

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 19, 2012
1:20 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN BLONDELL REYNOLDS BROWN

RESOLUTION 120263 - Resolution authorizing
City Council's Committee on Public Safety to
conduct hearings on how Youth Courts could
reduce juvenile recidivism rates, violence in
schools, bullying...

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COUNCILMAN JONES: I note that the hour has arrived, that we can begin to conduct the people's business. So if people will take their seats, we will begin this very ambitious hearing.

This is a hearing by the Committee on Public Safety. I note that a quorum is present. To my left, Councilman Henon. To my right, Councilwoman Blackwell, and I know that Councilman O'Brien -- there he is. So, therefore, we have a quorum.

Will the Clerk please read the title of the resolution.

THE CLERK: Resolution 120263, resolution authorizing City Council's Committee on Public Safety to conduct hearings on how Youth Courts could reduce juvenile recidivism rates, violence in schools, bullying and in conclusion have an effect on the expenses of incarceration by engaging and empowering previously disconnected youth in a participatory and democratic system.

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2 COUNCILMAN JONES: Thank you.

3 I just want to, before we get
4 started with the hearing, say a few words
5 and possibly even hear from other members
6 of the Committee.

7 I will use the words of Eleanor
8 Roosevelt when she said, Justice cannot
9 be on one side alone, but must be on both
10 sides. And as I've taken a look at the
11 opportunity that Youth Courts, Teen
12 Courts, depends on what you call it, but
13 a restorative justice model administered
14 by youth peers has the potential to do,
15 the intended consequences, the unintended
16 consequences all, all have a potentially
17 positive beneficial aspect to our young
18 people.

19 It is my sincere belief that
20 good citizens aren't always born, but
21 they can be groomed. And in my travels,
22 I had an opportunity to see some of the
23 best practices and best grooming of
24 citizenships through this peer-to-peer
25 communications, this peer-to-adult

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2 relationship of respect, and ultimately
3 when we grow citizens, we have an
4 adult-to-society respect for justice.

5 Many of the court personnel and
6 judges are here today. So what we hope
7 to do is grow good citizens.

8 According to the Center for
9 Disease Control and Prevention, youth
10 violence is the second leading cause of
11 death for young people between the ages
12 of 10 and 24, and amongst African
13 American males, it is the number one
14 cause of death. Some of the factors of
15 youth violence are poverty in the
16 community, poor grades in school and
17 education, families that often are
18 dysfunctional, prior history of
19 violence -- prior history of violence
20 being a key factor -- drug and alcohol as
21 well.

22 Last month I had the pleasure
23 of going to Youth Courts at the Science
24 and Discovery High School in Chester
25 Upper -- Upland School District. I'm

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2 sorry. And I saw something that was
3 amazing. I walked into an auditorium
4 that was transformed into a courtroom. I
5 watched a young justice assume the black
6 robe and begin to give the courtroom
7 decorum, and I watched young people sit
8 up with respect and listen to his honor.
9 I watched the bailiff read the rules of
10 the courtroom, telling people to turn off
11 your cell phones and refrain from
12 cursing. I watched young people give
13 other young people the dignity that they
14 deserve and the dignity to the process.
15 It was truly amazing.

16 I then watched a system that
17 allowed for defendants to eventually
18 through training become jurists and
19 through further training actually become
20 judges. Restorative justice at its best.

21 I want to talk about very
22 briefly a young lady that would have been
23 here but cannot be here. Her name is
24 Aliya Smith. She attends Germantown High
25 School. She is an honor student in the

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2 tenth grade. And she can't be here today
3 because she spent the last ten hours in
4 jail being arraigned, having to report to
5 the Youth Study Center for another six
6 hours, because she had on the end of a
7 key chain one of those pepper sprays.

8 Now, granted, pepper spray
9 probably isn't an acceptable tool for
10 education, but in Germantown, if you
11 followed the news media, there was an
12 attack in a stairwell of a young lady
13 recently, a sexual assault ensued. So
14 she thought it was okay and acceptable
15 behavior to bring this self-defense item
16 to school.

17 She now is at risk for
18 permanent scarring of her record. She
19 now is at risk of probably not being
20 accepted at some of the first choice
21 schools that she wants to go on to. And
22 we want to explore today what the
23 possibilities are to deal with recurring
24 issues of bullying through a peer justice
25 model, disruptive behavior in classroom

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2 through a youth-administered justice
3 system, and the potential for gaining
4 citizens that when they become adults
5 don't run away from jury duty, don't fall
6 into a no-snitching culture, that
7 actually take personal pride and
8 responsibility for this thing called
9 society and our system of justice.

10 So without further adieu, we
11 want to begin these hearings, and I want
12 to know if any of the members of this
13 panel would like to say a few words.

14 (No response.)

15 COUNCILMAN JONES: Seeing none,
16 I'd like the Clerk to call the first
17 panel of witnesses.

18 THE CLERK: Will the
19 representatives from the Chester Upland
20 Youth Court, Gregg Volz, Mori Hitchcock
21 and Brian Foster, please come to the
22 table.

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN JONES: Welcome. I

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2 just want to know if this forum, do I
3 have to call you Your Honor? No, we're
4 not in your court? Welcome to ours.

5 Would you please state your
6 name for the record and begin your
7 testimony.

8 MR. VOLZ: My name is Gregg
9 Volz.

10 COUNCILMAN JONES: Could you
11 pull the mic a little closer to you.

12 MR. VOLZ: My name is Gregg
13 Volz.

14 Consistent with Youth Court, I
15 normally would have asked the students to
16 speak first, but I think they prefer that
17 I do it. So I'm happy to start out here,
18 and I don't think I'll be very long.

19 I'm a public interest lawyer,
20 and I have been developing student-run
21 Youth Courts for more than five years.
22 For the past three and a half years, my
23 work as a Stoneleigh Foundation fellow
24 included developing Youth Courts in
25 Chester, and through training, written

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2 articles and seminar presentations,
3 nurturing a statewide Youth Court
4 movement. Working closely with the
5 Pennsylvania Bar Association, we have
6 succeeded in doing that.

7 Since 2007, I have worked with
8 more than 15 groups of students between
9 the ages of 13 and 19. This past year,
10 despite challenges that no group of
11 students should ever be asked to
12 surmount, our students succeeded in
13 running six Youth Courts in the Chester
14 Upland School District. One was a group
15 of eighth graders, of which I am
16 particularly proud.

17 Yesterday, the Stoneleigh
18 Foundation posted my observations about
19 this class on their blog, and if you have
20 a few minutes to review it, I would ask
21 that you take a look at it to understand
22 the potential youth have to learn in a
23 group and as a group.

24 As important as Youth Courts
25 are for high school students, public

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2 policy should foster Youth Courts for
3 middle school-aged youth as well as high
4 school youth. It is never too early to
5 discuss rules and consequences with our
6 children. It is never too early to ask
7 who got hurt, how do we fix it and how do
8 we keep it from happening again. Youth
9 Court students ask these questions, and
10 they then form the disposition based on
11 the student offender's responses to those
12 questions.

13 Youth Courts are student-run
14 disciplinary systems. The students are
15 taught by lawyers, law students, teachers
16 and other professionals. The major
17 resource is not money or even dedicated
18 adults, but the energy and talents of our
19 own youth.

20 You must observe a Youth Court
21 hearing to appreciate its dynamic and
22 transformative power, and I want to thank
23 Councilman Jones for taking the time and
24 many of his staff to come to Chester and
25 see that.

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2 What do we know about Youth
3 Courts? We know that they're a
4 disciplinary system which can be used in
5 schools or within the juvenile justice
6 system. In schools, they can be
7 integrated within social studies or
8 English curriculum or they can be
9 operated as an after-school program.

10 As a diversionary strategy
11 within the juvenile justice system, they
12 can be operated by police departments, DA
13 offices or linked to probation and parole
14 programs. However, the most effective
15 Youth Courts are operated by non-profits.

16 Youth Courts keep students in
17 school by replacing Youth Court sanctions
18 for school suspension. Research shows
19 that once kids are on the street, they're
20 less likely to graduate from high school.
21 Research shows if they don't finish high
22 school, there's greater chance of contact
23 with the juvenile justice system. If
24 they have early contact with the juvenile
25 justice system, they increase their odds

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2 of having contact with the criminal
3 justice system. This cycle is known
4 unfortunately as the school-to-prison
5 pipeline. Youth Courts can replace the
6 school-to-prison pipeline with a
7 school-to-career pipeline.

8 Youth Courts are affordable.
9 Teams of Youth Court trainers are able to
10 train any group of students, no matter
11 how challenged that school district might
12 be. Lawyers are the key players in this
13 effort. Next week a meeting at Ballard
14 Spahr under the leadership of Education
15 Works and the Stoneleigh Foundation will
16 bring together lawyers, local lawyers,
17 local law firms to explore how they can
18 contribute to Youth Court expansion in
19 Philadelphia.

20 In addition to the benefits
21 that student offenders receive, avoiding
22 adult-imposed sanctions and the
23 school-to-prison pipeline, Youth Courts
24 also teach academic skills such as
25 following a complex fact pattern, asking

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2 probing questions, speaking on your feet.
3 They enhance civic engagement skills.
4 They allow youth to contribute to their
5 community and feel worthwhile as a human
6 being. They enhance socialization
7 skills. Youth Courts cannot function
8 unless youth maintain order in the jury,
9 deliberate in a body and reach consensus
10 on an appropriate disposition. Youth
11 Courts empower youth.

12 The more control students have
13 to operate the court as they see fit, the
14 more effective the courts will be and the
15 more youth will invest themselves in
16 Youth Courts. Research supports this
17 statement.

18 Once youth are trained
19 properly, it is best to step aside and
20 let the youth make major policy
21 decisions. And I know that sounds
22 unusual to some people, but I have seen
23 it for five years.

24 What is needed? Two things.
25 We need a public-private partnership, as

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2 called for by the Pennsylvania Bar
3 Association Youth Court resolution in May
4 of 2011. And I want to note that it's my
5 understanding that currently the
6 Philadelphia Bar Association is
7 considering and discussing the adoption
8 of a proposed Youth Court resolution as
9 well and has in fact asked that this
10 record be kept open to give them time to
11 possibly do that.

12 The second thing we need is an
13 organization to coordinate that
14 partnership and assure that lawyers, law
15 firms, law schools, law enforcement
16 authorities, educators and
17 philanthropists work together.

18 Although this may sound
19 idealistic and difficult to achieve, it's
20 already happening. The only question is
21 whether the public sector will help to
22 institutionalize this work to maximize
23 the benefits to society and to our
24 children.

25 If we examine the low cost to

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2 run a Youth Court and reflect on what
3 students are learning and the multiple
4 benefits provided, it is hard to imagine
5 why every high school in Pennsylvania
6 does not have a Youth Court.

7 However, we must be careful and
8 take time to develop quality Youth
9 Courts. To do that, you have to have an
10 organization to provide training,
11 coordination, planning and sustainable
12 support for the individual Youth Courts.
13 You can't expect schools in the current
14 economic crisis to do this alone. This
15 is an opportunity for the entire
16 Philadelphia community to step up and
17 support its children. I hope you agree.

18 Thank you.

19 COUNCILMAN JONES: We will ask
20 questions after the entire panel has an
21 opportunity to speak, but thank you for
22 your testimony, and please stay there.

23 Good afternoon. State your
24 name for the record and begin your
25 testimony.

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2 MR. FOSTER: Good afternoon.

3 I'm Brian Foster.

4 Good afternoon, members of the
5 Public Safety Committee of Philadelphia
6 City Council. My name is Brian Foster
7 and I am an alumni of Chester High School
8 class of 2011 and also a founding member
9 of Chester High Youth Court. I am
10 submitting this testimony because I care
11 about the youth and their development,
12 and I realize what is going on in the
13 community.

14 I was once a youth who faced
15 many hardships when I attended grade
16 school. Getting into fights and being
17 respectful was a lifestyle that I
18 accepted at the time. I got to the point
19 where I didn't want to be like my older
20 siblings who faced jail time, who then
21 continued to live their life as if it was
22 worth little.

23 I became involved with the
24 Chester Upland Youth Court as an
25 underclassman who was familiar with

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2 violence. I always was a fighter at
3 heart because I thought I had something
4 to prove. I surrounded myself with
5 friends who had the same attitude. It
6 got to the point where they attacked
7 somebody I knew. I didn't tell
8 authorities who it was, and that caused
9 me to get into a lot of trouble.

10 The Youth Court was an outlet
11 for me. It helped shape myself -- it
12 helped me shape myself differently. How
13 I act today is a result of how the Youth
14 Court pushed me to better myself.

15 I honestly think that Youth
16 Courts are beneficial. For me,
17 representing some of the youth in Chester
18 PA, the Youth Court has opened doors and
19 has given resources that the streets
20 could never give to me. It shows the
21 leadership potential that I never knew I
22 had. I was once a troubled youth who
23 turned into a leader.

24 Over the years of being
25 involved with Youth Court, I have grown

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2 as a team player. I know for a fact that
3 most of the missions that the Youth Court
4 had couldn't have been done without a
5 strong team. Even though I became a
6 leader in my last years of high school,
7 my job wouldn't have been effective
8 without a team to lead and accomplish
9 things with. I have been in the Youth
10 Court for all four years of high school,
11 and now I'm a rising sophomore at Art
12 Institute of Philadelphia.

13 I'm absolutely positive if the
14 youth got the opportunity I had, the
15 Youth Court can be a major component in
16 this fight against violence. The Youth
17 Court is an alternative disciplinary
18 program that is designed to help youth
19 make better decisions in life. I want
20 the youth to be safe, and this is one of
21 many ways to help solve this issue on our
22 hands.

23 I want to thank the members of
24 City Council for this opportunity to
25 share my testimony. Chester Youth Court

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2 has been instrumental in my development,
3 and I hope that you will continue to
4 invest both time and resources in the
5 program.

6 Thank you.

7 COUNCILMAN JONES: I can see
8 the investment in you has paid off in
9 multiple ways.

10 I'm going to hear from the
11 current sitting judge and then we'll ask
12 a couple questions of this panel.

13 MR. HITCHCOCK: Good afternoon.
14 My name is Mori Hitchcock and I am an
15 entering freshman at Juniata College. I
16 participated for two years with Chester
17 Youth Courts and I served as a judge for
18 most cases. I also served as judge for
19 the first ever Municipal Youth Court
20 hearing. Municipal Youth Court is an
21 alternative to the juvenile justice
22 system that allows cases, criminal cases,
23 to be heard by youth and really enforces
24 the restorative justice aspect that we
25 feel is missing from the court.

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2 Youth Court has helped me
3 realize my leadership potential.

4 Students and faculty recognize me as a
5 leader in the courts, although I serve no
6 leadership roles. This leadership
7 potential has allowed me to become the,
8 quote/unquote, voice of the Youth Court.
9 Through Youth Court, I have become a
10 symbol of progress and someone that the
11 younger students look up to.

12 Youth Court as a whole is
13 respected in my school. We are seen as
14 the, quote/unquote, smart kids in school.
15 For the most part, everyone wants to be
16 like us. Even though the dispositions
17 may seem harsh, students are still
18 willing to participate and they
19 eventually see the benefits.

20 Youth Court has also helped the
21 other students and I gain a better
22 understanding of the law and the court
23 system. I have learned that Youth Courts
24 are a great way to reduce the number of
25 unnecessary suspensions that occur in my

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2 school. It gives the opportunity for
3 students who care about the welfare of
4 their misunderstood peers to be able to
5 make a difference. It has helped the
6 activist in me realize that you can work
7 in tandem with the school in order to
8 benefit everyone.

9 Youth Court has helped me
10 experience some of the job options
11 available to me if I were to pursue a
12 career in criminal justice or law.

13 I have established so many
14 connections and relationships through
15 Youth Court that I don't think I could
16 have made elsewhere. It was a great two
17 years, and I honestly wish I could
18 continue to work with the Youth Courts in
19 my city and others.

20 Thank you for taking time out
21 to hear my testimony, and I hope you
22 continue to see the value of Youth
23 Courts.

24 COUNCILMAN JONES: Thank you,
25 Your Honor. Many of the Councilpeople

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2 sent representatives down to observe your
3 court in particular, and I must say from
4 the feedback we had afterwards that the
5 decorum of the amount of respect that was
6 paid to the process was breathtaking.
7 And we had interns go down, staffers go
8 down, and all of them came back with a
9 sense of awe about how young people can
10 relate to young people in a justice
11 system that they, A, respected and
12 adhered to.

13 So any questions from panel
14 members? If not, I will ask a couple.

15 Number one, how long is your
16 model of -- maybe I should make a
17 distinction. There is a very big
18 difference than adjudicated cases that
19 happen outside of the School District
20 that are the responsibility of law
21 enforcement, and I want everybody here to
22 make that distinction. It is a very
23 important distinction as it relates to
24 the level of crimes or offenses that
25 happen, where they happen and what the

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2 outcomes and presumptions of guilt and
3 innocence are.

4 So why don't we speak to what
5 the differences are first between those
6 cases that are handled by law enforcement
7 and those handled by peer mediation. You
8 can start and then the young people can.

9 MR. VOLZ: Okay. Within the
10 school setting, we have -- you can either
11 have an after-school Youth Court or you
12 can have an in-class Youth Court. If you
13 do an in-class Youth Court, it's taught
14 as part of the social studies curriculum.
15 It can even be taught as part of the
16 English curriculum. If you do it that
17 way, the cost is very minimal. If you do
18 it as an after-school Youth Court, it's a
19 little more expensive, because you have
20 to have an adult there administering the
21 court.

22 But the types of offenses that
23 traditionally are heard are hall walking,
24 which is the modern-day parlance for
25 you're not in class and you're supposed

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2 to be and somebody catches you;
3 tardiness; cell phone violations;
4 disruption; defiance; cursing; fighting,
5 those kinds of issues that normally very
6 likely could get a kid suspended three
7 days, five days, two weeks out of school.
8 So it's an enormously more advantageous
9 strategy if you care about keeping kids
10 in school, quite frankly.

11 The second type of Youth Court,
12 though, is the juvenile justice Youth
13 Court. There's about seven or eight of
14 these in Pennsylvania. The closest one
15 that I'm aware of is, I believe,
16 Pottstown has a juvenile justice Youth
17 Court. I know Erie has had one for a
18 long time, and there's a couple of others
19 in the western part of the state. They
20 normally handle vandalism, DUI,
21 marijuana, those kinds of rather
22 low-level, misdemeanor type cases.

23 Having said that, I do want to
24 point out that in some states, like
25 Florida, which has a different -- Florida

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2 has a different model, but they actually
3 handle felonies, and part of the
4 testimony that's in front of you today,
5 written testimony, is from an individual
6 by the name of Stephan Campagna, and
7 Stephan Campagna when he was a youth, I
8 believe 10 to 15 felony offenses he was
9 up against, and they told him he could go
10 to Youth Court instead. And he went to
11 Youth Court. He not only complied with
12 what he had to do -- and he apparently
13 got a pretty stiff set of dispositions.
14 It was more than a write a letter of
15 apology.

16 He finished high school. He
17 went to college, and he just graduated
18 from law school, and he plans to start a
19 Youth Court. So I think that again shows
20 the transformative power.

21 COUNCILMAN JONES: From your
22 perspective, Your Honors, can you tell us
23 what -- a couple of things. One, how was
24 your personal experience getting involved
25 in it? How did you wind up in the Youth

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2 Court model?

3 MR. FOSTER: I ended up in
4 Youth Court, the first time I heard about
5 it, I didn't want to go, but it was
6 something to do because like I was bored
7 and wasn't much to do. What got me stuck
8 to it was the fact that I got into a
9 situation, and as I said in my testimony,
10 I had a problem with another student, and
11 my friends handled it and I didn't
12 snitch. So it got to the point where I
13 got in trouble and I went down for it. I
14 basically got in trouble for it.

15 And the thing that I saw in
16 Youth Court, they gave me a chance, and
17 that was something like I wasn't used to,
18 like my own peers looking out for me. So
19 it sparked my interest and I became
20 involved with it, and I've been in it for
21 like all four years of my high school,
22 and it kind of -- it shaped me really
23 differently. Like it sparked my interest
24 in law, and I kind of got to the point
25 where I want to help other people.

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2 That's my biggest thing about myself. I
3 like to help others, and being in Youth
4 Court, it kind of ignited that point.

5 COUNCILMAN JONES: Your Honor.

6 MR. HITCHCOCK: For me it was
7 ninth grade, tenth grade, I really had an
8 interest in pursuing a career in law and
9 towards the end of the tenth grade year,
10 our principal came around and she asked
11 if anyone -- well, he asked, because it
12 was a he at the time. He asked if anyone
13 was interested in joining Youth Court and
14 having a class on Youth Court, and I put
15 my name down on the paper. And then
16 eleventh grade it was implemented as a
17 class.

18 There were about 20 of us in
19 the class, and we spent maybe like four
20 or five months just learning about law
21 and learning how to run the court itself.
22 And then we started holding cases. I
23 think we had like 14, 15 cases that year.
24 But that was really like my first
25 crossover with Youth Court. And then

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2 over the summer, I participated in the
3 Youth Court summer program that they held
4 at the Pennsylvania Bar Association.
5 Well, half of it was at the Bar
6 Association and half was at the Delaware
7 County Courthouse, and the time at the
8 courthouse was shadowing judges. I got
9 to shadow Judge Dozor. And then the
10 other half was trying to fix if there was
11 anything wrong, but like fix what was
12 wrong with Youth Court and try to come up
13 with a more successful plan for attack, I
14 guess. And then throughout twelfth
15 grade, I've just been very, you know,
16 instrumental in the Youth Court.

17 COUNCILMAN JONES: I'm going to
18 ask a series of quick questions so we can
19 get to our next panel. How many number
20 of cases have you dealt with? The number
21 of cases totally.

22 MR. VOLZ: Well, the number of
23 cases that have been referred has been,
24 over five years, seven or eight hundred.
25 The number of cases heard where we

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2 actually held a hearing was probably a
3 couple of hundred.

4 COUNCILMAN JONES: Okay. What
5 was the most severe sentence you've given
6 out?

7 MR. HITCHCOCK: Well, like I
8 said in my testimony, we did Municipal
9 Youth Court, which was city court. We
10 handled two juveniles who were up for
11 aggravated assault, disorderly conduct
12 and a couple other things, and we gave
13 them like community service, anger
14 management classes, stuff like that,
15 because we got to the root of the problem
16 and realized that they needed help
17 working through their issues. So I guess
18 that would be the most severe. It was
19 something like -- I think it was like six
20 weeks, six-week anger management class or
21 something like that.

22 COUNCILMAN JONES: I'll only
23 say, as we let the other panelists come
24 up, what truly impressed me when the
25 jurors started asking the question about

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2 the disruptive behavior of the captain of
3 the basketball team -- I don't want to
4 put him out there too much, because we
5 had the confidentiality agreement that
6 you made us swear to. But the jurors
7 started asking, Well, why were you
8 disruptive and were there other
9 influences in the class that caused you
10 to be disruptive and have you had a
11 conversation with the teacher as to why
12 you had to -- so it wasn't just directed
13 at the defendant. It was directed at the
14 circumstances around it, which I found
15 fascinating.

16 So I want to thank you all for
17 coming up.

18 Are there any other questions
19 from the panel?

20 (No response.)

21 COUNCILMAN JONES: Seeing none,
22 thank you very much.

23 And will the Clerk introduce
24 the next panel of witnesses.

25 THE CLERK: Keith Bailey, Talia

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2 Santiago and Martin Nock from Community
3 in Schools of Philadelphia.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN JONES: Thank you.
7 Welcome.

8 THE CLERK: Gabriel Kurlioff is
9 not here; is that correct?

10 COUNCILMAN JONES: You can all
11 come up. We do not have an order of
12 testimony, but you can state your name
13 and begin, in any order you see fit.

14 MS. SANTIAGO: Good afternoon.

15 COUNCILMAN JONES: Good
16 afternoon.

17 MISS SANTIAGO: I want to thank
18 you all for having me here today to
19 testify and to talk about --

20 COUNCILMAN JONES: State your
21 name.

22 MISS SANTIAGO: My name is
23 Talia Santiago. I'll be a junior next
24 year, and this is my first year with Teen
25 Court.

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2 I got into this program because
3 I was bullied a lot in one of my other
4 high schools, so my mom had transferred
5 me to Kensington Culinary Arts High
6 School a month after my sophomore year,
7 and they enrolled me in the Youth Court.
8 First I started off as a juror, because I
9 was shy and really didn't know anybody.
10 And after I got into the program, I
11 became one of the defendants, and I would
12 help the students.

13 This program is a really good
14 program, and I fell in love with this
15 program, and it's a better way to help
16 students to have a voice. Students
17 really don't feel that they can talk to
18 adults, because adults don't really
19 listen or they feel like the adults just
20 give them whatever. And when they talk
21 to students, they have more confidence in
22 what they have to say. They feel as
23 though the students won't judge them as
24 much as an adult would.

25 And with this program, we've

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2 had at least, I want to say, about 20
3 cases this whole school year and we've
4 only trialed a student one time. After
5 they got in trouble that one time, they
6 tried to stay focused in school. They
7 tried to stop hanging around the students
8 that would help them to be disruptive,
9 and for the last month and a half, I want
10 to say, no one has gotten in trouble.
11 There's been less suspensions, and the
12 students really try to work hard not to
13 get in trouble anymore.

14 The Youth Court, they volunteer
15 to do Youth Court. They don't have to do
16 it, but it's a way for them to get out of
17 ISS, which is an in-school suspension,
18 and it's another way for them not to get
19 suspended. They volunteer to get in this
20 program to get their punishment from
21 their peers.

22 The students handle everything.
23 The teachers can give advice, but the
24 students handle everything. It's a peer
25 mediation everything.

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2 COUNCILMAN JONES: So your word
3 is law in there, right?

4 MISS SANTIAGO: Yes.

5 I don't really have to say much
6 about it. I just really love this
7 program and I want it to keep going.
8 Because of this program, a lot of
9 students have jobs this summer. I will
10 be working at the District Attorney's
11 Office this summer. And also we've
12 gotten a \$5,000 grant for this program
13 about a week ago. I had wrote a letter
14 during spring break to talk about this
15 program and to keep it moving forward.

16 I hope you guys like what I had
17 to say and I hope you guys keep this
18 program going. I won't take any more of
19 your time.

20 Thank you.

21 COUNCILMAN JONES: We
22 appreciate the time you're giving us.
23 Thank you very much, and we'll have
24 questions at the end of the panel.

25 MR. BAILEY: Good afternoon.

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2 My name is Keith Bailey. I'm with
3 Philadelphia Physicians for Social
4 Responsibility. Thank you for allowing
5 me to testify today regarding Youth
6 Courts.

7 As I mentioned, I work for
8 Philadelphia Physicians for Social
9 Responsibility. I'm the Director of our
10 violence prevention initiatives, and I've
11 had the pleasure to work with Youth
12 Courts in Philadelphia dating back to the
13 first Youth Court program, which was
14 implemented at Kensington High School
15 back in 1998.

16 PSR, short for Physicians for
17 Social Responsibility, is currently
18 working with three Philadelphia high
19 schools to implement Youth Courts. Those
20 schools include Kensington Culinary Arts
21 High School where Talia attends, Lincoln
22 High School in the Northeast and then
23 Arise Academy Charter High School.

24 Mr. Volz talked a lot about
25 kind of a broad overview and got into a

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2 lot of detail about the Youth Court model
3 itself and some of the work that's going
4 on at Chester, so I thought I would talk
5 a little bit about some of the history in
6 Philadelphia, the program that we have
7 here, as well as share some of my
8 personal experiences in 15 years of
9 working with Youth Courts.

10 The Youth Court model's
11 introduction to Philadelphia was
12 initially developed out of Norris Square
13 Neighborhood Project, which was a small
14 Kensington community non-profit
15 organization that operated an AmeriCorps
16 program. Kara Hanson was an AmeriCorps
17 member who happened to be a Georgetown
18 Law grad and was looking at issues of
19 restorative justice in the community
20 connected with the Executive Director of
21 Norris Square.

22 As they began to explore those
23 ideas, Norris Square Neighborhood Project
24 and Kara partnered with Kensington High
25 School around the corner, local justice

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2 agencies and Communities in Schools to
3 develop the pilot Youth Court program at
4 Kensington High School.

5 Kensington High School at the
6 time is a much different school than how
7 the school that Talia attends is today.
8 It was one large comprehensive high
9 school. At the time in 1998, the dropout
10 rate at Kensington High School was close
11 to 30 percent. They had below 70 percent
12 average daily attendance in school and a
13 high rate of suspensions.

14 The Youth Court model was
15 developed as an alternative to school
16 suspension. The reality was for many
17 students at the time was that suspension
18 no longer served as a deterrent for
19 inappropriate behavior in school.
20 Additionally, students were not being
21 served by missing school and falling
22 further behind academically.

23 The Youth Court was developed
24 and implemented, designed to serve as an
25 alternative process for Level I

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2 violations of the School District Code of
3 Conduct. And, again, as Mr. Volz had
4 mentioned earlier, those are the
5 relatively minor offenses that take place
6 on an average day in school, cutting
7 class, profanity, disrespect towards a
8 staff person or another student.

9 The Youth Court allowed
10 students to hold their peers accountable
11 for their actions, while also offering
12 the defendant an opportunity to tell his
13 or her side of the story. The initial
14 pilot's success led to the expansion of
15 Youth Courts in South Philadelphia and
16 West Philadelphia High School during the
17 first year of implementation. With the
18 support of Communities in Schools, Youth
19 Courts were implemented overall in eight
20 Philadelphia high schools during the
21 early 2000s and late 1990s.

22 Looking at benefits, I mean,
23 Youth Courts offer many benefits to
24 schools, students who violate the Code of
25 Conduct, as well as young people

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2 participating in the program. There are
3 a number of folks here today who will
4 testify or have testified as to these
5 benefits. I'm going to talk a little bit
6 about the benefits that I've seen for
7 students who are engaged in the program,
8 like a Talia, like some of the young men
9 that we've heard just a few minutes ago.

10 Youth Courts offer young people
11 an opportunity to have their voice --
12 have a voice in their school and to
13 effect positive change in terms of school
14 climate. Too often as adults we
15 determine what we think is the best
16 course of action for a young person who
17 has strayed from that path of success.
18 As a result, young people tend to tune us
19 out many times.

20 The Youth Court model is
21 effective in that peers are holding each
22 other accountable, while also providing
23 valuable insight and support to their
24 fellow students.

25 In addition, youth engaged in

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2 the program develop strong critical
3 thinking skills, public speaking skills,
4 and become leaders and role models within
5 their school community and in their
6 community at large.

7 Another major benefit that this
8 Youth Court model has is, Youth Court
9 allows young people in inner city
10 communities to develop positive mentoring
11 relationships with professionals in the
12 criminal justice system. And we're going
13 to hear today from someone a little bit
14 later on that will talk -- I'm assuming
15 will talk a little bit about a mentoring
16 relationship that she developed over 15
17 years ago with a young person that was
18 involved in Youth Court, and that
19 relationship continues to this day that
20 actually helped guide that young woman to
21 a career in law, which is where she is
22 now.

23 Too often our young adults only
24 experience the justice system as a
25 negative one. They see family members or

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2 friends being arrested or on trial. They
3 view the system as designed to oppress
4 them. Youth Courts and its partnership
5 with local justice agencies allow young
6 people to interact with professionals in
7 the system in a positive manner, and they
8 begin to develop a greater understanding
9 of the criminal justice system and how
10 it's designed to work.

11 Over the past 15 years of
12 working in Philadelphia with young
13 people, I have seen members of Youth
14 Courts across the City graduate at a
15 higher rate than their peers, improve
16 academic performance and increase their
17 school attendance. And I'm glad to say
18 that we've received a small level of
19 funding from the University of
20 Pennsylvania this year where PSR and
21 Children's Hospital will be partnering
22 together to do a pilot research and
23 evaluation project designed to actually
24 measure does participation in a Youth
25 Court program improve academic

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2 performance, school attendance and
3 behavior.

4 I'd like to close with a story.

5 A former program participant who
6 graduated from Kensington High School in
7 2000 stated to me last year as one of the
8 students who I stay in touch with that if
9 not for the Youth Court program, she
10 would have dropped out of school. And
11 this is a theme that I've seen many times
12 over the years with this program model.
13 I'm proud to say that I maintain contact
14 with many of my former program
15 participants, and universally they state
16 that Youth Court was one of the best
17 experiences of their high school years.

18 Thank you.

19 COUNCILMAN JONES: Thank you so
20 much for your testimony.

21 MR. NOCK: Good afternoon,
22 members of City Council. Not to be
23 redundant, because you have heard a lot
24 of things, but I'm just going to give you
25 a little brief background on it and how

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2 it got started here and some issues.

3 My name is Mark Nock and I'm
4 speaking as the President of Communities
5 in Schools of Philadelphia. Communities
6 in Schools of Philadelphia is an
7 affiliate of the national Communities in
8 Schools, one of the largest dropout
9 prevention and intervention programs in
10 the country.

11 In 1998 -- and I'm just
12 skipping here. In 1998, I met with
13 Norris Square Neighborhood Project to
14 forge a partnership to collaborate and to
15 establish Teen Court. Now, Teen Court
16 and Youth Courts are pretty much the
17 same. The reason why we used the name
18 Teen Court is because the District
19 Attorney at that time, Lynne Abraham,
20 wanted us to use Teen Court and
21 distinguish it from Youth Court, which
22 was normally outside the school system.
23 And she asked us to -- if we were going
24 to do it inside the schools, call it Teen
25 Court. So it's pretty much the same.

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2 Courrooms, physical
3 courrooms, were actually built in
4 Kensington, South Philadelphia and West
5 Philadelphia High in 1998, and in 1999 to
6 2000, four additional courrooms were
7 built in Frankford, Simon Gratz, Ben
8 Franklin High and Strawberry Mansion High
9 Schools. Strong principal leadership,
10 flexible student rosters, teacher
11 availability, financial and staff support
12 of CIS and partners allowed the program
13 to thrive in the aforementioned high
14 schools.

15 Typically the Teen Court class
16 was reserved for juniors and senior-level
17 students. Interested students were
18 rostered into a class period and earned
19 social studies or required elective
20 credit by participating.

21 In addition to specialized
22 preparatory training, students also
23 learned more about the law through Street
24 Law curriculum. In 2004, CIS was able to
25 get the School District to include Teen

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2 Court as an approved sanction for Level I
3 offenses in their Student Code of
4 Conduct. And that was major. Level I
5 offenses, as determined by the School
6 District of Philadelphia Code of Student
7 Conduct, includes minor offenses such as
8 class cutting, cursing, verbal arguments,
9 which are typically brought before the
10 court. A typical sentence may include
11 community service, oral/written
12 apologies, essays, jury service or
13 restitution.

14 Although the program is
15 structured as a court-based model, it is
16 not designed to be traditionally
17 adversarial. The atmosphere that is
18 created within a Teen Court is not based
19 on a good guy/bad guy system. When
20 students come before the court, their
21 guilt has already been determined. The
22 court hears the mitigating factors, which
23 may enable the jury to determine an
24 appropriate sentence for the defendant.

25 It is our belief that students

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2 who commit minor offenses are best served
3 by remaining in school and fostering
4 engagement within their school community.
5 The Teen Court program affords students
6 an option to suspension and helps them
7 take responsibilities for their own
8 actions. Students are accountable to
9 each other, which helps to create and
10 support a positive school culture.

11 Over the past 11 years, the
12 Teen Court program has continued to
13 operate in many of the original schools
14 as we have evolved along with principal
15 moves, roster variances and reduced
16 funding. We have also seen that the Teen
17 Court program provides a structured forum
18 that encourages youth to develop their
19 leadership skills, follows the rule of
20 law and hold their peers accountable for
21 their anti-social behavior.

22 The typical Teen Court
23 classroom model, at least what we were
24 doing, hears about 200 cases annually,
25 serves about 150 students rostered to the

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2 classes. Teen Court is an active
3 participant in Law Day, which we have
4 transformed into Law Week. Law Week is
5 an initiative designed to reach out to
6 the community and engage students
7 interested in the legal industry. In
8 2012, over 50 students heard judges from
9 the Municipal Court speak about the law
10 and what career pathways are available to
11 them. The University of Pennsylvania and
12 Villanova Law School have been active
13 partners with Teen Court programs through
14 a mentoring program using law students
15 that assist with hearing cases, preparing
16 opening and closing arguments, defendant
17 questioning and understanding the law.

18 We all know that a juvenile's
19 path towards serious delinquent behavior
20 is usually precipitated by minor offenses
21 and anti-social behaviors. Effective
22 prevention programs are needed to address
23 a youth's initial anti-social actions and
24 prevent the youth's escalation into more
25 harmful acts and destructive behavior.

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2 The Teen Court and Youth Court
3 programs have proven to provide increased
4 student empowerment and alternatives to
5 delinquency. Program participants are
6 provided with the knowledge, attitudes
7 and skills to be active and positive
8 contributors to society. Teen Courts
9 educate youth not only about court
10 procedure, sentencing options and trial
11 techniques, but also about the structure
12 of the juvenile and adult justice
13 systems, the meaning of justice and the
14 relationship between rights and
15 responsibilities.

16 Young people who are equipped
17 with this knowledge are inclined to have
18 a better understanding of their
19 connection to the American system of
20 justice and they feel that participants
21 in it instead of potential victims
22 become -- instead of potential victims --
23 I'm sorry. I'm skipping here.

24 It is our hope that all
25 students who participate in a Teen Court

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2 program, defendants and classroom
3 participants, will not fall victim to the
4 nationwide dropout crisis. However, the
5 only source of funding that we have been
6 able to obtain has been from the
7 Department of Human Services and the
8 Knight Foundation.

9 So I want to thank you for your
10 consideration of support for this
11 initiative and the opportunity to present
12 this testimony on behalf of the children
13 of Philadelphia.

14 COUNCILMAN JONES: Thank you.
15 Time flies. I remember --

16 MR. NOCK: I came to you two
17 years ago, in another life.

18 COUNCILMAN JONES: Yes, in
19 another life. I remember. And I was
20 impressed then, didn't think it would
21 work, and here we are 12 years later and
22 it's working. So it proves I could be
23 wrong.

24 MR. NOCK: Well, what happens,
25 Councilman, is that, you know, good

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2 ideas, they don't fade away. They just
3 don't get funded.

4 COUNCILMAN JONES: And that's
5 the point.

6 A couple things. Did I
7 understand you to say that your only
8 sources of funding were the Knight
9 Foundation and DHS?

10 MR. NOCK: No. I need to -- I
11 want to go on record to say that it was
12 flourishing. I mean, we had from the
13 U.S. Attorney's Office, the DA's Office a
14 number of judges and lawyers, but when we
15 had a change of administration in the
16 School District, that administration
17 didn't look upon keeping kids in school.
18 The whole purpose is to prevent
19 suspension, and we had a major shift in
20 the concept with the head of the School
21 District. So then funding sort of fell
22 by the wayside. The only thing that kept
23 it going was a grant from the Department
24 of Human -- I'm sorry; DHS. I always get
25 tongue tied there. DHS, and then the

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2 Knight Foundation have kept it. But the
3 entire program was reduced entirely to a
4 number of schools, and then we had to go
5 to what we called the after-school teen
6 clubs, which is for us not the best way
7 to handle that. We'd rather have it as
8 part of the school day.

9 COUNCILMAN JONES: Do I
10 understand you are in seven schools now?

11 MR. NOCK: We are in five.

12 COUNCILMAN JONES: We're in
13 five schools?

14 MR. NOCK: Yes.

15 COUNCILMAN JONES: And we have
16 30 high schools?

17 MR. NOCK: We have about 64
18 high schools.

19 COUNCILMAN JONES: So five out
20 of 64.

21 MR. NOCK: Sixty-two or 64 high
22 schools.

23 COUNCILMAN JONES: Does that
24 include charter schools?

25 MR. NOCK: I'm just talking

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2 about the Philadelphia school system.
3 I'm not talking about the charter
4 schools.

5 COUNCILMAN JONES: So not even
6 in charter schools.

7 MR. NOCK: A couple of charter
8 schools on their own, they are working
9 with the concept, but Communities in
10 Schools was just working with the schools
11 inside the school system. And, remember,
12 a lot of this was before the charter
13 school movement.

14 COUNCILMAN JONES: Now, I had
15 some figures in our due diligence and
16 research that talked about classroom
17 conversion, and one of the asks or
18 findings that we'd like to do is work
19 with both public and private sources to
20 figure out a cost-effective way to
21 convert some of those classrooms into
22 courtrooms, whether it's donated used
23 chairs, because something about that
24 presence in walking in the courtroom just
25 adds to the atmosphere of some of them.

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2 MR. NOCK: Well, let me tell
3 you, in '98-'99, it cost us anywhere
4 between 12,000 to 25,000 to renovate the
5 actual physical room. First the school
6 has to give it up, and if they give up a
7 room large enough, you can do other
8 things in it, but if you give up a small
9 room, you won't be able to do a lot more
10 in it when the court is not in session.
11 For instance, Ben Franklin had a very
12 small classroom. Frankford had a very
13 large one. Kensington was about medium
14 sized. You can do other things. You can
15 have lectures in it and other things in
16 it, but it is transforming that classroom
17 into an actual court that makes a
18 difference.

19 Once upon a time, we actually
20 had gone to the Police Department back in
21 the early 2000s, because they was going
22 to bring their officers into the
23 courtroom as a training tool. I mean, we
24 had talks with everyone that we could
25 talk to to try to get money to do it,

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2 because we thought the idea was to keep
3 the kids in school. It doesn't help
4 anyone when the kids are suspended, when
5 they're out in the street for three to
6 five days. The best thing is to try to
7 do something with them, obviously. Now,
8 if you hit the teacher, we can't help
9 you, but if anything that falls within
10 the Level I offense, we can help you.
11 And the District bought into it by
12 putting it into its Code of Conduct.

13 I hope that answered your
14 question.

15 COUNCILMAN JONES: You did.

16 Are there any other questions
17 from members of the panel? If not, I'll
18 proceed.

19 Councilman.

20 COUNCILMAN HENON: Good
21 afternoon, and thank you for coming in.
22 I applaud the young lady there for your
23 commitment, and I think you should be an
24 example for a lot of your peers moving
25 forward.

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2 I had a question. The court,
3 the Peer Court or Teen Court that you
4 have, is that recognized by the juvenile
5 courts here in the City of Philadelphia
6 or is that just -- is this a program
7 within the School District or within the
8 District Attorney? I know the District
9 Attorney has some of these throughout the
10 City, a few of them, if I'm not mistaken.

11 Is there any kind of
12 collaboration with the court system?

13 MR. NOCK: Well, the
14 collaboration would come through an
15 advisory council, where you have various
16 people from the legal profession
17 involved. They were clearly aware of it.
18 The District Attorney was extremely aware
19 of it because she had assigned someone to
20 work with us at that time, to work with
21 us around it.

22 Again, we looked upon it as an
23 alternative suspension in school. So our
24 purpose was to keep the kids in school
25 and not have them suspended out of the

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2 school.

3 Some other courts can have a
4 little bit more, and we were sort of
5 acting under kind of the instruction that
6 then-DA Abraham had given us, that she
7 didn't want it to just go out into the
8 community for retaliation. She didn't
9 want to add more problems in the
10 community. So it was set up as a
11 school-based program.

12 COUNCILMAN JONES: So some key
13 aspects are that it happened on school
14 grounds?

15 MR. NOCK: Yes.

16 COUNCILMAN JONES: That it is a
17 non-violent or non-sexual offense,
18 correct?

19 MR. NOCK: Yes, Level I.

20 COUNCILMAN JONES: And that
21 there's no presumption -- you have to be
22 guilty in order to submit to the justice?

23 MR. NOCK: Yes. And the
24 critical piece is really, in my opinion,
25 is the principal acceptance this is an

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2 alternative to suspension. The key word,
3 alternative to suspension, because some
4 schools will give it to the Dean of
5 Discipline and they gave them a choice,
6 suspend them for five days or you go
7 through Teen Court, you know. And so for
8 us, that was the purpose.

9 Now, the residual is obviously
10 the kids become very engrossed, as you
11 went to Chester. They know their roles,
12 and they play their roles well. One of
13 the things that we did do, though, we
14 changed the order, that the defense sort
15 of goes first and then the prosecution
16 goes second in order for the kid don't
17 feel like you're jumping on them and
18 pounding on them as they walk in the
19 door. So they get to state what
20 happened, because they already plead
21 guilty pretty much.

22 COUNCILMAN HENON: It seems
23 like there's a little more emphasis on
24 the peers level with their peers, what
25 consequences really mean and how it can

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2 affect their permanent record and moving
3 forward. So I think it's -- although
4 it's been around a little while, I think
5 it's an ingenious way to address some of
6 these issues that you have to deal with
7 in a school on a regular basis.

8 MR. BAILEY: If I could just
9 jump in for a quick second. I want to
10 also mention briefly that the District
11 Attorney's Office has provided support to
12 the current programs by having attorneys
13 from their office come out, work hands-on
14 with the young people that are engaged in
15 Youth Courts.

16 And just to speak briefly to
17 your comment about the young people and
18 holding each other accountable, but doing
19 it in a positive way. I mean, one of the
20 really great benefits of this particular
21 program model is that although the
22 students are there because they've done
23 something wrong and they're going to be
24 held accountable for that and there's
25 going to be some type of punishment, the

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2 students that they're working with are
3 also there to identify what are some of
4 the root causes and what are some of the
5 challenges and problems that you're
6 having and how can we help you resolve
7 them so that this isn't happening again,
8 which is not something that typically
9 gets done in the traditional disciplinary
10 model in the school. You do A, you're
11 going to get B. We're not going to ask
12 those questions about, Well, why are you
13 coming late to school? Have you thought
14 about trying this? Have you thought
15 about trying that?

16 Mr. Nock spoke in more detail
17 about how we're traditionally handling or
18 primarily handling school-based offenses
19 only that would not lead themselves or
20 lend themselves into the juvenile justice
21 system. During the initial run of the
22 Youth Courts, the closest we came to
23 handling non-school-based offenses is
24 that at some of the schools, Youth Courts
25 were used as a final option before

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2 referral to Truancy Court. But we're
3 strictly dealing with school-based
4 offenses here in Philadelphia as the
5 programs currently exist.

6 COUNCILMAN JONES: I'm amazed.
7 Any other questions for this
8 panel?

9 (No response.)

10 COUNCILMAN JONES: Hearing
11 none, thank you in particular. I look
12 forward to -- oh, you want to make a
13 final comment?

14 MISS SANTIAGO: Yes.

15 COUNCILMAN JONES: Go ahead.

16 MISS SANTIAGO: I just wanted
17 to say that the Youth Court really helps
18 a lot of the students. It can build up
19 self-esteem and help with public speaking
20 and to get more socialized. I want to
21 just state that there is this one student
22 who helped me build up my self-esteem. I
23 was about a month or two into the program
24 and I had defended him, and I asked him
25 after the hearing what did he think about

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2 it, and he told me he really likes the
3 program, that if it wasn't for me, he
4 could have got kicked off the football
5 team. If it wasn't for me, he could have
6 been suspended. So his punishment could
7 have been much worse if he didn't come
8 into Teen Court, and it can really help
9 students to try not to get in trouble,
10 because they'll listen to their peers
11 more than they will listen to an adult.
12 I hope this program can keep going.

13 COUNCILMAN JONES: We hope so
14 too, and we thank you for your
15 involvement, and it restores -- not that
16 there ever was a doubt -- that the future
17 is in good hands.

18 COUNCILMAN SQUILLA: I want to
19 say one thing too. I appreciate what
20 you're saying, because I have four
21 children myself and sometimes I wish we
22 had people like you around to talk to
23 them, because they don't listen to me.
24 So we need more people like you out
25 there. Thank you.

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2 MISS SANTIAGO: Thank you.

3 COUNCILMAN JONES: Thank you,
4 Councilman.

5 Will the Clerk also announce
6 the next panel.

7 THE CLERK: Commissioner
8 Ambrose, Judge Dougherty and George Mosee
9 from the District Attorney's Office.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN JONES:
13 Commissioner, Your Honor, how are you? I
14 guess we've graduated from the Teen Court
15 concept into true Youth Court, and we're
16 making the distinction that there is a
17 firewall there.

18 So you want to state your name
19 for the record, in any order you want,
20 and begin your testimony.

21 COMMISSIONER AMBROSE: I always
22 defer to the judge.

23 COUNCILMAN JONES: Smart.

24 JUDGE DOUGHERTY: And my mother
25 raised a gentleman. Ladies go first.

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2 MR. MOSEE: So maybe I should
3 jump in now.

4 COMMISSIONER AMBROSE: Good
5 afternoon. Councilman Jones, you have my
6 written testimony. I'm just going to --
7 I have that entered for the record --
8 deviate a little bit from my written
9 comments, because I actually think you
10 have a really diverse set of witnesses
11 that are going to be here to testify
12 about the benefits of Youth Court. I'll
13 actually talk a little bit about my
14 personal experience with Teen Court in
15 Philadelphia.

16 When I was a public defender, I
17 represented a young man. I don't think
18 that George was the DA, and Judge
19 Dougherty and I were practicing together
20 at that time, so I don't think he was the
21 judge. But the young man actually had a
22 pretty serious drug case, and it was one
23 of those cases that would normally
24 require placement, and placement for a
25 relatively long period of time. However,

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2 this young man was unique in lots of
3 ways, mostly it was his girlfriend, who
4 came to court probably about eight months
5 pregnant. She was also in high school at
6 the time. This was in Juvenile Court.
7 But she was involved in Teen Court, and
8 she was an incredible advocate for her
9 boyfriend and the father of her baby, and
10 she impressed me so much that I
11 eventually got involved in the Teen Court
12 process and acted with Angel Flores, who
13 was the representative from the District
14 Attorney's Office at that time, as a
15 mentor.

16 Angel and I would go and talk
17 to the different high schools and do some
18 training, legal training, for them. And
19 this young lady ended up being somebody
20 who was in my life for a long time. I
21 actually haven't talked to her in a
22 couple of years, but she was so impacted
23 by her experience in Teen Court, she
24 ended up being the judge, and you can
25 tell from her advocacy that she was

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2 excellent at that, and she chose to go to
3 college and she's now a paralegal in the
4 City, and she's doing really well. She's
5 a great mom and she's a great citizen for
6 the City of Philadelphia.

7 I think that the other piece of
8 my testimony sort of as the Commissioner
9 at the Department of Human Services is
10 that Teen Court had been funded through
11 Communities in Schools by DHS from 2003
12 until last year, when I had to make the
13 very difficult decision to cut the
14 contract. So I think it gives you some
15 context for, in very tough economic
16 times, even Commissioners who know the
17 benefits of a program when they're forced
18 to make difficult cuts and prioritize
19 services, mandated services always have
20 to come first. And this is a program
21 that I think Martin and Keith and the
22 people who are really committed to doing
23 have worked very hard to be creative
24 about finding funding, but this is going
25 to continue to be a challenge for us as

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2 we move forward with looking at the
3 benefits of Teen Court and the
4 opportunities that it presents.

5 I think it's incredibly clear
6 to me that based on involvement in Teen
7 Court, there is a level of leadership
8 development and culture change and
9 important things for youth to learn at
10 the school level. We also see in the
11 juvenile justice system a ton of kids who
12 get referred to the juvenile justice
13 system, when really there's a
14 disciplinary process at the school that
15 could work in a way that would divert
16 those kids out of the juvenile justice
17 system. And so not only is it a benefit
18 to those youth who are doing things that
19 they shouldn't be doing at school, but
20 it's a benefit to those youth who are at
21 the schools doing the right things and
22 can act as mentors and role models.

23 I think it's really clear from
24 the young lady who just testified from
25 Kensington and certainly from my

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2 experience that the critical importance
3 of Teen Court and Youth Court is really
4 building the future leaders for the City,
5 and the Department of Human Services will
6 remain invested in being a partner in
7 those conversations as we move forward.
8 Judge Dougherty and I have lots of
9 conversations all the time about the
10 things that we should really be trying to
11 do together, what's the service delivery
12 system that we should pull together. But
13 I think it's incredibly important for
14 City Council to know the challenges and
15 the barriers that we face in making very
16 tough decisions when the funding
17 continues to get smaller and the needs
18 for the citizens and the needs for
19 children and families in Philadelphia
20 continue to get bigger and bigger.

21 COUNCILMAN JONES: Thank you so
22 much, Commissioner. We'll ask questions
23 at the end of everyone's testimony.

24 JUDGE DOUGHERTY: Councilmen
25 Jones, Henon, Squilla, as you know, I'm

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2 Kevin Dougherty. I'm the Administrative
3 Judge of Philadelphia's Family Court.
4 Each day every day I'm in control of 25
5 judges, two courthouses and eight to nine
6 hundred employees. In my courthouse,
7 each day every day we see the worst that
8 happens to all children and families in
9 Philadelphia. Each day every day we work
10 to resolve the issues, to bandage the
11 families, to bring permanency or to
12 settle disputes, whether it's in custody,
13 support, divorce, dependency, delinquency
14 or any aspect of family law.

15 As we know, Philadelphia is the
16 largest poorest city in the country. One
17 out of every three children walking our
18 streets walks the line of poverty. That
19 one of three make up 100 percent of my
20 population at 1801 Vine Street.

21 I've had the good fortune of
22 being appointed by Governor Ridge and
23 being elected by the people of
24 Philadelphia and serving my entire tenure
25 in Philadelphia Family Court by choice.

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2 My entire tenure has been in the Juvenile
3 Division, for which I now am blessed to
4 be the Administrative Judge.

5 What people don't realize is
6 that the laws in Pennsylvania have
7 changed. Juvenile law is being pushed to
8 the windows of the adult system. The
9 laws have changed now, in which a
10 juvenile who has been a judge delinquent
11 of a felony will now be a convicted felon
12 the rest of his or her life.

13 What people don't understand
14 is, in our juvenile delinquent system, we
15 are different than the adult side. While
16 the District Attorney will prosecute a
17 case and the child will be represented,
18 at the commission or the finding of guilt
19 on the adult side, one is a convicted
20 person for whatever offense is so
21 decided. Our juvenile system is a
22 two-pronged system. There is a finding
23 of fact, that being whether you're guilty
24 or not guilty. There is a second prong;
25 that is, are you in need of treatment,

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2 supervision and rehabilitation. If so,
3 then you should be a judge delinquent.

4 But as I have said, the times
5 have changed, and if you're 14 years or
6 older and you're a judge delinquent of a
7 felony, you're a convicted felon the rest
8 of your life. Your fingerprints are
9 taken, your photograph is taken, and now
10 your DNA is removed, and that is stored
11 forever, after you are charged \$250.

12 Each day every day our mission
13 is to make our children get to State
14 College, not State Road. I come here
15 sharing the court's belief that Teen
16 Court is a necessary addition to the
17 plethora of services we now offer.

18 What I need to share with you
19 is that in our court system, it is
20 divided by felonies, misdemeanors and
21 summaries. I don't need to give you a
22 primer, but it's important in the
23 development of this program to
24 understand.

25 A felon, as I indicated, is the

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2 most serious offense. A misdemeanor,
3 small possession of marijuana, possession
4 of marijuana, could be a fight in school,
5 although most school incidents are
6 felonies because school officials are
7 employees of protected class.

8 There's also a summary offense,
9 disorderly conduct, might be a retail
10 theft. I do not have jurisdiction over
11 those offenses. Those offenses are
12 placed in Municipal Court, in which
13 judges duly elected to Municipal Court
14 rarely have contact with the juvenile or
15 my system or the Department of Human
16 Services. They're not apprised or made
17 aware of all that we have to offer on the
18 child welfare/juvenile justice side.
19 Therefore, I find Teen Court to be a
20 wonderful diversion to keep those
21 children from that system, because if you
22 are judged guilty of a summary offense,
23 you must go through the same process to
24 have that record expunged, which could be
25 five years after the end of probation

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2 being conviction free to have that
3 expunged. That's some serious stuff when
4 you're 16, 17 years old and you got
5 caught up in something, let's say, is not
6 so bright. That could prevent college or
7 future aspirations.

8 I believe Teen Court should be
9 utilized as a diversion. It should be
10 utilized to circumvent those summary
11 offenses from entering the Municipal
12 Court. It should be applied for those
13 misdemeanor type offenses.

14 I do not advocate the use of
15 any felonies, because the rules and the
16 ramifications are so severe that one
17 should not plead guilty to a felony for
18 the appearance of an expungement or
19 whatever process the Teen Court utilizes.
20 My position is diversion versus
21 penetration. Keep out of my system.

22 While I am a fan, part of my
23 concern is that despite the good work
24 that I've heard, in my 11 years in
25 Philadelphia Family Court, not one time

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2 has the court been invited until today by
3 this Committee to take part in any Teen
4 Court or Teen Court programs. Part of my
5 administration is juvenile probation.
6 While we may be considered, we have never
7 been a collaborator or contributor or an
8 equal partner. I come to you today to
9 say, should this go through, should
10 Philadelphia have the experience of a
11 Teen Court as a diversion to keep our
12 children out of placement, to keep our
13 children away from delinquent and
14 long-term criminal records, then I stand
15 with you as an equal, as a partner. I
16 come to you asking you to make sure that
17 we keep to the fidelity of the Teen
18 Court.

19 While I understand that certain
20 programs would let defense go first or
21 plaintiff, if this is an education
22 process and we're going to teach our
23 children, we're going to teach them the
24 correct way, and it must be identical to
25 what really happens in the judicial

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2 Juvenile Act, and in no shape or form is
3 punishment condoned, adhered to or
4 desired. We must always remember it's
5 the development of the competencies of
6 the child. It's the community protection
7 and personal accountability, but it's not
8 punishment. Teen Court will not be seen
9 as a punishment. You may be judged by
10 your peers or by a peer judicial person,
11 but we must remove from our language that
12 term of art, punishment, if we are to
13 deal with juveniles and juvenile law.
14 Otherwise, we inch our way closer to the
15 adult side and we step and travel quickly
16 to State Road as opposed to State
17 College.

18 I've dedicated my career to
19 making sure each and every child has
20 equal opportunity to that which my child
21 has. We're not going to stop today.

22 If I just may, as an aside, in
23 reviewing your resolution, your third
24 "whereas" indicates that you believe by
25 entry to going to court, school dropout

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2 rates increase by 400 percent. I would
3 challenge that fact. I do not believe
4 it's correct. Most people don't realize
5 that the court system is there to help
6 and many of our children receive their
7 education, diploma or GED while in our
8 delinquent placement, and facts and
9 numbers can be construed. I just don't
10 want this resolution, which I wholly
11 endorse, to be an indictment of my system
12 for which the three of us sitting at this
13 table work so hard to protect.

14 Thank you.

15 COUNCILMAN JONES: Your Honor,
16 I had a court flashback. This hearing's
17 purpose is to begin a process, and you
18 talked about being invited in. Well,
19 accept this as an official invitation for
20 all of you. And I had a chance to talk
21 to the two of you to get the differences
22 between a Youth Court, Teen Court, and I
23 am excited about the possibilities of a
24 graduated process that incorporates the
25 tenets of the law, but also incorporates

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2 the spirits of holistic justice and a
3 firewall, a firewall be placed in between
4 the two based on severity, based on the
5 process.

6 But I do agree with
7 something -- a lot of things that you
8 said and one -- all of the things, Your
9 Honor, that you said, but one of them in
10 particular, that if we're going to teach
11 young people, let's teach them the
12 correct way from the door. Even though
13 it's a kinder, gentler court, it should
14 be built on the tenets of the court, and
15 I heard that loud and clear.

16 JUDGE DOUGHERTY: Thank you.

17 COUNCILMAN JONES: Why don't we
18 hear the last testimony and then we'll
19 open up for questions.

20 MR. MOSEE: Good afternoon,
21 Councilmen, particularly Councilman
22 Jones. I'm the Deputy for the Juvenile
23 Division in the Philadelphia DA's Office.
24 My name is George Mosee. That's
25 M-O-S-E-E. I always do that. Somebody

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2 called me Moose today at the Police
3 Academy.

4 I would like to suggest that
5 another term be used. We talked about
6 Youth Courts and Teen Courts. I think
7 that we ought to make a particular
8 distinction and call the courts that are
9 in the schools School-Based Courts. I
10 think it's important for us to be that
11 precise and that focused, and
12 School-Based Courts are what I feel best
13 equipped to speak about at this point
14 since Philadelphia doesn't have a
15 community-based Youth Court. But I think
16 that School-Based Courts are an excellent
17 opportunity, not just to resolve the
18 instant issues between the young people
19 and the school, but also to improve
20 safety and accountability in the
21 community. I think that's a natural
22 progression if the School-Based Courts
23 work the way that they're supposed to,
24 but consistent with what Judge Dougherty
25 was saying, I think that the issues ought

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2 to be relegated to things like truancy,
3 disciplinary issues, talking back to
4 teachers, shoving, taunting. I think
5 that's the kind of model that we can
6 utilize, and I think it's a model that
7 should only address non-criminal conduct.

8 It's important that these
9 incidents of misconduct, albeit
10 non-criminal conduct, be addressed
11 quickly and appropriately. District
12 Attorney Seth Williams is one who will
13 always say that the most effective
14 approach is one that guarantees swift and
15 certain justice. It's not the severity
16 of the response, but it's the fact that
17 you know it's going to happen and it's
18 going to be certain.

19 If left unchecked, the kind of
20 misconduct that I've been talking about
21 negatively impacts the school's normative
22 culture. And so based on what I've heard
23 about Teen Courts and based on the
24 experiences of my office and helping to
25 get them up and running, I think that's

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2 an objective that we can look at and have
3 a realistic desire to have achieved in
4 schools as a result of young people
5 taking ownership for the normative
6 culture.

7 This is peer pressure at its
8 best. It's guided peer pressure, and I
9 think that has to be the case if Teen
10 Courts are going to work, if any kind of
11 peer pressure is going to have the
12 desired impact. But when it does happen
13 the way that it's supposed to, I think it
14 changes the whole atmosphere in the
15 school.

16 I think that it's unfortunate
17 that up to this point, we only have five
18 such courts in all of Philadelphia, and I
19 think that it's only natural that when
20 you start with what I guess we could
21 honestly characterize as a pilot project
22 and it never becomes anything more than a
23 pilot project, it gets neglected.

24 At this point, the District
25 Attorney is more than willing to devote

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2 even more resources -- when I say
3 "resources," I'm talking about
4 manpower -- to this initiative. We'll be
5 there to help train the young people.

6 The resolution talks about Teen
7 Courts as being a vehicle through which
8 other curricula can be introduced, and
9 I'm happy to tell you that in 2004 as a
10 result of the Blueprint for a Safer
11 Philadelphia, the District Attorney's
12 Office, and I in particular, helped to
13 develop curricula for sixth, seventh and
14 eighth grade students in this city, and
15 they teach young people about American
16 jurisprudence, about the consequences of
17 delinquent and criminal conduct. Judge
18 Dougherty helped us with that.

19 I think that our young people,
20 along with the adult population in this
21 city, are really oblivious to what
22 happens in juvenile justice. And that,
23 again, is consistent with what the judge
24 was saying. If you don't know what
25 happens in juvenile justice, if you don't

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2 know what the consequences of delinquent
3 and criminal conduct are, then you can't
4 hope to deter delinquent or criminal
5 conduct.

6 So what the curriculum does is,
7 it educates young people, but it also
8 gives them a positive outlook about
9 American jurisprudence. If you don't
10 respect the system, then I think the
11 chances are greatly increased that you're
12 going to abuse the system.

13 I want to also highlight a
14 program that we have here in Philadelphia
15 that has the potential to actually run
16 afoul of the Youth Court model, and I'm
17 not talking about the School-Based Court.
18 I'm talking about the Youth Court that
19 would be located in the community. And
20 Mr. Volz talked about that and how it
21 exists elsewhere in the state and other
22 parts of the country. I've committed to
23 meet with Mr. Volz, and we've committed
24 that before any such initiative was
25 pursued, that we would figure out ways to

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2 make sure that the Youth Court didn't
3 contradict the work of our Youth Aid
4 Panels. We have Youth Aid Panels in
5 every police district in the City. There
6 are over 30 panels manned by --

7 COUNCILMAN JONES: Could you
8 define that for us, for the record.

9 MR. MOSEE: The Youth Aid Panel
10 is actually made up of volunteers from
11 the community, and they sit on these
12 panels. Juvenile Justice through my
13 office actually refers cases to them, and
14 these are cases where a delinquent act
15 has been committed, but it's a kind of
16 diversion. It helps the young person not
17 only avoid the adjudication of
18 delinquency that Judge Dougherty was
19 talking about, but they also avoid a
20 petition ever being filed. They
21 participate fully with the panel, which
22 actually devises a contract, and that
23 contract specifically addresses the
24 presenting issues and the other needs of
25 the juvenile. And I think, for all

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2 intents and purposes, a Youth Aid Panel
3 is in fact the kind of court that the
4 Youth Court contemplates.

5 And so, as I said, Mr. Volz and
6 I and anyone else who wants to be a part
7 of that discussion will sit down and will
8 talk about how we can do both
9 simultaneously in this city.

10 But bottom line is, the
11 Philadelphia District Attorney's Office
12 is certainly behind this initiative. We
13 want to support it. If building
14 courtrooms in the schools is a major
15 impediment, then my only request would be
16 that we find some alternative way of
17 getting these important programs into the
18 school nevertheless.

19 COUNCILMAN JONES: Thank you.
20 I'll defer to my colleagues and then come
21 back on questions.

22 Councilman.

23 COUNCILMAN SQUILLA: Yes.
24 Judge Dougherty, I was intrigued by your
25 comments. Do you feel that with your

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2 help and guidance that the Youth Court or
3 the Teen Court is something that can
4 actually help you in what you're trying
5 to do?

6 JUDGE DOUGHERTY: Absolutely.
7 I think -- I've met with the Commissioner
8 of DHS. Commissioner Ambrose and I are
9 equal partners in all things child
10 related in Philadelphia, and we've
11 discussed it. We've developed in
12 Philadelphia three continuums -
13 prevention; child welfare, which is
14 dependency; and juvenile justice, which
15 is delinquency, and we've introduced
16 prevention and community-based services
17 to both the arenas at Child Welfare and
18 Juvenile Justice. I think if we develop
19 this correctly, this Teen Court,
20 School-Based Court, or whatever name you
21 decide to label, would be able to be
22 utilized in our system so that we can
23 continue diverting children from our
24 system, one, for entry and, two, for
25 deeper penetration in the juvenile

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2 justice system, because as we sit here,
3 the law is constantly changing. We sit
4 on the eve of the Adams Walsh. Come
5 December, any child that's in a
6 delinquent placement for a sexual offense
7 or under court supervision for an
8 enumerated offense is going to have
9 lifetime registration unless he or she
10 remains conviction free for 25 years.
11 This is what's down the pike.

12 So any time that I see an
13 opportunity to make sure that I'm able to
14 determine the good kid who got caught up
15 in a bad way from the bad kid that I'm
16 going to put away -- and I'm not
17 apologizing for either, because there are
18 those children who need to be placed for
19 purposes of reformation, treatment and
20 supervision, but we don't need to have
21 children caught up in our system because
22 of bureaucracy and red tape. Let's not
23 forget this disproportionate minority
24 contact in our system, and then when you
25 look at the Philadelphia public schools,

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2 it's predominantly African American. Yet
3 when you're looking at the offenses, it
4 appears to be almost -- I'd have to lean
5 over to George, but I'd say we're close
6 to the high 80, 90 percent of all kids
7 coming into my court system from the
8 public school system are children of
9 color.

10 So we can level the field by
11 providing equal services. And what I've
12 often said and I share with the world is
13 this: If you get arrested for underage
14 drinking, for having a bottle of whiskey,
15 it's a summary offense, for which you go
16 to Municipal Court, you pay a fine, you
17 go to a class and your record could be
18 expunged. But if you're caught with a
19 small joint or blunt, whatever they call
20 it today, that's a misdemeanor. You're
21 arrested, you're strip searched, you're
22 fingerprinted, you're photographed and
23 you're sent to my Youth Study Center and
24 you're subject to a misdemeanor
25 conviction.

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2 Let's not leave our common
3 sense outside the door. I query this:
4 Who would you rather sit next to,
5 somebody who just got high and asked to
6 buy you a hoagie or somebody who just
7 drank a fifth of whiskey and wants to hit
8 you in the face with the bottle?
9 Realities, but it's a discrepancy. I use
10 that as just as a comment, but the
11 reality is, it's a discrepancy.

12 Now when you look at the number
13 of children who were arrested for that
14 misdemeanor, that predominantly African
15 American male, 15 and above. When you
16 look at the number of individuals who are
17 arrested for a summary citation for
18 underage drinking, they're predominantly
19 Caucasian in college. Both are illegal.

20 I can't control who the police
21 arrest, but I can control the process for
22 which justice is to be swift and it
23 should be fair. Real simple.

24 COUNCILMAN SQUILLA: Do you
25 think the pressure on the

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2 Teen/Youth/School Court, the people who I
3 guess are -- the pressure on them known
4 as a snitch or what you hear out there in
5 society today and that have an effect on
6 them? Will they be protected in a way,
7 or is there any detriment to this court
8 that you see?

9 JUDGE DOUGHERTY: Power is in
10 perception. Today because of the types
11 of songs, the types of video games, being
12 stupid, being a thug is what you want to
13 be. It's all about street credibility.
14 Yet that wasn't the state of our thinking
15 20 years ago, ten years ago. So you
16 change the culture, slow and steady, but
17 you push. It's relentless pressure.
18 Then you'll see a change in the culture.
19 If this becomes active and we select the
20 individuals of all types to sit on this
21 panel, then it becomes the "in" thing and
22 it becomes the cool thing, and then we
23 change the culture.

24 COUNCILMAN SQUILLA: Thank you.
25 Great answer.

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2 COUNCILMAN JONES: Thank you,
3 Councilman Squilla.

4 Councilman Henon.

5 COUNCILMAN HENON: Thank you,
6 Mr. Chairman.

7 I appreciate the panel coming
8 in here testifying. One of the questions
9 I was going to ask is just my knowledge
10 of Family Court and juvenile, which is
11 very limited, but I wanted to ask about
12 some of the preventive measures, which
13 you had touched on as well. And I'm
14 extremely happy, extremely happy as --
15 this is my first budget going through
16 with the City of Philadelphia as an
17 elected official, seeing and hearing and
18 witnessing and discussing a lot of
19 preventive measures with multiple
20 departments, but I don't see Family Court
21 and the juvenile system apart of them.
22 If we are trying to -- I mean, the
23 programs that you do have, I think they
24 should be more inclusive with more
25 departments, is what I'm trying to say.

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2 I think that -- I applaud the
3 Chairman of this Committee for your
4 inclusion in this process, and hopefully
5 be the cornerstone and stability to
6 shaping up not a pilot, no disrespect to
7 a pilot program, but not to have a pilot
8 program but to have a program that cannot
9 just be the cornerstone but could be the
10 keystone for our youth as we move
11 forward.

12 You see State Road with
13 overcrowdedness and the age, the
14 population is young, 18 to 30. I don't
15 know the statistics, but it's
16 overwhelmingly younger kids that are
17 being housed in our overcrowded prison
18 system.

19 So I think that it's imperative
20 that we include Family Court, DHS and the
21 District Attorney's Office on working
22 together as we formulate, as we form, as
23 we come up with programs that are going
24 to be around for a long, long time
25 instead of on a short-term basis that

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2 could go away with dollars and cents. I
3 think it's worth the investment, and I
4 think it's all too often you hear as we
5 go through this budget system, what about
6 the children? Well, it is about the kids
7 and the future, and some of them are here
8 today and I thank them for their
9 attendance.

10 So if you touched on some of
11 the preventive measures, this is a
12 discussion I think that will continue, as
13 it's a priority of this panel and I think
14 this body. Thank you to Councilman
15 Jones, our Majority Leader.

16 So I am curious and interested
17 in some of the more preventive measures
18 that you already -- I know you work with
19 the School District. I am familiar with
20 that, but I am interested in some of the
21 other programs that you have, because I
22 believe a lot of our own City departments
23 are unaware of.

24 JUDGE DOUGHERTY: Thank you.
25 We will.

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2 COUNCILMAN JONES: I just want
3 to say that we don't reinvent the wheel
4 here. We try to make the wheel connect
5 to the axle, connect to the -- I didn't
6 go to shop class, but the transmission
7 and drive shaft and others, so that it
8 runs in an efficient manner.

9 We realize, I realize, this
10 Committee understands that you've been
11 doing this since forever, and we are now
12 beginning to see and we have the
13 advantage of hearing testimony from
14 different spheres. And we realize
15 sometimes -- I call it the peanut butter
16 and jelly theory, that jelly exists over
17 here and doesn't know peanut butter is
18 around. If you can get the two together
19 and create something worthwhile,
20 nutritious, something that helps out the
21 situation, that's our job to do. So when
22 we reached out with this resolution, it
23 was designed to bring all parties
24 together and do just what you're talking,
25 Your Honor, get us talking together.

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2 This hearing is the beginning
3 of that process. That process will be
4 continued during the budget process,
5 which is ending but beginning again this
6 summer. One of the mandates from
7 President Clarke is that we don't do
8 budget in January; we do budget year
9 round. And so as we find things that are
10 worthwhile funding and identify those
11 entities, that we get them and find uses
12 and sources of funds that match that
13 mission statement. And we're going to
14 attempt to do that, and sometimes we'll
15 do it through public-private
16 partnerships, sometimes we'll do the
17 heavy lifting through our budget, but the
18 idea there is to stay focused on the
19 prize, which is what you said, Your
20 Honor, which is keeping people out of
21 your system.

22 I had no idea that young people
23 are being adjudicated and will then face
24 felony charges that stick with them
25 beyond adulthood. I had no idea. And

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2 that is like eye-opening and jaw-dropping
3 to me.

4 So we're going to approach this
5 with vigor to try to divert as many of
6 them -- and you said it in a private
7 meeting -- as many of them out of that
8 system, keeping them out of there. And I
9 understand you have a tough job, real
10 tough job, and we just want to help out
11 in the ways that we can to be partners in
12 that. And so we're going to continue to
13 dialogue. We're going to continue to
14 talk. We're going to hear from some, I
15 think, impressive young people that see
16 the problem from a different lens.

17 So we thank you for what you
18 are doing and continue to do, and we just
19 want to be partners and join the fight
20 with you.

21 JUDGE DOUGHERTY: We welcome
22 you. Thank you for the opportunity.

23 MR. MOSEE: Thank you.

24 COUNCILMAN JONES: Thank you.

25 Can we hear the next panel to

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2 testify.

3 THE CLERK: Professor Edgar

4 Cahn and Cathy Weiss.

5 (Witnesses approached witness

6 table.)

7 COUNCILMAN JONES: Welcome.

8 Thank you, and would you please state

9 your names for the record and then begin

10 your testimony.

11 PROFESSOR CAHN: My name is

12 Edgar Cahn. I am a Professor of Law at

13 the University of the District of

14 Columbia School of Law and I'm also the

15 founder of the Time Dollar Youth Court in

16 Washington, DC.

17 COUNCILMAN JONES: Welcome to

18 Philadelphia.

19 PROFESSOR CAHN: It's exciting

20 to be here and to hear all of these

21 voices. I was thrilled to hear Judge

22 Dougherty and to hear all the voices that

23 you're hearing on this, because it's not

24 about who violates the law; it's about

25 our kids and about what chance they have

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2 to develop and fulfill their own desire
3 really to succeed and to make a
4 difference in the world.

5 My own experience of Youth
6 Courts goes back, I have to admit, really
7 half a century. I was then with Attorney
8 General Robert Kennedy and I was his
9 assistant, and I had heard about a Youth
10 Court in Tompkins County in New York
11 state and I thought -- so I started
12 writing about that and advocating it in
13 law reviews.

14 It took me literally 30 years
15 of advocating to convince the judges in
16 Washington, DC that maybe this was a good
17 idea, and the only thing that enabled me
18 to move to get it launched in 1996 was
19 when the report came out that 54 percent
20 of all African American males in
21 Washington, DC between the ages of 18 and
22 35 were either in prison, parole,
23 probation or a warrant was out for their
24 arrest. So I went to the Chief Judge and
25 I said, Congratulations, you're obviously

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2 in your juvenile justice system running
3 the best feeder system into the adult
4 correctional system, the most efficient
5 feeder system any place in the country.
6 And he looked at me and he was sort of
7 used to my mouth there and he said, Well,
8 what do you think we should do?

9 I said, Well, I've made a
10 break-through discovery that I want to
11 share with you.

12 He said, What's that?

13 I said, Kids don't listen to
14 adults. I know I'm the first person to
15 ever discover that, but I wanted to share
16 that with you, and maybe we ought to ask
17 the kids for some help. So he authorized
18 me to set up really a design group with
19 some judges and with some kids and with
20 some law professors to talk about what
21 would be the design of a Youth Court that
22 would work in Washington, DC. There were
23 a lot of Youth Courts in suburban
24 communities that were very successful,
25 and so we visited some of them and we saw

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2 different models. We saw an adversarial
3 model where a person was trained -- kids
4 were trained as prosecutors and as
5 defense counsel, and they were doing a
6 brilliant and incisive job, but my
7 reaction and the reaction of others was,
8 this is really a contest as to whether
9 the prosecutor or the defense counsel has
10 the fastest mouth. This is not about
11 these kids and this is not about a
12 spectator sport as to who is the best
13 combatant in that system. This is about
14 how do you bring the kids into a whole
15 different culture of civic responsibility
16 and how do you get them to take
17 responsibility for their acts in a new
18 kind of way.

19 And so in Washington, DC, we
20 decided to try what we call the peer
21 model, and the peer model is one where
22 there is neither a defense counsel, a
23 youth defense counsel, or a youth
24 prosecutor, but rather the jury
25 foreperson simply reads the police

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2 report, reads any other information and
3 asks the young person to tell his or her
4 story, and then the entire jury starts
5 asking questions. They ask questions
6 like, If you were faced with the same
7 situation all over again, what would you
8 do and how would you avoid getting into
9 trouble? I remember they asked one kid,
10 Where do you think you're going to be in
11 five years, and his answer was, Dead or
12 locked up.

13 And so it became clear to me
14 that this -- and now in most of the
15 cases, they sentence the offender to
16 serve for ten weeks on the jury, three
17 weeks of training and seven, which means
18 they have to give up ten Saturday
19 mornings, because we hold it Saturday
20 morning, and we actually hold it in the
21 official courthouse at 500 Indiana
22 Avenue, so that we don't have to build
23 separate offices. Those courtrooms are
24 empty on Saturday, and the young people
25 really respond to that decor. Yes, they

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2 have to be told to take off their hats.
3 Yes, they have to be told that they can't
4 laugh even if they think something is
5 funny. But basically they really
6 understand that there's a different
7 decorum, that they have a different role,
8 and that somehow this isn't about the
9 snitch rule. This is about what it means
10 to be a juror saying to another peer, Why
11 did you do that, and if you had to do it
12 all over again, what you would do.

13 And we've seen -- I want to
14 make -- let me step back and say there
15 are two points that I think we need to be
16 clear on. All the models of Youth Court
17 seem to have an impact. All of them seem
18 to work in some way. All of them give
19 kids, young people, a responsibility and
20 a sense that they matter, that their
21 opinions matter and that they have
22 something to offer that we as adults
23 value. And also they seem to penetrate
24 to the person who is the offender,
25 because for the first time, as some of

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2 them have told me, they feel listened to,
3 they feel respected, and they feel that
4 their perspective on life, whatever
5 caused them, is at least being heard by
6 peers, who may disagree with them, but
7 they're being listened to sometimes for
8 the first time.

9 The second thing that I want to
10 speak to is that Youth Courts could
11 contribute significantly to dismantling,
12 frankly, the structural racism that
13 permeates at least our justice system,
14 juvenile justice system in Washington, DC
15 and that I was just hearing permeates the
16 system here.

17 The Supreme Court, as you may
18 know, has ruled in Washington v. Davis
19 that merely because that disparity
20 exists, that you can't get a judicial
21 remedy in order to stop that disparity
22 unless you can prove it's intentional.
23 And for some 40-odd years -- that was a
24 1976 case. For 40-odd years, none of the
25 cases that have alleged disparity as a

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2 basis of claiming a denial of equal
3 protection or discrimination against kids
4 with disability has won, because they
5 couldn't prove intent.

6 So the Kellogg Foundation and
7 Atlantic Philanthropies has funded me and
8 others to start a different approach to
9 proving intent, a very new approach,
10 which in fact says intent is proven not
11 by looking backwards at people's motives,
12 but by giving them a choice between
13 present practice, which will perpetuate
14 that disparity, and alternatives that
15 work and are cheaper and have been
16 validated and reduce that disparity. And
17 so in Washington, DC and in other places,
18 we are putting on formal notice of
19 officials that you may have a fiduciary
20 duty to use alternatives that are cheaper
21 and that actually work, when you know
22 that suspension, when you know that the
23 present system simply leads to more
24 recidivism, that that may be in fact a
25 civil rights obligation. And if you're

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2 not willing to do it by virtue of
3 dialogue in a forum where you're given
4 notice, there's another forum called the
5 Federal District Court where we may have
6 to meet you to explain to you that maybe
7 you ought to use things that are cheaper
8 and better and validated rather than
9 going back to business as usual.

10 So I wanted to say that those
11 are at least two issues. One, Youth
12 Courts work and, second, there may be an
13 obligation, believe it or not, for
14 officials to make use of knowledge. And
15 I know that's a radical position, but
16 nonetheless --

17 COUNCILMAN JONES: We were just
18 saying.

19 COUNCILMAN SQUILLA: It's
20 common sense here.

21 PROFESSOR CAHN: Now, I do want
22 to add some other things. The police
23 have been our biggest ally in this,
24 because in Washington, DC -- and I don't
25 know about your jurisdiction -- 40

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2 percent of the cases they bring to the
3 prosecutor are no paper. They're sent
4 home. They're too trivial or they don't
5 have proof beyond a reasonable doubt. So
6 the word on the street is, you get three
7 freebies before anybody takes you
8 seriously. And that's three times
9 getting caught, you understand. That's
10 not how many times -- so you're learning
11 to play a risk game to beat the system,
12 and then you're a first offender, you
13 see. Well, you're not a first offender.
14 You've got a whole string of things.

15 So, in effect, what we're
16 saying is that the way the system -- the
17 police were frustrated because they saw
18 things going on that they couldn't do
19 anything about, that they wanted to do
20 something about. And so they are the
21 primary source of diversion. So when a
22 kid is brought in and booked, an arrest
23 number is not posted for that kid if they
24 sign a diversion agreement and their
25 parent does, and if they fulfill that

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2 diversion agreement, then an arrest
3 number is never posted, is never on their
4 record, so they never have to check that
5 box saying I've never been arrested
6 before. So, in effect, that kid comes
7 away totally clean and somehow has made a
8 mistake.

9 Well, I've got to say that, you
10 know, we hear about what's going on in
11 the schools, and I've been looking at
12 school suspensions, and doubtless you
13 have too, and that's what we're hearing
14 about today. The research on what
15 happens with suspensions is that it
16 radically reduces the likelihood of
17 graduation and increases the likelihood
18 of entry into the juvenile justice and
19 then the criminal justice system. But
20 we're saying there are alternatives that
21 work, and we're about to schedule, with
22 Congresswoman Eleanor Holmes Norton's
23 help, a hearing in Washington, DC about
24 alternatives that work so that we can put
25 the school system on notice that maybe

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2 the policies that have been promulgated
3 need to be implemented by helping
4 teachers use those alternatives that
5 work.

6 I can tell you that the
7 recidivism in Washington, DC went down in
8 the Youth Court. Prior to that and the
9 control group that we used, recidivism
10 was in the 30 to 35 percent range for
11 first arrest, for first offenses. It's
12 never been above 10 percent for kids who
13 come out of Youth Court, and even for
14 those, it's never been more than one
15 arrest. Whereas, for the kids who have
16 been through the normal system, it's been
17 three or four arrests that are more
18 serious.

19 So we know that kids talking to
20 kids works. We know that their
21 involvement in the Youth Court
22 themselves, if that's part of their
23 sentence, gives them an impressive
24 educational process. They realize
25 they're not alone. They realize -- and

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2 as one said, And I got a full education
3 as to all the things that could get me
4 into trouble without having to do it and
5 get into trouble. So he said, I got an
6 education about all the things that I
7 haven't done yet and better not do.

8 I think that I would want to
9 say that one of the more brilliant
10 experiments that we tried when we had the
11 money and then the money ran out was when
12 the kids who were truant or had any
13 school-related offense were sentenced to
14 tutor first and second graders, because
15 we had schools where the third graders in
16 fewer -- in no school in certain wards do
17 as many as 50 percent of the third
18 graders reach third grade reading level,
19 and in many of them, a third of them,
20 only about 15 to 25 percent reach third
21 grade reading level. From grades one to
22 three, you're learning how to read. From
23 grades four on, you're supposed to know
24 how to read in order to learn. So these
25 kids start fourth grade with a handicap

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2 that's brutal, but -- and I worked with
3 James Kolmer and others, and these
4 kids -- a second or third grader finds it
5 dangerous to raise their hand, to look
6 too smart, but they will even risk being
7 smart, they will risk pure ostracism to
8 get the praise of a fifth or sixth
9 grader. We're never going to run out of
10 fifth and sixth graders who can help
11 first and second graders.

12 And so if Youth Court becomes a
13 way in which a stream of kids can become
14 educators of younger kids, they become
15 heroes. They perceive of themselves
16 differently, and their teachers in high
17 school perceive themselves differently.
18 So there are ways to design this that can
19 really address other problems that I
20 believe you have in Philadelphia that we
21 certainly have in Washington, DC.

22 I do want to acknowledge the
23 Youth Aid Panels, because I think they do
24 a brilliant and exceptional job in
25 enlisting the entire community to deal

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2 with juvenile offenders, and I know the
3 Philadelphia DMC Youth/Law Enforcement
4 curriculum that was jointly developed by
5 youth and police and the District
6 Attorney's Office and the Defender
7 Association. So you're doing brilliant
8 things, but I think that a Youth Court
9 would add two things that you're not
10 doing. One is to enlist peers and enlist
11 peer pressure, and the second is to set
12 in motion a process of youth learning
13 about responsibility, about actions,
14 about what gets kids to act out. And
15 these kids come up with some pretty
16 extraordinary responses. There's one kid
17 who got into a fight, but was really
18 acting out a problem that she had seen at
19 home. And then I saw this past Saturday
20 a case where a young woman had assaulted
21 her mother because her mother tried to
22 get the cell phone away. Well, the juror
23 would not let her leave the courtroom
24 until she had apologized for every
25 element of that effect to her mother and

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2 until she had hugged her mother. And
3 until she had hugged her mother and her
4 mother accepted it, they said you're
5 staying here.

6 It's that kind of -- there was
7 another case I saw where a kid had hit
8 another kid, but because he had been
9 bullied all year because he was gay. And
10 the kid said, Well, you did the offense,
11 but we're not going to sentence you to
12 any of the normal sentences. We're going
13 to sentence you to write an essay that we
14 want to read about how being gay, what
15 your life's career is and how you're
16 going to work out those issues, because
17 we think it's really important that you
18 give some thought to that, because we
19 understand that this complaint was made,
20 the school did nothing about it all year.

21 I'll simply end by saying that
22 maybe one of the most powerful statements
23 I heard -- I sit on the law enforcement,
24 what is the state advisory group for
25 Washington, DC, and jurors were asked,

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2 What did you learn? And I remember one
3 young lady said, Well, I learned my acts
4 have consequences. And I thought, wow, I
5 wish some of our adult leaders would have
6 learned that too.

7 So thank you.

8 COUNCILMAN JONES: Amazing
9 comes to mind. Thank you for that
10 insightful testimony, and we will have to
11 read every word over again just to digest
12 all of the pearls of wisdom that you've
13 given us and helpful in the direction and
14 design of what might be a hybrid of what
15 we've heard today. So I want to
16 personally thank you for that.

17 PROFESSOR CAHN: It was a
18 privilege for me to be here. Thank you
19 very much.

20 COUNCILMAN JONES: The
21 privilege was ours.

22 MS. WEISS: Thank you for
23 holding this hearing. I am actually
24 honored to be sitting next to Edgar Cahn,
25 and I should have known I should speak

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2 before him, because how can anybody
3 follow him?

4 I'm Cathy Weiss. I'm the
5 Executive Director of the Stoneleigh
6 Foundation, which is a local foundation
7 that is dedicated to improving life
8 outcomes for children involved or at risk
9 of involvement in the child welfare and
10 juvenile justice system. And we believe
11 in the power of the individual to effect
12 social change, and so we invest in
13 people, not in programs. And within that
14 context, Stoneleigh became interested in
15 Youth Courts when Gregg Volz applied for
16 a fellowship and received one in 2009.
17 And I am actually not going to reiterate
18 probably much of what I think and feel
19 and have seen about Youth Courts that
20 Professor Cahn has also stated, but I'm
21 going to address what I think Stoneleigh
22 as a foundation, as a member of this
23 community, as a potential ally and
24 partner and as an entity that believes it
25 is our collective obligation to ensure

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2 the safety of children and their
3 well-being, what we do to make that
4 happen.

5 When Gregg first came to us, we
6 were already pretty consumed with the
7 notion of zero tolerance and could not
8 figure out the logic behind disengaging
9 students who were in trouble from the
10 very system that our culture has set up
11 to prepare them for adulthood. It just
12 didn't make sense to us that the outcomes
13 that we wanted to see of responsible
14 adults, of people who were participants
15 in the civic life and who had empathy for
16 others were ever going to get that from a
17 set of policies that actually disengaged
18 them from the very system that existed to
19 cultivate that.

20 And so we invested, and we
21 watched and we saw what was happening in
22 Chester City, and we believed deeply,
23 without being able to necessarily prove
24 it, that this was transforming the
25 climate in schools. And why did we know

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2 that? Because we saw community entering
3 schools in Chester that have never
4 entered before.

5 I brought federal Judge Midge
6 Rendell there. We have offered
7 opportunities and they've taken them from
8 the District Attorney's Office, from the
9 U.S. Attorney's Office, the media. The
10 only positive press Chester has received
11 in the last couple of years has been from
12 media that have focused on Youth Courts
13 and what they saw the Youth Courts doing
14 with children and with schools.

15 Despite the huge dysfunction,
16 the de-funding and the very chaotic year
17 that Chester Upland has had this year,
18 those teachers, the administrators and
19 the kids found a way to make Youth Courts
20 exist and to function, and they
21 participated in the research that we
22 have. I don't know whether they've
23 testified yet, but we have actually paid
24 for an independent research assessment of
25 the Chester Youth Court program to try to

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2 demonstrate that kids stay engaged in
3 schools.

4 We fully comprehend that in a
5 school Youth Court setting, you can't
6 necessarily compare juvenile justice
7 outcomes and recidivism and engagement
8 necessarily with what's going on there,
9 because the youth accept their guilt.
10 And so it's really two different systems.
11 But what we're most interested in is,
12 does this program keep kids going to
13 school and keep them functioning and make
14 them hopeful, and we have anecdotally
15 seen this time and time again. But the
16 school system, with all its dysfunction
17 this year, made sure those courts
18 operated and made sure that they were
19 giving to our researchers the information
20 they needed, which I think speaks volumes
21 about what those teachers who weren't
22 being paid and those administrators and
23 those kids who didn't know whether they
24 were going to have a school next month
25 feel about Youth Courts and its potential

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2 and what it offered them.

3 I also think that it has to be
4 stated very, very clearly that in a city
5 like Chester and perhaps as the
6 experience for many of the kids who go to
7 the Philadelphia School District, they've
8 never really seen how the system can work
9 for them. They have only seen the system
10 harm or hurt or be or feel unfair to
11 those who are in their communities and in
12 their families. And Youth Courts
13 provides them not just the opportunity to
14 witness it, but to actually participate
15 in making the system work for them. And
16 we will not know for many years how
17 revolutionary that is, but I think on the
18 face of it, when you see kids who today
19 are offenders and tomorrow are sitting on
20 a jury because that was their disposition
21 from the Youth Court and then some months
22 later are the judge, it's a powerful
23 statement from a small program that I
24 don't think requires a lot of money.

25 I respect hugely Commissioner

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2 Ambrose, and I know it must have been a
3 very tough decision for her to withdraw
4 funding, but I would argue that one of
5 the roles of philanthropy in this
6 community is to elevate the research and
7 the information and the best practice in
8 order to help facilitate the partners
9 that we have in this community to
10 implement those best practices. And I
11 know you have testimony from my Chairman,
12 Carole Haas Gravagno, who actually states
13 that she intends to work tirelessly to
14 contribute her energies to the future to
15 ensure that the momentum for Youth Courts
16 continues. And then later on in her
17 testimony, she says, If asked, I would be
18 pleased to work with you to help to find
19 the needed resources to develop these
20 Youth Courts.

21 Philanthropy in this community
22 is often seen as something separate, and
23 at Stoneleigh, we believe that we are
24 part of the community, and we work every
25 day to connect the unconnectable and to

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2 engage the disengaged and to try to find
3 ways to join with partners to advance the
4 well-being of our youth. And I think
5 that too often in Philadelphia, we don't
6 set a table for thoughtful dialogue and
7 diverse perspectives, and in avoiding
8 that forum, we reinforce the silos that
9 prevent us from even speaking the same
10 language.

11 Stoneleigh works hard to be a
12 partner, and we convene, we share
13 learning and we advance best practice.

14 And in closing, I want to just
15 leave you with a story that reflects the
16 choice that I think we as a community
17 have here today.

18 Last week I was informed about
19 a sophomore honor student at a
20 Philadelphia high school who was
21 handcuffed and thrown in jail for eight
22 hours. This young woman, who didn't have
23 a single infraction on her record and was
24 attending a job fair at her school, was
25 carrying a canister of pepper spray. Her

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2 mother had given her that pepper spray
3 because she is a small, young woman who
4 often had to come home from school in the
5 winter in the dark alone and her mother
6 was afraid for her.

7 What is the sense or logic
8 behind the policies that mandate
9 handcuffing and putting this young girl
10 in a jail cell? Who among us actually
11 thinks that a child who is already living
12 in fear, as witnessed by carrying a
13 canister of pepper spray so that she's
14 safe walking home from school, would
15 become an even better student or feel
16 connected to school by this sort of
17 response?

18 Why did none of the adults with
19 authority simply ask this young student,
20 this young honor student, with no history
21 of trouble, why she had the pepper spray?

22 Gentlemen and ladies, if there
23 was a Youth Court at that school, this
24 would have been the very first question
25 that would have been asked, and rather

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2 than being traumatized, which she has
3 been, and angered, the young woman would
4 have been heard and her full academic
5 performance and her history or lack
6 thereof of infractions would have been
7 considered. Yes, she would have been
8 disciplined and she would have been given
9 something that she would have had to do
10 to recognize that she wasn't supposed to
11 be carrying a canister of pepper spray,
12 but I'm certain that her peers would have
13 treated her with dignity and the
14 understanding that her offense warranted,
15 and instead of learning the lesson of
16 zero tolerance, she would have learned
17 the lesson of fairness and justice.

18 Philadelphia doesn't like
19 change, but today I ask those of you who
20 have been here long enough to have missed
21 other opportunities to show our children
22 you care. The choice is really yours.

23 COUNCILMAN JONES: Are there
24 any questions of this panel?

25 (No response.)

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2 COUNCILMAN JONES: I want to --

3 COUNCILMAN SQUILLA: I just
4 want to say one thing. I just think it's
5 great when you hear this, and a lot of
6 this seems like common sense tactics and
7 approaches that make the world of
8 difference that for some reason we miss
9 all the time. And I appreciate both of
10 you coming here today and showing that a
11 lot of times it's not the deep,
12 thought-out rules and laws that we have
13 that really make sense. If people could
14 just sit down and think things out
15 logically, most of this would go away.
16 So I appreciate that and look forward to
17 seeing this to fruition.

18 PROFESSOR CAHN: I'd like to
19 add one fact that I left out, and, that
20 is, that the police have told us that the
21 gangs in Washington, DC regard the Youth
22 Court as neutral territory. So that
23 different gang members sit on the same
24 jury, talk to each other, but if a kid is
25 sentenced to do community service in what

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2 is called gang territory, all he or she
3 has to do is to say, I'm here -- the
4 police told us -- I'm here because it's
5 my sentence from Youth Court, and the
6 gangs leave them alone. That's a
7 statement of respect that goes way beyond
8 how we deal with individuals. That word
9 gets out that says we are being treated
10 in this institution by the kind of
11 respect that we want and hunger for.

12 COUNCILMAN JONES: Let me
13 recognize Councilman Kenyatta Johnson,
14 who has joined us, who from his district
15 perspective deals with these issues far
16 too many times.

17 COUNCILMAN JOHNSON: Thank you,
18 Mr. Chairman. First and foremost, I want
19 to thank you and commend you for hosting
20 these hearings. I did have an
21 opportunity to read over some of the
22 testimony yesterday with the packet that
23 was given to me, and I apologize based
24 upon me not being here earlier. I just
25 had to respond to some issues immediately

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2 in my district that needed my attention,
3 but I thank you for your testimony. And
4 I just want to echo what Councilman Mark
5 Squilla is talking about.

6 A lot of times you don't take a
7 long, thought-out, super analytical
8 approach to address some of these issues.
9 Some of them are just basic common sense.
10 I'm a strong advocate of all issues
11 related to juvenile justice and don't
12 believe in zero tolerance laws, believe
13 that young people should be given an
14 opportunity to address some of their
15 issues, some of the minor issues in a
16 setting amongst their peers, because it's
17 not often that they get a second chance.
18 And a lot of times we don't support our
19 young people non-punitively on the
20 juvenile level. I'm quite sure Honorable
21 Hayden will talk about how that young man
22 that went from Glen Mills will now be
23 going to Graterford.

24 And so thank you, Councilman
25 Jones, for being proactive as we look at

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2 reducing the issue of youth violence in
3 the City of Philadelphia, and thank you
4 for being here.

5 COUNCILMAN JONES: Councilman
6 Johnson, thank you for your comments.

7 I want to just tell you, the
8 lack of question should not be
9 misconstrued as to the lack of substance
10 you've given us, but conversely, your
11 thorough testimony has given us so much
12 food for thought that we have been
13 charged with a mission, if you would. So
14 I want to thank you for your comments and
15 testimony, and we will be charging you to
16 tap that wealth of knowledge that you
17 have to be a part of a, for lack of a
18 better word -- and I hate the word "task
19 force," but a convening group that will
20 discuss public policy as it relates to
21 Teen, Youth Court, peer models of
22 justice, and we're going to have a
23 roundtable discussion to be talking about
24 those kinds of concepts going forward.
25 And so this is not the last time you're

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2 going to hear from us.

3 PROFESSOR CAHN: That would be
4 a privilege. Thank you.

5 MS. WEISS: I also forgot to
6 give you -- I have a revised -- I have
7 revised testimony.

8 COUNCILMAN JONES: We will have
9 that.

10 I want to take this time to
11 recognize Judge Hayden, who is in the
12 audience, who has a long history of youth
13 advocacy dating back to his days in West
14 Philadelphia taking care of more than one
15 youth of his peers that I will not
16 mention. But I will also say that his
17 career choice is predicated on his
18 respect and admiration for the justice
19 system, and we have to build into this
20 model more career tracks for Judge
21 Haydens of the future. So thank you.

22 Thank you so much for your
23 testimony.

24 Will the Clerk read the next
25 panel of witnesses and testimony.

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2 THE CLERK: John Dao, Chair,
3 Philadelphia Youth Commission, and the
4 School Reform Commission. Two separate.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN JONES: Thank you.
8 Good evening, and thank you so much for
9 your patience in this long list of folk
10 who want to come forward and talk about
11 this issue.

12 Why don't we give the young
13 people the first opportunity and let the
14 School Board bring up the rear.

15 State your name, Commissioner,
16 for the record.

17 MISS BURLEY: I would like to
18 first introduce myself. My name is
19 Jamira Burley and I am the new Executive
20 Director for the Philadelphia Youth
21 Commission. I want to say that it's
22 truly an honor to be a part of this
23 dialogue as a new employee for the City
24 of Philadelphia working with young people
25 in regards to youth issues, everything

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2 from violence to education. We recognize
3 that it's important for young people to
4 not only be a part of the dialogue, but
5 also the decision-making process to make
6 sure that young people are always put
7 first in our City government.

8 So with that being said, I want
9 to recognize two of the young men that I
10 actually have the pleasure of being in
11 the presence with. We have the Vice
12 Chair of the Philadelphia Youth
13 Commission, Josh, who is actually here,
14 and also we have the Chair of the
15 Philadelphia Youth Commission, who will
16 provide testimony in representation of
17 the Philadelphia Youth Commission.

18 COUNCILMAN JONES: Before they
19 proceed with their testimony, I just want
20 to say for the record, in 2006, I was a
21 part of a candidate's forum, and you'll
22 appreciate this. There were many of them
23 during that timeframe, but the best one I
24 went to was at my alma mater, Overbrook
25 High School, where a young person posed

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2 the question, What would you do as a
3 Councilperson to deal with the issue of
4 juvenile violence in our community? And
5 I just wanted to say to that young person
6 that I heard you loud and clear then and
7 I'm continuing through this process to
8 answer that question, and say thank you.
9 Because that was probably one of the best
10 candidate's forum dealing with juvenile
11 justice and youth issues that I ever
12 attended then and even till now. So
13 thank you for that.

14 MS. BURLEY: Well, thank you,
15 and the Youth Commission is here to
16 assist you in that process.

17 MR. DAO: Good afternoon. My
18 name is John Dao and I am the current
19 Chairman of the Philadelphia Youth
20 Commission. The Philadelphia Youth
21 Commission began service in 2008 with the
22 purpose of representing Philadelphia's
23 youth in public hearings and providing
24 testimony that reflects the youth
25 perspective. We work with the City,

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2 non-profits, community organizations and
3 private entities to develop strategies to
4 improve the lives of Philadelphia's
5 youth. We hope that the testimony we
6 provide here today will shed light on the
7 thoughts and concerns of more than
8 300,000 youth that we represent. I would
9 like to thank the distinguished members
10 of City Council for allowing me to
11 testify on behalf of the PYC.

12 The Youth Commission was
13 founded under the basic principle that
14 there should be no decision about me
15 without me, a principle that recognizes
16 that regardless of age or income, young
17 people should always have a say in the
18 issues that are impacting their
19 generation, my generation. This is why
20 it's important to not only have young
21 people be a part of the brainstorming
22 process, but also the decision-making one
23 as well.

24 As many of us are aware, young
25 people are one of the fastest growing

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2 populations of both victims and
3 perpetrators of crime. This in many ways
4 lays the foundation for many of the
5 problems we face today - school-to-prison
6 pipeline, decreasing graduation rates,
7 increase in dropout rates, and the
8 ever-growing process of creating
9 criminals instead of doctors, teachers,
10 community leaders, engineers and even
11 City Council members.

12 With this in mind, the PYC
13 wholeheartedly supports Resolution No.
14 120263 authorizing City Council's
15 Committee on Public Safety to conduct
16 hearings on the benefits of Youth Courts.
17 We believe that Youth Courts provide a
18 unique opportunity for positive
19 alternative sanctions by providing a
20 peer-driven sentencing mechanism that
21 allows young people to not only take
22 responsibility, but to also be held
23 accountable by a body of their peers. We
24 anticipate that this will instill a
25 greater sense of respect and legitimacy

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2 to the process.

3 Additionally, the PYC believes
4 that Youth Courts will provide meaningful
5 experiences for young people in
6 Philadelphia. Youth who take on
7 responsibility in these courts will gain
8 a broader insight on the law and its
9 application. They can develop their
10 analytical thinking, problem-solving and
11 communication skills. It will prepare
12 them with skills that will lead them to
13 succeed as informed citizens of this
14 great Commonwealth.

15 In conclusion, the PYC urges
16 City Council to find ways to sustain and
17 expand the Teen Court programs, because
18 they will continue dialogue on a program
19 that can improve the lives of all of
20 Philadelphia's youth.

21 Thank you.

22 COUNCILMAN JONES: Thank you,
23 Commissioner.

24 MR. OGLESBY: Good afternoon.

25 COUNCILMAN JONES: Good

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2 afternoon.

3 MR. OGLESBY: My name is Rodney
4 Oglesby. I'm the Executive Director of
5 Government Relations for the Philadelphia
6 School District and I'm here on behalf of
7 our School Reform Commissioner Lorene
8 Cary, who extends her regrets for not
9 being able to join us today, but also
10 extends her full support for the Teen
11 Court program and your resolution.

12 I'm here to give the statement
13 issued by Commissioner Lorene Cary, as
14 well as Erica Washington, who is our
15 Deputy Chief of Student Services and
16 Transition, also in support of the
17 resolution.

18 The School District of
19 Philadelphia is committed to being
20 proactive and preventive in our efforts
21 to reduce truancy and incidents of
22 bullying and violence in our schools.
23 Teen Court, also known as Youth or Peer
24 Court, is considered one of the faster
25 growing juvenile prevention and

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2 intervention programs in the United
3 States. It is designed as an alternative
4 to juvenile justice and operates as a
5 diversion to juvenile delinquency. When
6 implemented in schools, the model is best
7 utilized to address truancy and Level I
8 violations of the School District of
9 Philadelphia's Code of Student Conduct.

10 Teen Court is not new to the
11 District. Beginning in 1998, the first
12 structured implementation began with a
13 partnership between the District,
14 Communities in Schools of Philadelphia
15 Incorporated and Temple University. At
16 the time, Teen Court was implemented in
17 three high schools - Frankford, South
18 Philadelphia and Strawberry Mansion. The
19 model was implemented with the guidance,
20 financial support and in-kind
21 contributions of an Advisory Board. The
22 Board was comprised of staff from Adult
23 Probation and Parole, the Defender's
24 Association, the Department of Human
25 Services, the District Attorney's Office,

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2 Juvenile Probation, Philadelphia Police
3 Department, United States Attorney's
4 Office and private law practices. Teen
5 Court operated to not only provide
6 sanctions for youth offenders, but also
7 to educate students on civic
8 responsibility. The mission of the
9 program was to provide a service-learning
10 forum for students that would develop
11 their leadership skills, as well as hold
12 students accountable for following school
13 rules and exhibiting appropriate
14 behaviors. The program goals were as
15 follows:

16 One, to prevent youth who
17 commit minor school offenses from
18 becoming involved in more serious
19 infractions;

20 Two, to hold youth accountable
21 through the use of positive and
22 restorative approaches to reform.
23 Typical, quote/unquote, sentences would
24 include community service, oral or
25 written apologies, essays and

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2 restitution;

3 Three, to reduce the number of
4 school or class cuts, lateness, absences
5 and suspensions;

6 Four, to educate participating
7 youth about the judicial process; and

8 Five, to increase student
9 skills in public speaking, conflict
10 resolution and critical thinking.

11 Teen Courts was a program for
12 youth run by youth. Not only were
13 students trained to participate in the
14 roles of judges, jurors, prosecuting and
15 defense attorneys, clerks, bailiffs and
16 warrant officers, but they were also
17 trained to be peer leaders in their
18 school and in their community.

19 This kind of program has great
20 potential, not just for behavioral,
21 social/emotional learning and service
22 learning, but for academic enrichment in
23 its teaching of critical thinking and
24 urgent problem-solving for young people.
25 In its use of the many legal

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2 professionals as tutors and guides, Youth
3 Court also hits the gold standard for
4 educational enrichment - busy, important
5 adults taking time out to care for and
6 instruct young people. The School
7 District of Philadelphia believes in the
8 value of Teen Court and welcomes further
9 discussion with members of City Council
10 and our stakeholders on the potential
11 revitalization of this program.

12 Thank you very much for the
13 opportunity to speak before you today.

14 COUNCILMAN JONES: Thank you.
15 Are there any questions?

16 Councilman Johnson.

17 COUNCILMAN JOHNSON: Yes.
18 First and foremost, it's an honor and a
19 privilege to have the opportunity to
20 listen to the presentation, and
21 Ms. Jamira Burley is one of our up and
22 coming rising stars and so --

23 COUNCILMAN JONES: What part of
24 town is she from, by the way?

25 COUNCILMAN JOHNSON: Overbrook.

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2 COUNCILMAN JONES: Okay.

3 COUNCILMAN JOHNSON: Overbrook.

4 COUNCILMAN JONES: The 4th

5 Councilmanic District.

6 COUNCILMAN JOHNSON: The 4th

7 Councilmanic District.

8 And so, Jamira, I commend you
9 on your efforts, as well as John with the
10 Youth Commission. And so let me ask you
11 this: From your perspective, what would
12 it take to make a program like this work?
13 And then also to my good friend and
14 colleague, Rodney Oglesby, I guess I want
15 to change this around. This program that
16 the School District talked about is in
17 past tense. So it was implemented and
18 obviously is over at this particular
19 time, Rodney?

20 MR. OGLESBY: Well, my
21 understanding is that there are a few
22 schools that are still in operation. I
23 believe South Philadelphia and West
24 Philadelphia were the two schools that
25 operated beyond 2009, but full

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2 implementation across the District was
3 completed in 2009.

4 COUNCILMAN JOHNSON: All right.
5 And so what would it take -- and I guess
6 you probably can answer all these
7 questions, but what would it take to take
8 this program to scale across the board in
9 probably the majority of our high
10 schools?

11 MR. OGLESBY: Without being the
12 subject matter expert, I would assume
13 that funding would be necessary. It's
14 always important. But then it would just
15 be commitment from leadership to commit
16 to the program going forward, because I
17 believe there was a change in leadership
18 which is what precipitated --

19 COUNCILMAN JOHNSON: If you
20 don't mind, when you probably report back
21 to Lorene and the folks from the SRC, if
22 it's okay, Mr. Chairman, that this be
23 part of the recommendations that we
24 should probably take a look at from a
25 violence prevention standpoint, maybe

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2 bring Kelly Hodge to the table, just to
3 look at -- because I see right now as we
4 talk about public school funding and we
5 talk about the cuts and so forth and
6 there's a lack of police presence in some
7 of the schools, I'm thinking about how we
8 can be more creative and where does this
9 fit as we talk about restructuring or
10 reorganizing the School District's plan
11 moving forward.

12 So that's kind of where my mind
13 is at in lieu of what we just saw in the
14 newspaper just talking about the uptick
15 in violence, but separate from what the
16 newspaper reported, we talk about this
17 naturally, rather it's a budget, no
18 budget. We're still paying attention to
19 the issue of violence in our respective
20 neighborhoods and districts.

21 But, Jamira and John, as we
22 explore this for the School District --
23 and we don't want to make any decisions
24 without young people's input -- what do
25 you think will make something like this

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2 successful?

3 MS. BURLEY: Well, I would like
4 to first say that one of the things that
5 will make any program that affects young
6 people is to get them engaged and as
7 early as possible. One thing we've
8 noticed -- the Youth Commission
9 represents a broad range of ages, from 12
10 to 23. One thing we've noticed is before
11 young people even reach the age of 18 to
12 21, they've already been exposed to
13 violent crimes. So the question is, how
14 can we engage young people as early as
15 first and second grade about what not to
16 do and what to do, but also provide them
17 positive alternatives to punishment.

18 Sometimes young people feel
19 like they're not engaged on a lot of
20 different issues, so I think we have to
21 have them a part of the conversation. We
22 have to continue to ask them what they
23 think on issues that affect them.

24 Otherwise, you can create programs, but
25 the question is whether or not they'll

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2 benefit from it or they'll take advantage
3 of it.

4 MR. DAO: And I think this is a
5 process that young people may fear
6 mistrust. So to get past that, to get
7 past that, young people do need to be
8 involved, and for them to be involved
9 sufficiently, we need the help of
10 experienced leaders and adults, because
11 you guys are the ones with experiences,
12 and you can be our safe spot for us. But
13 for the safe spots to be there, we need
14 to trust you.

15 COUNCILMAN JONES: Good point.

16 COUNCILMAN JOHNSON: Thank you,
17 Mr. Chairman.

18 COUNCILMAN JONES: Thank you
19 for that, Councilman.

20 I think, Commissioner, the
21 quote of the day was, don't make
22 decisions about us without us. And if I
23 don't take anything else from what you
24 said -- but I will -- that I will tattoo
25 on whatever actions we take, and I agree

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2 with that.

3 We want to engage PYN,
4 Philadelphia Youth Network, and the
5 Philadelphia Students Union. And I guess
6 I want to get a commitment from you guys
7 on the record that you will work with us
8 to craft this, and we then solicit your
9 input, design and engagement in the
10 process, and if we do so, we probably can
11 produce a product that we can all be
12 proud of. And I just want a commitment
13 from you guys to have a representative in
14 the design of this expansion of this
15 program.

16 MS. BURLEY: The Youth
17 Commission have decided that we are fully
18 on board with moving forward with this
19 expansion. In addition to the no
20 decision about me without me, one thing
21 the Youth Commission also recognizes,
22 that's it's easier to build strong
23 children than to rebuild adults. So keep
24 that in mind. So young people really do
25 matter.

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2 COUNCILMAN JONES: My second
3 best quote of the day.

4 Thank you so much for your
5 testimony, and we will keep you fully
6 engaged in this process.

7 Any more questions? I'm sorry.

8 (No response.)

9 COUNCILMAN JONES: Seeing none,
10 will the Clerk introduce, I think, the
11 final panel.

12 THE CLERK: Thomas Wilkinson,
13 Pennsylvania Bar Association; Norman
14 Zarwin, Zarwin Baum Devito Kaplan Schaer
15 Toddy P.C.; and Timothy Welbeck, Emmanuel
16 Law Firm, LLC.

17 (Witnesses approached witness
18 table.)

19 COUNCILMAN JONES: Gentlemen,
20 welcome and thank you for your
21 indulgence, patience, and I hope you were
22 able to hear some of the young people and
23 some of the experts on this subject.
24 I've learned a great deal today, and I'm
25 sure the members of this panel as well.

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2 So please. Welcome. State
3 your name for the record and begin your
4 testimony. There's no order.

5 MR. WILKINSON: Thank you. I'm
6 Tom Wilkinson. I'm President of the
7 Pennsylvania Bar Association. I'm very
8 pleased to be here. I also have some
9 written remarks I'd like to hand up, and
10 I'll just trim those down substantially,
11 because I know you've been here all
12 afternoon.

13 The Pennsylvania Bar has been
14 very supportive of Youth Courts through
15 its 28,000 members across the state. And
16 the focus has really been since 2007,
17 when we held our Children's Summit at
18 which an overview of Pennsylvania's
19 efforts to build and maintain this model
20 alternative justice approach was
21 presented.

22 Youth Courts can be effective
23 in reducing recidivism among respondents
24 in both school and community justice
25 settings and in reducing delinquency

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2 among Youth Court members operating the
3 court. All young people involved,
4 whether respondents or court members,
5 learn citizenship, academic and
6 socialization skills. Youth Courts
7 provide these benefits even to younger
8 students.

9 Our PBA Board of Governors and
10 House of Delegates in May of 2011
11 unanimously supported a resolution
12 encouraging Youth Courts, and key
13 portions of that resolution included
14 building on the call to the PBA of the
15 Interbranch Commission on Juvenile
16 Justice Report to develop programs that
17 bridge civic engagement and juvenile
18 justice by promoting a system of both
19 school-based and community juvenile-based
20 Youth Courts across the Commonwealth that
21 would expand on the conflict resolution,
22 anti-bullying and law-related education
23 model of the PBA Project PEACE, and also
24 to support legislative efforts advancing
25 Youth Courts as well as the

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2 public-private partnership to expand and
3 improve the sustainability of Youth
4 Courts across Pennsylvania.

5 The PBA has worked in
6 partnership with the PennCORD civic
7 outreach efforts of Third Circuit Court
8 of Appeals Judge Midge Rendell, a former
9 First Lady, to promote civics engagement
10 and Youth Courts. And the PBA leadership
11 has highlighted this Youth Court
12 initiative at statewide programs and is
13 committed to supporting efforts to
14 fulfill the mandate of the Youth Court
15 resolution.

16 The Pennsylvania Bar Foundation
17 also has provided seed money in 2011 for
18 Youth Court programs in Delaware and York
19 Counties. The Delaware County effort has
20 been particularly robust, as you've
21 already heard, in large measure due to
22 Stoneleigh's support over the past three
23 and a half years and the work of Attorney
24 Gregg Volz, who has developed and
25 implemented a series of Youth Courts in

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2 the Chester City public schools after
3 first connecting with the PBA Pro Bono
4 Office.

5 Our Legislative Department also
6 has worked with various players in the
7 Youth Court field to draft legislation
8 for consideration by the Pennsylvania
9 General Assembly. The Youth Court bill
10 was drafted based upon a review of every
11 Youth Court statute in America.

12 The proposed bill calls for a
13 public-private partnership to support
14 Youth Courts and for the establishment of
15 quality standards for all Pennsylvania
16 Youth Courts. The legislative language
17 we have developed could be useful in
18 drafting an ordinance for the City of
19 Philadelphia establishing standards for
20 school-based and juvenile justice-based
21 Youth Courts in Philadelphia, and we
22 would be happy to share it with you. The
23 Pennsylvania Bar Association also has a
24 website -- a resource page on our website
25 at www.pabar.org/youthcourts.asp.

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2 We want to press that Youth
3 Courts do more than provide an
4 alternative discipline procedure. They
5 also provide an extension and application
6 of learning about constructive dispute
7 resolution for the students involved in
8 the day-to-day operation of the courts.
9 Youth Courts appeal to students because
10 they process real student disciplinary
11 cases that allow the students to
12 participate and contribute to an improved
13 climate. Youth Courts not only can
14 enhance the performance of the juvenile
15 justice system; they also have an
16 enormous potential to educate youth about
17 the justice system generally and to
18 develop academic, citizenship and
19 socialization skills.

20 Thanks again for allowing the
21 Pennsylvania Bar Association to submit
22 remarks to you. We appreciate it very
23 much.

24 COUNCILMAN JONES: Thank you so
25 much for your testimony. We'll reserve

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2 questions until the panel in its entirety
3 presents their testimony.

4 MR. WELBECK: Good afternoon,
5 Council. It's a pleasure to be here and
6 to speak on this important issue. My
7 name is Timothy Welbeck. I'm an attorney
8 in the City and also a Professor at
9 Temple University.

10 While a student in law school,
11 I had an opportunity to volunteer with
12 the Youth Court that was centered in
13 Chester High School, and so I wanted to
14 have an opportunity to speak to you on
15 the dual impact of the Youth Court
16 systems, regardless of whether we call it
17 Youth Court, Teen Court or School-Based
18 Courts. Undoubtedly, these courts have a
19 meaningful impact on all the people
20 involved.

21 As we've heard extensive
22 testimony today, there seems to be a
23 general sense of -- at least in an
24 anecdotal sense, a general sense of
25 lawlessness and apathy amongst a great

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2 number of some of the young people, both
3 in Philadelphia and in Chester, and we
4 have seen a measurable impact and overall
5 appreciation for the rule of law, a
6 greater understanding of the law and
7 appreciation for jurisprudence and an
8 opportunity for the students involved,
9 the high school students, that is, to
10 have sharpened critical thinking skills,
11 have their leadership skills honed and
12 things of that nature, and a lot of that
13 comes because they're involved in the
14 process from the outset.

15 As you all have heard earlier
16 today, the students come in knowing that
17 they have violated the handbook or
18 whatever policies govern their behavior.
19 They already know that they've come in
20 having made a mistake, and they already
21 have an anticipation of the consequences
22 that may befall them for having done so,
23 but having their peers assist them in
24 essentially mediating their behavior and
25 also helping them to come to a meaningful

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2 resolution gives them a greater sense of
3 purpose for the entire process. Because
4 before, there's a sense of distrust.
5 There's almost an idea of us versus them,
6 and it's an attitude that they take
7 towards the system once they leave the
8 four walls of their schools. But these
9 Youth Courts have an opportunity to help
10 shape these students' perception of how
11 the law works, how the system works to
12 not only set expectations of behavior,
13 but also set consequences when these
14 expectations are dashed.

15 But in addition to helping the
16 young people who are involved in these
17 Youth Courts, the law students also have
18 a meaningful impact as well. In addition
19 to having an opportunity to work with
20 young people and to mentor them, they
21 also are getting some meaningful
22 application to the legal education that
23 they're receiving at that juncture in
24 their career. As Michelangelo once said,
25 to teach is to learn twice. And so

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2 they're getting a reinforcement of the
3 skills and the ideas that they're
4 learning in school by having an
5 opportunity to apply them to the young
6 people. It also gives them practical
7 training and advocacy work and training
8 in preparation for potential litigation
9 and other things that they would have an
10 opportunity to do once we begin our legal
11 career. And a benefit that was not
12 necessarily anticipated in the beginning
13 but one that is still impactful
14 nonetheless is that having law students
15 involved also lowers the cost of the
16 administration of the courts as a whole,
17 because you have young people who are in
18 law school, young men and young women,
19 who believe in what the Youth Courts are
20 doing and are willing to volunteer their
21 time, and then they're not imposing costs
22 on their employer for being absent from
23 work, so to speak. And they're having
24 this opportunity to not only invest in
25 the lives of these teenagers in these

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2 high schools, but they're also having an
3 opportunity to have on-the-field
4 training.

5 And a lot of our institutions
6 emphasize the idea of service learning
7 and also emphasize the idea of pro bono
8 work and having that be an -- having that
9 be actually a lifestyle and something
10 that they promote throughout the duration
11 of our practice. And this is a
12 meaningful step to begin that and putting
13 actual action with words while we're
14 actually receiving this education and
15 begin to do so.

16 I began, I believe it was, the
17 first semester of my second year, and I,
18 along with some of my colleagues, we
19 volunteered throughout the duration of
20 that school year, and we got to see the
21 growth of these students as we were
22 beginning. Many of them had your
23 stereotypical troubled past and brushes
24 with the law, brushes with administration
25 within their schools. Many of them were

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2 beginning to rein in their behavior and
3 began to accept the idea of the process
4 of law, the process of justice working
5 and them having a place within it all.

6 COUNCILMAN JONES: So you're
7 responsible for the Chester model in
8 part. I'm telling you, I walked into an
9 auditorium that was transformed in my
10 mind perceptually into a courtroom, and I
11 have to tell you, it was the genesis of
12 us doing this here today.

13 MR. WELBECK: I can't take full
14 responsibility for that. I had many
15 colleagues who volunteered their time, as
16 well as other attorneys, and Gregg was
17 instrumental in overseeing the whole
18 process and he was there virtually every
19 day.

20 COUNCILMAN JONES: Thank you
21 for your humility, but thank them for me,
22 because it was really good.

23 MR. ZARWIN: Good afternoon,
24 Councilpersons. My name is Norman
25 Zarwin. I'm an attorney in Philadelphia,

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2 and my remarks are brought to your
3 attention as a result of Gregg Volz
4 asking me to give you some background in
5 my own personal experience.

6 I was a student at Central High
7 School of Philadelphia before most of you
8 were born and particularly giving
9 attention to 1945, '46, '47 and '48. I
10 thought I would like to be a lawyer, and
11 Central High School at that time had a
12 Student Court, and to get on the Student
13 Court, you had to be elected. And for my
14 junior year, I decided that I would like
15 to run for election, and I was lucky
16 enough to not only to win, but in my
17 senior year, the other justices of that
18 Student Court, of which there were a
19 total of seven, chose me to be the Chief
20 Justice. So in 1948, I was a Chief
21 Justice of the Student Court of Central
22 High School.

23 What that did for each of us
24 was to put us in a slightly different
25 level than most of the students. There

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2 was a certain amount of respect as a
3 result of having been elected, and what
4 we were attempting to do that -- the
5 student body knew the role of the Student
6 Court at Central High School performed.
7 So most of it was not the typical
8 behavior that we think these days
9 involving the criminal law. It was not
10 the typical criminality, but it was
11 involving students' misbehavior, mainly
12 cursing, smoking, debris that they
13 discarded around the campus of the
14 school, on the lawns and in the
15 bathrooms, and the disrespect of other
16 students, bullying, little more serious
17 with chronic lateness, some students
18 making a lot of noise when they should
19 have been quiet, and in a few instances,
20 it involved aggravating students who were
21 aggravating teachers. So these cases
22 came before the Student Court at Central
23 High School.

24 The Student Court met generally
25 about every, I would say, month at least,

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2 maybe sometimes biweekly depending upon
3 the number of cases that were going to be
4 submitted to the Student Court.

5 The cases were referred to the
6 Student Court by school counselors,
7 teachers and an occasional student, and
8 they were the people that were required
9 to come before the Student Court to
10 explain their conduct, which the persons
11 who referred the cases to the Student
12 Court provided a synopsis of. So we had
13 to deal with each of those students and
14 what we're told about them and their
15 responses.

16 The penalties generally
17 involved detentions, clean the lawn, for
18 example, clean up the lunchroom, even
19 sometimes the bathroom and, incidentally,
20 an occasional requirement for a student
21 to read a book and write a report.

22 I thought it was effective if I
23 look back on it. It was a peer-to-peer
24 dealing with these kinds of issues.
25 Often we think of adults, especially

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2 teachers maybe and counselors, dealing
3 with children in school and maybe not
4 having the same kind of dimension as
5 relationships to one student telling
6 another student what you did was wrong as
7 opposed to what we're used in parenting,
8 where a parent tells a child that they
9 did something wrong. But this was a
10 person, a group that was elected by the
11 student body that had a certain degree of
12 respect dealing with their fellow
13 students and discussing the students'
14 misconduct. We thought that was --
15 looking back on it, I think that was
16 quite effective.

17 There was very little
18 recidivism. We hardly saw a kid again
19 after they were in front of us. Of
20 course, we're dealing a different era and
21 a different time, but that was the way we
22 remember.

23 And here is the final wrinkle,
24 because when Gregg asked me to come here,
25 I called Central to see if they still had

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2 that court, and guess what? They don't.

3 So I think that when you have
4 students dealing with other students, I
5 think that's very helpful, and perhaps
6 leaning a student who might wind up on
7 the wrong trail to perhaps change their
8 conduct and become more productive
9 citizens.

10 COUNCILMAN JONES: Thank you
11 for your testimony, and as a father of a
12 Lancer from Central, I can appreciate,
13 you know, your dismay to find out that it
14 had changed.

15 I want to thank you guys. When
16 we talk about public-private
17 partnerships, you're the private part.
18 You didn't have to donate your time as a
19 student. You don't have to -- we're not
20 giving you billable hours now, but we
21 want you to know that your contributions
22 are valuable to us.

23 We hope -- and I don't want to
24 kid anybody. We're facing some tough
25 budgetary times. We are looking for the

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2 quarters hidden in the couch to pay for
3 the dollars that we do not have. But
4 when we look at the cost of not doing
5 this, whether you heard from the
6 Commissioner of DHS or you heard from the
7 District Attorney's Office, that the
8 truant today, the malcontent in class
9 today becomes "the defendant please rise"
10 later in life and becomes the ex-offender
11 that we have to deal with for a whole
12 plethora of social costs. So an ounce of
13 prevention, as one person said, is worth
14 a pound of cure.

15 So if we can teach this concept
16 now, if we can teach citizenship now, if
17 we can teach peer-to-peer respect, which
18 then gets some juvenile-to-adult respect,
19 which creates adults that respect the
20 system later on, it's priceless.

21 So we're going to ask you guys
22 how we can create and continue that
23 public-private partnership in light of
24 those shortfalls in budget and in light
25 of -- we can't pay for your time, but we

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2 think the exposure of you successful
3 attorneys, judges in other cases to these
4 young people will create your successors
5 and create juries that take on a pride
6 and sense of civic responsibility instead
7 of running from it almost as in a "I can
8 make a better excuse than you" game not
9 to do jury duty.

10 We're the Public Safety
11 Committee, but we also get to hear
12 testimony from other departments where we
13 see these problems mounting from a source
14 that might be corrected in a Teen Court,
15 Juvenile Court, Youth Court, whatever. A
16 rose by any other name is still a rose.

17 So we hope to solicit -- are
18 there any questions for this panel?

19 (No response.)

20 MR. ZARWIN: Councilman Jones,
21 I'd just like to add, I spoke to a couple
22 of my grandsons the other day about the
23 fact that I was going to be here. Now,
24 they go to a high school. And they
25 thought it was a fabulous idea to have a

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2 Student Court such as the one that I
3 described. And I just want to mention
4 that here's a couple of 17-year-olds that
5 told me that they're going to bring the
6 idea to their student body and to the
7 counselors and whoever else might be
8 interested in their school.

9 COUNCILMAN JONES: Well, we're
10 going to take this hearing and we're
11 going to keep you engaged in the process
12 as we develop a hybrid possibly,
13 something borrowed, something blue that
14 we've learned today, and we want to kind
15 of come up with a model.

16 We realize one size does not
17 fit all. The difference between
18 Northeast High School and West Philly
19 High School are two different high
20 schools, but probably a model that can
21 transcend both in consistency. I really
22 like the idea that there's a standard for
23 Youth Courts that are created, and I want
24 to talk to a couple of my colleagues to
25 look at whether or not we from the local

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2 level can introduce an ordinance to have
3 at a level a Youth Court instituted into
4 the fabric of what we do, and it
5 doesn't -- and we believe we don't have
6 to pay a lot for that muffler that if we
7 engage that public-private partnership to
8 do that.

9 And I'm going to close with
10 this, that one of the scariest words I've
11 ever heard -- I had an opportunity to be
12 a part of a roundtable discussion with
13 some at-risk young men that Councilman
14 Johnson brought into the Chambers, and
15 the scariest words I hear from them when
16 it came up with the subject of criminal
17 justice was, I don't care. I don't care
18 what you do to me. I don't care what the
19 consequences are. I can do the bit.

20 Scary words to me, because at
21 the point when people don't care anymore,
22 then justice has failed, because a part
23 of it is taking responsibility for your
24 consequences of your decisions and
25 holding people accountable, and when

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2 people just don't care, that's a scary
3 prospect. And you can arrest -- attempt
4 to arrest our way out of it, but isn't it
5 better if we educate people, engage
6 people, get them to hold to a higher
7 standard where they respect the law and
8 those who are commissioned to do it.

9 Councilman Johnson.

10 COUNCILMAN JOHNSON: I do have
11 a question. Philadelphia Bar
12 Association, could you repeat your name
13 again, sir.

14 MR. WILKINSON: I'm Tom
15 Wilkinson. I'm President of the
16 Pennsylvania Bar and I'm also quite
17 active in the Philadelphia Bar
18 Association.

19 COUNCILMAN JOHNSON: I just
20 want to follow up with you on one part of
21 your statement. In my previous life, I
22 served in the Pennsylvania House and I'm
23 reading that your Legislative Department
24 crafted legislation on the state level to
25 be considered. So there's going to be a

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2 statewide initiative?

3 MR. WILKINSON: Yes.

4 COUNCILMAN JOHNSON: What's the
5 status? I don't know --

6 MR. WILKINSON: Senator
7 Greenleaf and his committee have it. It
8 has not been reported out of Judiciary,
9 but they do have it, and I know Senator
10 Greenleaf is very supportive of the
11 issue.

12 COUNCILMAN JOHNSON: And that's
13 for this legislative session?

14 MR. WILKINSON: I think they
15 got it last session.

16 COUNCILMAN JOHNSON: Last
17 session, okay. All right. So it
18 probably has been reintroduced?

19 MR. WILKINSON: Yeah, it would
20 have to be reintroduced. But we have it.
21 We'd be happy to share it, send it to any
22 of your staff or whatever you'd like us
23 to do. Anything we can do to help
24 promote this initiative, we'd be happy to
25 do so.

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2 COUNCILMAN JONES: We're going
3 to take full advantage of that. I can
4 anticipate that from my colleagues here
5 today on the Public Safety Committee.

6 I want to also recognize
7 Councilwoman Blondell Reynolds Brown, who
8 might want to weigh in on this.

9 COUNCILWOMAN BROWN: Thank you.

10 Good afternoon, everyone. Good
11 afternoon, guests. I was listening with
12 interest upstairs during the hearing,
13 though I don't serve on this Committee,
14 and of course struck by the focus, which
15 is young people. And interestingly
16 enough, when we -- I actually introduced
17 a resolution a couple of years ago to
18 create the Youth Commission. Never then
19 did we realize that the interest would be
20 great as what it has turned out to be,
21 and, further, young people have actually
22 sent us recommendations on how we can
23 better serve them.

24 I believe the Youth Court is
25 more in a concept or a notion, but in

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2 some municipalities across the country,
3 it's real in that it would have great
4 value.

5 So when I hear the varied
6 feedback and in some instances
7 instructional on how we can proceed, it's
8 a unique opportunity to engage youth in a
9 different constructive, proactive way,
10 and ultimately we know that saves us
11 dollars, because if we don't do something
12 on the front end, we're definitely going
13 to pay for it on the back end.

14 Congressman Chaka Fattah just
15 noted yesterday as he received an award
16 from the National Conference of Mayors
17 wherein he also celebrated our own Mayor
18 Nutter for his new position, but he said
19 again what we already know, that either
20 way, we're going to pay for it. And when
21 we invest in proactive, constructive
22 programs for young people early on, we
23 minimize and reduce the enormous amount
24 of dollars we then have to, have to pay
25 for on the back end.

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2 So it's encouraging to know
3 that there's a rich mix of professionals
4 from all walks of the universe who are
5 weighing in on something that's probably
6 overdue. I want to thank you for your
7 testimony.

8 Thank you, Mr. Chairman.

9 COUNCILMAN JONES: Thank you so
10 much, Councilwoman, for your input.

11 I just want to say that in
12 conclusion, that we will be looking to
13 sources and uses of fund that can promote
14 this. We will be taking a look at best
15 practices, much of which we've heard in
16 testimony here today, to try to create a
17 hybrid that complements and not intrudes
18 upon but complements the District
19 Attorney and Teen Court, Youth Court
20 programs that exist outside of the school
21 system, that we will begin the budget
22 process early to make sure that we
23 actually pay like we weigh by way of
24 wanting these wonderful things, but yet
25 offer no resources to make them. But we

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2 will be creative in our developing those
3 resources in light of limited funds that
4 we have in the public treasury.

5 And I want to thank my
6 colleagues for having the endurance to
7 deal with this long hearing on this
8 worthwhile subject and say that if there
9 are no other questions for this panel,
10 thank you very much.

11 MR. WILKINSON: Thank you.

12 COUNCILMAN JONES: Is there
13 anyone else here to testify on this
14 resolution?

15 (No response.)

16 COUNCILMAN JONES: Seeing none,
17 we will recess this at the call of the
18 Chair, because this is an ongoing
19 continuation effort.

20 Thank you very much.

21 (Committee on Public Safety
22 recessed at 4:00 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on June 19, 2012, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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