

Youth Court

One Way of Dealing With Delinquents

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—A recidivism rate of less than 10 percent.

—Only two youths institutionalized out of 400 processed over a 3½-year period.

—A respect for and participation in the criminal justice system by the youth of the community.

And all of the above at an annual cost of less than \$20,000. Sounds impossible? Not really. A viable program has been developed in our community. It took a great deal of volunteer time and enlightened community leadership to make the program successful. It uses volunteers and peer pressure, but most importantly, it works.

What Is Youth Court?

Youth court is a delinquency prevention and control program patterned after the family court process. It has young people between the ages of 10 and 19 serving as judges, law guardians (public defenders), facts attorneys (prosecutors), and clerks in court cases of their peers. It derives its jurisdiction from local legal authorities who have given their support to this program.

The court usually convenes on Wednesday evenings. Offenders are brought to the court and are given an opportunity to plead their cases. The proceedings are held in strict confidence, with only the offender, the juvenile aid officer, the youth court, and the offender's parents present. The sessions are directed at attempting to show the first-time offender that not only was his act a crime but it was also wrong, at obtaining the reasons behind the offender's actions in committing the act, and at assigning a meaningful sentence, if the offender is convicted.

A defendant receives sentencing from judge.





Jesse Swackhammer



Curtis Roberts



Chief Henderson

No felony charges are handled by youth court. The primary offenses tried are petty larceny (shoplifting), criminal mischief, criminal trespass, and disorderly conduct.

It should be noted that in certain circumstances, the arresting officer has a great deal of latitude in determining whether a particular offense will be tried in youth court or family court. A youth caught inside a building could conceivably be charged with either burglary (a felony) or criminal trespass (a misdemeanor). If the charge is burglary, the youth automatically goes to family court. If, however, the charge is criminal trespass, the officer has the option of requiring the youth to appear in family court, or if he feels the youth should be given a second chance, of offering him and his parents the option of youth court. Most cases are first-time offenders for minor violations which, without youth court, would receive no attention.

The youth court is actually composed of four separate courts, each totaling 10 members. Each court consists of a head judge, two assistant judges, two law guardians, two facts attorneys, and two alternates.

To qualify for membership on the court, a youth must be between the ages of 10 and 19 and must volunteer for the program. He or she then goes through a 10-week, 20-hour training course, which is taught at least once a year by local qualified attorneys, judges, and teachers. The training is designed to give the youth a basic understanding of penal law, probation, family court, and the roles played by individuals within the criminal justice system. The course covers such topics as jurisdiction of the youth court, its advantages and disadvantages, ethics, courtroom procedures, and rules of evidence. An extensive part of the training involves participation in simulated hearings and role playing in mock cases.

At the end of the course, a comprehensive examination is given. Those who pass the examination are eligible to serve on the youth court. Selection of participating individuals is based strictly on grade achieved on the examination.

The minimum age is 16 years for judges and 14 years for attorneys. This avoids having a situation where a youth is given an assignment that he is incapable of handling.

Each of the four courts convenes monthly, so there is not an inordinate demand on the time of the volunteers. Having two alternates allows the court to convene in full session in the event one of the principal officers is unable to attend.

How it Works

The court has jurisdiction over youths, age 7 through 15. Referrals are made to the court only by police agencies. In our area, four separate police agencies—the N.Y. State Police, Chemung County Sheriff's Office, Elmira Heights, N.Y., Police Department, and the Village of Horseheads Police Department—make referrals to the court.

The following is a typical case from inception to conclusion. A youth commits an offense and is apprehended by an officer of a participating law enforcement agency. He is taken to police headquarters, where his parents are contacted and required to pick him up. The arresting officer has the option of sending the youth to family court, or if he feels the offender should have a second chance, he may offer the option of youth court. If he decides on this course of action, he will explain the function of youth court, and the parents and youth decide in which court they want to appear. The function of both family court and youth court is fully explained.

In the event the parents and the offender choose to go to youth court, they are given a court date. At least one of the parents must appear in court with the offender.

The case is referred to a juvenile aid officer to insure that the offender meets the eligibility requirements for youth court handling. At the court appearance, the offender is asked to plead guilty or not guilty before his peers. If the plea is guilty, the offender is questioned by the factfinding attorney in an effort to determine circumstances surrounding his act. The judge can also ask questions if he so desires. After hearing the facts, the court has several options. The disposition of the case can be:

- 1) Dismissed;
- 2) Suspended judgment (suspended work hours);
- 3) Can be sentenced to up to 50 work hours;
- 4) Conditional discharge and/or work hours;
- 5) Essay papers to be returned to the youth court, the juvenile aid officer, or the program coordinator; or
- 6) Mandatory attendance at traffic and/or criminal court.

Most offenders are given work hours that are performed under the supervision of the youth court coordinator.

An attempt is made to make the punishment fit the crime. If, for example, a youth has been convicted of vandalism for spray-painting the school halls, he might be sentenced to perform 20 hours of painting to correct the damage he has done. In other cases, an attempt is made to fit the punishment to some long-range career goal of the offender. A female who expresses an interest in nursing as a career might be sentenced to a specific number of work hours at a home for the aged. In virtually all cases the

“A youth arrested . . . and referred to youth court has no criminal or juvenile delinquency record.”

work sentence involves nonprofit agencies and/or community activities.

If the youth pleads not guilty, a factfinding hearing (trial) is held. Depositions obtained from the original complainant and the arresting officer are presented to the court. The offender may testify and may call witnesses. Very few factfinding hearings are held.

The requirement that at least one parent be present in the court at the time of the trial is both for the protection of the youth and for the enlightenment of the parents. On many occasions, parents have reported that the first time they became aware of the circumstances surrounding the offense was in court. They had previously attempted to talk to their children, but obtained only one- or two-word responses. Yet, when the youth was questioned by his peers in front of his peers, the same questions elicited much more complete and apparently honest answers. For some reason it is easier for a youth to answer questions from his peers than from an adult, particularly a parent.

Effectiveness

Our community, like all communities, has the problem of dealing with the criminal element. Because of money and manpower constraints, minor offenses, particularly minor first offenses, have gone unpunished and even unnoticed. There is no point in issuing an appearance ticket to family court for a bicycle violation if the court will be unable to consider the case for a year or two.

Children learn by experience. They quickly learn that they can “get away” with things. In some cases, the incidents get progressively more serious, and when a juvenile is ultimately caught and punished for a serious violation, he tends to feel resentful and blame the system. In one way, he has a point—the system has told him he will be punished for doing certain things, and yet when he does these things, he is not punished. Why, then, is punishment being meted out this time? One obvious answer which occurs to the youth is that the system is unfair.

One of the big advantages of the youth court is that it provides a juvenile justice system which can and does deal with minor matters that would never be considered by family court, such as bicycle violations, snowball throwing, and truancy. By applying the laws consistently and fairly, we hope to instill in our youth an understanding and respect for the law and the criminal justice system. Our experience to date seems to indicate that it has been working. Out of 400 youths processed over a 3½-year period, only two have been institutionalized, and the overall rate of recidivism is less than 10 percent.

The overall rate might well have been much lower than 10 percent except for one factor. At one point during the functioning of this court, there was some laxity in providing supervision for the required work hours and in finding appropriate work to be performed. A relatively large number of youths who went through the procedure at that time later reappeared in the court. Be-

/ /				YOUTH COURT, TOWN OF HORSEHEADS JUVENILE AID OFFICER 202 South Main Street Horseheads, New York 14845	
Date of Birth	Sex	Race	Age	Facts of the alleged offense:	
Last Name		First	Initial	Date of Offense: / / at M	
Address		Phone		Location:	
City	State	Zip		Violation:	
School		Grade		Crime/Infraction:	
Parents Name (s)				Police Department:	
Parents Address				Officer's Signature: ID #:	
Youth Signature:				We hereby voluntarily agree to partake in the Youth Court Process and understand we may withdraw at any time.	
Parent Signature:					

YOUTH COURT SUMMONS

A sample youth court summons.

cause of this, procedures were tightened and supervision afforded during the work periods. It appears that a very significant part of the court's success is due not only to the trial procedure but also to the fact that the sentence must be carried out. Certainty of punishment, then, is identified as a significant factor in getting respect for the criminal justice system.

Because of the quasi-legal structure of the court and the voluntary nature of the procedures, one might expect some problems in compliance with the procedures and/or performance of the sentence. Strangely enough, this has been an almost non-existent problem. As long as there is supervision in the assignment and performance of work hours, compliance is excellent.

Problems

Youth court was conceived by a number of public officials who were concerned about a lack of respect for the criminal justice system. In many cases, youths would commit petty offenses, and because of case load, nature of offense, etc., the family court and/or probation proceedings did not serve as a deterrent to future offenses. In order to stem the apparently growing disrespect for law on the part of youth, it was felt that it was necessary to create a system whereby they could be taught the functions of the criminal justice system and the relationship between crime and punishment.

Town officials were aware of a youth court in Oneida County and Tompkins County, N.Y., and a juvenile officer, as well as a member of the town's youth bureau, were detailed to research this project. They selected certain facets of these projects and attempted to apply them in this area.

The first step was a visit to the county probation officers in an attempt to elicit their support for such a project. This support was quickly obtained. The next step was a visit to family court, where the judge's support was solic-

ited. A resolution by the town board gave the youth court quasi-legal status. This, combined with the support of the family court judge, provided the impetus needed to create the youth court.

There are two school districts encompassed in our court—the Town of Horseheads and the Village of Elmira. Officers of the court are drawn from these school districts. The concepts of the court and training sessions are explained to the students in law and society and civics classes. There were over 100 volunteers for the first 10-week training session, many of whom came more from curiosity than interest. After the first training session was completed, there were 40 qualified court members (four courts composed of 10 members each) and an additional waiting list.

As the first case was to be tried in youth court officials were extremely apprehensive concerning the proceedings. Interestingly enough, the youths comprising the court did an amazing job. The first case was an unlawful use of a motor vehicle (UAV) and resulted in a relatively stiff sentence of work hours. The participants in the court took their roles seriously.