



# 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*

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**M**uch of the world seemed to stand still on September 11, 2001, as people stayed glued to the television, watching as people died in the worst terrorist attacks ever to hit the United States. Then much of the country responded in ways that can best be described as being within the restorative justice paradigm.

### Terrorist attacks: restorative justice responses

staying with those unable to continue the walk to safety, of rescuers rushing to the site and putting themselves in harms way, of the community coming together to help meet the needs of the victims, their families, and those seeking to locate victims in the rubble during the hours following the attacks all exemplify the best that is restorative justice.

Seeking to repair the harm caused by crime, the central tenet of restorative justice, was put into practice by the medical personnel who stood by for hours, tending to the needs of the rescue workers when it became clear there would be few victims rescued. It was shown by nearby merchants who handed out shoes to the women having to walk off Manhattan Island to get home. It was practiced by the townspeople of Somerset, PA (see the story on page 3). The people who stood in lines for hours to donate blood were part of the restorative justice response. And those who contributed money to aid and relief efforts are within the restorative justice paradigm as well.

The stories of people helping each other down the many long stairwells located in the World Trade Centers, of people

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The ongoing response to the terrorist attacks can also be seen as within the “Balanced and Restorative Justice” (BARJ) framework. The goal of public safety is being sought through the continuing effort to locate and eradicate terrorist operations throughout the world. In Afghanistan, the pursuit of future community safety could be seen working hand in hand with victim restoration. Even as terrorist encampments were being targeted, packages of food were being dropped to sustain victims of the military upheaval. Efforts are being made by international agencies to assist the Afghani people in establishing a just system of self-governance. The restorative response still offers the best hope for a just resolution. ●

### Balanced and Restorative Justice Project

As a model of “community justice,” BARJ seeks to involve and meet the needs of three coparticipants in the justice process—victims, offenders, and communities. In doing so, the BARJ model guides juvenile justice systems toward “balance” in meeting the sanctioning, public safety, and rehabilitative needs of communities. The aspects of the balanced approach are: values, clients, decision-making processes, performance outcomes, program priorities, and new roles for juvenile justice professionals. The BARJ project focuses on the way jurisdictions are addressing the reintegrative (competency development), sanctioning (accountability), and public safety goals of the Balanced Approach mission and restorative justice principles.





## Spotlight on

A Madison, Wisconsin program provides restitution to crime victims, service to the community, and a chance to make good to its juvenile offenders.

# Youth Restitution Program reaches milestone

In 1978 a group of citizens sought and received funding from the Office of Juvenile Justice and Delinquency Prevention to begin a restitution program for adjudicated youth in their county. This year, twenty-three years later, the youth of Dane County, Wisconsin have earned and paid back their victims \$1 million in restitution. Applying restorative justice principles before they heard of restorative justice, the Youth Restitution Program sought to help youth find jobs, develop work skills, and function better in the community through a disciplined program established to help them earn the money necessary to pay the court ordered restitution.

Today, over 800 youth, ages 10 to 16, go through the program each year. Most are part of the juvenile court process with the youthful offender ordered into the program. About 50 cases each year are deferred prosecution; these are ones determined to be appropriate for by-passing juvenile court by the city social worker.

The average restitution order is for \$300 and the average number of community service hours required is forty. The program has evolved into the Community Adolescent Program and includes youth employment, community restoration crews, victim offender conferencing, and intensive supervision. A Restitution Specialist in the District Attorney's office sorts through the claims brought by the victims of juvenile crime. This specialist reviews insurance payments and considering the worth of items with input from the victims, to determine the amount of restitution to be paid. The payment rate has remained a consistent 90% or more throughout the 23 years of the program.

Jay Kiefer, Program Director, would like to see more pre-disposition cases and is

working with the DA's office to increase pre-disposition referrals. A statewide 1997 Juvenile Justice Code change allows victims of juvenile crimes to be aware of their offender's identity and the charges during court proceedings. This could allow for more pre-disposition cases to occur. Already there are a few that come from the DA's office; the DA has the paper work on the case but the parties involved agree to participate in victim offender conferencing before the case goes to court. Kiefer points out that having the official record with the DA's office helps to ensure that the compensation agreed upon will be paid.

Kiefer notes that over time the program has shifted from the concept that community service work is punishment to a focus on involving the youth in positive work in their own communities. There are currently 220 non-profit sites around the county available for performing community service work. Work teams produce about half of the community service hours. A paid or volunteer adult supervisor works with a youth work team on a job that may last for one day or be an extended project.

Five years ago there were no volunteers in the program; today about one-third of the work teams are led by volunteers. It was also five years ago that the victim offender conferencing program began using volunteer facilitators. The program changing to the victim driven focus has greatly increased the number of volunteers. Volunteers participate in a two and a half day training program and are paired with a trained team until ready to work on their own. The initial training was done by Mark Umbreit of the Center for Restorative Justice & Peacemaking at the University of Minnesota, and then modified to meet the needs of this program.

When the victim involved in mediation does not want to meet with the offender, the juvenile meets with a surrogate victim in an Accountability Group. This two night program, helps offenders develop more empathy for their victims. This leads to appropriate letters of apology and, Kiefer notes, better victim satisfaction. A question of victim satisfaction leads Kiefer to voice the desire to be able to do more follow-up with victims, noting that both funding and data structure are hindrances in its realization. ●

Jay Kiefer can be reached at 608-245-2550, ext. 307.



# On the ground in Pennsylvania

## A restorative response to the crash of United Airlines Flight 93

*by Amy D. Zarefoss, Director,  
Communities That Care*

**M**y hometown of Somerset, Pennsylvania was the site where one of the hijacked planes went down. As I checked on my family and friends, I learned that in addition to the horror, fear, sorrow and anger we all felt, they also had an overwhelming sense of helplessness in not knowing how to contribute to the recovery effort going on at their back door.

On that Tuesday, literally thousands of emergency personnel, federal agents, airline representatives, state police and media crews descended on Somerset, a town of about 45,000. There are about 7 hotels, 5 to 6 restaurants and a couple of Sheetz stores in town. It is surely not equipped to deal with this kind of a mass migration. The town is located about 10 miles from the crash site and the top floor of the county employees' parking garage was turned into a command center for people headed out to begin the grim task of investigating this tragedy and recovery.

Soon, some employees of the county's probation department realized the magnitude of what was about to happen and that there was nowhere at the crash site for rescue crews to get drinks or food. Several of them got permission to go to various restaurants and businesses in town for donations of food and beverages for the hundreds of workers quickly being shipped to the smoking hole in the middle of the field.

Upon the county workers arriving back at the parking garage with donated food, EMS personnel advised them that people were needed to help deliver and serve the food. A group of the county workers went to the crash site and literally served sandwiches to the hungry emergency crews.

But the story doesn't end there.

Many of the victims' families were being brought to Somerset for a memorial event that was held at the crash site the next Saturday. One of the same probation office workers who delivered food, woke early Wednesday morning realizing that the families would be starting to come in that afternoon, but there was no sign in the town to show support or sympathy for their unimaginable losses. She came up with the idea of placing a few flags, and perhaps a few yellow ribbons, around the turnpike entrance, the route upon which most of them would arrive.

She got to work early Wednesday and shared the idea with a few co-workers and the chief probation officer, who thought it was a great idea and wanted to help. Most of these people are active members of Somerset's Communities That Care (CTC) team.

By 10 a.m. Thursday, dozens of bolts of yellow ribbon had been donated by nearly every florist in the area, three gross of flags had been donated by the Veterans' Administration, and a large group of county workers representing, many agencies, had volunteered to help hang them. Probation's community service coordinator had rounded up several youth who were expelled or suspended, or who had dropped out of school, and needed to do community service time. All of the youth met at the probation office, where they learned to tie florists' bows, side by side with probation officers, and other county employees. You can imagine the site of large male probation officers and young men with multiple piercings sitting on the floor tying bolts of yellow ribbon!

Then the group set out in teams to hang their ribbons and flags around town. The decorating started at the turnpike entrance, continued through the business district to the courthouse and up Main Street. As the teams were working, business owners came out and jumped in to hang ribbons and flags along with them. As motorists drove by they honked their horns, many giving the "peace" sign or a thumbs up. I guarantee you, no one had ever seen these particular kids on the street, honked, and given them a thumbs up before! The kids were so proud to be contributing, they just beamed! No matter what happens to these kids in their lives, they will remember this day.

These folks implemented elements of CTC, BARJ, FSSR and 40 Assets--without even knowing it!\* It goes to show that we can never underestimate the power of our community, our youth and our strength to come together when we need it most. Coincidentally, my mom was the probation employee, who in a fit of insomnia, dreamed up this idea and put it in motion! ●

Contact Amy D. Zarefoss at 717-477-1149; ADZare@wharf.ship.edu

\* FSSR, Family Service Systems Reform, is an initiative in Pennsylvania through the Department of Public Welfare that teaches community/agency collaboration to improve health and education outcomes for children and families.

40 Assets is a grassroots effort that is based on the philosophy that there are 40 developmental assets available to each child in his environment and by strengthening these assets children will avoid behavioral issues and become strong adults.

Communities That Care, funded by the PA Commission on Crime and Delinquency, is a research based operating system which focuses on risk and protective factors within each community. Then it teaches the community to assess these factors, do a strategic plan to prevent juvenile behavior problems and utilize research-based programming to address issues.

# Balanced and Restorative Justice Project Update:

## National research on restorative conferencing for youth

by Mara Schiff, Ph.D.  
Associate Professor

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College of Urban and Public Affairs, Florida Atlantic University



### INTRODUCTION

Despite the increasing popularity of restorative conferencing as an alternative to court processing and disposition for youthful offenders in the United States, research has not systematically identified, located and described the various types of conferencing models currently operating across the United States. Moreover, there has not been much research on the specific processes being employed by different programs, how decisions are being made, what inter-program networks are developing, how information is being shared, what kinds of relationships are developing between traditional justice system actors and restorative justice programs and how various stakeholders are being engaged in the restorative process, particularly victims and communities.

As such, dialogue about program model types and the scope of restorative conferencing program models for youth has been limited. Over the past two years, Dr. Gordon Bazemore and I have been conducting research designed to determine the prevalence, scope and “restorativeness” of conferencing programs for youth around the United States in order to better understand “what’s really going on” with respect to restorative conferencing for youth. We use a broad definition of conferencing, which includes any *face-to-face meeting in which those most affected by a specific crime come together in a direct dialogue to discuss how to repair the harm caused by an offense*. Such a conference or dialogue typically follows an adjudication of guilt and/or an admission of responsibility by one or more offenders, and seeks a resolution that meets the mutual needs of victim, offender and community. The following article is intended to provide a sense of the scope of the research as well as present some preliminary findings.

The Robert Wood Johnson Foundation and the National Institute of Justice have generously supported these research studies. The views expressed are those of the author and do not represent the opinions of the funding sources.

### RESEARCH DESIGN

The research has four primary components:

- **Macro-level Analysis: Themes and Trends in Juvenile Conferencing.** This level of analysis focuses on broad trends in juvenile conferencing around the country. It is designed to identify where programs exist, what types of models, broadly speaking, are being employed nationwide, and what trends can be seen in juvenile conferencing at this point. Data for this analysis were derived primarily through extensive Internet searches, previous research, and interviews with juvenile justice specialists in each state.

- **Intermediate Analysis I: Dominant Program Models: Variations in Program Nature and Type.** This next level of analysis takes a closer look at the specific variations in conferencing models, and the extent to which programs are employing restorative values and principles in their programs. This is intended to identify specific

variations in general program models; that is, to identify specific operational practices being used in victim offender meetings (VOM), family group conferencing (FGC), Community Conferencing, Boards and Circles. Data for this analysis were collected through a national survey disseminated in August 2000 to over 2000 actual and potential restorative conferencing programs around the U.S.

- **Intermediate Analysis II: In-depth Examination of Specific Programs in Selected States.** This third level of analysis examines specific programs in selected representative states (California, Pennsylvania, Alaska, Colorado, Minnesota, Vermont, Arizona and others) to better understand particular implementation and operational issues these programs face. It is also designed to better understand some of the primary models used and how different conditions of implementation may affect program structure and design. The states were selected because together they represent the most comprehensive overview of restorative conferencing programs. Data for

*Continued on Page 5*

this analysis were compiled through structured telephone interviews with program directors of selected programs and two national focus groups.

• **Micro-Level Analysis: Intensive Case Studies of Restorative Conferencing in Minnesota and Colorado.** This is the final and most concentrated level of our analysis of restorative conferencing for juveniles. At this level, the research focuses intensively over several months on two states, Minnesota and Colorado, where a variety of restorative conferencing models are currently being used. This level of analysis is designed to better understand the

specific opportunities, challenges and obstacles confronted by programs in states that are particularly active in implementing and operating restorative justice policy and programs. These states were selected because they include a variety of program models, have implemented programs at different levels of government and community and formulated different models of government/community partnership, and/or have found unique ways to operationalize restorative values and principles (i.e., repairing harm, engaging stakeholders, forming government and community partnerships).

### PRELIMINARY FINDINGS

As of October, 2001, we have completed all the data collection and are in the process of analyzing and reporting findings. We have completed the Macro-Level Analysis on the overall prevalence of restorative conferencing programs and are currently analyzing the national survey data on dominant program models and their characteristics, as well as intermediate and micro-level data from the interviews, focus groups and case studies. The results presented here are preliminary and may be subject to change with further analysis. The intention here is to give a sense of the type of information we are collecting, a “sneak preview” of what will become available within the next six months, with the goal of offering insights that will be useful for formulating and developing policy and practice on restorative conferencing in the U.S.

#### *Macro-Level Analysis*

Preliminary results our macro-level analysis suggest the following about restorative conferencing programs around the United States.

- almost every state is experimenting with restorative conferencing processes, and the vast majority of states (94%) offer at least one program;
- the current study identified 773 programs nationwide, although programs are most prevalent in a few key states (e.g., California, Pennsylvania, Minnesota, Texas, Colorado, Arizona, New York, Ohio, Alaska);
- a variety of models are represented nationally, although VOM and community boards are clearly dominant;
- while specific models dominate in some states, e.g., Boards in Vermont, Pennsylvania and California, most states feature multiple conferencing practices;
- when examining program distribution at the county level, it is apparent that most communities are not well-served by restorative conferencing programs;
- although the previous baseline number of programs is generally unknown (except for VOM programs), a number of new programs and program models (e.g., family group conferencing, circles) are becoming increasingly popular around the country;
- there appears to be a trend towards integrating multiple practices within one organization;
- states using conferencing are both regionally and politically diverse, suggesting that there is no tendency for restorative programs to proliferate or cluster in a particular geographic region or within a particular political environment.

#### *Intermediate Analysis I: Program Models*

Among 773 restorative conferencing programs identified nationwide, over 200 programs responded to our national survey disseminated in August 2000. Among these were 181 “valid” responses (programs that accurately responded to the questions and properly identified themselves a restorative conferencing program). Findings from this national survey include:

- Most conferencing programs responding to the survey are housed in private, community-based agencies (46%), followed by probation (22%). The rest are distributed among courts, corrections, law enforcement, courts, other government agencies and/or some combination of the above.
- Almost 80% of programs responding to the survey reported that they maintained a separate budget for their program aside from the regular agency budget. Just over 8% of programs operate on budgets of under \$5,000;
- 17% have funding of 15,000 or less; about 36% are funded

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## Conferencing research - Continued from Page 5

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- at between \$35,000 and \$100,000, and 20% run on over \$100,000 per year.
- Almost three-quarters, or 73%, of programs are funded by some combination of state, local and/or federal agencies.
  - Most programs (51%) operate with 10 or fewer volunteer mediators/ facilitators; 76% have 25 or fewer such staff.
  - The vast majority of respondents were trained in multiple practices, even though they may not practice more than one model on any regular basis.
  - Case referrals come mostly from probation with 52.1% of programs reporting that they take referrals from probation; 41.6% of programs take case referrals from judges, 33.0% from law enforcement and 26.5% from prosecutors (these categories are not mutually exclusive as programs may take referrals from more than one source).
  - The charges most commonly accepted by restorative conferencing programs are minor assault, property damage and personal theft charges; least commonly accepted are serious drug charges, followed by domestic violence and minor drug charges.
  - Respondents report that conferences are used as pre-court diversion about 62% of the time, on average, 13% after adjudication and after sentencing about 23% of the time, on average.
- Just over 60 percent of programs report conferencing cases in which there is no identifiable victim.
  - Survey respondents report that conferences are most likely to be held in program offices (65%), followed by community/ neighborhood centers (41.2%) and schools (40.9%).
  - Most programs say it is common for the offender to speak first (59.4%) in at least some percentage of conferences, though not necessarily all the time.
  - Programs are fairly evenly split on whether or not they use set scripts when conducting conferences; 55.1% do not use a script while 44.9 percent report using a set script.
  - The majority of survey respondents (60%) reported that offenders in their programs who did not complete the conferencing process would most likely be sent back to court if they did not complete the process. The next most common outcome would be a return to probation for action (45.4%) followed by return to a diversion program (22.1%).
  - While 138, or 78.4% of programs report that all offenders must admit guilt prior to participation in a conference, only 25 programs, or 14%, report that offenders must be adjudicated guilty prior to participation.
  - Just over ninety-five percent of the programs responding to our survey say that the victim is typically present at the conference, and slightly under 90% report that the victim's family is present.

These represent some preliminary findings from the national survey. Still to be analyzed are data on conference follow-up and questions designed to assess the degree of "restorativeness" programs report. For example, data on the degree to which such characteristics as victim involvement, offender participation, repairing harm, victim healing, offender accountability, victim satisfaction and building community capacity to respond to crime are important, and the extent to which programs think they are meeting their goals in these areas, are currently being analyzed. Reports will be available by Spring, 2002.

### *Additional Intermediate Analysis and In-depth Case Study Data*

Data from these portions of the study are not yet available. We are currently examining detailed qualitative data gathered from approximately 20 interviews with program directors around the country, as well as from 2 national focus groups held during Spring, 2001. Reports containing this information will be available by Spring, 2002. In addition, we are coordinating data from our two intensive case-study sites which will also be available next Spring.

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## CONCLUSION

This research presents information previously unavailable to both programs and policymakers about the scope, prevalence and nature of restorative conferencing for youth in the United States. Given the dynamic nature of restorative justice in general, and of restorative conferencing programs in particular, it is especially important that accurate information on where restorative conferencing programs are located, how many exist, what models are being practiced and whether (and to what degree) such practice is reflecting principle is essential for formulating, enacting and delivering effective restorative justice policy and practice. The extent to which restorative justice can deliver on its promises and be accepted as a viable justice strategy for the future depends in no small measure on the reliability of information presented about it. This research, when complete, will fill a significant gap in the current availability and accuracy of information on restorative conferencing programs in the United States. ●

Dr. Schiff can be reached at 954-762-5638 or mschiff@fau.edu

# Second Restorative Justice Academy

May 6-17, 2002

Fort Lauderdale, Florida

The Community Justice Institute at Florida Atlantic University will host the second Restorative Justice Academy at the Doubletree Galleria in Fort Lauderdale, Florida May 6-7, 2002. The Academy will include a wide variety of introductory and advanced courses and workshops over a two-week period. Individual courses will be sponsored by the JAIBG grant, the Balanced and Restorative Justice Project and others participating agencies. A nominal registration fee of \$50.00 will be charged for each course and participants will be responsible for their own travel, food and lodging expenses.

## Courses

- 1) Working with Key Court Personnel to Implement Restorative Practice ..... May 6<sup>th</sup>
- 2) Restorative Justice in Residential Settings ..... May 6<sup>th</sup>
- 3) Restorative Justice Tools for Schools ..... May 6-7<sup>th</sup>
- 4) Training for Trainers of Restorative Group Conferencing ..... May 6-12<sup>th</sup>
- 5) Teen Courts and Restorative Practice ..... May 7-8<sup>th</sup>
- 6) Circle Training ..... May 7-10<sup>th</sup>
- 7) Training for Trainers of Restorative Justice ..... May 8-17<sup>th</sup>
- 8) Victim Sensitive Guidelines for Restorative Practice ..... May 9-10<sup>th</sup>
- 9) Facilitating Restorative Group Conferences ..... May 11-13<sup>th</sup>
- 10) Introduction to Balanced and Restorative Justice ..... May 13-17<sup>th</sup>
- 11) Prosecutorial Leadership Roles for Restorative Justice ..... May 14<sup>th</sup>
- 12) Circle Keeper Training ..... May 14-15<sup>th</sup>
- 13) Volunteers in the Restorative Justice Community ..... May 15-16<sup>th</sup>
- 14) Benchmarking and Evaluation of Restorative Efforts ..... May 16-17<sup>th</sup>

For more information and registration forms please visit the Restorative Justice Academy website: [www.fau.edu/caupa/centers/cji/T4T](http://www.fau.edu/caupa/centers/cji/T4T) or call Carsten Erbe at (954) 762-5022 or e-mail at [cerbe@fau.edu](mailto:cerbe@fau.edu)

## The United Nations and Restorative Justice

Information for this article was found at "Restorative Justice Online", a service of Prison Fellowship International; <[www.restorativejustice.org](http://www.restorativejustice.org)> Daniel Van Ness is its Executive Director.

From October 29 to November 1, 2001 a United Nations Group of Experts met in Ottawa, Canada to review comments from member countries on whether the United Nations should adopt international guidelines on restorative justice. In April 2000, the Governments of Canada and Italy submitted a resolution to the UN Commission on Crime Prevention and Criminal Justice proposing that the UN develop international guidelines to assist countries in adopting restorative justice programs. By the end of May 2001, 37 countries, including the United States, had

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## UN Declaration - Continued from Page 7

responded. Under United Nation rules, when 30 countries respond it must convene an Expert Meeting to review the comments received.

Eighteen experts from 16 countries and 8 observers attended the meeting. It was agreed that restorative justice guidelines were necessary, and the Group of Experts formulated and recommended adoption of a Declaration of Basic Principles on the Use of Restorative Justice Programs in Criminal Matters.

Not wanting to make their statement mandatory, the Group agreed that the purpose of the basic principles was to assist member states of the UN to adopt and standardize restorative justice initiatives in their justice systems.

The text of an unofficial version of this document can be found at <[www.restorativejustice.org](http://www.restorativejustice.org)>. The official version will be available sometime during the first quarter of 2002. ●

Work with volunteers in your restorative justice program? For help in keeping volunteers effective and happy, check out this website: <http://www.energizeinc.com>

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## Upcoming Events

To have your event listed, send information to:  
*Kaleidoscope*, 718 Peranna Place, Charlotte, NC 28211  
or e-mail - [evelynhrj@carolina.rr.com](mailto:evelynhrj@carolina.rr.com)

**Restorative Justice Academy** - Presented by the Community Justice Institute at Florida Atlantic University; Doubletree Galleria in Fort Lauderdale, Florida; May 6-7, 2002. For more information see article on page 7.

## Congratulations!

The Community Justice Institute wishes to congratulate Dr. Sandra P. O'Brien on her new position as an Assistant Professor at Florida Gulf Coast University in the Public Administration School. Sandra has served as the Project Manager for the Balanced and Restorative Justice Project for a number of years and her contributions to the BARJ Project have been considerable. Sandra will be moving to Fort Meyers, Florida with her family. We wish all the best in her new position and look forward to working with her in the future.

## Experience a fully restorative system

Prison Fellowship International (PFI) has launched a multi-year project to create a computer simulation of a fully restorative justice system. Such a system would be capable of responding to all crimes, offenders and victims in the most restorative way possible. The project will be conducted in three phases.

For more information, check out the PFI website <[http://restorativejustice.org/rj3/RJ\\_City/Announcement.htm](http://restorativejustice.org/rj3/RJ_City/Announcement.htm)>

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