

# HAZEL HURLBUT

1008 S. Maple Ave., Tempe AZ 85281 | 602-460-9013 | hazhurl2026@tempeprep.org

**April 30, 2024**

Clerk of the Arizona Supreme Court  
1501 West Washington Street  
Room 402  
Phoenix, Arizona 85007-3329

## **To the Clerk of the Arizona Supreme Court:**

My name is Hazel Hurlbut and I am a high school sophomore at Tempe Preparatory Academy in Tempe, Arizona. I am writing in support of R-24-0016 Petition to Amend Rules 17.4 and Rule 38 of the Arizona Rules of Criminal Procedure to Incorporate Limited Restorative Justice Principles.

I am interested in this issue because of my volunteer involvement in a program called Teen Court. Teen Court is a program in which students who have committed a misdemeanor offense appear before a “jury” of other high school students who deliberate and decide the final consequence, which is their sentence. My role varies; sometimes I am an advocate for either the State or the juvenile defendant and other times I am a member of the jury. I support this rule change petition because it gives the victim and the defendant the opportunity and means to interact. The current system is highly adversarial. I think there should be more opportunities such as this one for the victim and defendant to be in contact and relate to each other. These types of opportunities and interactions are important because they give both the victim and defendant an opportunity to get a new perspective on the situation, and demonstrate how much an act of evil, an act of forgiveness, or an apology can truly affect another person’s life.

The defendants who participate in Teen Court have already accepted responsibility for their actions, so the jury only decides their sentence. Teen Court is based on restorative justice principles. It is made clear to the jury that they must base their decision on how to best restore the victim, defendant, and the community. I think these principles are a very important part of Teen Court but also the justice system in general.

One case I participated in really made me think about how this rule change would be beneficial. In this instance, I was a member of the jury. The case was a young girl who was charged with assault for striking another student in a fight. The student who had been assaulted, along with her friends, had been bullying the defendant. This young girl then lashed out and assaulted the student who had been picking on her. After hearing the defendant's testimony, the jury discussed the situation and potential consequences. One of the options for a part of a sentence is an apology letter, so I suggested the defendant write an apology letter to the girl she assaulted.

The probation officer as well as several students shot this idea down, saying the defendant should not be in contact with the victim, and is actually not allowed to be. This struck me as strange and counterintuitive. I think giving the defendant the opportunity to apologize and make up with this student would be beneficial to both of them. The defendant could explain how the girl who had been bullying her made her feel, but also apologize for her actions which she knew were wrong. Instead, the defendant completed a workbook on anger management. While this workbook may be beneficial to the defendant, an interaction with the victim would likely have had

much more of an effect on both parties and been more meaningful. Even beyond an apology letter, it could be beneficial for the victim and defendant to sit in a room together and see things from each other's perspective. If the girl explained how the bullying made her feel and explained the situation from her perspective, it may help the victim see the situation from the eyes of the defendant. Vice versa, if the victim could explain how the assault made her feel and how it has affected her, the girl can help to see things from the victim's perspective and this can help her realize the weight of her crime and how it affects another human, another student like herself. I think this interaction would help repair the victim and the defendant, but also prevent the defendant from committing another crime, because they realize how their actions affect another human like themselves. I think this person-to-person interaction would have more of an effect than a perfunctory workbook exercise about how to manage your feelings. Although this is a small, quite insignificant case with young teens, I think it speaks for other cases in higher courts. I believe giving the defendant an opportunity to apologize to the victim and giving the victim an opportunity to explain how the situation affected them, would help the victim recover from the situation, and help the defendant realize the weight of their crime and see first-hand how it affects another human being.

An important part of justice is providing opportunities and giving punishments that don't just have the intention of hurting the defendant in order to deter others from committing crimes, and achieve retribution, but instead providing opportunities and sentences that give the defendant a means to repair the situation. The aim or purpose of punishment should be to repair the harm the defendant has done to themselves, to the victim and their family, and the harm they have caused the community. I think sentencing defendants with the sole purpose of punishment and the suffering of the defendant is the wrong approach. I think hearing and listening to the victim, and or their family, and understanding what they have gone through as a result of one's actions, would be more meaningful and maybe even more effective, than sentencing someone to prison. I don't think the victim should be forced to interact with the defendant, but I think the rule this petition supports should be a possibility. A possibility for the victim to voice how the situation has affected them and their lives, and a possibility for the defendant to repair and restore the situation in any way they can.

I think an opportunity like this could really teach people, especially youth, how much their behavior, good or bad, can affect someone's life. I think interactions such as these can demonstrate how far one evil action can go, but also how far an apology can go. I think restorative justice is a really important part of Teen Court, and a really important idea. One of the main principles of restorative justice is that "crime is an offense against human relationships". Justice should not be about punishment only, but restoring and repairing those human relationships that were wounded by the offense. Teen Court is a great place to implement these ideas and principles. I think teaching kids and young adults how to repair these broken relationships can be really influential for that person's life and can help them do better in the future.

The rule this petition suggests and supports is a means to repair these broken human relationships. This rule change is one step in the right direction to giving the victim and defendant the opportunity and choice to interact, helping to achieve the important goals of restoring the community during the pursuit of justice.

Sincerely,

*Hazel Hurlbut*

Hazel Hurlbut