

**Chicago Public Schools School
Discipline Policy
(emphasis on Restorative Justice)**



Restoring Classroom Justice

By Lewis Wallace, In These Times

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When the Chicago School Board passed a Student Code of Conduct on June 27 that made "restorative justice" a central approach to school discipline, a coalition of Chicago students, parents and educators celebrated a step forward in a four-year-long organizing campaign.

"Young people were being expelled and arrested for everything from throwing a pencil in class to pushing a teacher," says Yusufu Mosley, an organizer for the prison-abolition group Critical Resistance. Restorative justice programs focus on using community networks and dialogue to reconcile the offender to the community. "It's about trying to find resolution rather than being punitive," says Mosley.

The growing movement for restorative justice in schools is partially a response to "zero tolerance" policies that require students to be suspended or expelled for certain violations. Such policies grew popular after the 1999 Columbine massacre, despite multiple studies that show violence in schools decreased between 1992 and 2004. Zero tolerance, say critics, comes down hardest on black and Latino youth.

"Students in some schools complain that if there's a fight, the first thing teachers do is call the police," says Martine Caverl, an organizer at Blocks Together, a Chicago community organization that worked on the campaign. Caverl says it is important to find conflict resolution options that circumvent the criminal justice system. "It's about a shift from seeing students as criminals to seeing them as people who have to be engaged."

Parent activists in Chicago call the draconian discipline trend "schoolhouse-to-jailhouse tracking." A study released in 2005 by the Advancement Project found that in 2003, more than 8,000 students were arrested in Chicago public schools, including four 7-year-olds. Black students constituted 50 percent of the student body, but more than 77 percent of arrests, and the city spent \$53 million on armed guards and metal detectors, which are now installed in every school.

A group called Parents Organized to Win, Educate and Renew-Policy Action Council (POWER-PAC) formed in 2003 and began lobbying the city's board of education to eliminate zero tolerance, reinstitute recess (which most Chicago public schools have cut in recent years), and reduce suspensions and arrests.

Two years later, POWER-PAC created the Austin Peace Center at Brunson Elementary School on the city's west side. The center allows students faced with suspensions to speak with an adult "peacemaker" or attend an after-school program twice a week where they receive personal attention from parent volunteers and participate in "talking circles" with other youth.

Lynn Morton, mother of a 12-year-old student and co-chair of POWER-PAC, says the Austin Peace Center creates disciplinary alternatives that involve parents and teachers. "We have students who started out in the office in trouble, five days a week," Morton says. "They went from five days a week to no days a week. When students start to get to know each other, they are less likely to hurt each other."

POWER-PAC and their allies succeeded in eliminating zero tolerance from Chicago Public Schools in 2006, and this year's new Student Code of Conduct lists community service, mediation and peer juries as alternatives to suspension and arrest. However, the district has not yet allocated funding for these initiatives, so the burden will remain on nonprofit organizations and parent volunteers.

Restorative justice has a proven track record. A 2001 study by the Minnesota Department of Children, Families and Learning found that restorative justice programs in Minnesota successfully decreased the number of out-of-school suspensions, in some schools by 50 percent. Morton visited Minneapolis in 2005 with a group of parents to observe its program. "I was kind of shocked," she says. "I walked into this building, I didn't see any metal detectors and I didn't see a security guard. The kids, when they had a difference, they asked for a talking circle."

Nationally, Madison, Wis., Los Angeles and Boston have restorative justice programs in elementary and high schools. And community organizations are pushing for programs in community centers, penal systems and even public housing.

"Restorative justice gives people the means to control their own destinies," says Mosley. "We are all relatives, and we can respond to each other as relatives, not enemies."

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THE STUDENT CODE OF CONDUCT
Effective September 13, 2007

BOARD OF EDUCATION OF THE CITY OF CHICAGO
POLICY STATEMENT

The Board of Education of the City of Chicago ("Board"), the governing body of the Chicago Public Schools, is responsible for establishing policies under which schools operate. To promote desirable student conduct and behavior, the Board has adopted the Student Code of Conduct ("SCC" or "Code").

The SCC is consistent with Illinois School Code, the Rules of the Board of Education of the City of Chicago, negotiated agreements with employee groups, and all other applicable state and federal laws.

This Code recognizes that the Chicago Public Schools has the responsibility to ensure that the school environment is safe for all students and school personnel and that it is important to provide students with a consistent set of expectations for behavior. The Board expects all students to respect the rights of fellow students, personnel and others, and to behave in a manner that does not violate school rules, procedures, Board policy or the law. Students shall be encouraged to seek assistance from school personnel to prevent or resolve conflicts and to report incidents or activities that may threaten or disrupt the educational environment. The SCC requires all students enrolled in the Chicago Public Schools to accept responsibility and the appropriate consequences for their actions and behavior.

The disciplinary process set forth in this SCC is intended to be instructional and corrective, not punitive. All students shall be entitled to receive due process in disciplinary reassignment, in-school or out of school suspension and expulsion. Moreover, students shall be entitled to appeal the issuance of certain intervention or consequences, as provided herein. Pursuant to Board of Education Rule 6-21, "no employee of the Board of Education may inflict corporal punishment of any kind upon persons attending the public schools of the City of Chicago."

Schools are also encouraged to establish a team to assist school officials with the development of local school regulations, provided those regulations do not conflict with the SCC. A positive and safe school climate significantly contributes to student academic achievement. The Board strongly encourages schools to establish measures designed to foster incident avoidance. Where possible, schools should explore the use of prevention strategies aimed at minimizing the number of incidents requiring student discipline.

PURPOSE AND GOALS

Through the establishment of the SCC, the Board seeks to: (1) create a consistent set of expectations for student behavior for the Chicago Public Schools system and all students; (2) outline the interventions and consequences for students who engage in inappropriate behavior; and (3) reinforce positive behavior and provide students with opportunities to develop appropriate behavioral skills.

SCOPE OF THE STUDENT CODE OF CONDUCT

The SCC is not intended to address the entire spectrum of student misbehavior that may occur at school or on school property. Instead, the SCC outlines a range of appropriate responses for certain inappropriate behaviors. Local school officials retain the discretion to address student misconduct that is not specifically included in the SCC. However, poor academic achievement is not considered an act of misconduct. Therefore, the SCC may not be used to discipline students for poor academic progress or failure to complete assignments. Similarly, students must not be disciplined based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of medication to the student.

The SCC applies to all students. However, discipline for students with disabilities must be administered in accordance with the procedures set forth in Appendix E.

The SCC applies to actions of students during school hours, before and after school, while on school property, while traveling on vehicles funded by the Board, at all school-sponsored events, and while using the CPS Network or any computer or Information Technology Devices, when the actions affect the mission or operation of the Chicago Public Schools. Students may also be subject to discipline for Group

5 or 6 Inappropriate Behaviors that occur either off campus or during non-school hours when the misconduct disrupts or may disrupt the orderly educational process in the Chicago Public Schools.

Students who are suspended or expelled from school may not participate in extracurricular activities or school-sponsored events during the period of the suspension or expulsion. However, students on suspension during the administration of state assessments shall be provided an opportunity to enter the school for the purpose of taking the test and may be allowed to participate in related test preparation activities, upon approval by the Area Instruction Officer. Students are subject to the requirements and obligations set out in the Policy on Student Acceptable Use of the CPS Network (<http://policy.cps.k12.il.us/documents/604.2.pdf>). For violations of the SCC that involve improper use of Information Technology Devices, the student may be subject to discipline pursuant to the SCC, in addition to having his/her network privileges suspended.

The SCC provides a variety of interventions and consequences to address student misconduct that range from the least severe to expulsion. Before any intervention or consequence is issued, school officials shall consider all mitigating circumstances and shall ensure that the student receives due process. Mitigating circumstances include, but are not limited to, the following factors:

- the student's age, health, maturity, and academic placement;
- the student's prior conduct and record of behavior;
- the student's attitude;
- the level of parent/guardian cooperation and/or involvement;
- the student's willingness to make restitution;
- the seriousness of the offense; and
- the student's willingness to enroll in a student assistance program.

Moreover, the following require special application of the SCC:

Age Appropriate Discipline

The Board recognizes that students of different grades and ages are at different developmental levels, thus their behavior will be different and may call for different responses. In determining the appropriate level of interventions and consequences, in addition to mitigating circumstances school officials should consider the grade level and age of the student. This approach may result in a less severe intervention and consequence for a lower grade or younger student as compared to a higher grade or older student.

The SCC does not apply to students attending pre-kindergarten and kindergarten and strict application of the Code to pre-kindergarten and kindergarten students is prohibited. School officials may refer to the SCC as a guide and may exercise discretion to issue appropriate interventions and consequences for students in pre-kindergarten or kindergarten who engage in inappropriate behavior. However, any decision to suspend, expel or reassign a pre-kindergarten or kindergarten student must be reviewed and approved by the appropriate Area Instruction Officer or designee.

Balanced and Restorative Justice and the SCC

The Code also reflects alternative approaches to classroom management and student discipline. Specifically, the Board recognizes and embraces the philosophy of restorative justice. Restorative justice principles involve those who have a stake in a specific offense in collectively identifying and addressing the harm done and the needs and obligations of all involved in order to heal and correct the situation as fully as possible. The Board encourages principals and administrators to adopt and implement restorative justice philosophies and practices as additional tools to address student misconduct. When restorative justice practices are available and adequate and when all parties voluntarily embrace and participate in restorative justice practices, these practices should be utilized as outlined in the SCC. For a list of examples of restorative practices please see Appendix G in the Appendix of this policy.

Appendix G

BALANCED AND RESTORATIVE JUSTICE STRATEGIES

Following is a listing of generally accepted balanced and restorative justice strategies. Balanced and restorative justice strategies may be used at the discretion of the principal in lieu of certain other non-Group 5 or 6 interventions set forth in the SCC, when all parties voluntarily agree to participate and the appropriate resources are available to support a meaningful effort. These strategies may also be used in conjunction with other interventions. This list is not exhaustive of all balanced and restorative justice strategies.

Circles

(Also called Peacemaking Circles, Circles of Understanding)

Circles - sometimes called peacemaking circles - use traditional circle ritual and structure to involve the victim, victim supporters, the offender, offender supporters, police, and all interested community members. Within the circle, people can speak from the heart in a shared search for understanding of the event, and together identify the steps necessary to assist in healing all affected parties and prevent future offenses.

Circles typically involve a multi-step procedure that includes: (1) application by the offender to participate in the circle process; (2) a healing circle for the victim; (3) a healing circle for the offender; (4) a circle to develop consensus on the elements of a healing plan; and (5) follow-up circles to monitor the progress of the offender. The healing plan may incorporate commitments by the school, community, and family members, as well as by the offender. Specifics of the circle process vary from community to community and are designed locally to fit community needs and culture. Circles also may be used in schools to improve school culture and build relationships.

Goals

The goals of circles include:

- Promote healing for all affected parties
- Provide an opportunity for the offender to make amends
- Empower victims, community members, families, and offenders by giving them a voice and a shared responsibility in finding constructive resolutions
- Address the underlying causes of offense behavior
- Build a sense of community and its capacity for resolving conflict
- Promote and share community values
- Improve school culture

Implementation

A successful circle process depends upon a healthy partnership between the school and the community. Participants from both need training and skill building in the circle process, peacemaking, and consensus building. The school can subsequently customize the circle process to fit local resources and culture.

Circles are not appropriate for all offenses. The connection of the offender to the community, the sincerity and nature of the offender's efforts to be healed, the input of victims, and the dedication of the offender's support group are key factors in determining whether a case is appropriate for the circle process.

Community Service

Community service is work performed by an offender for the benefit of the school community as a formal or informal sanction. Just as neighborhoods and school communities are harmed by criminal and delinquent activities, they can be at least partially restored by meaningful service that contributes to their improvement. Community service offers one way an offender can be held accountable to repair some of the harm caused by his or her criminal or delinquent actions.

Goals

The goals of community service are to:

- Hold offenders accountable for the harm they have caused to the school community
- Provide school communities with human resources that can assist in maintaining a positive school climate
- Allow victims a voice and occasionally some direct benefit by recommending the type of community service performed

Implementation

Successful community service programs require a true partnership. Offenders in a school community can enhance efforts of the community by providing meaningful contributions. Examples of community service include: programs that beautify a community's environment such as cleanup efforts or graffiti removal. Truly restorative community service offers crime victims the opportunity to provide input into the types of community service they would like to see the offender perform, including activities that directly benefit the victim or a charity or project of the victim's choice.

Peer Juries

(Also called Youth, Teen and Student Courts)

Peer Juries are programs in which youth work together with youthful offenders, victims and the community which is most often the school setting, to repair harm, build competencies and help to create safer schools and/or communities. Youth Courts typically are set up in different configurations resembling courts, while peer juries often resemble BARJ models of Peacemaking Circles or Community Panels. They usually deal with minor delinquent and other problem behaviors.

Most programs require youth to admit guilt or accept responsibility prior to participation. When the program or disposition is completed, charges or consequences are typically dismissed. Agencies operating and administering youth court programs include juvenile courts, juvenile probation departments, law enforcement, private nonprofit organizations, and schools.

Goals

The goals of peer juries are to:

- Determine a fair and restorative sentence or disposition
- Supervise the disposition and monitor the outcome

Implementation

Successful peer juries consist of students who are trained in restorative justice practices, including circles, conferencing, and community panels. Students who participate in peer jury sessions as victims, offenders or community members should be encouraged to participate as volunteers on subsequent panels.

Restorative Group Conferencing

(Also called Family Group Conferencing or Accountability Conferencing)

Restorative group conferencing involves the community of people most affected by the offense -- the victim and the offender; and the family, friends, and key supporters of both -- in deciding the resolution of an incident. These affected parties are brought together by a trained facilitator to discuss how they and others have been harmed by the offense and how that harm might be repaired. To participate, the offender must admit to the offense. Participation by all involved is voluntary. The facilitator contacts the victim and offender to explain the process and invites them to the conference; the facilitator also asks them to identify key members of their support systems, who will be invited to participate as well.

The conference typically begins with the offender describing the incident, followed by each participant describing the impact of the incident on his or her life. It is preferable to allow the victim to start the discussion, if they wish. Through these narrations, the offender is faced with the human impact of the behavior on the victim, on those close to the victim, and on the offender's own family and friends. The victim has the opportunity to express feelings and ask questions about the incident. After a thorough discussion of the impact of the behavior on those present, the victim is asked to identify desired outcomes from the conference, and thus help to shape the obligations that will be placed on the offender. All participants may contribute to the problem-solving process of determining how the offender might best repair the harm he or she has caused. The session ends with participants signing an agreement outlining their expectations and commitments.

Goals

The goals of restorative group conferencing include:

- Provide an opportunity for the victim to be directly involved in the discussion of the offense and in decisions regarding appropriate sanctions to be placed on the offender
- Increase the offender's awareness of the human impact of his or her behavior and provide an opportunity to take full responsibility for it
- Engage the collective responsibility of the offender's support system for making amends and shaping the offender's future behavior
- Allow both offender and victim to reconnect to key community support systems

Implementation

In implementing any restorative conferencing program, the facilitators, who may be students or school personnel, must be trained in conferencing preparation techniques. It is critically important that the facilitator do everything possible to ensure that neither the victims or offenders are harmed in any way. Additionally, the victim's participation must be completely voluntary, as should the participation of the offender. Whenever possible, the victim should be given choices concerning decisions such as when and where the conferencing session will take place, who will be present, who will speak first, etc. The facilitator should conduct in person, pre-conferencing sessions with both parties and make follow-up contacts, including the monitoring of any agreement reached.

Victim Impact Panels

Victim impact panels provide a forum for victims to tell a group of offenders about the impact of the offense on their lives and on the lives of their families, friends, and neighbors. Panels typically involve three or four victim speakers, each of whom spends about 15 minutes telling their story in a nonjudgmental, non-blaming manner. The offenders of the victim presenters are not present. While some time is usually dedicated to questions and answers, the purpose of the panel is for the victims to speak, rather than for the victims and offenders to engage in a dialogue.

Goals

The goals of victim impact panels are to:

- Help offenders understand the impact of their offenses on victims and communities
- Provide victims with a structured, positive outlet to share their personal experiences and to educate offenders, and others about the physical, emotional, and financial consequences of offenses
- Build a partnership among victim service providers and community agencies that can raise the individual and community awareness of the short- and long-term impacts of crime

Implementation

Many criminal and juvenile justice agencies have institutionalized victim impact panels as a sentencing option. Victim service organizations either implement the program for the court, or work in collaboration with justice personnel to conduct panels. Whatever the structure, victim service agencies are usually best prepared to perform the critically important role of screening victims to ensure they are sufficiently healed from their victimization experience not to be re-traumatized by participating in the panel. Other implementation tasks are to prepare the victims for participation, moderate the panels, gather participant feedback information, and provide records of participants and program activities to the sentencing authority.

Victim Offender Conferencing
(Also called Victim-Offender Mediation, or Victim-Offender Dialogue)

Victim offender mediation is a process that provides interested victims an opportunity to meet their offender, in a safe and structured setting, and engage in a mediated discussion of the offense. With the assistance of a trained mediator, the victim is able to tell the offender about the offense's physical, emotional, and financial impact; to receive answers to lingering questions about the offense and the offender; and to be directly involved in developing a restitution plan for the offender to pay back his or her financial debt.

This process is different from mediation as it is practiced in civil or commercial disputes, since the involved parties are not "disputants" nor of similar status - with one an admitted offender and the other the victim. Also, the process is not primarily focused upon reaching a settlement, although most sessions do, in fact, result in a signed restitution agreement. Because of these fundamental differences with standard mediation practices, some programs call the process a victim offender "dialogue," "meeting," or "conference."

Goals

The goals of victim offender mediation include:

- Support the healing process of victims by providing a safe and controlled setting for them to meet and speak with the offender on a strictly voluntary basis
- Allow the offender to learn about the impact of the offense on the victim and to take direct responsibility for their behavior
- Provide an opportunity for the victim and offender to develop a mutually acceptable plan that addresses the harm caused by the offense

Implementation

In implementing any victim offender mediation program, it is critically important to maintain sensitivity to the needs of the victim. First and foremost, the mediator must do everything possible to ensure that the victim will not be harmed in any way. Additionally, the victim's participation must be completely voluntary, as should the participation of the offender. The victim should also be given choices, whenever possible, concerning decisions such as when and where the mediation session will take place, who will be present, who will speak first, etc. Cases should be carefully screened regarding the readiness of both victim and offender to participate. The mediator should conduct in person, pre-mediation sessions with both parties and make follow-up contacts, including the monitoring of any agreement reached.

**Clayton County, Georgia
Cooperative Agreement**

COOPERATIVE AGREEMENT

BETWEEN

THE JUVENILE COURT OF CLAYTON COUNTY

THE CLAYTON COUNTY PUBLIC SCHOOL SYSTEM

THE CLAYTON COUNTY POLICE DEPARTMENT

THE RIVERDALE POLICE DEPARTMENT

THE JONESBORO POLICE DEPARTMENT

THE FOREST PARK POLICE DEPARTMENT

**THE CLAYTON COUNTY DEPARTMENT OF FAMILY &
CHILDREN SERVICES**

**THE CLAYTON CENTER FOR BEHAVIORAL HEALTH
SERVICES**

ROBERT E. KELLER, DISTRICT ATTORNEY

AND

THE GEORGIA DEPARTMENT OF JUVENILE JUSTICE

FINAL DRAFT
JUNE 15, 2004

1. PURPOSE OF AGREEMENT

This agreement is entered into between the Juvenile Court of Clayton County (hereinafter referred to as the Court), Clayton County Public School System (hereinafter referred to as the School System), Clayton County Police Department (hereinafter referred to as the Police), Forest Park Police Department (hereinafter referred to as the Police), Riverdale Police Department (hereinafter referred to as the Police), Jonesboro Police Department (hereinafter referred to as the Police), the Clayton County Department of Family and Children Services (hereinafter referred to as DFCS), Robert E. Keller (hereinafter referred to as the District Attorney), and the Georgia Department of Juvenile Justice (hereinafter referred to as DJJ) for the purpose of establishing a cooperative relationship between community agencies (hereinafter referred to as the Parties) involved in the handling of juveniles who are alleged to have committed a delinquent act on school premises. The Parties acknowledge that certain delinquent acts against public order and other misdemeanor delinquent acts defined herein can be handled by the School System in conjunction with other Parties without the filing of a complaint in the Court. The Parties acknowledge that the commission of a delinquent act does not require the finding that a student is a delinquent child and therefore not in need of treatment or supervision (OCGA 15-11-65). The parties acknowledge that the law requires the Court to make a preliminary determination that a petition be certified in the best interest of the child and the community before it can be filed with the Court (OCGA 15-11-37) The parties

acknowledge that the Court has the authority to give counsel and advice to a juvenile without the filing of a petition and to delegate such authority to public or private agencies (OCGA 15-11-68 & 15-11-69).

The Parties acknowledge that the law expressly prohibits the detention of a student for punishment, treatment, satisfy the demands of the victim, police or the community, allow parents to avoid their legal responsibility, provide more convenient administrative access to the child, and to facilitate further interrogation or investigation (OCGA 15-11-46.1 (c)). The law allows for the detention of a student who is a flight risk, presents a risk of serious bodily injury, or requests detention for protection from imminent harm (OCGA 15-11-46.1 (b)).

The parties acknowledge and agree that decisions affecting the filing of a complaint against a student and whether to place restraints on a student and place a student in secure detention should not be taken lightly, and that a cooperative agreement delineating the responsibilities of each party when involved in making a decision to place restraints on a student and to file a complaint alleging the child is a delinquent child would promote the best interest of the student and the community.

The parties acknowledge and agree that this Agreement is a cooperative effort among the public agencies named herein to establish guidelines for the handling of school related delinquent acts against public order. The parties further acknowledge and agree that the guidelines contained herein are intended to establish uniformity in the handling of

delinquent acts against public order while simultaneously ensuring that each case is addressed on a case by case basis to promote a response proportional to the various and differing factors affecting each student's case. The parties acknowledge and agree that the manner in which each case or incident is handled by SROs, school administrator, and/or the Juvenile Court is dependent upon the many factors unique to each child that includes, but is not limited to, the child's background, present circumstances, disciplinary record, academic record, general demeanor and disposition toward others, mental health status, and other factors. Therefore, the parties acknowledge that students involved in the same incident or similar incidents may receive different and varying responses depending on the factors and needs of each student.

Finally, the parties acknowledge that a Cooperative Agreement has previously been entered into by the Juvenile Court of Clayton County, Georgia Department of Juvenile Justice, Clayton County Department of Family and Children Services, and The Clayton Center for Behavioral Health Services to coordinate intake services to ensure that children who do not present a high risk to re-offend are not detained using a Detention Screening Instrument (DSI) and that children presenting a low to medium risk are returned home or appropriately placed in a non-secured or staff-secured setting. The parties acknowledge that the prior Agreement remains in full force and effect and is interrelated to this Agreement as part of the Juvenile Detention Alternative Initiative and Collaborative of Clayton County, Georgia.

II. DEFINITIONS

As used in this Agreement, the term:

- A. "Student" means a child under the age of 17 years.
- B. "Juvenile" means a child under the age of 17 years, which term is used interchangeably with "Student."
- C. "Regional Youth Detention Center" or also known as RYDC means a secure detention facility for the housing of juveniles detained by authorization of Intake and awaiting adjudication and/or disposition of their case.
- D. "Intake" means the division of the Juvenile Court responsible for making reviewing complaints to determine which complaints may be handled informally and by diversion, which complaints may be forwarded to the District Attorney's Office for a petition to be drawn, and which juveniles should be detained in the RYDC, or placed at another location, or returned home.
- E. "Detention Screening Instrument" or known also as "DSI" means a risk assessment instrument used by Intake to determine if the juvenile should be detained or release. The DSI measures risk according to the juvenile's present offense, prior offenses, prior runaways or escapes, and the juvenile's current legal status such as probation, commitment, etc.
- F. "Detention Assessment Questionnaire" or known also as "DAQ" means a document used to determine if the juvenile presents any mental health disorders, aggravating circumstances, or mitigating circumstances. The DAQ assists Intake in making a final decision regarding detention or release.
- G. "Citation" means a document or form used by the SRO to place a student on notice that he or she may be referred to the Court upon the commission of another similar delinquent act involving a misdemeanor against public order or to refer a child and parent to a Court Diversion Program in lieu the filing of a formal complaint.
- H. "Diversion" means an educational program developed by the Court for those juveniles who have been charged with less serious delinquent acts, and Intake believes is not a delinquent child and most likely does not require probation or commitment to DJJ.
- I. "Informal Adjustment" means informal supervision in which the juvenile is required to comply with conditions established by Intake of the judge for up to 90 days and is dismissed upon successful completion.
- J. "Bully" is a student who has three (3) times in a school year willfully attempted or threatened to inflict injury on another person, when accompanied by an apparent present ability to do so or has intentionally displayed force such as would give the victim reason to fear or expect immediate bodily harm.

III. TERMS OF AGREEMENT

A. Procedure for Detention Decision.

Upon charging a juvenile with a delinquent act, the police officer may release the juvenile to a parent or contact Intake for a decision to place the juvenile in the RYDC, or other placement as determined by Intake. The police officer does not require approval from Intake to release to a parent if the police officer, in his or her discretion, believes the juvenile does not pose a serious risk of injury to the person or property of others. If the police officer believes the child may pose serious injury, or is not sure and requires a decision from Intake, the police officer shall contact Intake by phone to provide the necessary information for Intake to determine if the juvenile requires detention. If the juvenile does not require detention, the police officer shall release to the parent or the school. Under no circumstances shall the police officer transport the juvenile to the RYDC or to Intake unless bona fide attempts to locate the parent are unsuccessful and Intake has given permission for the transport of the juvenile to Intake or the RYDC or Intake has found special circumstances for the transport of the juvenile to Intake or the RYDC.

Upon receiving a call from a police officer regarding a detention decision, Intake shall respond immediately and provide a detention decision within ten (10)

minutes of receipt of the call. If unforeseen circumstances arise that cause a delay in the response to the police officer, Intake shall contact the police officer before the expiration of the ten (10) minutes to explain the delay and give an estimated time for the decision. Under no circumstances shall the decision be delayed for more than twenty (20) minutes. Any delays should be reported by the police officer to the Intake Supervisor or the Chief Probation Officer. The police officer shall not contact the judge for a detention decision unless the police officer cannot contact Intake. The parties acknowledge that the judge does not always have immediate access to the information required to make an appropriate and fair detention decision, and that all juveniles shall be afforded the same assessment procedure to ensure equity and fair treatment of all juveniles coming in contact with law enforcement, public school system, and the Court.

Upon receiving a call from a police officer for a detention decision, Intake shall immediately follow the procedure set forth by the policy on detention decision-making in delinquent cases that require the completion of the Detention Screening Instrument (DSI) and the Detention Assessment Questionnaire. The parties acknowledge and agree that a juvenile scoring low risk shall be released without conditions unless there sufficient aggravating circumstances exist to impose conditions or detention. The parties further acknowledge and agree that a juvenile scoring medium risk shall be released with conditions unless sufficient mitigating factors exist to release without conditions or sufficient aggravating factors exist to detain the juvenile. The parties further acknowledge and agree that a juvenile

scoring high risk shall be detained unless sufficient mitigating factors exist to release the juvenile. The parties further acknowledge and agree that the Court has several alternative detention programs for the monitoring of juveniles who require a conditional release pending the next hearing that include, and may not be limited to, electronic monitoring, wrap-around services, Behavior Aide in the home, and Evening Reporting Centers. The Parties acknowledge and agree that absent a juvenile posing a risk of serious bodily injury to others, express threat to flee the jurisdiction of the court, or a request by the juvenile to be detained for his or her own protection due to threats by others in the community, it is illegal and not a method of best practice to incarcerate a juvenile in a secure facility.

B. Treatment of Elementary Age Students.

Any situation involving violence to the extent that others are placed at risk of serious bodily injury shall constitute an emergency and warrant immediate action by police to protect others and maintain school safety. O.C.G.A. §15-11-150 et seq. sets forth procedures for determining if a juvenile is incompetent also provides for a mechanism for the development and implementation of a competency plan for treatment, habilitation, support, supervision for any juvenile who is determined not to be mentally competent to participate in an adjudication or disposition hearing. Generally, juveniles of elementary age do not possess the requisite knowledge of the nature of court proceedings and the role of the various players in the courtroom to assist his or her defense attorney and/or grasp the seriousness of juvenile proceedings, including what may happen to them at the disposition of the case. The parties acknowledge that the Court will make diligent

efforts to avoid the detention of juveniles who may be mentally incompetent upon reasonable suspicion, unless they pose a high risk of serious bodily injury to others. Furthermore, it is a fundamental best practice of detention decision-making to prohibit the intermingling of elementary age juveniles from adolescent youth and to treat elementary age students according to their age and level of development. Furthermore, the parties acknowledge that the commission of a delinquent act does not necessitate the treatment of the child as a delinquent, especially elementary age juveniles in whom other interventions may be made available within the school and/or other agencies to adequately respond to and address the delinquent act allegedly committed by the juvenile. The Court shall make its diversion, intervention, and prevention programs available to the juvenile without the filing of a complaint upon a referral from the school social worker. Intake shall respond to any and all referrals made by elementary school staff within 24 hours of receipt of the referral. Any delay shall be communicated to the official making the referral within 24 hours with an explanation for the delay. Intake shall respond no later than 72 hours or the matter shall be referred to the Intake Supervisor or the Chief Probation Officer. In the event an elementary age student is taken into custody and removed from the school environment for the safety of others, the decision to detain said child shall be made by the Intake Officer pursuant to law. The parties acknowledge that taking a child into protective custody is not a detention decision, which is a decision solely reserved for a juvenile judge or his or her intake officer and therefore requiring law

enforcement to immediately contact the Court to determine if the child should be detained or released and under what conditions, if any, if so released.

C. **Citation and Referral Prerequisites to Complaint in Certain Cases.**

Misdemeanor type delinquent acts involving offenses against public order including affray, disrupting public school, disorderly conduct, obstruction of police (not involving resisting arrest), and criminal trespass (not involving damage to property) shall not result in the filing of a complaint alleging delinquency unless the student has committed his or her third or subsequent similar offense during the school year and the Principal or designee has reviewed the behavior plan with the appropriate school and/or system personnel to determine appropriate action. In accordance with O.C.G.A. §20-2-735, the school system's Student Codes of Conduct will be the reference documents of record. The parties agree that the response to the offenses against public order should be determined using a system of graduated sanctions, disciplinary methods, and/or educational programming before a complaint is filed with the Juvenile Court. The parties agree that a student must receive a citation and a subsequent referral to the School Conflict Diversion Program before a complaint may be filed in the Juvenile Court, except in cases involving delinquent acts that do not include offenses against public order and the SRO has followed the procedures set forth by his or her supervisor in determining if a complaint should be filed. An SRO shall not serve a citation or make a referral to the School Conflict Diversion

Program without first consulting with his or her supervisor if the standard operating procedures of the SRO Program of which the SRO belongs requires consultation.

1. **First Offense.** A student may receive a citation upon the commission of an offense against public order warning the student that his or her behavior is a violation of the criminal code and school policy, and that further similar conduct will result in a referral to the Juvenile Court to attend a diversion program. The SRO shall have the discretion not to issue a citation and in the alternative may admonish and counsel or take no action.
2. **Referral to School Conflict Diversion Program.** Upon the commission of a second or subsequent similar offense against public order in a school year, the student may be referred to Intake using a citation to require the student and parent to attend the School Conflict Diversion Program, Mediation Program, or other program sponsored by the Court. However, a student who has committed a second "bullying" act shall be referred to the School Conflict Diversion Program to receive law related education and conflict resolution programming, and may also be required to participate in the mediation program sponsored by the Court for the purpose of resolving the issues giving rise to the acts of aggression and to hold the student accountable to the victim(s). Intake shall make contact with the parent of the child within ten (10) business days of receipt of the citation

to schedule the parent and child to attend the School Conflict Diversion Program, or other program of the Court appropriate to address the student's conduct. Intake shall forward to the school where the child attends a confirmation of the child's successful participation in the diversion program. A child's failure to attend shall be reported to the School Resource Officer to determine if a complaint should be filed or other disciplinary action taken against the child.

3. **Complaint.** A student receiving his or her third or subsequent delinquent offense against the public order may be referred to the Court by the filing of a complaint. If the student has attended a diversion program sponsored by the Court in any previous school year and the student has committed a similar offense against the public order, the student may receive a citation warning that the next similar act against the public order may result in a complaint filed with the juvenile court. A student having committed his or her third "bullying" act shall be referred to the Juvenile Court on a juvenile complaint and the Court shall certify said petition provided probable cause exists and if adjudicated shall proceed to determine if said student is delinquent and in need of supervision. The school system shall proceed to bring the student before a tribunal hearing and if found to have committed acts of bullying shall in the least, with consideration given to special education laws, expel said child from the school and place in an alternative educational setting, unless expulsion from the school system is warranted. All acts of bullying shall be

reported by school personnel and addressed immediately to protect the victims of said acts of bullying.

D. Emergency Shelter Care In Event Parent Cannot Be Located.

The Clayton County Juvenile Court, Georgia Department of Juvenile Justice, and The Clayton County Department of Family and Children Services previously entered into an agreement that establishes a protocol for the handling of youth who are charged on a delinquent offense and present a high risk using the Detention Assessment Instrument and a parent, guardian or custodian cannot be located or refuses to take custody of the youth. The protocol set forth in said agreement is incorporated herein and made a part hereof and shall continue in full force and effect. Nothing in this agreement shall be construed to alter or modify the prior agreement. Reference is made to said agreement reflect the relationship and continuity between the agreements as it relates to the handling of school related offenses described herein.

III. DURATION AND MODIFICATION OF AGREEMENT

This Agreement shall become effective immediately upon its execution by signature and shall remain in full force and effect until such time as terminated by any party to the Agreement. The Agreement may be modified at any time by amendment to the Agreement. The parties acknowledge and agree to meet quarterly to provide oversight of the Agreement and make recommendations to the heads of each agency on any modifications to the Agreement.

IN WITNESS WHEREOF, the parties hereto, intending to cooperate with one another, have hereunder set their hands on the date set forth below.

K. Van Banke, Chief Judge
Juvenile Court of Clayton County

Cathy Ratti, Director
Clayton County Department of Family and
Children Services

Dr. Barbara Pulliam, Superintendent
Clayton County Public School System

Neal Kaltenecker, Regional Director
Georgia Department of Juvenile Justice

Darrell Partain, Chief
Clayton County Police Department

Robert E. Keller, District Attorney
Clayton Judicial Circuit

Dwayne Hobbs, Chief
Forest Park Police Department

Jimmy Wiggins, Director
The Clayton Center for Behavioral Health
Services

Robert Thomas, Chief
Jonesboro Police Department

Greg Barney, Chief
Riverdale Police Department

**Baltimore School Police Diversion and Early
Behavioral Intervention Initiative
(no longer in effect)**

APPENDIX III

BALTIMORE SCHOOL POLICE

POLICE DIRECTIVE 03-20

AUGUST 2003 (Original Date)

DIVERSION AND EARLY BEHAVIORAL INTERVENTION INITIATIVE

I. POLICY

The Baltimore School Police Force (BSPF) uses three strategies—Prevention, Early Behavioral Intervention, and Diversion—to accomplish departmental goals. Specifically, Diversion is an intervention process that is used to address the BSPF goals “to decrease the need for youth to enter the juvenile justice system” and “to identify conditions, policies, practices, and decisions contributing to over-representation of minority youth in the juvenile justice system.” Early Behavioral Intervention is an intervention process designed to address the BSPF goals “to provide an alternative to filing criminal charges” and “to reshape inappropriate youth behaviors.”

The Diversion process is used when arrest is the appropriate response to student behavior.

The Early Behavioral Intervention process is used in lieu of or prior to filing criminal charges:

- when student behaviors are disruptive and arrest is not applicable, or
- when arrest is discretionary, or
- when a victim agrees to attempt an intervention.

II. PURPOSE

The purpose of this directive is to establish guidelines governing access and use of Diversion and Early Behavioral Intervention initiatives by Baltimore City Public School System (BCPSS) personnel.

III. INTERVENTION RESOURCES (See attached brochures for descriptions of organizations and intervention processes.)

Diversion resources that may be accessed:

- Teen Court
- Community Conferencing

Early Behavioral Intervention resources that may be accessed:

- Teen Court
- Community Conferencing
- Community Mediation

IV. ELIGIBLE YOUTH

A. Teen Court

Youth is eligible for consideration for **Teen Court** when the following conditions apply:

- Youth is a Baltimore City resident.
- Youth is between the **ages of 11 and 16**.
- Youth is charged with minor offenses listed in **Section V—Eligible Offenses**. See also, the offenses listed in Attachment 3—Teen Court Eligibility Criteria:
 - Youth has less than 3 prior arrests for minor offenses within four (4) years.
 - Youth's parent/guardian is willing to be involved.
 - Youth admits guilt/involvement in the offense.
 - Youth is not currently under the supervision (pre-court or formal) of the Department of Juvenile Services.
 - Youth does not have charge(s) pending with the State's Attorney's Office.
 - Youth is not a repeat CDS (Controlled Dangerous Substances) offender.
 - Youth has no prior arrest(s) for felonies.
 - Firearms were not involved.

B. Community Conferencing

Youth is eligible for consideration for **Community Conferencing** when the following conditions apply:

- Youth is between the ages of **6 and 17**. (Community Conferencing is the most appropriate intervention for elementary school and K-8 school students.)
- Youth is charged with minor offenses listed in **Section V—Eligible Offenses**.
- Youth is involved in conflicts or incidents related to issues of gender identity and sexuality or sexual harassment.
- Youth is involved in conflicts involving many individuals from school and/or community.
- Youth's parent/guardian is willing to be involved.
- Youth admits involvement in the offense.
- Youth is not a repeat CDS (Controlled Dangerous Substances) offender.
- Youth has no prior arrest(s) for felonies.

C. Community Mediation

Youth is eligible for consideration for **Community Mediation** when the following conditions apply:

- Youth is **age 13 or older**.
- Dispute is between fewer than 12 people.
- Dispute is between:
 - a. students, or
 - b. students and parent, or
 - c. students and staff, or
 - d. staff and parents
 - e. community

V. ELIGIBLE OFFENSES & INCIDENTS

Tier 3 Offenses—Appropriate for Arrest and Diversion

A youth is eligible for Diversion when charge is an offense listed below:

- Aggravated Assault
- Arson
- Auto Theft
- B&E/Burglary
- Bomb Threat (phone)
- Destruction of Property (more than \$500)
- Drug Possession
- Drug Possession with Intent
- Extortion (more than \$500)
- Robbery/Attempted Robbery
- Robbery, Armed
- Sexual Harassment
- Theft (more than \$500)
- Weapon Possession

Tier 2 Offenses—Appropriate for Early Behavioral Intervention by BCPSS Personnel

A youth is eligible for Early Behavioral Intervention when misdemeanor charges are discretionary:

- Assault by Threat
- Assault on Police
- Assault on Staff
- Assault on Student
 - Bomb Threat (verbal)
 - Disorderly Conduct
 - Destruction of Property (less than \$500)
- Extortion (less than \$500)
- Fighting
- Inciting/Participating in Disturbance
- Malicious Burning (Fire)
- Theft (less than \$500)
- Trespassing
- Vandalism (less than \$500)

Tier 1 Offenses—Appropriate for Early Behavioral Intervention by School Resource Specialists and School Administrators

A youth is eligible for Early Behavioral Intervention when behavior is antisocial and disruptive. Youths are eligible when conflicts are ongoing or difficult to resolve:

- Classroom Disruption
- Disrespect
- Harassment (Bullying)
- Insubordination
- Refusal to Obey School Policies
- Ongoing Disputes

VI. PROCEDURES

A. DIVERSION

The administrative process for initiating Diversion is as follows: School Police Officer will

- Arrest the student(s).
- Inform the Student(s) and School Administration of the Diversion process.
- Prepare a "Baltimore Police Offense/Incident Report."
- Prepare a "Baltimore School Police Incident Stat Sheet."
- Submit the signed Crime Stat Sheet to BSPF Administrative Staff within 24 hours.

B. EARLY BEHAVIORAL INTERVENTION

The administrative process for initiating Early Behavioral Intervention is as follows:

School Police or Resource Specialist will

- Inform the Student(s) and School Administration of the Early Behavioral Intervention process.
- Obtain consent (verbal) of School Administration for Early Behavioral Intervention. Note: for a Community Conference, School Administration must be willing to participate in the intervention.
- Obtain consent (verbal) of victim(s) and offender(s). All involved parties must be willing to participate in the intervention.
- Prepare a "Baltimore School Police Force Referral Form." Obtain a BSPF In-House Referral Number from BSPF Communications at x6-8590/ or x6-8591. (See attachment.)
- On the referral form, check the appropriate Referral Organization as listed in Section III—Resources.
- On the referral form, list names, addresses, and phone numbers for the following persons involved with the case:
 - a. Student(s)
 - b. Parent(s)/guardian(s)
 - c. School administrator(s) or staff (Include this information under the "Narrative" section on the referral form.)
 - d. School Police Officer/School Resource Specialist(s) (Include this information at the bottom of the "Narrative" section.)
- Prepare a "Baltimore School Police Incident Report Summary/Incident Stat Sheet." (See attachment.)
- On the stat sheet, check the appropriate Referral Organization as listed in **Section III—Intervention Resources**. Write the BSPF In-House Referral Number in the upper left box or in the box labeled "CC#" (Centralized Complaint #).
- Submit the signed Referral Form and Incident Report Summary to BSPF Administrative Staff within 24 hours.

C. BSPF ADMINISTRATIVE STAFF ACTION

The administrative process for transmitting referral information is as follows:

BSPF administrative staff will

- Check referral form for complete information (names, addresses, phone numbers of students, caregivers, school personnel, School Police Officers, AND School Resource Specialists involved with the case).
- Check for prior offenses/record on student (Community Conferencing referrals only).
- Fax the Referral Form to the appropriate Referral Organization as listed in **Section III— Intervention Resources.**
- Check Special Education Tracking System (SETS) or School Administration Student Information (SASI) for the Pupil Identification Number. Include this number on the Referral Form and Crime Stat Sheet.
- Check Special Education Tracking System (SETS) or School Administration Student Information (SASI) for status of student as special education/general education.
- Notify (1) school administration, (2) Student Support Team (SST) or IEP Process Manager/Child Study Team (CST) chairperson, and (3) Office of Suspension Services (OSS) in writing that referral was made. Recommend conducting a Functional Behavioral Assessment (FBA) and developing a Behavioral Intervention Plan (BIP) and including BSPF staff as implementers on the BIP.
- Forward copy of the Case Disposition Notification Form to (1) school administration, (2) Student Support Team (SST) or IEP Process Manager/Child Study Team (CST), and (3) Office of Suspension Services.
- Whenever BSPF has not received a Case Disposition Notification Form from the Referral Organization within 90 days of the incident, contact the Referral Organization for the disposition. If criminal investigation is required, victim (parent) will be advised to contact the appropriate police authority.
- Report case to (1) school administration, (2) Student Support Team (SST) or IEP Process Manager/Child Study Team (CST), and (3) Office of Suspension Services if Referral Organization reports an unsuccessful outcome.
- Meet with the Office of Student Suspensions (OSS) on a monthly basis to compare information on students who are referred to OSS by school administrators and also are referred to Early Behavioral Interventions by BSPF.

Connecticut Suspension Bill

Substitute House Bill No. 7350

Public Act No. 07-66

AN ACT CONCERNING IN-SCHOOL SUSPENSIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (c) of section 10-233a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2008*):

(c) "In-school suspension" means an exclusion from regular classroom activity for no more than [five] ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed.

Sec. 2. Section 10-233c of the general statutes is amended by adding subsection (f) as follows (*Effective July 1, 2008*):

(NEW) (f) Suspensions pursuant to this section shall be in-school suspensions, unless during the hearing held pursuant to subsection (a) of this section, the administration determines that the pupil being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil shall be excluded from school during the period of suspension.

Approved May 30, 2007

Examples of Prevention, Intervention, and Diversion Programs

APPENDIX II

PREVENTION, INTERVENTION, AND DIVERSION PROGRAMS

(Note: These programs have not been evaluated as part of this report and therefore are not being endorsed.)

Blueprints for Violence Prevention, a national initiative of The Center for the Study and Prevention of Violence at the University of Colorado at Boulder, has identified model prevention and intervention programs that "meet a strict scientific standard of program effectiveness." Some of these model programs are described below. A complete list of the programs and other promising initiatives may be found at www.colorado.edu/cspv/blueprints/.

- **Big Brothers Big Sisters of America:** This program provides services to 6- to 18-year-old disadvantaged youths from single-parent households. The goal of the program is to develop a caring relationship between youths and adult mentors. For more information, go to www.bbbsa.org
- **Bullying Prevention Program:** This program provides services to primary and secondary school students. The goal of the program is to reduce victim-bully problems among these students, achieve active involvement from parents and teachers, develop clear rules against bullying behavior, and provide support and protection for victims. For more information, go to www.clemson.edu/olweus
- **Life Skills Training:** This drug-use-prevention program serves junior high/middle school students. The three basic components of the program are to teach youth personal self-management skills (e.g., decision making and self-control), social skills, and skills to resist drug use. This training is taught by classroom teachers. For more information, go to www.lifeskillstraining.org

Other prevention and intervention programs that are readily utilized in schools across the country are:

- **Second Step Violence Prevention Program:** This program teaches elementary and middle school students how to deal with emotions, resist impulsive behavior, solve problems, and resolve conflicts. For more information, go to www.cfchildren.org/
- **Positive Behavioral Intervention and Supports (PBIS):** This program teaches "proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments." Implemented primarily in elementary and middle schools, PBIS recognizes that the strict implementation of punishment (suspensions, expulsions) in the absence of other positive strategies is ineffective. It provides training to teachers and parents about effective classroom and non-classroom management of students' behavior. For more information, go to www.pbis.org/schoolwide.htm
- **Peer Mediation Program:** This program trains students on how to mediate peer issues such as rumors, name calling, minor harassment, and fights. It is offered at elementary, middle, and high schools. For more information, go to www.cmssp.org/programs/peer_med.htm

- **Peer Jury:** This program trains students to serve as jurors who will analyze the facts of a student's school discipline case, ask questions, and make decisions about the appropriate consequences. "By allowing students to take leadership roles in every level of the process, including the development, planning, and implementation of the program, the juries redefine the role of youth in addressing student misconduct." For more information, go to www.peerjury.com

Youth diversion programs provide an alternative to channeling youth through the juvenile justice system. Instead of going to juvenile court, youth are referred to community-based programs that, if completed successfully, will help them avoid a juvenile record. One such program that is growing more and more popular nationwide is:

- **Teen Court:** This program typically serves youth aged 14 to 16 years old who are first-time offenders and have been charged with non-violent offenses (e.g., vandalism). Instead of going to juvenile court and risking formal prosecution, these youths will participate in a hearing where teenagers serve as the attorneys, jurors, and in some cases judges. For more information, go to www.youthcourt.net

APPENDIX III Diversions Programs

Youth diversion programs provide an alternative to channeling youth through the juvenile justice system. Effective diversion programs prevent future criminal conduct, prevent youth from incurring a criminal record, save money and foster community accountability and relationships with youth. There are a broad array of programs that vary in structure, approach, constituency served and sanctions employed. The following are examples diversion programs. These programs have not been evaluated as part of this project and thus, are not being endorsed.

Palm Beach Youth Court

There are two Youth Court diversion programs in Palm Beach County, FL: Youth Court Trial Program and Teen Arbitration Program. Many of the youth referred to these programs are referred directly from Palm Beach County Public Schools. The goals of these programs are: to reduce the number of youth who are channeled through the juvenile justice system and who, as a result, end up with a criminal record; to reduce likelihood for youth to become repeat offenders; and they are a cost effective way of handling first time youth offenders.

The Youth Court Trial Program receives referrals from the Palm Beach County Schools Police and local law enforcement agencies. The program relies upon students to act as bailiffs, jurors, and attorneys in the youth court. The youth jury determines the sanctions once the trial is concluded. The Teen Arbitration Program, which receives cases from the State's Attorney, handles cases in a quick and informal manner at the community level. A third party panel, comprised of specially trained community volunteers and student volunteers, listens to the facts of the case and determines appropriate sanctions for the youth offender.

Juvenile First Offenders (JFOs) who are between the ages of 7 and 18 and who are arrested for a criminal offense defined as a misdemeanor or non-violent felony may be referred to a PBC diversion program. Typically, the Youth Court Trials Program handles JFOs charged with petit theft, possession of marijuana, and battery. If the juvenile has prior arrests, the case is sent to the State Attorney's Office, which has the authority to forward cases to the Teen Arbitration Program. Youth are referred to the program "at the discretion of either the law enforcement officer or the State Attorney's Office. If youth are diverted to Youth Court Trial through a First Offender Program rather than by the State Attorney's Office referral to the Youth Court Diversion, there is no juvenile delinquency record" (Barnett, 42). The juvenile probation officers are the parties responsible for recommending each juvenile for diversion to the state attorney at the time of arrest/intake. To participate in one of these programs, the victim must consent, the JFO must admit to the offense, and the parent/guardian and juvenile must agree to the conditions of the program. If any of these conditions is not met, then the case is handled by the State Attorney's Office instead of by the diversion program

Participants in these diversion programs are disproportionately white, despite the fact that black youth are disproportionately charged. The demographics are as follows:

ARREST AND DIVERSION RATES BY RACE FOR PALM BEACH COUNTY YOUTH (1999-2000)

	% of arrested population	% of diverted population
White, non-Hispanic	43.9%	57.4%
Hispanic	4.3%	7.3%
Black	50.6%	34.4%

Some advocates attribute this racial disparity to the discretion used by police officers in referring youth to the program.

The types of cases in these programs have been as follows¹:

17%: Assault, possession of alcoholic beverage by a minor, possession of tobacco product, disorderly conduct, loitering, trespassing.

64%: Assault on an officer, assault on a school employee, battery, criminal mischief (less than \$200), petit theft, possession of marijuana (less than 20g), trespassing on school campus, unauthorized possession of a driver's license.

10%: Aggravated assault with deadly weapon, battery on an officer, battery on a school employee, carrying a concealed weapon, criminal mischief (\$200-\$1,000), grand theft (\$300-\$20,000), possession of marijuana with

intent to sell, possession of a weapon on school campus, trespassing on a construction site

3%: Aggravated battery, aggravated battery with deadly weapon, burglary of a dwelling, criminal mischief (more than \$1,000)

The Palm Beach County Youth Court definition of recidivism encompasses first offenders who have committed a second offense and are thus, deemed "unsuccessful." Using this definition, the recidivism rate for the PBC Youth Court Program in 1999-2000 is 14.5%. This rate is much higher than the national average of 3-8%, but does fall within Florida's range of 5-15%

Westmoreland County, PA: Youth Commissions

The Westmoreland County Youth Commission is based upon the philosophy of "Balanced and Restorative Justice." The program provides "balanced attention to accountability, competency development, and community protection/public safety when sanctioning youths." The primary objectives of this program are to reduce the caseload of juvenile courts, reduce costs by diverting youth from various residential treatment facilities, provide an opportunity for juvenile offenders to form close relationships with community members and, as a result, reduce recidivism and encourage socially appropriate behavior.

Youth are referred to the program by the Juvenile Service Center, the police, or District Magistrates. Eligible youth must be between the ages of 10 and 17, the offense must be the youth's first offense, and the offense must be a "dependent, summary, or misdemeanor offense not involving force." The juvenile must admit to the offense, and the youth, his/her parent/guardian and the victim must agree to participate.

The top five offenses of youth participating in the program are:

Disorderly Conduct	30.1%
Theft/receiving stolen property	14.1%
Harassment	11.7%
Incorrigibility/dependency	9.6%
Tobacco use in school	8.8%

The program utilizes a variety of sanctions, each of which generally falls into one of the following categories: Accountability Sanctions (community service, restitution, apologies); Competency Sanctions (counseling, an essay, monitoring of grade/school performance); and Protection and Public Safety Sanctions (curfew and other social restrictions). Sanctions are determined by the Commissioners, who are community volunteers appointed by the Juvenile Court Judge.

Chicago, IL: Community Panels for Youth

Chicago's Community Panels for Youth (CPY) program is based on the notion that community members should be involved in issues of youth misbehavior, crime and violence in their own communities, and that community solutions are the most effective solutions for a majority of cases that are overwhelming the juvenile justice system. Like many other youth diversion programs, CPY is based on the model of Balanced and Restorative Justice, which means that it helps youth understand the seriousness of their actions and to take accountability for those actions.

Youth who are under the age of 17 and who are first time, non-violent offenders (or who they have a minor criminal background) are screened for CPY. The cases are first reviewed by the State Attorney's Office. Youth must admit to the offense in order to be eligible for the program, and victims must agree to participate in the program as well as the youth offender. Approximately 70% of participants are African American and 25% are Latino.

Trained community members facilitate and mediate discussions between the victim, the youth offender, and the youth's parent or guardian. The community panel members then meet with the youth and the youth's parent or guardian to inquire about home life, school performance, interests, skills, and talents in order to develop an individualized contract with the youth that provides a form of compensation to the victim and the community. Only about 9% of youth that successfully complete the program have had contact with the Juvenile Court System on an unrelated charge.

San Francisco, CA: Community Assessment and Referral Center (CARC)

CARC is operated by Huckleberry Youth Programs, a non-profit community organization. CARC provides a single point of entry to many services for the arrested youth. The Center is staffed with workers from juvenile probation, public health, the sheriff's department, the police department, and community-based organizations. The philosophy of this approach is that broad collaboration and a variety of assessment and assistance programs can offer the most comprehensive guidance and support for arrested youth, and ultimately will prevent future arrests.

CARC is contacted each time a youth in San Francisco is arrested. CARC has an on-site probation officer who determines whether or not to admit youth. CARC works with youth between the ages of 11 and 17 who receive felony and misdemeanor charges as well as with repeat offenders, but does not take youth offenders who have been arrested for violent felonies (such as murder, rape, arson, domestic violence, etc.). Approximately 60% of the youth who are brought to CARC are arrested for misdemeanor offenses, while the remaining 40% are arrested for felony charges. CARC works with approximately 25% of the youth arrested in San Francisco, or 600 youth per year. Approximately 25% of these youth are arrested at school, typically for property crimes, theft, battery and assault without serious injury, and marijuana possession. Youth participants are released to their parent/guardian following a meeting with a case manager who assesses their needs and refers them to appropriate providers. Less than 22% of CARC participants have re-offended in the 12 months following completion of probation.

Brooklyn, NY: Red Hook Youth Court

The Red Hook Youth Court emphasizes accountability and early intervention to prevent future criminal behavior, community service, and guidance for youth. Its mission is to have a positive impact on the youth offenders and youth who participate in running the court. Youth serve as youth
prosecutors, community educators, bailiff, judge, and jury.

Youth are typically referred to the Red Hook Youth Court directly from police from one of three precincts. Officers are permitted to use some discretion in referring cases to the youth court. Any youth affiliated with a street gang is automatically ineligible for the diversion program. For a variety of reasons, only about 25% of referrals result in a youth court appearance.

Red Hook Youth Court has several important features that set it apart from other teen court programs. Because the program relies heavily on the strong influence of peer pressure, a concerted effort has been made to recruit youth that the youth offender could truly relate to—instead of straight ‘A’ students, student participants have had histories of truancy and other troubles in school or with the law. These students are trained to perform the functions of the court. Also, Red Hook Youth Court is one of the “first to serve a densely populated low-income community.”² While many youth courts existed in suburban or rural jurisdictions, few were found in communities like Red Hook.

Resources

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<http://puborder.ncjrs.org/Content/search.asp>)

National Youth Court Center. www.youthcourt.net.

ENDNOTES APPENDIX III

¹ See Barnett, Rosemary et al, *An Evaluation of the Palm Beach County Youth Court*, April 30, 2001 (p. 15)

² Anderson, David, *Kids, Courts and Communities: Lessons from the Red Hook Youth Court*, 1999 (p. 2)