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## The First Year of the San Bernardino Restorative Youth Court

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## The First Year of the San Bernardino Restorative Youth Court

### Abstract

The San Bernardino Restorative Youth Court was established by the San Bernardino City Unified School District school board and has operated for one school year (2015-16). The purpose of this article is to document what has happened in this year and to begin to address questions about the value of the youth court for those for whom it aims to make a difference. Data collated are at this point preliminary but some tentative conclusions can be drawn, even at this early stage. Here we shall outline these data and the conclusions that are suggested by them. The best available measure of recidivism (repeated school suspension) suggests a rate of 7.8% for those who complete the youth court program. Those who do not complete the program are 4.76 times as likely as those who do to be suspended again.

### Keywords

restorative justice, youth court, restorative practice, recidivism

### Author Statement

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## The First Year of the San Bernardino Restorative Youth Court

### Purpose of youth court

The purpose of the San Bernardino Restorative Youth Court is to respond to student misconduct in schools in a way that implements the principles of restorative justice. It is intended to provide a community response to student misconduct that holds students accountable for their actions within the framework of a positive network of support. Ray Culberson, Director of Youth Services for the San Bernardino Unified School District stresses that the Youth Court is only one of ten restorative justice initiatives in the district, however. It is one of the district's responses to a situation that Ray Culberson describes thus: "When I came to the district, there were 1500 students out of school and 800 students up for expulsion ... The expulsion recommendations were everywhere and they were rubber-stamped at the district."

Says Mikki Cichocki, Administrative Hearing Panel member and Youth Court Facilitator, "I believe it's a pathway for kids to stay out of trouble. Students can make amends for their wrongdoing and we can impact the school-to-prison pipeline by keeping them out of the pipeline in the first place." She is concerned about the effects of expulsion or suspension, which, "doesn't give them a way to make up for what they have done or learn from it. They get behind and then they give up. They can't get past it. Youth court is a way to restore their standing with the school, community, teachers and staff."

At the youth court, students with little or no discipline history, and no gang affiliation, address their behavior in front

of their peers who serve as the jurors in the court. Youth Court Facilitator and Hearing Panel member, Dr Henry Yzaguirre, stresses too that students must "admit guilt and need to be willing to make amends" to be accepted into the youth court program. He warns that this proviso, "needs to be explained carefully to the school, and to parents ... It's not for every student." Potential youth court candidates are screened through an interview. They have usually been referred by a principal, through the expulsion process and, as Mikki Cichocki says, "The youth court is voluntary and we want to make sure the student understands that youth court offered is in lieu of expulsion."

Respondents who have committed an offense against the Education Code come to court and the case is heard by an adult judge and a jury of their peers. The peer jury asks questions, deliberates and assigns them tasks to do to repair the damage done by the original offense, based on the testimony and facts presented. "We see this as a teaching opportunity," says Mikki Cichocki. "It's about ... leveraging positive peer pressure."

The expulsion is held in abeyance pending the successful completion of the assigned tasks. This is the sense in which the San Bernardino Restorative Youth Court is restorative. It differs from the common "zero tolerance" approach, which has been shown not to be successful in reducing school violence (APA Zero Tolerance Taskforce, 2008; Winslade & Williams, 2012).

In the end the youth court is about more than processing offenders. Henry Yzaguirre, stresses that, "There is also a teaching component". Ray Culberson

concur, suggesting that the youth court seeks to build on “the teachable moment.” The ultimate aim, Dr Yzaguirre suggests, is to help with “youth development”, particularly to “discuss social justice issues” and to “engage ... with critical thinking”. He would like the youth court to help students “become more aware of their environment, and learn to read the word and their world as Freire puts it ...”

### Restorative Justice

The oft-repeated statement, cited by Wachtel and McCold (2004), makes the claim that a restorative approach to student misconduct avoids the pitfalls of both a permissive approach which does things for a student but requires little from them, or of a punitive approach which does things to a student but does not expressly engage them in reflection on their own actions. By contrast, a restorative approach seeks to do things with a student who has offended. It does expect a student to reflect on and learn from mistakes made, but it also provides a supportive context that is designed to allow them to make the most of such reflection. Without assuming that this will happen for every student, the aim of a restorative approach is transformation.

The basic questions asked about an offense differ in a restorative approach from the usual punitive response. As Howard Zehr (1990) argues, a restorative approach differs from a retributive, or punishment-oriented approach that asks primarily, “What rule was broken?”; “Who did it?”; and “What punishment do they deserve?” Zehr suggests that a restorative approach focuses attention differently on the following questions: “Who was harmed?”; “Who did the harm?”; “What obligations does the harm done create for the offender”; and : “What can be done to repair the harm?”

The approach here is relational rather than individualistic and the latter question is critical. It goes beyond punishment and invites the offender to take up responsibility. As Bentley (2015) says, “Restorative justice says to the juvenile first offender, ‘You are OK; you made some bad decisions and you have to repair the harm those bad decisions caused.’” Such a message avoids associating the offense with the nature of the offender’s character, such as labeling or totalizing (Winslade & Williams, 2012) would do.

Godwin, Steinhart, and Fulton (1998) suggest that youth courts adopt a “balanced approach mission and restorative justice model” (p. 41). They mean by this a balance of emphasis on accountability, competency development and community protection and argue that such a balanced approach should aim at “reconciling the interests of and meeting the mutual needs of victims, offenders, and the community” (p. 42). In practice, this means seeking a balance in offenders of making amends and of developing awareness of the consequences of their actions on others. Thus, the goal of youth courts is, “for young people to carry over and apply, what they learn through teen court when confronted with other difficult choices and situations in life” (p. 43). Accordingly, Godwin et al. suggest the following long-term goals for a youth court program: “Improve the capacity of youth to become responsible and productive citizens. Protect the community.” (p. 47.)

The challenge is to translate these long-term goals into short-term objectives that can be operationalized and measured. For example: “30% of the ongoing youth volunteer pool will consist of past teen court defendants by ... (date).” (p. 47.)

Some people mistake a restorative approach for a “soft” approach to offending and ignore the strong accountability theme involved. They fail

to see that the requirements of a restorative approach are often far more stringent than a punitive response and expect the offender to carry out much more demanding and difficult steps to address the offense. What is sometimes forgotten is a focus on the learning value for the offender of these same requirements and a privileging of this learning over the righteous aspects of punishment.

There has been considerable disquiet from many teachers and school administrators about the paucity of legally sanctioned options available for responding to student misconduct. As a result, suspension and expulsion have been overused and have, therefore, lost some of their potency. Winslade et al., (2014) report that:

During the 2011- 2012 school year a total of 366,629 students were suspended and 9,553 students expelled among the more than six million public school students in California, a suspension rate of 5.7 percent, and an expulsion rate of 0.1 percent (California Department of Education, 2013). Combine these figures together and we get one suspension or expulsion for every 17 students in the State. (p. 6.)

In April 2013, State Superintendent of Public Instruction Tom Torlakson announced that, “About one California student in 20 was suspended from school and one in 1,000 was expelled in the 2011-12 school year” (Winslade et al., 2014, p. 6). In San Bernardino County, the data is even more concerning, “In 2011- 12, there was one suspension or expulsion (combined) for every 5 students in the County” (Winslade et al., 2014, p. 6). Some students may be suspended multiple times and their learning repeatedly

interrupted. The Youth Court aims to provide an alternative response to situations that might otherwise lead to suspension or expulsion.

This approach is particularly appropriate for students in school, because of the emphasis on learning from mistakes. Children and young people are thought of as able to learn, even from the effects of serious offenses, rather than deserving to be written off because of them. Moreover, the haphazard aspect of perhaps (or perhaps not) learning from being punished is moderated through more intentional support to internalize learnings. It is, therefore, common for youth courts (Butts & Buck, 2000), as it is in the San Bernardino Restorative Youth Court, for the dispositions imposed by the court to include some kind of repair to the damage done by the offense.

As a result, the hope is that for many students the “pipeline-to-prison” that is often associated with a retributive approach is interrupted. As Winslade et al. (2014) suggest, “Students who are suspended are likely to end up in trouble with the law” (p. 9). The pipeline-to-prison refers to the tendency for exclusion from school to lead to the eventual incarceration of individuals. A pattern of response is established that repeats itself until it eventually leads to legal confinement. An intentional aspect of the Youth Court is also to interrupt the disproportionality that has led to, in particular, African American and Latino young men being particularly highly represented in California suspension and expulsion statistics and subsequently in incarceration statistics. As Dr Yzaguirre puts it, “Socioeconomically we are ground zero for poverty and crime. The need is here.”

## Youth Courts

Youth courts (sometimes called teen courts) operate in many communities. Bentley (2015) says that they exist in 49 U.S. states and the District of Columbia. Peterson and Elmendorf (2001) found 825 youth courts in the U.S. A year later Rasmussen (2002) estimated that there were 900 youth courts in the U.S. handling about 100,000 cases per year. There is a National Association of Youth Courts with a website (<http://www.youthcourt.net/>).

They are usually targeted at first-time offenders (Godwin et al., 1998; Rasmussen, 2002) and aim to “reconnect ... offenders to their communities” (Bentley, 2015, p. 23). In the San Bernardino Restorative Youth Court students who become respondents have to agree voluntarily to come to the youth court. They have to be not habitual offenders and not to have gang affiliation. Neither should they be on probation.

Advantages of youth courts in comparison to standard legal approaches are cited as immediacy of consequences, use of peer pressure toward positive ends, and their inexpensiveness (Peterson & Elmendorf, 2001). Butts and Buck (2000) also note that youth courts take advantage of young people’s desire for peer approval, in a summary of research prepared for the U.S. Department of Justice. They list potential benefits of youth courts as accountability, timeliness, cost savings, and the generation of community cohesion.

## Methodology

For this study, data was collected in the following ways. Standard district data was collated by the district and by the California Department of Education was sourced. The youth court coordinators also provided data about youth court

cases that they had collected. Then interviews were conducted with three key informants who were all district personnel from the Youth Services division of the San Bernardino City Unified School District assigned to implement the youth court project. They were invited to respond to semi-structured questions (listed in Appendix 1) commenting on the particulars of the first year of operation. Their responses were written down and typed up, before being returned to them for checking. This process yielded the qualitative data recorded here. The data collection process was approved by the California State University San Bernardino Institutional Review Board for its ethical standards and by the San Bernardino City Unified School District.

## Structure of the San Bernardino Restorative Youth Court

According to Peterson and Elmendorf (2001), only 5% of youth courts in the U.S. are administered by schools or school districts as happens in the San Bernardino Restorative Youth Court. Most commonly the administration is by non-profit organizations (28%), juvenile or municipal courts (16%), law enforcement (15%), city or county government (13%) or probation (13%). In a U.S. Department of Justice survey of youth courts (Butts & Buck, 2000), similar results were found. Again only 5% of youth courts were administered by schools or school districts. As a result, the offenses dealt with by the youth court in San Bernardino are offenses against the California Education Code rather than the penal code. Mikki Cichocki knows of only one other youth court in California that is administered by a school district but notes that there are “youth courts around the country in schools”.

Typically in youth courts, most of the roles are filled by young people

(Rasmussen, 2002). This holds for the San Bernardino Restorative Youth Court, with the exception of the judge, who is usually a volunteer from the justice system (for example, a district attorney, retired judge, police officer, public defender, probation officer). However, young people perform the roles of jurors, court bailiffs, clerks of the court. There is no prosecutor or defending advocate for the offender. The judge instructs the jury but it is the jurors who ask questions of the respondent and his or her parents and determine the dispositions handed out by the court. Moreover, previous respondents are required to serve, alongside volunteers from local schools, as jurors for other respondents as part of their completion of the program.

The youth court is serviced by the Youth Services Division of the San Bernardino City school district which provides consistency and structure. There has been no special funding to set it up. As Ray Culberson says, "I don't want to wait and beg for money." Instead, it has been funded "by hook or by crook" out of existing funding. However, it is the enthusiasm of the students involved that provides the energy that drives the court. It is common for students who have been respondents before the court to continue as volunteers after their assigned time of being on the jury for other respondents.

The San Bernardino Restorative Youth Court has not yet received a specific budget. According to Mikki Cichocki:

Mr. Culberson (Director of Youth Services) has repurposed the staff to meet the needs of the program, and to meet the needs financially. Youth court has not been given a budget by the district, but that should be happening or changing soon. I have applied for grants. We have received one – the California Teachers Association Institute For Teaching

(IFT) grant – it's called the Teacher Driven Change Grant. We received \$17,745.00 for 2016-17.

The venue used for the youth court is in an adult education center. Mikki Cichocki commented:

The venue is nice because they have all the kids in the same room, so it's good for supervision. We are there after dark, because it's an after school program and we are fenced in with security and next to the police. It's very helpful with the facilitation of court and safety of students.

Henry Yzaguirre adds, "It's a very professional setting. It conveys seriousness."

An advisory committee for the San Bernardino Restorative Youth Court has been established to solicit community support. It meets twice a year and includes a range of stakeholders, such as representatives from the mayor's office, California assemblyperson's offices, the district attorney's office, the police, the probation service, youth and community organizations, and local universities. The function of this committee is to listen to those who are administering the court, to provide advice and suggestions about how to develop the program, and to assist in the development of a strategic plan.

However, the youth court coordinators are not yet satisfied that they are getting the most possible value from the advisory committee. Comments Henry Yzaguirre, "It involves not enough people yet. We need to bring more site administrators into the picture."

### **Offenses handled through the youth court**

Offenses against California Education Code that might lead to suspension and

expulsion are potential cases for the youth court. The most common issues are bringing a knife or drugs to school but according to Mikki Cichocki, offenses also include some fights with minimal injury, petty theft, graffiti, tobacco offenses, and a couple of terroristic threats. Education Code violations that require a mandatory expulsion by law, such as brandishing or threatening someone with a knife or a gun (or other weapon), are not referred to Youth Court. These cases are usually handled outside youth court through an expulsion hearing.

Here is Mikki Cichocki, “Cases that are about fighting with a serious injury, we can’t take. We don’t handle any outcome

that results in medical treatment or hospitalization.”

### Participants in the San Bernardino Restorative Youth Court

The majority of respondents (51%) who have appeared before the San Bernardino Restorative Youth Court in its first year are high school students. A further 29% are middle school students and 21% are elementary school students. In terms of grade level, the majority of respondents (67.8%) are in grades seven to ten. In Table 1, the racial demographics of respondents are disaggregated.

**Table 1: Respondent Demographics (in percentages)**

| n=87   | American Indian (Hispanic) | Black (non-Hispanic) | Hispanic        | White (non-Hispanic) | American Indian (non-Hispanic) | White (Hispanic) | Black (Hispanic) | Japanese (Hispanic) | No declaration   |
|--------|----------------------------|----------------------|-----------------|----------------------|--------------------------------|------------------|------------------|---------------------|------------------|
| Race   | 5.75                       | 25.29                | 52.87           | 8.05                 | 2.3                            | 2.3              | 1.15             | 1.15                | 1.15             |
| Gender | Male                       | Female               |                 |                      |                                |                  |                  |                     |                  |
|        | 70.11                      | 29.89                |                 |                      |                                |                  |                  |                     |                  |
| Grade  | 4 <sup>th</sup>            | 5 <sup>th</sup>      | 6 <sup>th</sup> | 7 <sup>th</sup>      | 8 <sup>th</sup>                | 9 <sup>th</sup>  | 10 <sup>th</sup> | 11 <sup>th</sup>    | 12 <sup>th</sup> |
|        | 1.15                       | 10.34                | 8.05            | 11.49                | 19.54                          | 14.94            | 21.84            | 6.9                 | 5.75             |

The disaggregation of race needs to be understood against the proportions of racial and ethnic identification in the schools of the San Bernardino City

Unified School District as a whole. The data for the San Bernardino City USD from the California Department of Education are shown in Table 2.

**Table 2: Racial/Ethnic proportions of students in San Bernardino City USD schools**

|                             | Hispanic or Latino of Any Race | American Indian or Alaska Native, Not Hispanic | Asian, Not Hispanic | Pacific Islander, Not Hispanic | Filipino, Not Hispanic | African American, Not Hispanic | White, not Hispanic | Two or More Races, Not Hispanic | Not Reported | Total  |
|-----------------------------|--------------------------------|--|---------------------|--------------------------------|------------------------|--------------------------------|---------------------|---------------------------------|--------------|--------|
| San Bernardino City Unified | 39,503                         | 275  | 779                 | 255                            | 202                    | 6,765                          | 3,427               | 736                             | 1,361        | 53,303 |
| Percentage                  | 74.11                          | 0.52   | 1.46                | 0.48                           | 0.38                   | 12.69                          | 6.43                | 1.38                            | 2.55         | 100    |

(Source: California Department of Education website <http://dq.cde.ca.gov/dataquest/Enrollment/EthnicEnr.aspx?cChoice=DistEnrEth&cYear=2015-16&cSelect=3667876--San%20Bernardino%20City%20Unified>)



It is noticeable here that there is a large majority of Hispanic or Latino/a students (74.11%) and that white students are only 6.43% of the student population. African American students number 12.69% of the student population.

81 students from San Bernardino high schools initially volunteered to participate in the San Bernardino Restorative Youth Court as jurors and took part in initial training. The number of those who have actually been jurors in the Youth Court in its first year is 55, and this includes previous respondents who have become jurors.

Table 3 outlines the demographics of this group. It is noticeable that the mean ages of volunteer jurors is slightly older than the respondents, because initial

volunteers were sought only from local high schools and the respondents included students referred from middle schools and elementary schools. Those jurors who were students at middle and elementary schools were thus all previous respondents, as were some of the high school jurors.

It is also noticeable that a majority of the volunteer jurors were female, while a majority of the respondents were male. There was nevertheless a relatively even mix of male and female volunteers (45% to 55%). With regard to the proportions of volunteer jurors from different ethnicities, the proportions of jurors were similar to the respondents. It is, therefore, reasonable to claim that the respondents met with a jury of their peers.

**Table 3. Volunteer demographics**

| n=87         | American Indian   | Black         | White       | Hispanic/Latino(a) | Vietnamese | Pacific Islander |       |       |  |  |
|--------------|-------------------|---------------|-------------|--------------------|------------|------------------|-------|-------|--|--|
| race         | 19.5%             | 18.4%         | 10.3%       | 48.3%              | 2.3%       | 1.1%             |       |       |  |  |
| gender       | male              | female        |             |                    |            |                  |       |       |  |  |
|              | 44.8%             | 55.2%         |             |                    |            |                  |       |       |  |  |
| grade        | 5th               | 6th           | 7th         | 8th                | 9th        | 10th             | 11th  | 12th  |  |  |
|              | 2.3%              | 0.3%          | 0%          | 11.5%              | 14.9%      | 24.1%            | 17.2% | 26.4% |  |  |
| school level | Elementary school | Middle school | High school |                    |            |                  |       |       |  |  |
|              | 9.2%              | 37.9%         | 58.6%       |                    |            |                  |       |       |  |  |

Training is given to the volunteers once or twice a year. Mikki Cichocki described this training in this way:

We go over restorative questioning and language, how to read the case, how to ask questions and listen ... They are trained to be clerks or forepersons and they train each other ... We speak with them about traditional and

restorative justice. What is the process of youth court and what their role with youth court will be. We use a script. And it's the same with the dispositions. We go over that with all the volunteers.

**Outcomes of court processes**

A common measure of the success of youth courts of various kinds is the

recidivism rate. This rate is commonly calculated as the rate at which respondents reoffend (usually meaning contact with the court or court system again for a subsequent offense) (Butts & Buck, 2000). There has been some variation in the rates calculated, sometimes because of different time lengths involved (the longer the time that passes, the more opportunity there is for re-offending to occur). Some studies have calculated a low recidivism rate of between 3% and 8% within six to twelve months of appearance before the youth court, while other studies have cited recidivism rates of over 20% or even 30% within a year of appearance at the youth court (Butts & Buck, 2000). Variations can be explained also by differences in the intake process, or by the nature of offenses referred to the youth court.

Since the San Bernardino Restorative Youth Court operates within a school district, referral to the court happens as a

result of usually an expulsion or sometimes a suspension offense. Therefore, the recidivism rate is calculated in terms of whether or not a student is subsequently suspended again. This article is a report on the first year of operation of this youth court. Hence the time elapsed since involvement with the youth court varies according to when the case was heard by the court. All participants in the program are nevertheless included in Table 4.

Table 4 distinguishes between suspensions for offenses that parallel offenses in the youth courts that are run by police or probation and offenses that are more subjectively judged and only occur in the Education code rather than the penal code, such as willful defiance and profanity (5 in total). Separating out such offenses allows for a more direct comparison with other data for courts based outside of school system.

**Figure 4: Recidivism rate  
Suspensions<sup>1</sup> subsequent to Youth Court appearance**

| n=87  | Accepted into the program | Successful Graduations (Dispositions completed) | Voluntary withdrawals | Moved away | Failed to complete program | In process | Participated in Yth Court |
|---|---------------------------|---|-----------------------|------------|----------------------------|------------|---------------------------|
| Total   | 87                        | 64  | 5                     | 6          | 12                         | 9          | 76                        |
| Subsequent Suspensions  |                           | 9   | 4                     | -          | 8                          | 0          | 17                        |
| Rate of subsequent suspensions  |                           | 14%   | 80%                   | -          | 66.7%                      | 0%         | 22.4%                     |
| Subsequent suspensions excluding violations for willful defiance or profanity         |                           | 5   | 3                     | -          | 5                          | 0          | 10                        |
| Rate of subsequent suspensions excluding violations for willful defiance or profanity |                           | 7.8%  | 60%                   | -          | 41.7%                      | 0%         | 13.2%                     |

The data shows that the rate of subsequent suspensions for those who have been accepted into the youth court program and have participated in it sits at 22.4% or 13.2% when suspensions for violations of Education Code for profanity or willful defiance are excluded

(enabling a fair comparison with most other youth courts in the US). When only those who complete the program are counted, the rate of subsequent suspensions is 14%, or 7.8% when suspensions for violations of Education Code for profanity or willful defiance are

excluded. This rate can be compared with the rate of subsequent suspension for those who have failed to complete the program (66.7%) and those who have voluntarily withdrawn from the program (80%). Those who have failed to complete the program successfully are thus 4.76 times more likely than those who successfully completed the program to be suspended again within the same school year (or 5.34 times more likely when suspensions for violations of Education Code for profanity or willful defiance are excluded).

The recidivism rate for the first year of the San Bernardino Restorative Youth Court can therefore best be calculated as 13.2% for all who participated in the Youth Court program and 7.8% for those who successfully completed the program. Says Mikki Cichocki:

It shows that even for kids that become marginalized because of their own behavior, we can reintegrate them into the school community and into education. They aren't disposable ... The data shows that they have a better shot at future success than those who do not complete.

However, Mikki Cichocki is also sanguine about the Youth Court, "It's not perfect. I met with a youth court student who has not complied and ultimately was expelled ... He was angry when he didn't get his way."

Nevertheless, as Ray Culberson asserts, offenders "are made accountable for their mistakes." It is not all about the numbers however. Ray Culberson argues that the outcomes should be about the differences that take place in the kind of person a respondent becomes. "Can they help other people?" he asks. "Did you become a better human being, citizen or person who cares? If so, then we did our job."

### **Kinds of dispositions given**

In the San Bernardino Restorative Youth Court there is no talk of sentences. Rather dispositions are assigned by the jurors. As with other youth courts (Peterson & Elmendorf, 2001), community service (Henry Yzaguirre notes that this disposition has been assigned "every time in the 87 cases so far") is frequently prescribed, as are apologies, essays, restitution of some kind, counseling and classes aimed at educational awareness. Apologies usually happen there and then in the court session. "We encourage the jury to look at strengths and what could they [respondents] do to put things right," commented Henry Yzaguirre. However, as Mikki Cichocki says:

It's up to the students. Some of the optional sentences include anger management, victim awareness, and weapons diversion. They kept assigning respondents a 'decision-making' class. The jury kept saying, "They don't know how to make decisions correctly." We didn't have any such class so we created one. They have assigned essays, research projects, and art projects. Those are great dispositions. An anti-weapons art poster was assigned to one student. Another program is the Reflections Project. It's held once a month on the last Saturday at Arrowhead Regional Medical Center. They visit the hospital including the morgue and reflect on the impact of their decisions and the outcomes and where they might lead.

Henry Yzaguirre says the decision-making class, "Exposes students to the decision-making process through group discussions and guided thinking. Students learn responsibility through problem-posing instruction and dialogue."

Furthermore, respondents are customarily required to come back and serve as jury members for future cases, usually between two and four times. Many return voluntarily more than that. "It's wonderful to see," says Henry Yzaguirre, "because students start making positive relationships with peers and adults. Their critical consciousness is rising, because they see what others are doing wrong. They serve as mentors and it's beautiful."

### **What makes the biggest difference?**

Mikki Cichocki speculated on what makes the biggest difference in the youth court program. For her it comes down especially to the experience of being on the jury:

I think that the respondent being in the hot seat has a small impact. It's the follow-up jury service that has the biggest impact. I have seen kid's demeanors change because of the questions and attitudes with their peers. They are much more honest with their peers. When they serve the jury, that's the best. They come back as the peers and have a opportunity to ask and watch, see the reactions of others on the case - the student and family. They are put into a different role and you get moved by the interaction ... You get to see the parents cry, because they care about their kid. You get that positive peer pressure or peer influence – they are making friends with those who are not getting into trouble, doing well.

The responsibility jury members are assigned makes a difference for many respondents. According to Mikki Cichocki, "Sometimes it may be the first time that they are given trust."

Henry Yzaguirre suggests that it is, "The sense that people care," that makes the biggest difference. He elaborates,

The identity of respondents changes and they start looking at themselves in a different way. I see the transformation and it also gives the child or student a way to feel like they have put things right and have done something, rather than being punished. They have utilized their own agency to fix things. It's therapeutic for the kids.

The Mayor of San Bernardino City, Carey Davis, is a great supporter of the San Bernardino Restorative Youth Court. At a recognition ceremony for participants in the youth court at the end of the first year, he stressed, "This process is transformative" (personal communication, June 24, 2016), echoing Henry Yzaguirre's comment.

### **Future plans**

The plan for the second year of the San Bernardino Restorative Youth Court's operation is to expand its capacity. The aim is to increase the number of cases heard by the Youth Court to 228 by having the Youth Court operate on two days per week. A target has been set for the recidivism rate as well. The aim is to emulate national data for youth courts in which the average recidivism rate is estimated to lie between 6 and 9%.

While, as Ray Culberson claims, "The youth court needs to be ... tweaked to make it better," Henry Yzaguirre sums up where the Youth Court is at after one year in this way:

I think we are on the right path. There is so much opportunity to make this great but we have a lot of work ahead. I have been witness to the change many students make and have also

been aware of the challenges along the way.

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