases, mediation may be appropriate between parents and the respondent or between the respondent and the victim to help bring about a more peaceful solution to a problem. Mediation should be conducted by trained mediators and only used if the victim and offender are both willing to participate in the process. Sometimes mediation can be done in addition to the youth court hearing to help resolve specific issues, whereas in other cases mediation is done in lieu of a traditional youth court hearing.

Adult or peer mentors

Some youth courts use adult or peer mentors to encourage respondents to complete their dispositions and to help the respondent problem-solve when he or she is faced with difficulties. This is another disposition that can create opportunities for respondents to build skills.

Statutory dispositions

Additional dispositions may be available to youth courts under state statutes. For example, some youth courts may be able to impose loss of driving privileges or delay in eligibility for driving privileges. These dispositions are generally ordered in cases involving drugs, alcohol, tobacco, and traffic violations.

A juror studies a case at the Hazelwood Middle School Student Court in New Albany (IN)

APPENDIX

Additional Resources

Federal Youth Court Website
www.youthcourt.net

This website contains information for program coordinators and others interested in the development or enhancement of youth court programs. The website provides valuable resource materials for youth court programs including downloadable copies of many youth court publications, a listing of youth courts in the United States, and information about training and technical assistance opportunities.

Publications

There are numerous publications that have been developed by various national organizations on behalf of the federal youth court project, funded by the Office of Juvenile Justice and Delinquency Prevention, in conjunction with the National Highway Traffic Safety Administration and the Office of Safe and Drug-Free Schools, to assist in the development and enhancement of youth court programs. Unless otherwise indicated, all of the following publications can be downloaded from www.youthcourt.net by clicking on the "Publications" button on the left side of the homepage.

National Youth Court Guidelines
By Tracy M. Godwin, Michelle E. Heward, and Tom Spina, Jr.
(Published in 2000; 146 pages)
Developed by the Council of State Governments/ American Probation and Parole Association (CSG/APPA), the *National Youth Court Guidelines* are designed to give youth courts direction for developing and operating effective programs for the ultimate purpose of increasing program accountability and integrity of the youth court field. The guidelines are discussed in detail; tips for implementing each guideline are included, and possible outcomes are identified.

Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs
By Tracy M. Godwin, David J. Steinhart, and Betsy Fulton
(Published in 1996, revised in 1998; 176 pages, plus appendices)
CSG/APPA developed *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs* to provide program organizers with baseline information on developing, implementing, and enhancing teen court programs within their jurisdictions. Rather than endorsing one particular model of teen court, this manual provides program organizers and potential stakeholders with a general overview of issues to consider

and guides them through a decision-making process for the implementation of a teen court program that fits local needs. Sample forms and other helpful resources are also included as supplementary materials.

Selected Topics on Youth Court: A Monograph
Tracy Godwin Mullins, Editor
(Published in 2004; 118 pages)
Developed by CSG/APPA, this monograph features papers on the following six topics:

- Addressing Truancy in Youth Court Programs
- Underage Drinking and Other Substance Abuse: Opportunities for Prevention and Intervention by Youth Courts
- An Overview of School-Based Youth Court Program Design Options
- Building Culturally Relevant Youth Courts in Tribal Communities
- A Comparison of Statewide Youth Court Associations and Networking Groups
- Media Access Guidelines for Youth Courts

Street Law for Youth Courts: Educational Workshops
By Lena Morreale Scott
(Published 2001, Revised in 2002 and 2006)
Developed by Street Law, Incorporated, through a subcontract with CSG/APPA and OJJDP, *Street Law for Youth Courts: Educational Workshops* is designed to help youth courts establish a law-related education program as a sentencing option for youth court offenders. These interactive lessons focus on the offenses for which youth are most frequently referred to youth court: theft, possession of alcohol, vandalism, bullying, and assault. The lessons also may be used to train youth volunteers.

Giving Back: Introducing Community Service Learning Improving Mandated Community Service for Juvenile Offenders
By Charles Degelman, Keri Doggett, and Gregorio Medina
(Published in 2002; revised in 2006, 104 pages)
Developed by the Constitutional Rights Foundation in Los Angeles and Chicago through a grant from the OJJDP, this updated and revised manual gives youth courts and other juvenile-justice agencies the tools they need to apply school-based service-learning methods to court-mandated community service. *Giving Back* provides skill-building strategies and materials to introduce juvenile offenders to basic concepts of community and community problems and offers three options for planning and implementing community service-learning projects specifically designed to deal with ten offenses that youth courts and other juvenile-justice agencies most frequently address.

Youth Court: A Community Solution for Embracing At-Risk Youth—A National Update
By Sarah S. Pearson and Sonia Jurich
(Published in 2005; 32 pages)
Youth court is rapidly expanding alternative to the juvenile justice system for young people who have committed nonviolent offenses. This report, developed by the American Youth Policy Forum, provides policymakers and the public with an overview of youth court programs including their characteristics and benefits. It contains national data regarding youth served, who benefits from youth courts existence, recidivism, average operating costs, and so on.

Policymakers Support Youth Court Growth: Voices and Recommendations from the Field
By Sarah S. Pearson
(Published in 2004, 9 pages)
This CSG/APPA policy brief provides an overview of perspectives on youth court from local, state, and national policymakers. Information on the benefits of youth courts and tips for establishing youth courts are included.

Youth Court: A Path to Civic Engagement
By Sarah S. Pearson
(Published in September 2003, 8 pages)
This CSG/APPA policy brief provides local, state, and federal policymakers with background information on youth courts and highlights current local and state policy in support of youth court. It also describes how youth court helps young people learn the value of actively participating as citizens to help make a difference in their communities.

Youth Courts: Young People Delivering Justice
By Margaret Fisher
(Published in March 2002; 36 pages)
This road map booklet, developed by the American Bar Association, Office of Justice Initiatives, through a subcontract with CSG/APPA and OJJDP, introduces youth courts to those who are interested in justice improvement. It examines the nature, structure, and benefits of youth courts and explores the roles played by a variety of government and community entities. It highlights examples of successful youth courts throughout the United States—ones based in juvenile justice settings, community settings, and school settings. It spotlights unique innovations in youth courts and discusses statewide associations that play a role in supporting and networking youth courts within a state.

Youth Court Volunteer Training Package
By Margaret Fisher
(Published in 2001)
This publication of the American Bar Association provides instructional materials for youth court volunteers. The trainers guide provides detailed lesson plans for teaching volunteers the knowledge, skills, and values that underlie democracy and the justice system and for preparing volunteers to function effectively in their roles, regardless of the youth court model used.

The complete training package includes:

- Guide for Trainers (96 pages) with lessons for all youth court models to teach how youth courts fit within the American justice system, how to apply balanced and restorative justice to the preparation and conduct of hearings, how to prepare for and conduct a hearing and how to deliberate on a disposition.
- Youth Volunteer Handbooks (64 pages each) for adult judge, youth judge, youth tribunal, and peer jury program models.
- Changing Lives: America's Youth Court, a short video introducing the concept of youth courts.
- CD-ROM with materials to permit tailoring of curriculum to local youth courts.

The Youth Court Volunteer Training Package materials may be purchased individually or as a packaged set from the ABA Store, at www.abanet.org/abastore.

The Role of Restorative Justice in Teen Courts: A Preliminary Look
By Tracy M. Godwin
(Published in 2001; 8 pages)
This paper, produced as a result of a focus group's examination of restorative justice in teen court, identifies ways for teen courts to integrate more restorative justice practices into their programs. Key issues discussed include how youth courts can rethink the role of victims and the community within their programs, how youth courts can alter the way that their proceedings and practices are structured, and how youth courts can rethink sentencing options so that they are based on the restorative justice philosophy.

The Impact of Teen Court on Young Offenders
By Jeffrey A. Butts, Janeen Buck, and Mark B. Coggeshall
(Published in April 2002; 48 pages)
This report presents the findings of the *Evaluation of Teen Courts Project*, which was conducted by the Urban Institute and funded by OJJDP. The Evaluation of Teen Courts Project studied teen courts in four states: Alaska, Arizona, Maryland, and Missouri.

Researchers measured pre-court attitudes and post-court recidivism among more than 500 juveniles referred to teen court for nonviolent offenses such as shoplifting and vandalism. The study compared recidivism outcomes for teen court defendants with outcomes for youth handled by the regular juvenile justice system.

The report can be downloaded from www.youthcourt.net and from www.jbutts.com/pdfs/410457.pdf.

Teen Courts: A Focus on Research
By Jeffrey A. Butts and Janeen Buck
(OJJDP Juvenile Justice Bulletin; published in October 2000; 16 pages)
This bulletin provides information gathered by the Evaluation of Teen Courts Project on characteristics of teen court programs and the operational and managerial problems they face. It also summarizes the evaluation literature on teen courts.

This bulletin may be downloaded from www.youthcourt.net or from www.ncjrs.org/pdffiles1/ojjdp/183472.pdf. To order a copy of this bulletin (free of charge), contact the Juvenile Justice Clearinghouse at 1-800-638-8736. Reference number NCJ 183472.

In Session
The quarterly newsletter, *In Session*, provides timely articles, interviews, and other information that are of interest to youth court programs. View current and past issues online at www.youthcourt.net.

Videotape/DVD

"Getting the Most Out of the Deliberation Process"
(Produced by CSG/APPA in April 2002; features two 20-minute segments; Facilitator Guide, 13 pages)

This video assists youth court programs in providing orientation on the deliberation process for youth who will be serving as jurors or judge panels. Youth court coordinators and volunteers will have the opportunity to view two different scenarios and participate in a facilitated discussion. The video comes with a Facilitator Guide. Visit www.youthcourt.net to order a free copy of the video and Facilitator Guide. Available in VHS and DVD formats.