

**EXAMINING THE NEED AND DEVELOPMENT OF A JUVENILE  
COMMUNITY-BASED MEDIATION PROGRAM IN THE  
NINTH JUDICIAL CIRCUIT OF FLORIDA**

**Institute for Court Management  
Court Executive Development Program  
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Addendum  
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## **EXECUTIVE SUMMARY**

The Ninth Judicial Circuit Court in Orlando, Florida proposes to create a new community-based team of service providers who work together as problem-solvers in the community. The new neighborhood restorative center will seek the services of public and private social services, such as social workers, mental health professionals, drug treatment counselors, education specialists, businesses, law enforcement, and probation and parole officers to join in the community effort on a part-time or full-time basis. This new community-based team of professionals will operate from a facility located in the target neighborhood of Apopka.

A diversion program such as a Community-based Juvenile Restorative Justice Program is needed to help prevent juvenile delinquency by Florida's most at-risk youth, and to divert youthful offenders who have committed their first acts of delinquency from becoming recidivists. Diverting cases to a restorative justice program in the community where the crime was committed should impact juvenile courts in the Ninth Circuit in several ways: First, limited court resources could be expended on children who are most highly at risk and presently who consume a disproportionate amount of resources; and second, current juvenile law and

procedures are often based on out-moded discredited sociological and psychological theories rather than on sound preventative and rehabilitative theory.

The goals of the Neighborhood Restorative Justice Mediation Program in Orange County (Apopka, Florida) are:

- ?? To establish a cooperative relationship between criminal justice agencies, service providers, and residents which would equal a self-contained neighborhood;
- ?? To establish alternatives to convictions for youthful offenders;
- ?? To provide victim-offender mediation, often conducted by community volunteers;
- ?? To foster individual responsibility and accountability to the community while preserving individual rights; and
- ?? To reflect the community's interests.

The program's objectives or performance measures for the Restorative Justice

Center in Orange County (Apopka, Florida) are:

- ?? To process fairly and quickly juvenile offender referrals from the justice system sources, including the courts, law enforcement agencies, state attorney's office, and juvenile justice;
- ?? To hold restorative justice sessions for offenders, families, and victims;
- ?? To refer offenders, offender's family members and/or victims to other community agencies and resources in the area to help meet individual needs (e.g., mental health counseling, substance abuse treatment, domestic violence shelter, financial counseling, assistance with food, housing, clothing, education and job training);
- ?? To conduct training sessions for volunteer mediators, counseling and support group sessions;

- ?? For staff to attend meetings in the community to network and share information about the program with area agencies and organizations;
- ?? To seek referrals from different criminal justice community sources; and

??

To develop training manuals, program guideline documents, and brochures about the restorative justice program for offenders.

## **LITERATURE REVIEW**

Background information focused on finding community-based restorative justice programs throughout the United States and in the state of Florida to find out how other programs were developed, and if they are successful. The five community justice programs in the states discussed in the study are: Deschutes County, Oregon; Minneapolis, Minnesota; the state of Vermont; Pittsburgh, Pennsylvania; and New York City, New York. The community-based justice programs in Florida discussed are: Leon County; Tallahassee; and West Palm Beach, Florida. Information collected from these programs will help others who want to consider developing a similar program.

The philosophy behind restorative justice is “making things rights.” This is achieved by condemning the behavior of offenders while preserving their dignity. For many offenders, it is a harsher sentence to have to face their victims, community and family, than to spend time in a correctional facility (Canada, [www.sgc.gc.ca](http://www.sgc.gc.ca)).

[<http://www.sgc.gc.ca>](http://www.sgc.gc.ca)

Restorative Justice is a way of thinking about responding to the problem of crime, and a set of values that guides decisions on policy, programs and practice (Pranis, 1995). It is a way of dealing with low-level crime that allows the victims and the community to have a key role in the justice process. The victim has a voice; the offender is accountable; the community is involved; and what was broken is mended (<http://tcfreenet.org>).[<\(http://tcfreenet.org\).>](http://tcfreenet.org)

Victims' involvement and perspectives are essential to the processes of defining the harm of each crime and identifying how that harm might be repaired. A comprehensive restorative response to crime engages the community as a resource for reconciliation of victims and offenders, and as a resource for monitoring standards of behavior. Restorative justice defies traditional 'liberal' and/or 'conservative' labels, and embraces values found in both perspectives. A restorative response to crime is a community-building response (Pranis, 1995).

Accountability focuses on creating an awareness in offenders of the negative impact of the offense on the victim and community. The protection of the community is ensured by sanctioning the offender to more productive juvenile programs during after school hours. The programs have consequences for noncompliance as well as incentives for meeting the accountability and competency requirements. The offender is able to gain work experience, constructive learning experiences, positive interaction with adults, and earn money. By addressing the accountability of the offender and the needs of the victim as well as the protection of the community, the overall approach is considered a balanced framework.

<http://tcfreenet.org>.

## **METHODOLOGY**

The primary means of data collection used face-to-face interviews with community members, such as government officials; law enforcement officers; social service providers; individuals from counseling service agencies; representatives of civic organizations; business owners; and neighborhood and social groups. During the interview a questionnaire was completed by the interviewee. The questionnaire consisted of questions to find out what the community stakeholders believe a community-based restorative justice program should entail.

The general research design used to collect the data for establishing the need and creating a restorative justice program in the Ninth Judicial Circuit was to have several meetings with court staff from the mediation and juvenile court departments, staff from the Department of Juvenile Justice; staff from the various juvenile justice programs in the Central Florida area; and members of the Apopka Police Department which included the Chief of Police in Apopka, Florida.



## CONCLUSIONS

### SUMMARY OF FINDINGS

[<http://www.sgc.gc.ca>](http://www.sgc.gc.ca)

The results of the survey completed by the stakeholders revealed that everyone felt a need for a restorative justice program. One of the main factors for the need of a new diversion program is that dollars are being cut from crime prevention. The Department of Juvenile Justice does not have enough commitment beds. The restorative justice diversion program will move juveniles through the system quickly with results that will benefit not only the juvenile, but the victim and the community. Programs such as the Ninth Circuit's Neighborhood Restorative Justice Mediation Program will repair the harm done to victims and the community through a process of negotiation, mediation, victim empowerment, and reparation in a non-adversarial fashion.

### RECOMMENDATIONS

The operation of community-based restorative justice programs has the potential to bring many benefits to communities. Some of the benefits are:

- ?? Promoting community protection and service.
- ?? Working to prevent crime and its harmful effects.
- ?? Repairing the damage caused by crime to individual victims and communities.
- ?? Promoting universal justice and fairness.
- ?? Proactive, problem-solving work practices focused on creating and maintaining safe, secure, and just communities where crime cannot flourish.

Each court should take great care in establishing a master plan of written procedures and responsibilities for a program prior to its opening. The court should establish standard mediation operating procedures. Developing and implementing a restorative justice program is a challenging task that requires commitment to a long journey, and allowing sufficient time for staff to process their concerns and offer input. Success depends on clear and specific goals and collaboration among staff. In addition, it requires the involvement of other systems that are impacted by changes made in the correctional department.

An important part of the success of restorative justice programs is the involvement of the community. The community has tools which the system does not have.

The community has resources which the community does not have. The community has the power of influence which the system does not have. Therefore, the criminal justice system activity needs to be built around a core of community activity.

## **IMPLICATIONS**

One major change implicit in shifting to a more balanced and restorative system is a change in the relationship between the juvenile justice system and the community. Community ownership of the problem of delinquency and community commitment are critical to being a part of the solution. The following are implications for jurisdictions to consider when developing a restorative justice program:

- ?? Neighborhood programs that serve neighborhood juveniles have a much better chance of gaining support than programs serving juveniles from other neighborhoods;
- ?? Neighborhood relationships are strengthened by drawing staff from the neighborhood;
- ?? It is important to involve key neighborhood groups or individuals at the program's earliest planning stages to develop ownership;
- ?? Respectful responses to initial adversity can transform relationships into positive ones;
- ?? Opportunities to build relationships in the community may come in a variety of forms. It is important to remain flexible and to be able to respond to overtures from community members;
- ?? Community organizations can be the source of creative opportunities for the juveniles;
- ?? Community organizations can begin to view these juveniles as assets to the community; and
- ?? Community service projects provide a way to build credibility with the

community. The first step in that process is asking the community for input.

## **ABSTRACT**

A revolution is occurring in criminal justice. Many theories on crime and criminal behavior have been advanced throughout the history of criminal justice, and criminal justice systems have developed and implemented changes based on some of those theories. Although these changes may lead to creative innovations, they have seldom changed the basic nature of the business of criminal justice. Today, a “paradigm shift” is changing the focus of the work of criminal justice away from the offender and toward the community and victim(s) (Barajas, 1995).

Courts need a design that is non-competitive, non-contradictory, and strives primarily for harmony rather than rationality. The way to achieve harmony in the system is to focus on the community rather than on the offender. Rather than asking what to do to the offenders or for them, the question becomes: How can we best protect and serve the community? (Barajas, 1995)

This project sought to develop a community-based restorative justice mediation program for the Ninth Judicial Circuit in Orlando, Florida. It traces the journey of establishing the need for the program and how this exercise was motivated by a strong desire to create a diversion program for juvenile offenders who commit offenses for the first time in Central Florida. Creating a program within a specific community in Central Florida will allow juvenile offenders to face their victims, community, and family without having to spend time in a correctional facility.

The goals of the community-based restorative justice program in Central Florida are:

- ?? To establish a cooperative relationship between criminal justice agencies, service providers, and residents which would equal a self-contained neighborhood;
- ?? To establish alternatives to convictions for youthful offenders;
- ?? To provide victim-offender mediation, often conducted by community volunteers;
- ?? To foster individual responsibility and accountability to the community while preserving individual rights; and

?? To reflect the community's interests.

Through surveys and numerous discussions with the stakeholders, it was established that there is a need for a community-based restorative justice program in a community in the Ninth Judicial Circuit. The information gathered from the surveys (See Appendix 1) assisted the author of the paper in formulating the court designed program (See Appendix 3).

The program found that diverting cases to a restorative justice program would have a positive impact in several respects: First, limited court resources could be expended on children who are most highly at risk and who consume a disproportionate amount of court resources presently; and second, current juvenile law and procedures are often based on out-moded, discredited sociological and psychological theories rather than on sound preventative and rehabilitative theory. In a balanced and restorative justice program, an offender is obligated to restore the crime victim to the state of well-being prior to the commitment of the offense (www.ihhsr.fsu.edu.)<<http://www.Ihhsr.fsu.edu>> The recommendations for the restorative justice program in Central <<http://www.Ihhsr.fsu.edu>> Florida are:

- ?? To establish a balanced and restorative justice program that will restore the crime victim to the state of well-being prior to the commitment of the offense;
- ?? To have the balanced and restorative justice framework incorporate three major program priorities: accountability, community protection, and competency development;
- ?? To establish a model under the restorative justice concept that fits the category of decision-making which would include models such as circle sentencing, family group counseling, reparative probation, and victim-offender mediation;
- ?? To identify the most appropriate sources for referrals to restorative justice;
- ?? To develop clear guidelines for the referral of cases; and
- ?? To establish and build community involvement.

## INTRODUCTION

The Ninth Judicial Circuit Court in Orlando, Florida proposes to create a new community-based team of service providers who work together as problem-solvers in the community. The new neighborhood restorative center will seek the services of public and private social services, such as social workers, mental health professionals, drug treatment counselors, education specialists, businesses, law enforcement, and probation and parole officers to join in the community effort on a part-time or full-time basis. This new community-based team of professionals will operate from a facility located in the target neighborhood of Apopka. This project will detail the development of this new community-based restorative justice model. Is there a need for a better model of justice for juveniles? A diversion program such as a Community-based Juvenile Restorative Justice Program is needed to help prevent juvenile delinquency by Florida's most at-risk youth, and to divert youthful offenders who have committed their first acts of delinquency from becoming recidivists. Diverting cases to a restorative justice program in the community where the crime was committed should impact juvenile courts in the Ninth Circuit in several ways: First, limited court resources could be expended on children who are most highly at risk and presently who consume a disproportionate amount of resources; and second, current juvenile law and procedures are often based on out-moded discredited sociological and psychological theories rather than on sound preventative and rehabilitative theory.

The goals of the Neighborhood Restorative Justice Mediation Program in Orange County are:

- ?? To establish a cooperative relationship between criminal justice agencies, service providers, and residents which would equal a self-contained neighborhood;

- ?? To establish alternatives to convictions for youthful offenders;
- ?? To provide victim-offender mediation, often conducted by community volunteers;
- ?? To foster individual responsibility and accountability to the community while preserving individual rights; and
- ?? To reflect the community's interests.

Through surveys from the stakeholders in the community of Apopka the need for a community-based restorative justice program will be documented. The survey asked the following:

- ?? **Criteria for offender selection:**
  - \_\_\_ Referred by the State Attorney's Office;
  - \_\_\_ Referred by law enforcement;
  - \_\_\_ First-time non-violent juvenile offender;
  - \_\_\_ Juvenile arrested for first or second non-violent offense;
  - \_\_\_ Other – Please Specify \_\_\_\_\_

- ?? **Goals for the Program:**
  - \_\_\_ Establish alternatives to conviction for youthful offenders;
  - \_\_\_ Victim-offender mediation, often conducted by community volunteers;
  - \_\_\_ Ensure restitution of victims;
  - \_\_\_ Foster individual responsibility and accountability to the community while preserving individual rights;
  - \_\_\_ Other – Please Specify \_\_\_\_\_

- ?? **What sanctions should be imposed on the juvenile offender?:**
  - \_\_\_ Community Service;
  - \_\_\_ Restitution;
  - \_\_\_ Treatment for addictions; mental health counseling;
  - \_\_\_ Jail Tours;
  - \_\_\_ Perform work for the victim;
  - \_\_\_ Other – Please Specify \_\_\_\_\_

The information gathered from the surveys, in conjunction with the research from other states and programs in Florida, helped to formulate a plan to implement a community-based Neighborhood Restorative Justice Mediation Program in the community of Apopka located in Orlando, Florida.

The program's objectives or performance measures for the Restorative Justice Center in Orange County are:

- ?? To process fairly and quickly juvenile offender referrals from the justice system sources, including the courts, law enforcement agencies, state attorney's office, and juvenile justice;
- ?? To hold restorative justice sessions for offenders, families, and victims;
- ?? To refer offenders, offender's family members and/or victims to other community agencies and resources in the area to help meet individual needs (e.g., mental health counseling, substance abuse treatment, domestic violence shelter, financial counseling, assistance with food, housing, clothing, education and job training);
- ?? To conduct training sessions for volunteer mediators, counseling and support group sessions;
- ?? For staff to attend meetings in the community to network and share information about the program with area agencies and organizations;
- ?? To seek referrals from different criminal justice community sources; and
- ?? To develop training manuals, program guideline documents, and brochures about the restorative justice program for offenders.

## **LITERATURE REVIEW**

### **GENERAL RESEARCH ON RESTORATIVE JUSTICE**

Restorative justice is an approach to justice that focuses on dealing with the harmful effects of crime by engaging victims, offenders, and the community in a process of reparation and healing. The pain and suffering of victims is central to defining the harm that has resulted from the crime and the manner in which it is to be resolved. The community is active in offering support to victims and in holding offenders accountable for their crimes while giving the offenders the opportunity to make amends [\(<http://www.sgc.gc.ca>](http://www.sgc.gc.ca) (Canada, [www.sgc.gc.ca](http://www.sgc.gc.ca)). Restorative justice holds offenders responsible in a way that differs from the traditional criminal justice process. It allows healing and forgiveness to replace punitive sanctions for all those except the most serious offenders. Adversarial relationships are replaced by communication and joint problem-solving [\(<http://www.sgc.gc.ca>](http://www.sgc.gc.ca) (Canada, [www.sgc.gc.ca](http://www.sgc.gc.ca)). The philosophy behind restorative justice is “making things right.” This is achieved by condemning the behavior of offenders while preserving their dignity. For many offenders, it is a harsher sentence to have to face their victims, community and family, than to spend time in a correctional facility (Canada, [www.sgc.gc.ca](http://www.sgc.gc.ca)).[<http://www.sgc.gc.ca>](http://www.sgc.gc.ca)

A community-based restorative justice program would most likely regulate behavior more effectively, provide more satisfactory outcomes, and strengthen the social fabric by making the community the focal point of social control (Gerard, 1997). The



community itself would improve its own capacity to define and address its crime-related issues (Gerard, 1997).

Restorative Justice is a way of thinking about responding to the problem of crime, and a set of values that guides decisions on policy, programs and practice (Pranis, 1995). It is a way of dealing with low-level crime that allows the victims and the community to have a key role in the justice process. The victim has a voice; the offender is accountable; the community is involved; and what was broken is mended (<http://tcfreenet.org>).<(<http://tcfreenet.org>).>

Focused on changing the primary goal of justice intervention from punishment or treatment to reparation of harm and altering the justice process to include and meet the needs of victims, communities and offenders (Bazemore & Griffiths, 1997) restorative justice has been generally associated with practices and processes such as restitution, community service, victim offender mediation, victim services and a variety of conflict resolution processes. The term “community justice” is being used by some officials in both Canada and the United States as a broader umbrella concept which also encompasses community policing, neighborhood courts and justice centers, community development and “community-building” interventions, “beat probation” and a variety of delinquency prevention programs (Bazemore & Griffiths, 1997).

The criminal justice system is not responding effectively to low-level “nuisance” crime. The system is jammed and its resources are scarce. Police have little incentive to spend time on misdemeanors which may or may not be prosecuted. Community members report that they see the same offenders repeatedly, with consequences rarely following an arrest. Community conferencing is a way to hold offenders directly accountable in a way that includes and benefits those who are affected by crime (Knapp, 1999). It gives some responsibility back to the community for doing justice and reinforcing the standards of acceptable behavior (Knapp, 1999).

Victims’ involvement and perspectives are essential to the processes of defining the harm of each crime and identifying how that harm might be repaired. A comprehensive restorative response to crime engages the community as a resource for reconciliation of victims and offenders, and as a resource for monitoring standards of behavior. Restorative justice defies traditional ‘liberal’ and/or ‘conservative’ labels, and embraces values found in both perspectives. A restorative response to crime is a community-building response (Pranis, 1995).

Accountability focuses on creating an awareness in offenders of the negative impact of the offense on the victim and community. The protection of the community is ensured by sanctioning the offender to more productive juvenile programs during after school hours. The programs have consequences for noncompliance as well as incentives for meeting the accountability and competency requirements. The offender is able to gain work experience, constructive learning experiences, positive interaction

with adults, and earn money. By addressing the accountability of the offender and the needs of the victim as well as the protection of the community, the overall approach is considered a balanced framework.

## COMMUNITY JUSTICE IN THE STATES

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Background information focused on finding community-based restorative justice programs throughout the United States and in the state of Florida to find out how other programs were developed, and if they are successful. The five community justice programs in the states discussed in this study are: Deschutes County, Oregon; Minneapolis, Minnesota; the state of Vermont; Pittsburgh, Pennsylvania; and New York City, New York. The community-based justice programs in Florida discussed in this study are: Leon County; Tallahassee; and West Palm Beach, Florida. Information collected from these programs will help others who want to consider developing a similar program.

**Community Justice in Deschutes County, Oregon.** In 1996, Deschutes County adopted a new “Community Justice” model, the first of its kind in the nation. The County Community Justice Department is working with neighborhoods and communities to prevent crime, help victims, hold offenders more accountable, and operate a cost-effective corrections system. The Community Justice Department received a technical assistance grant from the National Institute of Corrections to advance this new model. Because of the close connection between community justice and the Community Youth Investment Project, this technical assistance was expected to be very helpful with community involvement and service design. (Deschutes County Comprehensive Plan, 1997)

The Community Justice Program in Deschutes County, Oregon seeks to:

- ?? Prevent crime;
- ?? Attend to the needs of the victim;
- ?? Hold offenders accountable;
- ?? Operate cost-effective correction systems; and

?? Build communities. (Deschutes County Comprehensive Plan 1997-2001)

Community Justice is both proactive and reparative. Proactive practices include developing and using community resources for crime prevention and early intervention. Balanced and restorative justice principles, including offender accountability, community protection, and competency development (rehabilitation) are used to engage the offender while repairing damage to victims and communities when crime occurs (Deschutes County Comprehensive Plan 1997-2001).

Examples of practices that reflect Community Justice principles that are underway in Deschutes County include:

- ?? Redistributing caseloads to allow the majority of community officers to work in neighborhoods on crime prevention and community development;
- ?? Tailoring 8, 30, and 120 day detention programs for serious, violent and chronic offenders;
- ?? Building neighborhood Safety Teams to reduce the threat of crime by addressing public safety needs identified by neighborhood residents;
- ?? Providing victim-offender mediation programs on a voluntary basis to address the needs of the victim. A meeting is held in the presence of a trained mediator, and seeks to let an offender know how his victim was impacted by the crime, and to work out a plan for repayment of losses;
- ?? Forming merchant accountability boards to provide business representatives input on sanctions in cases of shoplifting;
- ?? Forming a restorative community work service program that seeks to promote a bond between the offender and his or her community by designing and completing meaningful work service projects; and
- ?? Working with the faith community to develop a post-release support network (Deschutes County Comprehensive Plan, 1997-2001).

### **Central City Neighborhoods Partnership, Minneapolis, Minnesota.**

Research through the Internet revealed an article by Gena Gerard from the Central City Neighborhoods Partnership in Minneapolis, Minnesota, June, 1999. The article outlines the basic steps involved in building a community-based model of restorative justice as a guide to creating a program as follows:

#### **I. Assess the Situation.** There are several ways to gather the relevant data.

Talking to neighborhood police officers will provide extremely valuable first-hand information about the local crime situation. It is important to interview or survey people who live or do business in the area about their perceptions of crime, safety, and justice. The opinion of the community members must be taken into account to fashion an appropriate response to the local problem. Involving community members in the early stages of program development helps build support and participation in later stages, because it gives individuals a greater awareness of their stake in the outcome and enhances their self-perception as important stakeholders in the life of the community.

**II. Choose a Model.** After researching the problem, the next step is to develop the best solution. It is important to find or create a restorative model that best fits the needs of the community. A restorative approach is one that emphasizes the healing to restore the victim and the community. In researching the Internet, not all of the programs across the Country are referred to as “restorative justice,” but also as Family Group Conferencing; Circle Sentencing; Victim-Offender Mediation; and Community Boards. Supervised work squads, restitution services, and victim services are other restorative responses to crime. The restorative justice model that a community develops should seek citizen involvement in implementation. The stakeholders must have consensus on the definition of an appropriate and feasible restorative solution to the crime problem.

**III. Develop the Program.** Making a restorative justice program operational may take months of discussions and negotiations as the necessary organizational relationships and procedures are established. It is critical to involve and continue building a supportive coalition which includes the primary stakeholders and other interested individuals or groups. Building and maintaining a coalition is important to obtain maximum input; hear concerns; offer education about restorative justice and the community’s crime situation; generate ideas; secure resources; discuss possible administrative or procedural changes; and ultimately obtain commitments to collaborate on program implementation.

Building the infrastructure of a program takes the most time. Development starts with direct links or liaisons among the institutions having a role in executing the program.

Key people are needed to help determine procedures for referrals, design the case flow and documentation methods, and formulate the monitoring and evaluation components.

Community members must also be trained, if appropriate. For example, if the model for the program is Victim-Offender Mediation, volunteers will need mediation training.

Funding is likely to be needed for salaries, training, and miscellaneous expenses. In the development phase, other considerations should be short- and long-term evaluations; clarifying goals and objectives; and try to create performance measures which will indicate the success of the program.

**IV. Implementation.** When the program is ready for implementation, set a realistic time line for starting up the new system, evaluating it, and reshaping it, if necessary for continued use in the community. The program should be monitored by tracking outcomes, and evaluated based on information obtained through monitoring, and feedback from participants and involved organizations.

The Community Conferencing pilot program which involved the neighborhoods of Stevens Square, Loring Park, Elliot Park and Downtown began in September of 1997. The program combines mediation with community service sanctions to foster accountability for criminal behavior and to benefit the neighborhoods in the process (Gerard, 1997).<<http://tcfreenet.org>> This community-based intervention places special emphasis on the relationship between crime and the community. Attending a given conference may be area residents, business owners, and others who are directly affected by criminal activity (Gerard, 1997).<<http://tcfreenet.org>> Participating offenders are expected to repair the damage through community service or another sanction that is meaningful to the community as a whole (Gerard, 1997). The pool of trained conference facilitators includes residents of the four-neighborhood region. Community members can serve as victim or offender advocates; link individuals to needed services; and help them build connections to the larger community. A group of neighborhood residents meets monthly to participate in program development and provide overall guidance for the project (Gerard, 1997).

The Central City Neighborhoods Partnership views Community Conferencing as an exceptional organizing opportunity for the downtown Minneapolis neighborhoods.

Community Conferencing not only relies upon the leadership of neighborhood residents to direct, implement, and assess the project, but it also includes outreach to those with a personal connection to the offense, makes an effort to repair the rift between the parties involved, and an invitation to both victims and repentant offenders to remain active in the community following their conferences. Restorative justice can then tap the energy

of concerned residents, as well as the anxiety, fear, or frustration of community victims, and channel those emotions into constructive use for the community (Gerard, 1997).

**Reparative Probation Program, Vermont.** The Reparative Probation Program in Vermont is an innovation in which nonviolent offenders are sentenced by the court to a hearing before a community Reparative Board composed of local citizens. The boards became operational early in 1995 as part of a newly mandated separation of probation into Community Corrections Service Units (designed to provide supervision to more serious cases) and Court and Reparative Service Units, who coordinate and provide administrative support to the Boards. A Board is composed of five local citizens and able to make dispositional decisions for eligible probation cases referred by the courts. (Bazemore & Griffiths, 1997).

Community members meet with offenders to develop a “reparation agreement.” The conditions in the agreement must be met as part of the probation (Evaluation of Restorative Justice in Leon County).

**Community Intensive Supervision Project (CISP), Allegheny County Juvenile Court Services, Pittsburgh, PA: Involvement of the Community.** CISP began in June of 1990 as a component of Allegheny County Juvenile Court Services. The purpose of CISP is to provide an alternative to institutionalization for youth under court supervision who continue to commit delinquent acts (www.ojjdp.ncjrs.org)<<http://www.ojjdp.ncjrs.org>>. CISP is a community-based program and uses highly structured supervision and scheduling to control behavior.

The program began with three centers in Pittsburgh neighborhoods. A fourth was added in April, 1994, and a fifth opened in 1996 (www.ojjdp.ncjrs.org). <<http://www.ojjdp.ncjrs.org>>

Key elements of the program are:

- ?? Required school attendance;
- ?? Required attendance at the neighborhood CISP center 7 days a week from 4:00 p.m. to approximately 9:00 p.m.;
- ?? Electronic monitoring;
- ?? Drug and alcohol testing;

- ?? Required community service;
- ?? Family counseling and support ([www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)).  
<<http://www.ojjdp.ncjrs.org>>

The strengths related to the Community Intensive Supervision Project are:

- ?? **Accountability.** Each participating juvenile offender is involved in numerous community activities that are valued by the community and that place the juvenile in a position of making a contribution to the community. ([www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)) <<http://www.ojjdp.ncjrs.org>>
- ?? **Competency Development.** Youth are required to attend school, and their progress is monitored. Many of the community service projects build competencies that are valuable for functioning in the community. <<http://www.ojjdp.ncjrs.org>>([www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org))
- ?? **Community Safety.** Juveniles are kept physically in the community through a comprehensive approach to structuring time and monitoring. Juveniles are required to attend school during the week and to attend the CISP center seven days a week. They are under constant adult supervision and on electronic monitoring at all times.  
([www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)) <<http://www.ojjdp.ncjrs.org>>
- ?? **Other strengths related to restorative justice principles.** CISP has been successful at staffing its program with people who live in the neighborhood served by the center. The staff understand the youth's circumstances of living and are a part of their familiar world  
([www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)). <<http://www.ojjdp.ncjrs.org>>

**Neighborhood Justice: A Five-Point Plan to Redirect New York City's Juvenile Justice System.** The Center for an Urban Future has crafted a set of proposals designed to cut costs and recidivism rates in the juvenile justice system. Designed to safeguard the public, strengthen communities and rehabilitate youth, the plan draws on the wisdom and experience of dozens of practitioners, academics, community leaders and agency officials (Center for an Urban Future, 1997). The Center for an Urban Future is calling for a fundamental change in where the juvenile justice system lives, both literally and philosophically. The following proposals airlift strategic parts of that system out of the courtrooms and detention facilities and places them in the city's neighborhoods. In doing so, these proposals express the view that community residents can and should play a vital role in solving the problem of youth

crime (Center for an Urban Future, 1997). These proposals articulate the belief that the juvenile justice system can be more than a vehicle for enforcement. It can be a vehicle for unraveling the problem of crime in our communities (Center for an Urban Future, 1997).

The Center for an Urban Future proposals are:

- ?? **To create Neighborhood-Based Community Courts for first-time non-violent youth offenses.** Children under age 16 charged with non-violent crimes such as shoplifting or sale of drugs should be diverted to Community Courts instead of going through the formal criminal justice system. The Community Courts would be panels comprised of resident volunteers and staffed by Family Court probation officers. These panels would select sanctions and design restitution and rehabilitation plans. They would work closely with a strong network of local community service groups, including youth organizations, mentoring programs, substance abuse counselors and others, strengthening the bond of the justice system and the neighborhoods.
- ?? **To provide Aftercare for violent juvenile offenders.** Aftercare, in which case managers work one-on-one with young people to ensure they make a smooth transition back to civilian life, is proven to lower recidivism rates. It should be made available to children who were convicted of a felony when they were under the age of 16. The 1978 Juvenile Offender law should be changed; juveniles and adults must be treated differently, with all juveniles receiving aftercare.
- ?? **To give judges' smart sentencing options.** When faced with convictions of first-time felons between the ages of 16 and 18, judges should be able to choose a middle path between giving these teenagers traditional probation, which is too lax in many cases, and sentencing them to lengthy terms in adult prisons, which teaches them to be better criminals. For those offenders who demonstrate a commitment to self-improvement, judges should always have the option of sending them to strict, intensive programs which demand accountability and channel offenders into jobs.



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**To create precinct-level Citizen Rapid Response Teams to reach out to victims in the aftermath of violent crime.** One or two NYPD precincts should pilot an effort to recruit citizens to serve on rapid response teams in one or two high crime neighborhoods. Composed of neighborhood residents, community organizers and police, these teams would arrive quickly at the scene of violent crimes and attend to the needs of crime victims, their family members, and children who witnessed the violence. Team members would smooth communication between police officers, and, for example, the mother, of a murdered child. Over the long term, they should help to improve relations between police, residents and neighborhood youth.

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**To recruit young people from all city neighborhoods, including those with high crime rates, into criminal justice careers.** The more young people from the city who pursue criminal justice careers and go to work in communities not unlike their own, the less distrust there will ultimately be between police and young people. The city should put in place a comprehensive career track, starting in junior high school and continuing through the City University of New York, that attracts and cultivates young people from high-crime neighborhoods to join the police force. Many of the key pieces already exist. They simply need to be strengthened and institutionalized.

## **COMMUNITY-BASED JUSTICE IN FLORIDA**

Even though the Florida Statutes include a section that authorizes and provides for guidance for neighborhood restorative justice under Section 985.303, there are very few programs in Florida that follow the “restorative justice” model. The 1998-2000 Operational Plan for the Florida Judicial Branch also includes a section under Objective II-J, Institutionalize Strategic Planning, Performance and Accountability Programs, to institutionalize and integrate strategic planning, performance measurement, and accountability program within the judicial branch (Horizon 2000). Locally, the specific goal is to research and develop a community-based restorative justice program.

Among the few programs established in Florida, one is the **Leon County Neighborhood Justice Center**. This program was designed to apply restorative justice strategies with juvenile and adult offenders. The strategies include a variety of panels or conferences that allow mediation between a victim and the offender, an opportunity for an offender to be aware of the negative impact of crime on a victim, and the involvement of community members in sanctioning an offender. The principles in the restorative justice paradigm are presented as a balanced approach and include accountability to the

victim, competency development for offenders, and community or public safety (Evaluation of Restorative Justice in Leon County).

**Southside Restorative Justice Project in Tallahassee.** This program operates parallel to the Leon County Neighborhood Justice Center. The activities in these two programs overlap, particularly in education and training. The juvenile strategies in this program are very similar to the Leon County Neighborhood Justice Center. The primary difference between these programs are the geographical areas or types of juvenile facilities covered (Evaluation of Restorative Justice in Leon County).

The goals for the Southside Program are:

- ?? To establish a cooperative relationship between criminal justice agencies, service providers and residents to equal a self-sustained neighborhood; and
- ?? To establish alternatives to arrest for minority youth.

**West Palm Beach, Florida Community Court.** Offenses such as trespassing, open container of an alcoholic beverage, marijuana possession, and drug paraphernalia that occur on a daily basis erode the quality of life in neighborhoods. Residents of these communities commonly feel they have no stake in the production of justice. Criminal justice professionals in West Palm Beach County realize that centralized courts need to focus resources not only on serious crimes but, devote more attention to quality of life offenses that deteriorate neighborhoods (Community Court, 2000).

In May 1998, a pilot Community Court in the West Palm Beach Weed and Seed area began. The Weed and Seed area is a distressed and crime-ridden community on the outskirts of downtown West Palm Beach. The area has 5,360 residents. Conditions in this area are typical of those targeted throughout the nation as Weed and Seed sites. The physical characteristics of the community are striking, with crumbling streets and sidewalks, deteriorated houses and businesses, vacant lots with discarded mattresses and trash piles, and litter strewn throughout streets, sidewalks, yards, and parks (Community Court, 2000).

Crime in the area has impacted the criminal justice system enormously. In 1999, this area represented 7 percent of the city's population, but 50 percent of the city's misdemeanor offenses. The Court was established by administrative order of the Chief

Judge on August 10, 1999, as a separate county court division. As a result of many months of planning, County Court Judge Barry Cohen opened the first session of Community Court on August 18, 1999. Many judges contribute their time to provide coverage at the Court. The Public Defender's Office assigned two Assistant Public Defenders to the Court. The State Attorney's office assigned an Assistant State Attorney. The Clerk's Office rotates the assignment of courtroom clerks. The West Palm Beach Police Department assigned two officers as security for the Court.

The Court hears all quality of life type cases from the geographic area, and orders sentences that prioritize community and victim restoration. The Court seeks to accomplish four primary results that will refocus the system resources. These are:

- ?? To impact restoration of the community through a reduction in quality of life type crimes;
- ?? To realize a greater sensitivity for the community as a victim by ensuring that by ensuring that it receives validation and any necessary services with an emphasis on restitution
- ?? To ensure that the community residents will work cooperatively with the police, prosecutors, and service providers on solving the community's crime problems, and cooperatively with the police, prosecutors, and service providers on solving the community's crime problems, and
- ?? To have an impact on offenders in the community through the provision of social services.

The Community Court in West Palm Beach County heard its first case on August 18, 1999. It convenes every Wednesday at 4:00 p.m. and hears about 20 cases per week. One of the most appealing aspects of the court is that it emphasizes community service sanctions rather than fines or incarceration (Community Court, 2000). The goal is for those who harm the community, to give back through projects such as cleaning up streets and parks, restoring decrepit buildings, planting community gardens and painting lamp posts, buildings, and homes as requested by nonprofit neighborhood associations (Community Court, 2000).

The community plays a major role at the court through participation on a Community Advisory Board. Community leaders and residents serve on this Board which provides input to the Court on sanctions, community problems, and needed services (Community Court, 2000). The Court is able to provide social services to

defendants as well as community residents, which include substance abuse treatment, job counseling and referrals, mental/medical health assistance, and educational classes.

## SUMMARY

What is the relevance of sanctioning and decisionmaking models to probation and parole, victim advocates, treatment providers and other intervention professionals? Notably, an increasing number of state departments of corrections, probation and parole services, and juvenile corrections systems and probation services are adopting one or more aspects of community and restorative justice policy (Bazemore & Griffiths, 1997). What appears on the surface to be simply informal alternatives to court appearances are therefore being viewed by some administrators as having greater significance to the objectives of probation and parole. This is because the different alternatives to court appearances may offer a new avenue for achieving a wider and deeper level of citizen involvement in the rehabilitative, sanctioning, and surveillance missions of community corrections that has been difficult to attain through a focus on offender supervision alone. The prospects for increasing community involvement, the nature of the process of engaging citizens, and the role(s) assigned to the community are therefore the most crucial dimensions for contrasting approaches to community decisionmaking (Bazemore and Griffiths, 1997).

All of us, victims, offenders and community members, are caught in a downward spiral where crime leads to greater fear and increased isolation and distrust among community members, which in turn leads to even more crime. As community bonds are weakened by fear and isolation, the power of community approval is reduced and crime increases. Community safety comes to depend primarily upon voluntary individual restraint on harmful behavior (Pranis, 1995).

Greater community involvement in a restorative justice process is a powerful way to break this destructive cycle and increase the connections among community members. The more connected with each other community members are, the more likely they will be to restrain impulses which would be disapproved by the community. Professionals within the system can facilitate the process of engaging the community to become a primary resource in responding to crime in a restorative framework. Expanded community involvement and opportunities for constructive, collective action will result in less fear and isolation and a stronger sense of community. Building community support includes gaining community approval of new approaches within the criminal justice system and engaging the community as a key actor in the process of responding to crime. The success of a restorative approach depends upon community support and involvement, and requires specific attention and resources allocated to those efforts (Pranis, 1995).

As it stands today, the juvenile justice system teaches young people skills for surviving their institutional settings, but not for managing the exigencies of real life, the demands of complicated relationships, the disappointments of the labor market and the temptations of drugs. At worst, when the system incarcerates them with adult criminals, it gives young people the equivalent of an advanced degree in criminal behavior. And upon release, many children return to their communities without any guidance (<http://www.citylimits.org/>). [<\(http://www.citylimits.org/\).>](http://www.citylimits.org/)

## **METHODOLOGY**

This research concerns the evaluation of establishing the need for a community-based restorative justice program in Central Florida. After exploring what kinds of programs other states have established, and what programs are available in Florida, this project will contain a proposal for implementation of a restorative justice program in the community of Apopka in Orange County, Florida.

### **THIS PROJECT'S METHODOLOGY**

The primary means of data collection used face-to-face interviews with community members, such as government officials; law enforcement officers; social service providers; individuals from counseling service agencies; representatives of civic organizations; business owners; and neighborhood and social groups. During the interview a questionnaire was completed by the interviewee. The survey data collection focused on a written questionnaire completed by the participants consisting of six questions to find out what the community stakeholders believe a community-based restorative justice program should entail.

(See Appendix 1)

The research did not involve the use of experimental procedures or special incentives. Other than completing the pencil-and-paper instrument, the research required a few meetings between research staff and the stakeholders in the community. An important part of this project was accessing information to gather the strengths and/or weaknesses of establishing a community-based restorative justice program.

The general research design used to collect the data for establishing the need and creating a restorative justice program in the Ninth Judicial Circuit was to have several meetings with court staff from the mediation and juvenile court departments; staff from the Department of Juvenile Justice; staff from the various juvenile justice programs in the Central Florida area; and members of the Apopka Police Department which included the Chief of Police in Apopka, Florida. Since all of those surveyed were needed as part of the survey, a pretest of the instrument was not done; therefore, there were no changes as a result of a pretest.

A survey was given to eighteen individuals; 30 percent were police, and 70 percent were individuals from juvenile justice programs: a circuit court judge; an assistant state attorney; court staff from the mediation and juvenile court departments; and members from the Department of Juvenile Justice. This is a small group but it consisted of all the stakeholders for setting up the program. The response rate on receiving the data was excellent. Everyone was receptive to giving their opinions on the survey about establishing and developing a restorative justice program. The data was collected at meetings which were held at various times from June, 2000 through January, 2001. The collection of the data took place in Orlando and Apopka, Florida. The method of choosing the study group focused on the individuals involved with Juvenile Justice (i.e., programs, services, law enforcement, court staff). The data were collected by the author of this project, and took several months to gather. Coding the data was not complicated because there was nearly 100 percent consensus on all of the questions asked.



## FINDINGS

Overall, the restorative justice programs that other courts have developed and were discussed in the literature review appear to be successful in meeting their goals. Nationally, the restorative justice concept has been recognized as viable in addressing criminal activity and the reduction of crime.

Community-based Restorative Justice has many applications, and some of the more common models are Family Group Conferencing, Victim-Offender Mediation, and Sentencing Circles. These practices bring victims and offenders together for formal mediation to negotiate the terms of accountability and improve relations. Not all restorative solutions to crime involve group processes. Sanctions such as letters of apology, and court ordered community service also permit redress to the victim and/or the community. The common goal is to recognize the offense committed by the offender and reparation to the victim. A community needs to include the victim in the process, not only for the sake of accountability, but for the purpose of healing.

Studies on the data regarding the different models of restorative justice revealed the following:

?? **Victim-Offender Mediation.** The victim is the primary client. The victim must consent to the process, while the offender is often a less than willing participant. Victim-offenders programs give priority to meeting the needs of the victims. Victims are given maximum input into the sanction of the offender, referred for needed help and assistance, allowed to tell the offender how the crime has affected them, and are repaid for their losses.

The research revealed that victim satisfaction with victim offender mediation has been high.

?? **Reparative Boards.** Reparative Boards may have the greatest potential for significant impact on the response of the formal system to nonviolent crimes. In the future reparative boards may expect to be at the center of ongoing struggle between efforts to give greater power and autonomy to citizens and the needs of the system to maintain control, or ensure system accountability. The board members may also be challenged to decide who their primary client is: the community or probation and the court system. Boards have been encouraged to refer offenders and victims to victim-offender mediation programs in the communities.

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**Family Group Conferences.** Family Group Conferences are the strongest of all models in educating offenders about the harm their behavior causes to victims. In direct contrast to Victim-Offender Mediation and Circle Sentencing, the standard protocol for Family Group Conferences is that the offender speaks first. This is done to increase the chance that young offenders will speak in the presence of family and other adults. It is believed by the Family Group Conference supporters that offenders speaking first will help them recognize their behavior early in the session, to let their support group know what happened, and to give the victim a different perspective on the crime and on the offender, and even put the victim at ease. As Family Group Conferencing evolves, it will be important to examine the extent to which the priority commitment to shaming the offender and reintegration into the community may diminish the capacity of Family Group Conferences to involve and attend to the needs of the victims.

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**Circle Sentencing.** Like Victim-Offender Mediation, Circle Sentencing is concerned with protecting the victim, providing support, and hearing the victim's story. The Circle Sentencing model appears to demand the most extensive pre-process preparation. As an admission to a Circle, the offender has to petition the Community Justice Committee, visit an elder or other respected community member for a conference to begin work on a reparative plan which may involve restitution to the victim and/or community service. The pre-conference is viewed as a key indicator that the offender is serious about personal change.

**Developing and implementing a restorative justice program is a challenging task** that requires a strong commitment to allow sufficient time for staff to process their concerns and offer input. Success depends on clear and specific goals and collaboration among staff. In addition, it requires the involvement of other systems that are impacted by changes made in the correctional department. Staff support needs continual strengthening in a restorative justice program through education, training, and support, with a primary focus on competency development. Probation staff can participate in implementing cognitive behavioral interventions with offenders with the overall goal of reducing recidivism.

The program's objectives for the Restorative Justice Center in Orange County are:

- ?? To process fairly and quickly juvenile offender referrals from the justice system sources, including the courts, law enforcement agencies, state attorney's office, and juvenile justice:
- ?? To hold restorative justice sessions for offenders, families, and victims;
- ?? To refer offenders, offender's family members and/or victims to other community agencies and resources in the area to help meet individual needs (e.g., mental health counseling, substance abuse treatment, domestic violence shelter, financial counseling, assistance with food, housing, clothing, education and job training);
- ?? To conduct training sessions for volunteer mediators, counseling and support group sessions;
- ?? For staff to attend meetings in the community to network and share information about the program with area agencies and organizations;
- ?? To seek referrals from different criminal justice community sources; and
- ?? To develop training manuals, program guideline documents, and brochures about the restorative justice program for offenders.

## RESULTS OF SURVEY

### Questions 1 and 2:

All (100%) of the stakeholders surveyed said that they believe there is a need for a community-based restorative justice model, with one person specifying that there is a need as long as victim restitution is ensured. Some of the reasons for the need that the stakeholders gave are:

- ?? Diverting cases to a restorative justice program would have a positive impact in several respects: First, limited court resources could be expended on children who are most highly at risk and who consume a disproportionate amount of court resources presently; and second, current juvenile law and procedure is often based on out-moded, discredited sociological and psychological theories rather than on sound preventative and rehabilitative theory.
- ?? There are no opportunities for juveniles to participate in such an interesting and vital effort at this time in Orange County.
- ?? It is good to get the community and victims more involved in legal problems. It gives the community a chance to get involved and to have a say as to what is done.

Question number two is subjective, and several different answers were given by the stakeholders as to why they believe there is a need for a community-based restorative justice model in the community. They are as follows:

- ?? There are no opportunities for juveniles to participate in such an interesting and vital effort at this time in Orange County;
- ?? There is a need for community involvement when juveniles commit non-violent first time offender crimes in the neighborhood. The diverse areas are better able to find solutions.
- ?? It is good for victims to be involved in the legal process.
- ?? Restorative justice is closely linked to the concept of law as a therapeutic agent, or the use of law to promote the psychological and

physical well-being of the people the law impacts, both the offender and victim. Presently, most programs in this community only punish the juvenile and ignore the victim.

**Question 3:** All but one percent of the stakeholders felt they would like to have a restorative justice center in any community in Orange County, Florida. The one individual felt that the restorative justice center should be started in the communities of Apopka, Winter Garden, or Bithlo that are located within Orange County, Florida.

**Question 4:** One individual checked all of the items listed under “Criteria for Offender Selection.” All (100%) of the stakeholders checked “referred by the State Attorney’s Office.” A statement by one individual was that any other agency that refers cases is inappropriate and the State Attorney’s Office would oppose any other referral not provided for by Florida Statute. Ultimately the referral will come from the State Attorney’s Office. However, referrals for juveniles to be placed into the program can be forwarded to the State Attorney’s Office by law enforcement and the Department of Juvenile Justice.

**Question 5:** All (100%) of the stakeholders checked all of the items listed under “Goals for the Program.” Some of the goals for the program include, but are not limited to:

- ?? Establish alternatives to conviction for youthful offenders;
- ?? Victim-offender mediation, often conducted by community volunteers;
- ?? Ensure restitution of victims;
- ?? Foster individual responsibility and accountability to the community while preserving individual rights.

**Question 6:** All (100%) of the stakeholders checked all of the items listed under “What sanctions should be imposed on the juvenile offender.” The sanctions listed in the survey include:

- ?? Community service;
- ?? Restitution;
- ?? Treatment for addictions; mental health counseling;
- ?? Jail Tours;
- ?? Perform work for the victim.

The stakeholders of the program can add or delete to this list to serve the needs of their community.

A graph of the survey's results is displayed on Page 39.

The data collection includes a chart containing the charges, cases, and youths referred to the Department of Juvenile Justice from the community of Apopka, located in Orange County, Florida, for the Fiscal Year 97-98.

The chart is divided into three categories: charges; cases; and youths. The figures represent referrals of charges, cases, and youths to the Department of Juvenile Justice in the Apopka community (See Appendix 2). On the following page, there are three pie charts which show the number of charges, cases, or youths referred; the number of misdemeanor and felony amounts; and the number of other charges, cases and youths referred.

**Implications from graphics.** There is an abundance of misdemeanors in comparison to felonies and other cases, and the stakeholders should be aware of this. Diverting the misdemeanor cases to a restorative justice program would have a positive impact. It would allow the court's resources to be expended on children who are most highly at risk and who consume a disproportionate amount of time presently in the juvenile court system.

The kinds of cases under the category "other" include when a youth does not do what is asked of him/her; does not go to school; does not get a job; or stays out past curfew.

The Neighborhood Restorative Justice Program in the community of Apopka in Orange County will establish the Victim-Offender Mediation Model, as Deschutes County, Oregon has established. The concept of Victim-Offender Medation (VOMP) is not complex. There is a face-to-face meeting between victim and offender, mediated by a trained community volunteer. The offender meets with the person he/she has wronged to discuss what happened, the effects of what happened, and what can be done to restore the victim and make amends. The mediator serves as a neutral third party. The mediator has no stake in the conflict and no power over either participant. The mediator is representing the community, not the criminal justice system. VOMP views crime as a conflict between people, not a conflict between an offender and the state. In the sense that an offender faces the consequences of his or her actions in a face-to-face meeting with the victim, it may be seen as rehabilitative and preventive. VOMP stresses accountability to the individual's harmed, not just accountability to the system. VOMP may also be seen as an alternative to our system of jails and prisons, which may in fact be more destructive than some other forms of sanctions, and certainly more expensive (<http://alternet.deschutes.org>). [<\(http://alternet.org\)>](http://alternet.org)

## CONCLUSIONS

### SUMMARY OF FINDINGS

The results of the survey revealed that all of the stakeholders see a need for the program. One of the main factors for the need of a new diversion program is that dollars are being cut from crime prevention. The Department of Juvenile Justice does not have enough commitment beds. The restorative justice diversion program will move juveniles through the system quickly with results that will benefit not only the juvenile, but the victim and the community. Programs such as the Ninth Circuit's Neighborhood Restorative Justice Mediation Program will repair the harm done to victims and the community through a process of negotiation, mediation, victim empowerment, and reparation in a non-adversarial fashion.

All of the juveniles are referred by the State Attorney's Office. The Office of the State Attorney may refer any first-time, nonviolent juvenile offender accused of committing a delinquent act to a neighborhood restorative justice center. The cases will be screened using the following criteria:

- ?? Seriousness of the offense;
- ?? Past record of the youth;
- ?? Attitude of the youth;
- ?? Attitude of the youth's parents.

Everyone surveyed felt that all of the items listed under the "Goals for the Program" should be accomplished. All of the stakeholders want to establish alternatives to conviction for youthful offenders. One of the goals for the program is to establish alternatives to conviction for youthful offenders. The stakeholders of the program would like to see a diversion program established in their community of Apopka as an alternative to having their juveniles who commit nonviolent crimes for the first time processed through the criminal justice system. The community leaders hope that this program will also deter juveniles from committing crimes in the community. The community leaders also hope that the services of the community will be utilized by the juveniles and their families if needed. For example, if there are problems of abuse, alcoholism, financial, or mental health issues, juveniles and/or their family members can be referred for assistance. As stated by one of the stakeholders, traditional methods of punishment generally ignore underlying contributors to childrens' criminal behavior like



family abuse, neglect or dysfunction; psychological/emotional/intellectual deficits; and addictions.

Victims' chances of ever being made whole are substantially diminished unless these factors are considered.

The community of Apopka would like to have their volunteers become mediators who conduct victim-offender mediation sessions. The importance of a restorative justice program is to ensure that the victim/s of each crime is made whole; that restitution is one of the sanctioned requirements. Restorative Justice also means holding offenders accountable.

Accountability means taking responsibility and taking action to repair the harm to victims.

Everyone surveyed felt that sanctions should be established and imposed on the juvenile offender. The survey lists a few of the sanctions that could be established for a program, but as the program develops, sanctions can be added or deleted to the list established. Each juvenile will be given sanctions that the victim-offender mediators determine is necessary to fully and fairly resolve the matter. The stakeholders in the Apopka community, the juvenile justice system, the Department of Juvenile Justice, and court staff all agree on the idea of a diversion program to assist the juvenile offender make right what they have done wrong.

The community of Apopka feels that if they could ensure that victims are compensated either monetarily or through community service by the offender, that it will benefit not only the victim and community, but the offender as well.

Based on the author's research of the different programs in Florida and nationally, a summary of the strengths of the programs discussed in this project is outlined below. This information is to give assistance to other courts who are considering developing a community-based restorative justice program in their community.

## **STRENGTHS OF OTHER PROGRAMS**

The following programs have strengths that will help focus the program for the Ninth Judicial Circuit Court:

### **Community-Based Justice in Florida**

## **Leon County Neighborhood Justice Center**

?? Flexibility – program willing to accommodate changes in the needs and expectations of the offenders;

- ?? Staff motivated – processing the cases through the system quickly to shorten the time period between arrest and participation in the restorative justice program strategies;

### **Southside Restorative Justice Project in Tallahassee**

- ?? Restores neighborhoods;
- ?? Identifies alternative sanctions;
- ?? Assists offenders.

### **Leon County Neighborhood Justice Center and Southside**

- ?? Communication that is informative to familiarize individuals with the restorative justice concept for the implementation of juvenile referral procedures;
- ?? Training sessions or workshops for volunteer community panel members;
- ?? Restitution to the victim;
- ?? Strategies addressing the needs of the juvenile offender population as a balanced approach which include: accountability to the victim; competency development for offenders; and community or public safety.

### **West Palm Beach, Florida**

- ?? Restitution to the victim;
- ?? Offenders give back to the community through community service;
- ?? Provides on-site work skills/job search/training options;
- ?? Any resident of the community may access the services provided at the community court on a walk-in basis.

## **STRENGTHS IN COMMUNITY JUSTICE IN THE STATES**

### **Community Justice in Deschutes County, Oregon**

- ?? Cost effective corrections system;
- ?? Proactive and reparative;
- ?? Victims are the primary customer of the system;
- ?? Victim-offender mediation program – allows victims of crime to confront offenders and arrange a formal restitution schedule and community work service;
- ?? Mediation has been shown to provide more durable agreements than other programs.

### **Central City Neighborhoods Partnership, Minneapolis, Minnesota**

- ?? Well-implemented, well-run program;
- ?? Staff highly professional;
- ?? Program materials, documents and files well-organized and complete;
- ?? Community participants and offenders are satisfied with the agreements;
- ?? 86 percent of the offenders successfully completed the agreement;
- ?? Combines mediation with community service sanctions to foster accountability for criminal behavior.

### **Reparative Probation Program, Vermont**

- ?? Reparative boards have been established in every county in Vermont, and all major towns and cities;
- ?? Victims are satisfied with the program;
- ?? Recidivism rates after 3 months were about 30 percent lower;
- ?? As of September, 1998, after 2 years of operation, success rate is nearly 85 percent;
- ?? In October, 1998, Reparative Probation Program received an Innovations in American Government Award as one of the top 10 initiatives that address today's toughest issues.

**Community Intensive Supervision Project (CISP), Allegheny County Juvenile Court Services, Pittsburgh, PA**

- ?? Accountability to communities through community service is well established;
- ?? Successful at staffing its program with people who live in the neighborhood;
- ?? CISP incorporates strong competency developments in its program. Youth are required to attend school and progress is monitored;
- ?? Highly structured supervision and scheduling to control behavior.

**Neighborhood Justice: A Five-Point Plan to Redirect New York City's Juvenile Justice System:**

- ?? Cost effective;
- ?? Designed to safeguard the public, strengthen communities, and rehabilitate youth;
- ?? Community courts are a forum to respond quicker, earlier and more effectively than the revolving door of the juvenile justice system.

**The Ninth Judicial Circuit of Florida's New Program.** As a result of this study, the author constructed a program for this Court. A complete copy of the new program with its mission statement, goals, is found in Appendix 3. A program coordinator for the restorative justice center in Apopka has been hired. This individual is responsible for all functions and the day to day operation of all components of the program. From the proposal, a one-page outline has been developed to assist the program coordinator in completing the steps necessary for a successful program. The steps and to whom the forms will be sent to are as follows:

- ?? **Notification** form for recommendation from the Office of the State Attorney and Department of Juvenile Justice for the case to enter the program;
- ?? **Victim**
- ?? **Offender**
- ?? Juvenile's **Waiver of Speedy Trial;**
- ?? **Offender**

??            **Restitution/Community Service Request** form for the victim's input  
into the restorative justice program;

??            **Victim**

??            **Pre-Mediation Interview** form;

??            **Victim**

??            **Offender**

??            **Agreement to Participate Form/Information Sheet** explaining the  
Mediation process, review any pertinent terms, legalities, right to  
appeal;

??            **Victim**

??            **Offender**

??            **Notice of Removal from Program** will be sent to all parties if the  
case is determined by the program staff to be unsuitable for Mediation  
(i.e., offender will not accept full responsibility, etc.);

??            **Victim**

??            **Offender**

??            **State Attorney**

??            **Department of Juvenile Justice**

??            **Local Police Department**

??            **Mediation Agreement:** A written contract agreed upon and signed  
by the victim, the juvenile offender, parent/guardian, and the  
Mediation Panel. This document will identify the specific terms of the  
sanctions for the offender and will also include the consequences for  
non-compliance;

??            **Notice of Completion** when the terms of the mediation have been  
successfully fulfilled by the offender;

??            **Victim**

??            **Offender**

??            **State Attorney**

??            **Department of Juvenile Justice**

??            **Local Police Department**

??            **Notice of Violation** when the terms of the mediation have not been  
successfully fulfilled by the offender.

??            **Victim**

??            **Offender**

??            **State Attorney**

??            **Department of Juvenile Justice**

??            **Local Police Department**

In addition to these considerations, a mediation program will help:

- ?? Victims to have the opportunity to ask questions about the offense and why it happened. Answers to these questions can help dispel fear and promote healing.
- ?? Victims to have the opportunity to express their feelings about the impact of the crime.
- ?? Victims to have the opportunity to work out a written agreement to address their losses
- ?? Provide more durable agreements than other programs.
- ?? Victims often experience a sense of closure regarding the crime.
- ?? Victims often experience a feeling of empowerment through participation in the mediation process.
- ?? Offenders experience the full human impact of their actions when meeting with their victim; this process promotes development of pro-social behavior and reduces the likelihood of recidivism.
- ?? Offenders are held directly accountable to individuals they have harmed through a face-to-face meeting which addresses victim's needs and rights.
- ?? Offenders have a voice in deciding how they can repair the harm they have done to the victim and community. This increases the likelihood of successful completion of the contract.
- ?? Offenders are afforded an opportunity to develop empathy for the human consequences of crime.
- ?? Offenders perform restorative community work service which promotes a bond with the community  
(<http://alternet.deschutes.org>).<([Http://alternet.deschutes.org](http://alternet.deschutes.org))>

Appendix 4 consists of six pages that can be used for training the volunteer mediators; and inserted into training manuals that will be developed. The appendix gives

definitions of restorative justice; a definition of accountability; accountability interventions within a restorative justice paradigm; and suggestions on engaging and involving crime victims in a balanced and restorative justice system.

## **RECOMMENDATIONS**

The operation of community-based restorative justice programs has the potential to bring many benefits to communities. Some of the benefits are:

- ?? Promoting community protection and service.
- ?? Working to prevent crime and its harmful effects.
- ?? Repairing the damage caused by crime to individual victims and communities.
- ?? Promoting universal justice and fairness.
- ?? Proactive, problem-solving work practices focused on creating and maintaining, safe, secure, and just communities where crime cannot flourish.

Each court should take great care in establishing a master plan of written procedures and responsibilities for a program prior to its opening. The court should establish standard mediation operating procedures. Developing and implementing a restorative justice program is a challenging task that requires commitment to a long journey, and allowing sufficient time for staff to process their concerns and offer input. Success depends on clear and specific goals and collaboration among staff. In addition, it requires the involvement of other systems that are impacted by changes made in the correctional department.

An important part of the success of restorative justice programs is the involvement of the community. The community has tools which the system does not have. The community has resources which the system does not have. The community has the power of influence which the system does not have. Therefore, the criminal justice system activity needs to be built around a core of community activity.

## **IMPLICATIONS**

A reform toward community justice must not begin and end with new programs or staff positions, but with new values which articulate new roles for victims, offenders and communities as decision making models are created to meet the needs of a community. As is fundamental to the principles and values of restorative justice, the capacity of these models to impact and even transform formal justice decision making, and ultimately correctional practices, seems to lie in the potential power of these co-



participants, if fully engaged in meaningful decision making processes (Bazemore & Griffiths, 1997).

One major change implicit in shifting to a more balanced and restorative system is a change in the relationship between the juvenile justice system and the community. Community ownership of the problem of delinquency and community commitment are critical to being a part of the solution. The following are implications for jurisdictions to consider when developing a restorative justice program:

- ?? Neighborhood programs that serve neighborhood juveniles have a much better chance of gaining support than programs serving juveniles from other neighborhoods;
- ?? Neighborhood relationships are strengthened by drawing staff from the neighborhood;
- ?? It is important to involve key neighborhood groups or individuals at the program's earliest planning stages to develop ownership;
- ?? Respectful responses to initial adversity can transform relationships into positive ones;
- ?? Opportunities to build relationships in the community may come in a variety of forms. It is important to remain flexible and to be able to respond to overtures from community members;
- ?? Community organizations can be the source of creative opportunities for the juveniles;
- ?? Community organizations can begin to view these juveniles as assets to the community; and
- ?? Community service projects provide a way to build credibility with the community. The first step in that process is asking the community for input.

## **NEIGHBORHOOD RESTORATIVE JUSTICE MEDIATION PROGRAM**

### **MISSION STATEMENT:**

To repair the harm done to victims and community through a process of negotiation, mediation, victim empowerment, and reparation in a non-adversarial fashion.

### **WHAT IS RESTORATIVE JUSTICE?**

Restorative justice is a way of dealing with low-level crime which empowers the victims and the community to have a key role in the justice process. A restorative solution is one which focuses on repairing the damage of crime. The victim has a voice; the offender is accountable; the community is involved; and what was broken is mended. With a restorative justice model in place, one might expect to find:

- ?? Victim-offender mediation, conducted by community volunteers;
- ?? Creative community service options, with victim input;
- ?? Sanctions for offenders;
- ?? Restitution to victims;
- ?? Opportunities for offenders to learn new skills;
- ?? Victim services;
- ?? Community members organized to address situations that promote crime.

By its very nature, the juvenile justice system is limited in its ability to reduce crime; in most instances it addresses or responds to offenses committed after the fact. These legal boundaries place the responsibility of prevention/intervention with citizens who, through the exertion of informal controls, can be most effective in reducing juvenile crime. Citizen ownership over the problems and solutions related to crime is in the best interest of offenders, juvenile justice agencies, and the communities. Creation of a Neighborhood Restorative Justice Mediation Program could result in a unified and cohesive approach among communities, juvenile justice agencies, community providers, and citizens resulting in the efficient use of limited resources and their possible expansion.

## **STATUTORY AUTHORITY:**

Florida Statute 985.02(3)(b), legislative intent for the juvenile justice system, mandates the Department of Juvenile Justice to develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment. In this same section under (d), it is mandated that the Department increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

Florida Statute 985.303, Neighborhood Restorative Justice, provides for the establishment of at least one Neighborhood Restorative Justice Center in designated geographical areas in the county for the purposes of operating a deferred prosecution program for first-time, nonviolent juvenile offenders.

## **PROGRAM PURPOSE:**

A diversion program such as a community-based juvenile restorative justice mediation program is needed in Central Florida to help prevent juvenile delinquency by Florida's most at risk youth and to divert youthful offenders who have committed their first acts of delinquency from becoming recidivists. The first Neighborhood Restorative Justice Mediation Program will begin in the community of Apopka, Florida which is located in the Ninth Judicial Circuit of Florida.

The **GOALS** of the Neighborhood Restorative Justice Mediation Program in Orange County are:

- ?? To establish a cooperative relationship between criminal justice agencies, service providers, and residents which would equal a self-contained neighborhood;
- ?? To establish alternatives to convictions for youthful offenders;
- ?? To provide victim-offender mediation, often conducted by community volunteers;
- ?? To foster individual responsibility and accountability to the community while preserving individual rights; and

?? To reflect the community's interests.

### **WHO IS ELIGIBLE:**

?? The Office of the State Attorney may refer any first-time, nonviolent juvenile offender accused of committing a delinquent act to a neighborhood restorative justice center.

?? Victims in the case must consent prior to juvenile offender entering into the restorative justice program.

### **The cases will be screened using the following criteria:**

- ?? Seriousness of the offense;
- ?? Past record of the youth;
- ?? Attitude of the youth;
- ?? Attitude of the youth's parents.

### **PROGRAM STRUCTURE:**

When a juvenile is charged with a crime, the charging affidavit will be sent to Office of the State Attorney and the Department of Juvenile Justice. The Department of Juvenile Justice, after having an intake session with the juvenile offender and parent/guardian, contacting the victim, will make an assessment and recommendation to the Office of the State Attorney as to which program is appropriate for the juvenile. The Office of the State Attorney will then review the charge, the youth's prior record, and determine whether to recommend the case to the Neighborhood Restorative Justice Mediation Program. If the youth and parent/guardian agree to participate, the Neighborhood Restorative Justice Mediation Program Coordinator will schedule a mediation session.

Participation by a juvenile and parent/guardian in this juvenile diversion program will require the signature of a waiver of speedy trial and the right to be represented by an attorney while in the program. The waiver and acknowledgment of responsibility shall not be construed as an admission of guilt in any future proceedings. A representative of the Neighborhood Restorative Justice Mediation Board must inform the juvenile and parent/guardian of the juvenile's rights prior to their signing the waiver.

Participation by a juvenile and parent/guardian would be voluntary. In order to participate in this diversion program, the juvenile must be willing to take responsibility for his/her behavior which will require the following:

- ?? Understanding how the offender's behavior affected the victim;
- ?? Acknowledgment from the offender that his/her behavior resulted from a choice that could have been made differently;
- ?? The behavior was harmful to others;
- ?? Taking action to repair the harm;
- ?? Making changes necessary to avoid such behavior in the future.

Notice of the mediation proceeding will be provided to the juvenile and parent/guardian, victim or family of the victim of the alleged offense.

If the case is referred to the Neighborhood Restorative Justice Mediation Board, all parties are notified and requested to attend mediation, including:

- ?? Juvenile and parent/guardian;
- ?? Victim and/or any witnesses;
- ?? Law enforcement officer.

The juvenile and parent/guardian must attend the Neighborhood Restorative Justice Mediation Board. The Mediation Board would consist of 5 members appointed to include, but is not limited to volunteers from the neighborhood; appointment from the Office of the State Attorney; an appointment from the Public Defender; and one appointment by the Chief Judge of the Circuit for guidance, training, and expertise. The Board would have the authority to hear matters referred from the Office of the State Attorney for juveniles who are alleged to have committed a delinquent act within the geographical area covered by the Board. The purpose of mediation is to assign sanctions. The juvenile has 90 days to complete the assigned sanctions.

At the mediation session, each person is given an opportunity to speak. The Board determines the facts through the written reports, questioning and listening, and assigns sanctions that may include, but are not limited to:

## **AGREEMENT:**

- ?? **Require juvenile to make restitution to the victim.** Financial restitution is an attempt to repay or restore to the victim the value of what was lost. Victims must be directly involved in determining the amount of losses.
- ?? **Require juvenile to perform work for the victim.** Personal services to victims are services provided directly to the victims, such as house repairs; lawn work; and other chores. Personal services can strongly reinforce personal accountability for juvenile offenders by making them responsible directly to the victim. It is the victim's right to choose whether a juvenile offender will perform personal service.
- ?? **Require the juvenile to perform work for the community.** Community service is productive work performed by juvenile offenders that benefits communities.
- ?? **Written apology to victim.** An offender communicates to the victim in writing his/her apology for the crime committed and accepts full responsibility for his/her actions.
- ?? **Treatment for addictions.** Recommend that the juvenile participate in counseling, education, or treatment services that are coordinated by the Board and approved by the Office of the State Attorney.
- ?? **Imposition of a Curfew.** To address community safety goals, the youth are restricted to their homes, except when attending approved activities such as school, employment, or counseling.
- ?? **Impose any other sanction, except detention, that the Board determines is necessary to fully and fairly resolve the matter.**

## **CONFLICT RESOLUTION:**

The Neighborhood Restorative Justice Mediation Board, the juvenile and juvenile's parent/guardian, and the victim or victim representative shall sign a written contract in which all agree to the Board's resolution of the matter and in which the juvenile's parent/guardian agrees to ensure that the juvenile complies with the contract.

If the juvenile disagrees with the resolution of the Board, the juvenile may file a notice with the Board within 5 working days after the Board makes its resolution that he/she is rejecting the resolution. After receiving notice of the juvenile's rejection, the Board shall notify the Department of Juvenile Justice and the Office of the State Attorney.

Progress is monitored by the Neighborhood Restorative Justice Mediation Program Coordinator. When all sanctions are completed, the Board will close the case successfully and the Office of the State Attorney is notified. The Office of the State Attorney then formally notifies the Court that the case will not be prosecuted. The juvenile will provide to the staff proof of completion of the contract/sanctions in the form and manner determined by the Board. Cases not completed successfully are returned to the State Attorney's Office and a petition may be filed.

#### **PROGRAM OBJECTIVES/PERFORMANCE MEASURES:**

- ?? To process juvenile offender referrals from the Office of the State Attorney and Department law enforcement agencies, state attorney's office, and juvenile justice;
- ?? To hold Neighborhood Restorative Justice Mediation sessions for offenders, families, and victims;
- ?? To refer offenders, offender's family members and/or victims to other community agencies and resources in the area to help meet individual needs (e.g., mental health counseling, substance abuse treatment, domestic violence shelter, financial counseling, assistance with food, housing, clothing, education, and job training);
- ?? To conduct training sessions for volunteer mediators;
- ?? For staff to attend meetings in the community to network and share information about the program with area agencies and organizations;
- ?? To seek referrals from different criminal justice community sources; and
- ?? To develop training manuals, program guideline documents, and brochures about the restorative justice program for offenders.

**EXPECTED OUTCOMES:**

- ?? Repayment of material losses to the victim;
- ?? Visible contribution to the community;
- ?? Victim sense of acknowledgment of the harm and some degree of repair;
- ?? Community sense of juvenile offender's having made some degree of amends;
- ?? Increased juvenile offender awareness of the behavior's impact on other people.

**RECOMMENDED PARTICIPANTS:**

- ?? Support system of juvenile offender;
- ?? Victim and victim support system;
- ?? Victim advocacy groups;
- ?? Community members;
- ?? Nonprofit organizations in the community for services;
- ?? Employers in the community for work sites;
- ?? Law enforcement personnel;
- ?? School personnel.

**RESOURCES NEEDED:**

- ?? Partnerships with local neighborhoods and citizens to serve as volunteers for: Advisory Board; Intervention Board; Agreement Monitors;
- ?? Public/Private agency supports to ensure that identified risk factors could be addressed within the geographical area of juvenile's referred to program; i.e., community service work sites; educational/vocational training; counseling; and employment opportunities;
- ?? Training for volunteers.



## **KEY PARTICIPANTS:**

### **COMMUNITY:**

- ?? Government Officials/Agencies
- ?? Local Chief Executives
- ?? Council Members
- ?? Law Enforcement Agencies
- ?? Schools
- ?? Social Services, Mental Health, Counseling Services, Community Development Agencies

#### **Skills and Resources:**

- ?? Leadership
- ?? In-kind resources (e.g., human; material)
- ?? Skills/knowledge of community members, and local problems
- ?? Technical skills
- ?? Community Networks

### **CIVIC ORGANIZATIONS:**

- ?? United Way
- ?? Civic Improvement Groups, e.g.
- ?? Boys/Girls Club, Kiwanis, Lions
- ?? Urban League
- ?? Churches, Synagogues
- ?? Community Wide Topical Groups, i.e.
- ?? Professional Associations

#### **Skills and Resources:**

- ?? Experience in community organizing
- ?? Volunteer networks
- ?? Support networks for juveniles and families
- ?? Special programs and services

### **BUSINESSES:**

- ?? Retail Merchants
- ?? Service Industries

**Skills and Resources:**

- ?? Goods and services
- ?? Business skills
- ?? Jobs

**NEIGHBORHOOD AND SOCIAL GROUPS:**

- ?? Neighborhood Watch Groups
- ?? Neighborhood Associations

**Skills and Resources:**

- ?? Knowledge of community resources; residents
- ?? Knowledge of the concerns and problems in the neighborhood

**PROGRAM COMPONENTS**

**Program Coordinator**

Responsible for all functions and the day to day operation of all components of the program.

Some of the duties include:

- ?? Administration
- ?? Acquiring community service work sites
- ?? Community relations with public and participating agencies
- ?? Statistical reporting to Department of Juvenile Justice, Court Administration, Office of the State Attorney
- ?? Budget preparation
- ?? Initial pre-hearing conferences with juvenile and parent/guardian
- ?? Assuring that the proper forms are filled out
- ?? Maintaining office files, records, etc.

### **Program Secretary**

Assists the Program Coordinator in the day-to-day office procedures, processes case closures, and is responsible for relieving the program coordinator of administrative details.

Some of the duties include:

- ?? Maintaining juvenile case files
- ?? Notifying all participants as to the outcome of cases
- ?? Maintaining records for community service work sites
- ?? Preparing and sending notice of successful or unsuccessful closure to the Office of the State Attorney, Department of Juvenile Justice

## **NEIGHBORHOOD RESTORATIVE JUSTICE MEDIATION PROGRAM**

### **NINTH JUDICIAL CIRCUIT PILOT PROGRAM**

#### **PROGRAM ELIGIBILITY:**

- ?? Youth 12-18 years old;
- ?? Misdemeanor offenses: petit theft; shoplifting; trespassing; loitering
- ?? The offense occurred in the neighborhood;
- ?? Some third degree felony offenses, at the discretion of the State Attorney's Office;
- ?? Limited prior record: No more than 2 prior referrals for misdemeanor and/or first time third degree felonies;
- ?? The offender and a parent/guardian must meet with staff in advance of the conference with the Board. The offender must accept

responsibility for the offense. The offender must admit to the charges to participate in the program, but is not required to agree with all aspects of the police report. The offender and the parent/guardian must agree to voluntarily participate in the program and sign a waiver of speedy trial. The offender must be willing to create and fulfill a reparative agreement.

#### **PROGRAM REFERRALS:**

- ?? The Office of the State Attorney reviews the cases to determine program eligibility;
- ?? The Office of the State Attorney will forward a copy of the police report to the program coordinator;
- ?? If the offender successfully completes the diversion program, the Office of the State Attorney will file a “No Petition Notice.”

#### **VICTIM-OFFENDER MEDIATION:**

The victim-offender mediation program gives first priority to meeting the needs of the crime victims. Victims are given maximum input into the sanctions, referred for needed help and assistance, allowed to tell the offender how the crime has affected them, request information about the crime, and, to the greatest extent possible, are repaid for their losses. To ensure that the victim feels empowered, or at a minimum is not more abused or overwhelmed by the process, victims speak first in mediation sessions. While both victim and offender needs receive priority over the needs of other potential players in the community justice process (parents, relatives, other citizens), in an important sense, the victim is also the primary client.

The victim must consent to the process.

## **PRE-MEETINGS AND CONFERENCES:**

Offender and victim/community pre-meetings are held prior to the mediation session. Topics covered at the pre-meeting include the purpose of the program background of the case, participants in the process, facilitation, conference process, the agreement, ground rules and logistics. The pre-meetings generally occur several days before the mediation session.

At the mediation session, each person has a chance to speak, one at a time. The victim speaks first, telling how the crime has affected the victim. The offender will then speak, admitting responsibility and the facts of the offense. Then the mediator will assist the victim and offender in devising a schedule for reparation. The program coordinator will be responsible for monitoring the progress of the sanctions assigned to each juvenile offender.

## **PARTICIPANTS:**

At least three community members participate in the mediation process. Community members include, but not limited to: residents, business owners and workers, students, and members of the church. In addition to the community members, the victim, offender, and parent/guardian of the offender. Also invited to participate is a representative from law enforcement.

## **TIME FRAMES:**

The average delay between the offense and the victim-offender mediation should be no more than two months. The Office of the State Attorney will attempt to make the referral to the program within 30 days of the offense. The program will make every effort to schedule the victim-offender mediation within 30 days of the referral. The offender should complete the conditions of the agreement within 90 days after the victim-offender mediation.

## **THE AGREEMENT:**

The goal of the restorative justice program is to restore the victim and the community. The offender is asked to admit responsibility and make amends.

The consensus agreement that comes from the victim-offender mediation is intended to repair the harm to the victim and the community to the extent possible. Activities that fit with restorative justice principles include sanctions such as: restitution; community service; charitable donations; and letters of apology. The victim-offender mediation board may impose any of the above conditions alone or in conjunction with any other sanctions that the Board determines is necessary to fully and fairly resolve the matter.

An agreement might include short-term personal development activities such as: job counseling; General Education Degree classes; and substance abuse counseling. Long-term treatment or competency goals will not be a part of the agreement.

The parent or guardian must agree to ensure that the offender complies with the conditions of the victim-offender mediation. The offender shall provide to the Board proof of completion of the conditions as specified within the required time frame.

All of the conditions of the victim-offender mediation agreement must be fulfilled or the case will be referred to the Department of Juvenile Justice who will provide the information to the Office of the State Attorney and recommend that a petition for delinquency be filed.

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