

Grace Osa-Edoh
1404 South Chadwick Street
Philadelphia, PA 19146

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Pennsylvania Democratic Policy Committee
Harrisburg, PA
Via email: skurish@pasenate.com

RE: Public Hearing of May 24, 2016/ Youth Courts

Dear Committee Members:

My name is Grace Osa-Edoh, and I am a recently graduated law student at Temple University Beasley School of Law. I volunteer with the Youth Court Support Center, run by my attorney supervisor, Gregg Volz. As a youth court coordinator I teach two classes with students aged twelve to fourteen – seventh and eighth graders. They are each mixed gender classes with slightly more girls than boys. The students are mostly Black, with one or two Latino children in each class as well. The school they attend, Ethel Allen Middle School, is in one of the poorest neighborhoods in Philadelphia, and this is felt by both the students and myself as we try to create a system of self-regulation of behavioral issues through a completely student-run youth court, focusing in retributive rather than punitive justice.

Retributive justice scholars believe that punishment-focused systems exacerbate the problems that lead to crime by creating “us versus them” mentalities and perpetuating violence.¹ There is also considerable evidence showing that punishment models do not act as deterrence, especially when wrongdoers’ actions are influenced by economic desperation, emotional damage, and mental illness rather than a cost-benefit analysis that incorporates the possibility of punishment.² This is especially true when evaluating the deterrent effect of punishment systems on children, who in some cases are incapable of cost-benefit analysis, and have been shown to have less impulse control than adults.³ Despite these findings, the dominant approach both in the larger criminal justice system and in juvenile justice is a punitive one.⁴ Students are accustomed to facing detention, suspensions, and expulsion for wrongdoing in school.⁵ Some say this model sends the message that the larger criminal justice system sends to adults: those who cannot function in civilized society will be removed from it.⁶ Many have declared this model as particularly damaging to children who are dealing with mental illness such as bipolar disorder, post-traumatic stress syndrome, or oppositional defiant disorder in conjunction with the lower capacity for impulse control.⁷ This has led many education scholars to turn from traditional punishment-based models to more restorative models that focus both on the wrongdoer and the victim, with the goal of understanding why the wrongdoer acted and helping the wrongdoer to

¹ Kate Cameron, Tyler G Okimoto and Michael Wenzel, *Do Retributive and Restorative Justice Processes Address Different Symbolic Concerns?*, 20 CRITICAL CRIMINOLOGY 25-40 (2012)

² *Id.*

³ Craig E. Smith, *Children’s Reasoning About Distributive and Retributive Justice Across Development* 52 DEVELOPMENTAL PSYCH. 613 (2016)

⁴ Christopher Slobogin and Mark Fondacaro, *Juvenile Justice: the Fourth Option*, 95 IOWA L. REV. 1 (2009)

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

change his or her actions.⁸ Youth Court functions as one of these restorative justice centered programs, and in trying cases we seek not only to keep children in school and out of the streets, but also to explain why restorative justice is a more efficient model for reducing wrongdoing.

The youth court model takes a child that has been discovered breaking a rule of the school, and instead of punishing him or her through traditional means such as detention or suspension, sends the student to a peer-run youth court that adjudicates the issue and renders a disposition. The student “perpetrator” must first admit the wrongdoing – youth court is not an instrument for assigning guilt – and once the perpetrator does, she becomes the “respondent”, in youth court for the purpose of explaining her motivations for acting to a jury of her peers and giving them enough information to render a disposition that ensures that the root of the problem is addressed, rather than punishing the effects of the underlying issue as the traditional system would do. The powers of enforcement lie entirely with the students; a student plays bailiff, another plays judge. There is a youth advocate, the defense attorney for the respondent, as well as a jury foreperson, responsible for calling on jury members to ask questions of the respondent. The students are trained to ask questions to determine the facts of the case, to help both the jury and the Respondent understand the harm caused by the action, and to find a way to “fix” the problem that led to the action. Students render retributive justice dispositions such as an apology letter, a counseling session, or an afternoon of service to the school like cleaning up after lunch.

In my experience, youth court has been a crucial and effective way of reducing rule-breaking, violence, and conflict in schools while giving students a sense of efficacy in the punishment systems that affect them. Implementing a youth court program is relatively inexpensive, because schools can use students from local universities and law schools, like me, to teach the youth court members how to run a court without payment. The benefits of youth court are immense, especially in relation to the cost. I have witnessed students who disrupt class and create disturbances in other classrooms thrive as a judge or bailiff in a youth court setting. These students are seeking a setting in which they have more control than they do in traditional classrooms, and youth court not only gives them that setting, but challenges them to effectively administer the rules that they may seek to break in other classes, teaching them the importance of structure, discipline, and adherence to classroom rules in a positive setting.

Youth court also helps curb the infamous school-to-prison pipeline; in the youth court I supervised, students who may have been asked to leave school for fighting one another were sent to youth court to tell their story to their peers instead. This experience is invaluable, because not only does it give the respondent a sense of participation and fairness in the punishment model, as well as keep them in school and off the streets where they are more likely to be arrested or detained by law enforcement, but it also gives the youth court students the ability to examine a case from all sides, teaching them that even when a person does wrong, it is less useful to condemn them than it is to try and understand them. In youth court we also encourage the students to ask questions such as, “how do you think the teacher felt when you ignored her instructions?” therefore creating more empathy between the students and their authority figures. This allows the students to see authority figures as more than a entity meant to punish them or curb their entertainment, and instead invites students to view those in authority as regular people, just like them, who should have respect and whose feelings are capable of being hurt.

After working with the Ethel Allen middle school students for a year, I believe that youth court should be implemented in every school facing significant behavioral problems, suspensions, expulsions, and high drop-out rates. Youth court is useful for disruptive students,

⁸ Anna L. Benvenue, *Turning Troubled Teens Into Career Criminals: Can California Reform the System to Rehabilitate its Youth Offenders?*, 38 GOLDEN GATE U. L. REV. 33 (2007)

for shy students, for respondents, and for school administration. And it has certainly been helpful for me as a law student interested in public interest law. I believe youth court is one of the keys to reviving the Philadelphia School District, and I strongly advocate for its implementation.

Sincerely,

Grace Osa-Edoh