

Summer of Peace™ 2013

“Youth Courts International: Justice For Youth, By Youth” with Jason Tashea (Aug. 8)

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Molly: Hello, everyone and welcome. This is your host, Molly Rowan Leach, and welcome to the Summer of Peace, a celebration of our common humanity. You're listening to Restorative Justice on the Rise co-sponsored by the Peace Alliance and brought to you by The Shift Network and Summer of Peace.

We're exploring a 12-week track this summer focused completely on restorative justice and we're talking with incredible people from across the world in this field specifically. It's an honor to be with you today and in just a moment, I will welcome in our very special guest speaker.

First of all, before we start with our conversation today, I'd like to mention and invite you to join us on Facebook at the Summer of Peace. Just look for our logo and look up facebook.com/summerofpeace/shift. We welcome your comments and discussions about today's session as well as any other session that you're inspired to join in the virtual dialogue after the live time together.

You can also follow us on Twitter which is [@peacesummit](https://twitter.com/peacesummit) or just look up twitter.com/peacesummit. We'd love to hear your thoughts about the sessions today. I also like to make note that today's session, as well as every single conversation we have this 12-week period of Restorative Justice on the Rise, will be archived. You'll be able to access those easily at summit.summerofpeace.net and you'll also receive email notices after the conversations that provide links and further information about the discussion.

Again, welcome to today's conversation which features Jason Tashea of Youth Courts International, and I'd just like to say a few words about this incredible guy who has created an organization that is doing really fascinating work in this field.

He's originally from Anchorage, Alaska and he first came across Youth Courts in 1997 as a bailiff for the Anchorage Youth Court

Program where he then served as a member, defender, prosecutor, and presiding judge until 2003. He received his JD, juris doctorate, from the University of Oregon in 2012. He then interned at the American Bar Association Rule of Law Initiative in Yerevan, Armenia and the United Nations Office of Drugs and Crime in Vienna, Austria where he actively promoted juvenile justice reform at both organizations.

His Youth Court proposal was enthusiastically supported by ABA, translated into Armenian and given to the Armenian Ministry of Justice for adoption. This experience led him to co-found Youth Courts International to promote and implement Youth Courts at the international level, beyond the US. Jason just returned from ten months in Kosovo as a Fulbright fellow, studying diversion and promoting Youth Courts. He currently resides in Baltimore, Maryland and is the Juvenile Justice Policy director for Advocates for Children and Youth.

It's just really great to have you with us today, Jason, and I wonder if you might start out our conversation with a little bit more about what brought you into this field. Welcome!

Jason: Well, thank you, Molly, very much for having me. It's great to be here. I'm excited to have this conversation. What really brought me into this whole restorative justice Youth Courts world is exactly what you said. In 1997, when I was 12 years old, I joined the Anchorage Youth Court Program at the behest of my mother. I worked my way up into the judge position and it kind of always stuck with me even though it hung out in the back of my mind for a number of years.

And then, when I was in law school working in Armenia, as you mentioned, the boss there came to me and asked for different probation programs and diversion program that could be used for juvenile offenders as those are often rare in the post-Soviet world. Amongst all the ideas I had, I threw in at the end the Youth Court idea and of this five, six, seven-page memo I wrote, that was the one that stuck out to her.

Then I kind of began to realize that even though these were prominent in the United States, there are over 1200 spread out in the US that no one outside of the US have ever heard of them. So I saw it as an opening in an unfortunate lack of information in the

international criminal justice world, and so that's how I wound up where I am.

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Molly: You mentioned something about the behest of your mother. Can you say a little bit more about what might have inspired or was she involved in the system there or do you have anything around like an impetus that you might have felt to come into the work that you're doing in that way?

Jason: Well, I think generically, my parents knew from a young age that I was very interested in politics and policy. And so, when she heard about the opportunity with Anchorage Youth Court, she saw it as both a prime way to get me involved in something that I seem to have an interest in as well as get me out of the house a couple of nights out the week.

Molly: Very good. Well, I'd like to go in a little bit and first of all, draw people's attention to the website for Youth Courts International. It's a really great website, comprehensive. That's youthcourtsinternational.org and we'll be mentioning some more information about the website and other resources as we go today in our conversation.

But Jason, why don't we talk a little bit about restorative justice and also diversion? Let's hear a little bit from you about your view of these two areas that obviously intertwine.

Jason: Absolutely! And before I jump there, you mentioned the website. I just want to say all thanks to David Repsys. He's one of our board members. We met in Armenia when he was working for the UN. He now works for the Canadian government. That's all his brainchild, so I'm sure he'll be happy to hear that you like the way the website looks. He toiled over it for some time.

Molly: I can tell.

Jason: Well, as far as diversion and restorative justice are concerned, is that broadly speaking across the world, there's a need for diversion in the criminal justice system especially when it comes to youth. For a long time, we've seen this trend in the United States where we just wanted to lock kids up. We wanted to put them through the

criminal system as if they were adults and not as if they were children. In the US, we saw incarceration rates climb, but we didn't see recidivism rates drop. We didn't see money is saved. We didn't see better outcomes from that.

And so, the idea is that you need to be able to treat a child and not punish a child because the punishment, as far as the studies show, simply don't work. So that's where diversion programs like Youth Courts and many other different variations of diversion programs come into play. Kids aren't committing crime because they necessarily have this sociopathic nature to them. They're committing crimes because they're kids. They're at a different developmental level. They're hormonal. They have bad peers that push them in a particular direction. These are all things that can be treated and are the cause of the criminal act.

The criminal act itself isn't the thing that needs to be dealt with. It's the fact that there are driving forces behind it that need to be touched on, and that's the restorative aspect. So when we talk about Youth Courts a little bit more in depth, they try to get at the kids learning more positive behaviors. They work on positive peer pressure and they try to get to the roots of the problem as opposed to just putting the kid in a reform school for six to nine months because he shoplifted or vandalized.

Molly: And is it true that our kids' brains are still in the formulation process and there's even perhaps some science out there that backs up the fact that our youth, if we're charging them and mocking them away, there's a literal rewiring that happens within their brains that also causes a cycle of violence to be implemented within them prematurely? It could be argued otherwise, as well. Do you have anything to add to that or response to that?

Jason: You're absolutely right. As far as brain development is concerned, functionally, the science that I've read says that the kid's brain isn't done developing until 24. So even when we're talking about shifting kids at 18 from the juvenile to the adult system, if we're so lucky that we live in a society where that's the case, that's probably not even up-to-date with what the current science tells us with a young person's ability to make decisions on the same level that a fully formed adult brain would do, so absolutely.

Throughout the United States as an example, you have these automatic transfer laws where kids who commit certain crimes are automatically put into the adult justice system and that's functionally, for lack of a better word, an insane policy with no science to back it up. No doubt it's the driver whatsoever.

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And then what you said regarding kind of creating a criminality out of a noncriminal is oftentimes what occurs. There was just a piece last week that came out of Chicago that was talking about how statistically if you send a kid to a detention facility for whatever crime they commit, and for the most part it's usually minor crime, the idea of murdering, sexual assaulting, man slaughtering kids is a very small percentage of your total juvenile criminal community.

And so, what you end up doing is you put them in there. You begin to treat them as criminals. You take them out of school. You take them out of their social groups and then you rewire their social groups to these other kids that have committed negative acts. Kids look for identification and for peer support in whatever form they're going to find it.

If you get statistics in Kosovo or the United States, the majority of kids, when they're arrested, are arrested with their peers. They're not arrested one-on-one. It's because a lot of these crimes come out of groupthink. They come out of peer pressure. They come out of a desire to be accepted by their peers. And so, for all these reasons, just locking them up is not a productive measure.

And further, the studies show that when you take a kid out of school for six to nine months or however long the detention is, is that you lower the chance that they're going to go back to school, which is shown to directly increase the chance that they will be back in prison as an adult. So it's not necessarily the fact that they committed a crime as a child that sends them to an adult prison. It's the way they're treated after they commit that crime that's often shown to send them back to an adult prison.

Molly: Well, I know that we're going to go into some ground level and systemic stuff together today, but I'm wondering if we could talk for a moment on the -- given this is an international program, it's a nonprofit organization, Youth Courts International is, that is

focused on keeping juveniles out of the traditional criminal justice system and prison for minor offenses.

You say on your website, "Children are both the bedrock and future foundation of any society. By offering a rehabilitative alternative to an overburdened and often harsh criminal justice system for offending youths, Youth Courts International looks to lower recidivism and harsh punishments through innovative criminal justice alternative."

I just want to take a moment to put the lens on the US because I know we're going to talk globally here, but United States has a real problem as we've already been talking about. We have a school-to-prison pipeline and of course that's the zero tolerance policy, in other words. We also have other things that are set up in the system that seem to be set up for egregious failure in regards to our youth.

Do you want to comment at all about ways in which your international system here with Youth Courts International is looking at how to address, specific to the US, but internationally -- I know the diversion conversation definitely looks at that, but what are you doing? What is Youth Courts International doing in the United States and beyond to specifically address this huge problem?

Jason: Well, as far as the school-to-prison pipeline is concerned, Youth Courts has been a fairly proactive part run by other groups and there are all sorts of different nonprofits and state-run Youth Court examples throughout the country, and many of them are run in schools to counteract the school-to-prison pipeline problem. And what it does is it encapsulates a functional remediation process within the school so your school resource officer or the city police don't have to come and deal with the kid, but it can be dealt with on a smaller level.

This is easy to do because for the most part, a lot of the kids that are being arrested out of the schools in the United States are committing status offenses like truancy, having a cell phone in class, things that if they were an adult and not in a school setting would not be crimes. Those are things that really the criminal justice system has no sense or right to be dealing with in the same way that they would a more difficult or a more harsh offense. And

so, without a doubt, Youth Courts in United States are being used around the country in that model.

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I know here in Maryland where I'm working now in Prince George's County and Montgomery County, the two counties outside of Washington DC, they both have a sizable Youth Court Program that works with the prosecutor's office and then local high schools will have agreements with that. So instead of suspending a kid, they'll send the kid to the Youth Court Program, which means that that kid is staying in school, but also having whatever infraction there have been dealt with in a proactive way.

Molly: Are corporations benefiting from the imprisonment and incarceration of our youth?

Jason: Well, undoubtedly the private prisons in the United States need prisoners to remain profitable. So for that business model to succeed, they have to have people in beds because otherwise, the state won't be paying to feed them.

Molly: Do you think that that's one of the primary issues that we have to address at least here in the United States? Have you seen anything like it, like the prison industrial complex that we have here in the United States and in other countries?

Jason: I haven't seen it the same -- I mean, the US incarcerates more of its population by percent than any other country in the world. We outstrip Russia. We outstrip China. The people that we usually hold up is human rights offenders from that regard who we need to look internally in the way that we are dealing with folks that cause crimes in the United States. It's not to say that we need not punish them for the acts that they've done, but there are definitely more proactive ways to do it.

As far as the prison industrial complex that you mentioned and in regards to juvenile justice side of it, there is just a case about a month ago, I believe, out of Pennsylvania where it came out that a juvenile judge there was being paid by one of the prisons to give harsher sentences so that they would be able to sell beds. I don't know what's more of a clear-cut example of a private prison

system literally paying someone to send kids into their prison. It's such a very black and white example.

Molly: It's great to have you all with us today. We're talking with Jason Tashea of Youth Courts International. You can find out more about Youth Courts International at youthcourtsinternational.org.

Let's go in this next segment here to a little bit more of a ground level aspect of the Youth Courts themselves. Let's talk about the format, the types, and how and why these work. I'll let you go ahead and start with what person seems most inherent to begin with there.

Jason: Well, just to start off is that in one sentence, Youth Courts is a peer-to-peer, pro-social diversion program. It's the idea that you're going to harness youth energy and youth involvement to better their peers' actions. It's not incorporating much of any of the adult criminal system or adult actors in the process. I think that's what makes it such a unique program when you're looking at all the diversion alternatives out there.

They can come in two systemic formats that can either be found within the court system, or as I've mentioned before, they can be found in the schools. Oftentimes, the court floor adopts a youth court model to take the lesser offenders to put them through. So if you have a small time misdemeanor, someone who hasn't committed more than maybe one, maybe two offenses beforehand that it's a place that they could go to that takes them out of the courtroom. It doesn't put them in front of an adult judge. It doesn't give them the chance of having harsher sanctions put on them as a punishment.

And then within that, there are four types, and this could be within a court or a school. There's the youth judge model, the tribunal model, the adult judge model, and the peer jury model. Briefly, what those are -- they pretty much explain themselves -- is that in the Youth Court, it's going to look very similar to an actual court where you'll have someone as a judge, a bailiff, the attorneys for both the state and the defense, and then some would use a jury model.

In most of these instances, all of those actors in that situation are under the age of 18. They've gone through trainings in criminal

law, in how courtroom decorum works, and public speaking. Then they become a part of their community's criminal justice system in this way.

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So the youth judge model is the judge in the courtroom is actually under the age of 18 as with all the other actors. Usually, there's an adult in the back to just make sure everything can flow or if they have any questions, they can ask them, but the state is going to get up. They're going to name the charges that are against the youth. To be clear, as well, this is not a trial setting. The defendant is someone who has accepted their guilt for the act. They put no concept or they put --

Molly: Is that a prerequisite, by the way?

Jason: For most of them, it is. The cool thing with Youth Courts is that it's very flexible, and so every community has a different twist on them.

Molly: As well as the case, right?

Jason: Right, of course, but usually they have steadfast rules. The minority of Youth Courts in the country will actually do a trial. When I was a part of Anchorage Youth Court as a kid, we did a trial a year, maybe two, where the guilt of the youth was decided by his peers and then the sentencing as well was decided by his peers, but that's not a model I see replicated often.

The model that is replicated often is the kid who, after discussing with his parents and possibly counsel if they deem fit, will accept their guilt in the form of a no contest plea and then they're sentenced to the Youth Court model. So the prosecutor gets up, reads the charges that this defendant has pled no contest to. They give their sentence and recommendation. The defense will give up. They'll give the background to the defendant, mitigating factors to the crime, and then they'll give their sentence recommendation. Then the judge will go and decide, usually predicated on a rubric to give some structure to the sentencing what kind of sentence that juvenile will receive.

Then the sentences can be in the form of community work service, a letter to the victim, personal essays, restitution. If it is a jury model where you have a peer jury, you can get jury duty. They also offer classes like victim impact classes, the effect that they've had by committing that crime. If they're having trouble at home, they can offer parental adolescent mediation classes. If it's a drug or alcohol offense, they can offer classes regarding drug and alcohol abuse.

Some even take a law that -- there's one in Seattle that takes only driving offenses. And so oftentimes, they will give driving classes as a part of the punishment. So it really goes back to that whole idea of restorative justice where the sentence is going at the root of the problem causing the child to think introspectively about the actions that they've done, which is usually something that we -- a concept that we form later in life.

We don't really think of the repercussions of our actions as a child. You often hear parents telling their kids, "Do you think before you act?" and the answer is no, they don't, because their brain hasn't developed completely that ability to do that like we can as a full-functioning adult.

Back to the four types, you have the youth judge model. The tribunal model is the one that I was familiar with as a kid where you have three youth judges that make a decision as a trio. There's an adult judge model, which is popular here in Maryland where you'll have juvenile actors in all of the positions, but the judge itself is usually a judge or a practicing attorney from the community. And then the peer jury model, which is the most popular model in the US, you'll actually have a jury of 6 to 12 of your peers and the juvenile prosecutor will read the case.

They will put the offender up on the stand and then the jury can ask questions of the offender just to try to get to the root of what actually happened. It's phenomenal to watch because usually the biggest pushback for this program is adults don't believe kids have the ability to act correctively in this setting, but to watch a peer jury will kill anyone's inclination to think of the Youth Court model.

They ask very informed, very smart questions to see if the conflicts that they're discussing came out of a misunderstanding or if the offender was acting with malicious intent. All the questions the

youth actually expect to see in a normal courtroom, these kids ask with no official or full-on legal training. It's very impressive to watch.

Molly: Tell us a little bit about the power of peer pressure being leveraged in a positive way and how that might inform this model.

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Jason: Sure, and that gets to the root of why the Youth Court model works. As we're talking about before, kids are so often committing crime to seek both peer acceptance, but also sometimes on account of peer pressure because they just want to belong to a particular group. The science behind that has been harnessed by the Youth Courts in the opposite effect that you can also use peer pressure to affect people positively.

If you have a group of kids making good decisions, then you're more likely to see the kids in that group all of them making the same good decisions. And so, instead of taking a kid and putting him in front of an adult judge with adult attorneys using language they just simply don't understand -- as we all know, the courts come with their own dictionary. It completely alienates them from the process and they just feel like they get pushed along and that they don't understand what has happened or why they necessarily receive the repercussions that they do from the court.

There's this great paper out from 2010 from a town in Europe on child and family justice and incorporating kids into the justice system, and this is one of their big complaints, is that kids are so often around these adults that are there supposedly for their benefit, but are not using language that they understand, a process that they're not familiar with, and they just feel like they're ushered along and they're not really an integral part.

Youth Courts on the opposite side are -- the powerful thing about Youth Courts is that they're using the same language and have the same lived experience as the offender does. And so, you have kids that understand what you're going through. They're not going to use a lawyeristic language. They're not going to sound like adult judges because they don't have that training. The fact that they don't have a JD and they haven't been practicing for five years is actually to their benefit.

Molly: Yeah. I was just thinking about the element of humanity and just getting real. That sounds like it is a primary foundational element in the room there in these models, that there is a benefit to perhaps the naiveté or the lack of training per se that lends to an element of deeper equanimity and truth telling. Is that true?

Jason: I think there's something to be said for that. I think that a kid is automatically going to be more comfortable around his peers even in this environment than they would be in the same environment filled with adults. I think that that's just a given.

A lot of the kids, if you look at the anecdotal evidence of kids that go through this process, they say things. "I would never have been treated this way by the adult system. I feel like I got a fair process here. I understood what was going on is a big thing."

There's a big trend in the adult juvenile justice world to begin to change the language that we're using in juvenile justice proceedings because they're written by lawyers and judges and all the lawyers and judges know what's going on and they think it's clear, but they never ask the kid if it was clear.

And so, this kind of gets over one of those hurdles in the traditional juvenile justice system that these kids are going to use language that they both understand because they're both kids. I think that's very powerful and I think that's one of the reasons why you see such a success rate here.

Molly: What really interests me, too, as well in this in thinking simply for any of us who have been in a courtroom who've provided testimony or whatever, sitting as witnesses, there's a felt sense of something going on in that room that doesn't quite -- although it definitely feels respectful in a certain way, it certainly doesn't feel connective or able to reach an area of truth-telling and humanity, humanity in the sense that we're still asking for accountability, but we're trying to get -- like you were saying -- at root causes here and to create the conditions there to be the possible elements with all the people involved in these cases, right?

It's inspiring to hear about these alternatives that still retain the respectful elements of the law and the processes, but add to the

mix this felt sense of equanimity. I just wonder if you have any comments on that.

Jason: I think that's right. I think when you have peers talking to each other, everything just makes more sense. It's just in the same way when adults get in the same room with each other and maybe someone works in the science field and someone works in the humanities field. They're going to have sometimes the difficulty talking to each other.

That same kind of chasm can exist between kids and adults and you're just going to have a more clear discussion without all that nuance and minutia that can sometimes bog down the process that's going on in front of them. I think that's right.

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Molly: Tell us a little bit more about the preconditions for setting up these systems and how -- let's say, for example, how communities that don't have setups like this yet, how they can get involved. How can you bring Youth Courts International in, for example?

Jason: Sure. As far as we're concerned, we are happy to work with anybody. A lot of stuff is just on our website for free. We have model legislation that can be applicable both -- they're both in a common law and a civil law jurisdiction. We have a lot of FAQs, background information, our personal research that we've had published, other people's research that's been published on the topic of Youth Courts.

What we kind of hoped initially when we started the program a little over a year ago was that we were going to be the exporter of Youth Courts outside of the US because they simply, as I've said at the top of the show, haven't been heard of elsewhere. And so, all of our information is there as well, so if anyone cares to contact us, we're more than happy to work with them, and that's both at the state level and at the community level.

When you're talking about creating the Youth Courts, there are two different routes you can take, and some are easier than others depending on the country or the jurisdictions within your legal system. When you're talking about setting up as they've done in

Maryland where it's an arm of the prosecution wing, usually you're looking at enabling legislation at the state or the local level.

We're working on this process right now in Kosovo where their juvenile justice code outlines eight specific forms of diversion that a prosecutor or a judge can take and it doesn't leave space for any kind of ingenuity or a conceptual provision. And so, what we're working with -- they're expecting to rewrite the code in a year or so -- is we're working with them to add a provision that would either allow for the Youth Court model or to simply just add for the creativity of the judges and prosecutors that are there. Because it's a civil law system, it has to be written in the code and it has to be specific on what they are able to do or not do.

And so, that's kind of at the systemic level. You have to start very basic in the juvenile justice code, but as we're talking about how Youth Courts can also be used in schools, that's a much lower bar to entry. Basically, in the US, if you get an interested staff member who wants to run an extracurricular program after school and you can get some youth volunteers, you set up some procedures, some training.

Then you have the agreement with the school that you will take otherwise detentions or otherwise out-of-school suspensions into the Youth Court Program. Then you can basically go ahead and do it because the jurisdiction is so much smaller and the legal bar to entry is so much lower, so it just really depends.

Molly: Do you provide advisement even at that level for school programming implementation?

Jason: Absolutely, and that's something that we're working on, developing a little bit more of. Just about a month ago, I presented at the Kosovo English Teachers Network a conference in Pristina, and there, I was talking to a lot of teachers about developing this program because I think at a really basic level where this program offers a lot that -- it's offered some in the US, but not so much in a new democracy in developing situations, is that you have to convince these kids and give these kids a reason to believe democracy can work and the government can work for them.

In a place like Kosovo where corruption is endemic and unemployment is at 60%, they're not given a lot of reason to believe

that the system can work. However, I think if you empower these kids to actually take a proactive role in the system as the Youth Court model allows them, then you get them at a young age to believe that it can work and you instill those beliefs in them that, "If I put in some effort and play by the rules and keep my nose clean, then maybe this situation can get better."

I think it's really important to get those kids while they're young. I always make the joke that it's like smoking. If you want to be smokers for life, you need to start them young. The same is true, I think, of people believing that a democratic government can work for them. If you don't show them at a young age that it's going to work for them, they're going to be cynical and bitter toward their government for the rest of their lives. I think Youth Courts is just one way to get them involved in their government and maybe a little bit more belief that actually things can get better.

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Molly: Well, it's so fascinating, your background. As I've mentioned earlier, you basically proposed something that was supported by the American Bar Association and it became the adopted model for the Armenian Ministry of Justice, as well as of course your mentioned work here in our conversation in Kosovo as a Fulbright fellow.

Let's go into a little bit more about why Youth Courts International is international in scope and what's the need there and what are your hurdles. I know that you've already talked a little bit about that, but let's talk about where you're moving with it and anything that you haven't mentioned yet that you want to discuss in that area.

Jason: Well, just to be clear, as far as the proposition that went to the Ministry of Justice in Armenia, I don't believe they've yet adopted it. Things were quite slow in every government as we see here in the States, but it's something that we keep in contact with the folks at the Ministry of Justice in Armenia and it is something that they continue to be interested in. And so, in any way that we are useful to them, we try to be, but we still haven't seen implementation yet.

Molly: There's definitely a serious backing from the ABA, which is very impressive. Does that go with you to the other areas of the world that you're working with?

Jason: Well, it emboldens me. I took a program that I was a part of in Anchorage, Alaska of all places, and here I am in Armenia in 120-degree weather. I can't speak the language. They asked me for a recommendation on diversion and probation options for kids and I just threw it out there. I thought, "This is great. We're going to translate it now."

That was both very exciting and both very illustrative to me that there was a hole that needs to be filled in this regard, especially as the evidence internationally is showing that child-involved criminal justice systems that work on a restorative level is the way to go to both better the kid, but also to save the money for the society because if you get them through an alternative program like that, it's much cheaper than detaining them. It's much cheaper than putting them to an official out-of-home treatment program. It's also cheaper in the sense that your recidivism rates are much lower.

There are a number of studies done in the '90s that said that recidivism from Youth Courts range anywhere from 3% to 12%, while if you look at the normal juvenile justice system, it's anywhere from 30% to 60%, and those are the kids that are reoffending. So every time they reoffend, you're costing the system more money. You're overburdening the government.

On the international level, why I think it's so important to push the Youth Court models, unlike the US where we tend to be -- well, we're the richest country in the world and we can fund a lot of programs even though we do have our budgetary issues at home, it's not necessarily in the same way as the developing country is. And so, this alternative is inexpensive and it works.

I think when you're looking at the developing context, that's extremely important because you can't walk into a probation service or a prosecution service and say, "I have this really great idea, but it's going to cost a lot of money to create a bureaucratic system around it and to get it off the ground."

Anchorage Youth Court, for example, they do about 400 to 500 cases a year, which is about 15% of all youths arrested in Anchorage and they have three full-time staff and the rest is volunteers and that's it. They use a donated courtroom space from

the state court system and it's extremely inexpensive. I think it's about \$450 to take a kid all the way through a Youth Court in Anchorage or even Washington DC -- this isn't unique to Anchorage -- while if you hold a kid, it can be anywhere from \$250 to \$400 a day. Those savings are true in most any context. I think that's a very important part.

The other part that I think is really important is that it's a culturally flexible program. The Youth Court model in the United States is of course used in the way that we've discussed both with the prosecution services and in schools, but also tribal communities in the US use it, both Alaska natives and American Indians. The reports that come out of there say it's great because they've been able to use this base model, the peer-to-peer approach, but at the same time, be able to teach their kids about the tribal form of justice.

I think that flexibility is really important. For these programs I've worked at in Armenia, in Kosovo and other ones that I've looked at, oftentimes people come in, usually from the west, and they kind of copy and paste what works at home into that local community without taking into a lot of account for local predilections, culture, what their legal history is.

[0:40:15]

The Youth Court model is flexible enough. Oh yes, it is. I can just hear people thinking that I'm a hypocrite by saying that because it's the US model that I'm trying to export, but on account of the fact that it is so flexible, it's not like there is a one Youth Court model that then has to be used elsewhere, that you can see that people really take hold.

In Kosovo, which is 90% ethnically Albanian, they often talk a lot about how their legal history is very much in the mediation format. Without a doubt, the Youth Court model can be used in the mediation format that represents a way that's more Albanian than it is American, just in the same way that local tribes in the US can make it more tribal than it is a scene out of Law and Order, so I think that's really important.

You asked where we were going and we're looking currently at doing work in Sierra Leone where they have a very strong history of

mediation, in tribal mediation, but they have a very weak traditional criminal justice system. We see the Youth Court model as bridging those two worlds where they have this history and they have this deep cultural root towards mediation, wanting to talk out a problem, wanting to make it a community event, while at the same time, they're hoping to develop a more western style criminal justice system.

This, I think, sits very nicely in between those two things that also get those kids involved at a younger age, building up on what they know to be true in their community and what their community believes in as far as problem solving is concerned, but as well giving them insight into the traditional criminal justice system that's trying to take root there.

Molly: I love that you point that out, that your system that you're offering is a bridge that also have the flexibility and the cognizance and honoring of these various traditions that of course naturally should be respected and do have important traditions that do work, and that what you're offering can complement and add structure while not losing some of these deep and long time traditions.

It makes me think of Fambul Tok and the great work that Libby Hoffman and John Cocker are doing in Sierra Leone, using the concept of the fire as the place where the members of the community gather and that what you're offering is a great element of that structure.

It makes me think, too, of the Gacaca courts in Rwanda and helping to advice systematically how to wrap around and create a system that has better ways of working in these specific areas that still combine and retain the literally on-the-grass courts that they have that seem to really bring an element of that truth-telling and community involvement after an unthinkable atrocity with the genocides, and certainly, in Sierra Leone, with the child soldiers.

I really appreciate that you brought that to the conversation. I also would like to bring to the conversation and then hear from you maybe a few case examples or one case example that you'd like to share. But before we do that, to talk just for a moment about in New Zealand, they have adopted a restorative justice model for their juvenile justice system, and I'm wondering if you've worked

with them at all or if you have any comments about that model and process of as it applies to the great work that you're doing.

Jason: I am not familiar with the model you're referring to in New Zealand. Can you give me a bit more background on it?

Molly: Sure. It's basically a community conferencing model that brings in a representative from the community, a law enforcement official, and of course, the stakeholders involved. And it has been adopted as the model to obviously divert the youth from going into any kind of traditional sentencing process that, like you were saying earlier, cost so much money and also runs the risk of, again, the high cost of incarceration especially when it's not necessary.

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It's even been proven in violent cases and a few of them to work and to show the high satisfaction rate of most, if not all, of the stakeholders involved.

Jason: Actually, now as you explain it more, I am familiar with that model in New Zealand and we have it in some jurisdictions in the United States as well. It is very proactive and I think that the root of community conferencing is very similar to the root of Youth Court. When you look at sanctions like having to write a victim apology statement from the kid or a reflective essay, having to acknowledge your actions and the impact of those actions is a really important step in adolescent development.

Any way that we can foster that is a good thing for any society, whatever mode that comes through. So yeah, I'm a big fan of the community conferencing model, without a doubt.

Molly: So let's say, again, as we continue the conversation and move towards wrapping up today -- it's gone so fast with you -- let's talk just for a moment about any case examples that you'd like to share from YCI and then move into looking ahead and anything you'd like to share about past projects and successes and statistics even, if you'd like.

Jason: Well, as far as YCI has been involved with so far, we've been in existence for about a year and we almost immediately saw people interested. There was a superior court judge in LA that contacted

us almost weeks after we filed the paperwork to become a corporation. He wanted us to produce some literature for him to take to Korea as they were having an American Bar Association sponsored conference between American and Korean judges for different ways to enhance our courtroom experiences for victims and offenders, so that was very exciting.

That was our first translation work into Korea. We now have some of our documents also in Spanish, Russian, French and Armenian, so that's been very exciting because people have -- and all these have been made possible by volunteers. Myself, my two other board members, David Repsys and Stuart Moir, none of us were paid. None of our volunteers are paid. This has kind of been a labor of love up until this point, and we plan on keeping it that way as we look to expand.

I mentioned the hope to work in Sierra Leone. We've had some interests from folks that have been working in West Africa that like the idea of what we're doing, so we're hoping by next year sometime, we're able to garner some grants and make the trips to Sierra Leone to see if we can begin to work on our process of developing a Youth Court model at a minimum within Freetown, the capital, but perhaps even outside of there.

By the end of this year, I'm working on wrapping up the research that I was doing in Kosovo this last year, which both includes a complete analysis and recommendations for the diversion system that's there, which will then fold into how Youth Courts can fit into the current diversion system in Kosovo.

I was excited when I was there. I was asked to come to a training of judges and prosecutors by the Kosovo Judicial Institute and while there, while I was talking out some of my recommendations at the end, I started to discuss the Youth Court model and I was excited how much they thought it was a great idea because usually you have to convince adults, especially judges and lawyers who think very highly of their capacity and their role in society that you should give their jobs to kids.

As you can imagine, it's not the easiest sell, but this room of judges and prosecutors were very reform-oriented and very open to the idea, so we're hoping to continue working with them to

update the juvenile justice code to make it more accessible to implement the Youth Court model for their criminal justice system.

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They're very big on diversion in Kosovo, which is kind of both a surprise and a welcome one. As a lot of post-socialist countries, their criminal justice system was very binary. You are either guilty or you are innocent. The idea of an alternative didn't really exist. I think the easiest way is like Stalin's gulag, right? You were just gone as soon as you became an enemy of the state.

Kosovo very much has adopted the diversion model and the alternative model. They only have one juvenile detention facility in the whole country. It's hard tapped with 48 beds. They're doing things really well there, and so we want to be able to help them with the momentum they've created internally to continue that process, which we're very excited to be a part of.

The ultimate goal is to work with some folks to get one of these offices going, and that's been one of the harder hurdles. There are a lot of people who like the idea, but ultimately, you have to have someone local who's going to take on the initiative because we decided when we created the program that we weren't going to be the ones to come in and create the Youth Court for the very reasons we were talking about regarding cultural flexibility. It's that there needs to be local ownership over this program to make sure that it reflects local culture, local tradition, local law.

We can get them far away. We can teach them whatever legislation they need, whatever structure they can have, what type of training they could create for their youth volunteers, and we can help them try to find grants to fund their Youth Court, but we decided early on that we weren't going to be running Youth Courts personally, but up until that point of actually running it, we're very much involved.

And then as well, what we hope to do is we partnered with some Youth Courts in the United States that will functionally act as Youth Court pen pals with the new Youth Court, so as opposed to it all just being us, we also think that this can be a cultural exchange between American volunteers and Youth Court program and the Youth Court Program starting in other countries.

I didn't think I realized this until I started to work in Armenia, that law is not as black and white as you were led to believe. Law is very cultural and law is very fluid. I think to get that influence at a young age for these socially-minded kids would be an added benefit to the Youth Court experience.

Molly: Looking ahead, what is your vision? You could speak to your own personal vision, or as obviously the founder of Youth Courts International as to, let's say, maybe 10 or 20 years out from now, what will the youth justice system look like worldwide?

Jason: That is a tough question.

Molly: It is.

Jason: I have to look into my crystal ball. What I would hope it to be is I'd hope it to be one that focuses on the causes of these problems, which are almost always societal and they're almost always systemic. It's not this individual kid that's bad for some reason. It's that there are a number of other factors in their life that caused the bad act to happen, and I want that to be the basis from which we start our juvenile justice system.

On top of that, I want them to be data-driven. We saw this big boom in the United States of tough-on-crime legislation against kids. There's this idea of a super predator juvenile where the statistics never even backed that idea. In the '90s, you didn't see an increase of kids committing murder and sexual assault. You just saw the media covering it differently, and yet state after state, and even on the federal level, we saw laws, increased punishments, started moving kids into adult courts without any evidence to back up that that was working.

Now that we have all the evidence to show it's not working, we're beginning to move our way back, but there's this theory that justice systems tend to move in a pendulum as if they go from being more restorative to more punitive and then back. And I hope that that theory is wrong as we seem to be currently in the United States, but also through institutions like the United Nations, with the Convention on the Rights of the Child, the Beijing and the Tokyo rules. We're moving towards thinking that diversion is the right way to go because that's what science tells us and that's what our

experience is telling us. And so, I hope that we can continue on that track and make sure the pendulum does not swing back to that more punitive side.

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Molly: Well, that's a great way to sag into a conclusion. Is there anything also that you would like to share about how to stay in touch with you? Obviously, for more information, go to the great and comprehensive website that Youth Courts International has, which is youthcourtsinternational.org. You also have a blog, do you not? And probably some other information out there on the web that people can tap into.

Jason: I do have a blog, which is not so much juvenile justice–base, but that's legallynorthofbabylon.com and you can find actually some of the juvenile stuff that's on there, but predominantly, that's more writings about my time in Kosovo, the politics of the Balkans and the Caucasus when I was living in those regions, and also photos because everyone loves photos.

We're also on Twitter @youthcourtsint and then myself personally @jtashea.

Molly: Wonderful! Well, it's been a real pleasure to have you with us today, Jason, and all the best of luck in the continuum here moving forward with these programs. They are an incredible model that helps to bridge important systemic pieces with, as you were saying earlier in our conversation, the local models and practices that many have had in place for a long time.

I just want to thank you again on behalf of the Peace Alliance who is the co–sponsor of Restorative Justice on the Rise, and of course, our host, The Shift Network and the Summer of Peace. For more information about the Summer of Peace and the 12–week track that we're on here focused on Restorative Justice and the other tracks in peacebuilding in our world, go to summerofpeace.net or you can also access it at summit.summerofpeace.net.

This conversation will be posted as an archive, as well as all of the other conversations for the Summer of Peace. Again, you can access those at the website I just mentioned. You can also engage

with us on Facebook at Summer of Peace and at Twitter @peacesummit.

My name is Molly Rowan Leach. It's been a pleasure to be with you this afternoon. I'm looking forward to talking with Fania Davis of Restorative Justice for Oakland Youth next week. That's on August 15th at 9:00 Pacific, 12:00 noon Eastern Time.

Thank you everyone. You've been listening to Jason Tashea of Youth Courts International. This is Restorative Justice on the Rise and Summer of Peace. Thanks, everyone. Have a great rest of your day.

Jason: Thank you again. I really enjoyed it.

[0:58:08] End of Audio

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