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## What Participants Say about the San Bernardino USD's Restorative Youth Court Program

John M. Winslade

California State University - San Bernardino, [jwinslad@csusb.edu](mailto:jwinslad@csusb.edu)

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## What Participants Say about the San Bernardino USD's Restorative Youth Court Program

### Abstract

Interviews were conducted with eighteen graduates of the San Bernardino City Unified School District's Restorative Youth Court. These interviews yielded a view of how participants in the Youth Court program viewed their experience. In their view, the Youth Court was nearly always transformative and its dispositions fair. They were affected by the presence of their parents for their hearings but the main thing that seemed to lead to the transformation was being judged by their peers. They also took their responsibility seriously when they became the jurors for other respondents and doing so affected their thinking about their own case.

### Keywords

restorative justice, youth court, restorative practices, school district, teen court

### Author Statement

John M. Winslade is an emeritus professor in the department of special education, rehabilitation and counseling (SRC) in the College of Education at CSU San Bernardino.

### Cover Page Footnote

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## What participants say about the San Bernardino USD's Restorative Youth Court program

This article resulted from interviews completed with eighteen graduates of the San Bernardino City Unified School District's Restorative Youth Court. It is a qualitative piece of research based on semi-structured interviews and is part of the overall evaluation of the Restorative Youth Court and its work. The value that this piece interrogates derives from an inside look at what the Youth Court means in the language of its key participants. In this case, the key participants are the students who have completed the program.

### **The San Bernardino City Unified School District's Restorative Youth Court**

The court will be referred to in this article as the Youth Court. It began in 2015 (Winslade, 2016) and is one of a small number of youth courts that are administered by school districts. Peterson and Elmendorf estimated in 2001 that only 5% of the approximately 900 youth courts in the United States were based in schools or school districts. Some of these are administered by particular schools (see for example, Brasof & Peterson, 2018). Other youth courts are run by the police, the court system, the probation service or other nonprofit agencies. Overall, there are youth courts in 49 U.S. states and the District of Columbia (according to Bentley, 2015).

The purpose of the San Bernardino youth court is "to respond to student misconduct in schools in a way that implements the principles of restorative justice" (Winslade, p. 1). It aims to hold students accountable for their misconduct without becoming punitive. In this sense it contrasts with the more

common "zero tolerance" approach which is punitive in nature. Zero tolerance approaches, in which automatic punishments are given to those who violate the Education code, have been shown to be ineffective in reducing school violence (APA Zero Tolerance Taskforce, 2008). Brasof and Peterson (2018) describe the approach used under zero tolerance as "take-action-without-asking-questions" (p. 837). Most schools use some form of zero tolerance (according to Brasof & Peterson) and this usually means the use of "predetermined severe punishments for specified behaviors" (p. 833). By contrast Brasof and Peterson show how youth courts produce procedural fairness that is valued by students who participate. In this study, participants were explicitly asked (among other things) whether the dispositions given to respondents were fair.

The most important feature of the San Bernardino Youth Court is that those who come before the court as respondents are invariably assigned the task of being on subsequent juries, which hear the cases and decide on the tasks (called dispositions) that respondents will be assigned. This happens after they have been asked questions about their misconduct by a jury of their peers. Although the judge is an adult, all other officers of the court are young people (this happens in most youth courts, Rasmussen, 2002) and most have previously been respondents in the court, some as recently as a week earlier. There are also a group of students from San Bernardino schools who volunteer as jurors. These jurors (volunteers and previous respondents) make the decisions about what dispositions will be assigned.

### Restorative Justice

According to the Crimesolutions.gov website (2019) published by the National Institute of Justice there were approximately 73.8 million young people under the age of eighteen in the U.S. in 2012. Meanwhile the national suspension rate is about 6% (United States Department of Education, 2016). The Crimesolutions.gov website describes a variety of restorative justice programs used in the U.S. The most common ones were victim-offender mediation, family group conferences and peacemaking circles. Teen courts are listed under the heading of “other models”. Restorative justice is described on this website as a “promising” approach, rather than as having as yet proven effectiveness. The key goals of a restorative justice program are: “to repair the harm caused by the offense, decrease the offender’s risk of committing future offenses, improve victims’ willingness to forgive their offenders, and increase both victims’ and offenders’ satisfaction with, and perceived fairness of, the justice system” (CrimeSolutions.gov, 2019; Wilson et al., 2017; Wong et al. 2016). The CrimeSolutions.gov website nevertheless noted that research into restorative justice showed the following outcomes as statistically significant:

a) “Youths who participated in restorative justice programs had lower rates of delinquency, compared with youths who went through traditional justice processing” (CrimeSolutions.gov, 2019; Wilson et al., 2017; Wong et al., 2016).

b) “victims’ perceptions of fairness of the justice system” (CrimeSolutions.gov, 2019; Wilson et al., 2017; Wong et al. 2016).

c) “offenders’ compliance with restitution” (CrimeSolutions.gov, 2019; Wilson et al., 2017; Wong et al., 2016).

d) “offenders’ reparation for the harm caused by the offense” (CrimeSolutions.gov, 2019; Wilson et al., 2017; Wong et al., 2016).

### Participants in this study

Eighteen students, 4 girls (22.2%) and 14 boys (77.8%) took part in the interviews conducted for this study, all of whom had graduated from the San Bernardino City USD’s Restorative Youth Court. Of these two (11.1%) had also graduated high school since their referral to the youth court, one of them more than two years ago and the other was an early graduate in February 2018; 11 (61.2%) were high school students; and 4 (22.2%) were middle school students. Table 2 shows their grade levels.

**Table 1: Age**

Average age at interview	15.28
Median age	15
Age range	13-19

**Table 2: School Grade**

HS Graduate	12 <sup>th</sup> grade	11 <sup>th</sup> grade	10 <sup>th</sup> grade	9 <sup>th</sup> grade	8 <sup>th</sup> grade
2 (11.1%)	4 (22.2%)	0	5 (27.8%)	3 (16.7%)	4 (22.2%)

Table 3 lists race/ethnicity demographics for the interviewees. These data were obtained from official school district data.

**Table 3: Race/ethnicity**

Hispanic	Black	Hispanic/Black	White	Alaskan	Vietnamese
8 (44.4%)	5 (27.8%)	2 (11.1%)	1 (5.6%)	1 (5.6%)	1 (5.6%)

A discussion was held between the researcher and the Youth Court team about what demographic data were needed. A question that occupied much of this discussion was whether or not to collect data on race. The concern was to do with including racial data with no specific purpose, thus reinforcing racial criteria without sufficient good reason. In this discussion, a member of the Youth Court team said that before the Youth Court began, a meeting was held with representatives of the Black community. A remark was made that, while the Youth Court seemed like a worthwhile idea, the speaker was dubious about whether the opportunities it afforded would be

available to Black students. In order to be able to address this question, racial demographic data of the interview sample was collected.

Of the students who participated, 4 (22.2%) had qualified for the Restorative Youth Court, because they had been suspended from school, 13 (72.2%) had been expelled and one had neither been suspended nor expelled. Suspension or expulsion happens as a result of violation of the California EdCode. Table 4 shows the violations that had led schools to take this action. The most common reason for their referral to the Restorative Youth Court was fighting.

**Table 4**

EdCode Violation	48915 a1 or a2	48900 b	8900x	48900 p	48900 s	48900 a	48900 b	48900 f & g
Fighting/serious injury	Possession of dangerous object	Bullying	Sexual harassment	Terrorist threats	Caused attempted physical injury	Possessed/Under influence of drugs	Damage to school/stealing school property	
	9	2	1	1	1	1	1	1

Before referral to the Restorative Youth Court, the 18 students interviewed had amassed between them 55 suspensions (an average of 3.06 per student). After their referral to the Restorative Youth Court they had amassed between them 2 suspensions. 16 students out of the 18 said they had not been suspended once since their Restorative Youth Court referral. Moreover, the two who had been suspended again claimed that the suspension happened early after they had returned to school and was not reflective

of personal changes they had made since then.

The main criterion for being interviewed was that they had successfully completed the Restorative Youth Court program, meaning that they had completed all the dispositions that were assigned to them by the Restorative Youth Court. Some had completed the program two years ago and some were more recent graduates.

**Recruitment**

A random selection of those to be interviewed was attempted at first. Every third name of graduates was invited to participate. However, attendance at the youth court as a volunteer after graduation is not required and the number of those who brought back the slip with their parents' permission was small. Therefore, a more targeted approach was substituted. One of the school district's team working on RJ began calling parents of current volunteers or former students and their parents soliciting their agreement to participate. Moreover, the youth court team began to suggest other names of students who could be approached. The data was collected during the Spring and the Fall of 2018.

Some students who were asked did not agree to participate - approximately eight (or 44.9%). Reasons for not participating were that some parents did not give permission. Some students said they were too shy to be interviewed. Some said yes but did not follow through and two gave no reason.

### **Interviews**

Interviews were semi-structured and allowed for follow-up questions for clarification and elaboration. The overarching research question was: "What is the experience of students who are participants in the Restorative Youth Court program?" Students, particularly the younger ones, gave brief answers to the questions. Therefore, the time that each interview took to complete was not long. Interviews lasted on average 16.21 minutes. Interviews were recorded on the researcher's phone and later transferred to the researcher's password-protected computer.

### **Data Analysis**

Recorded interviews were transcribed in full by the interviewer. Then the recordings were erased. In the course of

transcription, the interviewer listened carefully to what the interviewees were saying. This amounted to the first pass over the data. The next pass involved separating what the interviewees said into segments where answers to each question were collated together. Again the researcher listened carefully to what each participant was saying. In the third pass over the data, the researcher highlighted answers made by participants to each question that he considered "resonant". Resonant responses were deemed those that a) seemed to be in the participant's own words b) captured some aspect of the participant's experience and c) constituted an apt expression of a theme that could be looked for in other participants' utterances. Having identified resonant themes, the researcher made another pass over the transcribed data (the fourth one) looking for confirmation or disconfirmation of each theme in other participants' utterances. Where there was agreement this was represented in the results (see below). Where there was no agreement this was also represented in the results.

### **Results**

In this section of the research report, I shall go through each question in turn and indicate what participants said. I shall not, however, include every single response for reasons of space. Instead, the responses recorded will be the most resonant ones or the most resonant part of participants' responses. Under each subheading the question asked will be listed and will be accompanied by the most resonant responses.

#### **Former attitude towards school What was your attitude toward school before you came to the youth court?**

Most of the responses reported a "bad attitude" but they noticeably did so with reference to the past. We shall see later

how they answered a similar question with regard to the present. “I didn’t want to be there”; “I really didn’t care”; “I was hesitant to go”; “Don’t care”. Two described school as “boring”; another mentioned “depression” and another lack of “confidence”. Then there were those who referenced to behavioral stances: “I was mad ... at everybody”; “I ditched nearly every single day”; [I was] “getting in fights a lot”; and “talking back to teachers”. There were a smaller number who gave a more positive emphasis in their responses: “I’ve always loved school”; “I felt I was where I needed to be... I don’t want to end up on the streets”; “It was my number one priority because I’m trying to be successful in life”. Finally a small group gave mixed or equivocal responses: “Some parts of it I liked and some parts I didn’t like”; “I have always liked school but during ninth grade I didn’t really like it because the work got harder”; “My attitude toward school was... I’m not gonna lie... It wasn’t the worst but it wasn’t the best”. The overall impression was that respondents were contrasting previous problematic attitudes with current more positive ones. Meanwhile those who had always been positive spoke of needing to maintain this positive attitude.

**Current attitude towards school  
In comparison to how it was before  
you went to the youth court what is  
your attitude toward school now?**

The contrast was palpable. One student said, “I love school now. My grades... I had a GPA of 1.75. I am about two points now away from a 4.0”. Another said, “It’s good. I care about my grades and my teachers. If someone wants to bring up an issue with me, I ignore it.” Another comment was, “I stopped acting bad and improved”; and, “I’m not rude anymore. I accept people caring about me.” Another said, “I

haven’t been getting in no trouble. I’ve been working because my dad owns two stores. I be there most of the time working. And staying out of trouble, not running around in the streets or anything.” Yet another said, “I know what I’ve got to do... Graduating, getting a nice job, getting a car.” Another student was moved to preach a little sermon, “Everybody needs to go to school. I am going to college so pretty much you can deal with school and enjoy it, because everybody needs school in their life. If you want a better life you have to go through school.” A student who had previously stated her love of school said, “I still love it.” The student who had found 9th grade work harder now said, “I like it.” Another response went, “I’d say more calm in a way. I’m not doing the stuff I used to do. Like yelling and being as loud as I was last year. I stopped talking to the teachers in a rude way and all that. I started raising my hand for everything.”

These comments were consistently positive about their attitude towards school now. There were no contradictory comments made. So these interview questions yielded the suggestion that the Youth Court is having a positive effect on respondents, but they do not say how this shift was achieved. To get at this topic we need to turn to other questions.

**Former Reputation  
What sort of reputation did you have at  
school? How would your friends have  
described you? How would your  
teachers have described you?**

Four students answered by saying that they had had a reputation that they now regarded as problematic. “I had a short temper. So everybody was like, ‘He’ll snap at you’”; “Loudmouth. I was hardheaded.”; “It wasn’t the best. I was known by what I did”; “Not a good one. I

was the one who had anger issues. I was always looking to fight.” These were the students who also indicated they were not happy with their reputations.

By contrast three were uniformly positive about their reputations at school:

“Good attitude had lots of fun. Never disrespected a teacher. just a well behaved kid”; “I’m like the popular kid in school”; “People use to tell me I’m a caring guy. I’m a nice guy to them, I’m a nice person in general.” These students did not want to change these reputations.

Then there were seven students who were more equivocal in their answers or perceived their reputations as more mixed. One just answered, “Average.” One said, “Everyone thought I was a good kid” even when he was secretly messing up. Another answered, “I have a good reputation. I got in trouble maybe a little bit here and there. But I never really got suspended.” Another referred to “Some ups and downs” while adding, “It was a good reputation.” Two students seemed to interpret the question more in terms of academic performance than behavior: “Good. But sometimes I got a F”; and “My grades are all right, they’re not good but they’re all right.” Finally another student discounted his own mention of a fight that had led to his suspension: “That was like really my first fight, so pretty much, trustworthy.”

The questions that elaborated on the reputation questions asked about how other students would have described them and then about how teachers would have described them. With regard to other students it was noticeable that eight respondents mentioned that they would have been described as “funny”. This seemed to be regarded as valuable currency even when it was associated with terms like “crazy”, “idiot”, “hyper” or “weird”. Other descriptions mentioned were “Outgoing.

Really caring. And then just determined”; “an innocent looking troublemaker”; “They like how I treat them right. Like they’re like my brothers and stuff” ; “a calm person”; “Chill. Not really the type to get in trouble.” ; and “Off task sometimes.” It seemed that very few of the respondents saw getting suspended as related to their reputations with other students.

The question about reputation with teachers yielded a similar mixed bag of results. Respondents talked most often about teachers in terms of whether they were perceived as doing their work and in terms of whether they showed teachers sufficient respect. For instance, one student said he was, “a kid who didn't do his work but never disrespected them in any way”. Another described himself, “a good kid but I don't do that much of my work.” Another said he was, “smart, but I don't concentrate and I'm quick to be the class clown”. Said one student, “Some teachers still saw the good in me.” Another guessed that teachers, “would probably say like that I’m always doing my work.” Someone else claimed to be “a cool student. I’m not like the, um, bad one that always gets on their nerves.” A few, however, said they were the “bad” student: “One thing I really have a problem with is like looking away. I'm always distracted”; and “Some teachers didn't like me, because I was bad.” Another student wanted it both ways, describing himself as a “little loud in class, but doing the work.” There were also a handful of students who claimed to be good students. “Respectable” said one; “I’m a very smart girl, intelligent and all that,” said another. Another articulated it a bit more, “I have respect for them. At both times. When they were talking. I would shake their hand when they walked in. Answer questions. Respond. Don't talk back.” Another claimed he had, “always got a smile on my face.”



As we shall see, most students understood their referral to the youth court in terms of a one-off incident, rather than in terms of a steady growth of a reputation. This seemed to be the case, whether the reputation was held by other students or by teachers.

### **Going back to school**

#### **What was it like when you returned to school?**

It was kinda weird, but happy to see my friends again. And I was happy to be back at a regular school. Because over there I never knew any of that, so I had to start fresh when I came back. I stopped getting into any trouble. With teachers and all that. I changed my ways towards school. My grades are a little bit better. I'm trying to make them better as possible as I could.

I liked the teachers. I had one teacher who was cool. They could see the potential in me... Honestly, I wished they could have given us harder work, because that way I could understand what was going on. The easy stuff was too easy. I don't like... my brain doesn't like doing easy stuff. I like to go straight to the harder stuff straightaway. [Because that's more] Challenging. They just seen me as another person, to be honest. They don't like judge you or nothing.

Well the previous year I had gone to S, and I had got into trouble there. And I had gotten jumped. So my dad switched me schools. I figured that if I went back to the same school it would be harder to break those bad habits. But if I went to S, it would be more like starting over ... My old friends said that I have changed. And basically they think I'm lame, because I'm trying to not make that bad decision ... It

struck me that they weren't really my friends.

At first there were a couple of bad kids because some changed, most changed, but there's always going to be those one or two students that don't change. And they don't want to change for themselves for the better.

They helped me act at school when I first came. To make the right friends and stuff.

Better, I guess. It just felt more normal, more casual. I knew that like I wasn't going to do nothing wrong no more. Because I don't want to get back on that path.

The counselor that I was talking to that got me into the program. He's seen a lot of progress. He went through my grades. One day he came up to me and said congratulations. I was really proud, I was happy about that.

### **The Youth Court Experience**

#### **Tell the story of how you became involved with the youth court? What sort of offense brought you into the youth court?**

Now we come to the heart of this research, which lies in the experience of the youth court itself. We shall look first at the process of referral, including the incident that initiated it and at the differences created for each person through participating in the experience.

The first student said "I was expelled." He had been in trouble at school three times before for "ditching" and "having physical altercations with another student". The expulsion, however, was for bringing a weapon to school - a BB gun.

I was at a football game. It was homecoming. And my friends told me

to bring a BB gun. I brought it and I handed it around and it came back to me and I was the one who was arrested.

The second student was also expelled for having a weapon at school. In this case it was “a pocket blade”. He volunteered, “I brought the thing, I regretted it.”

He had been coming to the youth court for a year, well beyond his obligation to do so. He said he, “started doing the cases they asked me to do. I started liking it more and I started to become a volunteer.” He said he had been in trouble once before at school, when “I got into a fight, I think. Yeah a fight.” When asked about the story of coming to the youth court, he recounted,

I got accused of stealing someone's phone. Then they had searched me. I had got caught with my knife because I walk home so I wanted protection for myself. So when they caught me with that, I was sent for expulsion, and I came to the youth court building and I thought all right I will do it. And from the day when I went ... At first I thought this program is like ... There's a lot of kids running it... It's stupid, you know what I mean? Then as you see the same people that's talking to you, are the same as you. They have like the same personality as you. They were once in your seat. You get to know everybody, you get to like click with everybody. It helped me a lot. Because I used to be disrespectful, bad, but like youth court was like something to go and do, to keep me out of the house, and to keep me off the streets. And at school the bad things I was doing. It's like a whole other group to hang out with. So it was a big spark.

This story is the first example of transformation. It does not happen in a blinding flash but through a cumulative process of change that was lit by the “big spark”.

A weapon also features in the next story. The speaker is female.

I got into it with this girl ... They said that I went to her house with a whole bunch of weapons and stuff. But I didn't even have weapons at all. I didn't have a bag or anything. If I did want to bring weapons I wouldn't have the space to put weapons. ... The next day at school they checked me and I had like medicine, aspirin, pills, you can have those. And I had like a little box cutter from me getting followed home from like two months prior to the incident. So it was so old ... like it had rust and everything. I forgot it was even in there. Because I was using it for my own protection, because a man was following me home from school every day. So they thought maybe I was trying to use it on her. That's not the case at all.

While she sees her way through the project there is more than a hint of feeling unjustly treated in this account. Another story of a weapons offense follows. This time the student describes it as “a camping knife.”

Well, my auntie put a weapon in my backpack. It was during Spring break, about two or three days before we went back to school. I forgot completely all about it. So I was in class looking for a pen or a marker in the little pocket of my backpack. So I pulled it out thinking it was a marker. And the student behind me saw it. And I was like oh no and I put it back in there.

The law was officially contravened, even though by this account, it was done so unintentionally. Less unintentional was this account of a suspension involving a weapon. “So, it was like 4 years ago. Um, I brought a knife to school, showed off to some people. Kept on bringing it a few days after and so on until security called me up and searched me.”

The next student was sent to the Youth Court for different reasons.

I got here as a respondent. I had a lot of trancies. I was absent a lot. And I started to smoke and my mom eventually found out that I was ditching a lot, and she had asked me what do you do when you're ditching. So, she kind of put two and two together, because I had already let her know one time that I had been smoking. And then she went to the office on [name of street] and they talked to me and they put me in this program.

The referral to the Youth Court, therefore, was an attempt to break a steadily growing pattern of behavior, rather than a one-off incident such as bringing a weapon to school. This student said she had never been in trouble at school before.

Another student spoke of less serious but no doubt problematic behaviors. Reasons for referral to the Youth Court were built on these prior offenses.

Talking. Playing around. Yelling across the room. And basic stuff. There was a time when I got caught with like lighters. And with little bottles of liquor.

He then added that he was referred for a drug offense - possession of marijuana at school. “Having marijuana

in my possession. Having fireworks and a lighter... All on the same occasion.”

The next category of referral was for fighting. Said one student when asked about being in trouble at school before, “I'm not going to lie. Kinda. ... I got into two or three fights.” Here is another story about how fighting features in the referral.

So, this guy, he was messing with my sister, like calling her names and stuff, and one day I just had had it in myself. And then I gave the boy a concussion ... And I got charged with assault and battery. And I had to go to youth court. That's how I got into youth court. I went to the room, and they started asking questions and I had to tell them what I did.

Then there was the student who acknowledged being in trouble at school and being suspended several times in the past. One was for fighting. “Um ... I bit somebody.” He added, “I had marijuana on me,” and pointed out, “I only went to the youth court once. I went to the youth court after I had been suspended three or four times.” When asked to tell the story of his referral he said,

Me and my friend were messing around and I took his balloon and he had my hand behind my back and he put his arm in front of me and I couldn't push him off me so bit his arm. And he got really bruised and big. So he told on me and then you hear I got suspended.

Fighting was also the referral issue for this student:

More like fights. They just piled up. I was always fighting. And the teachers

didn't like me at ... I didn't like a lot of teachers at that middle school. I guess they didn't like me either. And the principal already wanted me gone, so yeah... ”

Then this student shifts gear to a note of reflexivity and self-analysis and says, “I always had anger issues.”

Another student, who admitted being in trouble before for “being late to class” and “fighting”, was actually referred to the youth court for sexual harassment. This was how he told the story:

Oh, uh, when I was in 7th grade, I think it was last year, and I was, last year where we were at lunch playing this game, and I would touch, me and I think 3 or 2 other boys and 5 girls ... 5, it was like a whole group and then we were playing like a tag game basically and then there was one of the guys, he was touching them wrong and then they blamed me for it and the other two ... but I don't know if the other two go ... I know one of them goes to Youth Court, too. And they said I did the same thing he did.

This is a partial admission but another student is primarily blamed.

Another student said that “mostly ditching” was the reason for getting into trouble at school. Until now schools seem not to have suspended these students for “ditching”. Perhaps the frustration was cumulative.

### **The youth court experience When you heard about the youth court what did you think of it?**

The next question about the Youth Court experience was about respondents' impressions when they first heard about the Youth Court.

Here is what one student remarked on how the Youth Court sounded when first

heard about, “I was like, I've never heard of it ... I thought it was going to be like a kids' court. I thought it was going to be like an actual youth court. I can't really explain it.”

Others perhaps helped to explain it. One said, “I didn't know what to think. I honestly thought it was like a real court. I thought it was like going to jail court. Then there's like kids running it.” Another said, “The people here, I thought it was going just to be adults. I didn't know it was going to be people my age.” Yet another anticipated, “A room with a bunch of kids, Like a regular court. Saying what you thought to an actual court, with an actual judge.”

Another commented on when told by his vice-principal about the Youth Court, “I didn't really pay much attention to it. It was just a cool program ... I said all right I'll go to it.”

Another student responded when told how the experience would be structured, “I didn't know what to think. First up, I was going to be the one they were judging, and then he said to me I get to judge other people. So I thought yeah I'll join it.”

Some students saw it as an opportunity. This one seemed primed for transformation. “I was hoping to get a new opportunity to turn my act around. How I look at things.” Another said, “I thought it would be a good experience for me to get my act together.” A third just said, “I liked it.”

A more skeptical impression when told about the youth court was registered by this student,

That it was going to be whack! I was scared about it. I was nervous ... I wasn't going to like it and it wasn't going to do what people say it does like change me. I was still going to be the knucklehead I was.

The next student used the word weird to describe the impression gained when told about it, "It just, Youth Court sounded weird to me."

A slightly different response was this one, "Oh, I was just gonna go, get it over with."

### **The Youth Court Experience**

#### **What was it like sitting in the respondent's chair?**

#### **What was it like having your Mom or Dad or someone else there?**

#### **What was it like when the jurors asked you questions?**

Now we come to what happened when the respondents came to the youth court and engaged with the program. It was common for respondents to say they were nervous when they first came to the youth court. Nine students said they were nervous or the experience was nerve-racking or commented even more strongly that it was "scary". When one student was asked why he was nervous he had this to say,

It was so intense. I was sitting in the chair looking at other kids in my position, questioning me about my grades my attendance and things. And why would I do such a thing to jeopardize my future ... When they was asking me questions, I was dying inside, I was breaking down. When I got home I was like I need to make a good name for myself so I don't disappoint my parents ... I felt like my parents was asking me the questions. I was shocked ... I was like dang I'm really here. This is really happening.

Another student described the experience this way, "Everybody stares you down. But you find out it's serious, it's not a game. They tried to help me out."

Another was aware of feeling "Shy" and said she, "didn't know what to

do." One student commented on the age group of the jurors, "Everyone is my age. This is crazy." Rather than feeling nervous this student felt an increased sense of responsibility, "I felt really guilty ... Because I felt like it was my fault somehow." One just said he felt awkward.

Only two had more negative responses and these could still have been positive overall. One of these said, "When I was being judged I didn't enjoy it." The other did not like being asked questions. "I mean, there was nothing wrong with it, but like the thing that was annoying was they just kept asking a bunch of questions and stuff like that."

Finally a respondent who seemed to have expected worse said, "In the end it was better than expected."

When asked what it was like having at least one parent or caregiver in the court with them, there was a consistent theme in student remarks of embarrassment in front of the parent or other caregiver. Five students used the word "disappointed." It was noticeable how much they took parental disappointment to heart for themselves. Here is what students said,

Ah, I disappointed my mom. I went there to show her that I can do it. I can make progress in my life. I can make decisions. But the same time my mom was disappointed with me, because I got caught with a knife. My mom didn't even know that I had it.

I felt bad for her. She was really disappointed in me, because I was never in trouble. I was a good kid and all of a sudden coming up with this stuff really messed her up.

She wasn't really mad, she was disappointed, because I'm not the type of student to get into trouble.

I knew she was like, disappointed and like, I guess mad that we're being here.

Well, they [my mom and my sister] were disappointed that I had the knife on me, and so I knew right there that I messed up bad. And then it's like I told my mom I wouldn't do nothing like that again, and I'll follow in good footsteps to be successful.

Similar themes were mentioned by these students,

It was like a little embarrassing. I felt guilty because my grandma was there.

It was scary. Because most kids will get into trouble and.... their parents will find out. Mine did. And this was the biggest thing I've ever done. And they knew about it. I felt really disappointed in myself. I feel like I let everybody down.

I felt bad for her because she could have been at work.

They were asking me questions and I had to answer them and she was like right behind me, so it was kind of awkward and weird.

I felt like it was going to be maybe a good thing for me, or something I needed.

It was bad that I put my dad through that ... I knew I wasn't making him proud again. And I didn't want him to look down on me, because I'm his son and he is my father and I didn't want him to think like he's been a bad parent because of the decisions I made.

Well, I didn't want to see my mom going through it and also my baby brother, because he was just there

watching me ... Because I want to make good decisions for them.

Well, I kind of felt bad since I wasted his time, when I should just been more responsible and handled it a different way.

And I had to apologize to my parents, in front of the whole courtroom. It was a relief. If I was like one-on-one at home with them I wouldn't be able to do it. I wouldn't know what to say. When they told me I had to I had to step up.  
It came from the heart.

No students objected to having parents present. On the contrary, their presence seemed to encourage respondents to take the first step towards responsibility. In other words, it represented a restorative aspect of the Youth Court.

Respondents were then asked what it was like when the jurors (made up of a mix of volunteers and former respondents) asked them questions. Five students said something about finding this process scary. All of them took this aspect of the Youth Court seriously. The restorative aspect seemed to be present in a number of students' minds. Here is what they said,

I mean I answered every question but... It was like I was speechless most of the time.

The questions were simple. They didn't really scare me. I answered them. I gave them a straight response.

I was just thinking they're asking questions but after the questions what's next?

I was scared that I would say something wrong. I was confused.

At first I got annoyed with like the questions. ... Like they were asking multiple times and I had answered it ... And then I realised they were just trying to help me.

It was surreal. There were like kids in the chair but it was like adult court.

I thought it was pretty okay because there are people here who've done the same things. They got it.

The questions they kept asking me about my personal life ... I didn't like it. I don't like being asked a lot of questions.

It was just like in an awkward way ... And like some of the kids were laughing. That's what kind of made me nervous. Why were they laughing?

The truth. I had to think about they already know what I did. There's no point in lying. Everybody knows. Just get it out and accept my consequences. And take responsibility for what I did.

First of all, it was alright. Then they started asking deeper questions, and like I was getting nervous more. ... and then, a point where I said 'I don't know' a lot, so they told me to, gave me some advice to say, don't say 'I don't know' a lot.

They were there to help me, not like break me down.

More like, how we handled the situation, what happened, what else that I remember, uh why you started the fight or who started the fight, and the reason why it happened.

There was a bunch of questions like they wanted to ask. There were a lot of questions ... they were just asking

you like questions about why I had the knife on me and stuff like that. But then they was telling me that, I was doing good in school, and it was your first suspension and I said yeah and stuff like that.

Only one registered a more skeptical response, "I thought, 'They are trying to get into my business. Why should they even know this?'" "

Otherwise the responses to the jurors' questions, which were, in fact, responses to their peers, seemed to justify this aspect of the Youth Court's program.

### **Dispositions**

**And then after they'd asked you questions the court gave you some dispositions. What was that like? Was it fair? What were the easiest and the hardest things they asked you to do?**

Dispositions given out by the court included the following: jury duty (all respondents were given this); individual, group and family counseling; classes to attend (for example on decision-making); community service; a jail tour; a hospital tour; a piece of writing to do based on personal research; and making an apology. Fourteen students agreed that the court was fair when they gave out dispositions. No one objected to the dispositions as unfair. Here is what they said.

I was like everything, oh my God, I was like I'm really in the courtroom. I was really taking everything serious like I was really in the courtroom.

The hardest thing was having to go there. And I didn't really have any way of getting there. So that was really the hardest thing.

It wasn't too bad. It was clear. I understood them. And I followed

through with everything. [It took] about a month. Because they would come and check on me every other week.

Now that I think about it, I actually got it, probably because I was not a bad kid, easier. I had like a 250 word research essay, two jury duties, two sessions of group counseling, weapons diversion, drugs and alcohol stuff for the headache pills, it just was ... It was fair. I was excited to do it. It was an exciting experience. [The easiest thing was] the half-page summary. And coming to Youth Court, 'cause I really liked it; I didn't see it as punishment.

I thought it was just enough. Not too harsh. Not too easy ... The hardest thing was to go to the meetings that they held in the building beside the library. They were about decision-making, weapons diversion. The easiest thing would have to be either Youth Court or the community service. Because community service I just had to pick up trash and stuff like do my chores which I do every day. And the Youth Court, because it didn't really take that much effort, except for asking questions.

Well, at first, after I went through the youth court, I hadn't completed it so I was iffy. It was still the same me as when I went to youth court. But I was still trying to stay out of trouble. That was probably the hardest thing, staying out of trouble. Breaking the bad habit of making those bad decisions.

[The hardest thing was] the essay... Cause, uh ... I never wrote an essay about sexual harassment. I had to do research, it was like if I got it from school.

Hardest thing that Youth Court asked me to do was probably the essay. Yeah, because I'm not really good with writing essays and stuff.

[The hardest thing was to] Bring my grades up and stay in class more.

Perhaps because they regarded the dispositions handed out by their peers as fair, the overwhelming impression was that they took what they were asked to do seriously. There were no disconfirming responses in this regard. Certainly none raised questions about the kind or nature of the court's dispositions. Once again, they gave a sense of engaging in personal learning, supporting the restorative aspect of the Youth Court. There was some variation in what they found easiest and hardest, according to what each student's strengths were and what they were suspended or expelled for, but doing the jury duty and actually being a juror seemed popular. It certainly seemed to carry the most restorative weight.

### **What was it like being a juror for others? Have you continued to volunteer since?**

Responses to these questions were varied but nearly all were very positive. Some commented on the personal satisfaction they got out of helping others.

It was fun. It was good learning about people who are in trouble and trying to help them.

Because now that I'm getting older I want to tell other kids that's not the best decision.

Well, it didn't have no effect on me, but I thought I was helping them.

To stop getting in trouble. Because sooner or later I'm gonna end up in an



actual court in front of an actual judge. I would be in jail for part of the rest of my life ... Helping other kids is like the main thing. I don't like seeing other kids to fail in life and all that.

Some, they need help so I can just talk to them, help them go through the process.

Others remarked that it was helpful for them to realize they were not alone.

It was good and interesting because I would ask questions and I would try to figure out ... to understand them ... it made me understand that I wasn't the only one.

You could experience other people's things and know that you are not the only one out there with problems. You're not the only one out there that has a whole lot of anger. You can see the same people that have done the same thing as you ... To help out. Because I liked it. It was something to do. And to keep me going through the weekend.

Others noted that they had learned some skills through being on the jury.

I think it improved my skills with communication a little bit. It helped people understand what they did wrong.

They teach me responsibility ... They also gave me some, uh, public speaking skills.

Then there were those who were a bit more explicit about the value of being in the reverse role soon after being a respondent themselves.

Me being in the other chair and seeing other kids come in with the same

attitude that I had... I would see that's my attitude. Like people doing it back to me. What they were doing to me was like what I was doing to someone else and not knowing it. Something clicked in, so I changed my attitude a lot.

It felt like a big change. It switched around in my head ... I learned how to like ask questions. And I learned how to like talk to other people. I don't know how to explain it ... Like how to be more civilized.

I found it important, because you're there to listen and to hear people's stories. Everybody goes through their own struggle in life. Everybody has their reasons for doing what they do. Some people don't have parents that are really supportive and ... or don't feel they get enough attention, so they have to get attention from the bad negativity at school. And being bad at school gives them a reason to get attention even if it's bad attention. It's false. You just hear different stories and you could help them push through the things that you once went through. Or if you went through that you get to help them go over it. Jump over the obstacle in life. ... Just helping people. I want to help the kids that I know need help like I did, because it really helped me a lot.

I was able to see how like other people how the jurors treated me and how I was able to see what I was like.

The effect it had for me to be a juror was that I knew the respondent position, because I've been there before, so I had to like tell them what the reason he was here for. And then I had to tell him he could have like done

better and like thought better thoughts, instead of doing the stuff that he did.

One student found it personally difficult because of shyness.

Difficult. It was difficult because I'm very shy like - if I didn't know you, I wouldn't talk to you.

But the same student also said:

It's fun ... I like it here.

The final comment was interesting because it spoke to one student making personal meaning out of being a jury member.

You don't feel like you've got authorization or anything. I was not a cop. But I've got a meaning. I feel like I'm doing something important ... I thought I was going to come back. I thought I would give it another try and I just started coming back and coming back and back. I can't leave anymore.

No one said they did not like being on the jury or that it had no value for them. Many concentrated on the aspect of doing things for others. Some seemed to go further in contemplating the reversal of roles from when they had been respondents.

### **Summarizing the Youth Court experience**

**How, if at all, has your life changed, as a result of being in the Youth Court? What would you say there was about your involvement in the Youth Court that made a difference for you?**

These two questions asked respondents to summarize their experience of the Youth Court. Respondents did not seem to have difficulty answering them and their answers gave ample indication of the

transformative nature of their involvement with the Youth Court. A strong theme was to do with decision-making. Notice these answers in that regard.

Mmm..making better decisions ... Like the right groups, get my grades up... And telling myself I need to change.

Not getting in trouble, doing right decisions, and not dealing with anything out of the ordinary.

Uh, well, now I just confront problems.

Youth Court changed my life was because it made me think better and like make my decisions from right or wrong better.

Because I know my right from wrong and the Youth Court helped me like to think better.

Another theme was to do with avoiding getting into trouble either at school or out of school. These answers typified this theme.

It's changed a lot. From a path of not graduating and being a hardhead to graduating a year later. A couple of months before my class ... She [my mom] noticed when I joined youth services. I needed to be there every Wednesday, so it was better than being on the streets every night. Youth court was pretty much the after-school thing.

I haven't been getting in no trouble. I've been working because my dad owns two stores. I be there most of the time working. And staying out of trouble, not running around in the streets or anything ... I've noticed when they [my parents] start treating me like a young adult instead of like a

child. You've got to think about these things.

I actually have something to do after school now. Right now if I was at home I would probably be watching TV. I have a reason to come here. Talk to kids. Help them out. There's a lot of cases of kids getting in trouble, because they need counseling. I like to talk with them, help them out ...

The last comment was interesting, because it showed the Youth Court at work in the way that peers were trying to help others. A third theme was to do with improved performance at school. These answers addressed this theme.

A lot... I had a GPA of 1.75. I am about two points now away from a 4.0 ... I actually have something to do after school now. Right now if I was at home I would probably be watching TV. I have a reason to come here. Talk to kids. Help them out. There's a lot of cases of kids getting in trouble, because they need counseling. I like to talk with them, help them out ... the counselor that I was talking to that got me into the program. He's seen a lot of progress. He went through my grades. One day he came up to me and said congratulations. I was really proud, I was happy about that.

My attitude. It changed. Like towards school and like I started giving more respect to people and stuff like that.

The involvement that made that different was because they really helped me out to like things I wanted to do and then they showed me what's right and then they gave me the path to be successful.

It changed me a lot. I didn't realize what I was doing was wrong. It helped

me out. It can help change other people as well.

It's good. I care about my grades and my teachers. If someone wants to bring up an issue with me I ignore it ... I'm not rude anymore. I accept people caring about me ... I stopped acting bad and improved.

They do keep their eyes on me, but they know I'm not doing anything bad ...

I'd say more calm in a way. I'm not doing the stuff I used to do. Like yelling and being as loud as I was last year. I stopped talking to the teachers in a rude way and all that. I started raising my hand for everything. ... I decided to do it. Because it's not fair if one person can get up without raising their hand while everyone else has to ... It changed me because ... Seeing what other kids were doing... And me doing the same things ... It's kind of stupid. I realized that what I did was stupid. And like I got tired of getting in trouble. And seeing other kids fail, I wanted to help them.

I don't get in trouble no more. My grades are fine. Everything's cool. I don't really give that much attitude towards teachers anymore. I'm not really late to classes anymore. Nothing like that.

It felt good. Just to be back in school I guess.... just to learn from my mistakes... It changed because ... I don't know I guess it helped me get back in school. If youth court wasn't here I probably wouldn't be here.... Math support. It would have been helpful.

Then there were some who spoke about the courtroom experience itself as

important, including being a juror. Here are some examples.

The most important thing is ... Just sitting there... We all relate to something... Either it's family wise, or self wise. But we just don't talk about it. And when you're sitting in that chair and being asked questions about it. Most of us don't answer but some do. It takes all the pressure off them and lets them calm down. Basically being a juror is the most important part.

I think it was pretty nice that I got to question other respondents.

For me I think it was helping other kids. If they would tell me their personal life, I could like help them out, if I could relate to it.

Well, I can, we change some people on like the bad route to a better route that they're going. It makes you feel good that they're going to a better path than they were before.

One mentioned the influence of personal relationships with people at the youth court as what made the difference.

It's just people. People are just nice. And they showed me what to do. And what not to do. They said like don't do that. And they told me how hard it's going to be. Stuff like that. They told me the stuff not to get involved in.

Finally there were some who gave more general answers.

My life has changed a lot. I have matured a lot. My mindset has changed a lot. I've been working towards my goal in life way harder than I was before. And youth court was

overall a big help ... Just being surrounded by people who could tell me oh you're doing better. You got this. You can do it. And urging me to go forward. And push myself to be better.

The difference was that I carried myself better than I have. When I'm around other people I can communicate.... It was like family.

This place is like a sanctuary. It's like another family.

That I get to change the world. One step at a time.

I'm more responsible. I'm way more outgoing than I normally am.

The two comments about the Youth Court being "like family" were particularly touching. As was the eloquence of the young man who described the youth court as "like a sanctuary". It was a heartfelt comment and it seemed he had thought about it a lot. It is worth dwelling on it for a moment. Certainly, if others had this sense then the program was being well-pitched.

### **Recidivism**

#### **Have you been suspended again?**

Of the eighteen students interviewed, sixteen had not been suspended again after participating in the youth court program. None had been expelled. Two students has received suspensions subsequent to their participation in the Youth Court. Here is what they said,

I got suspended the first week I was at [a continuation school]. Because of something a student did to me. Because of him. But it's been probably three years since I was suspended.

When asked if it was likely that he would be suspended again he said,

No I highly doubt it because I'd risk getting kicked out of my [Police] Explorer Post. And jeopardise my future and my relationship with youth court. It wouldn't be a very great example for the students, for me to volunteer if I had just got suspended and for the students to look up to.

These sound like the words of someone who has developed reasons not to be suspended again. The other respondent who had been suspended said,

Uh, I lost my wallet and it had a bullet, so they reported it to authorities, and then I reported a lost wallet, and then they found me.

He was also asked if it was likely that he would be suspended again. He said, "No ... Because I don't have any bad stuff on me anymore."

This is a less articulate response but like the other student he uses the past tense to speak about his suspension. Both of these suspensions happened shortly after they had been through the Youth Court program and had been followed by a lengthy period without further suspension. Therefore, it is reasonable to assume that all those interviewed had made changes that meant they were unlikely to offend again at a level requiring suspension.

### **Discussion**

This research exercise clearly shows some aspects of the San Bernardino City Unified School District's Restorative Youth Court's functioning through recording the views of some of the students who have been respondents in the court. The following aspects of the Youth Court's work were strongly supported:

1. The involvement of parents sitting with their students seemed to have a powerful impact.
2. Being a member of the jury for subsequent cases that came to the youth court seemed to be reported as consistently worthwhile, even though the reasons offered differed from student to student.
3. The dispositions handed out from the court seemed to be regarded as fair by all respondents.
4. The whole youth court program was found to be transformative in ways that reflected the district's purpose in setting it up.
5. Despite not being directly asked about it, a number of students volunteered that their grades had improved after being in the Youth Court program.
6. The recidivism rate for students who were interviewed (measured by whether or not they had been subsequently suspended or expelled) suggested that the program was successful in its aims.

No research exercise is without its drawbacks, however. There were some limitations to what can be concluded from this study. They were:

1. The sample of students interviewed was not strictly randomly selected. It therefore can only be generalized with some degree of caution.
2. There were only eighteen students who took part in the study. This limitation also affects the degree of confidence that can be claimed for the study's external reliability.
3. The sample did not include students who did not complete the program. If it had, perhaps more negative responses would have been heard.

On the other hand a piece of qualitative research like this can show some elements that would be lost in a more quantitative study. They include:

1. Idiosyncratic but resonant responses like, “This place is like a sanctuary,” are able to be recorded.
2. A more distinct flavor of student responses was evident in comments like, “Youth Court changed my life was because it made me think better...”
3. Respondents who represented minority opinions were able to be heard despite their views never being likely to reach statistical significance - comments such as, “It felt good. Just to be back in school I guess ... just to learn from my mistakes.”
4. Gilles Deleuze (1988, p. 38<sup>1</sup>) suggests that the value of qualitative research is that it measures differences in kind, while quantitative research measures differences in degree or intensity. If this is true, then there are a number of differences in kind that could be tested further with regard to their degrees of intensity. For example, a study could be done which asked respondents to rank the most important aspects of the Youth Court.

At the moment we can reasonably conclude that some things (like being a juror for others, or completing dispositions, or parental involvement, or a decision-making class) are valuable but we do not know which of these is the most valuable. Nor do we even know how widely these views are held among participants. It is nevertheless valuable to know that certain elements of the youth court program are considered valuable by at least some of those who graduated. This may well be sufficient to retain these elements in the program. For example, the decision-making class, the parental involvement in youth court hearings, the assignment of jury duty to all respondents,

the writing of letters and of research essays.

With regard to the common distinction that is often made between a punishment orientation and a restorative one, it was encouraging to read one respondent say about being assigned to jury duty, “And coming to youth court, ‘cause I really liked it. I didn't see it as punishment.”

Overall, it can be said that this study gives a ringing endorsement to what the San Bernardino City Unified School District is doing in offering the Restorative Youth Court. Personally, I set great store by an unsolicited remark by the mayor of San Bernardino, to the effect that, “This program changes lives.” It was an off the cuff personal impression. This research, however, bears him out. Even if some students fail to complete the program, this program deserves to be called successful, if so many of its graduates say it is so and say so eloquently and certainly consistently and close to uniformly.

## Notes

- <sup>1</sup> “The important thing here is that the decomposition of the composite reveals to us two types of multiplicity. One is represented by space (or rather, if all the nuances are taken into account, by the impure combination of homogeneous time): it is a multiplicity of exteriority, of simultaneity, of juxtaposition, of order, of quantitative differentiation, of *difference in degree*; it is numerical multiplicity, *discontinuous and actual*. The other type of multiplicity appears in pure duration: it is an internal multiplicity of succession, of fusion, of organization, of heterogeneity, of qualitative discrimination, or of *difference in kind*; it is a *virtual and continuous* multiplicity that cannot be reduced to numbers.” (Gilles Deleuze.)

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