

Exploratory Committee Report On the Formation of a Youth Court In Pittsford February 26, 2009

A. Introduction

In October, 2008 Supervisor Bill Carpenter called for the formation of an exploratory committee to look into the merits of creating a Youth Court in Pittsford. Town Board member John Bernacki was asked to chair the committee that also included faculty, students and parents representing the Pittsford Schools, the Monroe County Sheriff's Department, community youth organizations and residents. The committee was asked to deliver their recommendations to the community, based on the feasibility and benefits of having a Youth Court, the legal issues as well as the associated costs.

The Youth Court system, successful in over 1,200 communities nationwide, presents an alternative approach to juvenile justice. By employing concepts such as positive peer influence, accountability, and youth involvement, Youth Courts offer communities a prevention and early intervention program. Because minor criminal offenses and repeated disruptive behavior are known to be signs of a troubled youth, the Youth Court system is a step in addressing a local community's youth-related problems.

The theory behind a Youth Court is to hold troublesome youth accountable for their actions, even if the offense is minor. Youth Court is designed to address misdemeanors and non-violent offenses committed in the community or on school premises, such as shop-lifting, vandalism, minor alcohol and drug offenses, disorderly conduct, persistent disobedience, disruptive behavior and tardiness or unexcused absence from school, bullying, fighting or harassment.

First time offenders, ages 8 – 18, enter the Youth Court system via Court mandate or referral from the school district. Participants and their parents/guardians must admit to the charge or complaint and agree to accept the consequences determined by their peers in the Youth Court. The presence of a Youth Court in a community sends a strong message to the youth and the community that their peers do not condone criminal or offensive behaviors.

A Youth Court will also educate the young people that participate as panelists or court members about the legal and judicial systems, and empower local youths to be active in helping their communities solve problems, encouraging them to feel like an integral part of the system as opposed to having an adversarial attitude.

B. Exploratory Committee

The exploratory committee that was formed was comprised of the following individuals:

John Bernacki – Chair, Pittsford Town Board
Rich Williams, Pittsford Town Attorney
Anne Crumb, Resident
Christopher Calabrese, Resident
Liz Konar, Principal Sutherland High School
Scott Reinhart, Principal Calkins Rd Middle School
Jesse Duane, Student - Mendon High School
Rachel Kashtan, Student – Sutherland High School
Irene Narotsky, PTSA - Sutherland High School
Linda Ashworth, PTSA - Mendon High School
Dale Cameron-Kody, Community Wellness Coordinator
Lisa Fulmer, Director, Pittsford Youth Services
Lt Michael Fowler, Monroe County Sheriff's A Zone
John Hall, Monroe County Youth Court Coordinator
Bill Carpenter, Pittsford Town Supervisor

C. Exploratory Process

The initial phase of the exploratory process included presentation of different Youth Court Models in the Monroe County area. These are as follows:

- The Honeoye Falls School District presented their model which was a school based model with partnerships with the Livingston and Monroe County Sheriffs, the Towns of Lima and Mendon as well as the Villages of Lima and Honeoye Falls
- The Town of Wheatland presented their model which was a town based model with partnerships with Village of Scottsville, Wheatland/Chili and Caledonia/Mumford Central School Districts
- The City of Rochester where youth members serve in the prosecution and defense of youth offenders. Issues of guilt or innocence are argued in an open court format.

The models were very different from one another. However, each of the communities indicated that the Youth Court was having a positive impact on the youth of their community by holding those accountable for their actions and by involving youth in the solution.

In subsequent meetings there was discussion about the pros and cons of each of the models presented. There was also a lengthy discussion about whether the concept of a Youth Court would benefit the Pittsford Community and more importantly the youth of our community.

It was pointed out that the concept of forming a Youth Court was not a reaction to a problem with Pittsford youth. Instead, it is an opportunity to involve Pittsford youth in addressing issues that may exist and to engage them in being part of the solution. It will also afford them an opportunity for community service as well as training and experience in the area of the legal system.

There was also much discussion about the process for how individuals would be referred into the Youth Court and the effect it might have on existing disciplinary procedures and decision makers. The key is that the Youth Court is an additional tool that is available to the Youth Court partners. Once an incident occurs the following steps must occur for a youth to appear before a Youth Court panel:

- A referral must be made by the charging official which will most likely be school principals, probationary officers or judges
- The Youth Court Coordinator must be willing to accept the case
- The victim must agree to the Youth Court process and outcome
- The offender must admit guilt and agree to outcome of Youth Court findings
- The offenders parents/guardian must agree to the Youth Court process and outcome

The issue of confidentiality was one that was also important to members of the committee. It was pointed out that everyone must sign an Oath of Confidentiality. All records and procedures before the Court are required to be kept confidential. John Hall, Monroe County Youth Court Coordinator, indicated that confidentiality was taken serious nationwide in Youth Courts, evidenced by only two cases where confidentiality had been breached.

In December, 2008, the exploratory committee unanimously agreed that the concept of a Youth Court is a good one and further agreed that they would help craft a formal and detailed proposal for the formation of a Youth Court. On February 26, 2009 the exploratory committee agreed on a set of recommendations and further agreed that it should be submitted to the Town and School District for their consideration. A copy of the recommendation is attached.

Recommendation of the Pittsford Youth Court Exploratory Committee

A. What is a Youth Court?

A Pittsford Youth Court would provide a local forum for youthful offenders who are charged with certain crimes and status offenses. For those who are guilty of these charges, the goals of the program are to make young people accountable for their actions, prevent future criminal offenses, and provide restitution for victims and the community.

It is proposed that the Youth Court would practice restorative justice principles, which is an approach that holds the offender accountable, includes the community in response and develops the skills and competencies of the offender so they will be less likely to offend again.

Equally important, the Youth Court model engages the youth of our community in being part of the solution. They become part of the solution by being the decision makers in peer-to-peer resolution of issues. The Youth Court also provides an opportunity for students to gain extensive knowledge and experience in the legal profession that helps them in preparing for college and future careers.

B. What do we want to achieve with a Youth Court?

It is felt that a number of things can be achieved by a Youth Court as follows:

1. Collaboration on youth issues
2. Community respect for our youth
3. Good citizenship
4. Improve values
5. Community define and control over legal issues
6. Alternatives for youthful offenders
7. Prevention initiatives
8. More positive reward
9. Deterrent for our youth
10. Youth involvement in community issue
11. Restorative justice
12. More lasting impact
13. More flexibility
14. Reduction of long-term affect on record
15. Educational value to youth/parents
16. Restore youth belief in authority/rules

C. Which Youth Court model is preferred?

It is recommended that a Youth Court follow the peer jury model. In this model, the Youth Court does not use youth in defense and prosecuting attorney roles. Instead, a case presenter reads the facts of the case and a panel of youth jurors questions the defendant directly. It is recommended that the case presenter be the Youth Court coordinator. The youth jurors/panelists are responsible for determining the ultimate disposition or restorative justice that would apply to the specific case.

It is further recommended that the Youth Court be a function of town government with Inter-municipal agreements between the Town and School District necessary to operate and fund the Pittsford Youth Court.

D. What type of offenses would be addressed by a Youth Court?

Youth ages eight (8) to eighteen (18) who are first time offenders may be referred to the Pittsford Youth Court for the following offenses:

1. Vandalism
2. Truancy
3. Disrespectful actions
4. Substance abuse/use
5. Theft
6. Harassment/Bullying
7. Fighting
8. Arson
9. Cheating
10. Weapons
11. False Alarms
12. Disorderly Conduct
13. Shoplifting
14. Mediation of issues

E. How are members of the Youth Court selected?

An initial pool of sixty to seventy panelists would be needed who would be comprised of an equal mix of Sophomores and Juniors from Pittsford Mendon and Pittsford Sutherland High Schools. The Monroe County Youth Bureau would hold an assembly to introduce the concept of a Youth Court to all students. Interested students would then submit an application that would be reviewed by counselors and ultimately recommended by school administrators. Suggested criteria for selecting Youth Court panelists is as follows:

1. Ability to be fair in the judgment of peers
2. Strict adherence to confidentiality of Youth Court matters
3. Commitment to responsibilities of a Youth Court panelist
4. Interest in helping address a community issue
5. Demonstrated leadership skills
6. Interest in the areas of the law and the courts
7. Experience in volunteerism and/or community involvement

Each year thereafter, new recruitment and training will be necessary to fill slots for new Sophomores as well as vacancies of Junior or Senior panelists.

F. How are selected Youth Court Panelists trained?

Monroe County Youth Bureau will provide the initial as well as on-going training that is necessary. Initial training for panelists consist of four (4) four hour sessions which covers the roles and responsibilities of panelists, legal issues, confidentiality, offender interview procedures and choosing appropriate dispositions.

G. What is the Youth Court procedure?

Once an offense is committed, a referral may be made by the charging official which will most likely be school principals, probationary officers or judges

- Once a referral is received by the Youth Court, the Coordinator decides if the referral should be accepted. If it is accepted, the Coordinator sets an appointment for the offender and his/her parents/guardians to meet with the Coordinator to discuss the youth's rights and the court procedures.
- An expedited referral may be requested by the charging official where it is critical to bring a quick resolution to the matter.
- A court date is set after the victim, the parents/guardians and offender agrees to participate in the process.
- At the time of the Youth Court proceeding, five (5) Youth Court panelists would listen to an overview of the charges presented by the Youth Court Coordinator. The panelists would be chosen from the overall pool to be age representative and from a different school than the offender. The youth offender has the opportunity to present his/her side of the case and to bring in character witnesses.
- Once the case has been presented to the judges, the panelists have the following options for disposition of the case:
 - a. Unconditional discharge
 - b. Community Service
 - c. Restitution
 - d. Written apology
 - e. Essays
 - f. Alcohol/Drug Counseling
 - g. Professional Counseling
 - h. Projects
 - i. Educational Workshops
 - j. Safety Courses
 - k. Victim/Offender/Peer Mediation
 - l. Youth Court Panelist Duty

- After the panelists have given a sentence the offender must complete the sentence by their closing date.
- Failure to complete sentences results in the case being sent back to point of origin for charges/discipline that would have otherwise applied

H. What is the role of the Youth Court Coordinator?

A Youth Court Coordinator oversees the daily operations of the Youth Court. The Coordinator works with offenders, families, jurors, members, law enforcement agencies, and others in the community to ensure that Youth Court is effective in its mission to be constructive, rehabilitative, and educational. The Youth Court Coordinator reports to a Youth Court Advisory Board who assists in this mission and in formulating operational procedure and policy.

Some of the duties and responsibilities of the Youth Court Coordinator includes the following:

- Acceptance/review of cases
- Background on youth offenders
- Compliance with disposition
- Scheduling of youth panels
- Scheduling of training
- Scheduling recruitment & training of new panelists
- Seeking community service opportunities
- Seeking funding/grant opportunities
- Liaison with school/town/police/community/probation
- Coordination with youth offender/parents/guardians/victims
- Presentation of individual case to youth panel

I. What is the role of the Youth Court Advisory Board

It is recommended that an advisory board be formed whose purpose would be to oversee the operation of the Youth Court, guide the overall policy and direction of the Pittsford Youth Court and provide monthly reports to the Town, School District and community stake holders as to the status of the Pittsford Youth.

It is recommended that the initial Youth Court Advisory Board be comprised of the following stakeholders:

1. Sutherland High School Student
2. Mendon High School Student
3. Middle School Student
4. Town/Village of Pittsford Representative
5. School District Representative
6. Pittsford Resident
7. Monroe County Sheriff's
8. PTSA
9. Pittsford Alliance for Substance Free Youth

J. What Budget Will Be Required to Support the Youth Court

The estimated annual budget for the operation of the Youth Court is as follows:

1. Expenses

Youth Court Coordinator	\$ 4,500
Supplies	\$ 500
Printing, Postage, Etc	\$ 500
	\$ 5,500

2. Revenues

It is proposed that operating costs be split between the Town and School District. Additionally, it is proposed that other revenue sources be sought such as community service organizations.