

IN SESSION

THE NEWSLETTER
OF THE NATIONAL
YOUTH COURT CENTER



W I N T E R / S P R I N G , 2 0 0 5 • V o l u m e 5 • N u m b e r 1

Youth Courts Pass the 1,000 Mark!!

On February 5, 2005, the NYCC surpassed 1,000 youth courts, peer courts, teen courts, and school-based courts in the country. Congratulations to all the communities who have made this milestone possible! The NYCC also wants to thank everyone who contributes information about new programs to our database. This is quite an extraordinary accomplishment, considering in 1994 there were only 78 youth courts nationwide, but today that number has grown to an astounding 1,037. The exponential growth of youth courts

continues today as communities realize the benefits of having a program in their area. Reaching this important benchmark in the national youth court movement could not have been accomplished without the support of program coordinators, volunteers, and communities who wholeheartedly believe in the program and work diligently everyday to make it flourish. Go on youth courts—give yourselves a pat on the back, you deserve it! □

Retailers & Theft: The Price Youth Court Pays

By Heather Dugdale and Dennis Zolotor

ACCORDING TO THE National Association for Shoplifting Prevention (n.d.), approximately 25 percent of shoplifters are kids and 75 percent are adults. Furthermore, 55 percent of adult shoplifters say they started shoplifting when they were in their teens. Youth courts offer the justice system an alternative for addressing shoplifting cases in many communities throughout the country. According to the National Youth Court Center (2005), 91% of youth courts state that they will accept referrals for shoplifting. One of the primary incentives for first-time juvenile offenders to participate in a youth court program is that if they complete their sentencing requirements and stay out of trouble their case may be dismissed or the record of the offense may be expunged. Consequently, the shoplifting charge should not have an impact on employment or other types of background checks—or so we thought.

Recently, local youth courts and the National Youth Court Center became aware of the USMA National Theft Database. The database is designed to assist retailers in identifying persons who shoplift for up to seven years after an incident takes place. This article will provide background on the problems retailers face as a result of theft, provide information on the USMA National Theft Database, and discuss the implications of this type of database on youth courts and their clients.

The Staggering Costs of Theft

The cost of shoplifting is astronomical to retailers. Retailers operate on slim profit margins and rely on large sales volume to generate revenue and meet their sales goals. Theft, both internal and external, can and does significantly affect a retail business as well as the price consumers pay.

Inventory shrinkage is a term used by retailers to describe a combination of employee theft, shoplifting, vendor fraud, and administrative error. Retailers are very concerned about shrinkage because they realize it not only affects their bottom line, but

continued on page 4

THIS ISSUE

A Round of Applause Goes to	2
A Conversation with Jodee Blanco - Anti-Bullying Author and Activist	3
National Youth Violence Prevention Campaign	6
The NYCC Awards NYSD Mini-Grants to 70 Youth Court	7
NYCC Holds the First National Meeting of State Youth Court Associations and Networking Groups in Washington, DC	10

Interested in youth courts? Want to know more about the National Youth Court Center?

Get Linked to the NYCC Today...

Visit the NYCC Website at www.youthcourt.net: Log on regularly to access valuable publications, resources, and information for developing or enhancing a youth court program!

Join Our Mailing List: By joining you will receive newsletters, free publications, and notifications about upcoming training events. To sign up for the mailing list, call 859-244-8193 or email nycc@csg.org. You can also sign up online at <http://www.youthcourt.net/youthmail.htm>.

Register to Receive the NYCC E-Update: This monthly electronic newsletter contains timely information in areas such as the availability of training and technical assistance, funding opportunities, publications and resources, and scholarships and awards regarding youth courts and related fields. Register by calling 859-244-8193 or email nycc@csg.org. You can also register online at http://www.youthcourt.net/NYCC_Update/update.htm.

Sign up for the Youth Court Coordinators' Email Group: This special email group provides information to and from youth courts across the country about various topics related to daily youth court program operations such as how youth courts address truancy, how youth courts assess mental health issues, what types of administrative fees youth courts charge, and how youth courts address breaches of confidentiality—just to name a few. After questions are posed and answered, responses are compiled by the NYCC staff and posted on the NYCC website. A notification is sent to those in the email group when new responses have been posted on the website. This group is also among the first (and sometimes only) to receive special announcements about funding opportunities, training events, and valuable resources. To sign up for the Coordinators' Email Group, call 859-244-8193 or email nycc@csg.org. You can also sign up online at http://www.youthcourt.net/coordinator_group_form.htm.

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A Round of Applause Goes to...

Queen Anne's County Teen Court

The Teen Court program run by the Queen Anne's County State's Attorney's office has won a crime prevention award from the Maryland Governor's office. The Queen Anne's County Teen Court was implemented in 2003. State's Attorney Frank Kratovil Jr. accepted the Governor's Crime Prevention Award for Outstanding Proactive Crime Prevention Programs December 7, 2004 at the 25th Annual Governor's Crime Prevention Awards held at the La Fontaine Bleu in Glenburnie, Maryland.

Free Wins South Carolina School Resource Officer of the Year

Sherrie Free of the Ware Shoals, South Carolina school district was honored at the State Association for School Resource Officers conference. The event was held at the San Dunes Resort in Myrtle Beach, South Carolina. Free is a five year veteran of the School Resource Officer program. Each day, she and Alex (canine) roam the halls in order to keep our schools and children safe.

Free wears many hats in the school, including coordinating both the Ware Shoals School and community based youth court programs for the past three years. "This is such a great honor for me because I was nominated by the administration, students, faculty, and my department." I do feel like our youth court program helped me with this. "I have such a good group of young adults working with me to make it a success". "They take such pride in their work, and I am proud to be their youth court coordinator as well as their school resource officer"

Information about becoming a School Resource Officer and Sherrie Free can be found on the Career Corner section of the Youth Court Youth website at www.ycyouth.net.

continued on page 11

A Conversation with Jodee Blanco - Anti-Bullying Author and Activist

Karen Blackwell, Research Associate with the National Youth Court Center, recently had the opportunity to have an extended conversation with Jodee Blanco, one of the nation's most sought-after anti-bullying activists, and Creator and Executive Producer of the seminar series and DVD "It's NOT Just Joking Around!" Jodee tours the nation with her anti-bullying message, and in the course of doing so, has met several youth court members along the way. This article summarizes the conversation as Karen asks her about some of the situations she has seen and heard.

KB: Jodee, you are a nationally recognized instructional speaker on the topic of bullying. What experience growing up led you down this career path?

JB: I was the school outcast. From fifth grade through the end of high school, like millions of kids then and now, I was teased, shunned, spit-balled, and even physically abused simply for being different. As an adult, I built a successful career in the entertainment business and pretty much buried my past. Then, when Columbine happened, I decided I could no longer keep silent. I felt the media and the country didn't understand what really happened there—they were missing the point. So I decided to go public with my story. Hence, my memoir, *PLEASE STOP LAUGHING AT ME...* Within forty eight hours of the book's release, it went straight to the New York Times best-seller list. I knew I had struck a nerve, so I gave up my business career and decided to turn my pain into purpose and work nationwide with kids, teachers, and parents on peer abuse prevention and survival. Now it's become more than a career—it's my vocation and crusade.

KB: You call bullying the "phantom menace" of our culture. What do you mean by that?

JB: Bullies rarely remember the cruel acts they commit because in their minds they're just "joking around." The popular kids never remember what the victim endures because they aren't the targets of it. The only person who ever remembers, and who carries the emotional consequences of the rejection and abuse, is the outcast. Then, years later when the outcast is an adult, people often think he or she is exaggerating when describing what happened at school. That's why it's a phantom menace in our culture because the only person haunted by its long-term effects is the victim. That's why my core message to students and adults alike is "It's NOT Just Joking Around!" This is also the title of my seminars and the DVD/CD series.

KB: Do bullies realize how much damage they do?

JB: No. In most cases, the bullies aren't aware of the long-term damage they are causing. One of the points I emphasize with kids during my seminars is that they have power over each other's lives that lingers long past graduation. I tell them in no uncertain terms that if you pick on the same person every day, always choose them last for gym, never invite them to parties, always let that person sit alone at lunch, years later, no matter how beautiful, admired, and success-

ful this outcast may become in the world, they will always see themselves the way you made them feel all those years ago at school. Bullies have no idea that they are creating damaged adults.

KB: How does bullying affect a victim's personality?

JB: There are many warning signs that a child is being abused by his or her peers. Some of those signs are more subtle, others more obvious. They include: lethargy; depression; inexplicable fits of rage; faking illness or willing oneself sick to avoid going to school; avoidance of taking the school bus; sudden weight loss or gain; extreme make-over attempts such as body piercings, tattoos or complete change in style of dress; sudden increase or decrease in grades; self-mutilation such as cutting; drug or alcohol use; aggressive behavior changes such as promiscuity or physical violence; and negative self-talk such as putting oneself down. The bottom line is that bullying damages kids and turns them into damaged adults.

KB: You note that there are two forms of bullying, what are they?

JB: One form is innocuous, the other far more dangerous. The big school yard bully who picks on everyone indiscriminately, who steals everyone's lunch money and who shoves everyone into lockers is doing no long-term psychological damage to anyone. In fact, he or she *is* the outcast.

Then there's a group of popular kids, whom other students look up to, and faculty and parents adore because they participate in class, get good grades, and are involved in extracurricular activities. Bullying occurs when they single out one youth who's different and make that person's life a subtle living hell. They let him/her sit alone at lunch, roll their eyes at him/her as he/she passes them in the hall, gossip and giggle behind his/her back, never invite him/her to anything, and aggressively exclude him/her just to be cruel.

That's the kind of bullying that's dangerous because the outcast starts to see himself the way the tormentors treat him/her, as if there's something wrong with *him/her*. When the outcast tries to tell the adults that he or she is being abused, often, the adult's initial response is "well, what is wrong with you, the kids who are picking on you are my best students; it must be something you did." That poor kid ends up with nowhere to turn. I *was* that kid and there are millions of them out there right now who are getting such a raw deal out of the system.

KB: Do good looks play into this scenario at all?

JB: In terms of someone beautiful being a bully, looks have nothing to do with peer abuse. Some of the most attractive students are abusers, and some are victims. Bullying is about fitting in. If someone is willing to follow the crowd, they're likely to be accepted. If they're different or don't give into the edicts of the cool crowd, they run a risk of being an outcast. Looks don't normally have a significant impact on that dynamic. I modeled professionally all through middle school, and yet was one of the most severely bullied students in my school's history.

continued on page 8

Figure 1: 2002 National Retail Security Survey Results

Source of Shrinkage	% of Loss	\$ Lost
Employee Theft	48.0%	\$15.0 billion
Shoplifting	32.0%	\$10.0 billion
Administrative Error	15.0%	\$4.7 billion
Vendor Fraud	5.0%	\$1.6 billion
Total Shrinkage	100%	\$31.3 billion

it can ultimately put them out of business. As depicted in figure 1 (on page 4), the 2002 National Retail Security Survey showed that shrinkage costs retailers over \$31 billion (Hollinger, 2003).

While the survey indicates that overall inventory shrinkage was down from the previous year, it also demonstrated that both internal and external thefts are on the rise. According to the survey, directed by University of Florida criminologist Richard C. Hollinger, inventory shrinkage remains the single largest category of larceny in the United States. It outnumbers motor vehicle theft, bank robbery and household burglary combined (Hollinger, 2003). Hollinger (2003) also estimated that in 2002, an average family of four spent more than \$440 in higher prices because of inventory theft.

Ernst & Young's Study of Retail Loss Prevention places the cost of shrinkage even higher, at \$46 billion. Both surveys indicate a median loss of 1.7 percent. The average value of merchandise recovered from an employee theft case in the Ernst & Young survey was nearly seven times that of the average shoplifter (Ernst & Young, 2003).

The Association of Certified Fraud Examiners has conducted three studies of occupational fraud, one in 1996, one in 2002, and the latest in 2004. The 2004 study covers 508 cases of occupational fraud totaling over \$761 million and shows that the typical organization loses 6 percent of its annual revenue to occupational fraud (Association of Credit Fraud Examiners, 2004). It is easy to understand with numbers like these why retailers use every tool available to them to combat potential losses.

USMA National Theft Database Used to Identify Potential Employee Theft

As a way to combat problems of employee theft, the United States Investigations Services (USIS), which recently acquired the United States Mutual Association (USMA), manages the USMA National Theft Database. The first steps toward the creation of this type of database was initiated in 1918 when Macy's, Bloomingdales, SAKS, and Gimbels began comparing notes on their employees as a way to lessen their chances of hiring employees who were terminated for stealing at other retail stores. The USMA National Theft Database was officially created approximately 80 years ago by ten regional retail mutual associations to serve as a national repository for theft and shoplifting data (United States Investigations Services, n.d.).

Any retailer can contribute information about incidents of theft and fraud to the USMA National Theft Database, but only members of USIS are able to access the database to screen potential employees [Kristen Turley, Marketing Manager, USIS, personal communication, January 27, 2005]. The database contains information on nearly one million cases of theft and fraud, including employee theft and shoplifting (USIS, n.d.a). Members include more than one-third of the nation's largest retailers such as Saks Fifth Avenue, Gap, Inc., Sears, Linen 'N Things, Payless Shoesource, and Kohls (USIS, n.d.b).

Information submitted to the USMA National Theft Database include not only crimes that were prosecuted, but also those that the store can confirm through a signed admission, signed statements from two witnesses, a restitution agreement or payment, or a video record of the incident. However, prior to releasing information submitted to the Theft Database to persons searching for matches, USIS contacts the contributing member and asks them to re-verify that the incident took place and all other information related to the alleged offense (USIS, n.d.a).

The fact that it contains information that cannot be obtained publicly and includes information about incidents of fraud and theft that may not have been prosecuted are some of the primary marketing points for the USMA National Theft Database (USIS, n.d.a). Ultimately, retailers want to hire honest people, and, from their standpoint, someone that has been caught shoplifting is considered to be a high-risk for internal theft.

Impact of the USMA National Theft Database on Youth Courts

The USMA National Theft Database is becoming a concern for youth court program managers and directors, as well as youth court respondents referred to the program for shoplifting or theft. The USMA National Theft Database is a private database and, therefore, is not subject to the same confidentiality provisions as court or law enforcement records. While successful youth court respondents may have no criminal record of the theft they committed, there may be a record in the privately maintained database which could affect their future employability. Records of offenses are kept in the USMA theft database for seven years from the time of the incident. Although only youth 16 and over are placed in the database, a person who is 23 years old could conceivably be denied employment because the record of the offense is still in the database. Unfortunately for youth court program participants, the theft database may just be one more consequence for making a bad decision.

Although USIS asks retailers submitting information for case disposition information, often there is no subsequent data provided in the database that details the outcome of the case. In fact, in most cases, there is no information to suggest whether a juvenile who was caught shoplifting was charged with the offense, referred to a diversion program, or formally processed through the court system. Therefore, if a youth is diverted for shoplifting and they are still entered into the Theft Database, the database would not necessarily reflect their diversion participation or completion.

However, knowledgeable youth court staff can take the following steps to educate youth court respondents about the USMA National Theft Database and potentially have their record removed from the database:

- During the intake process, include a form that educates youth, 16 years of age and older, who are arrested for shoplifting about the USMA Theft Database and provide information on how they can check to see whether their name is in the database, and inform them how they can request that the juvenile court seal their record and include USIS in the sealing order.
- The USIS follows procedures as outlined in the Fair Credit Reporting Act for inquiring whether or not someone's name is entered into the USMA Theft Database or for responding to complaints from persons who feel their name has been entered into the database wrongfully. Therefore, persons (including youth) who want to find out if their name is in the USMA Theft Database may write a letter to the USIS (PO Box 33181; Tulsa, OK 74153) which includes:

- a. Name
- b. Address
- c. Phone number
- d. Copy of driver's license and social security card
- e. Explanation that the person is requesting a copy of any information that the USIS may have on him or her.

For more information related to the process for inquiring as to whether someone's name is entered into the database, call the USIS Consumer Department at 1-800-381-0645.

- When requesting a juvenile's record be sealed or expunged, ask the local juvenile court to add USIS as an entity to be informed when a record sealing or expungement order has been made. If, because of his/her participation in youth court, the respondent does not have an official record to have "sealed" by juvenile court, check with the juvenile court to find out if and how a juvenile could have the juvenile court send a sealing order to the USMA Theft Database. For example, in San Diego, juveniles can request that the Juvenile Court "seal" their juvenile record, even if the only "record" is the information in the USMA database. The probation department creates a file number for them and then they are forwarded to the Juvenile Court for the sealing proceeding. Therefore, even though they do not have a "juvenile record", they can still request to have the USMA record expunged.
- Take advantage of the prevention and education benefits of youth court and inform youth court volunteers about the theft database and its implications.
- Keep informed of other private theft databases that may be developed in the future and investigate strategies for addressing problems that may arise for youth court programs by their existence.
- Youth courts may also want to check their Labor Code laws to see if there are any provisions that may make it a violation for employers to utilize information in the USMA Theft Database relating to incidents that occurred when a person was a juvenile. For example, based on preliminary research conducted by attorneys in CA, the California Labor Code section 432.7 states that employers are prohibited from considering, as part of a job application, any arrest that does not lead to conviction or any arrests that lead to participation in pre- or post-trial diversion program. Therefore, it is a violation of that labor code section for an employer to request any information from a juvenile that might relate to an offense that led to the juvenile's participation and successful completion in a diversion program. Also,

in California, juveniles are not "convicted" of crimes—rather there is a true finding as to whether a juvenile committed a crime or not. Therefore, since the code includes the word "conviction" in the Code's language, it is also a violation of that labor code section for an employer to utilize any information related to a juvenile's arrest that may have resulted in a true finding in juvenile court. It should be noted that based on this section of the CA Labor Code it is not a violation for USMA to maintain the database, nor is it a violation for them to provide information to an prospective employer about someone who has been entered into that database. However, it is a violation for the potential employer to request and utilize the information from the USMA Theft Database. This analysis only applies to California, and has no affect on laws in other states. In addition, the interpretation of the CA Labor Code 432.7 is based on preliminary research and this issue has not yet been analyzed by the courts.

Conclusion

With the cost of theft to employers, especially retailers, being so high, it is understandable why employers appreciate and participate in the USMA National Theft Database—they want to increase the odds they are hiring trustworthy employees and work towards decreasing the staggering costs related to employee and other types of theft. Nevertheless, the purpose of youth courts and other juvenile diversion programs is to ensure that youthful offenders are given a second chance to repair the harm caused by their actions and to change their behavior, while minimizing the future impact of their behavior on their lives. Currently, while there may be limited or no legal recourse in states to prevent retailers from utilizing private theft databases to identify persons who have shoplifted, youth court staff can educate and inform youth and their families about the database and provide them with information on how they can minimize potential negative affects in the future. □

Heather Dugdale is the Executive Director of the San Diego Teen Court in San Diego, California. Dennis Zolotor is the Juvenile Justice Program Coordinator with the Public Safety Business Office in Kansas City, Kansas.

Disclaimer: This article is limited to the impact of the USMA National Theft Database on youth. Criticism of the database is limited to those who are placed in the system without regard to juvenile law or confidentiality. In no way are we diminishing the importance of the database for tracking adult offenders.

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National Youth Violence Prevention Campaign

The National Youth Violence Prevention Campaign is a national initiative designed to raise awareness and to educate students, teachers, school administrators, counselors, school resource officers, school staff, parents, and the public on effective ways to prevent or reduce youth violence. Launched by National SAVE (Students Against Violence Everywhere) and the Guidance Channel, this campaign is designed to demonstrate the positive role young people can have in making their schools and communities safer. Activities are held throughout the school year and culminate in a weeklong national educational event (to be held April 4-April 8, 2005). With the support of several national premier youth-serving organizations, each day of the week focuses on a specific violence prevention strategy. These include:

- Promoting respect and tolerance
- Developing anger management skills

- Resolving conflicts peacefully
- Supporting safety
- Uniting in action

This year, the National Youth Court Center, along with 20 other national organizations, is serving as a co-sponsor of the National Youth Violence Prevention Campaign. April 7, 2005 Support Safety Day is sponsored by the National Youth Court Center. We hope youth courts will participate in all of the week's activities and events, but strongly encourage youth courts to partner with schools in projects and educational activities that address youth violence and safety issues. For a listing of suggested activities your program or school can do on this day, go to www.youthcourt.net or visit the National Violence Prevention Week award-winning campaign website (www.ViolencePreventionWeek.org).

The NYCC Holds Two Training Events for Youth Courts This Spring

Youth Court Professional Development Institute — New York City

On April 6-8, 2005, the NYCC will conduct its first Youth Court Professional Development Institute, sponsored by OJJDP. Eighty participants have been accepted into the training program, with more than 30 persons on a waiting list. The highly interactive 2 day special training event will feature a series of intensive training sessions designed to provide youth court coordinators and administrators with more advanced training on youth court and related topics. Topics addressed during the seminar will include:

- Building capacity for addressing substance use among youth court respondents
- Facilitating increased victim involvement in youth courts
- Working more effectively with youth and families
- Designing effective volunteer training programs and agendas
- Recruiting and retaining youth volunteers
- Improving the quality and types of community service for youthful offenders
- Developing and implementing educational classes for respondents
- Writing funding proposals, locating public and private resources to increase program sustainability
- Expanding program referrals
- Building effective partnerships with law professionals and professional law organizations

Youth Courts: An Implementation Training Seminar — Anaheim, CA

The NYCC will conduct a Youth Court Implementation Training Seminar in Anaheim, CA on May 2-4, 2005, sponsored by OJJDP. This seminar is designed to assist jurisdictions in developing and implementing effective youth court programs and will cover topics such as program planning and community mobilization, staffing and funding, legal issues, referral process, program services and sentencing options, and volunteer recruitment and training. There are 50 participants who have been accepted into the training seminar, while more than 15 persons are on a waiting list.

For information on training programs offered by the NYCC, go to www.youthcourt.net.

The NYCC Awards NYSD Mini-Grants to 70 Youth Courts

The National Youth Court Center is proud to announce it has awarded 70 youth court programs National Youth Service Day mini-grants. Youth courts will use the mini-grant funds to complete community service projects during National Youth Service Day on April 15-17, 2005. The funding for the NYCC mini-grants is provided by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, U.S. Department of Justice; and the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation. Congratulations to all recipients!

2005 Mini-Grant Award Winners

Alaska

Wrangell Youth Court - Wrangell, AK

Arizona

Benton Teen Court - Benson, AZ

Cesar E. Chavez Teen Court - Phoenix, AZ

Gila River Indian Community Teen Court - Sacaton, AZ

California

Humboldt County Teen Court - Eureka, CA

San Diego Teen Court, Inc. - San Diego, CA

Colorado

Pueblo Municipal Court Teen Court - Pueblo, CO

Florida

Holmes County Teen Court - Bonifay, FL

West Palm Beach Police Juvenile First Offenders - West Palm Beach, FL

Idaho

The Third District Youth Court - Caldwell, ID

Illinois

Illinois Valley Peer Jury - Peru, IL

Macon County Teen Court - Decatur, IL

McDonough County Teen Court - Macomb, IL

Indiana

Huntington County Teen Court - Huntington, IN

Kansas

Bourbon County Kansas Youth Court - Fort Scott, KS

Kentucky

Graves County Teen Court - Mayfield, KY

Hardin County Teen Court - Elizabethtown, KY

Louisiana

New Orleans Teen Court - New Orleans, LA

Maryland

Charles County Sheriff's Teen Court Unit - LaPlata, MD

St. Mary's County Teen Court - Leonardtown, MD

Massachusetts

New Bedford Youth Court - New Bedford, MA

Minnesota

Brown County Teen Court - New Ulm, MN

Martin County Teen Court Program - Fairmont, MN

Mississippi

Mississippi Band of Choctaw Indians - Choctaw, MS

Montana

Youth Justice Council of Central MT - Lewistown, MT

Nevada

Elko County Teen Court - Elko, NV

New York

Amherst Youth Court - Amherst, NY

Bethlehem Youth Court - Delmar, NY

Camden Youth Court of Oneida County - Utica, NY

City of Tonawanda Youth Court - Tonawanda, NY

Colonie Youth Court - Latham, NY

Harlem Youth Court - New York, NY

Niskayuna Youth Court - Niskayuna, NY

Proctor Youth Court of Oneida County - Utica, NY

Red Hook Youth Court - Brooklyn, NY

Rome Youth Court of Oneida County - Utica, NY

Saratoga County Youth Court - Saratoga Springs, NY

Schenectady Youth Court - Schenectady, NY

Schuyler County Youth Court - Montour Falls, NY

Southampton Town Youth Court - Southampton, NY

Town of Horseheads Youth Court - Horseheads, NY

Warren County Youth Court - Hudson Falls, NY

Youth Court of Jefferson County - Watertown, NY

North Carolina

Duplin County Teen Court - Kenansville, NC

Jones County Teen Court - Kenansville, NC

Teen Court of Pitt County - Greenville, NC

Ohio

Brown County Teen Court - Georgetown, OH

Stark County Teen Court - Canton, OH

Oregon

Hood River County Teen Court - Hood River, OR

Tigard Peer Court - Tigard, OR

Pennsylvania

Blair County Peer Jury - Hollidaysburg, PA

Clearfield County Teen Court - Dubois, PA

Northumberland County Peer Jury - Sunbury, PA

Pottstown Area PAL Youth Court Program - Pottstown, PA

South Carolina

Project Chance Eau Claire High School - Columbia, SC

South Dakota

Brown County Teen Court - Aberdeen, SD

Central South Dakota Teen Court - Ft. Pierre, SD

Rosebud Sioux Tribe Teen Court - Rosebud, SD

Texas

Angelina County Teen Court - Lufkin, TX

Dawson County Teen Court - Lamesa, TX

Mission Impossible of Texas - Youth Court Program - Georgetown, TX

Utah

Carbon Youth Court - Price, UT

Midvale Youth Peer Court - Midvale, UT

Tooele Youth Court - Tooele, UT

Virginia

Patrick Henry Youth Court - Roanoke, VA

Washington

Granite Falls Youth Court - Granite Falls, WA

West Virginia

Marion County Teen Court - Fairmont, WV

Monongalia County Teen Court - Morgantown, WV

Wisconsin

Jefferson County Teen Court - Jefferson, WI

Portage County Peer Court - Stevens Point, WI

KB: What are some appropriate responses, services, and sentencing options that youth courts could impose on persons referred for bullying offenses?

JB: Let me answer this question one part at a time. The bully doesn't bully because he or she is a bad kid. They bully because something else in life is hurting them and they are taking it out on someone else. The big school yard bully is taking out his/her anger at the world. The popular girl who is pushing her friends to be mean to someone else is doing it as a bonding ritual to test her acceptance level with her clique.

In either case, the bully needs help just as much as the victim. They are the flip sides of the same coin. The appropriate response to these defendants is curiosity delivered with a positive message.

Say to the bully "you're a good kid, we're proud that you're a member of our school/community. It's not like you to be cruel to someone else. What's going on in your life that's making you so upset as to behave this way?" If the end result of all this is that we want bullies to be more empathetic, then we must treat them more empathetically. We ask bullies to be more compassionate, but then we slap them with arbitrary punishments. It is hypocritical when you really think about it.

In terms of services and sentencing options, one of the greatest ways to rehabilitate a bully is to require them to volunteer in an environment that helps them to access their compassion. For example, the bully who plays with matches could be required to volunteer as a candy striper in the pediatric burn unit of a hospital so he/she could see firsthand what fire can really do. Or the kid who pulls the legs off of a frog could be required to volunteer at an animal shelter where he/she could learn up close the consequences of cruelty to animals. The bottom line is that traditional punishment rarely works. To rehabilitate a bully, we must help them to discover the compassion that lies within them and create opportunities to help develop that compassion like a muscle.

KB: You coined the term "compassionate discipline" instead of the term "punishment" as a way to describe the types of consequences a bully should receive. What do you mean by compassionate discipline? How do you distinguish compassionate discipline and punishment for punishments sake?

JB: Elaborating on what I mentioned above, traditional punishment does not work because it only makes an angry kid angrier. And where is he/she going to take out all that extra anger? He/she is not going to take it out on the cool crowd or his /her friends because that is too much of a social risk. Instead, he/she is going to target the same person everyone targets—the outcast, because the outcast is the most socially expendable person at school.

Traditional punishment such as detentions and suspensions only accelerate the cycle of abuse in our schools and are the reason so many bullies end up in jail later in life. Compassionate Discipline™ is driven by curiosity, and its purpose is to help the bully access the empathy that lives within them by creating opportunities for them to develop it like a muscle. Instead of punishing a kid for being cruel, require them to offer specific acts of kindness so they can experience the joy of another's happiness. For example, a youth is found guilty of spit balling and teasing the outcast. Rather than a suspension, which will only give him time to fume and plot his retaliation, require that one specific act of kindness be done for someone every day for two weeks. Require a paragraph to be written

describing the act, a paragraph on the recipient's response, and a paragraph on how that response made him/her feel. Each recipient must sign the paper. This form of discipline is positive reinforcement which teaches perpetrators the joy of being kind, as opposed to traditional punishment which is negative and only teaches the consequences of being cruel.

KB: Can you give a brief explanation from your viewpoint of why you were targeted by the bullies – was it because you often volunteered with the down-syndrome class?

JB: I wasn't targeted because I was a volunteer. I was attacked one day after school for defending a student with Downs Syndrome. A group of kids from the cool crowd were throwing dirt into the eyes of a Downs student. I jumped in and made them stop. That afternoon, those same kids ambushed me in the parking lot after a snowstorm, shoving fistfuls of snow down my shirt, inside my ears, and down my throat. When I started to gag, they ran off. The reason I was attacked was because I went against the crowd. Like I've said throughout this interview, bullying is about fitting in. I didn't fit in because I wouldn't blindly follow the crowd. They were threatened by my independence and so attacked me. I tell kids who are shunned and abused by their peers today that there is nothing wrong with them; it is everything that is right about them that makes them a target.

KB: How can we educate our youth court volunteers about bullying?

JB: Even more important than how we educate them is how we recruit them. We need to be careful that youth courts do not become popularity contests. Typically, most of the students who volunteer for programs, such as youth court, are the well-rounded, gregarious students who are engaged in multiple activities at school and would even define themselves as popular. While most of these popular students probably are caring, compassionate and natural born leaders, some may bully their peers or at the very least be "cliquish." It's rare that outcasts volunteer for youth court because they are afraid they are not going to fit in with the other volunteers. Schools must reach out to those students who appear to be outcast and shunned. They are the ones who sit alone at lunch, get picked last for gym, the ones excluded and abused by the cool crowd. Their trust needs to be nourished and they need to be encouraged that if they volunteer for youth court, it will help to give them a voice in the school, a platform where their opinions count and their talents are appreciated. We know the well-rounded, engaged students will always volunteer. But it is the outcasts who will help to balance the scales of youth court and who need to be courted, no pun intended!

KB: Status offenses are accepted in youth court, truancy in particular, what are your recommendations for how a youth court should handle a situation whereby the respondent (truant) does not go to school because of constant fears of being beat up, taunted or intimidated by a group of bullies? In a case like this, what types of services might we provide to this person?

JB: Punishing a truant child who is absent because they are being bullied is sentencing someone to torture twice. It is absurd and ridiculous. Truancy due to peer abuse is a survival mechanism, not an infraction of the rules. These students must be treated with compassion, empathy and intelligence. Counseling should be recommended so that these shunned, abused students have help navigating their anger, fear and loneliness.

KB: At intake, what questions can youth court coordinators and defense attorneys ask to gauge if a child is being bullied or is the perpetrator?

JB: There is one question that will provide the most telling answer. "How did you feel when this was happening?" Then just sit back and listen.

KB: You have said that after your school seminars, many young people come up to you and tell you that they were involved in youth court as a respondent and actually had someone that bullied them serve on their jury. What do you recommend youth courts do to make youth more comfortable about reporting and asking for jurors, judges, or attorneys to be removed from a case for this reason.

JB: I travel across the country, spending time in many schools that have youth court programs. I think these programs are as necessary to our system as arteries are to our bodies. However, that being said, I have witnessed some fundamental problems with some of these programs and I'm honored you're open to addressing them. Remember that while youth court seeks to simulate a real court environment, there is one major difference. In real court, a defendant does not ask for jurors to be removed, their counsel does. Additionally, the defendant does not know the jurors, or have to get along with the jurors in math class or by the lockers, or have to face them every day at school. They are twelve strangers who after court is adjourned they will never see again. In some youth courts, the jurors are classmates many of whom are among the most popular, active and gregarious students in the school and some of whom may be the dangerous kind of bully—the ones who use exclusion to be

cool. If you are a respondent and one of your jurors rules the school socially and has bullied you in the past, are you going to want to risk alienating them and their friends by requesting they be off the jury in front of everyone? For the respondent in that position, either way he or she loses. I cannot tell you how many times I have had students complain about this to me.

First, I think each potential juror should be given a Biases Assessment Interview by an adult coordinator, and based on his or her responses, the adult coordinator determines who is likely to be a fair juror and who is not. Then, the adult coordinator interviews the defendant/respondent privately about which jurors he or she thinks will be biased. Based upon these criteria, the adult coordinator makes the final decision on who will serve on the jury, and announces it. This takes the onus off the respondent as well as provides a dual pronged approach to proper assessment.

KB: In conclusion, what are some of the most important recommendations you would suggest for youth courts that accept bullying cases.

JB: It is critical for everyone involved in youth court—from the program coordinator to the student leader at the smallest school involved be in constant touch with their empathy and compassion. Remember, the bully is a victim, too and all victims have a right to be heard. Beyond that, and this echoes one of my primary messages, it is your human right to non-violently stand up for yourself in the moment abuse occurs; seeking vengeance later is a mistake. □

Jodee Blanco can be reached through her website at www.jodeeblanco.com.

Youth Court Briefing to be Held on Capitol Hill

On April 15th the American Youth Policy Forum will hold a briefing on youth courts on Capitol Hill in Washington, DC from 9:15 – 11:00 a.m. AYPF with support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Youth Court Center (NYCC), conducted a nationwide review of youth court programs between November 2004 and January 2005. A 40% return rate has yielded a successful snapshot of the landscape for youth courts nationwide. The research revealed in a new report, to be provided at the briefing, seeks to provide policymakers and the public with an overview of youth court programs, their characteristics, and benefits. The findings are both surprising and inspiring and cover topics such as: program completion, cost, impact on youth offenders and volunteers, educational and civic opportunities, program sustainability, and recommendations to policymakers.

During this briefing, panelists from the federal level, Office of Juvenile Justice and Delinquency Prevention; a private non-profit organization, the American Probation and Parole Association; a youth-focused non-profit, Youth Service America; and a program director, adult volunteer, youth respondent, and youth volunteer from Charles County Teen Court, Maryland will have an opportunity to respond to the AYPF's research.

Participate in Law Day!

On May 1, 2005, people across the nation will join in the celebration of our legal system. Law Day is an annual event sponsored by the American Bar Association, Division of Public Education. Lawyers, judges, educators and legal professionals gather to celebrate their faith in people's abilities to make wise decisions in our democracy. Although, Law Day is technically celebrated on the first day of May, it can be celebrated at other times during the month, or at anytime of the year. The theme this year is The American Jury: We the People in Action. Youth courts across the nation are participating in this event. If you would like more information on how to participate, please log onto <http://www.aba.net.org/publiced/lawday/theme2005.html>.

Many youth courts have already received the *Law Day Planning Guide* and you can too by going to the following link on the ABA's website <http://www.abanet.org/publiced/lawday/guidemain.html>. You will find valuable information on how to make Law Day a success year after year.

The NYCC would like to thank the ABA for their generous support of youth courts efforts to participate in Law Day activities. In March, the ABA sent free Law Day Kits to 142 youth courts who responded to an email announcement regarding this special limited giveaway. For those who may not have received a Law Day Kit, but are interested in purchasing one, the ABA has a limited number of Law Day Kits available for \$39.95. The Law Day Kit includes posters, bookmarks, stickers, buttons, flower seeds, and balloons. There are also many free materials that can be downloaded from the Law Day website, www.lawday.org. Items that can be downloaded include Law Day art, the Law Day planning guide and lessons and talking points on the Law Day theme. People can also join the Law Day listserv.

NYCC Holds the First National Meeting of State Youth Court Associations and Networking Groups in Washington, DC

On March 14-16, 2005 leaders representing state youth court associations or networking groups from Alaska, Florida, Illinois, Missouri, North Carolina, New Mexico, New York, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wisconsin convened at the Grand Hyatt Hotel in Washington, D.C. for the first national meeting of State Youth Court Associations and Networking Groups. The meeting was conducted by the National Youth Court Center and sponsored by the Office of Juvenile Justice and Delinquency Prevention. The purpose of the meeting was to give association members and networking groups an opportunity to interact with one another and learn from each other how to enhance policies and procedures and to generate ideas about how to more effectively manage youth courts.

The meeting began on Monday evening, March 14 with a networking dinner for the state association/networking group representatives and persons from national organizations that support youth court initiatives. National organizations represented at the networking dinner included Street Law, Inc.; Youth Service America; the Urban Institute; Family, Careers, and Community Leaders of America; as well as a representative from the U.S. Department of Education. Scott Peterson, Program Manager of OJJDP and Drew Molloy, President of the American Probation and Parole Association made welcoming remarks.

There were a number of awards and certificates of recognition given during the dinner. Mr. Molloy presented Donni LeBoeuf, Special Assistant to the Administrator, OJJDP, with an award recognizing her efforts for the past 10 years to support and enhance youth courts on

a local, state, and national level. He also presented the National Youth Court Center the American Probation and Parole Association's Award for Excellence in Community Crime Prevention. Scott J. Peterson and Tracy Godwin Mullins accepted the award on behalf of the NYCC and OJJDP. Donni LeBoeuf presented Certificates of Recognition from the National Youth Court Center, American Probation and Parole Association, and the Office of Juvenile Justice and Delinquency Prevention to the state associations and networking groups who attended the meeting for their efforts to enhance the quality of teen courts and improve the lives of young people on a state level (see figure 1 for a listing of recipients). Andrew H. Placito Jr., Program Manager with the New York Division of Criminal Justice Services was also recognized by Scott J. Peterson for his outstanding service and dedication to youth courts in the state of New York and his tireless commitment to fostering the development of youth courts on a national level.

After the networking dinner, the business aspect of the meeting began. The next two days were spent getting input from meeting participants on a variety of current and future NYCC initiatives including training programs, National Youth Court Month, the NYCC website, a potential national youth court conference in 2006, and a new national fundraising event for local programs. Meeting participants also provided input into how local programs, state associations/groups, and the NYCC can work together to increase recognition and support of youth courts on a local, state, and national level. In addition, time was allotted to allow state representatives an opportunity to network and share information about how their state associations/networking groups are excelling and get input and advice from each other on how to strengthen other aspects of their state association's/group's work.

Additional speakers, such as Wendy Povitsky, a researcher with the University of Maryland, Sarah Pearson, a Senior Program Associate with the American Youth Policy Forum, and Karen Daniel, Director of National Youth Service Day at Youth Service America, and J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention also made presentations during the meeting.

Wendy spoke about a current research project that she and others from the University of Maryland are working on to evaluate several teen court programs in the state of Maryland. Process and outcome measures will be assessed in their study.

Sarah Pearson updated meeting participants on the early results of the study the American Youth Policy Forum has conducted to provide policy makers and the interested public with an overview of youth court programs, their characteristics, and their benefits. She also spoke with them about how they can help encourage their state and national policy makers to attend a briefing on youth courts that AYPF will conduct on Capitol Hill on April 15, 2005.

Karen L. Daniel talked about the history of National Youth Service Day (April 15-17, 2005) and how local youth courts and state youth court organizations can get involved. She reported that this year the National Youth Court Center awarded mini-grants to 70 youth court programs to help them plan NYSD projects.

J. Robert Flores addressed meeting participants during a working lunch on Tuesday, March 15th. Mr. Flores expressed his appreciation to the state level youth court organizations and to local youth

Figure 1 The NYCC, APPA and OJJDP Recognize the Efforts of State Youth Court Associations and Networking Groups

The following state associations and networking groups were represented at the State Youth Court Association/Networking Group Meeting March 14-16, 2005 and received Certificates of Recognition for the work they do with youth/teen/peer courts on a state and local level.

- United Youth Courts of Alaska
- Florida Association of Teen Courts, Inc.
- Illinois Youth Court Association
- Missouri Peer Court Association
- New Mexico Teen Court Association
- Association of New York State Youth Courts, Inc.
- North Carolina Teen Court Association
- South Carolina Youth Court Association
- Tennessee Youth Court Program
- South Dakota Teen Court Association
- Teen Court Association of Texas
- Utah Youth Court State Advisory Board
- Youth Courts of Washington
- Wisconsin Teen Court Association, Inc.

courts for the work they do to help hold youthful offenders accountable and to provide other young people with a program in which they can learn and practice good citizenship.

On the last day of the meeting, Tracy Godwin Mullins presented an award to James B. Wright of the National Highway Traffic Safety Administration for his outstanding dedication to and support of the expansion of teen courts on a local, state, and national level. Mr. Wright was the first federal project manager the first national teen court initia-

tive that APPA managed for the National Highway Traffic Safety Administration in 1994. Although he doesn't currently work on the national youth/teen court initiatives, he continues to be a strong supporter of the program.

As the meeting concluded, state association and networking group representatives expressed that the meeting was very helpful and they not only gained invaluable insight from the facilitators, but from each other as well. □

A Round of Applause Goes to . . .

continued from page 2

Donni LeBoeuf and James B. Wright are Recognized for Their Longstanding Support of Youth/Teen Courts

Donni LeBoeuf, Special Assistant to the Administrator, Office of Juvenile Justice and Delinquency Prevention and James B. Wright, Senior Highway Safety Specialist, National Highway Traffic Safety Administration were honored by the American Probation and Parole Association and the National Youth Court Center for their work with youth/teen courts during the first national meeting of State Youth Court Associations and Networking Groups in Washington, DC on March 14-16, 2005. They received the awards in recognition of their dedication to and support of the expansion of youth/teen courts on a local, state, and national level. Ms. LeBoeuf and Mr. Wright were the first federal program managers to oversee the national youth/teen court initiatives funded by the OJJDP and NHTSA. The federal government began supporting the national youth/teen court movement in 1994.

Drew Molloy, President of the American Probation and Parole Association, presented the award to Ms. LeBoeuf during a networking dinner on March 14th. "Tonight we recognize her for her decade commitment to advancing the youth court concept in the United States," said Mr. Molloy. "She has been the relentless voice for youth court and remains steadfast in her commitment because she believes in it and has made it a part of her life's work." In her position at OJJDP, Ms. LeBoeuf advocates for funds from the federal government to support new youth court resources and keeps youth courts in mind when working on other OJJDP projects for which she feels that youth courts may be a good link or resource. For example, she has been a strong proponent in examining and strengthening how youth courts can address truancy.

Tracy Godwin Mullins, Director of the National Youth Court Center, presented the award to Mr. Wright on Wednesday, March 16th. Mr. Wright spearheaded the first national teen court initiative funded by the National Highway Traffic Safety Administration, U.S. Department of Transportation that was managed by APPA. "Initially, Jim heard about teen courts and felt they would offer communities a wonderful resource to encourage the enforcement of underage drinking laws and hold youth charged with possession of alcohol accountable," said Godwin Mullins. However, Mr. Wright also recognized the far reaching effect teen courts could have on youth charged with other types of delinquent and status offenses and problem behaviors. "Although he doesn't have any daily interaction with the national teen/youth court initiatives anymore, he hasn't lost his enthusiasm for the program," said

Godwin Mullins. "He wholeheartedly believed in the power of teen courts to make a difference back in the early 1990's, and he still believes in their ability to help hold young offenders accountable and provide our nation's youth with a meaningful way to serve and contribute positively to their communities."

APPA Presents the NYCC an Award for Excellence in Community Crime Prevention

On Monday, March 14, 2005, Drew Molloy, President of the American Probation and Parole Association, presented the National Youth Court Center with an Award for Excellence in Community Crime Prevention. Scott J. Peterson, Program Manager, OJJDP and Tracy Godwin Mullins, Director, National Youth Court Center, accepted the award during a networking dinner for State Youth Court Associations and Networking Groups.

The APPA Award for Excellence in Crime Prevention recognizes community corrections agencies, or community crime prevention programs coordinating with a community corrections agency, that have integrated community crime prevention initiatives into the traditional roles of supervision, intervention and sanctioning of offenders. The National Youth Court Center was presented the award as a representative agency of all the active and developing youth courts, teen courts, peer courts, and student courts across the nation.

Andrew H. Placito, Jr. Recognized by OJJDP and the NYCC

Andrew H. Placito Jr., Program Manager with the New York Division of Criminal Justice Services received a certificate in recognition of his outstanding service and dedication to youth courts in the state of New York and his tireless commitment to fostering the development of youth courts on a national level. Scott J. Peterson, Program Manager, OJJDP presented Mr. Placito with the award during a networking dinner at the State Youth Court Association and Networking Group meeting in Washington, DC on March 14-16, 2005. "Andy has a genuine interest in youth court and his dedication to the national youth court movement is certainly reflected which what is going on in New York State," says Scott Peterson. "With over 110 youth courts in New York, Andy and the dedicated folks who run these programs deserve recognition for their united approach in offering high quality services to the youth and families served in these programs."

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Lexington, KY 40578-1910

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CALENDAR OF EVENTS

To include your conference or event in our newsletter or on our website, please send information to NYCC, P.O. Box 11910, Lexington, KY 40578 or email us at nycc@csg.org.

April 2005: Alcohol Awareness Month

April 4-8, 2005: National Youth Violence Prevention Week. For more information go to <http://www.violencepreventionweek.org/index.html>

April 6-8, 2005: NYCC 1st Professional Development Institute, New York City. For more information go to www.youthcourt.net or call 859-244-8193.

April 10-16, 2005: National Crime Victims Rights' Week. Go to www.ovc.gov for more information.

April 15, 2005: Youth Court Briefing on Capitol Hill, Washington, D.C. For more information, contact Sarah Pearson at the American Youth Policy Forum at spearson@aypf.org.

April 15-17, 2005: National Youth Service Day. For more information, visit www.ysa.org/nysd.

May 1, 2005: Law Day. For more information, visit www.lawday.org.

May 2-4, 2005: Youth Court Implementation Training, Anaheim, California. For more information or to register go to www.youthcourt.net or call 859-244-8193.

National Youth Court Center

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Highway Traffic Safety Administration (NHTSA) established the National Youth Court Center (NYCC) at the American Probation and Parole Association in Lexington, Kentucky. The NYCC serves as an information clearinghouse and provides training, technical assistance, and resource materials to assist jurisdictions in developing and operating effective youth court programs.

NYCC Staff

Tracy Godwin Mullins, Director
Karen Dunlap, Research Associate
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