

CAYC Podcast Transcript for #JusticeForYouthByYouth

Introduction

Welcome to the Judicial Council's Center for Families, Children and the Courts podcast on Youth Courts in California. The Judicial Council Center for Families, Children and the Courts works closely with the California Association of Youth Courts, a non-profit organization whose role is to improve current youth court operations and provide assistance in the spread of youth courts statewide. #JusticeForYouthByYouth.

In today's podcast, we will hear from Joaquin Lang, and how he became acquainted with the youth court program. With assistance from his youth court director, he was able to navigate through youth court and successfully complete his sentence, while avoiding a criminal record. You will then hear from a judicial officer, and senior deputy district attorney, and a youth court director, all of whom have worked closely in the youth court process and are committed to encouraging the growth of this peer-driven diversion program.

Joaquin: It all started with a half-empty spray can me and my friend found in my garage back in the summer of my freshman year. We decided we would try out graffiti for the first time because we watched a movie about Banksy earlier in the week. Around five minutes into me and my friend tagging and messing around under a bridge in my neighborhood, my neighbor yelled down to us he had called the cops 10 mins ago and we had

no chance of escaping. He thought we had been huffing the paint for some reason. Long story short, the cops came and greeted us when we got out of the tunnel. They couldn't find the spray can we hid, but there was gold paint all over our hands so we both got cited for vandalism and were referred to youth court.

My brother had been to youth court before me so I knew it existed and roughly what it was about. I was lucky that my friend had his hearing/court date the Thursday before me. He told me it really wasn't that bad and I shouldn't be too nervous. The main thing I remember about my hearing was how much the kids on the jury actually seemed to want to know about me.

Part of my restorative plan, the jury assigned me to jury duties. That's where you have to come back and sit on the jury for someone else's case. I got assigned only two jury duties, but at the end of two, I decided I wanted to come back. It didn't hurt that I needed community service for my school and two older girls from my school, who were in many of my classes, could give me rides out there every week.

But I'm now in my senior year, the community service requirements ended with sophomore year. Almost all the people who first were going when I started to come to youth court have graduated, and I'm still going every Thursday I can. I keep coming back to youth court because youth court helped me when I needed a good community to rely on, and I truly believe a second chance can change someone's life. If I can help do that, I have no

excuse to not to. After the first few months of volunteering with the youth court, I knew I was going to be sticking around the program for good.

I got trained to be an advocate, and I have presented at the Youth Court Summit, put on by CAYC for 2 years. I have presented about youth court and the corporatization of marijuana at the Berkeley Teen Wellness Conference many times, and I help train volunteers on how to become advocates. We aren't here to tell anyone what to do or how to live their lives. The main point of youth court is to give kids the support and information they need to make the right decisions for them. It's coming up on my last few months being with the youth court program as a high schooler. I said I truly believe youth court can change lives. I wouldn't just say that about anything. I say that because youth court changed my life and I want to give that opportunity to as many people as possible.

Hello, I'm Richard Couzens, I'm a judge from Placer County. That was an actual case of a youth who decided to go through the Youth Court rather than the traditional juvenile justice system. With me today are Don Carney, Director of the Marin County Youth Court and Deborah Postil, who is a Senior Deputy District Attorney from Riverside County and we're going to provide you with the context that explains how that vignette happened and how that is less likely to happen in a system without youth courts.

Youth courts are basically a diversion from the traditional juvenile justice system and it utilizes the power of youth to influence each other in the positive resolution of an error in judgment. Key decisions regarding the

youthful offender are made by the youth and they're not dictated by adults. Most importantly, youth courts are based on the principle that the offender simply has made a poor decision and that participation in youth courts will preserve that relationship between the offender and the community through its active civic engagement.

The movement started in the mid-1940s but really got started to expand in the country in the early 1980s, most notably it started in the state of Texas, and spread from there. There are now over 1,200 youth courts scattered throughout the entire United States in virtually every state, and in California we have approximately 80 youth courts in active operation and in half of the counties. We currently have a National Association of Youth Courts which attempts to establish links between courts on a national basis through state associations and individual programs, and our California Association of Youth Courts was created in the mid-1990s to do much of the same thing on a statewide basis. Most notably, the association presents a statewide conference every year that emphasizes the collaboration of the partnership between various courts. It emphasizes new ideas and best practices, reviews youth court trends, and establishes lasting links between the various youth courts and youth court participants.

JC: Don, could you tell us a little bit from your perspective what is the main difference between the youth court process and the traditional juvenile court system?

DC: Well the youth court process is based on restorative practices, which means we feel a young person should have the opportunity to learn from a

mistake rather than be punished and stigmatized. We also feel that a young person has an opportunity to repair whatever harm and whatever relationships were impacted and that that experience brings them back into unity with the community.

JC: Deborah, what is the typical kind of case that youth courts handle?

DP: All of our cases are first-time offenders so they're coming to the attention of law enforcement for the first time. Over in Jurupa, it's a school-based youth court run by the school district so we see a lot of offenses around truancy, drug use on campus, whether being high on campus, marijuana use fights that may be starting, some of those behaviors and that the kids are acting out on campus. There are a variety of youth court models. I think if there's anything we have learned it's that there's no one way of doing this work. There are some that replicate jury systems with students acting as attorneys and other court participants and most notably, as a juror, there are some courts that have the power to exercise their power through restorative circles. Then there are some cases some courts have that even decide the question of whether the minor actually committed the offense, so there are lots of variety. there is no one way that a youth court program operates in terms of its system. There is a wide variety both nationally, and in California. Some courts replicate a jury system where students act as the attorney, that's the staff and even the jurors. Some courts use restorative circles to accomplish their objectives and some courts even decide whether the violation even occurred.

JC: Deborah could you tell us what you do in Riverside County and what you have found to be the strength of your program and the things you emphasize?

DP: We don't have any guilt finding structures around Riverside County, but what they are held is accountable so they have peers that are deciding the consequences. Once they admit, then those consequences can range from after-school activities, they have to get involved into writing apology letters, to doing community service. The favorite one is incorporating and restoring the youth to come back and sit as a juror, as a volunteer, so they can have a positive experience and be reincorporated back into the community after they may have made a poor choice.

JC: Don I understand your system is quite different than that. Can you tell us about that please.

DC: Our system is based on restorative practices in trauma-informed care and our advocates collaborate with each other. They both represent the young person and the community simultaneously. Our jurors don't judge, they support, they interview, they try and connect to the respondent. And we draw a strong distinction between young people who have a trauma history. Our goal then is to have those young people either self-identify or the jurors helped them identify what their strengths are. Kids who are traumatized are often labeled defiant and delinquent and they hear that a lot, and they're not in touch with their own strengths, and every young person, no matter how much trauma, has strengths and we build on strengths. We don't focus on deficits.

JC: Debra I recall that you have a strong feeling about this aspect as well. Do you have any additional comments?

DP: I do. I appreciate that Don's work up there in the Bay Area, it's so important, the trauma-informed practices, right. Our children, usually by the time they come to the attention of law enforcement or enter the juvenile justice system, they've been impacted by six traumas in their life. That's a lot. We're talking things like abuse, sexual abuse, domestic violence, divorce, immigration consequences to their family, all kinds of things that cause kids to basically act out. They may come to school angry and that kind of thing, so it's important work. I know at the Jurupa Unified School District we actually trauma train our jurors to make sure that they understand concepts so that they can ask the right questions and ask these kids not necessarily what's wrong with them, but what happened to them.

JC: Debra, I think one of the things that has been emphasized about the strength of youth courts, is its reduction in recidivism meaning the frequency with which a person returns to the justice system after having gone through it. Do you have a sense of how youth courts are successful in this regard?

DP: What we're seeing is with youth courts there's about a five to eight percent recidivism rate and that compares to the traditional juvenile court process which is up to 25 to 30 percent so there's quite a bit of difference.

JC: Don why do you think that the youth court system is so successful in reducing the instance of further offenses?

DC: I think connecting to peers in that setting that is supportive rather than judgmental and punitive really helps the young person identify the harm that they've created and the impact it's had on individuals in the community and the community at large. And by it not being punitive, the young person can find their way to reflect on it and own and be accountable for their poor choice.

JC: Are there specific advantages to youth by going through the youth court system as opposed to the traditional justice system? Deborah can you comment on that?

DP: The great thing about the youth having their peers there is that they can have real-life conversations. Just like Don had said, kids are pressured by a negative peer pressure but they can also be pressured by positive peer pressure. So when you have kids in non-judgmental ways just having conversations, they're able to open up and disclose about things that may be impacting their behavior. I had one particular instance where one of the youth had disclosed, through a series of questions, that her mom was facing some mental health hurdles at home which was causing her to worry and stay home and take care of her. That led to just a real restorative conversation around that and how that family could garner some support. And I think that's the quality of good leaders that we're creating in the community, as these youth are becoming jurors and essentially leaders in our community as well.

JC: Don what is your sense of the relationship between youth courts and the traditional system in terms of sharing of workload, reducing expenses? Do you have a feeling about the benefits of youth court from that perspective?

DC: The grand jury in Marin County has actually called for the closure of juvenile hall because we've been able to divert so many kids from the system that our juvenile hall per capita rate is close to \$1,000 a month per kid. No, a day a per kid. So restorative practices youth courts diverting young people from the juvenile justice system is really good on the tax base and it keeps kids from being in a system where the next step is adult incarceration.

DP: And just to add on to that \$1,000 a day—because you're right—what I know is that it costs about a \$180,000 to house a juvenile in juvenile hall for just one year, and so over a lifetime if we're able to divert these children from adopting a life of crime, it can save between 1.7 and 3.4 million dollars across their lifespan.

JC: Deborah because of the court process, the creation of a court, in the running of a court, there's a tendency to pull people into the civic engagement aspect of youth courts. Can you comment on that?

DP: Yes, it's one of the ways I believe youth court stands apart from other intervention restorative type of practices even circles for that matter unless the civics part of it and civic leadership is being discussed. The three

branches of government, for example, at work in the courtroom, the crime that gets them there, you know whether it's police or at the attention of school officials. You have the executive branch as well, making decisions on potential prosecution, and the judiciary as well and them serving as jurors. So you have all these different aspects at hand through the youth court which is important especially in this days when people and youth especially, are disengaged from politics, from understanding their government, in their history, that this country was founded on constitutional principles, rights to search and seizure, there's so many aspects of youth court that really help it stand apart from other programs.

JC: Don't it's been said that there's the school to Prison Pipeline is a major threat to the successful maturity of children how does youth court help block that?

DC: Youth courts are an integral part of stopping the school to prison pipeline. If you keep a young person out of juvenile justice, the likelihood for them going into incarceration as an adult is very low and a lot of youth courts are looking at suspension diversion. If you keep a kid in school rather than unsupervised suspended, then the likelihood for them to end up on probations radar is very low.

JC: We've come to the end of our program and I do want to invite you to contact us for further information. We have considerable information on our website which is calyouthcourts.com. There's also information available on the National Association website. You're certainly invited to participate, if you would like, in some of our statewide roundtables that we conduct about

creation of courts and dealing with some of the issues, as well as visit us at our annual Youth Court summit that we hold in northern and southern California on an alternating basis. Thank you very much for participating with us and we hope to hear from you soon if you're interested in pursuing youth courts.