

NEW YORK STATE YOUTH COURT CONFERENCE

APRIL 8, 2010 - ALBANY, NY

Innovative Practices in Youth Court Hearings

Three youth courts share their work

Handouts (by presenter):¹

- *Laurie Peterson, Cattaraugus County Youth Court*
 - Restorative Justice and Youth Court Practices
- *Katherine Chambers, Warren County Youth Court*
 - Jury Service

¹ If a presenter is not listed below but is listed on the agenda, this indicates that his or her presentation did not include handouts.

Co-sponsored by the Center for Court Innovation, the Association of New York State Youth Courts and New York State Courts Access to Justice. Supported by the New York Bar Foundation.

The Warren County Youth Court Experience

Jury Service

Volunteers

- 7th & 8th graders actively recruited as a precursor to YC member status, although 9-12th graders may also participate in jury training and as jurors during YC hearings
- Training sessions
 - held several times throughout the year
 - 3 hours during the evening (dinner is provided)
 - 4 general topics
 - YC 101
 - History and Efficacy of the Jury System
 - Use NYS Juror Orientation Video – “Your Turn”
 - Adapted accompanying work sheet
 - Sentencing Issues and Elements
 - Mock Deliberations
 - Use of “Youth Courts: Getting the Most out of the Deliberation Process”
 - Accompanying worksheets
- Expectations after training
 - Abide by the Code of Conduct and Confidentiality Statement which are reviewed and signed during training
 - To maintain designation as a trained juror, youth must participate at least 6 times per year

Offenders

- All offenders are required by sentencing standards to participate as jurors in a minimum of 2 cases
- The majority of the imposed community service must be completed before offenders are scheduled for jury participation
- Prior to jury participation, offenders must also complete a one-time 1 ½ hour training
 - 2 general topics
 - History and Efficacy of the Jury System
 - Use NYS Juror Orientation Video – “Your Turn”
 - Adapted accompanying work sheet
 - Sentencing Issues and Elements

**"Jurors" are a separate participation status from "members", who complete a more intensive 16 hour training over the course of 3 days which includes the juror training, and as such are limited to participating in trial as jurors only*

RESTORATIVE JUSTICE AND YOUTH COURT PRACTICES

“.....Justice requires that we work to heal victims, communities and offenders who have been injured by crime...”

__Van Ness

When looking at the key elements of a Youth Court hearing, it is obvious that in the spirit of Restorative Justice we need to impose sanctions on the offenders and hold them accountable. We know we must work with the victims to give them a voice and provide reparation. We also take into careful consideration the impacts the respondent's actions have had on the community.

But we must not overlook the importance of providing a means of healing for the offenders and their families.

The Cattaraugus County Youth Court has been employing two unique elements in their hearings.

Respondent's Statement to the Court

All respondents appearing in Cattaraugus County Youth Court must prepare a written statement to be presented in the courtroom. This is the jury's opportunity to hear if the respondent understands the impact of their actions on others and if they have learned from their mistake.

The Respondent's Statement to the Court is discussed during the intake interview with the offender and their guardian. They are given a form that provides the instructions and serves as a reminder that they must have the completed statement with them when they arrive for their hearing.

The instructions on the form are as follows:

“During the hearing, you are given an opportunity to address the Court. While we understand that speaking in public can be difficult under the best of circumstances, it is imperative for you to convey your own personal thoughts on this incident to the jury. Please prepare this statement prior to the hearing and bring it with you. During the hearing, you may read your statement to the court yourself, or you may elect to have your defense representative read it for you.

Your defense representative will give the details of the incident leading up to your arrest, so do not repeat this information. Your statement should include how the incident has impacted you, your family, what you have learned, what you would do differently in the future, etc.. You may use this form, hand write it on your own paper or print it from your computer.

Failing to prepare a statement or follow these instructions can result in additional sanctions.”

The “Respondent Statement” has evolved to be one of the most important elements in our hearings as it gives the jury an indication as to whether the respondents understands the impacts of their actions and knows how to avoid these mistakes in the future.

Parent/Guardian Testimony

Have you heard parents or guardians say "We raised them differently than that" or "We don't want people to think they are a bad kid because they made this mistake?" Or that they have had to take off work, change plans, etc. because of this incident? Do you consider the stress and trauma the parents go through when their child has been picked up for breaking the law? Their loss of trust, embarrassment and disappointment this incident has caused them?

We encourage the parents/guardians to testify during the Youth Court hearing. They are usually called as a defense witness and given the opportunity to let their feelings and opinions be heard. The defense rep. may also ask them to share what consequences have been imposed at home and the impact this incident has had on the family. Often, this is the first time the parents are given a chance to be heard.

These elements combined often provide the first chance for parent and child to express their feelings regarding the incident in a safe and receptive environment. In addition the parent testimony also gives the Youth Court team members insight as to how parents and adults are affected by their children's behavior.