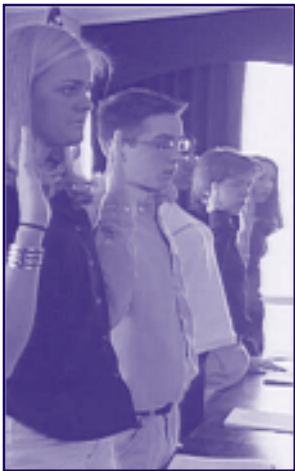


YOUTH COURTS

Getting the Most Out of the Deliberation Process



FACILITATOR GUIDE



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The research for this document was supported Under Cooperative Agreement #1999-JI-VX-K001, awarded by the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. This document was prepared by the National Youth Court Center, operated by the American Probation and Parole Association in cooperation with the Council of State Governments. Points of view or opinion expressed in this document are those of the authors or speakers and do not necessarily represent the official position of the U.S. Department of Justice or other funding agencies.

# GETTING THE MOST OUT OF THE DELIBERATION PROCESS FACILITATOR GUIDE

## Introduction

The deliberation process is a critical component of every youth court. The “Getting the Most Out of the Deliberation Process” lesson is designed to educate youth court jurors or judge panels on the deliberation process so that they can be better equipped to recommend fair, constructive, appropriate and restorative dispositions for youth court defendants/respondents. We hope that you will find the flexibility of this lesson useful as you help prepare your youth volunteers to serve in this crucial youth court function.

## How Does This Lesson Work?

The “Getting the Most Out of the Deliberation Process” video contains two youth court scenarios. Each is approximately 18-19 minutes in length. The first scenario provides information on a shoplifting case, and the second scenario provides information on a school fighting case. You choose the scenario that you would like to use in the lesson. Each scenario presents the viewer with some general case facts and circumstances, as well as some information on the impact the crime/behavior has had on others. After watching the scenario, youth volunteers are asked to apply what they’ve learned to develop a fair, constructive, appropriate, and restorative disposition for the defendant/respondent in the scenario.

During the lesson, participants are introduced to the following steps in the deliberation process to help them determine an appropriate disposition:

- Identify the general facts and circumstances of the case.
- Identify who was affected or harmed by the defendant’s/respondent’s actions and how they were affected or harmed.
- Identify what the defendant/respondent has already done to make up for his or her behavior and what he or she still needs to do to make amends for his/her actions.
- Construct a disposition that is tailored to the unique circumstances and facts of the case.
- Justify why you feel the options in the disposition you are recommending are the most appropriate ones.

## How Can This Lesson Be Used?

In general, there are three ways this lesson can be used in your youth court program. We have provided various options so the lesson can be adapted for any program and any individual youth volunteer’s needs. We also have posted the appendices online at [www.youthcourt.net](http://www.youthcourt.net) so that you can download, print and modify the activity sheets and forms if you prefer.

*Option 1:* This lesson is most effective when completed as part of a training seminar with a trained facilitator leading the lesson. The interaction between the participants as they are determining a disposition and the instant feedback they receive

from the facilitator help to reinforce the learning objectives of the lesson. We have included a lesson plan in this packet that can be used, or adapted, for a training seminar. A Group Deliberation Activity Sheet is also included in Appendix A.

***Option 2:*** If necessary, you can have potential jurors and judge panels watch the videos and work through the Individual Deliberation Activity Sheet (see Appendix B) on their own. If you do choose this method, we suggest that a staff person or a trained volunteer take some time to talk with the person who took the lesson and go over their results to give them feedback and answer any questions they may have.

***Option 3:*** There is also a version of this lesson online at the National Youth Court Center's website [www.youthcourt.net](http://www.youthcourt.net). If you want your youth court volunteers to take the lesson(s) online, you must go online and register for an Administrative Access Area within the lesson. This allows you to receive your volunteers' lesson results via email or view the volunteers' results online in your private Administrative Access Area. Each coordinator is assigned a volunteer access code that they must provide to volunteers who will be taking the lesson. The volunteer access code is what allows your volunteers' information to be linked to your Administrative Access Area. Volunteers, however, cannot access your personal Administrative Area or view other volunteers' results. The code only allows them to take the lessons.

Youth volunteers who have Internet access and your Volunteer Access Code can watch the video segments (or read a transcript) online. Afterwards, they take an online quiz to determine how well they understand the case facts and circumstances. As they take the quiz, the computer will let them know when they choose the right or wrong answer and why. They also will be asked to determine a disposition. Volunteers receive instant feedback on correct and incorrect responses they make during the quiz (except for when they enter their individualized disposition recommendation which is purely subjective) via the computer; however, it is still recommended that, whenever possible, staff or trained volunteers review the lesson results with the volunteer who took the lesson to offer personal feedback and answer specific questions the volunteer may have.

## **Conclusion**

Being in the position to determine the consequences for a youth court defendant/respondent is an important responsibility. We hope the "Getting the Most Out of the Deliberation Process" video and lessons will help youth courts prepare their youth volunteers for this role more effectively and efficiently.

# Getting the Most Out of the Deliberation Process – Lesson Plan

## Lesson Time

75 minutes *(Note: This lesson may take longer if your group is larger than 12 participants.)*

## Learning Objectives

By the end of this session, participants will be able to:

- Identify 3-4 things that should be considered by the jury during the deliberation process when determining an appropriate sentence.
- Identify 3 or more case facts related to the scenario they watch.
- Determine 3 or more people who were affected by the defendant's/respondent's actions.
- Demonstrate how they can apply what they see and hear on the videotape to determine an appropriate sentence that will hold the respondent accountable for his/her actions and that will help the respondent repair the harm that he/she caused.

## Materials Needed

- Television
- VCR
- Paper and pencils for participants to take notes
- “Steps of the Deliberation Process” on a poster, overhead transparency or flipchart tear sheet
- Handout 1: Group Deliberation Activity Sheet (enough copies for each participant)
- Handout 2: Your Program’s Disposition Recommendation Form (enough copies for each participant)
- Masking tape (optional)
- Flipchart paper (optional)
- Markers (optional)

## Part One: Introductions and Session Overview (10 minutes)

Have participants introduce themselves by telling their name, their grade in school, and what school they go to.

Provide an overview of the lesson. Tell the participants that the purpose of this session is to help them understand the youth court deliberation process and to assist them in determining appropriate, fair, restorative, and constructive dispositions (i.e., sentences) for youth referred to youth court. Display the “Steps in the Deliberation Process” and explain each of the steps briefly.

The steps in the deliberation process are:

- ***Identify the general facts and circumstances of the case.*** (For example: Who is involved in the case? How did the defendant/respondent behave during the incident? How did the defendant/respondent behave during the youth court hearing?)

- **Identify who was affected and harmed by the defendant's/respondent's actions and how they were affected or harmed.** (For example: How was the defendant/respondent affected? How were his or her family members affected? How were the victim(s) affected? How was the community affected?)
- **Identify what the defendant/ respondent has already done to make up for his or her behavior and what he or she still needs to do to make amends for his/her actions.** (For example: Has the defendant/respondent been grounded, made an apology to the victim(s), or paid restitution?)
- **Construct a disposition that is tailored to the unique circumstances and facts of the case.** (Each case is unique in some way. It is up to jurors and judge panels to find what is unique about a case, even if it's the hundredth shoplifting or school fight case they have heard. Their disposition should show that they listened to the facts of this case and that they incorporated what they learned in various components of the disposition.)
- **Justify why you feel the options in the disposition you are recommending are the most appropriate ones.** (When jurors or judge panels have to justify their disposition, it helps hold them accountable. It also gives the defendant/respondent insight into why the jury or judge panel felt this was the most appropriate recommendation. Part of a defendant's/respondent's being held accountable is to help them become more aware of how their actions affect themselves and others. The justification of the disposition helps initiate that "awareness" component of accountability.)

Let them know they are going to watch the videotaped scenario and determine what the defendant/respondent did, whom the defendant/respondent harmed by his/her actions, and how the various persons were harmed. Encourage them to take notes so that they can refer to them when they are deliberating. Explain that they will be split into groups of 4 – 6 people (if necessary) and will be asked to be the "jury" in this case. After they have determined what their sentencing recommendation will be and why they are recommending that particular sentence, they will be asked to have one or two persons from their group report back to the larger group what their decision is. The larger group will discuss and provide feedback, along with you, on the recommended dispositions of each group. Ask if they have questions and respond appropriately.

## **Part Two: Watch Video (20 minutes)**

Show the scenario that you have chosen to use in this session. There are two scenarios on the tape. The first scenario is a shoplifting case. The second scenario is a school fighting case. Have the video queued to the appropriate spot before the training session begins.

## **Part Three: Deliberation Exercise (20 minutes)**

Divide youth into groups of 4-6 (if necessary). Explain your program's instructions for deliberation. (For example, will they be required to choose a foreperson or will one be pre-selected for them? Will their decision have to be unanimous or will the majority rule? Do they have specific guidelines to follow when determining the disposition?) If necessary, have each group elect a foreperson. Once they elect their foreperson, give that person the Group Deliberation Activity Sheet (Appendix A) and your program's Disposition

Recommendation or Verdict Form. Tell the foreperson that their role is to facilitate the group's discussion and decision-making process to determine an appropriate disposition for the case they just watched. They should discuss the questions on the Deliberation Activity Sheet before completing your program's Sentencing Recommendation or Verdict Form. Let them know they have approximately 20 minutes to determine an appropriate disposition. *(An alternative to having them write the disposition on a form is to have them write it on a tear sheet from a flip chart pad. That way they can post their disposition for everyone to see when they are reporting back to the larger group.)*

While the groups are doing the exercise, you should observe the different groups' processes. If they are having difficulty, you can give them more instruction, but you should not help them determine the disposition. Jot down notes of things you observe that you feel are good examples to discuss or emphasize to the larger group (e.g., "I was impressed by group 1 because their discussions showed that they really understood how the storeowners felt." Or, "It was great how group 2 felt that it was important to remember the victim's feelings in the disposition they recommended.").

Keep track of time and make sure that you leave an adequate amount of time for each group to report back and discuss and receive feedback from the larger group on their recommended disposition.

### **Part Four: Report Back (approximately 3-5 minutes per group.)**

As each group reports back, be sure to affirm good things they recommended and justifications they provided in their disposition that showed they were paying attention to the case. If a group recommends something in their disposition that is not something your program will allow, explain why and maybe offer an option that might help achieve a similar result.

Also, offer constructive feedback on the processes the different groups went through. For example, did you notice that all people participated in the group deliberation or were some people not offering their input? Did someone monopolize the process? Was someone not having his/her opinion heard or validated? Did a group do particularly well at working through a disagreement or conflict over what the disposition should be?

### **Part Five: Conclusion and Wrap Up (5 minutes)**

After each group has reported out, take a few minutes to make some overall comments on how you felt the lesson went and see if anyone has any questions that need to be addressed. Refer to the "Steps in the Deliberation Process" and remind them that these are the steps they should take when they are serving on a real youth court jury. Thank them for their time!

# Appendix A

## GROUP DELIBERATION ACTIVITY SHEET

Before you begin to determine what the disposition (or sentence) for the defendant/respondent should be, please take a few minutes and discuss the following:

- As a group, discuss the facts and circumstances of the case. Also, discuss your impressions of what you saw and heard during the hearing.
- Discuss briefly who was affected or harmed by the defendant's/respondent's actions and how they were affected or harmed?
- What has the defendant/respondent already done to make up for his/her actions or what does he/she still need to do?

Once you have discussed the questions above:

- Considering all of this information, what type of options should be included within this disposition to hold the defendant/respondent accountable for his/her actions, help him/her repair the harm he/she has caused, and help him/her learn and grow from this experience?
- Write beside each option you recommend why you feel this is an appropriate option to include in the disposition.

**We, the youth court jury or judge panel, hereby recommend the following disposition:**



Option

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Justification

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# Appendix B

## INDIVIDUAL DELIBERATION ACTIVITY SHEET

**Instructions** Watch the video scenario as instructed by your program coordinator. While you are watching the video, some of the things for you to pay attention to include:

- What are the unique facts and circumstances of this case?
- Who was harmed in this case?
- How were they harmed?
- What has the defendant/respondent already done to make up for what he/she did?
- What does the defendant/respondent still need to do to make up for what he/she did?
- Considering all of these factors, what is the best disposition I can recommend to help hold the defendant accountable for his/her actions, help him/her repair the harm he/she has caused, and help him/her to learn and grow from this experience.

These are the same things that you should consider in every youth court case in which you serve as a jury or judge panel member. You are encouraged to take notes while you are watching the video so that you will be able to remember some of these things when you are completing the remainder of the deliberation activity sheet. After watching the video, please complete the deliberation activity sheet and return it to your program coordinator. Please answer the following questions briefly:

1. Who is the defendant/respondent in this case? \_\_\_\_\_

2. How old is the defendant/respondent? \_\_\_\_\_

3. What did the defendant/respondent do to get referred to youth court? \_\_\_\_\_

\_\_\_\_\_

4. Where did the offense take place? \_\_\_\_\_

\_\_\_\_\_

5. What time of day did the offense take place? \_\_\_\_\_

\_\_\_\_\_

6. Why did the defendant/respondent do what he/she did? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. What was the defendant's/respondent's attitude while being questioned by the youth court attorneys? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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8. Please list all the people/groups you think were affected or harmed by the defendant's/respondent's actions (e.g., victims). Also, indicate how you think they were affected or harmed.

Person Harmed/Affected

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How They Were Harmed

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9. Please list all of the things the defendant/respondent has already done to make up for his/her actions.

10. Write your recommended disposition in the space below. Provide a justification (reason) why you feel each option you recommend is appropriate in the space provided.

Option

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Justification

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# Individual Deliberation Activity Sheet Answer Keys

## Shoplifting Scenario

1. Andy
2. 13 years old
3. Shoplifted a pack of batteries
4. Meadowhill Farms Food Mart
5. 5:00 p.m.
6. Andy was bored and wanted to play his video game
7. Remorseful
8. Who was affected and how:
  - Paul: Paul is Andy's friend and is the son of the owners of the Oakbrook General Store where Andy stole the batteries. He has been upset by this incident and feels that Andy betrayed their friendship.
  - Mr. and Mrs. Howard: They are the owners of the Oakbrook General Store where Andy stole the batteries.
  - The community: When crime occurs, communities are affected. Shoplifting can cause prices to rise, which affects all community members.
  - Barbara Miller. Barbara Miller is Andy's mother and is affected by Andy's actions. She had to take time off work to pick up Andy from the store. She was upset by Andy's stealing and was embarrassed that he stole from a friend's store.
  - Wendy: Wendy is one of the waitresses where Andy's mother works. Wendy and Dora had to take over Mrs. Millers' shift when she had to leave the restaurant to go get Andy when he shoplifted.
  - Dora: Dora is one of the waitresses where Andy's mother works. Dora and Wendy had to take over Mrs. Millers' shift when she had to leave the restaurant to go get Andy when he shoplifted.
  - Andy: Andy was also affected by his own actions. He disappointed his parents and the Howards', he upset his friend Paul, and he lost privileges at home.
9. Andy was grounded for an extra month and apologized to Mrs. Howard on the day of the incident. He also did not get to attend the church retreat.
10. This answer is purely subjective. The program coordinator or his/her designee should review their recommendation and provide appropriate feedback.

## School Fight Scenario

1. Kim
2. 17 years old
3. Started a fight with Samantha
4. School (or School Hallway)
5. During lunchtime
6. Kim and her friends had been teasing freshmen. Samantha is a freshman and was alone when Kim saw her in the hall. She figured since she and her friends were picked on when they were freshmen that it wasn't a big deal.
7. Defensive. Although there are times when Kim says she is sorry during her testimony, there are also several times where she says she thinks Samantha should apologize to her for talking about her boyfriend. She has not taken responsibility for her actions
8. Who was affected and how:
  - Kim: Kim is the respondent and she is affected by her actions. Kim was sent to the principal's office and referred to youth court. Her father is also very upset with her and this has caused some friction in their relationship. She was grounded for one month and was not allowed to talk on the phone or see her boyfriend.
  - Mr. Hernandez: He is the teacher that broke up the fight in the hall.
  - Mr. Dempsey: Mr. Dempsey is the principal, and he had to determine what type of action to take with Kim.
  - School: The incident happened on school property, and therefore, disrupts the activities of the student body and teaching staff. There has been an ongoing problem within the school with upper classmen teasing lower classmen. Kim's actions contributed to that problem.
  - Mr. and Mrs. Michaels: Mr. and Mrs. Michaels are Kim's parents. They are disappointed in Kim and Mr. Michaels and Kim are not speaking to each other at the moment.
  - Samantha: Samantha is the person who Kim decides to tease and ends up fighting with. her shirt was ripped and she hit her head on the locker. She doesn't understand why Kim chose to pick on her.
9. Kim was grounded for a month and hasn't been able to talk on the phone or see her boyfriend.
10. This answer is purely subjective. The program coordinator or his/her designee should review their recommendation and provide appropriate feedback.



National Youth Court Center  
c/o American Probation and Parole Association  
P.O. Box 11910  
Lexington, KY 40578-1910  
Phone: 859-244-8193  
Fax: 859-244-8001  
Email: [nycc@csg.org](mailto:nycc@csg.org)  
Website: [www.youthcourt.net](http://www.youthcourt.net)