

HAMILTON COUNTY YOUTH COURT MANUAL



(Updated October 2018)

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I. GENERAL INFORMATION

HISTORY AND OVERVIEW OF YOUTH COURTS

Youth Courts have rapidly spread across the nation in the last 10 years. Current data indicate that over 1,050 Youth Court programs are present in 49 states and the District of Columbia.¹ The Youth Court program has been touted at the State and national levels and has been successful at diverting thousands of teens from the juvenile justice system.

Youth Courts are designed for first time misdemeanor offenders. The process begins with a referral from Juvenile Court. In order for a case to be heard by Youth Court, the child must first admit responsibility for his/her actions and both the parents and the child must consent to participating in Youth Court. The victim is not required to attend but is encouraged to participate.

Youth Courts train local teenagers to serve as jurors, handling real-life cases involving their peers. The goal of a Youth Court is to use positive peer pressure to ensure that young people who have committed minor offenses pay the community back and receive the help they need to avoid further involvement in the justice system. Each Youth Court varies in response to the needs and resources of its community, but typically Youth Courts handle cases involving young people, ages 13-17, who have been cited for low-level offenses such as vandalism, shoplifting, disorderly conduct, assault, and curfew violation.

Youth Courts pursue multiple goals at the same time. First, they hold young people accountable for their actions by requiring them to accept responsibility and repay the community. The sanctions that are imposed in Youth Court emphasize restoration, encouraging Respondents to make amends through such actions as performing community service and writing letters of apology. Second, Youth Court provides participants with experiential learning that is designed to complement classroom lessons about government. High school students learn first-hand how courts work, stepping into the role of jurors. Third, law students gain courtroom experience when they fill the roles of prosecutors, defense counsel, and bailiff in a trial setting.

A Respondent must accept responsibility for committing the offense to participate in Youth Court. The Respondent's story does not need to match the referral sources exactly, but the Respondent must admit to being involved in the incident.

¹ For more information, please see the National Association of Youth Court website at: <https://www.youthcourt.net/about/facts-and-stats>

OFFENSE TYPES

Youth Court will hear the following cases:

Section	Description	Degree
2151.022	Curfew violation/truancy	NA
2152.02	VCO Curfew	NA
2151.87	Underage Tobacco	NA
2903.13	Assault	M1
2909.06	Criminal damaging/endangering	M2, M1
2909.07	Criminal mischief (tampering)	M3, M1
2911.21	Criminal trespass	M4
2911.211	Aggravated Trespass	M1
2913.02	Theft	M1
2013.21	Misuse Credit Card	M1
2917.11	Disorderly conduct	MM M4
2917.11	Discovery conduct (Persist; near school)	M4
2917.13	Misconduct at emergency	MM, M4
2921.31	Obstruction of official business	M2
2923.24	Possession of criminal tools	M1
3767.32	Littering	M3
4301.69	Alcohol, Underage Person	M1

GOALS

The Hamilton County Youth Court is intended to serve as: (1) an early-intervention program for young people charged with low-level offenses (“Respondents”); (2) a leadership development program for the youths who serve as jurors (“Jurors”); (3) an oral advocacy and professional development opportunity for law students and; (4) an opportunity to integrate a variety of groups (juvenile court, local volunteer attorneys, law students, and high school students) to advocate for positive change in our legal system.

We work to achieve these goals through the following:

Service

For Jurors our goal is to teach the value of civic duty through volunteering and service to our community.

For Respondents our goal is to prevent future contact with the justice system and repair the harm done to the community.

Accountability

Our goal is to teach Respondents the importance of accepting responsibility and being accountable to the community and to themselves. The focus is on reflection and choice.

Professionalism

Our goal is to improve law students’ job readiness skills such as interviewing, public speaking, and oral advocacy.

Leadership

For Respondents our goal is to assist Respondents in making better choices for themselves in the future.

For Jurors our goal is to develop leadership skills.

ROLES

Hearing Captain (Lead Judge): The Hearing Captain will be the point person at each hearing date, where four cases will be heard. Individuals interested in serving as Hearing Captain will be required to volunteer first as a Judge.

Judge: The Judge will preside over two of the four hearings on each hearing date (alternating with the Hearing Captain/Lead Judge). Upon the conclusion of each hearing, the Judges will be required to meet with the child and his/her parents to review the sanctions. The Judge will have the opportunity to observe the Hearing Captain preside over a hearing before having to preside over a hearing themselves.

Bailiff: The Bailiff will open and close Court and maintain order.

Clerk Interns: Occasionally, jurors who have graduated from high school may return to serve as Clerk of Court during the hearings. The Clerk will greet volunteers, youth offenders, and their families as they arrive and will direct individuals to their assigned rooms/lawyers. Additionally, the Clerk will take juror attendance, help set up the courtroom, collect the jurors' paperwork, and assist the Hearing Captain as necessary.

Jurors: The Jurors are the high school students (aged 14-18) who commit to serve at a minimum of three Youth Court hearings for each session (Fall, Spring, and Summer). The jury will be comprised of no less than six and no more than twelve students. Jurors will complete ethics and confidentiality training prior to participation.

Respondents: Respondents are those young people whose cases are referred to Youth Court for a hearing. These youths typically interact with Youth Court immediately before, during, and after the hearing until they have completed their assigned sanctions.

Advocates/Attorneys: Law students and young lawyers will serve as the prosecutor and defense counsel. The prosecutor will preside over all four cases on a hearing date. Each defense counsel, who work in teams of two, will preside over two cases (alternating with the other defense counsel), so that they can spend 30 minutes talking to their "client" before the hearing).

CONFIDENTIALITY

What type of information is considered confidential?

All Youth Court records are sealed and may only be accessed by the Juvenile Court. Sealed court records/proceedings will be treated as though they never took place. If someone asks about a sealed record, the law requires the answer: “We have no such record of that matter.”

Youth Court hearings are closed to the general public. Only Youth Court volunteers, Jurors, the Respondent and his/her parents/guardians may participate. Everything that happens during a hearing and deliberation is confidential.

Who is bound to confidentiality?

Everyone. The only party not bound by confidentiality is the Respondent and his/her parents/guardians.

SANCTIONS

- **Community Service:** The Respondent will be referred to various nonprofit sites/organizations and it is up to the Respondent to coordinate her/her service. The jury can recommend a specific service task based on restorative justice.
- **Mandatory School Attendance:** This disposition should be used in all cases where the Respondent is truant or has missed a significant number of school days.
- **Essay/Written Reflection:** Essay topics should be relevant to the issues brought forth in the courtroom.
- **Letter of Apology**
- **Verbal/Personal Apology**
- **Restitution**
- **Parental House Arrest:** The parents enforce limiting the Respondent to leaving his/her home or yard only when accompanied by a parent or legal guardian – the Respondent is permitted to attend school, job, or work detail by going directly from home and returning immediately afterwards.
- **Parental Driving Suspension:** The parents enforce limited driving privileges to school and work for a period of time as determined by Youth Court.
- **Youth Court Jury Duty:** The jurors feel the Respondent is an appropriate candidate to return and serve as a member of the jury.
- **Good Behavior in Home, School, and Community:** The Respondent must follow her/her parents' rules and abide by all laws and conditions within the community. The jury can order this along with other dispositions.
- **Stay Away Order:** The jurors feel the Respondent should stay away from a specific teen because he/she is a bad influence.
- **Admonished:** The jurors feel the offense is minor and the Respondent has been appropriately dealt with by his/her parents/guardians.

****Most sanctions may be completed within 30 days of the hearing, but the Judges have the discretion to determine the sanction deadline. All sanctions should be completed within 3 months of the hearing date, if possible.***

II. JURORS

CURRENT PARTICIPATING SCHOOLS IN THE JURY POOL

Aiken Tech	Northwest
Cincinnati County Day	Oyler
Clark Montessori	St. Ursula Academy
Covington Latin	St. Xavier
Colerain	Seven Hills
Elder	Summit Country Day
Hughes	Sycamore
Indian Hill	Turpin
Mercy McAuley	Ursuline Academy
Moeller	Walnut Hills
Mt. Healthy	Winton Woods
Mt. Notre Dame	Wyoming

JUROR INFORMATION

Criteria for Participation as a Juror

Aside from age (14 to 18 years old) there are no other specific requirements for Youth Court participation. Youth Court accepts nominations from the participating schools and continues to expand its jury pool.

All Youth Court members are required to sign member contracts and confidentiality agreements, obtain parental consent, complete an emergency medical authorization, and abide by the code of conduct. Members must also watch a juror training video which can be found at:

<https://www.youtube.com/watch?v=K1nuUrjvkCA&feature=youtu.be>

Each Juror will receive a packet which includes:

- (1) Code of Conduct
- (2) Student Contract
- (3) Emergency Medical Authorization
- (4) Training Video Confirmation Form
- (5) Confidentiality Agreement
- (6) Juror Information

Attendance policy:

The overall goal of our attendance policy is to keep all Jurors in the program through clear and consistent expectations and consequences.

If a Juror is confirmed for a particular hearing date, they must attend that hearing date. If an emergency arises and a Juror cannot attend on that date, they must immediately notify Brenda Gallagher at 513-564-7377 or hamiltoncountyyouthcourt@gmail.com. If a Juror does not show up on the assigned date and does not provide any notice, either before the hearing date or immediately after, they must meet with Youth Court personnel to determine if they can continue to participate.

Members must arrive no later than 5:10 p.m. and are expected to stay until the conclusion of all four hearings at approximately 8:00 p.m. Late arrival may preclude your participation.

Youth Court Jurors are Expected to:

1. Attend all assigned Youth Court Sessions
2. Follow the Code of Conduct
3. Be respectful of other Jurors, Respondents, parents, lawyers, and volunteers
4. Maintain the Oath of Confidentiality

YOUTH COURT CODE OF CONDUCT

Youth Court membership is a privilege, not a right. This privilege can be lost if you fail to act in a responsible manner and within the confines of the law. As a Youth Court Juror, you are expected to serve as a role model for your peers at all times. You, therefore, must maintain high standards of conduct and encourage other members to do the same. You should be temperate and dignified and refrain from all illegal and morally reprehensible conduct. Because of your position, even minor violations of the law may tend to lessen public confidence in the entire Youth Court program. Most importantly, since Youth Court is designed to promote law-abiding behavior, your behavior must be consistent with that purpose.

Listed below are a number of **RULES OF CONDUCT** that you must follow. If you fail to conduct yourself in conformity with the rules, you may be suspended or removed from the Youth Court program.

As a member of Youth Court, you must abide by the following rules:

1. You must not engage in illegal conduct.
2. You must maintain the confidentiality of Youth Court proceedings.
3. You must not violate the rules and regulations adopted by your school district.
4. You must participate free of bias toward a person's age, race, sex, religion, national origin, or disability.
5. You must appear promptly and prepared.
6. You must perform your role as effectively and competently as possible.
7. You must not engage in undignified or discourteous conduct during any Youth Court session.
8. You must not ask any question that is intended to harass or degrade the Respondent.
9. You must not let any outside influence, such as parents, fellow students, or your own self-interest affect your actions and decisions in how to proceed.
10. You must treat with courtesy and consideration all persons involved.
11. You must dress appropriately.
12. You must notify the Youth Court Coordinator immediately if you are arrested or suspended from school.

***Violation of these rules will result in repercussions which may include: a hearing before the Youth Court, probation (with clearly defined expectations of improved behavior), or dismissal from the program.**

STUDENT CONTRACT

This contract must be signed and on and on file before I can participate in the Youth Court. I understand that being a Youth Court Juror is a privilege, not a right, and that privilege can be lost if I fail to act in a responsible manner and within the confines of the law. As a Youth Court Juror, I am expected to serve as a role model for my peers at all times. I must therefore maintain high standards of conduct and encourage others to do the same. I understand that I must attend at least four Youth Court sessions to be recognized as a Youth Court Juror in good standing.

CHEMICAL ABUSE POLICY: I shall not at any time possess, use, sell, offer to sell, deliver, conceal, consume, or be under the influence of any drugs of abuse including alcoholic beverages or any substance that is directly or indirectly represented to be a drug of abuse. I shall not possess, use, sell, offer to sell, deliver, any instruments or paraphernalia for use with drugs of abuse.

HEARING CAPTAIN'S RULES: I agree to abide by the Hearing Captain's rules, which include that I shall not violate the law or discredit the school or myself.

Violation of this contract may result in disciplinary action that may include warning and/or denial of participation from the Youth Court program.

Student's Name (Print) _____

Student's
Signature _____ Date _____

I have read and understand the policy stated above and am a witness to my son/daughter's signature.

Parent/Guardian's Signature _____ Date _____

I have reviewed this policy and my rules with the above named student.

Youth Court Hearing Captain _____ Date _____

EMERGENCY MEDICAL AUTHORIZATION

Purpose: To enable parents and guardians to authorize the provision of emergency treatment for children who become ill or injured while participating in Youth Court when parents or guardians cannot be reached.

NAME OF CHILD _____
(Print)

Consent: The Youth Court Hearing Captain and/or Volunteers:
____ **Has** ____ **Does Not Have** my permission to call a physician or emergency care assistance for my son/daughter in case of sickness or accident. I understand that in the event of a serious emergency, I will be notified immediately for further instructions. I also understand that I am responsible for any medical expenses related to my child's care.

In the event reasonable attempts to contact me at the numbers given on this form have been unsuccessful, I hereby give my consent for:

(a) The administration of any treatment deemed necessary by our family practitioner:

(b) Dr. _____ (preferred physician) at _____ (phone)

Dr. _____ (preferred dentist) at _____ (phone)

Or in the event the designated practitioner is not available, by another licensed physician or dentist.

(c) ____ The transfer of the child to the nearest medical facility.
____ Hospital of choice _____ (Hospital name)

This authorization does not cover major surgery unless medical opinions of two licensed physicians or dentists, concurring in the necessity for such surgery are obtained prior to the performance of such surgery.

Please note below any information concerning the child's medical history including medical allergies, medication being taken, and any physical impairments to which a physician should be alerted.

Parent or Guardian Name (Print)

Signature of Parent/Guardian

Date

Emergency Phone Number and Contact

CONFIDENTIALITY AGREEMENT

The importance of honoring the Confidentiality Agreement cannot be overstated. The business of appearing in any court is a personal matter. All aspects of a Youth Court hearing are **CONFIDENTIAL**. Failure to respect this agreement can result in dismissal from participation in the program.

“I solemnly declare that I will keep confidential any information that comes to my knowledge in the course of a Youth Court case presentation. I will not identify, directly or indirectly, either audibly or in writing, any person participating as a Respondent in the Youth Court Program.”

Youth Court Juror’s Signature

Date

Print Name

CONFIDENTIALITY TRAINING

What type of information is confidential?

Any information that would identify the Respondent. For example: name, parent's names, or school.

Example One:

Sara, a Youth Court Juror learned during a Youth Court hearing that her best friend was involved in the drug-related offense, but not charged. Sara had no clue that her best friend was involved. Sarah talks to her friend later that night and asks her about what happened. Is this okay?

Example Two:

Brandon, a Youth Court Juror, recently heard a case about a child who had been molested when he was younger. Brandon is very concerned about this and goes home and talks with his dad about the case. Is this respecting the Respondent's confidentiality?

Example Three:

Juan and Amber are at a birthday party for their cousin Joe. Juan notices that Joe's friend Bob was a Respondent in one of the Youth Court Sessions that he participated in. Amber politely asks Bob how things are going and if he had straightened up since that day in court. Is this right?

Example Four:

Lexi is a Youth Court Juror and knows one of the kids who is being tried in Youth Court. The kid, Krishna, is very disrespectful in Court and the case is sent back to the Juvenile Court. Lexi goes to school the next day and tells her best friend what happened.

Example Five: Connor gets back from serving as a Youth Court Juror and is asked about the hearing by the school principal who knew the Respondent and the case. Connor informs the Principal about the details of the case.

Example Six: After a Youth Court session, Braden's dad picks him up. His dad is curious about his involvement in Youth Court and wants to know what happened when he served. Braden tells his dad in detail what the cases were like and who the offenders were.

Example Seven: Andre, a Youth Court Member is asked by a friend how Youth Court went that day. The friend had heard someone he knows was in trouble and asks if that person was in court. Andre tells the friend who was there and what the sanctions were.

Example Eight: Another Youth Court Member asks you how Youth Court was that day. He asks how many cases you heard and how it went. You describe in detail what each case was and explain some of the sanctions delivered.

****It is okay to speak with people about a case, just don't mention anything that would identify the Respondent.***

What are the consequences for breaking confidentiality?

- Suspension from the Youth Court Program
- Hearing before a disciplinary team
- Hearing before the Youth Court

ETHICS TRAINING

Rule One: Be Respectful of Everyone in the Court

Do not make faces or gestures during hearings. The environment that you create in the courtroom must be serious or the Respondent will not take you seriously.

Rule Two: Be A Positive Role Model

This can be as simple as being at Youth Court on time and attending when you are scheduled. You are a role model to the Respondents, so you cannot engage in unlawful behavior.

Rule Three: Maintain Confidentiality

You signed a confidentiality agreement and you will take an oath before each hearing.

Rule Four: Speak Up When You Have A Conflict

When you feel that you cannot give a fair, unbiased opinion, do not participate in the jury deliberation. If you personally know the Respondent or his/her parents, let the Judge know **AFTER** the hearing has concluded.

SENTENCING TRAINING

General Considerations:

1. **Deterrence of the Respondent:** punishes the Respondent so as to discourage him/her from committing offenses in the future.
2. **Deterrence of Others:** punishing those who violate the law is a deterrent to others who might be so inclined from committing similar offenses.
3. **Rehabilitation:** punishment may be fashioned so as to assist the offender to learn to modify his/her behavior in the future.
4. **Retribution:** When an offender violates the law and, in the process, causes harm to a victim or to the community in some way, that sense of wrong is avenged by punishing the offender.

Any fair sanction must also consider Respondent's individual factors:

- **Age** (did immunity contribute to the offense or was the respondent of sufficient age that he/she should have known better)
- **Health** (did the Respondent suffer from any health problems which contributed to the offense)
- **Family Circumstances** (does the Respondent's home life encourage or discourage lawful conduct)
- **Prior Incidents** (has the Respondent had prior arrests/problems at school)
- **Academic Record** (has the Respondent demonstrated a reasonable dedication to schoolwork)
- **Extracurricular Activities** (has the Respondent demonstrated a reasonable dedication to schoolwork)
- **Employment Record** (has the Respondent held any jobs and if so what is her/her employment record)
- **Punishments Already Imposed** (has the Respondent already received some punishment for his/her conduct by parents or school officials)
- **Intent** (did the Respondent display an intent to commit the offense or did they act recklessly or in the heat of the moment)
- **Motive** (did the Respondent commit the offense to help another person or himself/herself or to injure another person)
- **Victim** (is the victim especially vulnerable or did the victim provoke the offense)
- **Role in the Offense** (if the Respondent participated with others in the offense was he/she an organizer or leader of the illegal activity or was he/she a minor participant)
- **Acceptance of Responsibility** (does the Respondent acknowledge responsibility and demonstrate remorse or does the Respondent excuse, minimize, or attempt to avoid responsibility)

WHAT TO EXPECT

Function: The function of the jury is to decide the appropriate sentence of the Respondent after hearing the evidence and the argument of the prosecutor and defense counsel. One of the purposes of Youth Court is to allow Respondents to be judged by a jury of their peers. The right to have a jury of one's peers sit in judgment is one of the basic constitutional rights in our democracy.

You need to pick a foreperson who will be the leader of the jury and guide your deliberations. The foreperson's vote on a particular sanction is entitled to no greater weight than that of the other jurors.

The foreperson has the following duties and obligations:

1. Lead the jury's deliberations by stimulating discussion among the jurors;
2. Maintain order in the jury room, insuring an open discussion of the facts and the appropriate sanction;
3. Require each juror to state his/her views as to what the Respondent's sanction should be and why;
4. Call for a vote during the deliberations as to the appropriate sanction;
5. Stand in open Court and read the jury's verdict and offer encouraging words.

The hearing will proceed as follows:

1. The Respondent will admit guilt.
2. The prosecutor and defender will both make statements and argue for particular sanctions.
3. The Respondent will be given an opportunity to make a statement.
4. At the conclusion of the hearing you will stay in the hearing room while the Respondent returns to the lobby and you will deliberate as to what sanction is appropriate. The Judge will stay with the jury to answer any questions. The jury will have approximately 10 minutes to deliberate.
5. The Respondent will return to the courtroom.
6. The foreperson will stand in open court and read the sentence.
7. The jury will remain in the courtroom to hear the next case. (The jury will hear two 30-minute hearings back-to-back, have a 15-minute break and hear two more 30-minute hearings. We will take 5-10 minutes to debrief and will conclude for the night).

III. RESPONDENTS

SCHEDULING (YOUTH COURT COORDINATOR)

1. Introduce yourself and explain the Youth Court's connection to the Juvenile Court. Emphasize that a successful completion of Youth Court will obviate the need to proceed in Juvenile Court.
2. Highlight the positive elements of Youth Court: hearings are in the evening, you will have a scheduled time, and most importantly, if the Respondent successfully completes Youth Court the incident will not go on his/her official record.
3. Explain the expectations that will be placed on the Respondent and family (i.e., your child may be asked to do community service or complete other sanctions).
4. Explain that the Youth Court does not determine guilt or innocence, but is intended to help the Respondent reflect upon the experience and limit recidivism.
5. Emphasize that this is not a fact finding court, and that the Respondent must accept responsibility for the incident to participate.
6. Ask if the parent and Respondent consent to participate in your court. (Verbal consent is sufficient until the youth appears for his/her hearing at which time the Respondent and parent/guardian provide written consent).

If the youth/parent agrees to participate in Youth Court:

1. Schedule the hearing
2. Confirm the Respondent's address and email (if applicable) and explain that you will mail and/or email a letter to confirm the hearing, a consent form, and information about the process ("Participant Information"), and you or their advocate (a law student) will call the week of the hearing to remind them about the process.
3. Explain that you will try to arrange a phone conversation between the Respondent and the advocate who will be representing the Respondent on the day of the hearing.
4. Notify (e-mail) Juvenile Court of the docket for each completed youth court hearing date and the times that you have scheduled for each Respondent/family. Juvenile Court will mail each Respondent a confirmation letter with the date, time, and location for their hearing.
5. Two weeks prior to the date, e-mail the Respondent's files to the advocates who will be representing them. (defense counsel, the judges for that date, bailiff and the prosecutor).

If a Respondent youth does NOT agree to participate in Youth Court: Notify Juvenile Court.

RESPONDENT INFORMATION

The purpose of the Youth Court is not punitive, but to help teens appearing before the court to refocus their efforts in a positive direction.

The child will be represented by an advocate (a volunteer law student). Instead of being sentenced by a Judge, a jury comprised of peers (high school students aged 14-18) will hand down a sanction.

All Youth Court hearings and proceedings are confidential.

The complaint and Youth Court process does not establish an official Juvenile Court record for the child. The record of the charge and proceeding will be immediately sealed upon completion of the disposition. However, the Juvenile Court will retain information to identify your child as having participated in a Youth Court hearing for a period of five years. Any additional charges will prevent the opportunity to participate in additional diversion programs in that five-year period.

If the parents, child, or the victim are dissatisfied with the result of the hearing, they may request that the matter be referred back to Juvenile Court. In the event the child does not complete the sanctions, the child and parents may be brought back for further hearings or the case may be returned to Juvenile Court for further action.

YOUTH COURT NOTICE LETTER

RE: _____

Dear Parents: _____

On _____, a complaint was filed with the court alleging that your son/daughter was involved in an offense. As a result of this complaint, the case has been referred to the Youth Court program.

Youth Court is a program designed for first time misdemeanor and status offenders who have no official court record. A description of the program is enclosed for your review.

During a phone call with Youth Court personnel, you verbally consented to your son/daughter's participation in the Youth Court program. Your court date is _____ **at** _____. If you do not arrive by _____, your child will forfeit their opportunity to participate and your case will be sent back to Juvenile Court for formal adjudication.

The Youth Court hearing will be held at the Juvenile Court Youth Center located at 2020 Auburn Avenue, Cincinnati Ohio 45219. The Youth Center is easily accessible by public transit and there is ample parking available.

If you have any questions, please call Brenda Gallagher at (513) 564-7377.

YOUTH COURT CONSENT FORM

I acknowledge receipt of the unofficial complaint and an explanation of the Youth Court program.

1. I admit the allegations contained in the complaint. Yes_____ No_____
2. I want my case to be heard by Youth Court. Yes_____ No_____

In order to participate in Youth Court, we agree and understand that:

1. Youth Court is a voluntary, pre-court diversion program for first-time and minor offenders where the offender has taken responsibility for his/her actions. It provides the juvenile with an alternative to Juvenile Court involvement. If you decide not to participate in Youth Court, your case will be sent back to Juvenile Court.
2. I (the juvenile) admit my participation in the incident that has been referred to Youth Court. I understand that I must take responsibility for my actions in order to qualify for participation in Youth Court. Youth Court will not engage in a determination of “guilt or innocence,” but will consider factors surrounding the offense in determining an appropriate sanction.
3. I (the juvenile) agree to abide by the sanction of the Youth Court and understand that if I fail to abide by the conditions of the sanction, this matter will be referred to Juvenile Court for further action.
4. We (juvenile and parents) understand that Youth Court has no authority to compel our appearance or participation in Youth Court. It is totally voluntary.
5. We (juvenile and parents) understand that the Youth Court will be comprised of juveniles who have been sworn by an oath of confidentiality regarding the proceedings.
6. We (juvenile and parents) understand that upon successful completion of the terms and conditions imposed by Youth Court, this case will be destroyed from the official records.
7. We (juvenile and parents) understand that I/our child is being represented by a volunteer advocate who is a law student. We understand that this representation does not create an attorney-client relationship and we cannot hold the advocate liable for his/her actions or inactions related to this case.

8. Any questions regarding Youth Court have been explained to our satisfaction.

Youth Name (Print)

Youth Name (Signature)

Parent/Guardian Name (Print)

Parent/Guardian Name (Signature)

Date_____

VOLUNTEER OPPORTUNITIES

Keep Cincinnati Beautiful

<http://www.keepcincinnatibeautiful.org/how-to-help/overview.html>

Contact Person: Megan Beck

Phone: (513) 352-4380

Matthew 25: Ministries

<http://m25m.org/>

Contact Person: shelly@m25m.org

Phone: 513-793-6256

Volunteer Match

<https://www.volunteermatch.org/search/index.jsp?r=msa&l=47060>

St. Francis Seraph Ministries

<http://www.sfsministries.org/volunteer/>

Contact Person: Theresa Diersen

Phone: (513) 549-0542 (extension 289)

Paeslee Neighborhood Center

<http://paesleecenter.org/volunteer/>

Contact Person: Jennifer Arons

Phone: 513-621-5514

Elderly Persons in Community, Inc. (EPIC House)

<http://elderlypersonsincommunity.com/about.html>

Contact Person: Marlene Hamilton (Executive Director)

Phone: (513) 241-7979

**HAMILTON COUNTY (OHIO) YOUTH COURT
SANCTION FORM**

We the jury find the Respondent, _____, has admitted his/her involvement in Youth Court case number _____

We sentence the Respondent to complete the following disposition(s):

This sentence is to be completed by _____

Failure to comply with the above sanction by the agreed date will result in this case being reassigned to the Official Docket of the Hamilton County (Ohio) Juvenile Court.

.....
I have read and understand the above sentence as handed down by the jury and agree to complete the same. I further understand the consequence of not completing the sentence is to return to the Hamilton County (Ohio) Juvenile Court system.

Respondent

Parent/Guardian

Youth Court Judge

Parent/Guardian

Date

PLEASE EMAIL COMPLETED SANCTIONS TO:
Brenda Gallagher at hamiltoncountyyouthcourt@gmail.com
OR Mail them to:
Brenda Gallagher
242 Potter Stewart United States Courthouse
100 E. Fifth St.
Cincinnati, Ohio 45202

POST HEARING MEETING

Immediately after the hearing, the Judge meets with the Respondent and his/her parent(s) in the courtroom for a private meeting.

1. Ask and answer questions.
2. Assess their experience of the process (Example: Was the hearing what you expected?)
3. Recap the jury's decision and review the sanctions in detail. Fill out the Sanction Form, copy it, keep one for our files and give the other form to the Respondent/parent.
4. Discuss with the parent/guardian how the Respondent can successfully complete the sanction, and enlist his/her help addressing any possible barriers to successful completion.
5. Remind the Respondent that if s/he successfully completes all sanctions, the offense will not go on his/her official record.
6. If parent/Respondent asks questions you cannot answer, make a record and tell them that a Youth Court representative will contact them.
7. The Youth Court Coordinators will follow-up to ensure compliance.

If the Respondent fails to complete some assigned sanctions, the case may be considered successful or unsuccessful based on the determination of the Juvenile Court:

1. Immediately after a missed sanction assignment, contact the Respondent and parent by phone and attempt to reschedule the sanction.
2. If you are unable to speak with the Respondent or parent within one week of a missed sanction assignment, send a letter informing the Respondent he/she is at risk of failing to complete Youth Court.
3. If you do not receive a response within two weeks of sending the warning letter, send a letter informing the Respondent that, due to non-compliance with some of the assigned sanctions, the case has been referred back to the Juvenile Court, who will determine whether the Respondent met the conditions of the referral.

If the Respondent fails to complete ALL assigned sanctions:

1. Immediately after a missed sanction assignment, contact the Respondent and parent by phone and attempt to reschedule the sanction.
2. If you are unable to speak with the Respondent or parent within one week of a missed sanction assignment, send a letter informing the Respondent he/she is at risk of failing to complete Youth Court. After three days, attempt to contact Respondent and parent again by telephone.
3. If you do not receive a response within two weeks of sending the warning letter, the case is closed as “unsuccessful.” Notify Juvenile Court and send a letter informing the Respondent that, due to non-compliance with assigned sanctions, the case has been closed and this information is being provided to the Juvenile Court.

PARENT SURVEY

Please take a moment to fill out this survey honestly and completely. Your answers will be confidential. This survey will only be used to evaluate the program. Thank you in advance for your cooperation.

1. Your child is Male Female In what grade? _____
2. What was your child's violation/offense? _____
3. Has your child had previous violations? Yes No How many? _____
4. Did you feel your Son/Daughter's hearing:
 - a. Increased his/her understanding of who was harmed? Yes No
 - b. Helped him/her repair the harm caused? Yes No
 - c. Helped him/her learn and grow from the experience? Yes No
5. What was your Son/Daughter's sanction? _____
6. Do you think your Son/Daughter's sanction was:
 Too Lenient Fair Too Harsh Please explain. _____

7. Did Youth Court explain what they expected of you? Yes No
If no, please tell us what was unclear to you. _____

8. Were you happy with your child's advocate? What could they have done better? _____

9. What did you like about Youth Court? _____

10. What changes could we make to improve Youth Court? _____

STUDENT SURVEY

Please take a moment to fill out this survey honestly and completely. Your answers will be confidential. This survey will only be used to evaluate the program. Thank you in advance for your cooperation.

1. Are you Male Female What grade are you in? _____

2. What was your offense/violation? _____

3. Did you feel your hearing:
 - a. Increased your understanding of who was harmed? Yes No
 - b. Helped you repair the harm you caused? Yes No
 - c. Helped you become more involved in the community? Yes No
 - d. Helped you learn and grow from this experience? Yes No

4. Did Youth Court explain what they expected of you? Yes No
In no, please tell us what was unclear to you. _____

5. Do you think your sanction was: Too Lenient Fair Too Harsh
Please explain. _____

6. What was your sanction? _____

7. Were you happy with your advocate? What could they have done better?

8. What did you like about Youth Court? _____

9. What changes could we make to improve Youth Court? _____

IV. ATTORNEYS

ROLE OF THE PROSECUTOR

I. Function

The function of the prosecutor is to represent the interests of the community. All crimes affect not only the victim in each case, but the community as a whole.

II. Duties and Obligations

The prosecutor has an obligation to recommend that a specific sanction be imposed and to offer evidence in support of that recommendation. A prosecutor in Youth Court must evaluate the facts of each case and determine what sanction is appropriate in order to:

1. Punish the Respondent for what he/she did;
2. Deter the Respondent from committing future criminal acts;
3. Deter others from committing similar crimes;
4. Compensate the victim for any harm suffered;
5. Rehabilitate the offender

More specifically, the prosecutor has the following duties and obligations:

1. Investigate the circumstances of the offense by reviewing the file.
2. Review the statute violated.
3. Decide what sanction to recommend.
4. Prepare for a sentencing hearing.
5. Present a final argument or summation to the jury as to why the recommended sanction is appropriate.
6. Act fairly and in the interest of justice.

PROSECUTING ATTORNEY CHECKLIST

1. This is not an adversarial process. The role of the “prosecutor” is to present the facts both positive and negative. The goal of the program is to assist the Respondent in understanding their mistakes and helping them move forward in a positive direction.
2. You will receive your cases approximately two weeks in advance. The case information is confidential. Please make sure that you secure this information so that it is not accessible to anyone but you. All documents must be returned to the Hearing Captain (Lead Judge) on the day of the hearings.
3. Read the police reports and witness reports and pick out the important details. There may also be a Victim Impact Statement.
4. Prepare your presentation to the court (4 minutes or less).
5. Suggested Opening to the Court: Your Honor, Opposing Counsel, (Respondent’s Name) and Family, Ladies and Gentlemen of the Jury. Good evening, my name is _____ and I represent the State of Ohio. Before the Court is (Respondent’s Name) on a charge of _____.
 - Name of the Defendant
 - Age of the Defendant
 - Date of the Offense
 - Nature of the Offense
6. Appropriate Questions to ask the victim (if applicable)
 - a. What happened?
 - b. How did it make you feel?
 - c. What damage was caused?
 - d. How would you like to see the damage repaired?
 - e. How did the Respondent behave toward you?
 - f. Did the Respondent take any steps to repair the harm that was caused?
 - g. What affects has this had on your life – emotionally, physically, and financially?
 - h. What would you like to see happen?
7. Be prepared to present a recommended sanction to the Jury.

ROLE OF THE DEFENSE ATTORNEY

I. Function

The function of the defender is to represent the Respondent—the person who committed the offense.

II. Duties and Obligations

The defense attorney must evaluate the facts and the Respondent's background and determine what sanction is appropriate to recommend to the jury.

More specifically, the defense attorney has the following duties and obligations in Youth Court:

1. Investigate the circumstances of the offense by interviewing the Respondent and reviewing the file.
2. Review the statute violated.
3. Investigate the background of the Respondent.
4. Decide what sentence to recommend.
5. Prepare for a sentencing hearing.
6. Disclose certain information to the prosecutor.
7. Present a final argument or summation to the jury as to why the sentencing recommendation is appropriate.
8. Act fairly and candidly.

DEFENSE ATTORNEY CHECKLIST

1. This is not an adversarial process. The role of the “Defense Attorney” is to present the facts in a positive light. The goal of the program is to assist the Respondent in understanding his or her mistakes and help them move forward in a positive direction.
2. You will receive your cases approximately two weeks in advance. The case information is confidential. Please make sure you secure this information, so that it is not accessible to anyone. All documents must be returned to the Hearing Captain (Lead Judge) on the day of the hearings.
3. Read the police reports and witness reports and pick out the important details. There may also be a Victim Impact Statement.

4. Prepare your presentation to the Court. Your job is to argue mitigation to the jury. You are not arguing the facts of the crime.
5. Check in with the Hearing Captain and proceed to interview your first client. Introduce yourself to the Respondent, his/her parents, shake hands and explain your role as the “Defense Attorney.”
6. Follow the “Attorney Checklist” on the next page for each client. If you already interviewed your client over the telephone, use the time for follow-up questions, interview the parent(s), and explain the hearing process.
7. Listen to the Prosecutor’s presentation. Listen for any differences between his/her description and the Respondent’s version of the offense.
8. Suggested Opening to the Court: Your Honor, Opposing Counsel, (Respondent’s Name), and Family, Ladies and Gentlemen of the Jury. Good evening, my name is _____ and I represent _____.
9. Make your presentation to the jury. (7 minutes or less)
 - Clear up any differences
 - Provide the information you gathered from the checklist and interview
10. Be prepared to present a recommendation for disposition to the Jury before deliberation.
11. Accompany the Respondent when he/she is asked to return to the courtroom for disposition.
12. **Stand with your client** when the disposition is read. Shake his/her hand and wish him/her good luck.
13. Exit the courtroom and begin interviewing your next client.

DEFENSE COUNSEL CHECKLIST

A. Personal Information

1. Name _____
2. Age _____
3. Phone number (include cell number) _____
4. Who do you live with? (names/ages)
5. Occupation of parents?
6. Any significant problems at home? (E.g., both parents work at night, leaving the child at home unsupervised)
7. What school do you attend? What grade?
8. What classes are you taking? Grade point average? (this year v. last year)
9. Favorite class?
10. Involved in Committees/School organizations/sports?
11. What do you think of your school?
12. What are you doing this summer?
13. Any problems at school (harassment/bullying)?
14. Have you ever had a job? (lawn mowing and babysitting count)
Where? How long? Position?
15. Involved in any volunteer or community activities?
16. Find out **at least two positive attributes** of the Respondent (i.e., helps grandma take out garbage, is a good friend to others, etc).

B. Incident

1. When and Where?
2. What happened?
3. Who was involved?
4. Your conduct?
5. Conduct of others?
6. Why did you commit the crime?
7. Are you sorry?
8. If the crime involved a victim, what would you say to that person now?
9. What have you learned from this experience?
10. Were you punished at home? What was your punishment?
11. Have you been asked to pay, and/or have you paid any restitution?
12. Have you apologized to the victim?

C. Other

1. Future plans? College? (where) Employment? (where) Military?
2. Have you ever been arrested before?
3. What have you learned from this experience?
4. What would you do if the same circumstances were to arise?
5. (In peer pressure cases) Are you still associating with the other individuals involved?
6. How can we assure the jury that you will not reoffend?
7. Are there other things about you that will help the jury decide this case?

D. Respondent's Statement

- Encourage the Respondent to make a statement. However, this is not required. Make sure you explain that any statement should be short (less than 3 minutes) and from the heart – apologizing, taking responsibility for his/her actions, and explaining why it won't happen again.

E. Questions for Parent/Guardian (if time permits)

1. How is he/she at home?
2. Does he help around the house?
3. How would you describe his general attitude?
4. Has he/she ever been in trouble before?
5. If so, for what?
6. Did his/her conduct surprise them in this case?
7. If so, why?
8. How did you react when you learned of this conduct?
9. Did you punish your child?
10. If not, why not?
11. If so, what is the punishment?
12. Does he/she appear remorseful?
13. Anything else I should know about him/her?

V. BAILIFF

Focus: The function of the bailiff is to help ensure the orderly operation of the court. The bailiff is a neutral participant.

Duties and Obligations:

1. Advise the Respondent/family of the rules before entering the Courtroom. (*See* Hearing Process at Section VIII).
2. Escort the Respondent and his/her family in and out of court proceedings.
3. Call the Court to Order. (*See* Hearing Process at Section VII).
4. Advise the Respondent and family about the Courtroom Rules (*See* Hearing Process at Section VII).
5. Administer the oath. (*See* Hearing Process at Section VII).
6. Render general assistance during the court sessions as requested by the Judges.
7. Help maintain order in the courtroom (i.e., proper conduct in court by the participants).
8. Close proceedings (“There being no further matters before this Court, the Court stands adjourned”).

VI. JUDGE

Focus: The function of the judge is to preside over the hearings. The Judge, in a sense, is like a referee who ensures that the correct procedures are followed in all cases.

Duties and Obligations:

1. Be fair and impartial.
2. Preside over jury deliberations, answer juror questions.
3. Take jury attendance and collect all required forms from the new Juror(s) (unless a Clerk intern is present to assist and perform these duties—see Section I—Roles).
4. Preside over the hearing. (*See Hearing Process at Section VII*).
5. Explain the sanctions to the Respondents, parents, and guardians and answer any questions.
6. After hearings are complete, return all Juror paperwork, sanction forms and consent forms to the Youth Court Coordinator.

VII. YOUTH COURT PROCEDURES

HEARING SCHEDULE

4:45 p.m.: Hearing Captain arrives

5:00 p.m.: Defense Counsel I and first Respondent arrive and meet in conference room. Second Judge, Defense counsel, and Bailiff also arrive

5:10 p.m.: Jurors arrive

5:15 p.m.: Defense Counsel II arrives

5:30 p.m.: First hearing begins

5:30 p.m.: Second Respondent arrives with parent/guardian and meets with Defense Counsel II

6:00 p.m.: Second hearing begins

6:15 p.m.: Third Respondent arrives with parent/guardian and meets with Defense Counsel I

6:30 p.m.: Hearing Captain, Judge, Jury, Prosecutor, Defense Counsel Team take 15 minute break for dinner

6:45 p.m.: Third hearing begins

6:45 p.m.: Fourth Respondent arrives with parent/guardian and meets with Defense Counsel II

7:15 p.m. Fourth hearing begins

7:45 p.m.: Hearings concluded. Jury debriefed. Clean up and dismissal.

HEARING PROCESS

On the Day of the Hearing:

Respondent and parent(s) are required to arrive 30 minutes before their scheduled hearing. Defense Counsel I and II meet with their clients until the hearing is called. The prosecutor will meet with Defense Counsel and the Respondent and parents after Defense Counsel has finished conferring with the Respondent, about 5 minutes before the hearing time.

At the time of the hearing, the Bailiff enters the conference room and advises Respondent/parent(s) before entering Courtroom:

In Youth Court, we require the same level of decorum as in any other judicial forum in Hamilton County. There will be no gum chewing, smoking, tobacco chewing, eating or drinking. No cameras, recording devices, or cell phones are allowed. No laughing, talking or other inappropriate behavior is permitted when court is in session.

If there is any improper behavior, the Judge will stop the proceedings and ask that the behavior cease. If verbal warnings continue, the case will be sent back to the Juvenile Court for disposition.

Bailiff escorts Respondent, parents, and lawyers into the courtroom; directs to seating.

Bailiff calls the court to order, announces the Judge/case:

- a. **ALL RISE**
- b. **Hamilton County Youth Court is now in session;**
- c. **Docket Number 00-000, Respondent's Name, on a charge of _____.**
- d. **_____ (Respondent's Name) has admitted his/her involvement with the offense and is before the Court for a dispositional hearing.**
- e. **He/She is being represented by _____ and the Prosecutor is _____.**

Bailiff swears in all the parties:

- a. Addressing everyone in the courtroom: **“Would everyone please raise their right hand and repeat after me: ‘I swear, or affirm,**

(stop while everyone repeats) -- that everything I see or hear in Youth Court today (stop)-- will be kept confidential.”

- b. Addressing the Jury: “Jurors, do you solemnly swear that you will objectively weigh the issues in this case and render a sanction according to the guidelines of Youth Court?”**
- c. Addressing the Respondent by last name (Mr. or Ms. _____): “Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?”**

Judge reads the following statement: Is the Prosecutor prepared to present the facts of the case?

Prosecutor (4 minutes or less)

- d. Read the charge and the statute violated.**
- e. Read the facts of the violation.**
- f. Read the victim’s impact statement (if provided).**
- g. Makes a recommended sanction to the jury.**

Judge reads the following statement: Is defense counsel prepared to present facts in mitigation?

Defense counsel (6 minutes or less)

- h. Offers mitigating facts**

Judge reads the following statement: Would the Respondent like to make a statement? You are not required to make a statement. (3 minutes or less)

Judge reads the following statement: Does the jury have any questions for the Respondent?

Judge reads the following statement: The hearing is concluded.

Would the bailiff please escort everyone out of the courtroom so that the jury can deliberate?

Bailiff escorts everyone (except jury and Judge) from the courtroom and returns to courtroom to aid Judge with deliberation. (Note: deliberations should not take more than 10 minutes, so the Respondent/parents should be told not to leave the waiting room).

Jury deliberates, and Jury Foreperson is selected to announce the sanctions (See Sanctions at Section I and Sanction Form at Section III)

Bailiff escorts Respondent, parent(s), and counsel back into the courtroom where they remain standing.

Judge states: **Will the foreperson please stand and read the sanction.**

Jury foreperson reads the sanction.

Foreperson or other jurors may offer encouragement if appropriate.

Judge states: **The jury has spoken, and the sanctions are final.**

Judge may want to comment on the Jury's determination (For example, "I think that this sanction is fair and appropriate for the offense(s) committed. We all have to understand that society has rules to protect us, and that, even though we are young, we have obligations to follow those rules.").

Judge may want to recognize the Respondent's acceptance of responsibility (For example, "I listened carefully to your testimony this evening and I believe that you are truly sorry for your actions and that you have learned a valuable lesson from this experience").

Judge may want to make a further expression of support for the Respondent (For example, "Based upon what occurred here, I am confident that you will complete your community service and fulfill the special conditions imposed upon you and that you will contribute in a positive way to the community).

Judge concludes as follows: The jury is going to stay in the courtroom to hear the next case,* and the Bailiff is going to escort the Respondent and his/her parents to a conference next door to complete some paperwork for me.

***Omit this part if it is the last case of the evening.**

Bailiff escorts the Respondent/parents into an available conference room.

Defense counsel leaves the courtroom to meet with their next client. Prosecutor prepares for next case.

Judge makes a copy of the sanction and then goes over the sanction paperwork with the Respondent/parents. The Judge gives one sanction form to the Respondent/parent and keeps the other for the Youth Court file. (*See Post-Hearing Meeting at Section III*). The Judge asks the Respondent and parent to

complete exit surveys before leaving (See Parent and Student Surveys, Section III).

JURY DELIBERATIONS

Jurors must select sanctions that fit the offense before the Court (not previous offenses or other behavior shared during testimony). Jurors may select any combination of sanctions and may decide to not assign any sanctions at all (although this is rare and must be clearly justified by the evidence). It is extremely important that jurors work as a team and come to an agreement and that those in minority opinions feel that they have been heard and are supportive of the group's decision.

The jury foreperson's goal is to create a list of sanctions that all of the jurors can agree on, even if individual jurors have differences of opinion on specific sanctions.

If the votes for a specific sanction are not unanimous, the foreperson or Judge asks jurors to state why they think the sanction is or is not appropriate, reminding them to base their reasons on the case review and the goals of Youth Court. The foreperson or any other Juror can suggest a modification to the sanction so that the majority of the jurors agree with it.

After all sanctions have been voted on and discussed, the foreperson reads the proposed sanction(s) to jurors and calls for confirmation.

Jurors verbally confirm the sanction(s).

Once jurors confirm the sanction, it is documented on the Sanction Form and considered locked.

The Judge does not intervene in the jury deliberation with the following exceptions: to clarify/correct case facts, to instruct the foreperson to focus the group if they go off topic, to clarify information about available sanctions, or to answer questions that arise. If the jury is unable to reach a sanction, the judge should work with the foreperson and jurors to reach the best decision possible and discuss the challenges during the debriefing later.

It is very important that the hearings stay on schedule, so the Judge/Hearing Captain may need to help expedite the deliberation process.