

Judicial Council Briefing

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**Juvenile Collaborative Court Models:
Youth Court**

Information about youth courts

Judicial Council Briefing

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Introduction

The Collaborative Justice Courts Advisory Committee of the Judicial Council of California makes recommendations to the council for developing collaborative justice courts, improving case processing, and overseeing the evaluation of these courts throughout the state. As part of the committee's purview, it also works to provide information about collaborative courts to relevant stakeholders around the state.

This is the sixth in a series of briefings providing an overview of juvenile collaborative courts, including what types of courts exist, how they work, and how they can be replicated.¹ These briefings are not intended to be an exhaustive review of the research; rather, they are meant to be an overview. Like their adult counterparts, juvenile collaborative courts are geared toward high-risk, high-needs individuals whose offenses stem from an underlying, treatable cause. Juvenile collaborative courts take into account adolescent brain development, unique ways that substance abuse and mental health issues manifest in youth, and other issues unique to youth, including the original rehabilitative nature of juvenile court.

Briefings in this series will cover information on juvenile drug courts, juvenile mental health courts, girls'/CSEC courts, and youth courts. The last briefing in this series includes information about starting a juvenile collaborative court model. This briefing will cover youth court.

Youth Court

Youth court, also known as peer court or teen court, is an alternative to the conventional juvenile justice system for juvenile first-time offenders. Youth courts as a diversion alternative are

By utilizing peer-driven sanctions, juvenile offenders are encouraged to take responsibility for their actions, make restitution where needed, and be held accountable.

generally not part of the juvenile court. Rather, they function as an alternative to formal court processing.² Successful participation generally means that youth exit youth court programs without any official juvenile court record. Juvenile offenders who participate in the youth court program avoid a criminal record while still being held accountable for their actions.³ By utilizing peer-driven sanctions, youth

courts encourage juvenile offenders to take responsibility for their actions, make restitution where needed, and be held accountable. Positive peer pressure is used in youth court to help influence adolescent behavior.⁴ Researchers have noted that a guiding principle behind youth courts is that if peer pressure can lead young people into delinquency, perhaps it can help keep them out of delinquency.^{5, 6} This theory underscores the key role peers play in youth decision making.^{7, 8} Youth court participation also offers prosocial benefits, as defendants subsequently serve on youth juries themselves, participate in community service activities, and learn how the justice system functions.⁹

Generally, youth court is reserved for youth who have been charged with misdemeanor or minor felony violations such as shoplifting, vandalism, truancy, disorderly conduct, or other offenses that would normally send them to the juvenile court or traffic court or for school disciplinary action. Youth courts typically handle nonviolent first-time offenders accused of committing crimes that are unlikely to be otherwise prosecuted. The juvenile offender is given the option to waive any court hearings and to voluntarily participate in youth court in place of more formal handling of his or her case by a traditional juvenile court. In most youth courts, the youth must admit wrongdoing or plead guilty or no contest to be eligible. Most youth court defendants go through an intake process, a preliminary review of charges, a court hearing, and sentencing, just as they would in a regular juvenile court. The difference is that other youth are responsible for much of this process. Once the case is heard in youth court, the youth jury deliberates and creates a constructive sentence that combines accountability with resources. The youth court staff provides a range of community service opportunities, in addition to establishing a specific number-of-hours requirement that the jurors feel is an appropriate match to the offense. As part of the youth court process, the juvenile offender also receives training to make him or her eligible to serve in various youth court roles in the future, such as judge, bailiff, community advocate, defense attorney, prosecuting attorney, or juror. Such participation is often mandatory as a condition of participation.

Youth court offers several different court models; depending on which model is followed, the youth serve in a variety of roles. There are four primary youth court program models:

Adult judge model. Youth volunteers serve in the roles of defense attorneys, prosecuting attorneys, clerks, bailiffs, and jurors. Oftentimes there will be an attorney mentor present to offer assistance to the youth.

Youth judge model. Youth volunteers serve in the roles of judge, defense attorneys, prosecuting attorneys, clerks, bailiffs, and jurors.

Peer jury model. Adult or youth volunteers serve in the role of judge, and youth volunteers serve as jurors and question the defendant directly. Some programs use youth advocates to provide support for the defendant.

Youth tribunal model. Youth volunteers serve in the roles of judges with a panel of three judges, as well as in the roles of defense attorney, prosecuting attorney, clerk, and bailiff. There is no peer jury—youth judges determine the sentence.¹⁰

Agencies operating and administering youth court programs include the following:

- Juvenile courts (the youth court process is the same even if the location is an actual courtroom);
- Juvenile probation departments;
- Law enforcement;
- Private, nonprofit organizations; and
- Schools.

Approximately 42 percent of youth court programs in operation are juvenile justice system–based programs while 36 percent are school–based and 22 percent are community–based or nonprofit.

Whether an individual youth court is successful depends on how well it is supported by various stakeholders in the community. Youth court advocates have observed that it is essential for youth courts to be accepted by the larger justice system in their local area in order to succeed.¹¹

Youth courts have grown substantially over the past decade. The first youth court began in the early 1980s in Odessa, Texas, with the first youth courts arriving in California in the mid- to late-1980s in Humboldt and Contra Costa Counties. In 1994, there were 78 youth courts nationwide. Today, there are more than 1,000 youth courts in 49 states. There are currently more than 70 youth courts in California.

Despite this growth, rigorous research on this court type is nominal. One early seminal study on youth courts found recidivism rates among youth court participants to be between 6 and 9 percent, which were significantly lower than the rates in comparison groups.¹² Researchers found other benefits, as well, including the following:

- Client satisfaction with the youth court experience;^{13, 14}
- Enhanced perceptions of procedural justice;¹⁵
- Improved attitudes toward authority;¹⁶
- Greater knowledge of the legal system;¹⁷
- Positive outcomes for youth volunteers;^{18, 19} and
- Greater understanding of restorative justice principles.²⁰

The benefits of youth courts go beyond the defendants. Youth courts benefit the volunteer youth attorneys and judges by teaching them more about the legal system than they could learn in a classroom. The presence of a youth court may also encourage the entire community to take a more active role in responding to juvenile crime.²¹ Additionally, youth court participants who participate specifically in restorative justice programming have been found to feel more responsible for improving their community after participating in the program.²²

Recent studies have also shown positive results. Researchers in Los Angeles found that youth who participated in a diversion program through the probation department in the juvenile delinquency system had higher rates of recidivism than those who participated in the youth court.²³ Another study in Alaska found that re-offense rate for youth court participants was 16 percent while the rate for youth in the traditional court system who committed similar offenses was 39 percent.²⁴ Other researchers have found that male youth court participants are significantly more likely to recidivate than female participants.²⁵

While individual program evaluations have generally shown positive results, it has been more challenging to examine youth courts as a whole or to compare programs to each other. One analysis of 22 studies dating from the 1980s to 2014 provided conflicting results about whether

and how youth courts impact behavior, with some studies showing results that favor youth courts, some that favor the traditional juvenile justice system, and some that found no difference.²⁶ The researchers suggested that the mixed results could be due to a wide variation in the methodology and quality of the research studies examined. Other researchers attempting to examine multiple courts have noted that programs vary in their processes, which may impact any individual program's effectiveness, and that program effectiveness is linked to the how programs adhere to principles of peer justice, restorative justice, skill building, law-related education, meaningful sanctions, and avoiding labeling of youth.²⁷

Combining youth court with DUI prevention may increase positive results. In 2005, the California courts implemented the Peer Court DUI Prevention Strategies Program throughout the state. This program provided DUI education to youth court participants. An evaluation showed that it increased both youth and parent knowledge about drinking, drug use, and DUI laws. In addition, the program had an impact on youth and parent attitudes toward the seriousness of drinking and driving, and parents had an increased likelihood of knowing where their teen was at all times, talking to their teens about substance use, and increasing the enforcement of their rules on their teen.²⁸

Even with the considerable growth of youth courts nationwide, very little research has been conducted on the cost-effectiveness or cost benefits. Youth courts rely heavily on youth and adult volunteers. If the courts are managed properly, they may handle a substantial number of offenders at relatively little cost to the community. The courts have not been shown to be a strain on taxpayers or budgets.²⁹ The average reported annual budget for a youth court program is approximately \$32,767.³⁰ One study found an estimated savings of between \$232,000 and \$464,000, resulting from a reduction in recidivism alone. The study estimated an additional \$80,000 in savings from youth courts, resulting from the thousands of hours of community service, the volunteer time to conduct the court proceedings, the pro-bono services from attorneys and judges, and the donated classroom facilities.³¹

There is a great need for rigorous research using a standardized definition of recidivism to determine the effectiveness of youth courts. In addition, future research should focus on the cost-effectiveness of these courts, and whether there are differences in outcomes depending on whether the youth court is court-based or community-based.

¹ The Center for Families, Children & the Courts maintains a roster of all collaborative courts in California at www.courts.ca.gov/programs-collabjustice.htm. Court data are voluntarily provided, so the roster is a living document that changes regularly as the agency learns of courts opening and closing around the state.

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⁴ National Association of Youth Courts, "Focal Point for Youth Programs" (n.d.). Retrieved from www.youthcourt.net/about/significance-of-youth-courts (as of Aug. 28, 2018).

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- ¹³ Development Services Group, Inc., *supra*, note 10.
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²⁹ Dines, *supra*, note 19.

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³¹ McDowell Group, *supra*, note 22.