



General Information

What is the mission of the Trial By Peers program?

The Trial By Peers program prevents local youth (12-17 years old) from entering the juvenile justice system by providing a peer-based diversionary program that encourages students to learn about the legal system and participate in restorative justice practices.

What is the Trial By Peers program?

Trial By Peers (TBP) is the Clark County Law Foundation's juvenile diversion program that operates in cooperation with the Department of Juvenile Justice Services and the Clark County School District. TBP is based on a restorative justice model which emphasizes the rehabilitation of juvenile offenders ("participants") through reconciliation with victims and the community at large. Real cases are diverted from Juvenile Justice Court to the TBP program. This program allows participants charged with misdemeanors to be tried, defended, and sentenced by their peers (teens approximately their own age). Participants that successfully complete the TBP program will have no criminal record of their case. Matters are also referred to TBP before participants receive a citation or enter the Juvenile Justice System. Participants also have the opportunity to engage in an alternative dispute resolution ("ADR") process with those affected by the participant's actions. Licensed attorneys and judges participate in the TBP program as judges, senior attorneys, and senior advocates.

What is restorative justice?

Restorative justice is a system of criminal justice which focuses on the rehabilitation of participants through reconciliation with victims and the community at large. Crime causes harm, and justice should focus on repairing the harm. The people most affected by the crime should be able to participate in its resolution. Restorative justice focuses on three concepts:

1. *Repair*: Crime causes harm, and justice requires repairing that harm;
2. *Encounter*: The best way to determine how to do repair the harm is to have the parties decide together; and
3. *Transformation*: Collaboration to repair the harm can cause fundamental changes in people, relationships, and communities.

Trial By Peers' Objectives

- To implement restorative justice to the participants and the community at large;
- To provide a county-wide alternative program where youth can be represented, tried, and sentenced by a group of their peers;
- To assist youth in gaining awareness and respect for their legal responsibilities to society;
- To afford an opportunity for youth to play a positive role in the administration of justice;



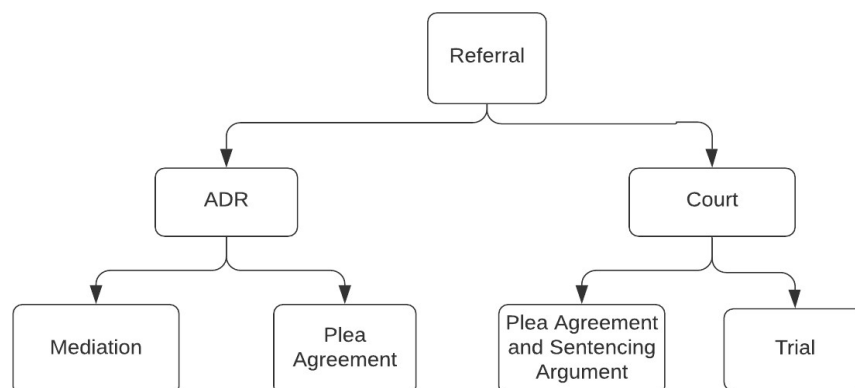
- To reduce the number of students removed from their primary schools by offering an administrative alternative to suspension or expulsion;
- To reduce the volume of cases burdening our juvenile judicial system by offering an alternative that is proven successful in lessening repeated offenses;
- To assist attorneys in providing a service to the public by introducing young people to the justice system by teaching the eight-week training course, guiding them through the hands-on experience of prosecuting or defending a real case, supervising the facilitation of the ADR process, and providing ongoing training to students
- To deter future offenses by the students referred into the program by, among other things:
 - o Exposing them to judgment by their peers;
 - o Involving them in deciding their consequences;
 - o Requiring parents/guardians to be involved in the process;
 - o Participating in community service, youth workshops, and jury service; and
 - o Writing a reflective essay or apology letter to an appropriate person based on all of the facts and circumstances

What kinds of cases does the Trial By Peers Program receive?

“Charges” are brought against a participant in the Trial by Peers program based upon either a misdemeanor citation issued by a police officer or a referral made by school administration/staff. Examples of cases referred into the TBP program include assault, battery, petit larceny (theft), affray, disturbing the peace, obstruction of justice, trespass, possession of alcohol or controlled substances, code of conduct violations, bullying, and more.

Trial By Peers Case Procedure

Once a case is referred to TBP, the participant can choose between the ADR process or the court process.





Youth Positions in Trial By Peers

Trial By Peers is designed to help introduce youth (12-17 years old) interested in the legal system to the different positions available. Below are the different positions and brief descriptions that youth may participate in while involved in the Trial By Peers program.

Trial Positions

1. **Defense Peer Counselor:** A defense peer counselor acts as an advocate for the participant. The defense counsel is responsible for meeting with the participant and zealously representing them before, during, and after the trial.
2. **Prosecuting Peer Counselor:** A prosecuting peer counselor has the responsibility to seek justice and to advocate for an appropriate verdict on the severity of the offense. The prosecuting counselor carries the burden of proof. The prosecuting counselor is responsible for contacting any and all parties or witnesses except the participant. If the prosecuting counsel wants to speak to the participant, they must do so through the defense counselor.
3. **Juror:** Peer counselors will also act as jurors during the trial and sentencing processes. Jurors are required to base their verdicts upon the evidence heard in the courtroom and upon the law, which the Judge will instruct the jury on prior to deliberation. Jurors are obligated to perform honestly and without bias.
4. **Clerk:** A Peer counselor will act as a clerk during the trial. The clerk will assist in the swear in jury members and witnesses in not guilty cases. Assist judge in administrative duties during court proceedings.

ADR Positions

1. **Participant Advocate:** During mediation, a participant advocate will represent the participant's interests. The participant advocate's role is to ensure the participant is treated justly and fairly throughout the mediation and to work with the other parties in the mediation to create a just sentence for the participant's actions against the community.
2. **Community Advocate:** The community advocate during mediation will advocate for the community's interests. The community may include the victim, the participant's parents, members of the student body or school administration, or any other person or entity that was affected by the participant's actions. The community advocate's role is to both ensure that the stakeholders' interests are vocalized and restored as well as to negotiate with the participant and their advocate to create an equitable sentence for the participant's actions against the community.



Benefits of Trial By Peers

Peer Counselors/Advocates

- Affords an opportunity for youth to play a positive role in the administration of justice
- Develop an understanding and respect for the law through classroom education and hands on experience
- Gain insight into the inner workings of the law by working with local judges, attorneys, and law enforcement officers
- Have a positive influence on peers
- Gain knowledge in public speaking, research, advocacy, ethics, and other life skills
- Learn how to listen effectively, enhance conflict resolution skills, and broaden communication skills

Participants

- Deter future offenses by exposing them to judgment by their peers
- Resolve offenses without being transferred away from their primary school
- Resolve legal problems without receiving a criminal record or hiring an attorney
- Gain an understanding of the global consequences of their actions
- Holding them accountable to themselves and the public at large
- Gain a new perspective of the law, learning about the court process, experiencing serving on a peer jury, and reflecting on their actions
- See what it is like to help the community through community service instead of hurting the community by breaking the rules/law

Community

- The community receives valuable service through the requirements of community service and jury duty
- The community has an opportunity to provide its perspective through the ADR process
- The community's interests are protected and repaired by students participating in the TBP program
- TBP lessens the number of students being removed from their primary school by offering an alternative to suspension or expulsion
- TBP reduces the volume of cases burdening the juvenile system by offering an alternative that is proven successful in lessening repeated offenses
- TBP lowers the cost within the court system by alleviating those people who would have had to work the case had it not been diverted
- TBP is a non-profit organization that does not charge participants to go through the program; judges, attorneys, and counselors volunteer their time