



HANDBOOK FOR **RHODE ISLAND JUVENILE HEARING BOARDS**

“The Juvenile Justice system must react to the law-violating behaviors of youth in a manner that not only protects the community and hold youth accountable, but also enhances the youths’ ability to live productively and responsibly in the community.”

Shay Bilcik, Administrator (1992-1999) U.S. Department of Justice Office of Juvenile Justice & Delinquency Prevention

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PREFACE

Juvenile Hearing Boards are panels of community volunteers who review the circumstances of certain non-violent offenses committed by youths and order sanctions and reparations as an alternative to having the cases referred to the court system for disposition. Hearing Boards have become increasingly popular in recent years for reasons including the following:

- By handling minor juvenile offenses outside the formal juvenile justice system, Hearing Boards help address overcrowded court caseloads and enable courts to focus more attention on the most serious offenses.
- By involving citizens in review of juvenile misconduct and determination of appropriate responses, Hearing Boards increase community awareness of issues associated with juvenile crime and community commitment to address those issues.
- By presenting an option to court processing, Hearing Boards enable minor youthful offenders to avoid deeper involvement in the juvenile justice system, an experience that sometimes is so traumatizing and stigmatizing it does more harm than good.
- By emphasizing restitution and community service, Hearing Boards are consistent with the concept of restorative justice, which asserts that an offender has an obligation to restore the victim and the community to the state of well-being that existed prior to the crime.

The Rhode Island Justice Commission – the state’s criminal and juvenile justice planning agency – initially assisted with establishing new Juvenile Hearing Boards in various Rhode Island communities and has helped nurture existing Hearing Boards. This was accomplished through the Justice Commission’s Juvenile Justice Advisory Committee (JJAC) and its Juvenile Justice Planner, Elizabeth Gilheeny. The JJAC has provided funding for some Hearing Boards for purposes such as employing a coordinator.

In order to assist communities that may wish to create Juvenile Hearing Boards, and in order to help strengthen existing Boards, the Justice Commission has prepared this handbook of Hearing Board policies and procedures.

Currently Rhode Island For Community and Justice, under a grant from the US Department of Justice Office of Juvenile Justice and Delinquency Prevention, provides Disproportionate Minority Contact activities which include several sub-committees. The Juvenile Hearing Board Committee has overseen the updating of this manual and is currently providing additional support and information to all RI Juvenile Hearing Boards.

The original document was written in 1997, and updates occurred in 2008 and 2010. The 2010 updates have been facilitated by RICJ at the direction of the DMC sub-committee, Juvenile Hearing Board Committee with the assistance of Toby Ayers, Ph.D. and Ken Amoriggi, Esq. Assistance of the following individuals is also gratefully acknowledged in the 2010 update process:

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Juvenile Hearing Board

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INTRODUCTION

Overview of Rhode Island's Family Court Process

When a police department refers a juvenile to Rhode Island Family Court alleging that the youth is wayward or delinquent by reason of having committed an offense in violation of state law, city or town ordinance, a petition and an incident report are submitted by the police department to the Family Court Juvenile Clerks Office.

The Clerk's Office assigns a petition number and initiates a computer search to determine whether the youth has had previous Family Court involvement. If a file for the youth already exists, the new petition is added and the file is updated. If no existing file is located, a new file is created and the petition information is entered into the computer.

All juvenile files and new petitions (except emergency petitions) are then brought to Family Court's Juvenile Services Department, where each one is reviewed by the Chief Intake Supervisor and Assistant Intake Supervisors to determine whether there is sufficient legal and other basis to bring the youth within the jurisdiction of Family Court.

Youths who are repeat offenders, accused of multiple offenses, or alleged to have committed serious offenses (e.g. murder, assault, most sex and drug crimes) are assigned to the Family Court Juvenile Calendar for an arraignment hearing before a Family Court Judge, and are notified by summons to appear at the scheduled date and time with their parent(s) or legal guardian(s). At the arraignment hearing, the youth is formally advised of the pending charges and of his/her Constitutional rights. The family or guardian is advised to seek private legal counsel or referred to the Public Defender's Office for legal assistance if private counsel is not affordable.

The case is assigned a pre-trial conference date, and the youth is usually released to the care and custody of his/her parent(s) or guardian(s). The youth may be detained at the Rhode Island Training School until the pre-trial hearing if detention is requested by the petitioner (the police department) and the Judge at the arraignment hearing determines that the youth is a danger to himself/herself or to the community. If detention is granted, a probable cause hearing is conducted within five days, at which time the youth's legal counsel may present arguments for release of the youth until the pre-trial hearing.

of the approximately five hundred new petitions screened each month by the Family Court's Juvenile Services Department, fifty to sixty percent are juveniles with no prior Family Court history. These cases are carefully reviewed to determine whether or not they qualify for diversion (non-judicial disposition). Those youths whose alleged offense(s) do not fall into the "serious" category and who do not have multiple petitions filed against them are notified to appear for an intake conference with their family or guardian and a Family Court Intake Supervisor.

The discussion at the intake conference addresses the allegations filed against the youth, the youth's Constitutional rights, and the conditions that must be met in order for the youth to be diverted rather than formally processed by Family Court. A case will not be diverted if the youth denies any involvement or responsibility, or if the conditions for diversion set forth by the Family Court Intake supervisor are not acceptable to the youth and parent(s) or guardian(s). Other factors that are taken into consideration when making a decision about diversion include age, sophistication of the alleged offense(s), impact on the victim, recommendations of the petitioner (police department), and prior police contacts.

If at the intake conference a decision is made to divert and the conditions governing the diversion are signed, a petition for judicial disposition may still be filed with Family Court at a later date if the youth refuses to comply with the conditions. In addition, if the diversion is unacceptable to the petitioning police department, the department may appeal to the Chief Judge of Family Court.

The process of informal disposition (diversion) serves several purposes including the following:

- Reduces the volume of wayward and delinquent cases prosecuted in Family Court;
- Provides an opportunity for youths and families to avoid time-consuming and costly formal court hearings;
- Provides youths and families with a clear understanding of the nature of their Family Court involvement; and
- Provides youths and families with an opportunity to obtain counseling and other assistance with problems that contributed to the youth committing delinquent acts.

Purposes of Juvenile Hearing Boards

In Rhode Island, Juvenile Hearing Boards represent a level of community-based diversion that functions as an alternative to filing a petition with Family Court and setting in motion the processes of arraignment hearings, pre-trial hearings, and intake conferences described in the preceding section. The circumstances of non-serious wayward and delinquent offenses are reviewed by a panel of community volunteers, who determine appropriate sanctions and restitution. If the youth complies with the provisions of the Hearing Board's decision, then the case is not referred to Family Court. If the youth does not comply, the case may be referred to Court.

Advantages of Juvenile Hearing Boards include the following:

- By handling minor juvenile offenses outside the formal juvenile justice system, Hearing Boards help address overcrowded court caseloads and enable courts to focus more attention on the most serious offenses.
- By involving citizens in review of juvenile misconduct and determination of appropriate responses, Hearing Boards increase community awareness of issues associated with juvenile crime and community commitment to address those issues.
- By presenting an option to court processing, Hearing Boards enable minor youthful offenders to avoid deeper involvement in the juvenile justice system, an experience that sometimes is so traumatizing and stigmatizing it does more harm than good.
- By emphasizing restitution and community service, Hearing Boards are consistent with the concept of restorative justice, which asserts that an offender has an obligation to restore the victim and the community to the state of well-being that existed prior to the crime.

Hearing Boards receive referrals from the local police department, and following are types of cases that are typically reviewed by the Boards:

- Juveniles between the ages of ten and seventeen who reside within the city/town and are alleged to have committed a criminal act which, if committed by an adult, would be a misdemeanor;

- Juveniles who are residents of the city/town, attend local schools, and could be considered willfully truant under Rhode Island statutes; and
- Juveniles who are being referred to the Hearing Board for a second time if sanctions ordered by the Board at the first appearance have been successfully completed.

Cases that are usually considered to be inappropriate for review by local Hearing Boards include:

- Juveniles who are under Family Court jurisdiction or who have previously been adjudicated wayward/delinquent by Family Court (not including Court diversion);
- Juveniles who are accused of drug offenses other than possession of alcohol; and
- Juveniles who are accused of serious offenses (delinquency offenses).

Development of Juvenile Hearing Boards in Rhode Island

The earliest Rhode Island Juvenile Hearing Boards were in Barrington and East Greenwich, dating back to at least the mid-1970s. Rhode Island Family Court staff report that Barrington used community service as a sanction for youths even before Family Court began to employ it as a dispositional alternative.

As of May of 2010, the following Rhode Island communities had Juvenile Hearing Boards:

Barrington	Bristol	Burrillville
Central Falls	Charlestown	Coventry
Cranston	Cumberland	East Greenwich
East Providence	Exeter	Foster/Glocester
Hopkinton	Johnston/Smithfield	Lincoln
Middletown	Newport	Narragansett
North Kingstown	North Smithfield	Pawtucket
Portsmouth	Providence	Scituate
Warren	Warwick	Westerly
West Greenwich	West Warwick	Woonsocket

In the past few years, the Juvenile Justice Advisory Committee (JJAC) of the Justice Commission has become actively involved in supporting and nurturing Juvenile Hearing Boards. Currently the JJAC utilizes funds available from the Federal Juvenile Justice and Delinquency Prevention (JJDP) Act grant program. The JJAC's JJDP funds are utilized by communities to employ Hearing Board Coordinators on a full or part-time basis. These Coordinators serve as staff to their Hearing Boards, performing administrative functions such as scheduling meetings, preparing forms and other paperwork, maintaining records of meetings, and completing follow-up tasks.

The Justice Commission's Juvenile Justice Advisory Committee has provided technical assistance and other forms of non-financial support to Juvenile Hearing Boards in addition to offering competitive grants for delinquency prevention activities

Purpose of This Handbook

This handbook is intended to offer guidance to communities wishing to establish Juvenile Hearing Boards as well as to assist communities already having Hearing Boards by providing information about all major aspects of creating and operating a Board. Issues addressed in the handbook include the following:

- Planning to Establish a Hearing Board
- Enabling Legislation and Ordinances
- Establishing a Hearing Board
- Maintaining a Hearing Board
- Criteria for Referral of Cases to a Hearing Board
- Process of Referring Cases to a Hearing Board
- Scheduling of Hearing Board Meetings
- Hearing Board Process
- Implementation of Hearing Board Decisions
- Record-Keeping, Reporting, and Evaluation
- Risk and Protective Factors
- Special Hearing Board Initiatives – Truancy
- Teen Courts

CHAPTER ONE: PLANNING TO ESTABLISH A HEARING BOARD

Assessing Community Sentiment

Prior to taking formal steps to establish a Juvenile Hearing Board, an assessment should be made of support within the community. Assuming that everyone will favor the idea can be imprudent, because once the intention to create a Hearing Board is announced and implementation efforts initiated, any opposition is likely to become more intransigent. It is wiser to identify potential opponents and attempt to address their concerns before progressing beyond the point of conceptualization.

Assessing community sentiment can be accomplished through strategies such as personal contact, surveys, individual and group meetings, and public hearings. If public hearings are held, the advertised purpose should be to discuss the pros and cons of establishing a Juvenile Hearing Board. Care should be taken not to convey the impression that a decision has already been made to form a Board, because persons with reservations may conclude the program is being rushed forward without proper study, which can increase opposition.

Constituencies whose support is especially important and whose opinions should be sought and attended to include:

- Police Department
- Local Elected Officials
- State Legislators from the Area
- Parents
- Teenagers
- Local Youth Service Agencies
- School Department

Following are examples of concerns about the Juvenile Hearing Board concept that may have to be alleviated:

Potential Community Concerns About a Juvenile Hearing Board

- Decisions about appropriate sanctions for juvenile offenders should be made by trained professionals such as judges, not by untrained citizen volunteers.
- Hearing Board members will be too lenient in selecting punishments for youths, in some cases because the Board members will be acquainted with the offending youth and her/his family.
- Confidentiality will be breached, because Hearing Board members are bound to talk to family members and others in the community about cases that come before the Board.
- Hearing Boards will not be as threatening an experience for youths as Family Court, and therefore Hearing Boards will not be an effective deterrent.
- Hearing Boards will not have the time or capability to follow up to ensure that youths comply with sanctions, and therefore youths will not take the process seriously.

- Local organizations and agencies do not have sufficient volunteer needs to meet the demand of the Hearing Board for community service placements, nor do local organizations have the resources to properly supervise youths who are ordered to perform community service.
- Hearing Boards are an unnecessary additional layer of bureaucracy that duplicates the Family Court process.

Forming a Planning Committee

A planning committee is one method of ensuring that community sentiment about the Hearing Board concept is accurately assessed, that potential supporters and opponents are identified, that actions are taken to minimize opposition, and that the Hearing Board structure and process are appropriately designed to address particular conditions of the community. Members of the committee might include:

- Police
- Youth
- Parents
- School Teachers/Counselors/Administrators
- Youth and Family Service Agencies
- Juvenile Justice Professionals
- Clergy
- Ethnic and Racial Minority Representatives
- Local Officials
- Attorneys

The planning committee should develop a work plan that identifies tasks to be completed, persons responsible for each task, and deadlines for completion. Tasks may include the following:

- Assessing community viewpoints about the need for a Juvenile Hearing Board;
- Identifying key persons and groups supportive of establishing a Hearing Board and mobilizing them to assist;
- Identifying key persons and groups opposed to or having reservations about establishing a Hearing Board and ascertaining and attempting to address their concerns;
- Analyzing the magnitude and nature of juvenile crime in the community to help determine whether a Hearing Board would be an appropriate response;
- Reviewing Hearing Board models in other cities and towns to develop goals, objectives, and a structure and process relevant to the specific needs of the community if it is determined that a Hearing Board would be advantageous;
- Presenting a detailed justification and implementation plan for a Hearing Board to city/town councils and other local officials whose approval is required; and
- Developing local ordinances and state legislation necessary to establish the Hearing Board.

For persons strongly committed to establishing a Hearing Board who do not question the value of such a Board, a planning committee may appear to be an unnecessary and wasteful effort. However, others in the community may not be convinced that a Hearing Board is necessary or appropriate, and/or may have questions about whether Hearing Board models utilized in other cities and towns are well-suited to their community. The value of a planning committee is that it can consider such concerns and present a detailed, logical set of recommendations to decision-makers, rather than precipitately propose replication of a Hearing Board in another community and encounter objections from constituencies who were not consulted.

Hearing Board Goals and Objectives

Specific goals and objectives should be developed for the Hearing Board, because the Board's purposes will determine its structure and process, and will also be the basis for future evaluation of Board accomplishments. Following are examples of possible Hearing Board objectives:

- To reduce the number/percentage of juvenile cases referred to Family Court;
- To increase victim satisfaction with sanctions imposed on juvenile offenders;
- To reduce the likelihood that juvenile offenders will commit future crimes;
- To improve competencies of juvenile offenders in areas such as school performance and behavior, family and peer relationships, and anger management and other life skills; and
- To increase community awareness of issues relating to juvenile crime and community involvement in efforts to address such issues.

CHAPTER TWO: STATE AND LOCAL ENABLING LEGISLATION AND ORDINANCES

State Enabling Legislation

While there is some confusion and disagreement about the need for cities and towns to have state enabling legislation authorizing establishment of Juvenile Hearing Boards, it appears that most Rhode Island communities with Hearing Boards do have such legislation. Rhode Island Family Court and other organizations and groups are proposing that generic state legislation be adopted to give all cities and towns authority to create Hearing Boards, but until such a time as that occurs, communities interested in establishing Boards should probably seek to have legislation specific to their needs passed. (See the appendices for an example of state authorizing legislation.)

City and Town Ordinances

Communities wishing to establish Juvenile Hearing Boards will usually have to amend their local ordinances to permit formation of the Hearing Board and to authorize the Board to function as an alternative to Family Court, ordering sanctions against youths who are referred by the police department. Sample local ordinances are contained in the appendices of this manual, and following is a summary of the major provisions ordinances typically include:

- **Establishment:** A statement authorizing establishment of the Hearing Board to hear cases of persons age eighteen and younger referred by the police.
- **Referral/Eligibility:** A description of the types of offenses for which youths may and may not be referred to the Hearing Board, and a stipulation that youths and parents/guardians must waive their right to a Family Court hearing and agree to abide by the decision of the Juvenile Hearing Board as preconditions to referral to the Board.
(Note: A community establishing a new Hearing Board should carefully consider how specific the language in the local ordinance should be with respect to disqualifying offenses. On the one hand, it is tempting to list a number of offenses that will fall outside the Board's jurisdiction in order to ensure the public that serious offenders will be dealt with by Family Court. On the other hand, many persons experienced with Hearing Boards caution that it is often the circumstances rather than the type of crime that best determine whether the case is most appropriate for Family Court or a Hearing Board, and therefore it is wise to leave local ordinances as open ended and flexible as possible.)
- **Refusal of Referral:** Delineation of circumstances under which the Hearing Board may refuse to accept referrals, such as when the youth does not meet eligibility criteria or refuses to provide the Board with requested information or otherwise refuses to cooperate.
- **Legal Representation:** Indication that the youth is entitled to legal representation at her/his or family expense during all stages of the Hearing Board process.
- **Duties:** Overview of the duties of the Hearing Board, including reviewing the circumstances of cases referred and determining appropriate sanctions.

- **Meetings:** Indication of the frequency of Hearing Board meetings and notice and information to be provided to youths and Board members in advance of meetings.
- **Composition:** Delineation of the number of Hearing Board members and alternates, minimum age of Board members, length and number of terms, and replacement procedures.

CHAPTER THREE: ESTABLISHING A JUVENILE HEARING BOARD

Sectors From Which Members May Be Drawn

Since the philosophy underlying Juvenile Hearing Boards is that residents of a community are capable of reviewing the circumstances of minor juvenile offenses and imposing appropriate punitive, deterrent, and rehabilitative sanctions, members of Hearing Boards should live in the community served by the Board. To the extent possible, Hearing Board members should be representative of diverse cultural, ethnic, racial, socioeconomic and other characteristics of their community.

Board members should also come from various occupations including the business community. It is not necessary or even desirable that all members have backgrounds in juvenile justice or human services (e.g., social workers, teachers, lawyers). Seeking advice from juvenile justice and other youth service professionals as needed may be preferable to having them fill all positions on the Hearing Board, though such practitioners should fill some Board slots.

Some communities prohibit attorneys from serving on Hearing Boards, apparently to guard against having the Board process become overly formal and legal. Others believe that an attorney can be an asset to a Hearing Board because of her/his knowledge of juvenile justice and the Family Court system, and that the important issue is ensuring that neither attorneys nor persons from any other one profession or background dominate the Board.

It is recommended that Hearing Board members not include elected officials and others whose role in the community might raise questions about their motivations and biases.

Age of Members

In Rhode Island, members of Hearing Boards are usually adults (age 19 and older or age 21 and older).

Advantages of Having Youth on Hearing Boards

- Youths can provide an important perspective about the circumstances that precipitate delinquent behavior by their peers and sanctions that will be effective with different teenagers for different offenses
- Involving youths in the Hearing Board process will give them a greater understanding of and respect for the juvenile and criminal justice systems.

Disadvantages of Having Youth on Hearing Boards

- Youths will be judging peers, and friendships and other personal issues may affect objectivity.
- Youths will have access to confidential details about the lives of persons they attend school and socialize with, and there is a risk that such confidential details will be divulged to others.

- As youths graduate from high school and leave the community, they often will not be available for extended terms on Hearing Boards, which may result in frequent turnover and lack of continuity.

Each community contemplating establishment of a Hearing Board must make its own determination about whether to include youths as members. It is not necessary to have Boards that are either all adult or all youth; it is possible to have adult and youth representatives serve on the same Board.

Number of Members

Communities vary with respect to the number of Hearing Board members they select. It is important to have an odd number so that tie votes do not occur, and it is important not to have too many members, because a large group can be unwieldy to manage. Many believe that the ideal number of Hearing Board members is five, but some communities have effectively operated Boards with seven and nine members.

It is desirable to select one or more Board alternates who will be available to fill in on occasions when a regular member can not attend meetings. Otherwise there may be an even number of members present, which can result in tie votes.

Membership Terms

In order to maintain the dedication and enthusiasm of Hearing Board members, and in order to provide opportunities for many community residents to participate in the program and offer diverse perspectives, it is desirable to have members serve limited terms. In Rhode Island, most communities appoint Hearing Board members for a term of three years, and many communities limit total service to six years (two terms) A suggestion of the current JHB sub-committee is to utilize a 9 Year Term Limit which would consist of three 3-year terms.

The minimum term should be long enough to ensure that the member becomes knowledgeable about and skilled at the Hearing Board process and then contributes her/his expertise for a significant period of time. The maximum period of service (number of years/number of terms) should not be so long that there is an appreciable risk of members losing interest and/or an appreciable risk of fresh ideas being lost because there are limited opportunities for new persons to become involved.

In order to maintain continuity while drawing in new members, it is wise to have staggered membership terms so that no more than one or two members are being replaced at the same time. The easiest way to accomplish this is to have the terms of original Board members expire at different times. For example, if the new Board has five members, then two members could serve two-year terms, two members could serve three-year terms, and one member could serve a four year term, with each member eligible for one additional three-year term. Thereafter, all members would be appointed for three-year terms.

Recruiting and Selecting Members

Recruitment of members should be a public process that uses techniques such as the following:

- Advertisement in local newspapers, including any minority publications
- Announcements on local radio stations, including any minority stations

- Announcements on local cable television, including television directories displaying local notices
- Public meeting(s) to describe the Hearing Board and answer questions from interested persons
- Announcements on community Internet Web sites

Applicants for Hearing Board positions should be given a deadline date by which applications should be submitted and an address to which applications should be sent, and should be instructed to provide information about themselves such as:

- Educational background
- Employment history
- Other qualifications for the Board
- Reasons for wanting to serve on the Board
- References

Town or city councils or mayors will generally appoint members to the Hearing Board, and the appointing authority should seek to select a diverse group of individuals who are representative of the various segments of the community.

Organizing the Board

Hearing Board members should elect a Chairperson and Vice-chairperson, with the Vice-chairperson authorized to preside at meetings in the Chairperson's absence. The Board may also consider electing a Secretary to be responsible for maintaining records of meetings and managing other Board information, though it is difficult for a Board member to actively participate in deliberations and simultaneously take notes of the proceedings. One alternative is to have administrative functions performed by a part-time staff person or by an individual from the police department or another unit of city/town government.

Oath of Office

Hearing Board members are usually sworn in by Town/City Councils, Mayors, or other elected officials, and a sample oath of office is contained in the appendices.

Providing Initial Training to the Board

Prior to the Hearing Board becoming operational and accepting referrals, its members should receive orientation and training on topics including:

- **Purpose and Duties of the Board:** What function is the Board designed to serve? What responsibilities and powers does the Board have? What rules and regulations govern the Board's activities?

- **Juvenile Justice System:** What statutes relate to juvenile offenses? How does the local police department handle juvenile matters? How does Family Court operate?
- **Cases Eligible and Ineligible for Board Hearing:** What types of offenses are appropriate for consideration by the Hearing Board? What types of cases are not appropriate for Hearing Board review?
- **Referral Process:** How will cases be referred to the Juvenile Hearing Board?
- **Rights of Juveniles:** What are the legal rights of youths referred to the Hearing Board?
- **Announcement of Meetings:** Is there a legal requirement for public announcement of meetings?
- **Hearing Process:** What process will be used by the Hearing Board to gather information and make decisions? How will confidentiality be maintained?
- **Youth Development:** What characteristics are typical of teenagers? What risk and protective factors impact youth behavior? What roles do community institutions such as families, schools, employers, and government play in youth development? What types of punishments and support services have promise for rehabilitating youth?
- **Dispositional Alternatives:** What types of sanctions are available to the Hearing Board?
- **Community Resources:** What organizations can help the Hearing Board implement sanctions by providing services such as counseling, substance abuse treatment, restitution, community service opportunities, and conflict management?
- **Monitoring Compliance with Sanctions:** How should the Hearing Board engage in monitoring to ensure that youths comply with sanctions ordered by the Board?
- **Consequences for Lack of Compliance:** What are the consequences for the youth for failure to comply with sanctions ordered by the Hearing Board?
- **Common Problems of Rearing Boards:** What problems do Hearing Boards experience and how can these problems be addressed?

Options for delivering this initial orientation include several evening trainings or an all-day weekend session. Resources that can assist with the orientation are:

- Chief of Police and/or Juvenile Officer
- Family Court Intake Supervisor
- School and/or Community Agency Counselors
- Governor's Justice Commission's Juvenile Justice Planner
- Hearing Board Members from Other Communities
- City/Town Legal Counsel

The importance of initial and ongoing training for everyone involved in local Juvenile Hearing Board activities should not be underestimated. The Board should consider periodically scheduling educational sessions.

Staff Support for the Board

There is significant paperwork and other administrative requirements associated with operating a Hearing Board, and some communities have chosen to manage these by employing a part-time staff person. In other communities, administrative functions are performed by an individual from the police department or other unit of local government. A third option is to designate a member or members of the Hearing Board (e.g., a Secretary) to be responsible for administration.

Each community should assess its own circumstances and determine whether the Hearing Board's anticipated workload (projected number of cases and meetings) justifies a staff person and whether staff is affordable.

CHAPTER FOUR: MAINTAINING A JUVENILE HEARING BOARD

It is important to maintain the knowledge, skills, and enthusiasm of Juvenile Hearing Board members and sustain community support for the Board through strategies such as the following:

Ongoing Education and Training

In order for Hearing Board members to effectively perform their duties, they should receive regular education and training on topics such as:

- Factors that place youths at risk of delinquency
- Sanctions effective at deterring delinquency
- Relationship between substance abuse and delinquency
- Available community resources
- Changing patterns and trends in juvenile crime
- Strengthening community support systems for youths

Recognition

Hearing Board members should receive recognition for their contributions to the community through strategies such as:

- Certificates of appreciation from town/city councils
- Award dinners
- Local newspaper articles
- Letters of appreciation from Family Court
- Letters of thanks from youths and families who appeared before the Board and benefited from the experience
- Letters of thanks from victims who received restitution as a result of actions of the Board

Sustaining Community Support

The effectiveness of the Juvenile Hearing Board will be heavily dependent on community support in forms such as police referrals, youth and family agreement to participate, victim satisfaction, local community service

and restitution opportunities, and counseling and other assistance to youths. Therefore, the Hearing Board should ensure that residents and local institutions and organizations remain aware of the Board's work through networking and informational activities such as:

- Hearing Board participation in any formal or informal local agency partnerships or collaborative;
- Periodic meetings with constituencies including the police, youth groups, parent groups, human service organizations, and Chamber of Commerce and other business groups;
- Participation in mutual training programs with local service providers;
- Development of a speaker's bureau utilizing Hearing Board members and staff, police, youth who have appeared before the Hearing Board, parents, and satisfied victims;
- Development of a logo or slogan that the public will associate with the Hearing Board;
- Regular distribution of public relations materials such as brochures, fact sheets, posters, and media releases; and
- Appearances on local radio and cable television talk shows.

There are many resources for local juvenile hearing boards as they consider recognition, training and education. Some are available through the RI Justice Commission

CHAPTER FIVE: CRITERIA FOR REFERRAL OF CASES TO HEARING BOARDS

Juvenile Hearing Boards are not intended to handle all types of juvenile crime, and the Board, the police department, and Family Court should be in agreement about which categories of cases are appropriate for referral to the Board and which are not, and should act in accordance with those criteria.

Ages of Youths Appropriate for Referral

In Rhode Island, Juvenile Hearing Boards are utilized for children and youths under the age of eighteen. Persons eighteen years of age and older are considered to be adults for criminal justice purposes and are not under the jurisdiction of Rhode Island Family Court.

Strength of Evidence Implicating the Youth

One criterion police departments may use in determining whether to refer a case to Family Court or to a Juvenile Hearing Board is strength of the evidence implicating the youth. Where evidence against the youth is weak and the outcome in Family Court is questionable, the police may elect to refer the matter to the Hearing Board if the case meets other criteria for Hearing Board review. As is described in other sections of this handbook, Hearing Boards are not bound by standard rules of evidence and their inquiries may be far-ranging.

However, as is also discussed in other sections of this handbook, a case may not be referred to a Hearing Board without consent of the youth and the parents or legal guardians and without the youth signing an admission of guilt. If evidence is weak, the youth may elect to go to Family Court and hope for a favorable disposition rather than admit guilt.

Offenses Appropriate and Inappropriate for Referral

Local ordinances usually define the types of offenses and activities for which youths may and may not be referred to Juvenile Hearing Boards, and it is therefore important that this issue be carefully considered before the ordinance is passed. One question is the extent to which the community wishes to have the flexibility of the referral source (police department) limited by the ordinance. Categorically excluding certain offenses from Hearing Board jurisdiction ensures that serious and violent juvenile crimes are addressed by Family Court, but limits flexibility to have the Hearing Board review relatively minor instances of a particular category of offense (e.g., assault or substance abuse) or instances of the offense where there are significant mitigating circumstances. Thus, care must be taken to word the ordinance in a manner that minimizes the possibility of limiting the Hearing Board's jurisdiction in ways the community does not intend or later regrets.

In Rhode Island, the following types of cases are often considered to be appropriate and inappropriate for Hearing Board consideration:

Examples of Cases Appropriate for Hearing Board Review

- Juveniles residing in the city/town where the Hearing Board operates who are alleged to have committed a criminal act which, if committed by an adult, would be a misdemeanor;

- Juveniles residing and attending schools in the city/town where the Hearing Board operates who could be legally considered willfully truant; or
- Juveniles residing in the city/town where the Hearing Board operates who have appeared before the Hearing Board on one previous occasion and have successfully completed all ordered sanctions, and whose most recent alleged misconduct falls into one of the above categories (misdemeanor or truancy).

Examples of Cases Inappropriate for Hearing Board Review

- Juveniles who have previously been found guilty by Family Court of commission of a felony;
- Juveniles who have previously been adjudicated wayward/delinquent by Family Court (not including court diversion);
- Juveniles who are under Family Court jurisdiction at the time of the alleged offense;
- Juveniles who are accused of drug offenses other than possession of alcohol;
- Juveniles who are charged with the crime of felony assault or battery;
- Juveniles who have been referred to the Hearing Board on one prior occasion and have not fully complied with all sanctions ordered by the Board; or
- Juveniles who have been referred to the Hearing Board on two prior occasions, regardless of whether all sanctions ordered by the Board have been complied with.

Net-Widening

In determining what cases should and should not be referred to Juvenile Hearing Boards, police departments and Hearing Boards should carefully consider an effect called “net-widening”, which is often associated with establishment of new diversion programs. The term net-widening refers to the fact that diversion programs may increase rather than decrease the number of youths who become involved with the juvenile justice system by accepting cases that previously would have been disposed of informally.

For example, one objective of a community’s new Hearing Board may be to reduce the number of referrals to Family Court by handling cases at the local level. However, the police may continue to refer most of the same types of cases to Family Court as was true prior to establishment of the Hearing Board, and refer cases to the Hearing Board involving youths who previously would have been dealt with informally by the police and sent home. The result is minimal reduction in the number of Family Court referrals and a large increase in new types of cases that go beyond the police level to Hearing Boards. Thus, many more youths have official contact with the juvenile justice system than was true before the Hearing Board was established, which is net-widening. Net-widening may be either positive or negative depending on the circumstances.

Net-widening is positive if it provides discipline, structure, and support to youths who can benefit from such services but who previously were not assisted by the juvenile justice system because of insufficient resources. On the other hand, research suggests that becoming enmeshed in the juvenile justice system is

a harmful experience for many youths, so net-widening can be a negative occurrence if it captures youths who would fare better if they were left alone.

Determining whether cases are appropriate or inappropriate for Juvenile Hearing Boards usually focuses on identifying cases that are too violent or serious to be referred to the Boards. However, Hearing Boards and police departments should also establish minimum criteria for Board action to reduce the risk that youths whose development would be healthier without intervention are not referred to Hearing Boards.

Hearing Boards and police departments should monitor data about numbers and percentages of Hearing Board cases that previously would have gone to Family Court and numbers and percentages of cases that previously would not have entered the system at all. If cases that previously would not have entered the system account for a significant portion of the Hearing Board's workload, the Board should assess whether it believes all types of cases being referred to it are appropriate for intervention.

Admission of Guilt

In order to be eligible for referral to the Hearing Board, a youth must sign a statement admitting that she/he is guilty of the charges in question, and the parents or legal guardians must sign the same statement indicating that they approve and support the youth's acknowledgment of guilt. (See the Appendices for a sample form containing these statements.)

Waiver of Right to Family Court Hearing

In order to be eligible for referral to the Hearing Board, a youth must sign a statement waiving her/his right to a Family Court hearing for the charges in question, and the parents or legal guardians must sign the same statement indicating that they approve and support the youth's waiver. (See the Appendices for a sample form containing these statements.)

Agreement to Comply with the Hearing Board Decision

In order to be eligible for referral to the Hearing Board, a youth must sign a statement agreeing to appear before the Board and abide by the Board's decision, and acknowledging that if she/he fails to comply with sanctions ordered by the Board, the case may be referred back to the police department and/or Family Court. The parents or legal guardians must also sign this statement indicating their awareness and approval of the youth's agreement and commitment. (See the Appendices for a sample form.)

CHAPTER SIX: PROCESS OF REFERRING CASES TO HEARING BOARDS

Referral Source

Usually the sole source of referrals to the Juvenile Hearing Board is the local police department, typically through the chief of police, juvenile officer, or other designated person. This ensures that the case has been thoroughly investigated and is appropriate for Hearing Board review rather than referral to Family Court or some other action. Police involvement also ensures that the youth and family are aware of the seriousness of the matter, which increases the likelihood that the youth will cooperate with the Hearing Board and comply with its decision.

Referral Process

Following are the major steps in the process of referring a case to a Juvenile Hearing Board, with options depending on the particular circumstances of the community and police department:

(1) The youth is arrested by the police, who make a determination of whether the case should be referred to the Juvenile Hearing Board or to Family Court. Different procedures may be followed to make this decision:

(a) The arresting officer may determine where to refer the youth, particularly in a small police department without a specialized juvenile division. This has the advantage of being efficient since the officer most familiar with the circumstances of the offense can decide whether to refer to the Hearing Board without involving other officers. A disadvantage is that not all officers may be familiar with Hearing Board criteria, and some cases may be inappropriately referred to the Board, while other cases appropriate for the Board may be referred to Family Court.

(b) The police officer who charges the youth may complete the police report and make a separate recommendation to someone such as the police prosecutor or juvenile officer who serves as liaison with the Hearing Board about the appropriateness of the case for Hearing Board consideration. It is recommended that a charging officer's recommendation to submit a case to the Hearing Board not be included in the official police report but take the form of a departmental memorandum.

(2) The appropriate police representative (e.g., charging officer, police prosecutor, juvenile detective) discusses the Hearing Board option with the youth and the youth's parents, explaining the functions, powers, and processes of the Board. If the youth and parents wish to have the case referred to the Hearing Board rather than to Family Court, and if the police representative believes the family is sincere about this, the youth and parents are asked to sign the waivers described elsewhere in this manual (admission of guilt, agreement to abide by the Hearing Boards decision).

(3) A folder is prepared with information about the case including a copy of the police report and the waivers signed by the youth and parents. To safeguard confidentiality, only one copy of the folder is normally prepared, and the folder is kept at the police station. Generally speaking, the police do not mail or otherwise disseminate copies of case information to Hearing Board members in advance of the meeting at which the case is reviewed.

(4) Information about the case is reviewed by the Hearing Board, usually through one or a combination of the following approaches:

- (a) The case is assigned to one member of the Hearing Board, who comes to the police station to review information in the case folder prior to the Hearing Board meeting at which the case will be considered. Other Hearing Board members may review the folder at the police station as well.
- (b) Hearing Board members arrive at meetings early to review information about cases to be heard that night.

Police Recommendations

The Hearing Board and the police department must determine whether the Board does or does not want specific recommendations from the police with respect to what sanctions should be ordered in each case. On the one hand, the police have expertise in assessing the circumstances and underlying factors related to delinquent behavior, and can provide valuable input to the Hearing Board. On the other hand, the Board may become dependent on police recommendations and/or may be reluctant to offend the police by not accepting recommendations, which may result in Board members not fully utilizing their own talents and insights to creatively tailor individual sanctions for each case. This is a fine line which can be difficult to see at times and can result in effectively reducing the impartiality of the proceedings. Again with ongoing training for all involved in the process a better of understanding of the intent of the local JHB and the roles of each of the players some of these difficulties may be avoided.

Hearing Board Refusal to Accept Referrals

A Juvenile Hearing Board may refuse to hear cases under the following circumstances:

- The offense with which the youth is charged is not appropriate for Board review according to established criteria;
- The youth appeared before the Board on one previous occasion and has not completed sanctions ordered by the Board at that time;
- The youth has appeared before the Board on two previous occasions (regardless of whether sanctions associated with those appearances have been completed);
- The youth does not reside in the community in which the Hearing Board has jurisdiction;
- The youth and or parents/legal guardians refuse to sign required statements relating to admission of guilt, waiver of right to a Family Court hearing, and agreement to comply with Hearing Board decisions; or
- The youth refuses to supply the Hearing Board with required information, fails to appear when requested, or otherwise fails to cooperate with proceedings of the Hearing Board.

In the event that the Hearing Board does refuse to accept a referral, the Board should immediately notify the Chief of Police in writing, so that the police department may take appropriate action such as referral of the case to Family Court.

CHAPTER SEVEN: PROCESS OF REFERRING CASES TO HEARING BOARDS

Timeframe Between Referral and Hearing

Since swift and certain justice is one of the messages Hearing Boards wish to convey to youths, it is important to promptly dispose of cases. Whenever possible, a case should be considered at the next scheduled Hearing Board meeting after the case is referred, but this may not always be possible if the case comes in too close to the next meeting for all advance work such as proper notifications to be completed, or if the Board agenda for the meeting is already full. If this is the case immediate contact with the youth and their family is recommended, either by letter or phone call or both. The communication should include an acknowledgement of receipt regarding the incident, a short explanation of when the youth and family can expect to be before the JHB and any reasons for the delay.

Considerations should be given for any extenuating circumstances necessitating immediate attention on the part of the local board and if at all possible accommodations should be given to the youth and family. It is essential to remember that the intent here is the well being of the youth and the family.

Frequency of Hearing Board Meetings

The frequency of Hearing Board meetings will depend on the Board's workload (number of cases referred), which will vary from community to community. Most Hearing Boards meet once or twice each month. If the workload becomes too great, one option is to expand the Board to 10-18 members, divide the group in half, and split the workload so that each sub-group functions as a separate Hearing Board.

Number of Cases Reviewed at Each Meeting

The number of cases considered at Hearing Board meetings will somewhat depend on the number referred since the last meeting, but as a general rule the Board should not schedule more than five or six cases a night. Allowing approximately thirty minutes per case, a Board meeting with a full agenda can be expected to last between two and two and one-half hours.

Here again there is a need for balancing the needs of the youth and family presently before the board and consideration for those families waiting to be heard. Board members should monitor themselves to only those comments and items relevant to the presenting case and if necessary the chair should keep the comments on track and timely. If expanded discussions are necessary it would be advisable to schedule a follow-up session at a mutually agreeable time

Announcement and Notification of Hearings

For reasons of confidentiality, Hearing Board meetings are not usually public, so there is no requirement that the meeting schedule be publicly announced. However, the Board should give written notice of the date and time of each meeting to the police department (Chief of Police, Juvenile Officer, or other designee) and to the youth and his/her parents or legal guardians.

Hearing Boards vary with respect to the amount of advance notice they provide to the police department and youth, with some announcing meetings no less than fourteen days prior to the scheduled date and others giving written notice not less than seven days prior to the hearing. It may be helpful for each board to create a standard template with spaces for customizing personal information and dates. This form should be copied and copies either placed in the usual place of meeting or in a location easily accessible to the individual or individuals doing the mailings.

Typically youths, parents, and police want to dispose of cases as quickly as possible, so when a case comes in very near the date of the next Hearing Board meeting and there is room on the agenda, it may be desirable to waive the advance notice requirement if all parties agree. The right of the Hearing Board to waive advance notification requirements should be stipulated in the local ordinance establishing the Board to avoid the possibility of complaints or challenges.

Information to be provided by the Hearing Board to the youth and parents/legal guardians in advance of the meeting should include the following:

- Date, time, and location of the hearing
- Offense(s) that the Hearing Board will review
- Right of the youth to have legal representation
- Summary of the Hearing Board process
- List of sanctions from which the Board may choose

Under unusual circumstances, the Hearing Board may, with the consent of the youth and parents/legal guardians, choose to conduct a hearing or a portion of a hearing publicly. In that event, public announcement of the hearing should be made at the same time the youth and the police department are notified about the hearing.

Postponing Hearings

Since most youths and parents/legal guardians want to promptly learn what sanctions will be imposed, they usually do not attempt to delay justice by requesting postponement and rescheduling of the case. However, this does occur from time to time, and the Hearing Board should have criteria in place to govern when cases will and will not be rescheduled. Examples of circumstances under which postponement might be granted include the following:

- Illness of the youth or parent/legal guardian
- Previously scheduled out-of-town vacation
- Major school exam the next day
- Family emergency
- Transportation difficulty

- Inability of parents to obtain a babysitter for other children, which makes it impossible for the parents to accompany the youth to the Hearing Board meeting
- Evening activity in which the youth participates and for which the youth's absence would create a hardship for other participants

It is important to remember here the intent of the Juvenile Hearing Board. The youth appearing before you are first time or minor offenders. They are not hardened criminals. Every effort should be made to assist the youth and their families to maintain a reasonable lifestyle while at the same time holding the youth accountable for their offending behaviors.

CHAPTER EIGHT: HEARING BOARD PROCESS

Persons in Attendance at Hearings

Since Hearing Board meetings are usually not public, attendance is normally limited to the following persons:

- Hearing Board members
- Youths appearing before the Board
- Parents or legal guardians of youths
- Youths' legal counsel, if any
- Police representative(s) (e.g., Juvenile Officer)
- Hearing Board staff person, if any

Quorums

Quorum refers to the number of Hearing Board members who must be present in order for the Board to legally transact business. Usually a majority of members constitute a quorum, so that if, for example, the Hearing Board has five total members and three are present at a meeting, business may be conducted. It is advisable to define the quorum in the Hearing Board's enabling statute or code and/or in the Board's rules of procedure. This will avoid confusion and reduce the risk of Board actions being challenged on the basis that a quorum was not present.

Overview of a Hearing Board Meeting

Juvenile Hearing Boards vary with respect to the way in which Hearing Board meetings are conducted, but following is an overview, with more description in the sections that follow:

- (1) Hearing Board members have arrived early and reviewed information about cases to be heard that evening, and persons involved with the first case (e.g., youth, parents) are brought into the room.
- (2) Introductory remarks are made by the Board chairperson, juvenile police detective, or other Board representative. These remarks may include a brief description of the Board process and introduction of Board members.
- (3) The youth presents her/his version of the facts and circumstances of the offense.
- (4) Board members ask follow-up questions of the youth and sometimes of the police representative until the Board is satisfied that all relevant information has been presented.

(5) If the Board permits others such as parents to participate, then those persons now have an opportunity to speak. (See a following section entitled “Role Of Youth’s Parents/Legal Guardians” for two contrasting perspectives on the involvement of parents at hearings.)

(6) Hearing Board members caucus to determine appropriate sanctions, usually after having the youth and others leave the room. Boards typically make decisions through consensus rather than by taking formal votes.

(7) The youth and parents are brought back into the room and informed of the sanctions, and they sign a form agreeing to comply with the Hearing Board’s orders.

Presentation and Review of Information

Juvenile Hearing Boards are not bound by customary rules of evidence and may consider all information that they consider relevant, even if such information would not be admissible in a court of law. For example, to assess the youth’s character, the Hearing Board may ask about school conduct and performance and prior delinquent and status offenses, regardless of whether such prior incidents directly relate to the current matter and regardless of whether the youth was charged with prior offenses.

Role of Youth’s Parents/Legal Guardians

Hearing Boards will usually allow parents or legal guardians to attend meetings at which their daughter’s or son’s case is being reviewed, but Boards differ in the role they permit the parents to play.

Some Boards do not allow parents to do anything other than observe. Parents are not permitted to speak on behalf of the youth, clarify statements the youth makes, or counsel the youth in any way. In fact, the parents may be seated behind the youth so that the youth is unable to see the parents’ facial expressions or gestures. The rationale for this approach is that in determining appropriate sanctions, the Hearing Board needs to be able to gauge the feelings, emotions, thought processes, and maturity of the youth, unfiltered by protective efforts of parents or legal guardians.

Other Hearing Boards believe that parents may be quite helpful in determining appropriate sanctions. Parents can provide insight into the youth’s past behavior, general attitude, motivation, values, and maturational level. In addition, youths are often so intimidated by and fearful of the Hearing Board that they are unable to express themselves coherently and accurately. This may not only be detrimental to the youth but also to the Hearing Board, which can experience difficulty determining appropriate sanctions when a clear picture of the youth is not presented. Therefore, parents and legal guardians may be able to assist the youth by making a presentation, clarifying statements, and/or offering advice.

The Juvenile Hearing Boards are a relatively unique entity, and as such there are no national best practices to point to with respect to process and procedure. However, it has been noted that the most successful interventions in any module consist of an overarching respect for all parties. The essential element in the Rhode Island Juvenile Hearing Boards, which has assisted them in providing positive outcomes for the youthful members of their communities are their ability to assess each situation individually considering the unique needs of the youth and family and providing immediate assistance from the resources within the community. It cannot be stressed enough that there is no room for personal agendas, grandstanding or ego based approaches.

Role of Youth's Legal Advisor

Youth may, at their own expense, employ legal counsel to help with the Hearing Board process, but Boards differ with respect to the extent, if any, to which legal counsel may participate in the actual hearing to review the case. Some Boards take the same approach with attorneys that they take with parents and legal guardians – the attorney may observe the hearing but may not make statements, ask questions, or counsel the youth. This stems from the Board's desire to engage in frank, direct dialogue with the youth. It also stems from the fact that Hearing Board sessions are not governed by normal rules of courtroom evidence. Hearing Boards have wide latitude with respect to questioning, and do not wish to become embroiled in legal disputes with attorneys who may object to the way in which the hearing is being conducted.

Other Hearing Boards are more flexible on this issue, believing that even though the hearing is not a formal legal proceeding, the youth should be afforded the opportunity to have assistance from an attorney. This assistance may take the form of statements by the attorney and/or provision of advice to the youth during the course of the hearing.

While Hearing Boards should adopt a policy with respect to participation of youths' legal advisors, the question may seldom arise, because Rhode Island Hearing Boards report that it is extremely rare for a family to retain legal counsel for a Hearing Board case.

Alternative Sanctions

The city/town ordinance establishing the Juvenile Hearing Board should specify the major sanctions that the Board is authorized to order, but should allow flexibility for the Board to be creative. Creatively tailoring individualized sanctions to fit the particular circumstances of each youth can be a significant benefit of the Hearing Board process. The Board should capitalize on opportunities to experiment with non-traditional punishments and rehabilitative techniques, such as requiring youths to maintain diaries in which they record their positive behavior, or requiring participation in an activity that teaches self-discipline and respect (e.g., martial arts training).

Typically Boards select one or a combination of the following primary sanctions. (**Note that Boards may not order incarceration of any type.**)

- Referral to Counseling
- Curfews
- Restrictions on Associations with Other Offenders
- Work Restrictions
- Essays
- Fines not to Exceed \$100
- Denial or Revocation of Driving Privileges for a Period of up to Two Years
- Restitution for Injuries and/or Damages (See discussion that follows)

- Community Service (See discussion that follows)

Restitution: Restitution can be an effective sanction because it requires the offender to help restore the victim's well-being damaged by the crime (restorative justice). However, establishing restitution amounts can be difficult for reasons that include the following:

- The amount of damages may exceed the youth's ability to pay, even if she/he works for a considerable period of time.
- If insurance covers some or all of the damages, there is often debate about whether the youth should be required to reimburse these costs.
- There may be questions about whether the estimates of damages or items stolen have been inflated by the victim.

Hearing Boards will usually not have time at their meetings to make a sufficiently detailed review of cases to determine appropriate restitution. Therefore it may be helpful if the police recommend a restitution amount. In some communities the Hearing Boards may not order restitution that exceeds the police recommendation, but may order a lesser amount.

Community Service: Like restitution, community service is consistent with the philosophy of restorative justice, because it is based on a belief that the well-being of the entire community is harmed when a crime is

committed, and therefore the offender should be responsible for helping to restore the community to its previous condition. However, care must be taken by the Juvenile Hearing Board to ensure that the community service assignment is meaningful and demanding, and that the number of hours of community service ordered are appropriate and feasible.

- The community service assignment should be perceived as worthwhile work.
- Youth should be viewed as resources necessary for the successful completion of the work.
- Youth should be assigned to projects that will help them gain transferable knowledge and skills that can be used in other future endeavors.
- To the extent possible, community service projects should provide youth with a sense of accomplishment and closure and an opportunity for community recognition.
- Community service projects should include a focus on having youth assist disadvantaged populations.

Potential community service sites suggested by Peer Justice And Youth Empowerment: An Implementation Guide For Teen Court Programs are:

- Adopt-A—Highway Programs
- Nursing Homes
- Food Banks
- Schools

- Retirement Homes
- Senior Citizen Centers
- Churches and Synagogues
- Parks and Recreation Departments
- Police Departments
- Youth Bureaus
- Libraries
- Goodwill Industries
- Salvation Army

Duration of Sanction

While the duration of sanctions ordered by Juvenile Hearing Boards will vary depending on factors such as the severity and nature of the incident; the circumstances of the case; and the specific types of punitive, deterrent, and rehabilitative strategies ordered, the Hearing Board should attempt to have the sanctions completed in as short a time frame as possible. There are several reasons for this:

- Youths live in the here-and-now, and if sanctions are extended over a lengthy period of time with no end in sight, the youth is likely to approach the experience with resistance and a negative attitude that will reduce the effectiveness of the sanctions.
- The longer the sanctions last, the greater the likelihood that there will be slippage on the part of all parties with respect to the quality of implementation.
- Extending sanctions over a lengthy period of time will make monitoring by the Hearing Board more difficult, because the Board will have a larger number of active cases to monitor simultaneously.

Short time frames for completion of tasks associated with the ordered sanctions should be given to the youth, and completion of as many of the tasks as possible within one month after the Board hearing is a desirable goal.

Awareness of Community Resources

Some sanctions ordered by Hearing Boards will require collaboration with other sectors within the community, and thus it is important that the Board be aware of public, not-for-profit, and profit-making organizations that are able and willing to play a role in the Board's activities. For example, the Board must have answers to questions such as:

- When counseling of various types (individual, family, substance abuse) is desired as a component of a sanction, what agencies are available to provide the counseling, how quickly can the youth access the service (i.e., are there waiting lists), how long will the counseling last, and what is the cost and payment mechanism?
- When community service is desired, which organizations are willing to accept placements of youths who have been referred by the Hearing Board, what types of community service opportunities can these organizations offer, and what level of supervision can the organizations provide?

- When employment is desired, what employers are willing to accept youths referred by the Hearing Board, what types of job opportunities do they have available, what is the pay, and what supervision will be provided?
- When involvement of youths in recreational and other activities is desired, what programs exist in the community, will such programs accept Hearing Board referrals, and can Hearing Board referrals be integrated into programs without being known to other participants as delinquents?

To ensure that such questions can be answered, the Hearing Board may want to develop a directory that lists community resources and summarizes ways in which these providers can assist the Hearing Board and youths who are seen by the Board.

CHAPTER NINE: IMPLEMENTATION OF HEARING BOARD DECISIONS

Compliance Monitoring

If Juvenile Hearing Boards do not monitor cases to ensure that youths comply with the sanctions that have been ordered, then not only will the Hearing Board process not achieve its objectives, it will have negative results. Youths appearing before the Board will come away with the impression that there are no real consequences for delinquent activity, and this message will spread to other youths in the community. Following are Hearing Board actions that will maximize the likelihood of compliance with orders:

- Be as specific as possible about what the youth is expected to do and by what dates each task should be completed;
- Develop a monitoring form to be used for each case that lists sanctions, milestone dates for completion, persons responsible for monitoring the various sanctions, intervals at which monitoring should occur, and results of monitoring;
- Assign each case to one or more persons (e.g., Hearing Board members, Hearing Board staff, police officers, or community volunteers) for monitoring, and have those persons periodically report back to the Hearing Board about progress being made by the youth to comply with the sanctions and any problems being experienced;
- Establish a volunteer monitoring unit as an adjunct to the Hearing Board;
- Have youths and parents report back to the Hearing Board at the point when sanctions have been completed, providing evidence such as written statements that compliance has been achieved with all terms of the Board's orders. Techniques to be employed to monitor compliance with sanctions will vary depending on the nature of the sanction, but examples of possible techniques include:
 - Telephone checks to ensure that the youth is where she/he is supposed to be for sanctions such as weekend curfews, community service, employment, and counseling;
 - Telephone checks with persons or agencies providing a service to the youth (e.g., counseling) or to whom the youth is providing a service (e.g., community service or employment) to remain abreast of the youth's progress and performance and to identify problems;
 - Periodic visits to sites where the youth is working or performing community service to talk to supervisors;
 - Submission by the youth of regular written progress reports with supporting documentation from sources such as counseling agencies and employers

Referral to Family Court

The waiver signed by the youth and parents or legal guardians as a precondition to participating in the Hearing Board process should include a statement indicating that the youth and parents understand that

if the sanctions ordered by the Hearing Board are not complied with, the case may be referred to the police department and to Family Court. And except in unusual circumstances (e.g., lengthy illness of the youth, orders that turn out to be beyond the capability of the youth to carry out), cases should be referred to Family Court when youths do not comply with Board sanctions, especially if non-compliance results from deliberate disobedience. If Family Court referral does not occur, the message that the youth will come away with – and the message that will spread to other youths – is that Hearing Board orders do not have to be taken seriously.

Hearing Board Information Provided to Family Court Upon Referral

Generally speaking, when a youth goes through the Hearing Board process, fails to comply with the sanctions ordered by the Board, and has the case referred to Family Court as a result, information developed about the case by the Hearing Board should not be made available to Family Court. (This does not include the police report, which will be submitted to the Court.)

In particular, the waiver signed by the youth admitting guilt should not be shared with the Court, because this admission must be signed as a precondition to Hearing Board review, and thus there is an element of coercion involved. Youths may admit guilt in order to be referred to the Hearing Board and avoid Family Court, even when they believe they are innocent, and it would be inappropriate to later use this admission against them.

Similarly, it would not be appropriate to use information gathered and conclusions reached by the Hearing Board for a Family Court adjudication. Court rules of evidence do not apply to Hearing Boards, and the Boards thus have wide-ranging powers to probe the youth for information about the current and prior incidents and arrive at judgments that might not be legally supportable in Family Court. Furthermore, youths typically do not have legal representation when they appear before Hearing Boards.

A more difficult question is whether when a youth complies with Hearing Board sanctions and then commits another offense in the future and is referred to Family Court, the Court should be informed of the youth's prior appearance before the Hearing Board. It is generally agreed that Family Court should not have access to details of the Hearing Board case, but there is disagreement with respect to whether the Court should even be made aware that the youth was seen by the Board. One point of view is that the Hearing Board process is community based early intervention outside the formal juvenile justice system, and total confidentiality should be maintained. The contrasting viewpoint is that without knowledge that a youth has a Hearing Board history, Family Court may inaccurately classify the youth as a first offender and make inappropriate decisions about risk and needs.

Follow-Up After Youths Complete the Hearing Board Process

Oftentimes the behavior that has resulted in a youth's referral to a Juvenile Hearing Board is symptomatic of deeper-rooted personal, family, peer, and/or school problems that short-term sanctions, counseling, and other Hearing Board actions will not completely address. Therefore, Hearing Boards may want to consider establishing follow-up components that arrange for additional assistance to the youth and family as needed and periodically assess the youth's situation.

Of course, Hearing Boards are not social service agencies, and neither their mission nor their resources equip them to directly provide ongoing support to youths and families. However, since one of the

Board's objectives is to reduce the likelihood that youths will commit future offenses, it is appropriate for Boards to attempt to connect youths with community resources that can offer longer term assistance.

Hearing Board follow-up may be accomplished through a relatively simple, six-step process:

- (1) Follow-up responsibilities are assigned to Hearing Board members, Board staff, police juvenile officers, trained community volunteers, a local human service organization, or some combination of these options.
- (2) When a youth successfully completes the sanctions ordered by the Hearing Board, the person/organization responsible for follow-up determines whether the youth and family require additional support and, if so, arranges for the youth and family to access available services.
- (3) Thirty days after the youth has been referred for ongoing support, the person/organization responsible for follow-up makes telephone contact with the youth, the youth's parents, and the agencies to which the youth was referred to determine whether the youth has been accessing services and how the youth is progressing. If the youth has failed to access services, the follow-up monitor attempts to determine why and to address the issue.
- (4) At regular intervals (e.g., every two or three months) for a period such as a year, the monitor has telephone contact with the youth, the youth's parents, and the agencies assisting the youth to assess the youth's situation and determine whether additional help is required.
- (5) The youth and family are advised that if they experience problems during the periods between follow-up they may contact the follow—up monitor, who will attempt to connect them with appropriate assistance.
- (6) The follow-up monitor periodically provides the police department with a list of names of youths being tracked and asks whether any of the youths have had recent police contact. If yes and if the youth is not being referred to either the Hearing Board or Family Court as a result of the incident, the follow-up monitor determines whether the youth is in need of any assistance.

Obviously follow-up is an expansion of the Hearing Board's primary function, and the extent to which the Board is capable of performing follow-up will be dependent on factors such as caseload and the availability of staff and other resources.

CHAPTER TEN: RECORD-KEEPING, REPORTING, AND EVALUATION

Record-Keeping

Juvenile Hearing Boards should maintain a case file on each youth processed by the Board. Contents of this file should include the following:

- Copy of the police report relating to the incident for which the youth was referred to the Hearing Board;
- Copy of statements signed by the youth and parents or legal guardians admitting guilt, waiving referral to Family Court, and agreeing to appear before the Hearing Board and abide by its decisions;
- Copy of the Hearing Board disposition sheet and/or other pertinent material indicating the date when the youth appeared before the Hearing Board and the sanctions and rehabilitative actions ordered by the Board;
- Any material relating to monitoring of the youth's compliance with ordered sanctions (e.g., notes about telephone or face-to-face contacts with the youth, employers, counselors, and/or community service supervisors to check on the youth's progress);
- Any documentation relating to successful or unsuccessful completion by the youth of the ordered sanctions (e.g., results of the youth's reappearance before the Board to discuss her/his compliance; letters from the police, employers, counselors, and/or community service supervisors describing the youth's status); and
- Any Information relating to referral of the youth to Family Court if sanctions ordered by the Hearing Board are not complied with.

Data Collection

The Hearing Board should determine what specific information it wants to include in its reports and develop forms or other techniques to record the relevant data about each case in an ongoing fashion so that the data is readily available for tabulation and analysis. Waiting until the end of the reporting period and attempting at that point to go back and collect data that was not being recorded is rarely a productive approach. If possible, the Hearing Board might arrange with the local police or other city/town department to develop software and use a city/town computer system to enter data and prepare reports.

Reporting

Juvenile Hearing Boards may issue reports for at least three purposes: (1) to make residents of the community aware of the existence of the Board, its activities, and its accomplishments; (2) to comply with requests and requirements of state agencies and departments attempting to assess the overall impact of Juvenile Hearing Boards in Rhode Island; and (3) to provide the Hearing Board with management information that will be helpful in evaluating the program's strengths and weaknesses.

Community Awareness Reports: It is important that residents of the community served by the Hearing Board be aware of the Board's work, and one way to accomplish this is to issue public reports on a regular basis such as annually. To protect the confidentiality of youths who appear before the Board, reports should never name names, but rather should contain aggregate statistics such as the following for the reporting period:

- Number of Board meetings;
- Number of cases and youths processed;
- Numbers of males and females processed;
- Numbers of youths from various racial and ethnic groups processed;
- Numbers of various offenses for which youths were referred;
- Numbers of different sanctions ordered;
- Total dollar amount of restitution resulting from Board sanctions;
- Number and percentage of youths who successfully complete sanctions;
- Number and percentage of youths who do not successfully complete sanctions;
- Number and percentage of youths whose cases are referred to Family Court as a result of failure to comply with Hearing Board sanctions;
- Number and percentage of youths who comply with Hearing Board sanctions and have future police contact (e.g., are arrested for new offenses at some point after appearing before the Hearing Board and completing sanctions ordered by the Board);
- Number and percentage of youths and families who complete Hearing Board ordered rehabilitative programs such as counseling; and
- Number of cases referred to Family Court in comparison with the number referred during previous periods such as in the year before the Hearing Board was established (This will help assess whether the existence of the Hearing Board is resulting in reduced Family Court referrals or "net widening" –punishment of youths who prior to creation of the Hearing Board would have been dealt with informally by the police and released. See Chapter Five for a more detailed discussion of the advantages and disadvantages of net widening.)

Reports To State Organizations: Rhode Island Family Court has requested that all Juvenile Hearing Boards provide the Chief Judge with an annual report of their activity. Family Court does not have a prescribed format for these reports, but the types of information listed in the previous section about Community Awareness Reports would be appropriate.

Management Information: Preparing statistical reports is typically regarded as an unpleasant task, but the stigma can be reduced if the reports are perceived as management tools that will help the Board assess its own performance and make modifications where appropriate. If, for example, an unacceptably high percentage of youths are not complying with sanctions ordered by the Board, the Board should ask why. Are the sanctions not realistic? Are youths not intimidated by the threat of being referred to Family

Court? Are there other factors at work? Similarly, if the Board finds that an unacceptably high percentage of youths who successfully complete the Hearing Board process are getting into new trouble in the future, the Board should ask why. Are Hearing Board sanctions not severe enough? Are inappropriate youths being referred to the Board? Do youths need some period of follow-up support after they complete sanctions ordered by the Hearing Board?

Reasons for Evaluation

Persons and organizations involved with operation of a program often regard evaluation as a low priority because they are committed to the program and are certain it is effective. Therefore they are reluctant to expend time and other resources on evaluation when they believe such resources can be better allocated to program services. However, evaluation has a number of important benefits:

- As discussed in the preceding section, evaluation is a key management tool that provides information about program strengths and weaknesses, which enables program administrators to provide more effective services and make better use of resources.
- If the program is achieving its objectives, evaluation will provide data to that effect which can be used to counter opposition in the community. If the program is not achieving its objectives, evaluation will provide data to that effect which can result in restructuring of the program to make it more effective.
- Funding sources are placing increasing emphasis on outcomes, and evaluation data can provide evidence that the program is improving outcomes for youth and the community, which can increase the program's opportunities for funding.

Goals and Objectives to be Evaluated

Evaluation is most easily and effectively accomplished when, at the time the program is implemented, goals and objectives specific to the program are developed, indicators/measures of the degree of achievement of goals and objectives are identified, and data collection systems are designed to ensure that information necessary for assessment of indicators is available. As discussed in Chapter One: Planning To Establish A Hearing Board, following are examples of possible Hearing Board objectives:

- To reduce the number/percentage of juvenile cases referred to Family Court;
- To increase victim satisfaction with sanctions imposed on juvenile offenders;
- To reduce the likelihood that juvenile offenders will commit future crimes;
- To improve competencies of juvenile offenders in areas such as school performance and behavior, family and peer relationships, and anger management and other life skills; and
- To increase community awareness of issues relating to juvenile crime and community involvement in efforts to address such issues.

Evaluation Approach

There are two general types of evaluations, **process** and **outcome**, and both types are important and should be undertaken by Juvenile Hearing Boards.

Process Evaluation: As the name suggests, process evaluation assesses a program's structure and operation, typically comparing the way in which the program has actually been implemented with the way in which it was designed. Process measures evaluated will depend on the program's goals and objectives, but following are examples of measures relevant to a Juvenile Hearing Board:

- Effectiveness of the case screening process (Do all cases referred by the police to the Hearing Board meet the Board's criteria for review? Are all cases eligible for Hearing Board review being referred to the Board?)
- Effectiveness of the referral process (Are cases referred to the Board in a timely fashion? Is relevant advance information about each case provided to the Board?)
- Adequacy of youth and parent orientation (Is the Hearing Board process and the option of going to Family Court instead of the Hearing Board adequately explained to youths and their parents? Are appropriate waivers signed by youths and parents?)
- Knowledge and skills of Hearing Board members (Are Hearing Board members provided with adequate initial and ongoing education and training?)
- Number of Hearing Board meetings
- Number of cases heard by the Hearing Board
- Numbers of cases of males, females, and youths from various racial and ethnic groups
- Effectiveness of Hearing Board process (Are Board meetings conducted in an organized and appropriate fashion? Is all relevant information obtained by the Board prior to decision-making?)
- Numbers of different sanctions ordered
- Appropriateness and consistency of sanctions (Are sanctions commensurate with the nature and magnitude of offenses? Do similar offenses with similar circumstances receive comparable sanctions?)
- Effectiveness of case monitoring (Are effective procedures in place to ensure that youths comply with sanctions?)
- Number and percentage of youths who successfully complete Board ordered sanctions

Outcome Evaluation: Outcome evaluation assesses the extent to which the program has resulted in improved conditions for individuals and/or for the community. The program may be operating smoothly and efficiently, but is it accomplishing good? As is true of process evaluation, the specific measures assessed by outcome evaluation will depend on the program's goals and objectives, but following are examples of outcome measures for Juvenile Hearing Boards:

- Number/ratio of cases referred to Family Court since establishment of the Hearing Board in comparison with cases referred to Family Court prior to the Hearing Board
- Total dollar amount of restitution provided to victims
- Victim satisfaction with Hearing Board results
- Number/percentage of youths appearing before the Hearing Board who have future contact with the police
- Number/percentage of youths whose school conduct (truancy, suspensions, etc.) improves following completion of Hearing Board sanctions
- Number/percentage of youths whose school grades improve following completion of Hearing Board sanctions
- Number/percentage of youths and parents who report that family relationships improve following the youth's completion of Hearing Board sanctions

Outcome evaluation is often more difficult to conduct than process evaluation, since measuring outcomes requires follow-up surveys of youths and parents and periodic review of police, school, and other records. However, outcome evaluation is exceedingly important, both because it assesses the value of the program and because funding sources are giving increasing priority to programs that can demonstrate positive results.

CHAPTER ELEVEN: RISK AND PROTECTIVE FACTORS

One framework that may be of assistance to Juvenile Hearing Boards in determining what sanctions and rehabilitative strategies are most likely to be effective with youths who are referred to the Board is the Risk and Protective Factors Model.

Risk Factors

Research suggests that a number of conditions and experiences called risk factors are related to delinquency, substance abuse, and other forms of unhealthy and wrongful youth behavior. These risk factors may be organized into six life areas or domains:

- Individual
- Family
- School
- Peer Group
- Neighborhood/community
- Society/media

Following are examples of possible risk factors in each of the six domains:

Individual Risk Factors

- Social deprivation
- Sense of hopelessness and low life expectations
- Poor life skills and decision—making skills
- Poor school performance
- Extreme rebelliousness
- Extreme need for autonomy
- Low need for achievement

Family Risk Factors

- Poor family functioning
- Lack of family expectations for youth
- Poor parent role models
- Lack of family support for education
- Poor family management

School Risk Factors

- Low school expectations for youths
- Inadequate capacity of school to respond to needs of youths who do not function well in traditional classrooms
- Inadequate capacity of school to respond to needs of diverse cultural, ethnic, and racial groups
- Lack of school discipline and structure

Peer Group Risk Factors

- Peer pressure to engage in delinquent behavior
- Negative peer attitudes about value of education
- Negative peer attitudes about laws and other societal rules and standards of behavior
- Negative peer attitudes about socially accepted prescribed paths to success
- Peer support for risk-taking behavior

Neighborhood/Community Risk Factors

- Neighborhood disorganization
- Community norms supportive of criminal behavior
- Role models who engage in criminal behavior
- Low community expectations for achievement

Society/Media Risk Factors

- Glamorization of violence and risk-taking behavior by television, movies, music, and the media
- Negative societal role models
- Societal oppression of disadvantaged populations

Protective Factors

Research also suggests that there are conditions and experiences – protective factors – that reduce the likelihood that youths will engage in delinquent and other inappropriate behavior. These protective factors help explain why some youths who are heavily exposed to risk factors are able to avoid trouble and pursue socially prescribed paths to success. Following are examples of protective factors organized into the same six life areas or domains as risk factors:

Individual Protective Factors

- Strong interpersonal competencies
- Commitment to education
- Good management of stress, anger, and frustration
- Good decision-making skills
- Sense of hope and high expectations

Family Protective Factors

- Healthy family relationships
- Parents with good family management and parenting skills
- Good parent/child communications
- High parent expectations for youth
- Parent support for youth's educational advancement
- Positive family role models and mentors

School Protective Factors

- High expectations for all youths
- Provision of a variety of traditional and non-traditional educational opportunities for youth to find areas of interest and experience success
- Positive school role models and mentors

Peer Group Protective Factors

- Peer attitudes supportive of achievement in socially acceptable ways
- Negative peer attitudes about delinquency
- Peer attitudes supportive of education

Neighborhood/Community Protective Factors

- Positive neighborhood role models and mentors
- Collaborative neighborhood efforts to make positive changes in conditions and life opportunities
- High neighborhood expectations for youth achievement in socially acceptable ways
- Negative peer attitudes about criminal behavior

Society/Media Protective Factors

- Positive role models
- Media and entertainment programs that portray crime and violence negatively
- Strong family values that reject crime and violence

Relevance of Risk and Protective Factors for Hearing Boards

Juvenile Hearing Boards will usually not have the resources to perform a detailed intake and assessment of each youth to identify all relevant risk factors, nor will most Hearing Boards have the capacity to help youths develop a comprehensive set of protective factors. Hearing Boards will, for instance, have little ability to influence the youth's school and neighborhood circumstances or restrict for more than a brief period the peers with whom the youth associates. And individual Hearing Boards will have no ability to influence societal role models or change television programming. However, Hearing Boards can address individual and family risk and protective factors by including approaches such as the following among the sanctions and rehabilitative strategies they order:

- Youth participation in skill-building programs that address issues such as decision-making, peer refusal skills, and anger management
- Youth participation in activities that will develop self-discipline and feelings of accomplishment and worth
- Individual counseling
- Family counseling
- Parents' participation in parenting skills training
- Tutors for youths
- Positive community mentors for youths

In addition, while Hearing Boards can not directly change negative neighborhood, school, and peer conditions that contribute to youths' delinquency, Board members can use their increased awareness of these conditions to act as advocates for improvements and educate and organize others in the community to work for change. For example, Chapter Twelve describes expansion of the role of the Cranston, Rhode Island Juvenile Hearing Board to address truancy through a collaborative community-based effort that addresses a variety of risk factors including school issues.

CHAPTER TWELVE: SPECIAL INITIATIVES – TRUANCY

Juvenile Hearing Boards may serve as vehicles to help address specific community youth problems such as truancy. In Cranston, Rhode Island, the Juvenile Hearing Board expanded its role to also serve as a Truancy Board for the city. The goal was to decrease the incidence of truancy in Cranston middle schools by providing early intervention and case management services to at-risk youth.

To assist the nine member Truancy Board, an Advisory Committee was established to meet monthly for purposes of overseeing, monitoring, and evaluating the project. The Advisory Committee consists of representatives from the Cranston Police Department, Cranston School Department, Cranston middle schools, and community-based human service agencies.

The Cranston Hearing Board/Truancy Board identified four primary risk factors related to truancy:

- The youth's domestic environment
- The characteristics of the youth's school
- Individual disabilities
- General environmental forces impacting the youth

Using these risk factors, teens identified by schools as in the early stages of truancy are referred for truancy case management services, which include individual and family assessments completed by social workers, and development of specific individualized intervention strategies. These strategies address issues such as domestic problems, substance abuse, family violence, poor self-esteem, and poor academic achievement.

Case management lasts for thirty days, with the youth and family meeting weekly with the case manager. If the truancy problem has not been successfully addressed during the thirty day period, the youth is referred to Cranston's Juvenile Hearing Board/Truancy Board, which orders sanctions just as it would for any other Hearing Board case. And, like other Hearing Board cases, if the youth does not comply with these sanctions, the case may be referred to Family Court.

DEFINITIONS

1. **Respondent** – A juvenile alleged to have committed a delinquent or wayward act.
2. **Adjudicated** – the allegations of delinquency or waywardness are heard and judged upon in a Family Court proceeding.
3. **Adult inmate** – An adult inmate is an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense (42 U.S.C. 5603 Sec 103 (26)).
4. **Adult Jail** – A locked facility, administered by state, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than 1 year (28 CFR 31.304 (m)). Rhode Island currently has no adult jails.
5. **Adult lockup** – Similar to adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged (28 CFR 31.304 (n)).
6. **Booking** – The administrative process of recording the offense and identifying data when the child is taken into custody
7. **Civil-type juvenile offender** – A juvenile offender who has been charged with or adjudicated for an offense that is civil in nature. Examples include non-criminal traffic violations and non-criminal fish and game violations.
8. **8. Criminal-type juvenile offender** – A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(g)).
9. **Court holding facility** – A court holding facility is a secure, nonresidential facility, that is not an adult jail or lockup, that is used to temporarily detain persons immediately before or after court proceedings.
10. **Delayed egress device** – A device that prohibits the use of exits for a predetermined period of time.
11. **DCYF – The Rhode Island Department of Children, Youth and Families.**
12. **RIJC – The Rhode Island Justice Commission** – the state’s planning and coordinating agency for criminal and juvenile justice; designated administering and monitoring agency for the U.S. Department of Justice’s Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002.
13. **Host Home** – A temporary shelter home directly accessible to state/municipal law enforcement personnel for placement of juveniles who are unable or unwilling to immediately return to their families, but do not necessarily require police or DCYF custody. (See Appendix B)
14. **Intake** – The Family Court function of preliminary screening to determine if any action should be taken regarding the juvenile, and if so, what form that action would be.

15. **JJAC – The Juvenile Justice Advisory Committee** – a permanent subcommittee of the RIJC that develops program and project priorities for JJDP Act Formula grant funding.
16. **The Juvenile Justice and Delinquency Prevention Act** was passed by Congress in 1974, reauthorized in 1980, 1984, 1988, 1992, and 2002. The JJDP Act is administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice, Washington, DC. The main intents of the Act are to remove status offenders from juvenile correctional facilities; remove juveniles from jails, lockups and detention centers intended for adults; and to diminish the disproportionate confinement of minorities in secure detention. (See Appendix A)
17. **Juvenile** – A child in the state of Rhode Island who has yet to reach 18 years of life. (A juvenile becomes an adult at midnight, the night before his/her 18th birth date.)
18. **Juvenile Offender** – An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law, i.e. a criminal type offender or a status offender (28 CFR 31.304(d)).
 - a. **Delinquent** – The term applied to a juvenile who has committed any offense, which if committed by an adult, would constitute a felony.
 - b. **Wayward** – Two classifications:
 - i. **Misdemeanant Offender** – a juvenile who has committed any act which, if committed by an adult, would constitute a misdemeanor offense.
 - ii. **Status Offender** – a juvenile who has committed any offense, which if committed by an adult, would not be a misdemeanor or felony violation (in essence, an age-related offense). According to Rhode Island Law, status offenses under the Wayward Classification would include the following:

<p>A juvenile accused of simple possession or consumption of alcohol (in a case that would not be an adult criminal offense) should be considered and handled as a status offender.</p>
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 1. Truancy from school (under age 16)
 2. Runaway from home
 3. Violation of curfew
 4. Disobedient, out of control
19. **Non-Offender** – a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile (28 CFR 31.304(i)). These cases are referred to by many names including Children in Need of Services (CHINS), Children in Protective Services (CHIPS), and Families in Need of Services (FINS). A juvenile taken into custody for questioning purposes.
20. **Non-Secure Detention** – temporary pre-dispositional or post-adjudication care of a juvenile in an unlocked, non-residential (no bed or cot) multi-purpose area (dispatch, lobby, office, interview/conference room) which is not designated, set aside or used as a secure area, with the provision that the juvenile is not physically secured to a stationary object.

21. **RITSY – The Rhode Island Training School for Youth** – the state’s secure juvenile detention/correctional facility.

22. **Secure Detention** – Confinement of a juvenile in a physically restrictive area (locked room/cell) designed to ensure the juvenile’s continued custody during either pre-dispositional or post-adjudication detention. This definition would include police lockups, the RI Training School, NFI (ACE Program), or any other facility used to hold a child securely prior to or after final disposition.

Handcuffing a juvenile to any stationary object (eyebolt, cuffing rail, heavy desk, etc.) is considered secure detention.

23. **Taking into Custody** – the detaining of a juvenile against his/her volition; an act which would be governed by the laws of arrest under the criminal code if the subject perpetrating the act were an adult. A child taken into custody is subject to all Constitutional and statutory protections which are afforded an adult upon arrest.

DUI/Breathalyzer Refusal
A first offense for refusal to take a breathalyzer test is a civil offense in Rhode Island and therefore does not justify secure detention

24. **VCO – Valid Court Order** – a court order given by a Family Court judge to a juvenile who has been brought before the court and made subject to a court order, and who received before the issuance of the order the full due process rights guaranteed to such juvenile by the Constitution of the United States (42 U.S.C. 5603 Section 103 (16)). The word “valid” permits the secure detention of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the U.S. Constitution.