

# Kaleidoscope

# JUSTICE

Highlighting Restorative Juvenile Justice

A publication of the Balanced and Restorative Justice Project  
 Funded by the Office of Juvenile Justice and Delinquency Prevention

Volume 1, No. 4 - Summer 2000

**T**he parents of 1.5 million children under the age of 18 are in prison, according to recent Justice Department figures. A majority of those in state prisons report never having a personal visit with their children. Studies show that juveniles who have one parent in jail or prison are at greater risk for ending up there themselves.

Changes in laws around the country have led to more juveniles being locked up for longer periods of time. Studies have shown that the longer one is incarcerated, the greater the chance of reoffending, leading to a second incarceration.

The Clinton administration reported on August 23, 2000 that the nation's

**Schools turn to restorative justice**

schools will open to the fifth straight record number of students - 53 million. At the same time, there is a shortage of teachers and classrooms. School enrollment by the year 2010 is projected to be 94 million.

The results of these criminal justice system statistics are going to be played out in our schools. Schools, with overcrowded classrooms and too few teachers, are going to be dealing with more children, many of whom will be exhibiting more inappropriate behavior and causing greater discipline problems. The usual discipline programs of suspension and expulsion only lead to more problems for the youth involved and, therefore, for the schools. The article, "Restorative Schools in Minnesota," on page 4 gives a greater understanding of this situation.

In light of these facts, more schools are turning to restorative justice as a new paradigm with better outcomes for teachers and students facing discipline problems from the at-risk youngsters among them. This issue of *Kaleidoscope of Justice* offers a look at

## Inside this Issue

- Page 2** - Restorative Discipline comes to Denver area schools
- Page 3** - Maine's Chief Justice discusses the court's movement toward restorative justice
- Page 4** - Schools in Minnesota turn to restorative justice
- Page 5** - Mediation centers have been on the forefront of restorative justice  
 A new video assists schools to incorporate restorative justice in their discipline program
- Page 6** - Dr. Gordon Bazemore reports on restorative conferencing in Australia and a need for conferencing legislation in the U.S.
- Page 9** - In Memoriam of Susan Laurence
- Page 10** - BARJ's Special Emphasis State Initiative moves forward
- Page 11** - Report on the Restorative Justice Academy  
 Restorative justice papers on the Internet

several restorative justice based programs being offered in schools around the U.S. today.

Meanwhile, BARJ's project director, Dr. Gordon Bazemore, has been on the road in Australia, looking at their restorative justice programs. He found that effective legislation in several Australian states have allowed for a broader use of restorative justice in the juvenile justice system there than what is found in the United States or Canada. See page 6 for all the details.

"The fields of victim services, corrections, juvenile justice, and restorative justice have lost a guiding light." So begins an article by Anne Seymour in remembrance of Susan Laurence of the Office of Victims of Crime who died this past July. Others who worked with her over the years remember her work with and for victims of crime. ●





With few judges and growing caseloads, Maine's Chief Justice considers restorative programs that make a difference in young lives—and impress the court personnel.

by Evelyn Hanneman  
Editor, Kaleidoscope of Justice

Having worked in restorative justice in Maine for eight years before moving to North Carolina two years ago, I decided that it was time to check in and see what actions had been taken in the criminal justice arena in recent years. I learned that a statewide conference on restorative justice had been held in April with Chief Justice Daniel Wathen leading a roundtable discussion on the subject, so I decided to give him a call.

Daniel Wathen has been the Chief Justice of the Supreme Court in Maine for eight years now, first appointed by a Republican governor for a seven year term and then re-appointed by the Independent governor for another seven year term.

Curious, I asked him how he first heard about restorative justice. His reply was pleasing – he had first learned about it through *Kaleidoscope of Justice* when I was editing the newsletter for the Maine Council of Churches. He came to understand the concept more fully, he said, as crime being a “disruption of community that calls for restoration,” when he was given biblical material on restorative justice for a discussion he was leading at his church.

### That “elusive restorative piece”

Wathen came into office when Maine ranked near the bottom as far as the number of judges per population in the U.S., with little funding available for judicial education. Today, staffing is still “thin” within the court system but judges are not letting that stop them as they look elsewhere for good programs which they can adapt to the situation in Maine. Some of these programs are restorative in nature. As Wathen points out, the “concept is elusive enough that it is hard to put a finger on a restorative piece.”

The Department of Corrections has several restorative programs, including Victim Impact Panels involving victims talking with juvenile offenders and an 800

number that allows victims to check up on their offender. More emphasis is being placed on keeping the juveniles in their communities with needed services identified and made available. A recent meeting was held with school administrators to begin the discussion about bringing restorative justice into the schools.

### Frustrations lead to drug court

Wathen, however, was interested in describing the juvenile Drug Court which has been in place in five courts – Biddeford, Portland, West Bath, Augusta/Waterville, and Bangor – since this past spring. The drug court grew out of the frustration of several judges who wanted to find ways to get juvenile offenders into court quicker than the typical six month wait. They devised a procedure for the juvenile to be given a ticket, similar to a traffic ticket, when arrested, with a court date 30 to 40 days hence already assigned. Not content with just getting the juveniles into court sooner, the judges also wanted something “meaningful to happen.” The meaningful piece evolved into the Drug Court.

Funding was found for hiring a Drug Court Administrator for each location. As Wathen points out, if you are “going to involve the community meaningfully, you need staff, and Maine has always been thin in staff.” With each program limited to 15 youth, the administrator monitors, facilitates, and assists the child, parents, school, police, counselors, and courts in dealing with the child’s problems. In each location, the judge meets with the entire group at least once every two weeks. “There are prompt consequences for failure and awards for success,” states Wathen.

He has seen the program transform the courthouse. As part of the “meaningful piece,” when a youth is accepted into the program, he or she is called up to the front by the judge to stand with the judge behind the bench.

Then, “everyone in court tells the child what they hope will be accomplished through the program.” Wathen notes that even district attorneys have gotten misty-eyed as they participate, and that judges talk about “my kids.” He sees this as having a “profound implication for the courts.”

The Maine State Legislature has approved funding for an adult Drug Court to begin in 2001 in five locations. A federally funded drug court ended in Portland when funding ran out. But the two “old time judges” involved were favorably impressed, feeling that it was



District attorneys  
have gotten  
misty-eyed and  
judges talk about  
“my kids.”

–Chief Justice Daniel Wathen



“one of the best things they have done as judges.” Having had this experience, they now know what they want out of such programs and have a favorable attitude.

What is the general attitude toward restorative justice in Maine? “There is a growing acceptance. There are differences of opinion but the road blocks are in the details” not in the efficacy of the paradigm.

And his dreams for the future? “There is no reason the courts can’t have similar programs for child abuse and neglect cases. Since drug and alcohol abuse is present in about 80% of all cases,” what Maine is learning in their restorative Drug Courts could be widely applied and “could make a difference.”●

# Restorative Schools in Minnesota

By Nancy Riestenberg  
Prevention Specialist

Minnesota Department of Children, Families & Learning

Restorative philosophies are influencing the way that schools are operating, from the way they respond to physical and emotional harm to the way they discuss children's literature. In Minnesota, four school districts are demonstration sites for the use of restorative measures as an alternative to suspension and expulsion. The districts have adapted the processes of sentencing circles and victim/offender dialogue to address harm, from bullying and harassment to classroom disruptions and chronic attendance problems, to "terroristic" threats. In addition, staff is applying classroom management techniques that teach the skills of self-control and tolerance.

South St. Paul, a suburban school district, has three restorative justice planners, one in each of the 2 elementary schools and one in the junior-senior high building. They conduct circles to repair harm, promote understanding and to teach problem solving. For example, racist remarks by an elementary student offered an exceptional opportunity not only to repair harm but also to promote a deeper understanding of the effects of racism. The project coordinator wrote,

*An elementary student made derogatory comments to three others about their race. Through the circle process the victims explained what the comment reminded them of: an uncle being shot by a white man who called him the same name as he was shooting him; a movie that has "those people dressed in white doing mean things to us." One student said, "It hurt my heart badly and I need to do something about it." The offender/applicant explained that he then understood what he said was wrong. The students became friends and they play together daily.*



The district pairs the use of the circle to repair harm with the discipline philosophy of Dr. William Glasser and Diane Gossen. In her book *Restitution*, Gossen directs teachers to teach children self-control through an understanding of personal needs, the use of problem solving skills and an expectation that children and adults can make amends—restitution—for the harm that they cause.

Princeton, a rural district in north central Minnesota, has a restorative justice planner in the high school. He facilitates circles to address harm, circles for support or healing and discussion circles for classrooms that need help working out their class rules. He also provides education about circles at staff meetings, through email and classroom demonstrations, with the goal of having teachers and deans use the process themselves.

The process gives all parties insight; the Princeton project coordinator reported last year that in a circle, the staff learned of the debilitating effects expulsion had on one student.

A tenth-grade student was referred to circle for attendance issues. During the second circle, he told a story about how he had not felt comfortable in school since he had been expelled in the fall of his eighth-grade school year for the entire year. No one at the high school had any idea how traumatic the experience had been for him until both he and his mother talked about it in the circle. He told the members that this was the first time he felt anyone at school had really tried to understand where he was coming from. A plan was developed to help the student determine whether he would stay at the high school or enroll in the alternative learning center.

West Central Area Schools is a rural consolidated district made up of students from small towns in five different counties. They have embarked on a volunteer staff-training program with an educational consultant, teaching teachers restorative and democratic classroom management techniques. At the same time, the consultant is also conducting restorative dialogues for harm done between students and between students and staff.

The students are very encouraged by this change in approach. As the project director reported, "Students are reacting positively to the idea that we are looking at alternate ways to handle problem behaviors. There has not been one student who feels that detention serves a positive purpose." Eventually, staff will also be trained in the intervention approaches of restorative dialogue and circles, so that the K-12 district can be restoratively self-sufficient.

The fourth school, Seward Montessori in the Minneapolis school district, trained the behavior specialist and assistant principal in the circle process. Circles are the first option for the administrators in this inner city K-8 school, suspension the last and they have found that some problems are not solved in the first try. The behavior specialist used a multi-stage approach to resolve the competition of a group of girls that was affecting the class.

Three circles were held, first with the entire class, then with six girls and finally with three girls and their mothers. The social compact signed in the last circle by the girls and their parents included an agreement that if two girls were acting or conspiring to exclude another, the girls would stop and talk about it, stop and journal about it, talk to an adult, ask for a mediation or ask for a circle.

The school also provided training in circles for the staff, and more and more teachers are using the process in their classrooms. Circles, complete with a talking object, an introductory poem or metaphor, and a closing reading, may be used for morning meetings (where students and teacher

*Continued on next page*

check in and talk about how they are feeling), academic discussion groups or in class problem-solving sessions. Classes examine community and individual values through circle discussions of moral dilemmas using children's literature and stories.

These four projects found that the use of restorative processes as an intervention can be complimentary to some discipline philosophies. A strict behaviorist approach, where the teacher is trying to gain compliance through punishments and rewards, is less compatible to restorative measures than cognitive processes. In that approach, the teacher is a facilitator, helping the student to use thinking skills and to develop self-control. Teaching pro-social skills, such as giving and receiving compliments, identification and appropriate expression of feelings, problem solving, anger management and empathy are part of a cognitive-based classroom. Conflict resolution is taught, and used by students and staff. Making amends is discussed, and of course practiced when harm happens.

One district described a teacher making amends in their grant report:

*A teacher requested a circle with a student after he yelled*

*at the student for not completing his homework. The teacher wanted to repair the harm done to the student out of anger and frustration. In the circle, the student's mother said, "welcome to being human." The student said, "We all can do better and I'm ready to do my part." The teacher had the courage to admit his mistake and seek help in repairing the harm through the circle.*

Incorporating restorative measures into a school is for some a paradigm shift; but for other educators, it is another familiar tool. Cognitive behavior approaches have been developed, honed, written up into curricula and taught for many years. A teacher who involves the class in making the rules with her, or who holds a class meeting every week, may already use conflict resolution and other problem-solving approaches to help students learn all that classroom life has to offer: the social-emotional as well as the academic lessons. Restorative measures are a welcome addition in such an holistic environment. ●

For further information, contact Nancy Riestenberg, MN Department of Children, Families & Learning, 1500 West Highway 36, Roseville, MN 55113; 651/582-8433; email: nancy.riestenberg@state.mn.us.

## Restorative justice & community mediation

Restorative justice practitioners may not be aware of the long history of restorative work done in school settings by community mediation center programs. While most of these programs have not called themselves "restorative," their goals and practices are very similar, focusing on collaboration, communication, respect, and alternatives to violence.

Starting with peer mediation programs in the schools in the early 1980s, community mediation centers have expanded into other applications, such as:

- conflict resolution curricula for students, staff, and parents
- mediations between students and staff, and any other school community members
- gang mediation
- alternatives to violence and anger management curricula
- public dispute mediation around school board and community issues
- campus (higher education) mediation programs
- conflict resolution and mediation curricula for teacher education programs
- truancy mediation
- special education plan mediation

For resources on these applications (and more), contact:  
**National Association for Community Mediation (NAFCM)**  
1527 New Hampshire Ave, NW, Washington, D.C. 20036,  
202/667-9700, nafcm@nafcm.org, www.nafcm.org  
**Conflict Resolution Education Network (CRENET)**  
1527 New Hampshire Ave., NW, Washington, D.C. 20036,  
202/667-9700, nidr@crenet.org, www.crenet.org. ●

## Making Things Right: Restorative Justice for School Communities Video and Guidebook

The Colorado School Mediation Project is pleased to announce the release of a new video entitled "Making Things Right: Restorative Justice for School Communities."

Drawing on the wisdom of peacemaking circles and the tribal courts of indigenous cultures, many school communities are beginning to implement restorative justice tracks into their own disciplinary process as a means of reducing suspension, expulsion, and police involvement. The goal of these school-based restorative justice efforts is to hold offending students accountable for their actions, while at the same time addressing the fears and concerns of victims and the wider school community.

This video provides an overview of the principles and practices of restorative justice in school settings around the United States, and includes interviews with teachers, administrators, parents and students who have been impacted by the process.

To order the video and guidebook call the Colorado School Mediation Project toll free: 1-877-853-5402, or visit <<http://www.csmp.org/>>. The cost is \$35.

# Why we need legislation on Restorative Justice Conferencing

By Dr. Gordon Bazemore  
Project Director  
Balanced and Restorative Justice Project

After recently spending a month in Australia, I have become convinced that we need to seriously consider legislation in order to advance *restorative justice conferencing* in juvenile justice systems. My assumption is that such legislation might be developed first in one or more states already supportive of conferencing, and in which there is a strong infrastructure of restorative justice values, systemwide commitment to a restorative vision, and programs upon which to build.

Why conferencing? Restorative justice “conferencing,” as some of us are now defining it, may take many forms. What otherwise diverse processes such as victim-offender dialogue or mediation, family group conferencing of various types, community conferencing, neighborhood reparative boards, peacemaking circles, or other forms of informal decision-making have in common is an emphasis on bringing those affected by crime together to discuss the harm caused by crime and develop plans for a response focused on repairing harm. Conferencing is arguably the core restorative process because it provides a kind of “gateway” to other restorative justice interventions such as community service, restitution and other forms of reparation and relationship-building. When it truly engages victims, offenders, and community members, it can influence how rehabilitation, victim services, supervision, community-building and support for victim and offender are carried out. As an inclusive process of dialogue between victim, offender and their supporters, conferencing has also been found to have positive impacts on participants over and above those associated with reparative obligations carried out as a result of these encounters. Most importantly, some have argued and begun to demonstrate that conferencing has the potential to build or strengthen community capacity to respond effectively to youth crime.

Conferencing legislation—at least of the

variety I saw in Australian states (and the now familiar New Zealand statute)—is much more specific than any U.S. BARJ/RJ legislation I have seen. Each state statute affirms that conferencing should (or will) be employed at various stages of the juvenile justice process when certain conditions are met. Though conferencing models, referral schemes, and philosophies differ, these statutes provide resources in each state to administer conferencing programs and funding to pay conveners (facilitators). In U.S. states, such legislation would go a long way towards institutionalizing conferencing, and at a minimum, would put conferencing, and restorative justice itself, on the radar screen. Most importantly, as the Australian experience clearly teaches us, legislation that funded and encouraged expansion of conferencing programs would provide us with *concrete examples of what restorative justice decision-making looks like*. It would allow justice professionals and community members on a potentially large scale to observe, practice, and experience a restorative process that can effectively engage citizens in the justice response to youth crime. Properly designed legislation could also make some conferencing options available under the right conditions to a wide range of cases—including those involving offenders far more serious and chronic than

those now referred to most U.S. diversion level victim offender mediation and board programs.

Advocacy for restorative legislation is *not* something I have been personally identified with, and I remain ambivalent about the value of legislation at least in some contexts.

Though this discussion is beyond the scope of this contribution, I would encourage readers to review and respond to a position paper I have recently drafted and posted on our BARJ web site and list servers. This paper considers pros and cons of conferencing legislation and makes suggestions for moving forward in a positive way.

## Arguments for conferencing: why we need legislation

In the absence of legislation, conferencing will at best be implemented sporadically as a special program, supported by time-limited, mostly Federal, “pass-through funds,” where and when these are available. Conferencing seems especially vulnerable to cutbacks and marginalization, and to competition from traditional programs, as well as new ones which emerge as more trendy than restorative justice. Most importantly, all the new conferencing programs in the world won’t help if key decision-makers such as judges, prosecutors, and police refuse to refer cases to these programs. Even in jurisdictions where funding has been available, getting referrals—especially referrals that would not otherwise have been diverted by local police—is, of course, the crux of the problem. Sources I trust in Canada tell me that conferencing programs in jurisdictions there have had similar problems — despite what appears to me to be much stronger financial and moral support from state and national policymakers and system decision-makers.

*Conferencing - Continued on Page 7*



What seems to be the case is that until there is a statute that tells key decision-makers they should, or must, refer cases, it is difficult to get their attention. This is not because decision-makers are stupid, or even necessarily opposed to conferencing. They are often simply too busy to seek out and learn about the benefits of conferencing, or they may be justifiably cautious about why they should put their trust in a new innovation that requires that they take the risk of giving up some of their discretion to communities and citizens. Educating all judges, prosecutors, defenders, and police to the point where they want to refer cases to conferencing simply takes too long in the absence of legislation that both ensures funding for conferencing and specifies a referral process.

In Australia, legislation got the attention of judges, prosecutors, police and other professionals, and more than anything else could have, changed referral patterns in a significant way in a short time. Mandates are *not* the most restorative way to promote system reform, and much training, dialogue, and education is still needed to win the hearts of justice professionals. However, I suspect that in the system context, we sometimes get too hung up on the important goal of building total consensus before taking any action. Indeed, many of those judges, prosecutors, and police whose decisions will be most impacted by legislation, will also be the most grateful for clear policy that in effect gives them permission and resources for doing things they would like to do anyway. Indeed, despite initial resistance, it is clear that many judges, police and other decision-makers who

would once not have considered referring cases to conferencing without a mandate to do so have now become true believers

From a very different perspective, I suggest that we may do *more harm* than good if we continue with the current *ad hoc* approach to implementing new conferencing programs. Without careful strategic thought and sound policy about where conferencing fits in what are increasingly complex juvenile justice systems, and about how referrals will work, conferencing programs may simply become another safety valve for relieving community groups and institutions of responsibility for youth crime and related problems. These groups may thereby be encouraged to “dump” cases of minor offending and conflict that should have been dealt with at the neighborhood level by local police, families and neighbors, — or in a school conferencing or conflict resolution process—into these new programs. Though legislation is not always developed in a strategic way, the New South Wales (Sydney), and other Australian statutes suggest that it can be and that legislation can ensure that

conferencing programs not be used to simply expand juvenile justice systems. Without such legislation, it is possible that new programs might provide yet another layer of diversion/prevention programs around the current juvenile

justice system without changing mainstream practice. It is thus important that conferencing legislation be presented not simply as a way to fund new programs, but as part of a policy that specifies a key purpose of conferencing as providing a real alternative to current decision-making approaches.

I believe some of the Australian legislation provides a good model for specifying proper use of conferencing. Given what has been learned from



these experiences, and from our own experiences with other legislation, funding, and implementation of reform initiatives in the U.S., I also believe legislation can help us avoid the problem of promoting conferencing as an extension of the system, rather than an alternative aimed at building community.

### What kind of legislation?

The Australian legislation I am familiar with is that developed in the states of New South Wales (NSW), Queensland (Brisbane), and South Australia (Adelaide). Other states such as Western Australia have legislation as well. The Australian statutes vary on several dimensions. The most important ones seem to be: the role of the police (ranging from almost no role and little decision-making power to veto power over a conferencing decision negotiated with victims and offenders); the role of the victim (which ranges from one of having power to stop a conference from being convened to one of an important, though not decisive, role in the conference outcome); the amount of time spent on preparation and follow-up (ranging from extensive in one state to minimal or varying by program in others), and how and by whom referrals are made (by police or by police plus judges or magistrates).

Although I do not wish to debate the specifics of these important issues here, there are many other sources of variation in Australia’s use of restorative

*Conferencing - Continued on Page 8*

conferencing both within and between states (there is also apparently much emerging adaptation of legislated models to meet the unique needs of Aboriginal communities). My point is that we can learn from all of these experiences in implementing conferencing, and depending on need and interest, mix and match various components. Evaluation efforts could then begin to compare success in achieving certain key outcomes across different models, and contrast the impact of variations within models. I have copies of the NSW, South Australia and Queensland legislation, and most of these documents, as well as statutes and brochures from other states, can be downloaded from the internet (a recent report on the impact of the NSW legislation thus far is also available online).

What impressed me most about the impact of conferencing legislation in Australia is that it has moved a practice essential to meaningful restorative justice decision-making quickly into the mainstream. Most important, whereas five years ago most Australian criminal justice professionals had little if any knowledge of restorative justice and no experience in restorative decision making, they can now see it up close, and many are now very articulate about its benefits. Juvenile justice professionals—and most importantly—police and other decision makers (e.g., judges, prosecutors, and defenders)—can now experience the conferencing process firsthand (the impact of this on police culture could be a study in itself). In the U.S. by contrast (please prove me wrong on this), one has to go to Minnesota to observe on a daily basis forms of conferencing other than victim-offender mediation and reparative boards, and the number of average police officers and prosecutors who could describe what a conference looks like could probably be counted on one hand.

### How and When?

Can we  
legislate  
restorative



justice? Of course not. Do we *need* legislation to practice conferencing? Probably not in most jurisdictions. The important question is whether we need legislation to implement restorative conferencing on a broad scale, in a meaningful way, that will ensure referrals and create the chance of institutionalizing this important practice.

**A**re we ready for legislation? Not every jurisdiction is. I am suggesting, however, that a few of the states that have already invested three to five years in training, program development, changing organizational roles and culture, and other efforts toward system change have a unique opportunity to build a truly systemic restorative system if they can promote meaningful legislation. Despite my belief that Australia and New Zealand are in many ways further along with restorative justice because of their conferencing legislation, I should also say that several American states are far more advanced in terms of systemwide restorative justice focus than those countries. The downside in Australia is that restorative conferencing for some is viewed as the equivalent of restorative justice.

How could we avoid the usual problems with legislative mandates?

First, to avoid developing simply another low-level diversion program, legislation could package conferencing as an innovation capable of handling a wide range of cases (and cite research and experience that demonstrate success with more serious and chronic cases). Second, to avoid the professionalization problem, it could encourage, reward or require community and victim involvement. Third, to ensure that practice is grounded in principles, it could specify restorative justice training requirements for conferencing staff, system decision makers and volunteers—and provide support for such training. To avoid the problem of encouraging a one-size-fits-

all approach, legislation could recommend not one, but several different models that might be implemented, and could encourage continuous, data-based experimentation and innovation. The ultimate goal could be to develop a multi-method approach that offers a “menu” of options to victims, offenders and community members.

Fifth, to maximize community-building and avoid misunderstandings, it could locate conferencing appropriately in the flow of a case from community to police to court in order to discourage use of conferencing as another government add-on program aimed at taking responsibility from communities. The New South Wales legislation, for example, requires that police make maximum use of cautioning for lower level cases and discourages use of conferencing for cases that could be easily resolved at the street level. (Legislation might even encourage more holistic police reform based on restorative justice, which could, as in Woodbury, Minnesota, lead to a restorative approach to street-level problem solving and cautioning). Legislation could also encourage and support development of school-based conferencing programs that could be used as an alternative to suspension and other disciplinary action.

**W**hatever form legislation takes, it should link conferencing to broader mission and systemic reform initiatives based on restorative justice. Such reforms should include making juvenile justice policy more victim sensitive and more focused on victim needs while requiring that the conferencing program itself develop and utilize victim sensitive guidelines. But now is the time to begin this discussion. Our window of opportunity may begin to close as juvenile justice systems continue to be transformed, and are effected by new trends and movements that have little to do with restorative justice and may be anti-thetical to its success. ●

Dr. Gordon Bazemore is Project Director of the Balanced and Restorative Justice Project. Contact him at: email-bazemor@fau.edu; phone-954-762-5668.

## IN MEMORIAM

*Susan Elizabeth Laurence*

February 10, 1943 - July 25, 2000

*by Dr. Gordon Bazemore*

In late 1993, when only a handful of people had heard the term restorative justice, Susan Laurence phoned me to suggest that we organize a panel for a criminology conference co-sponsored by the Office for Victims of Crime (OVC) because—as she put it—researchers and academics needed to “get their heads out of the sand” and tune into something other than the usual offender punishment and treatment-focused programs. Soon after, as a relatively new mid-level professional, Susan gave me a real shock when she called to say that she had convinced her agency, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and other Deputy Attorney Generals within the Office of Justice Programs to co-sponsor a briefing for all staff about the (then new and virtually unknown) Balanced and Restorative Justice project. Then, working with peers in other Department of Justice (DOJ) agencies interested in promoting restorative justice ideas, Susan quickly followed by taking a leading role in the first national symposium on restorative justice, followed by four regional symposia.

It has taken longer than expected to begin to get over the great initial sadness of losing a good friend and realizing how much I will miss the genuine pleasure of meetings and phone calls with one of the brightest and most energetic government professionals I have ever known. Just recently though, I have begun to think about how much we sometimes underestimate the difference one inspired, skilled and determined individual can make—even in large and often rigid bureaucracies. Though several other DOJ professionals (e.g., Peter Freivalds, Cheryl Crawford, Mike Dooley) played important roles within their respective agencies in promoting restorative justice, Susan was the primary catalyst and the glue that seemed to hold the collaborative together. As a key advisor and co-participant in related projects sponsored by other agencies (including the National Institute of Corrections widely subscribed videoconference in 1995), Susan provided intellectual and practical guidance—all the while ensuring that the victim’s perspective was appropriately in the foreground. Within OVC, as best I can tell, she was single-handedly responsible for securing funding and support for numerous trainings and conferences (including the Second International Conference on Restorative Justice), several action research projects, focus groups, several major publications and other initiatives related to restorative justice. Even after her illness sapped her strength, Susan was a hard and dedicated worker who demanded quality in her products and those of others. My last conversation with Susan in late Spring was in fact a phone call with ideas for improving project documents I had submitted that she was working diligently to edit to ensure timely publication by the agency.

Though crime victims should be the primary natural constituency of restorative justice, it must be said that promoting ideas such as victim-offender dialogue and community conferencing within traditional victim service agencies carries far more significant personal risks than doing so in other agencies. Susan’s success in doing so within OVC and among victim advocates, often justifiably skeptical about restorative justice, was due primarily to her status as an unshakable advocate for victims’ rights. In the early 1990s, however, Susan’s perspective was relatively unique among victim advocates because she also recognized the benefits that could accrue from reaching out to offender supporters and community groups. But her greatest successes were in



**Susan was the primary catalyst and the glue that seemed to hold the collaborative together.**



challenging government agencies already committed to politically safe agendas to try something new that was not simply another trendy program for rehabilitating offenders. Susan’s low-profile efficacy in the justice department was no doubt due to her determined (some would say relentless) advocacy style, coupled with a unique combination of great charm, grace, personal warmth, integrity and above all, moral authority. The restorative justice and victims’ rights movements will not soon replicate this mixture in one criminal justice professional, but participants in both movements will long benefit from Susan’s inspiring work. ●

---

## Remembering Susan

*By Anne Seymour*

*BARJ consultant and national victim advocate*

The fields of victim services, corrections, juvenile justice, and restorative justice have lost a guiding light. Susan Laurence is described as her friends and colleagues as a “pioneer”, yet even that description fails to wholly describe her contributions to the world.

For the past ten years, Susan helped create several genres of victim assistance. When she joined the Office for Victims of Crime in 1989, there were few victim assistance programs in institutional or community corrections. Under her leadership, national training curricula were created that provided guidance to federal, state and local practitioners in developing victim assistance programs in the post-sentencing

*Laurence - Continued on Page 12*

# Balanced and Restorative Justice Project Update:



## Special Emphasis States Making Great Strides

Teams from each of the BARJ Special Emphasis States — California, Colorado, Florida, Illinois, Michigan, New York, Pennsylvania, and Texas — gathered in San Diego, California on July 13, 14 and 15 to share policy, legislative, programmatic, and funding strategies. Anne Seymour, BARJ consultant and national victim advocate, and Dennis Maloney, BARJ fellow and director of the Deschutes County, Oregon, Department of Community Justice, facilitated the meeting. Also in attendance from the national BARJ Project was Dr. Sandra O'Brien.

Attendees had an opportunity to hear from several nationally recognized presenters. John Wilson, Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention, provided an update on the Office's congressional standing. Mr. Wilson also updated the group on the comprehensive strategy, and the Office's plans to support the BARJ project in the future. He

challenged the group to reverse state trends to waive more juveniles into adult court, apply BARJ practices to reduce disproportionate rates of minority confinement, and to do their part to maintain a strong leadership voice for juvenile justice.

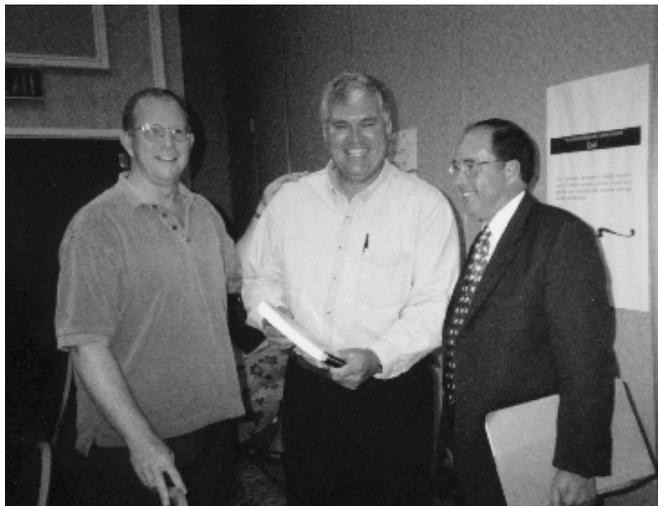
Following Mr. Wilson's comments, Anne Seymour facilitated a group process to identify the compatibility of the comprehensive strategy and BARJ.

Dr. Peter Greenwood, Director of the Criminal Justice Division at RAND Corporation, provided the teams with research on the cost-benefit analysis of early intervention and treatment strategies. RAND, the largest research center in the world, has become a national leader in cost-comparison criminal and justice system studies. Dr. Greenwood observed, "The research shows we can intervene in trouble-prone lives early, select strategies that are very effective at reducing crime rates, and we

a robbery while working as a delivery driver to earn college funds. Since the murder of his son, Mr. Khamisa has worked to establish a foundation in his honor — the Tariq Khamisa Foundation — to reduce youth violence in America. What may be the most unusual aspect of the story is Mr. Khamisa's willingness to reach out to the family of the murderer, Tony Hicks, to help build the foundation. He has also met with Tony in prison to seek his assistance with the foundation. As Dennis Maloney states, "Spending time with Azim would be comparable to spending time with Gandhi; his grasp of restorative justice is unparalleled."

The teams also reviewed the California Youth Authority victim services continuum and were impressed with what the CYA is doing to reach out to and serve crime victims. Before returning home, the teams established team goals and objectives to be addressed during the coming months.

The Special Emphasis States will reconvene in early February 2001 in San Antonio, Texas. •



*From left: Judge Don Costello of Bend, Oregon, Dennis Maloney, BARJ Fellow, and John Wilson, Acting Administrator for OJJDP, discuss BARJ and the comprehensive strategy.*

can demonstrate cost-effectiveness." For a copy of Dr. Greenwood's comments on cost-benefit analysis, contact RAND via the Internet at [www.rand.org](http://www.rand.org) or by telephone at (310) 393-0411.

Certainly the most emotional and uplifting discussion of the San Diego BARJ Roundtable occurred when Azim Khamisa addressed the teams. Mr. Khamisa's son, Tariq, was murdered in San Diego several years ago as he resisted

**Looking for the  
Balanced and  
Restorative Justice  
Project  
on the Web?**

**We now have an  
easy-to-remember web address:**

**<<http://www.fau.edu/barj>>**

**Check it out!**

# A report on the Restorative Justice Academy

More than 250 individuals, from 33 states, participated in the first series of Restorative Justice Academy events held in Fort Lauderdale, Florida from May 1-12, 2000. Thirteen courses ranging in length from one-day workshops to the ten-day Training for Restorative Justice Trainers captured the interest of new and experienced practitioners working in justice-related agencies and organizations. Participants came from a range of juvenile and criminal justice agencies from probation to correctional facilities, victim services programs, law enforcement agencies, court officers, community and faith-based service organizations and educational institutions. Twenty-six master trainers from around the country brought a blend of theory and practice to the classroom setting. Feedback from participants suggests that offering a variety of courses in one location is a positive thing, encouraging people to explore a wider variety of topics and allowing for some of the networking that would typically be found in a conference setting.

The trainers, classrooms, and materials were funded by grants from the Office of Juvenile Justice and Delinquency Prevention. The National Institute of Corrections Academy Division provided participant travel costs and one of the lead trainers for the ten-day Training for Trainers. The program was administered by the Balanced and Restorative Justice Project of the Community Justice Institute at Florida Atlantic

University through Juvenile Accountability Incentive Block Grant funds.

Participant evaluations called for additional in-depth and practice-specific courses. Many suggested an annual series of Academy courses or an annual conference. Although another multiple-course event will not be held this year, the following events are tentatively in the Academy schedule:

**September 11-20, 2000** - Training for Restorative Justice Trainers, Harrisburg, PA (Regional - Pennsylvania, New York, New Jersey, Michigan and the District of Columbia)

**February 2001** - Introduction to Restorative Justice, Location TBD

**February/March 2001** - Strategic Management in Restorative Justice, Location TBD (field test of a new curriculum to be developed this year; title tentative)

**May 11-20, 2001** - Training for Restorative Justice Trainers, Jupiter, FL (Applications available in November 2000, deadline February 12, 2001)

**May 18-20, 2001** - Graduate Trainer's Conference, Jupiter, FL (limited to graduates of the Training for RJ Trainers Course)

For more information about Academy events, watch future *Kaleidoscope of Justice* issues or contact Phyllis Bebko at [pbebko@fau.edu](mailto:pbebko@fau.edu).

---

## Restorative justice via the internet

**“Dialogue and the Risk of Responsibility: Lessons from The Alternatives to Violence Project”** by John McKendy  
Department of Sociology, St. Thomas University Fredericton, NB Canada E3B 5G3 • email: [jmckendy@stthomasu.ca](mailto:jmckendy@stthomasu.ca)

Paper prepared for the Summer Institute on Crime Prevention & Restorative Justice, St. Thomas University, 03 June, 1998  
<http://www.indiana.edu/~xculture/Topics/mckendy.htm>

Excerpt: “Restorative justice advocates argue that the silencing of primary narratives is most problematic with respect to those who have been victimized. Until recently, victims were confined to the roles of complainant and witness for the crown. ...But supporters of restorative justice believe that this is not enough, and that victims must be included much more fully.

“What is most controversial about restorative justice is the steadfast insistence that not only must the voice of the victim be heard, and those of members of the wider community who have been touched by the harmful act, but also the voice of the offender.

“Only in dialogue can “the invitation to responsibility” can be extended and taken up, and beginning that dialogue is a risky and morally dangerous undertaking. From that dialogue it may emerge that this particular act of wrongdoing cannot stand as the beginning of the story. We can demonize those who perpetrate evil only by turning a blind eye to their own histories of victimization.”

---

**“Empathy Works, Obedience Doesn’t”** by Hal Pepinsky  
Criminal Justice, Indiana University Bloomington, IN 47405 USA  
email: [pepinsky@indiana.edu](mailto:pepinsky@indiana.edu). Criminal Justice Policy Review, 9 (2) (1998)  
<http://www.indiana.edu/~xculture/Topics/pepinsky.htm>

Excerpt from “Criminology As Peacemaking” - “It has been just over a decade since I turned explicitly to studying how to make peace instead of making war on crime and violence.

“Criminology and criminal justice are essentially negative enterprises, about what not to do, about why we do what we should not, about how to stop us from doing wrong. In studying peacemaking I sought to understand how we get the kind of human relations we DO want. Essentially, I seek to understand how we become safer in the face of violence.”●

---

Volume 1, Number 4. *Kaleidoscope of Justice*© is a publication of the Balanced and Restorative Justice Project. Gordon Bazemore, Project Director; Mark Umbreit, Co-Principal Investigator; Sandra O'Brien, Project Manager; Evelyn Hanneman, Newsletter Editor. BARJ address: Community Justice Institute, Florida Atlantic University, 220 SE 2nd Avenue, Fort Lauderdale, FL, 33301-1905. Gordon Bazemore: email: [bazemor@fau.edu](mailto:bazemor@fau.edu); phone: 954-762-5668; Mark Umbreit: email: [Mumbreit@txc.umn.edu](mailto:Mumbreit@txc.umn.edu); phone: 651-489-2000; Sandra O'Brien: email: [sobrien@fau.edu](mailto:sobrien@fau.edu); phone: 954-762-5107; Evelyn Hanneman: email: [evelynhrj@carolina.rr.com](mailto:evelynhrj@carolina.rr.com); phone: 704-442-9289.

The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime. The Balanced and Restorative Justice Project is supported by a grant from OJJDP to Florida Atlantic University. This document is produced under Grant 95-JN-FX-0024, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of OJJDP.

## Laurence - Continued from Page 9

phases of criminal cases. Today, “corrections-based victim services” is a proud and progressive discipline within the larger field of criminal justice.

Ohio Department of Rehabilitation and Correction Director Reginald A. Wilkinson summed up Susan’s contributions in a letter to her husband, Richard Laurence:

*“I am not sure if you realize, but without Susan Laurence, there would like be no ‘corrections-based victim services’ as we know it today. Back in 1989, when victims were merely a “blip” on the corrections radar, Susan promoted victims’ rights and services in corrections through the American Probation and Parole Association and American Correctional Association. While it was not a popular issue, she helped us understand the role of victims as clients of our agencies. Through a series of public hearings, national- and state-level training programs, and focus groups, she helped define the issue for victims, advocates and corrections professionals.”*

As restorative justice was emerging as a new and exciting approach to crime and victimization, Susan was again at the action table. She helped plan the U.S. Justice Department’s national symposium on restorative justice in 1996, and spent the next two years criss-crossing the nation, helping criminal and juvenile justice officials, community members, victim service providers, and offender advocates understand the core components of collaborating to make restorative justice a reality in communities and agencies. Her guidance as grant monitor on the “Restorative Justice and Mediation” collection recently published by the Office for Victims of Crime will leave a mark for years to come.

Reggie Wilkinson noted Susan’s leadership role in restorative justice when he said: “She pushed the important roles of victims as key stakeholders. She was our conscience and encouraged us to do better by victims. And we did!”

Susan’s friend and colleague and one of the nation’s leading restorative justice proponents, Dr. Mark Umbreit, wrote to Richard Laurence:

*“No other federal employee that I have worked with over my thirty year career in community organizing, justice reform and peacemaking has ever played such a tremendously significant role in building bridges between corrections and victim services in pursuit of a more balanced and restorative approach to justice.”*

In the past two years, two of the projects of which Susan was most proud were national training programs developed for juvenile justice and juvenile corrections. Any time a new victim assistance policy or program is implemented *anywhere* in the juvenile justice system, Susan Laurence needs to be honored and thanked.

Susan received numerous awards and citations for her good works, including the 1997 Assistant Attorney General’s Award for Outstanding Contributions to the Mission and Goals of the Office of Justice Programs.” Yet her greatest rewards were derived from her family and friends – wonderful wife to Richard, great mother to Cindy and, in the year before her death, the proudest grandmother on earth of her first grandchild, Alexander Julian. Her greatest gifts to her friends were her compassion, humor, and capacity to listen and provide support. Her most creative measure of coping with the stresses of being a visionary, pioneer, wife, mother, grandmother and friend to multitudes was a quick trip to Saks!

Susan was classy. Susan was incredibly funny. Susan showed immense courage in her long battle with cancer. And Susan was one of the most special people ever to walk the earth. As her closest friends and colleagues noted on the day she died, “Sue is sitting in an honored seat by the pearly gates, and anyone who tries to enter them has got to prove they were accountable for their actions, and accountable to themselves.”

We’ll miss you, Sue!

The family of Susan Laurence has requested that in memory of Susan, donations be made to the Balanced and Restorative Justice Project at Florida Atlantic University. Donations should be made payable to the FAU Foundation and are tax deductible. The mailing address is: Balanced and Restorative Justice Project, Florida Atlantic University, 220 SE 2<sup>nd</sup> Avenue, #612C, Ft. Lauderdale, FL 33301. For further information, please contact Dr. Sandra O’Brien at (954)762-5107 (voice) or sobrien@fau.edu (email). ●

Florida Atlantic University  
PO Box 3091  
777 Glades Rd.  
Boca Raton, FL 33431  
Balanced and Restorative Justice Project

Non-Profit Org.  
U.S. Postage  
PAID  
Boca Raton, FL  
Permit No. 77