

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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 1999

Can restorative justice be legislated? Does including restorative justice in the purpose statement of a new juvenile justice code guarantee that restorative justice principals will be employed by people working in the juvenile justice system? A number of states are going to be discovering the answers to those questions over the next few years as they pass legislation designed to make restorative justice the basis for their juvenile justice codes.

States and communities adopt the BARJ Model

Perhaps a lesson can be learned from South Africa where the Truth and Reconciliation Commission (TRC) is ending its work. For the past several years, the TRC has been hearing about the great harm that was done during those terrible years

from victims of apartheid and their families. Many stories have been told and many tears have been shed in the process. Those who carried out the horrors of apartheid have also told their stories accepting responsibility for their actions. In so doing, they are given amnesty for their crimes.

Some of the apartheid victims have felt relief at having their stories finally acknowledged and heard. Some have discovered where their loved ones are buried thanks to the testimony of the offenders. Unfortunately, there are other victims who have felt re-victimized by the process of recounting the harm they survived and by the small amount of reparation they have received. Some victims are upset about the lack of punishment given to those who own up to their actions before the TRC but who do not seem to be truly repentant. Other offenders have accepted their responsibility to make reparations, and on their own have returned to the villages they terrorized, seeking in to perform some small deed to show they are indeed sorry.

Perhaps the same will be true here in the United States as various

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states seek to find a better way of doing justice by incorporating restorative justice into their systems. In some cases, the victim may choose not to be involved at all. In others, the victim may seek vengeance. And in other cases, the victim may truly experience healing through the process of offender accountability and reparation.

Similarly, the youthful offenders may learn to accept responsibility for their actions, or they may choose to re-offend despite the best efforts of those in the system who seek to hold them accountable. And some offenders may take advantage of the resources offered to learn new skills necessary to live a good life while others go through the motions and learn nothing.

There are no guarantees, but the positive potentials of balanced and restorative justice will only be dreams if beginnings are not made. Articles in this issue of *Kaleidoscope of Justice* look at the efforts being made in Illinois through legislative changes and in California through the efforts of one judge in one community. The survey results on pages 4 and 5 give an overview of the variety of ways states are moving into the restorative justice paradigm. A new initiative by the BARJ Project to assist states in this effort is announced on page 6. *Kaleidoscope* will keep you informed of how restorative justice principles are being put into practice in subsequent issues. ●



The attorneys met quietly in the courtroom without requiring the judge's presence long enough for me to have a wonderful conversation with the judge who brought restorative justice to Santa Clara County in California, Judge Thomas Edwards. Judge Edwards has been on the Superior Court of California since 1989. He became Supervising Judge of the Delinquency Division in 1992, and since 1996 has served as Presiding Judge of Juvenile Court in San Jose.

How did he first hear about restorative justice? Through a Department of Justice monogram and a workshop with Dennis Maloney at a judicial program (see *Kaleidoscope of Justice*, Vol. 1, No.1 1999). Judge Edwards "fell in love with the philosophy" and brought it back to the Juvenile Justice Coordinating Council in Santa Clara County. The members of this Council, comprised of people throughout the juvenile justice system, liked the concept and found an immediate vehicle for getting it put into practice. The state had just announced a competitive process for State Challenge Grants, seeking new ways of looking at old problems. The grants were for \$3 million over three years. Hiring consultants to help with understanding restorative justice more fully, the Council put together a proposal and was awarded a grant.

By 1997 the local action plan based on restorative justice principles was up and running. According to Judge Edwards, "It has taken off like you can't imagine. The county keeps expanding it and deepening it." Currently programs in seven communities are underway with plans to expand into fifteen more.

Judge Edwards is pleased to report that over 1000 cases have been completed to date. The Neighborhood Accountability Boards (NAB) have 192 members. The juveniles have completed 1,135 contracts developed through the NABs. And the

recidivism rate for those juveniles who have participated in these programs is under 12%. In addition, a web has been created across the county involving the business sector, the faith community, and community organizations using the stimulus of restorative justice to "improve everything." Improving everything includes a new emphasis on community policing and having district attorneys located in neighborhoods on a full time basis.

In addition, juvenile petitions and citations have been going down since the program was introduced. Judge Edwards credits this to restorative justice. Seven NAB districts have been targeting school campuses with their programs, connecting all kids to an adult and thus creating a safety net for kids who would have fallen into the system in the past.

Judge Edwards' enthusiasm is evident as he describes how the NAB process works in Santa Clara County. Following a rigorous training program, NAB board members are assigned a schedule in teams of three. These teams work with the Restorative Justice Project Coordinator and the Youth Intervention Worker. No more than ten days following the arrest of a juvenile, the juvenile and his/her parents appear before the NAB board. Victims are welcome to attend the proceedings. The NAB members review the material and discuss with the youth and the parents what may be causing the problem. A contract is then developed which includes accountability - both public service and restitution to the victim - and plans on how to rectify the problem that led to the arrest. The contract, signed by both the youth and his/her parents, is for six months with the Youth Intervention Worker providing follow-up in the home and school. If the youth successfully completes the contract, there is no police record, but there is an on-going program of skill building. If there

A judge "falls in love" with restorative justice and victims, youthful offenders and communities in Santa Clara County, California benefit from the results.

are problems with completing the contract, the youth can come back before the NAB board to work them out.

New offenses sometimes occur, Judge Edwards notes, and those re-offending go back to the NAB board who decide what to do. The board members can turn the case over to a probation officer to file a petition and pursue court action. Or they can decide to rewrite the contract and try again. Of those caught re-offending, only three or four youths have ended up in court.

Those involved in this program are youth that normally would have been diverted from the court process. The



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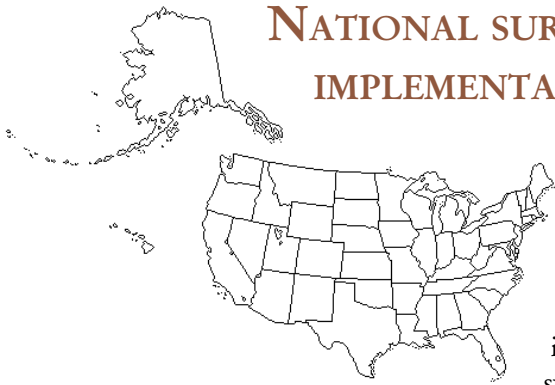
—Judge Thomas Edwards



difference is that they now receive intensive supervision from their own neighbors and become part of the program to build their competency. Judge Edwards is pleased that the "building competency piece is being built up high."

When asked about the place of victims under this new program, Judge Edwards indicates that the "victim piece is elusive" and they are "seeking to strengthen it." Many victims don't want to be involved with the youth. The program seeks to keep the "victim consciousness part high with both the NAB members and the youth." Victim Offender Mediation is available to the courts with trained mediators who are city employees. Any time money becomes

Continued on Page 7



NATIONAL SURVEY LOOKS AT STATES' DEVELOPMENT AND IMPLEMENTATION OF RESTORATIVE JUSTICE POLICY—PART 2

by Sandra Pavelka O'Brien, A.B.D.

Several years after restorative justice first appeared in the United States, the staff at the BARJ Project decided it was time to assess if and how restorative justice principles are being used in all fifty states. Conducted from January through March 1999, the *National Restorative Juvenile Justice Policy Development and Implementation Assessment* (1999) inquired about the development and implementation of restorative justice policies and practices in the juvenile justice system. This survey represents the first national survey undertaken in the field of

restorative justice relating to organizational reform and policy implementation at the state level.

The technique for conducting the survey involved initial telephone conversations with juvenile justice professionals in each state to determine the most appropriate individual to be interviewed for the survey. A final compiled list included one restorative justice professional who served as the respondent from each state.

The last issue of *Kaleidoscope* looked at the number of states with a restorative justice policy and how it was initiated. This issue considers what conditions influenced the change and who is responsible for implementing restorative justice policy.

NOTE: Since the last newsletter, California (Assembly Bill 637) has passed powerful restorative justice legislation which states "to protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses." This recent addition brings the total number of states that includes restorative justice principles in state statute to nineteen. (See Table 1)

Section 1	<p>How many states articulate restorative justice in policy?</p> <ul style="list-style-type: none"> Where is the restorative justice philosophy articulated (i.e., mission statements, program plans, job descriptions, evaluation measures)? 	Section 2	<p>How was restorative justice promoted or initiated in each state?</p> <ul style="list-style-type: none"> Who or what was the state's source of information about restorative justice? Who initiated or promoted the restorative justice effort in your state? What (if any) environmental conditions influenced the policy or organizational changes (i.e., crisis, new political party in office)? Who are the major stakeholders/system partners involved in the reform efforts? What role do they play in this effort (i.e., leadership, secondary, supportive)? 	Section 3	<p>Who is responsible for implementing the restorative justice policy?</p> <ul style="list-style-type: none"> To whom does the restorative justice policy apply? Adults, juveniles, both, or other? How many states apply in each instance?
Section 4	<p>How is restorative justice operationalized in each state?</p> <ul style="list-style-type: none"> Have any programs based on the restorative justice philosophy been implemented? Community service, community supervision, mediation, restitution, or others? 			Section 5	<p>What is the level of funding and resources appropriated for restorative justice programs and practices?</p> <ul style="list-style-type: none"> Indicate the approximate annual funding. Who receives the primary funding? Who is the funding source?

Table 1: Location of Restorative Justice Principles

State Statute	Policy	Mission Statement	Program Plan	Evaluation
19	21	32	36	13

SECTION 2: How was restorative justice promoted or initiated in each state?

What (if any) environmental conditions influenced the policy or organizational changes?

A key issue in the systemic reform efforts is identifying the impetus for change in each state. Chart 1 depicts the factors that moved the states to consider restorative justice policy or organizational changes. Twenty-nine states or 58 percent considered

restorative justice as a new approach to the system. Several comments made by the key informants in this regard include: “moving toward a preferred future ... ,” “a new way of thinking,” “see restorative justice broader...movement is impacting beyond criminal justice,” “common sense approach,” “tired of sending people to prison...not working...high recidivism....looking at an alternative....try to do something proactive,” “a means to empower the community,” and “give a voice to victims.” A new political party in office was the impetus for 2 states or 4 percent. A political crisis, such as, a federal mandate in response to prison overcrowding and a rise in the state crime rate, occurred in 2 states or 4 percent and was the reason for consideration of restorative justice policy or organizational changes. A high profile murder, considered an extreme criminal event, occurred in 1 state or 2 percent that led to change. Other factors transpired in 13 states or 36 percent of those surveyed. These other factors were identified as: changes in public attitude, legislature took on as an issue, rise in crime – need for alternative programs, lack of resources – trying to be more efficient – high recidivism – overcrowded facilities, internal department initiative, looking at interpreting what already exists – basis of existing system, Department of Corrections made decision – wasn’t a political idea to create a restorative justice planner, new leadership – effort to be community-based, public opinion – probation not including the crime victim, resources going to community for diversion/prevention – good time to do restorative justice, and awareness/more involvement with crime victims and victim’s issues.

Chart 1

Factors that Moved the State to Policy/Organizational Changes

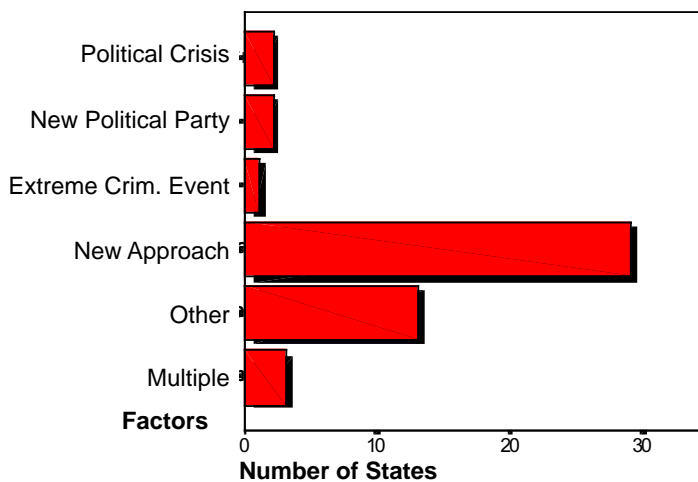
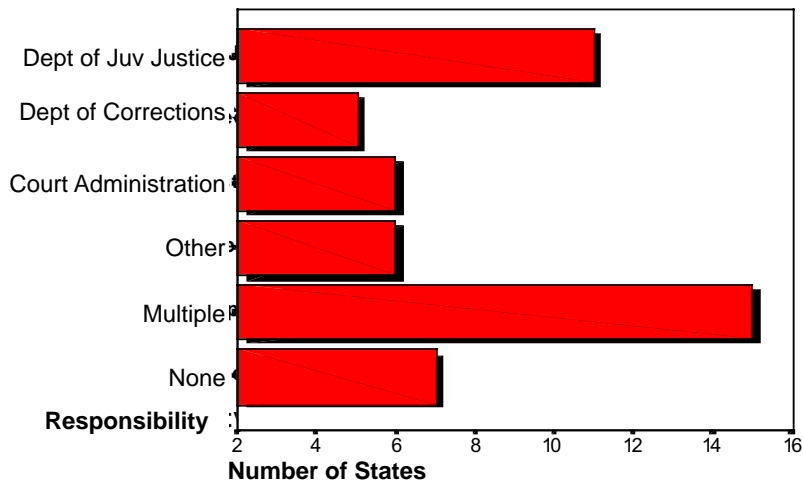


Chart 2

Responsibility for Implementing Restorative Justice



SECTION 3: Who is responsible for implementing restorative justice in your state?

Various system stakeholders influence the course of policy implementation. These formal implementers coordinate policies and practices in a way that will lead to successful and effective performance. Chart 2 depicts the department or administration that has primary responsibility for implementation of restorative justice policy. Fifteen states or 30 percent have multiple divisions responsible for implementation. Three respondents stated that implementing restorative justice is “everyone’s responsibility – it crosses all strata!” The Department of Juvenile Justice is responsible for implementation in 11 states or 22 percent, court administration in 6 states or 12 percent, and the Department of Corrections in 5 states or 10 percent. In 6 states or 12 percent, other divisions than those previously listed are responsible for implementing a restorative approach. This category includes: juvenile court judges, Juvenile Court Judges’ Commission, prosecutors, Probation and Parole, non-profit organizations, local community service providers, State Advisory Group, Supreme Court services, and state court mediation. Seven states or 14 percent have no divisions specifically responsible for implementation.¹ ●

¹ The reason for this is that these particular states may not have formal restorative justice policy in place or implementation efforts may be at the local jurisdictional level.

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Balanced and Restorative Justice Project Update:



Balanced and Restorative Justice Project to Launch “Special Emphasis States Initiative”

Results from the recent national “Restorative Juvenile Justice Policy Development and Implementation Assessment” yielded impressive information about the number of states that have formally adopted BARJ language in the mission and purpose clause of their state juvenile codes. More than two dozen states have done so with all fifty states reporting BARJ policy development at some level.

These states include such places as Illinois, Texas, Florida, Pennsylvania, and California. Given the scope and size of these and other states, it is fair to conclude that some 75 percent of the nation’s delinquency cases are processed within a BARJ philosophical framework.

In response to these policy developments the BARJ project is launching a Special Emphasis States

Initiative. The BARJ project is working with leaders in California, Colorado, Florida, Illinois, Michigan, New York, Pennsylvania, and Texas to help further the restorative justice efforts in these states. Some of the states’ policy vision couldn’t be clearer about the individual state’s legislative commitment to BARJ. For instance, the California state legislature recently passed a bill, becoming law upon the Governor’s approval, that set a statutory mandate for the California Youth Authority:

“to protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young

persons who have committed public offenses.” (Welfare and Institutions Code, Section 1700)

Dennis Maloney, Community Justice Fellow and lead consultant, comments on this effort, “It’s great to see the states so clearly articulating their commitment to BARJ. Now the task becomes system-wide implementation.

“The Special Emphasis States Initiative will allow policy leaders an opportunity to interact with each other at a series of roundtables to boost in-state efforts through cross-state assistance.” The first roundtable is scheduled in Ft. Lauderdale on February 3-4, 2000. ●

For more information about this initiative, contact Sandra O’Brien at 954-762-5107.

Illinois - Continued from Page 2

and juveniles offenders and their parents to determine restitution and rehabilitation; authorizing county- or circuit-wide councils to advise county boards on the status of juvenile delinquency prevention programs available. These councils are able to enter into agreements to further the goals of the county’s juvenile justice plan, to apply for and receive grants and to develop a resource guide of services available. As is frequently the case, funding the Act led to disagreements. The legislature finally appropriated \$33 million to support the programs and services outlined in the Act. ●

Information from the Winter 1999 issue of *The Complier* was used in writing this article.

Collaborating Toward Quality Victim Assistance and Offender Accountability: Exploring Restorative Justice Approaches

Topics include:

- Aspects of collaboration - benefits and barriers
- Role definitions
- Changing program and personnel evaluations to reflect BARJ
- Tools for collaboration - Victim’s Advisory Councils, Focus Groups
- Practical applications - victim impact statements, notifications, restitution, protection and safety issues, information referral
- Promising practices - Youth Aid Panels

Facilitators: Anne Seymour and Valerie Bender
National Victims’ Advocates

Date/Location: March 30-31, 2000, Ft. Lauderdale, Florida

Registration Fee: \$50

Please contact Sandra O’Brien at 954-762-5107 or sobrien@fau.edu for a registration form or further information.

Project CRAFT: A National Model for Training Juvenile Offenders

by Robin Hamilton

The incarcerated teenager had a history of drug and alcohol abuse and gang related activity. Today he is back in society working two jobs - one in construction and the other at a restaurant - while attending junior college. What made the difference is a unique program called Project CRAFT.

The industry's number one critical issue, a shortage of qualified labor, is being addressed simultaneously with youth crime and unemployment by the Home Builders Institute (HBI), the educational arm of the National Association of Home Builders (NAHB). HBI's Project CRAFT (Community, Restitution, and Apprenticeship-Focused Training) has been recognized as a national model in training and placing high-risk youth in the building trades.

Project CRAFT is a 4 to 6-month comprehensive, hands-on training program designed to give students the skills they need to succeed in the construction trades. From vocational training to social, interpersonal, and employability skills, CRAFT addresses many of the barriers that can keep students from achieving economic success while recognizing employers' needs for good workers. Upon completion of the program, students are placed in jobs including those with members of the local Home Builder Association.

Key elements of Project CRAFT are:

- partnership-building and linkages
- comprehensive service delivery
- community involvement
- industry-driven responsive training

- motivation, esteem building
- individualized instruction
- leadership development
- job placement and follow up services

Project CRAFT offers an industry-validated curriculum, the Pre-Apprenticeship Certificate Training Program (PACT).

Requirements include a certain number of hours of training and hands-on skills competency demonstration.

Successful completion earns CRAFT graduates a Pre-Apprenticeship Certificate in the construction field. Training includes classroom instruction and "live work" opportunities through participation in community projects. Students have built houses for Habitat for Humanity, renovated buildings for non-profit organizations, restored historic sites and landscaped state parks as part of their training.

Project CRAFT began in 1994 with a grant from the U.S. Department of Labor and piloted as a demonstration program at three sites - Bismarck, North Dakota; Nashville, Tennessee; and Sabillasville, Maryland. Since then, CRAFT has been replicated in five sites in Florida - Avon Park, Daytona Beach, Lantana, Orlando and Pompano, with funding from the Florida Department of Juvenile Justice, and in Giddings, Texas, with support from the Texas Youth Commission. ●

Robin Hamilton is National Coordinator for Project CRAFT. For more information, contact Robin at the Home Builders Institute, 1090 Vermont Ave., N.W., Suite 600, Washington, DC 20005; 202-371-0600; fax 202-898-7777; email: postmaster@hbi.org; www.hbi.org.

Judge Edwards - Continued from Page 3

a restitution issue a mediator is involved. Judge Edwards finds that there is good involvement with the victim and offender in a VOM meeting because it allows for the human level to be reached.

There are many plans for the program in the future, according to Judge Edwards. First, it looks like the grant is going to be extended for a year with additional funding given. And the county is committed to the program and will probably continue it even after the state funding ends. Meanwhile, a new program was begun in September to work with juveniles who have committed what would be mid-level felonies such as serious assault, auto theft and burglary. Currently, the county runs three ranches where such offenders are sent for a four-month period. The new program will send some of these youth to alternative schools run by the probation department under contract with the juvenile courts and give them wrap-around services. Both the victim and the judge have veto power on whether a particular youth can be sent to the program. Judge Edwards sees this as "back end restorative justice."

Judge Edwards is excited by the effect restorative justice is

having on communities throughout Santa Clara County. It allows officials to "listen to the community and find out what they really want done" about juvenile crime. He is then in the position to help "push the buttons at the government level to make it happen."

Judge Edwards can be reached at 408-299-7397. ●

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Mark your calendars now!

May 1-12, 2000
Fort Lauderdale, Florida

Restorative Justice Academy

The Community Justice Institute at Florida Atlantic University will host its first Restorative Justice Academy at the Doubletree Galleria in Fort Lauderdale, Florida. The Academy will include a wide variety of introductory and advanced courses and workshops held over a two-week period. Individual courses will be sponsored by the JAIBG grant, the Balanced and Restorative Justice Project, the National Institute of Corrections Academy Division and others. Participants will cover their own travel, food, and lodging with course materials and instructions provided at no cost. The Academy hotel rate is \$105 (\$119.55 with tax)/night single or double occupancy. Call 954-565-3800 for hotel reservations.

Courses to be Offered

	# spaces	# days
New Roles and Job Descriptions for Probation	24	2
Basic Training for RJ Trainers <i>(Applications due by February 4, 2000)</i>	24	10
Introduction to Restorative Justice	30	5
Advanced Training for RJ Trainers <i>(By invitation only)</i>	45	3
Circle Training	25	4
Working with Victim Services Roundtable	24	2
Community Involvement Workshop	24	3
Working with Key Court Decision Makers	24	1
Restorative Justice in a School Setting	24	1
Teen Courts and Peer Mediation Connection	24	1
Facilitating Restorative Group Conferences	24	3
Restorative Justice in a Residential Setting	24	1
Victim Sensitive Guidelines	24	2

For more information, visit the RJ Academy web site at: <http://www.fau.edu/divdept/caupa/cji/RJAcad>.

Upcoming Events

To have your event listed, send information to:
Kaleidoscope, 718 Peranna Place, Charlotte, NC 28211 or
email - evelynhrj@aol.com

Conflict Transformation Program at Eastern Mennonite University is offering several workshops:

- 1) Working with Victims in Capital Cases: A Workshop for Defense Teams - Jan. 14-16.
 - 2) Victim Offender Conferencing - Jan 20-22.
 - 3) Restorative Justice - Jan. 28-29, Feb. 25-26, Mar. 24-25.
- For more information call 540-432-4490, email: ctprogram@emu.edu or <www.emu.edu/ctp/ctp.htm>

2000 Summer Peacebuilding Institute - a program of the Conflict Transformation Program at Eastern Mennonite University; five sessions, each with three 7-day intensive courses running concurrently from May 8 to June 30. Costs: non-credit - \$525 and graduate credit - \$1200 for each three-credit course. Phone: 540-432-4490 or apply on-line at <<http://www.emu.edu/ctp/spi/apply.html>>

On the Net: Websites of Interest

The Balanced and Restorative Justice Project's new website address is: <<http://www.fau.edu/divdept/caupa/cji>>

Keep up with Mark Umbreit at the Center for Restorative Justice and Peacemaking, School of Social Work, University of Minnesota's website: <<http://www.che.umn.edu/rjp>>

Check out <<http://wcr.sonoma.edu/v1n1.html>> for a special restorative justice issue of the on-line *Western Criminology Review*.

Canada has a website highlighting the results of a study of restorative justice programs at: <<http://www.sgc.gc.ca/epub/corr/e199810b/e199810b.htm>>

The Restorative Justice Institute's website can be found at: <<http://www.rji.org>>

The Sentencing Project can be found at: <<http://www.sentencingproject.org>>

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