



# Kaleidoscope

# JUSTICE



Highlighting Restorative Juvenile Justice

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**T**he Balanced and Restorative Justice Project provides national training, strategic technical assistance, system leadership and development, and community stakeholder support and capacity building.

One of the ways these objectives are met is through direct involvement with several states that have been working on implementing restorative

justice principles in their juvenile justice systems for a number of years. These are called "Special Emphasis States."

In this issue we look at two of those states, Pennsylvania and Colorado, to understand the methods they have used in implementation of a balanced and restorative justice system and some of the background of how they have achieved it. Every state, and even the various organizations within each state, have arrived at restorative justice from different venues. Previous BARJ studies have delineated these various pathways. (See *Kaleidoscope of Justice*, Vol. 1, Nos. 1 & 2.) One of the most effective ways of developing effective restorative justice based programs and systems is through a sharing of experiences around the country.

New York State is using federal Community Oriented Policing funds to place state police in a number of school districts. In this issue we also look at how training in restorative justice principles gives the troopers

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the fundamentals needed to help them create a climate for positive learning in the schools. ●

### 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.





# Pennsylvania: 8 years of restorative justice

**I**n January of 1995, Pennsylvania's General Assembly was called into special session by the newly elected Governor, Tom Ridge, to focus exclusively on the issue of crime. Special Session No. 1 of 1995 would see the passage of 37 separate bills, 15 of which affected the juvenile justice system in some way.

The most significant of the new laws was Act 33 of Special Session No. 1 of 1995. This new law set forth a statutory scheme that excluded designated felonies from the definition of "delinquent act" and placed them within the original jurisdiction of the criminal court.

However, the most important provisions of Act 33 redefined the very mission of the juvenile justice system to require:

"Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community."

The purpose clause in Pennsylvania's Juvenile Act is premised on the concept that the clients of the system include the crime victim, the community, and the offender and that each should receive "balanced attention" and gain tangible benefits from their interactions with

Pennsylvania's juvenile justice system.

This is rooted in the philosophy of restorative justice, which gives priority to repairing the harm done to crime victims and communities, and which defines offender accountability in terms of assuming responsibility and taking action to repair harm. The "balanced attention" mandates in The Juvenile Act provide the framework for implementing restorative justice in Pennsylvania's juvenile justice system.

The principles of Balanced and Restorative Justice, which served as the foundation for the 1995 amendments to the purpose clause of the Juvenile Act, are as follows:

### **Community Protection**

*The citizens of Pennsylvania have a right to safe and secure communities.*

### **Accountability**

*In Pennsylvania, when a crime is committed by a juvenile, an obligation to the victim and community is incurred.*

### **Competency Development**

*Juveniles who come within the jurisdiction of Pennsylvania's juvenile justice system should leave the system more capable of being responsible and productive members of their community.*

### **Individualization**

*Each case referred to Pennsylvania's juvenile justice system presents unique circumstances and the response of the system must therefore be individualized and based upon an assessment of all relevant information and factors.*

### **Balance**

*As appropriate to the individual circumstances of each case, Pennsylvania's juvenile justice system should provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of their communities. Victims of crime, the community, and the juvenile offenders as well, should receive balanced attention from the juvenile justice system and each should gain tangible benefits from their interactions with the system.*

The concepts upon which this redefined mission of Pennsylvania's juvenile justice system were based envisioned new roles for judges, juvenile justice system professionals, crime victims, and communities as well as juvenile offenders.

In an effort to provide guidance regarding the intent of the statutory changes to the Juvenile Act, a mission statement and guiding principles were

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New York State trains State Police  
in restorative justice  
and places them in schools.

In February 2002, New York State Governor George Pataki announced that 35 State Police were being assigned as School Resource Officers (SROs) in 63 school districts across New York State through the Governor's Safe Schools initiative. In a press release Pataki stated: "Children throughout New York need and deserve a safe and secure learning environment, free from the fear of violence. By bringing these positive role models into classrooms across our State, we can prevent crime, make our schools safer and provide young New Yorkers with the guidance and encouragement they need to succeed." The positions are funded through the Department of Justice's Community Oriented Policing (COPS) program. It is a four-year grant that will run through the school year 2005.

Janelle Cleary, Project Director for the New York State Community Justice Training Initiative of the New York State Council on Children and Families, saw the press release announcing the program. She was intrigued by one paragraph that stated: "One of the most important duties performed by SROs will be working directly with students, teaching them conflict resolution, restorative justice, anger management, crime prevention and personal safety skills." As a restorative justice trainer, Cleary decided to look into this aspect of the program and was instrumental in bringing the situation to the attention of NYS Police Superintendent James McMahon and NYS Council on Children and Families executive director Alana Sweeny. Together they developed a training program in restorative justice principles led by Cleary for the new SROs.

Cleary notes that there have been difficulties in introducing restorative justice into NYS because it is perceived as: 1) being soft on crime and 2) only focused on bringing victims and offenders together. Many people don't understand the larger framework of restorative justice, states Cleary, and she is working to provide cross training on restorative justice to workers in probation, parole,

mental health, child welfare, judiciary, district attorneys' offices, dispute resolution, and youth court. She also provides cross system training with anyone who wants to start a program with restorative justice components. Cleary has even provided victim awareness training to the staff of the secure youth facilities, noting that they often lose the perspective of the crime victims as they deal with the juvenile offenders.

Cleary is excited about the recently completed training of the new SROs. In the process she also trained ten school community outreach coordinators, the sergeant who oversees the program, and others – just under 100 people statewide – in basic principles of restorative justice and how they can be put to practical use in the schools.

State Trooper Michael Wilson, who oversees the SROs, agrees with Cleary's assessment: the response has been overwhelmingly favorable. Seasoned officers with five-plus years experience on the force who truly wanted to do this specialized work volunteered for the program. Wilson notes that he has tried to give the SROs every tool and training possible to help them as they work to get the students they come in contact with the help they need, including social and mental health services. The SROs see

restorative justice as another tool to help them work in the schools to create a climate that breeds a good learning environment, one where the students learn to take responsibility for their actions.

Being a SRO is a totally different kind of policing for the officers. According to both Cleary and Wilson they have already had a large impact on the schools where they work. SROs use the triad approach, serving as: 1) law enforcement officials, 2) teachers, and 3) counselors. In these roles they perform a variety of tasks every day. These

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*One SRO used an  
accident that  
occurred under a  
Driving While  
Intoxicated incident  
to develop lesson  
plans for five  
different classes:  
Physics, Biology,  
Health,  
Constitutional Law,  
and Business.*

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adopted. This mission statement became the symbol of Pennsylvania's Juvenile Justice System.

**JUVENILE JUSTICE:  
COMMUNITY PROTECTION  
VICTIM RESTORATION  
YOUTH REDEMPTION**

*Community Protection* refers to the right of all Pennsylvania citizens to be and feel safe from crime.

*Victim Restoration* emphasizes that, in Pennsylvania, a juvenile who commits a crime harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible.

*Youth Redemption* embodies the belief that juvenile offenders in Pennsylvania have strengths, are capable of change, can earn redemption, and can become responsible and productive members of their communities.

**Implementation**

Balanced and Restorative Justice has proven to be challenging to implement in Pennsylvania. But the challenge is being met and tremendous progress has been made throughout the state's 67 counties, according to Susan Blackburn, Assistant Director of Training at the Center for Juvenile Justice Training and Research. Using the mandating legislation which incorporated the Balanced and Restorative Justice (BARJ) principles, the Juvenile Justice and Delinquency Prevention Committee of the Pennsylvania Commission on Crime and Delinquency, the Pennsylvania Juvenile Court Judges' Commission and the Pennsylvania Council of Chief Juvenile Probation Officers have taken the lead in coordinating and implementing balanced and restorative justice practices throughout the Commonwealth of Pennsylvania.

Initially, the broad implications of the new legislation were not well understood because the most publicized part of the juvenile justice reform efforts focused on which serious crimes committed by juveniles should be automatically transferred to the criminal court. However, this was viewed as an opportunity to take a hard look at the juvenile justice system and make some positive changes. Juvenile justice professionals from across the state took on the challenge to adopt a new philosophical foundation, rather than simply placing more juveniles in the criminal

justice system. A commitment was made to provide resources to build the infrastructure, to develop new literature and to provide training and technical assistance to ensure the implementation of the broader principles and implications of a balanced and restorative justice model.

While the state can mandate balanced and restorative justice through passage of a law, the implementation takes place on the local level with support, such as training, technical assistance and funding, from the state. Each county has responded differently as they moved to adapt their work and adopt the new way of doing business. Blackburn acknowledges that it has "been challenging

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**A victim doesn't suffer any less  
if the crime is committed by a juvenile,  
Therefore, victims of juvenile crime  
should benefit from the same services  
available to victims of adult crime.**

-PA State Sen. Jane Earll

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working with such a diverse and large system." The past seven years have been an "evolution, you are able to look back and take pride in what has been accomplished."

**Victims' Bill of Rights**

On December 29, 1999 the Victims of Juvenile Crime Bill of Rights came into effect, pushing the juvenile justice system into giving greater attention to victims and their needs. "A victim doesn't suffer any less if the crime is committed by a juvenile," Senator Jane Earll, the bill's sponsor, stated. "Therefore, victims of juvenile crime should benefit from the same services available to victims of adult crime." The bill gives victims:

- ◆ The right to receive basic information concerning services available to crime victims;
- ◆ The right to be notified of significant court proceedings;
- ◆ The right to be accompanied at court proceedings by an advocate or family member;
- ◆ The right to submit a written or oral impact statement for the court's consideration;
- ◆ The right to assistance when filing claims for restitution and compensation;
- ◆ The right to be notified of the final disposition of their case;
- ◆ The right to be notified of and have the opportunity to

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provide written objections to the proposed release or transfer of an adjudicated delinquent contrary to a previous court order or placement plan;

- ◆ The opportunity to provide oral or written comment at a review hearing;
- ◆ The right to be notified of the termination of juvenile court jurisdiction.

### Highlights of the past 8 years

It is difficult to relay the myriad of activities around the implementation of balanced and restorative justice in Pennsylvania; however several highlights can be noted.

Gordon Bazemore and Dennis Maloney of the Balanced and Restorative Justice Project led initial statewide training forums to introduce the balanced and restorative justice model. Regional forums were then held by the Juvenile Court Judges' Commission to educate stakeholder teams from the 67 counties in basic balanced and restorative justice information.

Blackburn reports that Federal drug control and system improvement money (Byrne grants) was awarded to many counties during the first several years after the legislation was enacted to enable local jurisdictions to start programs and see tangible outcomes immediately. While this was a positive step, Blackburn notes that there was an eventual decline in the quantity and quality of the programs and additional training and technical assistance was needed to provide a better understanding of restorative justice principles.

The PCCD has also funded the "Juvenile Justice Enhancement Training Initiative" since 1998. This grant provides funding for the efforts to educate juvenile justice professionals and stakeholders, including community members. Innumerable training opportunities have been provided through this initiative as well as several documents and publications which enhance the juvenile justice practice through the principles of balanced and restorative justice.

Since 1998, over \$15 million in annual state funding for specialized probation services has been granted to counties to develop specialized probation officer positions which are guided by standards that incorporate balanced and restorative justice goals.

Statewide training entitled "Enhancing your Juvenile Court's Response to Victims" for teams of stakeholders from local jurisdictions was held in 2000. The state has worked

with Lorraine Stutzman Amstutz, director of the Office on Crime and Justice of the Mennonite Central Committee, and Howard Zehr, professor of Sociology and Restorative Justice at Eastern Mennonite University, to develop a Pennsylvania manual for victim offender conferencing.

Pennsylvania has been slow to implement programs for victim-offender conferencing as "they are getting their feet wet slowly," according to Blackburn, who believes this approach has been positive for the state.

Training on balanced and restorative justice and related topics of interest to juvenile justice professionals continues with at least fifty training sessions being offered each year. Well over 4,000 juvenile justice, human service professionals and other critical system actors have received training on balanced and restorative justice. Attempts are made to provide balanced and restorative justice training at every statewide criminal/juvenile justice conference. An annual juvenile justice conference serves to highlight many of the states recognized initiatives and a second statewide conference on balanced and restorative justice is scheduled for September 10, 11 & 12, 2003.

Since 2000, forty people have been trained as balanced and restorative justice trainers in Pennsylvania. The approach has been to provide training on the mission, the principles and the goals of Pennsylvania's juvenile justice system in addition to skills, tools and practices on how to integrate balanced and restorative justice into their local jurisdictions and then let each county determine how to implement the new system.

Juvenile justice service providers throughout the state are also working toward the incorporation of balanced and restorative justice within their organizations. An initiative to provide training to providers is presently underway.

Blackburn admits that Pennsylvania still has a long way to go to realize a fully balanced and restorative juvenile justice system, but with the continued commitment of state policy makers, juvenile court judges and chief juvenile probation officers, victim services organizations and community members, the vision toward a juvenile justice system that incorporates balanced and restorative justice principles and goals will be forthcoming. "It is an evolution," says Blackburn, "we must have lots of patience, and we must recognize and celebrate the successes." ●

*In the next issue: a look at the evaluation of the balanced and restorative justice initiative in Pennsylvania.*

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# Balanced and Restorative Justice Project Update:

*The staff of the Balanced and Restorative Justice Project has undergone a number of changes in recent months. Here is an update of who is who and what they are doing.*

## Gordon Bazemore

Gordon Bazemore is currently a Professor of Criminal Justice at Florida Atlantic University and is the Project Director of the Balanced and Restorative Justice Project. His primary research interests include juvenile justice, youth policy, community policing, corrections, and victim's issues. He is the author of over 45 journal articles, numerous book chapters, and monographs on these topics.

Gordon recently completed a book co-edited with Lode Walgrave entitled Restorative Juvenile Justice: Repairing the Harm of Youth Crime (Criminal Justice Press). He has directed several recent evaluations of juvenile justice, corrections, and policing initiatives funded by the Florida Department of Health and Rehabilitative Service, the Annie E. Casey Foundation, and various bureaus of the U.S. Department of Justice. He recently completed a project funded by the Office for Victims of Crime (U.S. Department of Justice) to study judges' and crime victims' attitudes toward victim involvement in juvenile court.

## Dennis Maloney

Dennis Maloney is Project Manger with the Community Justice Institute at Florida Atlantic University primarily working on the Balanced and Restorative Justice Project. For 16 years he served as the Director of the Deschutes County of Community Justice in Oregon. There he initiated a variety of juvenile and adult corrections programs. Dennis has written two books and over 30 published articles. His book on probation is the most widely distributed journal in the history of the National Council of Juvenile and Family Court Judges. Over the past decade Dennis has provided technical assistance to all 50 states. Nearly 30 states have revamped their entire juvenile justice system based on Dennis' writing on the Balanced Approach to Juvenile Justice. The U.S. Department of State has distributed his writings to over 200 countries and his work



is now being utilized worldwide as a foundation for justice system reform.

Dennis has been honored with several awards including the Sam Houston State Award for the Nation's Outstanding Publication on Community Corrections. In 1998, the U.S. Office of Juvenile Justice and Delinquency Prevention recognized Dennis as one of the five citizens who have had the most positive influence on the nation's juvenile justice system. In the year 2000, the Deschutes Community Youth Investment Program, a program designed by Dennis, was honored as one of the top 25 innovations in American government. The Portland Trailblazers named him as one of 10 Oregon Superstars.

Most important to Dennis is the privilege of being a father to five daughters: Tracy, Shannon, Caitlin, Kelly and Molly. He is married to Nancy Maloney who is a physician in their hometown of Bend, Oregon.

## Dee Bell

Dee Bell is the Administrator of the Community Justice Institute at Florida Atlantic University. The Community Justice Institute provides quality training and technical assistance to criminal justice professionals working in the community justice and restorative justice arenas.

Prior to her current position, she worked for 26 years in Community Corrections for Georgia and Florida State Government. She has served as the program manager for the Georgia State Board of Pardons and Paroles for six years prior to her current assignment. Additionally she worked for many years for the Georgia Department of Corrections and Florida Department of Corrections in a variety of positions, including probation officer, chief probation/parole officer, superintendent and assistant state director of community corrections facilities.



Educated at Clemson University and Emory University, she is a certified senior instructor with the Georgia Peace Officer Standards Council and has provided training in both state and national venues for many years. Dee has served on the development team for several curriculums, most recently: *Basic Training for Restorative Justice Trainers*, *Training for Trainers of Restorative Justice*, *Restorative Group Conferencing Training*, *Training for Trainers of Restorative Group Conferencing* and the *American Probation and Parole Association's Principles of Prevention*. She has received a number of awards including the J.C. Penny Outstanding Community Leadership Award and the American Probation and Parole Association Outstanding Member Award.

Dee has had extensive experience in implementing the principles of restorative justice in the criminal justice process and in working with communities to increase the quality of life for citizens. Both in her job assignment and as a consultant, she has worked with leaders in corrections, law enforcement, the judiciary, civic organizations, schools and neighborhood groups to develop a comprehensive response to public safety based on restorative principles and to develop and implement programs and strategies for local community problem solving and community capacity building.

## Carsten Erbe

Carsten Erbe is currently a Project Coordinator with the Balanced and Restorative Justice Project. Carsten has worked on numerous BARJ related projects including the Restorative Justice Academy, Special Emphasis States and our new website. Previous to joining BARJ, Carsten worked with Gordon Bazemore and Mara Schiff assisting with two national research projects related to juvenile conferencing. Originally from Canada, Carsten has a Masters degree in Cross-Cultural Studies from Queensland University of Technology from Brisbane, Australia and a Bachelors in Criminology from Simon Fraser University in Burnaby, British Columbia. His previous experience also includes involvement with community-based restorative justice measures in the Yukon Territory and Palm Island Australia.

## Dani Riester

Dani Riester is currently employed with the Community Justice Institute as a Project Coordinator, working on projects that include the Minority Focus Group and restorative justice training. Her experience in corrections started as a correctional officer with the

Minnesota Department of Corrections; subsequent positions included State planner for Restorative Justice and Transitional Case Manager. She also worked with the Council on Crime and Justice in Minneapolis, Minnesota, focusing on youth education support and using restorative justice based measures to deal with reducing educational neglect.

## Evelyn Hanneman

From her home in Charlotte, North Carolina, Evelyn Hanneman serves as editor for the BARJ newsletter, *Kaleidoscope of Justice*. Evelyn works full time for the Baptist Peace Fellowship of North America as the business manager and Restorative Justice Program director. Before moving to Charlotte, Evelyn was in Maine where she directed the criminal justice program for the Maine Council of Churches. There she worked with the state legislature, community groups and the faith community. She also chaired the Maine Juvenile Justice Coalition which worked to improve Maine's juvenile justice system.

While with the Maine Council of Churches she started the first version of *Kaleidoscope of Justice: Highlighting Restorative Justice in Maine*. She is also the author of "Giving Kids a Jump-Start" and "Maine's Juvenile Justice System in Flux," in Common Ground: The Newspaper of the New England Association of Child Welfare Commissioners and Directors and "Criminal Justice Policy Strategies for Maine" (with Craig McEwen), in Maine Policy Review.

Through the Baptist Peace Fellowship she has published *Seeking Shalom: Why our current criminal justice system doesn't work and what every Christian needs to know about how to fix it*.

Before leaving Maine Evelyn was recognized for her work in the criminal justice system by Maine Initiatives' Social Landscape Artist Award; Volunteers of America Northern New England's Star Award; and the Maine Department of Corrections. ●

### Want to receive Kaleidoscope of Justice?

Send your name, title, department/division,  
full address, phone, fax, and email address to:

barj@fau.edu

or call the BARJ Project office  
at 954-762-5668.

include giving presentations – over 2000 so far to more than 60,000 people.

The SROs also use the competency development principle of restorative justice to build positive relationships with the students, helping the youth learn, perhaps for the first time, how to establish a relationship built on trust and mutual respect. Cleary notes that the students see the state police from a different perspective now; it is all about human relationships. Since the program started in February 2002, the SROs have had twenty-seven suicide interventions and twenty-two sexual abuse disclosures all because of the relationships they have built and the level of trust that has developed.

The teaching is done in classrooms on a wide variety of subjects. Wilson noted how one SRO used an accident that occurred under a Driving While Intoxicated incident to develop lesson plans for five different classes: Physics, Biology, Health, Constitutional Law, and Business. Many

SROs also teach the DARE curriculum.

There are several next steps Cleary and Wilson are planning. They want to train SROs as conference facilitators. And they want to train some of the officers as trainers so that they can pass on to other officers what they have learned about restorative justice principles and how to put them to good use in making New York State's schools safer places to be and learn.

Cleary is just beginning to collect data and information about the difference the program is having in the schools. It is already apparent that there is a huge impact with a positive change in the schools' culture and environment. Wilson notes that restorative justice put a name to something many officers were practicing already. It gives them new resources so that they know how and where to go to get help in taking the next step in their work in the schools. ●

*Janelle Cleary can be reached at 518-473-9638. Trooper Michael Wilson can be contacted at 518-457-5422*

## How I learned about restorative justice -- and why I like it

**I**n 1997 Janelle Cleary attended the conference "Community Justice: Transforming the System to Serve Communities" in Washington, DC and was intrigued by a workshop on "indigenous practices" presented by Chief Robert Yazzie, Chief Justice of the Navaho Nation, and Ada Pecos Melton. Part of the workshop related these indigenous practices to Balanced and Restorative Justice.

At the time Cleary and her colleague Norma Tyler from New York State Probation and Correctional Services, were working on a statewide study to improve the juvenile delinquency diversion intake process, which included looking for better ways to meet the needs of the troubled youth who were involved with the juvenile justice system and their families. Prior to her work at the state level, Cleary worked in child welfare, and ran a group home for adjudicated delinquent males. She was very aware that there was no empathy, no sense of responsibility, no accountability required of the youth by the system.

The principles of restorative justice clicked for Cleary, matching her own beliefs of how to solve problems of harm through engaging and involving all of the stakeholders in the process. She had always felt that there

could be a real impact in having youth involved in what happens to them, rather than being an unwilling participant in an adversarial process. Cleary and Tyler attended the Second Annual International Conference on Restorative Justice for Juveniles in Fort Lauderdale, Florida in 1998. There they met many of the national leaders involved in restorative justice, and were offered an opportunity to be trained as restorative justice trainers through the National Institute of Corrections. When Cleary went to the National Institute of Corrections to be trained as a restorative justice trainer she never imagined that four years later she would be part of the significant work being done in New York, especially working with state police in schools.

States Cleary, "If we are working *now* in our schools – elementary, middle, and high school – giving kids and adults restorative justice principles to work and live by, we will begin a cultural and environmental shift that will make a major difference in our juvenile delinquency numbers over the next few years." Cleary firmly believes that restorative justice is not program but a philosophy. "Calling it a program," she states, "diminishes the work that can be done. Infuse the principles into what you do, then you don't need a program." ●



# Colorado Forum: Connector for restorative justice

About four years ago it became clear to many of those involved in restorative justice work in Colorado that people were going in a lot of different directions with the paradigm. A variety of trainings were being held but there was no consistency in what was being taught. The idea emerged of developing one group that could be the connector, the central point through which restorative justice could flow in the state. Thus the Colorado Forum on Community and Restorative Justice was born.

Anne Rogers has been the Forum's executive director since its inception. She began her work with the Division of Probation Services whose Common Ground Statement included restorative justice principles. (See story on page 12.) Rogers was hired to help flesh out the victims' side of the 'triangle' – offenders/community/victims. From this position she co-chaired a major statewide restorative justice conference. This led to the

decision to seek funding from the State Court Administrators' Office for a statewide restorative justice organization and Rogers moved into place as the new organization's executive director.

Training, technical assistance, policy development and conferences have been the Forum's focus. The Forum works with any organization interested in developing restorative justice programs, assisting them in developing principles and guidelines. They have partnered with everyone in the criminal justice system. The victim community has been supportive, perhaps more so than in other states, because of the training and cross-fertilization that has been done. Since Rogers herself came out of the victim community she has been able to provide a positive venue for victims issues to surface and be addressed.

The Forum is also involved in developing policy through work with the state legislature. They were instrumental in helping pass

Colorado's Children's Code that now includes restorative justice as its basis. (See box at bottom of page.)

Rogers is quick to acknowledge that there is still lots of work to do. But she is pleased to note that most everyone in the criminal justice system has bought into restorative justice, especially in the juvenile system. Even with recent state budget cuts, people remain committed to hanging on to restorative justice, and there is something restorative going on in almost every community in Colorado. Even so, there has not been a lack of work for the Forum. People call every day asking for assistance in bringing restorative justice principles to their community.

The Colorado Forum on Community and Restorative Justice has a clear understanding of what restorative justice is and what their work is to encompass as their mission/vision statement shows.

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## Colorado's Children's Code

(1) The general assembly hereby finds that the intent of this article is to protect, restore, and improve the public safety by creating a system of juvenile justice that will appropriately sanction juveniles who violate the law and, in certain cases, will also provide the opportunity to bring together affected victims, the community, and juvenile offenders for restorative purposes. The general assembly further finds that, while holding paramount the public safety, the juvenile justice system shall take into consideration the best interests of the juvenile, the victim, and the community in providing appropriate treatment to reduce the rate of recidivism in the juvenile

justice system and to assist the juvenile in becoming a productive member of society.

(2) The general assembly hereby finds that the public has the right to safe and secure homes and communities and that when a delinquent act occurs such safety and security is compromised; and the result is harm to the victim, the community, and the juvenile offender. The general assembly finds that the juvenile justice system should seek to repair such harm and that victims and communities should be provided with the opportunity to elect to participate actively in a restorative process that would hold the juvenile offender accountable for his or her offense.

## The Colorado Forum on Community and Restorative Justice

### Our Mission

The Colorado Forum on Community and Restorative Justice exists to foster understanding and implementation of restorative community justice principles and values. We collaborate with communities, organizations, foundations, the criminal justice system and state leadership to work for safe and healthy communities.

### Our Vision

Restorative community justice guides our actions both in response to crime and in achieving justice; for when we have true social justice there will be safe and healthy communities. We will achieve this when individuals, agencies, community groups and the justice system unite in restorative beliefs and actions. Restorative community justice is not a program, but rather a way of practicing justice that:

- Repairs the harm caused by the offense

- Establishes a healthy balance and promotes healing among community members, including victims and offenders

- Reduces risk factors in communities

- Strengthens community capacity to problem solve on crime and quality of life issues

- Prevents crime by establishing true partnerships between the criminal justice system and communities.

### Our Vision Works When

- True and trusting partnerships are developed

- All voices are valued, including those not previously heard

- Restorative community justice principles and practices are the driving force of organizations

- The justice system is equally accountable to communities, to victims of crime and to those who commit offences

- We recognize and use the strengths that exist within the community

- Communities, including victims of crime and those who commit offenses, are able to choose their levels of participation in restorative processes.

### Overall principles

**1. Crime is a tear in the social fabric.** It is an offense against persons and relationships, not an impersonal entity such as “the state.” We can never lose sight of the fact that there are personal victims whose sense of trust and safety is harmed in the criminal process. The focus of the process must be on those directly involved.

**2. The community, not the external system, is the driving force behind the process.** Those who are closest to the parties are in the best position to establish and monitor the process of justice. The community must be willing to take responsibility for creating a system of justice, which will work for its members.

**3. Victims, offenders and community members all must be provided with opportunities for input and participation in the justice process as early and as fully as possible.** Each party is entitled to be heard and included

in the development of a plan of action in an expeditious manner respectful of their needs. Safety and fairness are essential parameters in every process.

**4. Diverse points of view are critical to the creation of wise, effective decisions.** Interventions that recognize different points of view will encourage openness and lead to all perspectives being discussed. This serves as the basis for complete discussion and offers the best chance for fair decision-making.

**5. Justice requires an opportunity for healing and repair.** The concept of justice includes the perspective of restoring the health of individuals and communities through a reasonable plan of accountability. It is the community which ultimately must oversee this endeavor.

**6. We do not ask victims, offenders and community**

*Continued on page 11*

to change unless we are willing to sit beside them. We recognize the integrity of every person and the reason for their perspective. Support must be made available to each party as they clarify their needs and participate in a restorative plan of action.

**7. Pay attention to the unintended consequences of our actions and programs.** We need to consistently evaluate the success of the programs we promote and be willing to make all necessary adjustments to further the fair treatment of all parties.

**8. Recognize that our actions, thoughts and attitudes affect others and we are responsible to act for the greater good.** We recognize the importance of the changes we advocate and the need to be cognizant of the vulnerability and strong emotions of the people who interact in the justice system. We are determined to act in a responsible and respectful manner as we promote changes we believe are in the best interest of all parties.

### Principles for the Victims

**1. The perspective and needs of the victim are kept central to the process by both defining the harm resulting from the crime and ensuring the involvement of the victim, if they choose, in the plan to repair the harm.** The restorative process is committed to clearly delineating the impact the offense has had upon the victim. The resulting emotional and financial consequences of a crime must be included in every part of the process. Victims will be encouraged to participate within an atmosphere of safety that is dedicated to assisting with their own healing and also affords them input into any plans, which are developed.

**2. The victim always has the choice to participate and to determine the extent of their involvement.** No one can dictate to a victim the manner in which they are to be involved in the process. Coercion cannot be part of a restorative process. The options of participation should be clearly delineated with complete information about the particular restorative process in which the victim is invited to participate.

**3. Each victim receives the services and resources he/she needs as a result of the crime.** The needs of the victim are very important in restorative justice. The special needs, which a victim may have in order to participate in a restorative process, must be considered and addressed. Avenues for ongoing communication with victims are

created. The goals are to keep victims well informed, feeling safe and to ensure that their needs are addressed.

### Principles for the Community

**1. The community/neighborhood shares responsibility for its members and each has a role in responding to community norms and values.** Every community is responsible for the well being of its residents. It is the community which should take the leading role in insuring that the needs of its members are met, including the victim who has been harmed, the community whose standards which have been violated and the offender who has perpetrated a wrong. As such, communities should create systems, which will support healing for the victim, restoration/reaffirmation of community standards and accountability for the offender.

**2. The community holds the justice system accountable for supporting the process.** The community must insure that the formal justice system supports a restorative approach, which meets the needs of all participants. This can include formally petitioning policy makers as well as actively participating in the electoral process to promote adoption of restorative practices.

**3. The community shares responsibility for recognizing and assisting victims by assuring their needs are met and in restoring them to their community.** The community should take an active role in providing for the victim needs, by conveying support in a non-intrusive way and by helping them to re-establish a sense of personal safety.

**4. The community shares responsibility for monitoring and assisting offenders in completing their obligations and in restoring their status in the eyes of the community.** The community is expected to take an active role in helping offenders successfully complete any obligations associated with their making amends to both the victim and the community. Once the offender has successfully completed the actions they agreed to take, community members must assist in the restoration of that person to full membership.

### Principles for the Offenders

**1. The offender is accountable to the victim and community for their actions.** Crime is an offense against both an individual or individuals and the community. It is important that both these entities have a voice in the

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## Colorado Probation: common ground statement=restorative justice

Parts of the Colorado criminal justice system have been using restorative justice principles before they knew what restorative justice was. For over ten years, Colorado's Probation Services has used a common ground statement that included community and victim issues in its major components. It wasn't until restorative justice became popular a few years ago that they began using what has become a very familiar term – restorative justice.

In fact, according to Vern Fogg, Director of Division of Probation Services of the Colorado State Judicial Department, restorative justice has in some ways become “its own worst enemy with lots of baggage,” so they are going back to their common ground statement as the basis from which they work. Fogg is developing three new common ground statements. The options will be given to the probation officers so that they can decide which one best fits the vision of their work in probation.

The common ground principles include: 1) accountability; 2) skill and competency development; and 3) reparation. The current Common Ground Statement says:

Colorado Probation is committed to a system of justice that promotes public safety and identifies and repairs harm to victims and communities. We guide and shape pro-social behavior through the application of sanctions and services. The goals of probation are accomplished in partnership with the community in an environment that respects the dignity, diversity and safety of all staff, victims and offender.

As such, Colorado Probation provides:

- Necessary surveillance and control to protect the community and deter future victimization.
- Effective evaluation and offender assessment assisting the Court in sentencing offenders to the most appropriate sanction and treatment program.
- Services that directly address the reduction in criminal behavior.
- An efficient system of victim compensation.

Colorado has twenty-two judicial districts, each with its own chief judge, chief probation officer, and victim assistance coordinator. All funding comes from the state. Each district is autonomous so each determines the extent to which the common ground statement is implemented. However, Fogg sees the common ground statement as the guiding force in all activities. He believes that when restorative justice is anchored in programs it can lead to a lessening in the use of its principles with the sense that the victim/community piece belongs to another section, and doesn't have to be the concern of that particular officer.

Asked about community involvement in the work of the probation department, Fogg indicated that they are looking at massive volunteer recruitment in the lengthy process of community building. “If,” he states, “the goal is to have doors for community to enter into the department, at best we have windows for them to look in.”

One way Fogg continues holding to the common ground principles is through regular retreats with people

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### Colorado Forum - *Continued from Page 11*

process. The goal is to insure the offender is held responsible to the victim and community for the impact of their criminal act.

#### **2. The community and system work with the offender to provide opportunity to:**

**a. accept responsibility for their actions.** The offender must agree that their action has caused harm to both the individual victim and the community.

**b. demonstrate their desire to regain their status in the community and be guided and supported in this effort.** In return for an honest admission of responsibility and accompanying desire to regain their standing in the community, members of the community will be part of the rehabilitation of the offender. Specific commitments

by both the offender and the community should be clearly delineated.

**c. participate in activities which increase empathy with crime victims.** As part of their commitment to change, the offender will help promote awareness of the impact of their actions by participating in activities, which convey awareness of the harm they have caused and thereby contribute to the healing process of victims.

**d. build upon their assets and address their needs to increase their capacity to be a contributing member of the community.** A partnership will evolve between the offender and the community, which will empower the offender to become a productive person who is a positive role model for others. ●

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## Colorado Probation - Continued from Page 12

from throughout the state probation system; based on these discussions he then solicits further comments from the entire staff before making a decision. In this manner Fogg has worked to build a culture of 'continuous organization'. Components of continuous organization include employee involvement: encouraging everyone's participation in achieving organizational purpose; competence

development: raising the competence level of all managers and employees; and teamwork commitment: inspiring personal dedication to group objectives and values.

Acknowledging that this could lead to the development of an entirely different probation philosophy, Fogg stated his belief that the system needs to be resilient enough to explore other options and not stay with one that may have outlived its usefulness. ●

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## BARJ website debuts at new url

The Balanced and Restorative Justice Project has changed its website to the new domain of <www.barjproject.org>. Currently in its early stages of development, the site will continue to be worked on and improved over the coming months. The impetus behind this change has been to create a website more assessable to the internet public and to connect these individuals better to the services and resources we have to offer. An obvious starting point for this has been the creation of a more memorable web address that is no longer hidden in the convoluted domain name of the FAU master website. An additional impetus is the design of a more user-friendly website with more downloadable materials and links to internet resources. We also hope that it will be easier for the public to contact us and send comments requesting help and technical assistance. In all it will be a resource

tool for those who wish to learn more about the BARJ concept and its implementation across the country.

We welcome any suggestions that you may have to improve our site and make it a better resource to you. Include any materials that you would like to see or comment on the materials we already have posted. You may forward these via the comments icon on our new website or email them directly to Carsten Erbe at cerbe@fau.edu. ●



<www.barjproject.org>

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### Federal prisoners win right to vote

The Supreme Court of Canada has granted federal inmates the right to vote in federal elections. Chief Justice Beverley McLachlin, speaking for the majority in the 5-4 decision, said that, "the idea that certain classes of people are not morally fit or morally worthy to vote and to participate in the law-making process is ancient and obsolete." Removing the right to vote in hopes of enhancing respect for the law is "exactly backwards," she says.

—from "The Well"

Newsletter of the  
Church Council on Justice and Corrections  
Ottawa, ON, Canada

Volume 3, Numbers 2/3. *Kaleidoscope of Justice*® is a publication of the Balanced and Restorative Justice Project. Gordon Bazemore, Project Director; Dee Bell, Community Justice Institute Administrator; Carsten Erbe, BARJ Project Coordinator; Evelyn Hanneman, Newsletter Editor. BARJ address: Community Justice Institute, Florida Atlantic University, 111 East Las Olas, Fort Lauderdale, FL, 33301-1905. Gordon Bazemore: email-gbazemor@fau.edu; phone-954-762-5668; Dee Bell: email-deekb@att.net; phone-954-762-5330; Carsten Erbe: email-cerbe@fau.edu; Evelyn Hanneman: email-evelynhrj@carolina.rr.com; phone-704-442-9289.

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# Third Annual Restorative Justice Academy

The third annual Restorative Justice Academy will be held April 21 - May 2, 2003 at the Doubletree Guest Suites/Galleria, Ft. Lauderdale, Florida. The Academy will include a wide variety of introductory and advanced courses and workshops over a two week plus period. It is hosted by The Community Justice Institute at Florida Atlantic University. Registration fee is \$100. Registration forms due by April 4, 2003.

Don't miss this opportunity for criminal justice practitioners, policy makers, and community members to participate in a forum that offers specialized training in Balanced and Restorative Justice.

## ***Courses, dates and cost:***

Volunteers in the Restorative Justice: Recruitment and Retention .....	4/28.....	\$20
Introduction to Neighborhood Accountability Boards (Conferencing) .....	4/22-23 .....	\$40
Re-entry Strategies for Communities: A New Area of Restorative Practice .....	4/23-24 .....	\$40
Victim Impact Classes .....	4/21-23 .....	\$60
Restorative Justice in Residential Settings .....	4/22-23 .....	\$40
Restorative Justice Practice and Philosophy in Native America .....	4/24-25 .....	\$40
RJ Strategies that Impact Disproportional Minority Confinement .....	4/24-25 .....	\$60
Training for Trainers of Restorative Group Conferencing .....	4/23-29 .....	\$140
Training for Trainers of Restorative Justice .....	4/23-5/2 .....	\$200
Victim Sensitive Guidelines for Restorative Practices .....	4/23-23 .....	\$40
Restorative Justice Tools for Schools .....	4/26-27 .....	\$40
Victim/Offender Mediation for Serious Offenses.....	4/28-29 .....	\$40
RJ Evaluation and Measurement .....	4/29-30 .....	\$40
Leadership in a Restorative Environment: Tools to Make it Work.....	4/28-29 .....	\$60
Introduction to Balanced and Restorative Justice .....	4/28-5/2 .....	\$100
Introduction to Peacekeeping Circles.....	4/29-5/2 .....	\$80
A Perfect Fit: Intervening in Girls' Lives with Restorative Justice.....	4/30=5/1 .....	\$40
Facilitating Restorative Group Conferencing .....	4/30-5/2 .....	\$60
Judges and Prosecutors: Key Roles for RJ Implementation.....	5/1-2 .....	\$60

## ***Special symposium offered***

In conjunction with the Academy, BARJ will also present the symposium: Conferencing and Restorative Decision Making: Research, Policy and Practice. The symposium will run from April 27-29, 2003.

The cost for the symposium will be \$200 for registrations received before April 4, 2003, and \$250 thereafter. The registration fee includes the symposium, materials, opening reception, continental breakfasts and breaks.

This symposium will feature invited keynote speakers Judge Barry Stuart, Dr. Howard Zehr and Ada Pecos Melton, researchers, policy makers and practitioners from the U.S. and other countries in an exploration of the intersection of policy, research and practice of restorative decision making and conferencing.

Check out the BARJ website ([www.barjproject.org](http://www.barjproject.org)), for more details and updates on both the Academy and the symposium. Lodging is offered at the Doubletree Guest Suites/Galleria. The hotel conference rate is \$100 per night. Call 954-5656-3800 for room reservations.



## Latest BARJ survey completed

# Understanding Restorative Conferencing: A Case Study in Informal Decisionmaking in the Response to Youth Crime

The last issue of *Kaleidoscope of Justice* gave a preview of a new study by Mara Schiff, Associate Professor at Florida Atlantic University, and Gordon Bazemore, Project Director of BARJ. The survey is now complete and we offer a synopsis of the findings.

At first glance, this study by Gordon Bazemore and Mara Schiff may seem to be focused simply on determining how ‘restorative’ conferencing programs such as Family Group Conferencing, Victim Offender Mediation and Peacemaking Circles really are. However, it goes far beyond that focus to delve into the underlying issues that have proven to be problematic to those practitioners who seek to evaluate their restorative justice programs: just what is the ‘restorativeness’ in restorative justice.

As Bazemore and Schiff state in the Abstract, “[T]here has been a scarcity of *intervention theory* to provide practical linkages between intervention practice and desired outcomes.” (*Emphasis added*) Therefore, after proposing three core principles for restorative justice programs, deriving core dimensions and related outcomes, they turn to both the literature and practice for intervention theories for the analytic framework that has been missing from many evaluations, linking “practice and process decisions to performance outcomes sought at the conclusion of the conference with long-term impacts.”

The survey was designed to have both macro- and micro-level foci. The first level is an inventory of juvenile conferencing in the U.S. to ascertain the prevalence of conferencing programs, geographic locations, what models are being used, and what general trends can be deduced from the information.

The second level focuses on the variations in the conferencing programs in program structure, procedure, and philosophy. An in-depth look is made of everything from budgets and staffing levels to referral sources to commitment to restorative justice principles.

Level three moves a bit closer to the actual programs with an examination of programs in eight states – California, Pennsylvania, Alaska, Colorado, Minnesota, Vermont, Indiana, and Arizona. A representative sample of program directors was interviewed to “directly examine the link between restorative justice vision and practice realities.”

The final level is the micro-level focus with several months spent in two areas (Minneapolis/St. Paul and Denver/Boulder) that offered both a “long standing

commitment to restorative justice and the diversity of programs and models represented within an accessible region.” Actual conferences were observed along with the work that goes into them both before and after, program staff was interviewed along with others from in- and outside the juvenile justice system, focus groups were held, and program material was collected.

The researchers based their understanding of restorative justice on three core principles: repairing harm, stakeholder involvement, and transformation in the community/government role in the response to crime.

**I**n a quick review of the findings in the survey, we learn that there are approximately 773 conferencing programs nationwide in 48 states. Victim-offender dialogue is the most common conferencing model, though most states use a variety of models. Some states have systemic strategies that promote use of conferencing, while in other states, conferencing programs are found in community-based organizations with no formal ties to the justice system.

The survey also indicates that the typical conferencing program is part of a community-based organization or probation agency, with government funding. Most have one or two paid staff and ten or fewer volunteer mediators. Referrals come from probation or judges. Staff feel that repairing harm is essential and that victim and offender participation is an important goal they were able to meet. Many programs (70%) reported that community involvement is important and difficult to accomplish.

Identifying “ten dimensions that define distinctive objectives and outcomes” for conferencing is the focus of the next section. While these dimensions are probably familiar to the practitioner, Bazemore and Schiff connect each one to an “intervention theory” that links the practice to outcome. This assists in understanding how closely conferencing programs are “informed by” and “adhere to restorative principles...” In doing so, this survey offers “useful tools for understanding and studying the value of restorative conferencing for the future of juvenile justice systems.”

The full report is available at <[www.barjproject.org](http://www.barjproject.org)>. ●

## City of the future - RJ City

Have you ever dreamed of fashioning an entire restorative justice system for your area? What would it look like? What components would it have? How would you evaluate the 'restorativeness' of your system?

These questions and more are being explored by Daniel Van Ness at the International Centre for Justice and Reconciliation. Van Ness states on their website: "[I]t is important to begin designing such a system now, even as restorative applications continue to spread rapidly and as we consider issues such as how to measure 'restorativeness' and how to structure fruitful community – government cooperation. What are these reasons?

"First, if changes continue to be made incrementally, restorative justice runs the risk of becoming marginalized. Rather than letting the values and principles of restorative justice transform our entire approach to crime, particular restorative programs will be annexed to existing structures in such a way that their influence is contained.

"Second, many proponents have made the claim that restorative justice represents a paradigm shift, a change in patterns of thinking, a new lens through which we look at crime. If so, one would expect a wholesale change in how we

# RJ City

approach crime and justice. A shift of the magnitude we claim would surely produce an entirely new system with very different programs, institutions, processes and outcomes.

"Third, some policymakers are asking for a system model. The not unreasonable expectation is that after a

## 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)

**Critical Resistance South: Beyond the Prison Industrial Complex - Southern Regional Conference** – April 4-6, 2003, New Orleans, LA.. For more information call 504-837-5348 or call toll free 866-579-0885; <[www.criticalresistance.org](http://www.criticalresistance.org)>

**National Restorative Justice Academy** - April 21-May 2, 2003 at the Doubletree Guest Suites, Ft. Lauderdale, FL See article on page 14 or contact BARJ at 954-762-5668 for more information

decade of experimentation, development, evaluation and experience, restorative justice practitioners and advocates would have reasonably clear ideas about what a restorative system might look like. We run two risks in responding to that expectation. The first is to offer incomplete and ill-considered proposals that if implemented would short-change the transformational potential of restorative justice. The second is to lose credibility when it becomes clear that we have done only a limited amount of thinking about what such a system might look like."

Visit their website for a look at "RJ City" <[www.restorativejustice.org/rj3/rjcity\\_default.htm](http://www.restorativejustice.org/rj3/rjcity_default.htm)>. You can help design the system and work on some of the difficult questions facing such an undertaking. A computer simulation will eventually be built to see how such a system would function. ●