
Balanced and Restorative Justice for Juveniles

*A Framework for Juvenile
Justice in the 21st Century*



Balanced and Restorative Justice Project

August 1997

UNIVERSITY OF MINNESOTA



Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention(OJJDP) was established by the President and Congress through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Public Law 93-415, as amended. Located within the office of Justice Programs of the U.S. Department of Justice, OJJDP's goal is to provide national leadership in addressing the issues of juvenile delinquency and improving juvenile justice.

OJJDP sponsors a broad array of research, program, and training initiatives to improve the juvenile justice system as a whole, as well as to benefit individual youth-serving agencies. These initiatives are carried out by seven components within OJJDP, described below.

Research and Program Development Division

develops knowledge on national trends in juvenile delinquency; supports a program for data collection and information sharing that incorporates elements of statistical and systems development; identifies how delinquency develops and the best methods for its prevention, intervention, and treatment; and analyzes practices and trends in the juvenile justice system.

Training and Technical Assistance Division

provides juvenile justice training and technical assistance to Federal, State, and local governments; law enforcement, judiciary, and corrections personnel; and private agencies, educational institutions, and community organizations.

Special Emphasis Division provides discretionary funds to public and private agencies, organizations, and individuals to replicate tested approaches to delinquency prevention, treatment, and control in such pertinent areas as chronic juvenile offenders, community-based sanctions, and the disproportionate representation of minorities in the juvenile justice system.

State Relations and Assistance Division supports collaborative efforts by States to carry out the mandates of the JJDP Act by providing formula grant funds to States; furnishing technical assistance to States, local governments, and private agencies; and monitoring State compliance with the JJDP Act.

Information Dissemination and Planning Unit

informs individuals and organizations of OJJDP initiatives; disseminates information on juvenile justice, delinquency prevention, and missing children; and coordinates program planning efforts within OJJDP. The unit's activities include publishing research and statistical reports, bulletins, and other documents, as well as overseeing the operations of the Juvenile Justice Clearinghouse.

Concentration of Federal Efforts Program

promotes interagency cooperation and coordination among Federal agencies with responsibilities in the area of juvenile justice. The program primarily carries out this responsibility through the Coordinating Council on Juvenile Justice and Delinquency Prevention, an independent body within the executive branch that was established by Congress through the JJDP Act.

Missing and Exploited Children Program

seeks to promote effective policies and procedures for addressing the problem of missing and exploited children. Established by the Missing Children's Assistance Act of 1984, the program provides funds for a variety of activities to support and coordinate a network of resources such as the National Center for Missing and Exploited Children; training and technical assistance to a network of 43 State clearinghouses, nonprofit organizations, law enforcement personnel, and attorneys; and research and demonstration programs.

OJJDP provides leadership, direction, and resources to the juvenile justice community to help prevent and control delinquency throughout the country.

**Balanced and Restorative
Justice for Juveniles**

*A Framework for Juvenile
Justice in the 21st Century*



Shay Bilchik, Administrator
Office of Juvenile Justice and Delinquency Prevention

Balanced and Restorative Justice Project

Principal Investigators

Gordon Bazemore Community Justice Institute
Florida Atlantic University, Fort Lauderdale, Florida

Mark Umbreit Center for Restorative Justice & Mediation,
University of Minnesota, St. Paul, Minnesota

Primary Consultants

Andrew Klein, Quincy District Court, Quincy, Massachusetts
Dennis Maloney, Deschutes County Department of Community Justice, Bend, Oregon
Kay Pranis, Minnesota Department of Corrections, St. Paul, Minnesota

August 1997

Balanced and Restorative Justice Project

Community Justice Institute
Florida Atlantic University
College of Urban and Public Affairs
220 S.E. 2nd Avenue, Room 613C
Fort Lauderdale, FL 33301
Telephone (954)760-5668, Fax (954)760-5626

Center for Restorative Justice & Mediation
University of Minnesota
School of Social Work
386 McNeal Hall, 1985 Buford Avenue
St. Paul, MN 55108-6144
Telephone (612)624-4923, Fax (612)625-8224
E-mail <ctr4rjm@che2.che.umn.edu>

The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

The Balanced and Restorative Justice Project is supported by a grant from OJJDP to Florida Atlantic University and is a joint project of the Center for Restorative Justice & Mediation at the University of Minnesota School of Social Work and Florida Atlantic University. This document is produced under Grant 95-JN-FX-0024, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of OJJDP.

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation.

Foreword

In response to criticism of the juvenile justice system in the 1990s, and its ability to effectively reduce serious and violent juvenile crime, state and local jurisdictions have looked for new programs, policies and procedures to shore up their systems. While some have reacted to increased serious and violent juvenile crime with quick fixes, many juvenile justice practitioners have viewed the apparent crisis as an opportunity to take a back-to-basics look at the goals of juvenile justice, at what clients should be served, and at what values should inform policy and practice. The Balanced and Restorative Justice model is helping a number of these professionals regain the community support needed to build an effective and responsive juvenile justice system.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has featured the balanced and restorative justice concept as a key feature of our Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. We recognize that the juvenile justice system must not only seek to establish a continuum of prevention, early intervention, and graduated sanctions in order to reduce serious and violent delinquency, but that our long-term success requires a graduated sanctions model that effectively balances the key roles of the juvenile justice system.

The restorative justice focus on crime as harm, and justice as repairing the harm, offers a vision that elevates the role of crime victim, yet views victim, offender, and community as equal customers of juvenile justice services and as important, active coparticipants in responding to juvenile crime. To implement this three-dimensional agenda for a community justice response to juvenile crime, the Balanced and Restorative Justice mission provides a concrete “roadmap” to help managers address community crime control needs and expectations by holding juvenile offenders accountable to individual victims and the community, by enabling offenders to function as productive citizens, and by developing strategies for making juvenile justice agencies a resource for enhancing public safety. Balanced and Restorative Justice for Juveniles describes how jurisdictions are balancing competency development, accountability, and public safety goals in an effort to restore victims, communities, and offenders and rebuild broken relationships.

Shay Bilchik
Administrator
Office of Juvenile Justice and Delinquency Prevention

Acknowledgments

Writing: Gordon Bazemore assumed primary responsibility for writing this document with significant direct input from Kay Pranis and Mark Umbreit. However, the ideas build upon the work of numerous juvenile justice professionals -- most notably that of the primary consultants for the Balanced and Restorative Justice project, practitioners in project demonstration sites, and other juvenile justice professionals who have operated model restitution, community service, victim offender mediation, and youth development programs.

Review & Input: Several juvenile justice professionals, victim advocates, and policy makers reviewed this document and provided comments. In particular Anne Seymour, Glen Brigham, Steven Ray, and Ted Rubin provided detailed suggestions which were incorporated directly into this document. However, the responsibility for errors or omissions is assumed solely by the authors.

Editing: Kay Pranis assumed primary responsibility for editing of this monograph, which began as a manuscript of approximately 150 pages. Rachel Lipkin also assisted in the editing. Cindie Bassett and Robert Schug completed all word processing and developed graphics and tables included in the document and in appendices.

Program Managers: Susan Day and Rachel Lipkin have provided overall coordination and management for the BARJ Project, including nationwide dissemination of resources and coordination of technical assistance provisions.

Table of Contents

I.	<i>Summary</i>	1
II.	<i>Purpose of This Document</i>	3
III.	<i>Introduction</i>	5
IV.	<i>Beyond Individual Treatment and Retributive Juvenile Justice</i>	9
	A. <i>The Limits of Treatment and Punishment</i>	9
	B. <i>Expanding Choices: Toward a New Paradigm</i>	9
V.	<i>A Balanced Approach Mission in a Restorative Framework</i>	11
	A. <i>The Balanced Approach</i>	11
	B. <i>The Restorative Justice Framework</i>	16
	C. <i>A Three-Dimensional Focus: Balancing Victim, Offender, and Community Needs</i>	18
VI.	<i>Summary: A Balanced and Restorative Justice Model</i>	21
VII.	<i>How is it Different? Contrasting Individual Treatment, Retribution, and Balanced and Restorative Justice.</i>	23
	A. <i>Sanctioning Offenders: Accountability in a Balanced and Restorative Model</i>	23
	B. <i>Rehabilitating Offenders: Competency Development in a Balanced and Restorative Model</i>	27
	C. <i>Enhancing Public Safety: Community Protection in a Balanced and Restorative Model</i>	30
VIII.	<i>Moving Toward a Balanced and Restorative Model</i>	33
	A. <i>Why Change?</i>	33
	B. <i>Directions for Change: The Challenge of New Roles</i>	34
	C. <i>Why Involve the Community?</i>	38
	D. <i>The Implementation Process: Guidelines for Changing Focus</i>	39
IX.	<i>Appendices</i>	
	<i>Appendix I Restorative Justice in Action, Programmatic Examples</i>	46
	<i>Appendix II Customers of Juvenile Justice: Yardsticks for Restorative Justice</i>	48
	<i>Appendix III How Do We Know it When We See it? Gauging Implementation of the Balanced and Restorative Justice Model.</i>	49
X.	<i>References and Additional Information</i>	53
XI.	<i>Endnotes</i>	59



I. Summary

The debate over the future of the juvenile court and the juvenile justice system has been between proponents of a retributive philosophy and advocates of the traditional individual treatment mission. Both punitive approaches and those focused solely on treatment have failed to satisfy basic needs of crime victims, the community and offenders themselves. Neither offers hope for preserving a separate justice system for juveniles. This document outlines an alternative philosophy, restorative justice, and a new mission, the balanced approach, which require that juvenile justice systems devote attention to making amends to victims and the community, increasing offender competencies, and protecting the public, through processes in which offenders, victims and the community are all active participants. A Balanced and Restorative Justice model provides a framework for systemic reform and offers hope for preserving and revitalizing the juvenile justice system. Implementing this new approach involves developing a new mission and goals for juvenile justice, reallocating resources, redesigning job descriptions, developing new reporting measures and data collection systems to monitor effectiveness, giving priority to new programs and practices, and developing new roles for victims, citizens, and offenders in the justice process. Implementation must begin with consensus building among key stakeholders and testing with small pilot projects to develop the model. This evolutionary process can build on existing programs and practices like victim offender mediation, community service and restitution, and work experience and other competency development interventions which help to accomplish sanctioning, rehabilitative, and public safety objectives.



II. Purpose of This Document

This document has been prepared as a requirement of the Balanced and Restorative Justice Project, Grant #92 JN CX 0005 and produced under Grant #95-JN-FX-0024, of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) awarded to Florida Atlantic University in September, 1992 and September 1996, respectively. It responds directly to the challenge presented by OJJDP in its Request for Proposals to develop a strategic approach for using restitution, reparative sanctions and related approaches as “catalysts for change” in juvenile justice systems. Working with juvenile justice professionals in several states and local jurisdictions, the authors are developing and piloting a new mission for juvenile justice. This document makes the case for this mission, the “Balanced Approach,” and advocates consideration of a new philosophical framework, “Restorative Justice,” to guide broader policy development and reform in juvenile justice.

The ideas expressed here are those of the authors, the Balanced and Restorative Justice project team, and those practitioners and policy makers who have reviewed, critiqued and enhanced various drafts of the document. Neither these ideas nor the strategies proposed necessarily represent the views of the Department of Justice and OJJDP. Moreover, although the authors draw objectively on empirical research, policy and program experience, logic, and theory, the monograph presents a strong point of view and a value-driven vision for a more effective, fair and humane juvenile justice system. Ultimately, this monograph is intended to serve as a framework for action based on deliberate, collaborative and carefully planned and evaluated pilot efforts to restructure local juvenile justice systems based on the new mission and the new philosophical framework. While prescriptive in its consistent advocacy for planned change guided by experimentation, it is only suggestive with regard to how local communities might meet the challenges presented by the new directions proposed and encourages maximum innovation.



III. Introduction

Crime — fear — withdrawal — isolation — weakened community bonds — more crime. All of us, victims, offenders and community members, are caught in a downward spiral where more crime leads to greater fear and increased isolation and distrust among community members, leading to even more crime. Community safety depends primarily upon voluntary individual restraint conditioned by community norms which control harmful behavior and reinforce conventional productive behavior. The more connected community members are, the more likely they are to restrain impulses which would be disapproved by the community. As community bonds are weakened by fear and isolation, the power of community disapproval is reduced and crime increases.

The effects of this process are magnified with youth. During adolescence the need to belong, have a place that is valued, and be bonded to others intensifies. Youth who are not bonded to conventional community institutions such as school, work, religious and recreational organizations are much more likely to engage in criminal behavior. At the time youth most need to be connected, conventional adults are likely to pull away from them because of extreme styles of dress, music, language, etc. Media stories about youth crime promote a generalized fear of young people among adults. That fear is both deeply disturbing but at the same time provides a sense of power to adolescents and creates image problems for even those who are not engaged in criminal behavior.

Traditionally, the juvenile court and juvenile justice system have been assigned responsibility for meeting the needs of troublesome adolescents and responding to youth crime and delinquency. Founded as a quasi-welfare agency, the court has focused primarily on providing treatment in the “best interests” of the juvenile offender. But while some features of this orientation remain, some observers have noted that the juvenile justice system has moved in recent years toward a retributive justice philosophy which gives first priority to punishment.¹ Adolescents in general are viewed increasingly through the lens of suspicion and threat, and delinquent youth are seen primarily as offenders who deserve punishment rather than youth who present clear needs and risks.

Moreover, the current juvenile justice system faces a crisis of confidence. Fear of violent juvenile crime and a sense of frustration with both real and perceived system ineffectiveness are fueling major changes in juvenile justice across the nation. If unchecked, these changes could culminate in the elimination of a separate and distinctive justice system whose mandate is to respond to youth crime. Unable to stem the tide of declining public support, the juvenile justice system now finds increasing numbers of youth removed from its authority leaving a system whose jurisdiction, influence, mandate and credibility are shrinking.

Can the juvenile justice system be preserved? Can we break the spiral of ever increasing fear and isolation which feeds juvenile crime? Is it possible to respond to juvenile crime in ways which strengthen community bonds while sending clear messages about personal responsibility and accountability? Can victims of crime and communities become actively involved in the process

of holding offenders accountable and receiving compensation and assistance?

One vision for the future predicts radical transformation of the juvenile justice system in the direction of even more retributive policies -- or complete abolition of a separate juvenile justice system. A second vision presented by many youth advocates, calls for an effort to “reaffirm” the traditional treatment model and mission focused on “best interests” of the child. Others, however, question the viability and adequacy of this mission.²

Fortunately, some communities and innovative juvenile justice leaders are moving in a proactive way to “reinvent” the juvenile justice mission based on new values, goals, policies, and programs. To reduce placement of delinquent youth in costly residential treatment facilities, Carver County Court Services in Chaska, Minnesota, in collaboration with the state Department of Corrections and a local educational cooperative, has developed a community service program, STS Plus, which combines making amends for harm by serving the community with competency building objectives based on an individual educational plan. A program in Elkhart, Indiana, created by the Center for Community Justice requires older juveniles, who may have previously failed in the system and risk continuing their negative behavior into adulthood, to develop a contract for making amends. The contract routinely involves restitution to the victim, voluntary service as symbolic restitution to the community, and specific self improvement activities, and may also include face-to-face mediation with the victim. In high crime, urban neighborhoods in Pittsburgh, serious juvenile offenders in the Community Intensive Supervision Program (CISP), work with local residents and program staff on creative community service projects which meet needs identified by local organizations. Recently, CISP program participants were hired by local civic groups to carry out a voter registration drive targeting residents of neighborhoods surrounding the program center. Juvenile offenders in Deschutes County, Oregon, work to provide wood for fuel for seniors and help construct shelters for those in need as a way of making amends to the community, enhancing competencies, and building connections to conventional community members. Delinquents in Dakota County, Minnesota may be required to work on crime repair crews which assist in repairing damage caused by crime to the homes of senior citizens. In Palm Beach County, Florida, serious offenders in a residential program work with forestry and land management officials to make improvements in access to a national wildlife reserve and protect plant growth. They are paid a salary which is divided between restitution to their victims and a savings account, and they attend classes in environmental science as a supplement to the normal school program. Through these and numerous other similar programs, some juvenile justice systems are actively working to repair the harm caused by delinquency by requiring that offenders make amends to victims and communities, while at the same time seeking to build offender competency, strengthen community safety, and change the image of juvenile justice and juvenile offenders themselves.

Although the movement toward retributive policies continues,³ these small demonstrations appear to signal a “paradigm shift” that may move juvenile justice beyond the unproductive debates between advocates of more treatment and proponents of increased punishment. While paradigm shifts often grow out of crises, they also make it possible to challenge old traditions which blind us to new solutions and allow us to begin to articulate new values and goals in an effort to challenge and reimagine current systems and organizations. In doing so, it may be

possible to move toward a more responsive, more effective, and more just approach to youth crime in a system that retains a distinctive focus on juvenile offenders.

This document proposes a new philosophical framework, Restorative Justice, and a new mission for juvenile justice, the Balanced Approach. As a new “paradigm” or “lens” for viewing the problem of crime and the response to it, the Balanced and Restorative Justice Model can provide a coherent blueprint for significant reform which would begin to change the role and image of the juvenile justice system from “receptacle” and “revolving door” to “resource.” As a resource for administering justice for juveniles and promoting accountability and youth development, a restructured juvenile justice system could enhance the quality of life in communities through victim and community restoration, offender competency, and risk management and preventative services aimed at improved public safety. The process of justice in a restorative framework can more effectively serve victims and victimized communities, leaving the community stronger after juvenile justice system intervention than it was before the crime occurred.

Mutual responsibility between individual and community is the loom on which the fabric of community is woven. Crime represents a failure of responsibility - sometimes on the part of the community, as well as offenders and their families. Using the balanced mission and restorative justice framework, communities and their juvenile justice systems can begin to interrupt the cycle of isolation and disconnectedness among community members while sending a clear message about accountability to youth and the community and the need to reestablish mutual responsibility.



IV. Beyond Individual Treatment and Retributive Juvenile Justice

Traditionally, any group of agencies referred to as a “justice” system has been charged with addressing three needs. These needs, which provide the basic rationale for government intervention into the lives of citizens, are: the need to sanction crime; the need to support offender rehabilitation; and the need to enhance public safety. In recent years, justice systems have also been asked, or required, to address a fourth need: the need to restore losses to victims to the greatest extent possible.

A. The Limits of Treatment and Punishment

In focusing solely on the ideal of treatment in the best interests of offenders, juvenile justice has often neglected to effectively sanction, or denounce and provide meaningful consequences for offense behavior, and has failed to effectively address public safety goals. Little, if any, attention has been given to the goal of making victims whole. Ultimately, because of the limits inherent in the individual treatment mission, juvenile justice has also often been largely unsuccessful in achieving the rehabilitative goal. In frustration, most states have in the past decade adopted retributive policies that give central emphasis to punishment and lower priority to rehabilitation and other goals.

As they have been forced to wrestle with the conflicting demands of a policy emphasis on retributive punishment and an individual treatment mission, some juvenile justice professionals have recognized that both approaches are in themselves practically and conceptually inadequate and incomplete. Taking a one-dimensional view, both punitive strategies focused on incarceration and surveillance and treatment strategies focused on therapy and services target only offenders for intervention. In doing so, they ignore what should be two primary “clients” or “customers” of juvenile justice - victims and the community.⁴ Of particular concern has been the neglect of the victims of juvenile crime. Sanctioning of offenders seems unrelated to the actual harm inflicted, and correctional intervention has not been geared to ensuring that offenders take action to “make amends” to victims and victimized communities. Victims and other citizens are generally uninvolved in the juvenile justice process. Both punitive and treatment approaches place the offender in a passive role as the object of services on the one hand, and punishment and surveillance on the other. Casting offenders in such roles requires no positive, constructive actions on their part.

B. Expanding Choices: Toward a New Paradigm

Despite questioning and criticism, most justice professionals and policy makers remain convinced that a separate and distinctive juvenile justice system -- even with its current flaws -- is more effective in responding to juvenile crime than criminal courts and adult corrections. Increasingly however, juvenile justice professionals, policy makers, and citizens are dissatisfied

with the limited choices offered by the retributive philosophy and individual treatment mission. They are beginning to ask new questions about the fundamental rationale behind the current response, but as of yet have been offered no viable alternative.

Questions such as those shown below suggest that a range of needs -- for example, the need to alter the marginal and disenfranchised status of victims, the need for offenders to be meaningfully held accountable for the harm resulting from their crimes, and the need to develop new strategies for promoting safer communities -- have been nearly ignored. Other needs -- for example, the need for active and structured supervision of offenders, the need to increase prospects for offender integration or reintegration into productive life in the community, and the need for better strategies to promote direct engagement of citizens and community organizations in addressing these other needs -- are inadequately met by the interventions prescribed by the treatment mission and the retributive justice framework. It is increasingly apparent that current policies, programs, and organizational structures in juvenile justice systems may be incompatible with the achievement of basic sanctioning, retributive, public safety, and victim restoration goals.

V. A Balanced Approach Mission in a Restorative Framework

Previous efforts to reform the juvenile justice system have brought about positive changes including increased due process protections for juveniles, improved classification and risk assessment, and smaller, less crowded residential facilities. These reforms in the structure and process of offender treatment have done little however to change the content of intervention. New programs such as those focused on creative service, work experience, and decision making skills have occasionally provided innovation and suggested directions for altering the context of intervention. Unfortunately, however, most new programs follow trends and fads in juvenile justice and are typically added without attention to needs or goals. Moreover, even when effective, such programs often serve relatively few clients and thus have little impact on improving the system as a whole.

To meet basic needs, juvenile justice professionals must develop different system priorities for intervention based on clearly stated outcomes directed at the clients or “customers” of the system. They must also change the context of intervention by defining new, more active roles for citizens, offenders, and crime victims in the justice process. An effective mission is needed to guide rational reform and help justice professionals and communities restructure their systems in a meaningful way while avoiding fads and “quick fix” solutions. As suggested in Figure 1, the mission must be used actively in daily decision making to guide reform and ensure effective management.

A. The Balanced Approach

The Balanced Approach mission addresses the public need for 1) sanctioning based on accountability measures which attempt to restore victims and clearly denounce and provide meaningful consequences for offensive behavior; 2) offender rehabilitation and reintegration; and 3) enhanced community safety and security. It does this by articulating three system goals directed toward the three primary “client/customers” of the system -- the victim, the offender, and the community (see Figure 2). These system goals, which also govern the response to each offense, are: accountability; competency development; community protection.

The overarching goal of “balance” suggests that policies and programs should seek to address each of the three goals in each case and that system balance should be pursued as managers seek to allocate resources to meet needs and achieve goals associated with each client/customer. Balance suggests that no one objective can take precedence over any other without creating a system that is “out of balance” and implies that efforts to achieve one goal (e.g., community protection) should not hinder efforts to achieve other goals. Values associated with each customer and each goal are shown in Figure 2.

Rethinking the business of juvenile justice:*

- If the source of the problem of delinquency is in the community, family, schools, why do all casework strategies target only individual offenders for change and why are these other institutions so seldom involved in the change process?
- If the problem is really that an offender has harmed some person and/or the community, why are victims and community representatives not directly involved in the sanctioning and the rehabilitation process and why isn't restoration of victims the primary focus of sanctioning?
- If the problem is a lack of integration, rehabilitation, and habilitation, why do correctional strategies focus on isolation of offenders?
- If the goal of sanctioning is to send messages to offenders about the consequences and harm caused to others by crime, why are sanctions so unrelated to the offense itself and why is the sanctioning and rehabilitative process so detached from victims and the offender's community?
- If public support is needed to ensure juvenile justice effectiveness (and the continued survival of juvenile justice), why do we continue to send messages to the public that offenders are getting off easy or even being rewarded by the system for their crime (e.g., by referring them to recreational programs and giving low priority to victim and community restoration)?
- If the goal is to ensure public safety while offenders are on community supervision, why do we seem to utilize so few options for structuring the offender's time in productive activity and why do we focus only on offender surveillance rather than promoting strategies for developing safer communities?
- If the goal is to make offenders more responsible and accountable, why do we place them in positions (e.g., in most residential centers and treatment programs) where others assume responsibility for them?
- If juvenile justice professionals are experts in delinquent behavior, why are juvenile justice agencies treated only as a receptacle for dumping problem youth rather than a resource for resolving problems in schools and communities?

*Source: Bazemore and Washington, (1995). Charting the Future of the Juvenile Justice System: Reinventing Mission and Management. *Spectrum, The Journal of State Government*. 68 (2): 51-66.

Figure 1

WHAT IS A MISSION & WHAT DOES IT DO?*	
A Mission is a statement of the role or function of an agency or system which:	A Mission helps agencies:
<i>Identifies “customers” of the system</i>	<i>Avoid “fad” programs and “ad hoc” practices</i>
<i>Specifies performance objectives and outcomes</i>	<i>Build consensus with other agencies and other professionals</i>
<i>Prioritizes practice and programs</i>	<i>Engage the support of community agencies and clarify responsibilities</i>
<i>Identifies roles of staff, youth, and community</i>	<i>Plan for the future and serve as blueprint for implementing systemic reforms</i>
<i>Affirms the underlying values of an agency</i>	

*Source: Bazemore and Washington. (1995). Charting the Future for the Juvenile Justice System: Reinventing Mission and Management. *Spectrum, The Journal of State Government*. 68(2): 51-66.

As the primary sanctioning goal in the Balanced Approach, accountability refers specifically to the requirement that offenders “make amends” for the harm resulting from their crimes by repaying or restoring losses to victims and the community. Competency development, the rehabilitative goal for intervention, requires that youth who enter the juvenile justice system should exit the system more capable of being productive and responsible in the community. The Community protection goal explicitly acknowledges and endorses a long time public expectation that juvenile justice must place equal emphasis on promoting public safety and security at the lowest possible cost. Finally, the mission is founded on the belief that justice is best served when the victim, community, and youth are viewed as equal clients of the justice system who will receive fair and balanced attention, be actively involved in the justice process, and gain tangible benefits from their interactions with the juvenile justice system.

The Balanced Approach mission is rooted in and responsive to traditional values in American communities (e.g., making amends to victims and the public; the work ethic). As a result, it provides a strong basis for engaging the support and participation of the community. To be successful in meeting the needs of the three customers, however, the Balanced Approach mission must be implemented within a value framework which recognizes crime as harm done to victims and the community, values the participation of victims and community in resolving the crime, and prioritizes restoration as a goal of the justice process. Restorative justice provides such a framework.

Figure 2
The Balanced Approach*



Client/Customers	Goals	Values
Victims	Accountability	When an offense occurs, an obligation to victims and community incurs;
Youth	Competency Development	Offenders who enter the juvenile justice system should exit more capable than when they entered;
Community	Community Protection	Juvenile justice has a responsibility to protect the public from juveniles in the system;

* Source: Adapted from Maloney, D., D. Romig, and T. Armstrong. (1988). Juvenile probation: The balanced approach. Reno, NV: National Council of Juvenile and Family Court Judges.

Table I
Retributive and Restorative Assumptions*

Retributive Justice	Restorative Justice
Crime is an act against the state, a violation of a law, an abstract idea	Crime is an act against another person and the community
The criminal justice system controls crime	Crime control lies primarily in the community
Offender accountability defined as taking punishment	Accountability defined as assuming responsibility and taking action to repair harm
Crime is an individual act with individual responsibility	Crime has both individual and social dimensions of responsibility
Punishment is effective a. threat of punishment deters crime b. punishment changes behavior	Punishment alone is not effective in changing behavior and is disruptive to community harmony and good relationships
Victims are peripheral to the process	Victims are central to the process of resolving a crime
The offender is defined by deficits	The offender is defined by capacity to make reparation
Focus on establishing blame or guilt, on the past (did he/she do it?)	Focus on problem solving, on liabilities/obligations, on the future (what should be done?)
Emphasis on adversarial relationship	Emphasis on dialogue and negotiation
Imposition of pain to punish and deter/prevent	Restitution as a means of restoring both parties; goal of reconciliation/restoration
Community on sideline, represented abstractly by state	Community as facilitator in restorative process
Response focused on offender's past behavior	Response focused on harmful consequences of offender's behavior; emphasis on the future
Dependence upon proxy professionals	Direct involvement by participants

*Source: Adapted from Zehr, 1990.

B. The Restorative Justice Framework

Restorative justice offers a coherent alternative to the increasingly retributive philosophical focus of the juvenile court sanctioning process and moves beyond the limits of individual treatment based on the “medical model.” While retributive justice is focused on public vengeance and provision of punishment through an adversarial process, restorative justice is concerned with the broader relationship between offender, victim, and community, and gives priority to repairing the damage or harm done to victims and victimized communities. Restorative justice differs most clearly from retributive justice (see Table I) in its view of crime as more than simply lawbreaking -- or a violation of government authority. Rather, what is most significant about criminal behavior is the harm to victims, communities and offenders that is its result. The most important function of justice is to ensure that this harm is repaired.⁵

The interest in restorative justice has been fueled by the crime victims' movement, the positive experience with reparative sanctions for juvenile offenders, the rise of informal neighborhood justice and dispute resolution processes, and new thinking on equity and human relationships. Support for restorative justice has also benefited from increasing skepticism about the supposed preventive and deterrent effects of the current system and a general sense of frustration with the retributive paradigm and its detachment from the real problems of victims, offenders and communities (see sidebar).

Restorative justice offers a different “lens” for viewing the problem of crime and provides a new outlook on the appropriate public response to the harm that results when an offense is committed. As an overall philosophy for the juvenile justice system, restorative justice provides critical guidance to managers and policy makers in rethinking the traditional sanctioning, rehabilitative, and public safety functions of juvenile justice--and adding the new concern with making victims whole and involving them in the justice process. Neither punitive nor lenient in its focus, restorative justice has as its primary objectives reparation of harm done to victims, recognition by the offender of harm caused by the offense, conciliation and (if appropriate) reconciliation between victim, offender, and community, offender reintegration whenever possible, and the maintenance of safe and secure communities in which conflicts are peacefully resolved.⁶

***Why Restorative Justice?
Problems in Retributive Justice and the Restorative Response****

1. Lack of clarity about the purpose of the criminal justice system - Restorative justice says the primary purpose of the justice system is to repair harm done - to the victim and the community.
2. Contrary impulses between punishment and rehabilitation - Restorative justice replaces the focus on punishment (as measured by pain inflicted) with a focus on accountability, as measured by taking responsibility. Such accountability is not in conflict with, and in fact supports, rehabilitation.
3. Victim frustration and alienation - Restorative justice provides for victim involvement and victim focus.
4. Public expectation that the criminal justice system will control crime - Restorative justice has a goal of reparation and would measure outcomes based on the question: To what degree has the harm been repaired? Restorative Justice would reject the assumption that sanctions can or should be a major influence in crime control; a restorative policy would force a rethinking of crime reduction strategies.”
5. Failure of increasing punishment to change behavior - Restorative justice is not premised on an assumption that punishment will change behavior and therefore will not fail to deliver on that promise.
6. Skyrocketing cost of punishment - Restorative justice would require fewer investments in punishment since the system would be measured not by how much punishment was inflicted, but by how much reparation was achieved.
7. Failure to integrate social justice with criminal justice - Restorative justice clearly defines a relationship between social justice and criminal justice. While individuals are held responsible for their behavior, the community is held accountable for promoting community peace, or “shalom,” which includes social justice. For example, the community has a responsibility to enable offenders to make reparation and is not allowed to simply banish people.
8. Widespread system overload - The conflict resolution approach is likely to reduce the number of cases which must be handled in the formal system and would allow for more effective use of non-criminal justice community resources. A reduction in dependence on punishment would free up resources to be used in other parts of the system.

* Source: Pranis, K. (1993). “Restorative justice: Back to the future in criminal justice.” Working paper, Minnesota Citizens Council, Minneapolis, MN.

C. A Three-Dimensional Focus: Balancing Victim, Offender, and Community Needs

Viewing victims, communities, and offenders as “customers” implies a different way of thinking for juvenile justice professionals. As used in this document, a “customer” is someone who receives a service from the system and whose needs are therefore important. In addition, from a restorative justice perspective, the term customer implies an individual or group that should be actively involved as a participant in the system rather than simply a passive recipient of service or an object of system intervention. Ultimately, system outcomes and performance measures should also be linked to measurable change in the situation and quality of life of these customers.

Restoring Victims. Why victims? Isn't it too much to ask of juvenile justice professionals to be concerned with the needs of victims and to seek and encourage their involvement in the justice process? In a restorative justice model, the answers to these questions are based on principle and theory, as well as immediate practical concerns.

First, if it seems that restorative justice advocates give too much emphasis to the victim, this must be viewed as a practical reaction to the current state of affairs. In most juvenile justice systems, the quality and quantity of victim involvement is low and driven by retributive rather than restorative priorities. Although “victims rights” has become the watchword of many prosecutors and politicians, victim needs have not been a major concern. Rather, the concerns and interests of prosecutors, judges, defense attorneys, and rehabilitation programs all appear to take precedence over the needs of victims. To redress the imbalance of an exclusive focus on the offender, a restorative juvenile justice would thus devote primary, initial attention to the needs of victims. These include the need to have their victimization acknowledged; to be allowed to participate in the justice process; and to be given a decision making role within this process.

Second, it is a matter of principle in restorative justice that the needs of victims receive attention and that those harmed by crime have a primary role in the justice process. But does victim involvement and the emphasis on victim reparation weaken or dilute the capacity of juvenile justice to meet other needs and accomplish other goals? A core assumption of restorative justice theory is that neither public safety, sanctioning, nor rehabilitative goals can be effectively achieved without the involvement of victims and the community.

From a restorative perspective, true rehabilitation cannot be achieved until the offender acknowledges the harm caused to victims and communities and makes amends. Likewise, achieving safe and secure communities will require attention to victims' needs and ultimately the adoption of effective community dispute resolution and mediation processes. Victims, as well as communities and offenders, also have an essential role to play in sanctioning offenders by defining the harm and identifying ways to repair this harm, and also in preventing future harm (public safety). As criminologist Leslie Wilkins has observed, “the problem of crime cannot be simplified to the problem of the criminal.”⁷ Therefore, the needs of victims, offenders, and communities cannot be effectively addressed in isolation from one another.

Restoring Offenders. While giving primary focus to repairing harm to victims, restorative justice also speaks directly to the need for societies to make allowances for offender repentance and to make possible and encourage offender reintegration following appropriate sanctioning. After reinforcing the offender's obligation to redress harm to victims and monitoring and facilitating reparation of harm, members of the offender's community should create conditions to facilitate the offender's reentry into the community. However, restorative justice does not imply that serious and violent offenders who present significant risks to themselves or others should be released into the community. Restorative justice advocates would argue that less reliance on incarceration strictly as a punitive tool, coupled with better strategies and more resources to strengthen the prevention capacity of communities, would be likely to increase use and efficiency of community-based programs. They would recognize the need, on the other hand, for secure facilities to protect the public from those offenders who represent significant risks to public safety. Moreover, restorative justice policies and practices would be employed as part of a systemic response to even the most serious offenders as well as in response to first offenses. On the front-end, restorative justice would demand a sanction requiring the offender to make amends to victims and the community, as well as a reintegrative and/or rehabilitative response. For the most serious offenders in secure institutions, responses such as victim awareness education may be appropriate. The competency development goal, discussed in more detail later in this document, more directly addresses the needs of offenders for habilitation and reintegration from a restorative perspective.

Restoring Communities. Daniel Van Ness has written that restorative justice responds to crime at the micro level by addressing the harm that results when a specific offense is committed, through sanctioning focused on victim reparation. At the macro level, restorative justice addresses the need to build safer communities in which most conflicts which lead to crime can be peacefully resolved and the cycle of violence broken. The juvenile justice system and the community should play collaborative and complementary roles in both micro and macro responses to crime; the justice system should be assigned the responsibility for order, and the community the responsibility for restoring and maintaining peace. Restorative justice, through reparative sanctions and processes such as restitution, victim offender mediation, and community service fulfills a fundamental need of communities to denounce criminal behavior, provide meaningful consequences, and send a message to the offender and others that such behaviors are unacceptable. In addition, achieving safe and secure communities cannot be accomplished simply by locking up -- or by treating -- individual offenders. Citizens and victims must be actively involved in preventative processes such as alternative dispute resolution, as well as in offender rehabilitation and risk management. In an important sense, restorative justice is a *community* solution since as Braithwaite notes:

Crime is best controlled when members of the community are the primary controllers through active participation in shaming offenders, and having shamed them, through concerted participation in ... integrating the offender back in to the community... Low Crime societies are societies where people do not mind their own business, where tolerance of deviance has definite limits, where communities prefer to handle their own crime problems rather than hand them over to professionals.⁸



VI. Summary:

A Balanced and Restorative Justice Model

Grounded in a restorative value-base, the balanced mission specifies clear goals for juvenile justice directed at meeting the traditional needs for sanctioning, rehabilitation, and increased public safety, while at the same time serving the overarching goal of restoration of victims and victimized communities. Outcomes focused on each client or customer of the system are the basis for developing new performance objectives, prioritizing programs and practices to accomplish objectives, and specifying new roles and responsibilities for juvenile justice staff, as well as for victims, offenders, and the community. But, while a balanced and restorative model is a prescription for strategic planning and for change in values and goals for juvenile justice systems, it is not a “cookbook” which provides pre-packaged, “quick-fix” solutions. Thus, there may be few easy and immediate answers to complex questions about how restorative justice would address all problems presented by specific crimes, committed by specific offenders against specific victims, in all communities. However, professionals, policy makers, and citizens will need to view such issues in the context of the less than perfect resolution of problems of crime in the current system. Specific solutions will need to be developed by relying on the core principles of the Balanced and Restorative Justice framework which insists that communities, victims, and offenders must ultimately work with the juvenile justice system to develop new policies and practices based on these principles. Involving the three customers is important in its own right but is also viewed as essential to the practical and effective accomplishment of system goals.

Table II briefly summarizes the most basic differences in values, goals, objectives, preferred practices, and roles between the current paradigm -- the retributive justice framework and the individual treatment-mission -- and the proposed new paradigm -- restorative justice and the balanced approach mission. The remainder of this document describes the differences in more detail and outlines changes in current policy and practice needed to meet the goals of the new model.

Table II
How Is It Different? Current Paradigm and Balanced & Restorative Justice Paradigm

Current Paradigm	New Paradigm
Philosophical Framework and Mission	
Retributive justice and individual treatment	Restorative Justice and the Balanced Approach
Clients and Values	
Youthful offender is main client to be tracked, punished, treated and controlled.	Youth, victim, and community receive balanced attention as client/customers of the system who are each targets of intervention and partners in the response to crime.
System Goals	
Rehabilitation through individual treatment; ambivalence regarding Sanctioning and Public Safety roles with resulting reactive approach focused on punishment and offender isolation.	Rehabilitation through competency development; Sanctioning through accountability to victims and communities; Public Safety through increased community security, preventative capacity development, and relationship building.
Performance Objectives	
Efficient administration of punishment; service provision; compliance with rules of supervision; complete treatment; changes in offender attitude; removal of offenders from community; retribution and deterrence.	More competent offenders; reintegration of offenders; restoration of victims and offender awareness of harm; safe and secure citizens engaged in preventative activities; separation of violent, predatory offenders from the community.
Practices	
Incarceration as punishment; monitoring and surveillance, individual casework; counseling and traditional treatment.	Reparative sanctions and processes; victim services; work, service and learning programs; structuring offender's time; guardians & mentors in the community; limited use of incarceration for public protection, not for punishment.
Roles	
Active role for juvenile justice professionals; passive role for victims, offenders, & community.	Active role for offenders, victims, community, and juvenile justice professionals.

VII. How is it Different? Contrasting Individual Treatment, Retribution, and Balanced and Restorative Justice

A. Sanctioning Offenders: Accountability in a Balanced and Restorative Model

A major priority of any justice system is to publicly denounce harmful behavior and to provide consequences for offenders. To accomplish this, a justice system must develop meaningful terms of offender accountability and consequences related to the nature and degree of harm resulting from offenses and the relative culpability of the offender in causing this harm. Some scholars, such as John Braithwaite, have recently noted that societies that are most effective in controlling crime provide for a “shaming” process intended to make offenders aware of the harm caused by their behavior to the collective and to affirm community values. In these “low crime” societies and communities, this denunciation process is followed by a process of offender repentance and reparation, and by an effort by the community to support reintegration, conciliation, and (in most cases) forgiveness.

Values. Core values underlying the Balanced and Restorative model demand that holding offenders accountable to the victim and the community must be a primary juvenile justice objective. Offenses demand an appropriate payback to victims and the community, rather than retributive punishment, as the offender's primary obligation (see Table III). While the fairness, meaningfulness and appropriateness of sanctions are of interest to the state, accountability is fundamentally to victims rather than to the state. As such, accountability prescribes an obligation or responsibility of the offender to actively, as much as possible by his/her own efforts, restore those that have been harmed or wronged; to the extent the community is an indirect victim, work service, or other forms of payback are appropriate once the direct victim has received reparation. Victims and community members can play an active role in holding young offenders accountable through mediation, victim awareness classes and victim impact panels, mentoring and other projects. In no case is restorative accountability defined as confinement or restriction of offenders for punitive reasons.

Table III
Sanctioning: Restorative vs. Retributive Accountability

	Current System (Retributive Punishment)	Balanced and Restorative System (Restorative Accountability)
Values and Assumptions	Accountability is to the system and is defined as the offender taking punishment.	Accountability is to victims and is defined as making amends to victims and the community. When an offense occurs, an obligation to victims incurs. Victims have the right to be actively involved in the justice process (i.e., to be present, informed, and compensated).
Performance Objectives	Number of offenders punished; swiftness, certainty, and severity of punishment.	Number and proportion of victims restored; number and proportion of victims involved; amount of restitution paid and community service hours worked per amount ordered; offenders made aware of harm due to their offense (hopefully experience remorse); victim satisfaction; number of reparative settlement agreements negotiated and completed; promptness and quality of completion of restorative requirements; quality of service work and quality of overall process.
Priorities for Practice	Incarceration; electronic monitoring; required treatment; punitive fines and fees.	Restitution; victim-offender mediation (when appropriate); victim impact panels and awareness education; victim services; victim input into juvenile justice decision making (e.g., on type of restitution, community service); restorative community service; direct victim service or victim-driven community service; restorative fines.

As previously noted, juvenile justice systems are currently offender-driven. Thus, an additional core value in systems moving toward restorative justice would be to enhance and elevate the role of victims and victim involvement in the sanctioning process. Sanctioning based on a restorative justice framework would establish a new hierarchy of values which gives priority to:

- Restoring the victim and community over punishment of the offender.
- Holding the offender directly accountable to the victim and victimized communities.
- Involving the community in holding the offender accountable and in healing the victim and offender.
- Acceptance of responsibility by the offender over severity of punishment.
- Recognizing community responsibility for social conditions which impact offender behavior.

Increasing the Restorative Value of Accountability Sanctioning

Dispositional Options

- Restitution with direct input from victim
- Community service with victim input
- Personal assistance for the victim
- Victim offender mediation with trained community volunteers (when appropriate)
- Victim impact panels
- Victim offender groups in correctional facilities
- Victim offender groups in the community or intervention teams which meet with offenders to discuss impact of crime, expectations for making amends and reintegration

Performance Objectives. Currently, “success” in juvenile court sanctioning seems to be measured by how much punishment was inflicted on the offender. In contrast, performance objectives for the goal of restorative accountability are driven by the needs of victims for material and emotional restoration and involvement, and simultaneously, the need for offenders to understand the consequences of their actions and actively make amends for the harm done (see Table III, Row 2). Because the denunciation of inappropriate behavior is an important function of any justice system, the message sent by sanctioning is also of critical importance. Performance objectives of restorative sanctioning would also take account of the extent to which offenders and the community understand the purpose and intent of juvenile court sanctions. Depending on the intent of policy makers and justice professionals, messages sent by sanctions may be primarily rehabilitative, retributive, and/or restorative as illustrated in Table IV.

Priorities for Practice. In contrast to the tendency of retributive justice to rely primarily on incarceration and surveillance in various forms, restorative sanctioning would give first priority to practices which promote reparation and victim involvement. Row 3 of Table III lists programs and practices consistent with restorative goals and values. Restitution, community service, victim impact panels, victim-offender mediation and similar practices link the sanction directly to the crime and the victim (both individual and community victims) and ensure that offenders take action toward “making amends.” The sidebar on page 18 describes practices which enhance the restorative aspect of sanctions by emphasizing the victim role. As suggested in the previous discussion of the restorative model (e.g., Table I), adjudication and dispositional decision making in restorative justice would rely on a less formal and less adversarial approach. In contrast to the rule-driven, impersonal, procedures of retributive sanctioning, restorative justice would, wherever possible, substitute informal processes intended to mediate and reduce conflict through

Table IV
The “Messages” of Sanctions*

	Individual Treatment	Retributive Punishment	Restorative Accountability
OFFENDER	You are 'sick' or disturbed and your behavior is not your fault. We will provide treatment or services in your best interest.	You are a bad person who willfully chose to commit an offense. We will punish you with swiftness and severity to deter you from future offending.	Your actions have consequences; you have wronged someone or the community through your offense. You are responsible for your crime and capable of restoring the victim or repaying the damages.
VICTIM	Our only concern is the needs of the offender.	Our first concern is to make offenders suffer the consequences of their crime. You will benefit because the offender will be removed from the community.	The juvenile justice system believes you are important and will do its best to ensure that to the degree possible the offender repays the debt incurred to you from the crime.
COMMUNITY	We will do our best to rehabilitate offenders through providing appropriate treatment and services. Highly trained professionals will solve the problem-leave it to us.	We will do our best to protect you by isolating offenders from the community and will send a message through severe punishment to would-be offenders that crime will not be tolerated. Threats are the best way to control behavior.	Requiring offenders to repay victims and the public for their crimes receives highest priority in the juvenile justice system. We need the help of the community. The community is a key player in holding offenders accountable.

*Adapted from Schneider (1985).

negotiation. Such processes would focus on the objective of reaching a mutually satisfactory agreement based on the active input of victims, offenders, and the community (including the offender's family and other relevant adults) rather than on achieving the adversarial goal of fixing blame. Although, increased reliance on these informal processes seems difficult to envision in a system in which formal rules and procedures are intended to protect the offender from the abuses of unrestricted retribution, and may appear to pose a threat to current due process protections in juvenile courts (e.g., Feld, 1990), proponents of restorative justice would counter that in most cases the current court process is itself often highly informal rather than truly adversarial (see Eisenstein & Jacobs, 1991; Hackler, 1991). In the current system, however, negotiation and bargaining serve of retributive ends of the state (and the professional interests of attorneys) rather than the interests of offenders and victims. Due process protections are also important concerns of restorative justice advocates, and none have argued that it is necessary or desirable to weaken procedural protections for offenders to ensure restoration of offenders or to bring about more rapid implementation of restorative policies and practices. What some restorative justice advocates regard as an "obsession with process" in U.S. criminal and juvenile justice, however, may be due in part to the "high stakes" of being found guilty in a system that punishes with a great deal of severity (Wright, 1991; Zehr, 1990).⁹

B. Rehabilitating Offenders: Competency Development in a Balanced and Restorative Model

In the Balanced Approach, the traditional individual treatment agenda is replaced by a broader emphasis on the goal of competency development which requires that offenders "exit the system more capable of being productive and responsible in the community." "Competency" is essentially the capacity to do something well that others value. Competency development would therefore emphasize the need for a broader concern with maturational development and for programs and practices which help young offenders acquire skills which allow them to survive and thrive in conventional communities.

Values and Assumptions. While individual treatment is based on an assumption of the need to identify deficits and dysfunctions and to provide remedial help, the more preventive and proactive competency development intervention strategy focuses first on identifying individual, family and community strengths and resources. Families and other conventional adults in the offender's community would be viewed as essential resources in this process and would be engaged in efforts to increase offender competency as well as in efforts to ensure accountability and public safety.

Essentially, the treatment model encourages a view of young offenders as incapable of positive, productive behavior until the offenders' personal and interpersonal problems are judged to be solved through participation in therapeutic or remedial interventions. A competency development approach, on the other hand, assumes that most offenders with the right supervision and support can begin immediate involvement in some valued activity. Moreover, a competency development strategy would give priority to those capacities which improve a young person's ability to be productive and effective at tasks and activities which are viewed as important by

conventional groups in their own communities. It should also address needed changes in the capacity of community groups and agencies to accommodate diversity, reintegrate offenders and build on emerging offender strengths and should attempt to build family skills and resources.

Performance Objectives. Contrary to the individual treatment model, from a competency development perspective, the primary and initial change sought in the offender is increased bonding to conventional groups and increased acceptance by these groups and the community generally. Although improvements in self-image are viewed as an important change in the offender, visible offender participation in productive activity is needed to bring about change in the “public image” or the community's perception of the offender. Such improvement in this public image, as well as cognitive changes in decision making skills and emotional competencies, is ultimately needed for effective reintegration, and it requires increasing the offender's ability to function as a productive, responsible citizen. Many more traditional treatment/service objectives designed to end involvement in destructive behavior (e.g., drug abuse) would be incorporated into a comprehensive rehabilitative agenda based on competency development. However, unless competency development goals are given priority, pursuit of traditional treatment outcomes will continue to drive allocation of staff time and juvenile justice resources.

Priorities for Practice. Treatment casework typically fails to actively engage young offenders in valued activities which allow them to “practice” being competent in a new role. Competency development programs and practices prioritize such activities. While treatment interventions keep offenders in passive roles as recipients of treatment or services, competency development interventions attempt to engage youth in productive experiential activities with some potential direct benefit to others--which also provide opportunities for them to increase their own skills. Programs emphasizing work experience, active learning, and service (see Table V) provide opportunities for skill building, positive interaction between youth and conventional adults, earning money, and a chance for delinquent youth to “practice” being competent in new roles. By allowing offenders to give something back to the community and demonstrate that they are capable of positive behavior, these experiences may also potentially change the public image of offenders from liability to resource. To develop a legitimate identity, young people must gain a sense that they are useful, that they belong to their community and conventional groups within it, that can make meaningful contributions, and that they have some power over what happens to them. Cognitive interventions such as anger management, decision making skill training, and cognitive restructuring provide a needed supplement to experiential learning by reinforcing behavioral skill acquisition and are thus part of a holistic agenda for competency development. Delinquent youth involved in competency development interventions could also receive counseling or other more traditional treatment and services as needed to address personal and interpersonal problems and provide needed support and assistance. However, these services would be provided as support for productive engagement of young offenders rather than as an end in themselves.

Table V
Rehabilitative Intervention:
Competency Development vs. Individual Treatment

	Current System (The Individual Treatment Model)	Balanced/Restorative System (The Competency Development Model)
Values and Assumptions	Primary and initial focus on identifying deficits and on developing ameliorative approaches to correct problems; youth defined as in need of services or treatment; delinquency viewed as a “symptom” of underlying disturbance or deficit; delinquents as incapable of productive, rational action without therapeutic intervention.	Primary and initial focus on identifying strengths and building on the positive; youth and families viewed as resources; youth assumed competent and having capacity for positive action; preventive and proactive; emphasis on change in community institutions and adult, as well as youth, behavior; offenders learn best by doing; counseling as support for active engagement rather than primary intervention; experiential and cognitive change needed for long-term positive youth development.
Performance Objectives	Avoid negative influence of designated people, places and activities; follow rules of supervision (e.g., curfew, school attendance); attend and participate in treatment activities (e.g., counseling); complete all required treatment and terminate supervision; improvements in attitude and self-concept; psychological adjustment; improved family interaction.	Begin new, positive relationships and positive behavior in conventional roles; avoid placement of youth in stigmatizing treatments; active demonstration of competent, conventional behavior through completion of productive activity (service and/or work with community benefit); significant increase in measurable competencies (academic, social, occupational, etc.); improvements in decision making and other cognitive skills; improved self-image and public image (community acceptance) and increased bonding.
Priorities for Practice	Group and family counseling; job readiness and job counseling; drug therapy and drug education; recreational activities; cultural sensitivity training; youth and family mediation; outdoor challenge programs; mentoring and “Big Brother” programs; remedial education.	Work experience and employment; youth as drug educators, drug researchers; youth as recreational aides; youth develop cultural education projects; youth as school conflict mediators; conservation; recycling and community beautification projects; intergenerational service projects with the elderly; cross age tutoring (juvenile offenders teach younger children); educational action teams; peer counseling; leadership development; family living skills; cognitive restructuring, anger management and decision making skill training.

C. Enhancing Public Safety: Community Protection in a Balanced and Restorative Model

Values and Assumptions. Traditionally, juvenile justice professionals have been unable to articulate a clear role for the system in enhancing public safety. As a result, the juvenile court has often reacted to public demands for protection using the limited strategy of incarcerating individual offenders. The community protection goal in the Balanced and Restorative Justice model is an attempt to define community protection more broadly to include structuring the offender's time in the community, developing a continuum of sanctions and incentives, and building the preventive capacity of community institutions. In addition, a balanced protective strategy would also provide for secure confinement for those offenders who represent a clear risk to public safety that cannot be managed in the community (see Table VI).

Current extensive use of secure confinement for juvenile offenders often confuses public safety and punishment objectives. While all offenders who disobey court orders or commit crimes deserve sanctions or consequences, only a small portion represent risks to public safety. In a Balanced and Restorative model, a central value guiding the commitment to the community as client is that no youth will be released to the community without juvenile justice professionals doing everything within their power to minimize risks that the offender may pose. For some offenders, ensuring public safety will almost inevitably mean reliance on residential confinement for some period of time. For most, however, it will mean that intensive efforts should be made to develop alternative systems to ensure that offenders can be managed safely in their communities. Since youth on community supervision represent the greatest immediate risk to public safety, a balanced approach to community protection would require an increase in resources designated to ensuring strengthened supervision for offenders on probation and those exiting residential programs. Finally, the greatest resource for enhancing public safety is the community itself, thus a key value in restorative model would be to direct juvenile justice resources toward improving the ability of schools, churches, families, and other institutions to prevent crime and guard against victimization.

Performance Objectives. A balanced approach to community protection would demand that public safety goals must not be achieved at the expense of meeting competency development and restorative accountability objectives; on the contrary, achieving the latter goals should enhance public safety. Active involvement in competency building activities and in reparative processes also protect the public by structuring offender's time in productive activities while providing direct benefit to offenders and victims and helping to strengthen offenders' internal controls and community bonds. Implementing these practices and achieving these goals is much more difficult in secure residential settings. Thus, offenders who do not present objective risks to public safety should be kept in the community whenever possible, with increased resources invested in ensuring community safety. Preventive public safety objectives also include increasing the capacity of local neighborhoods to supervise youthful offenders and prevent delinquency while improving general feelings of safety and well being among citizens.

Priorities for Practice. While incarceration options must be a part of any risk management strategy, a Balanced and Restorative perspective also gives priority to these capacity building efforts in communities and neighborhood institutions (e.g., schools, housing projects) and emphasizes the need to strengthen internal controls in delinquent youth. As Table VI suggests, a balanced system for community protection rests on four kinds of practices and policies: a continuum of sanctions, incentives and consequences; an ongoing effort to ensure that the offender's time is structured around productive activity; an ongoing effort to build community capacity for prevention and guardianship; and residential confinement for high risk offenders followed by balanced, intensive aftercare. Ultimately, since the restorative paradigm is based upon a view of justice as resolving conflict and reconciling conflicting interests that lead to crime, practices such as alternative dispute resolution directed through schools, religious groups, and other community agencies would be expanded and supported (see Sidebar on pg. 23). Using community guardians to assist parents in support of completion of restorative requirements, as well as in monitoring youth under court supervision, has also been tried successfully in some jurisdictions. Partnerships with community police officers can improve juvenile justice capacity to manage risks in high crime neighborhoods, reduce fear of youth crime, and even accomplish other restorative goals.

**Preventive and Diversion
Options Within a Restorative Justice
Paradigm**

- Neighborhood dispute resolution
- School mediation - gang mediation
- Parent/child mediation
- Conflict resolution training in detention facilities
- Facilitated dialogue between victim with family and key supporters and the offender also with family members and key supporters (family group conference)

An immediate challenge for jurisdictions wishing to implement a balanced approach to community protection is to develop a progressive response system which specifies the range of sanctions and risk management requirements appropriate to offenders based on objective risk assessment. Such a system would also clearly articulate a range of preferred, intermediate consequences for failure to comply with conditions of supervision. Second, preventing reoffending while the offender is on community supervision should begin with a strategic focus on free time, or hours available for involvement in crime, and an effort to impose structure on the offender's time by requiring involvement in productive activity. Practices used to accomplish reparative or accountability objectives (e.g., community service) and competency Development objectives (e.g., work experience programs) can also reinforce public safety objectives by providing additional means for structuring an offender's time in group activities. Ultimately, new policy and practices are needed to begin to increase the capacity of community institutions to prevent crime and reintegrate offenders and to challenge the narrow view of community protection as limited to a focus on individual offenders.

Table VI
Public Safety in the Current System and a Balanced & Restorative Justice System

	Current System	Balanced/Restorative System
Values and Assumptions	Public safety requires extensive investment in and use of locked facilities; in the community, intensive surveillance and monitoring are the best strategies to protect the public. Community-based risk management viewed as ineffective for most offenders.	Public safety is best achieved by collaborative efforts of justice systems and community groups to develop preventive capacity. Incarceration is a limited, expensive, and a “last resort” solution for most offenders; structuring offenders' time and providing a clear continuum of sanctions and incentives provide best approach. The public has a right to a safe and secure community. The community has a responsibility to actively promote healing and restoration.
Performance Objectives	Number of offenders incarcerated and detained; reduced recidivism through deterrence or threat of incarceration.	Reduced recidivism, especially while offenders are under supervision in the community; increase in citizen feelings of safety and confidence in the juvenile justice system; creation of community “guardians” and improved preventive capacity of schools, families and community agencies; increase in offender bonding and reintegration; direct involvement of community members.
Priorities for Practice	Extensive use of detention, incarceration, electronic monitoring, and surveillance. Absence of intermediate consequences for violation of community supervision; little collaboration or effort to build community prevention; resources invested in facilities vs. community safety.	Intensive structuring of offender's time and opportunities for bonding through participation in productive activities involving conventional adults (e.g., work experiences, alternative service); clear policy options for consequences for noncompliance with supervision requirements and incentives for compliance; engage community “guardians” in the process; collaborate with community policing units; school prevention programs such as conflict resolution and anger management; parent training courses; incarceration for offenders who represent risk to community safety with intensive aftercare; use of volunteer community members.

VIII. Moving Toward a Balanced and Restorative Model

The Balanced and Restorative Justice model is a holistic approach in which policy and practice simultaneously address the interests of three clients through a balanced allocation of resources. Although the mandate to serve three customers rather than one will provide a challenge to juvenile justice systems that have maintained a one-dimensional focus, the model assumes that significant offender change cannot occur without involvement of victims and the community. Because making amends to victims is viewed as a first step in the meaningful rehabilitation and reintegration of offenders, achieving rehabilitative objectives is also contingent on meeting reparative obligations. These objectives cannot be achieved without the involvement of victims and the community, as well as offenders. Likewise, attempts to enhance public safety that do not also engage the community and victims -- as well as offenders -- are at best limited to efforts to managing risk presented by known individual lawbreakers. Finally sanctioning that is not focused on accountability to victims and does not involve victims and communities in the process is likely to be only punitive in its focus. The best practices and programs of the Balanced and Restorative model accomplish specific goals (e.g., competency development) in a way which does not detract from -- and in fact supports -- the achievement of other goals (e.g., accountability and community protection). In doing so, the interests and mutual needs of victims, community and offender are reconciled.

Most juvenile justice systems, though influenced predominantly by the current retributive justice philosophy and the individual treatment mission, contain some elements of policy and practice which meet balanced and restorative objectives. Practices such as restitution, victim offender mediation, and meaningful community service, as well as competency building interventions such as work experience and safety enhancement efforts focused on strengthening communities, are the building blocks upon which further restorative practices can be developed. In addition, it is now possible to point to emerging programmatic examples, which, in accomplishing the three objectives of the balanced mission in one program, provide potential holistic models for the kind of system reform implied by Balanced and Restorative Justice (see Appendix I).

A. Why Change?

To victims and most citizens, the Balanced and Restorative agenda will seem obvious. As nonparticipants who often feel ignored or abused, rather than helped by the juvenile justice system, any attempt to view them as customers can only be welcomed. For offenders, sanctioning based on accountability and reparation of victim harm will not satisfy the natural desire for leniency, but is likely to be experienced as fair and (hopefully) meaningful. The positive impact of these sanctions, and of competency development interventions, on recidivism and/or other outcomes are, moreover, already demonstrated by more than a decade of research and program experience.¹⁰

But although juvenile justice professionals may share the values of restorative justice and agree with the changes required by the balanced mission (indeed it is these professionals who have been at the forefront in promoting such change), some may rightly ask, “what's in it for us?” Change is disruptive, complex, and often threatening -- especially for those who have worked hard to advance their status in the current system. Are these disadvantages worth the benefits of reform based on the balanced and restorative model?

Failure to change may mean, as pointed out earlier, that juvenile justice is abolished or continues toward an ever more radical transformation to a retributive, adult-like system which promotes policies and practices bearing little resemblance to those that drew most professionals to work with young offenders. More positively, the Balanced and Restorative Justice model offers professionals the opportunity to assume -- in partnership with communities and victims -- some measure of control over the direction of reform in juvenile justice. In addition, as we will illustrate below, implementing restorative policies and practices ultimately gives juvenile justice professionals the opportunity to play more proactive and empowering roles in building community capacity to prevent and respond early and effectively to youth crime. Ultimately, as juvenile justice systems accomplish clear, objective and consensus-based performance outcomes based on balanced and restorative objectives, they will change their organizational image from “tax liability” to “community asset.” In turn, the image of juvenile justice professionals should also change from “receptacle” to “resource”.

B. Directions for Change: The Challenge of New Roles

Current workloads of juvenile justice staff are already overwhelming. Because new tasks cannot be added on top of current responsibilities, the Balanced and Restorative Justice model seeks to redefine the core duties of juvenile justice professionals. Redesign of traditional job descriptions and expectations is necessary to prioritize tasks related to meeting the needs of offenders, victims, and the community. In addition, much of the support for juvenile justice professionals in these new roles will come from the expected increase in community involvement.

In most juvenile justice systems today, the task of addressing sanctioning, public safety and rehabilitative goals is left to professionals; offenders, victims, and citizens remain on the sideline as spectators or passive participants. Juvenile justice caseworkers, for example, are responsible for providing treatment and services; judges and prosecutors determine appropriate punishment; and law enforcement, with the assistance of juvenile justice staff who provide control over offenders in secure settings and surveillance in community settings, are given primary responsibility for public safety. Neither the retributive justice framework nor the individual treatment mission has allowed policy makers to articulate meaningful, active roles for the community, victims and offenders in the process.

Perhaps the most important aspect of the Balanced and Restorative Justice model is its challenge to all of us - victims, offenders, citizens and professionals - to rethink our responsibilities in the response to juvenile crime. First, we must recognize that we each have a central role in accomplishing the goals of meaningful sanctioning, rehabilitation through competency

development, enhancing public safety with less reliance on expensive confinement, and increasing the restoration and involvement of victims. There is no single recipe for operationalizing the principles of a Balanced and Restorative Justice model. Thus, professionals and citizens must work together at a local level to determine how human resources can best be deployed to accomplish the goals of a restorative system. While the goals and values are constant, each community may find a different way to achieve them. New roles suggested for each customer group and for the juvenile justice system are shown in Table VII.

Restorative Sanctioning Roles. In a Balanced and Restorative Justice system, victims, offenders, and the community are encouraged to actively participate in the sanctioning process, and it is assumed that maximum participation by each is necessary to ensure effectiveness and fairness. From a Balanced and Restorative Justice perspective, sanctions ultimately derive their meaning and effectiveness from the involvement of victims and the community and are likely to be meaningless and ineffective without such involvement. Families and family support groups, as well as mentors and other adults in the community, will play critical roles in supporting offenders in their efforts to be accountable for the harm to victims and community; families may themselves be held accountable to some degree for the harm caused by their offspring and also participate in and facilitate the reparative process.

Competency Development Roles. Although it is the community--and community institutions such as schools and employers--that must allow for and facilitate the reintegrative process necessary for rehabilitation, ironically, most staff focus treatment efforts on changing the behavior of individual youth. In doing so, they ignore the need for change in institutions and adult behavior that limit reintegration and bonding of delinquent youth. In the Balanced and Restorative Justice model, a competency development approach would require that offenders, families and other community members, and victims play active roles in the reintegrative process and that each of these groups also become targets of service and intervention. The role of the juvenile justice professional in this process is to create opportunities for youth to demonstrate competence and to build the preventive capacity of families and community "socializing" institutions -- such as schools, places of work, civic organizations, and churches -- which are ultimately responsible for the conventional transition of youth into productive citizens. The role of the community is to provide juveniles with access to roles and activities which allow them to practice and demonstrate competent behavior and support offenders in reintegrative efforts to ensure the positive development of youth. Families may take the lead in this effort, and may themselves also be targeted for competency development interventions such as parenting skills training. Younger siblings may benefit from these programs and may also learn by example from restorative sanctioning efforts.

Table VII

New Roles in the Balanced and Restorative Justice Model			
	Sanctioning through Accountability	Rehabilitation through Competency Development	Enhancing Public Safety
Offender	Actively work to restore loss to victims and community and must face victims or surrogate victims.	Actively involved as resource in service roles which improve quality of life in community and provide new experiences, skills and self-esteem as productive resource for positive action.	Become involved in constructive competency building and restorative activities in a balanced program; develop internal controls and new peer and organizational commitments.
Victim	Active involvement in all stages of the process; document psychological and financial impact of crime; participate in mediation on a voluntary basis; help determine sanctions for offender.	Provide input into the rehabilitative process; suggest community service options for offender; participate in victim panels or victim awareness training for staff and offenders..	Provide input regarding continuing safety concerns, fear, and needed controls on offenders; encourages protective support for other victims.
Community	Involved as mediators; develop community service and paid work opportunities for offenders with reparative obligations; assistance to victims and support offenders in completing obligations.	Develop new opportunities for youth to make productive contributions, build competency and a sense of belonging.	Provide “guardianship” of offenders, mentoring, and input to juvenile justice systems regarding safety concerns; address underlying community problems which contribute to delinquency.
Juvenile Justice Professional	Facilitate mediation; ensure that restoration occurs (by providing ways for offenders to earn funds for restitution); develop creative/restorative community service options; engage community members in the process; educate community on its role.	Develop new roles for young offenders which allow them to practice and demonstrate competency; assess and build on youth and community strengths; develop community partnerships.	Develop range of incentives and consequences to ensure offender compliance with supervision objectives; assist school and family in their efforts to control and maintain offenders in the community; develop prevention capacity of local organizations.

Source: Bazemore and Washington. (1995). Charting the Future for the Juvenile Justice System: Reinventing Mission and Management. *Spectrum, The Journal of State Government*. 68 (2): 51-66.

Community Protection Roles. A priority for juvenile justice practice aimed at enhancing public safety in the Balanced and Restorative model is to collaborate with and assist local police and other community agencies. An equally important broader commitment is that the juvenile justice system should be a general resource for promoting more secure and stable communities. Rather than remain a repository for warehousing youthful offenders or a therapeutic agency concerned only with individualized casework treatment, the system should focus on helping schools, families and other community organizations learn to resolve conflict peacefully and to manage and reduce the risk to safety presented by some young persons.

Noticeably missing from Table VIII and the discussion above are the primary legal decision makers in the juvenile court: judges, prosecutors, and public defenders. Although our focus has been on defining new proactive roles for those who have been passive participants or nonparticipants in the juvenile justice process and new roles for juvenile justice staff responsible for carrying out the dispositional orders of juvenile courts, it should be obvious that traditional decision makers will play key roles both in implementing restorative justice and ensuring fair and efficient intervention. Nor does the preference for informal, mediation and dispute resolution processes imply that there will be no role for formal procedures aimed at protecting the due process rights of offenders and ensuring fair and equitable adjudication and dispositional requirements. The recent endorsement of restorative justice and mediation by the American Bar Association and the strong support for reparative programs and the Balanced Approach mission from juvenile court judges in several jurisdictions suggests that attorneys do not view restorative justice as in conflict with the core principles of American jurisprudence.

Traditionally, juvenile court judges have been leaders in the juvenile court and have been assigned primary responsibility for sanctioning and disposition of juvenile offenders. Judges will continue to play leadership roles in the movement toward the new sanctioning approach and must be involved in developing processes to encourage and facilitate meaningful victim and community input without jeopardizing the rights of offenders.

Similarly prosecutors and defense attorneys must be willing to exercise leadership, and take risks, in refocusing sanctioning toward restoration rather than punishment as a primary objective. Judges and prosecutors will also play key leadership roles in eliciting community support for use of community-based programs whenever possible as an alternative to more costly residential options and can help to leverage resources to ensure that programs focused on competency development, restitution, and other restorative outcomes are supported. They can at the same time play an important questioning and “watchdog” role to ensure that community-based supervision programs such as home detention and intensive supervision are being operated in such a way that public safety is ensured.

C. *Why Involve the Community?*

Some may argue that community members are resistant to involvement in the justice system or that most citizens are not appropriately trained to participate in sanctioning, rehabilitative, or protective functions. In part, the apathy and noninvolvement of citizens in current juvenile justice efforts can be attributed to a growing cynicism about the system's commitment to their needs. The new mission, and the implementation of balanced and restorative policies and practices reinforce traditional values about justice, communities and youth development. As citizens recognize changes in the system, they should increasingly understand the benefits of their own involvement. As citizens increase their participation, the strength, resources, and credibility of the system are also expected to increase (see Sidebar); in turn goals of safety, competency development, and reparation/accountability are more likely to be achieved.

The response to the question of whether sanctioning, rehabilitative, or protective functions should be left to the professionals must draw both on the principles and theory of restorative justice, as well as on consideration of practical implementation concerns. Restorative justice is based on the principle that “justice” cannot be adequately served without the involvement of the community. It is based on the assumption that protection, sanctioning, and rehabilitation will be incomplete if the community is on the sideline. Regarding practical implementation, Restorative Justice shares with community policing a basic trust in the ability of citizens to make effective contributions, as well as in the necessity and appropriateness of community involvement. The issue, as community policing efforts are demonstrating, is one of how to engage citizens in the justice process, to give them a “stake” in participating, and to define meaningful and appropriate participatory roles. Restorative justice, in defining community as victim and addressing its needs for both compensation and safety, provides both a motive for involvement and appropriate roles for citizens (see Table VIII). As those who have thought most practically about how and why to involve the community in restorative justice have learned, community involvement has clear advantages. As the sidebar suggests, these benefits will generally outweigh the difficulties involved in initial efforts to garner this participation.

Benefits of Community Involvement

- Fear in the community often is based on perceptions rather than actual risk. Greater community involvement will dispel myths and reduce unwarranted fear of juveniles which isolates youth from conventional adults.
- In many cases the community is better able to monitor offenders than juvenile justice professionals.
- Increased community involvement will result in greater community understanding and stronger community support for the system.
- Community involvement in assuring accountability for delinquent behavior helps affirm community norms for acceptable behavior.
- Community involvement increases awareness of the harm delinquency causes to the community fabric as well as understanding of the underlying problems which might be addressed through prevention.
- Community involvement creates connections in the community which can offer support to juveniles that can continue after they leave the system.
- Community support is essential for successful reintegration of juvenile offenders.
- Community sanctions for harmful behavior are generally a more effective deterrent than legal sanctions.

D. The Implementation Process: Guidelines for Changing Focus

Measuring Progress: Assessment. The first step in any change process is to develop a vision of where the system should be; the second step is to determine where the system is now in terms of policy and practice consistent with the model. Building on existing practices which fit the model, changes can be made which move from retributive priorities toward the restorative end of the continuum. The assessment process begins by examining the quality and effectiveness of current practices under each of the goals: To what extent is the system effective in restoring victims, producing more competent offenders and enhancing public safety? To what extent are policies and practices consistent with the values of restorative justice? What gaps exist in current programming? To what extent are community groups and crime victims involved in the juvenile justice system? The “Customers of Juvenile Justice ‘Yardsticks’” in Appendix II provide benchmarks for an assessment of how well a juvenile justice system is meeting the needs of its three customers. Appendix III, “How Are We Doing,” provides a basic framework for a straightforward assessment of consistency with restorative justice goals that can be used for “baseline” measurement as well as to gauge progress in implementation over time.

Suggested Action Steps. The complexity of juvenile justice requires that reform efforts be carefully planned, deliberate and include input from staff as well as all other stakeholders in the system and the community. The Balanced and Restorative Justice model is not a “program”. It is a framework to guide every decision and action in the system. Truly balanced systems based on restorative values cannot be constructed overnight and they cannot be achieved through mandates. Implementing a Balanced and Restorative Justice model should be viewed as a continuous process of strategic improvement in local juvenile justice which engages all of those who are affected by juvenile crime. The following guidelines will improve prospects for success in implementing the model.

- (1) ***Start small.*** Starting small allows for better management of reform efforts which in fact go against traditional policy and practice. Juvenile justice managers should think in terms of small, well run, and successful demonstration or pilot projects which can lead to ever widening system and community efforts.

- (2) ***Pick institutional targets and community projects with the potential for wider expansion and ongoing operation.*** In choosing a pilot project, select programs or probation units that are well managed, have good relationships with victim services, and serve neighborhoods where there is a base of support for innovation and new approaches. Design projects such as “high-demand” service activities which, when supported by credible community employers and civic organizations (e.g., the Chamber of Commerce, Kiwanis), have a higher probability of more or less permanent adoption and institutionalization. To ensure that a demonstration effort to build up the competency development capacity of the juvenile justice system, for example, is not viewed as a “one-shot” special project rather than a model for institutional change, include schools and employers as partners and try to impact programs and practices which block reentry of the delinquent youth into educational and career ladders.

-
-
- (3) *Develop an internal steering committee to set goals and monitor progress.* This should be a small management team well acquainted with and committed to the Balanced and Restorative Justice Model. Its first charge should be to document the “current state” of system investment in balanced and restorative policies and practices, to determine scope and quality of those policies and practices, and to set short and long term benchmarks for program development, policy reform, and value and cultural change consistent with the reform. The primary goal of the steering committee is to ensure the success of initial pilot efforts and to promote strategic expansion. This group should be involved in the initial diagnostic process and in ongoing assessment to ensure that existing programs and practices are incorporating the principles and values of the new philosophy and mission and that no new programs are added which are inconsistent with or do not meet the objectives of the mission.
- (4) *Engage juvenile justice staff and decision makers in values clarification, consensus building, assessment and goal definition.* Although the goals and objectives of the Balanced and Restorative Justice model appeal to common values, terms such as accountability and community protection can be interpreted in many different ways. Juvenile justice managers and the steering committee must take the time to carefully present the model to other key decision makers (e.g., judges, prosecutors) as an alternative to the current retributive philosophy and individual treatment mission and must begin the effort to build consensus around core underlying values. Elicit input from staff to ensure both consensus about the model, as well as about specific priorities for changing focus. Assign leadership roles to various staff on subcommittees that are formed to ensure involvement of each of the three groups and that policies and practices change to meet their needs. From these initial efforts, leaders can seek support for new pilot initiatives to demonstrate the effectiveness of the model.
- (5) *Identify at least one “grass roots” victim advocacy organization and/or several individual victims of juvenile crime who can become active sponsors and partners in the overall effort to implement a Balanced and Restorative Justice model.* The presence of victims in the overall project is vital precisely because victims are so removed and absent from the current offender-driven juvenile justice system. Victims will also be important partners and political allies in the reform process and will provide meaningful input into the development of rehabilitative and public safety policies and practices -- as well as sanctioning processes aimed at restoration. Develop an independent victim advisory committee for the reform effort.
- (6) *Cultivate ownership and sponsorship of specific projects by conventional community institutions such as employers, victims' groups and civic organizations.* To ensure that projects and activities will be viewed as meaningful, ask these sponsors for ideas about projects important to them. Avoid the standard juvenile justice coalitions limited to youth “with problems.” Seek commitment from organizations with “clout” that can influence conventional growth and development of youth (e.g., through work, education) rather than treatment organizations (e.g., mental health, drug abuse) and service providers. Cultivate victims and members of victim support groups as leaders and spokespersons for restorative approaches. Involve these groups in a community advisory board.

-
-
- (7) *In all pilot efforts and planning groups ensure cultural diversity and focus on impacting minority over representation and racial discrimination in juvenile justice.* To do this, make sure indigenous minority organizations--businesses and business groups, churches, civic and fraternal organizations--are involved and asked to assume leadership and advocacy roles from the beginning. Whenever possible, select service and action projects which result in improvements in offenders' own neighborhoods.
- (8) *Build on the power of the group.* Group activities and projects allow for peer and adult support and involvement with adolescents in the juvenile justice system. Group projects also enhance youth skills in working with others. Encourage and reward staff creativity in developing these action projects and support innovation in involving the community. Have fun!
- (9) *Focus on projects which mix youth and adults, including the elderly.* Arrange for service, victim awareness, mediation, work and leadership projects that allow young people and adults to work together on common problems and solutions (e.g., neighborhood crime prevention, problems of crime victims). Such projects create a context and provide structure for “mentoring” relationships, help to break down the isolation of youth from the real world of work and politics, and provide positive demonstrations of clear alternatives to individual casework with offenders. Whenever possible, try to include nondelinquent youth, including college students, in positive service and other group projects in order to decrease the stigma associated with these activities as projects for “bad kids” and to provide for positive peer and adult support.

The implementation process should be viewed as part of a continuous cycle of improvement in achieving system balance and promoting restorative values. The ongoing cycle should generally move from local piloting of the new framework to regional and national dissemination and expansion, and then back to additional local piloting and development. Thus, once jurisdictions have begun the initial tasks of education, consensus building and values clarification, developed the steering committee and established procedures for monitoring progress as discussed above, the following steps are suggested as a guide to piloting the model: 1) discuss priorities for practice and policy needed to achieve balanced approach objectives; 2) design and implement a pilot effort to demonstrate how the various components of the approach work together in one part of the system and/or one local community; 3) assign staff roles in the pilot and begin the infrastructure development process and development of new roles for staff and management protocols consistent with the objectives of the model; 4) develop a plan for and begin the reallocation of existing resources and acquisition of new resources; 5) establish action steps based on the assessment of current policy and practice needed and goals for policy and programmatic change; 6) identify training and technical assistance needs linked to each task focusing first on the pilot/demonstration effort. The sidebar on page 33 provides some additional suggestions about policy and procedural changes that may be needed to facilitate implementation of the reforms implied by Balanced and Restorative principles.

For managers, the most important principle in implementing the new mission is to remain unwilling to be bound by bureaucratic structures and processes that get in the way of innovation and of efforts to meet customer needs. For example, in some jurisdictions, case management, classification, and assessment protocols have become ends in themselves rather than tools to achieve objectives. They focus time and resources on process and paperwork rather than outcomes and tend to reinforce the one-dimensional emphasis on individual offenders as passive recipients of service and surveillance. Likewise, treatment programs that have provided reliable service to juvenile courts and justice systems (i.e., have been willing to take most referrals) may seldom be examined with an eye to outcomes or to whether services are tied to any meaningful objectives. Such programs may require serious scrutinizing -- and assuming scarce resources, possible termination -- if they cannot or are unwilling to be restructured to meet the needs of the three customers and address the three goals of the Balanced Approach mission. "Reinventing" juvenile justice will ultimately demand changes in agency policies that have been viewed by some as sacred. While initial change will focus on internal management, broader policy change involving state statutes may also be necessary to support balanced and restorative reforms.

Demonstrating the Model. At the most general level, what is needed in jurisdictions implementing the model is to begin using the mission actively on a daily basis. To accomplish significant reform, the Balanced and Restorative Justice model must be understood as a tool for strategic planning rather than as a new service or program. The policies and practices that grow out of the new mission and framework should generally replace, rather than add to, many existing practices and policies and thus should not add new costs to most juvenile justice systems.

Because the process of implementing this new approach will be evolutionary and some new practices will appear similar to old practices on the surface, it is essential that policy and practice be tested against the restorative value system on a regular basis. Frequent articulation of the ultimate vision will assist in keeping changes on track. It is also essential that specific implementation plans be developed at the grass roots level through a community based process

Restorative Justice Principles in Action Implications for Systemic Change

Sample policy and procedure changes:

- Development of new mission and goals based on restorative values and the Balanced Approach mission.
- Reallocation of resources to achieve new goals.
- Redesign of job descriptions to prioritize restorative tasks.
- Creation of community advisory boards to guide the juvenile justice system.
- Replacement of current system reporting requirements with measurements based on reparation, including reporting forms and data collection systems.
- Data collection about victims.
- Predispositional recommendations which specify sentencing recommendations for each component: 1) accountability; 2) competency development and 3) public safety.
- Notification to the victim of the community service completed by the offender.
- Opportunity for some victim choice in the type of community service required of an offender.
- Funds collected from the offender allocated for restitution to the victim before any other financial obligations.
- Candidates for promotion in juvenile justice systems required to demonstrate knowledge of restorative justice and the Balanced Approach.
- Victim sensitivity training a requirement for new staff and a component of in-service training workshops.

engaging all stakeholders. There is no single blueprint for this model. Implementation may look different in different jurisdictions. However, outcomes and underlying values will be constant.

Although the feasibility and positive impact of restorative justice programs has been demonstrated over more than a decade of positive program experience and research findings, research studies have yielded promising empirical results, the policy and practice of restorative justice remains for the most part outside the mainstream of most juvenile justice systems. Even fewer juvenile justice systems have adopted the balanced mission as a prototype for systemic reform. However, some juvenile justice managers and their staff are accepting the challenges of the new model to move toward “balance” in meeting the needs of victim, offender and community. These professionals, including several involved in demonstration efforts in local juvenile justice systems in five states, have in recent months begun a long-term process of “reinventing” or restructuring their systems based on the balanced mission and the restorative justice framework. As pilot sites in a national action research project funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to implement the Balanced and Restorative Justice model, local jurisdictions in Oregon, Texas, Florida, Pennsylvania, and Minnesota are using the mission and framework as a guide to strategic planning for systemic reform. At the same time, each jurisdiction is initiating pilot programs which demonstrate the principles of the model on a small scale. While at different stages in their implementation of balanced and restorative practices, each jurisdiction has unique strengths and is able to highlight one or more model policy, program, or process components that promise to point the way toward the systemic change that is their common goal.

Three counties in Oregon (Lane, Deschutes and Multnomah), for example, adopted the Balanced Approach mission several years ago and quickly developed model work experience and service components as well as cognitive skills training curricula for offenders on probation. Juvenile justice managers in these counties recently realized that their implementation of the mission lacked a focus on victim input and involvement and required that greater priority be given to completion of reparative sanctions. Similarly, Travis County, Texas (Austin) had earlier adopted the mission but recently realized that their juvenile justice system had become “program-driven” and had lost sight of the relevance of programs and practices to larger system goals; management and staff are currently attempting to “breathe new life” into the mission and using it to scrutinize current practices.

Three jurisdictions new to the model (and receiving more intensive assistance from the Balanced and Restorative Justice project) are building on strengths inherent in their local communities and juvenile justice agencies while also developing components that had been missing or marginally operational. Dakota County, Minnesota, for example, is using the mission and restorative values to restructure management decision making processes and to revitalize and give greater priority to practices that have been used effectively for a number of years (e.g., community service). Palm Beach County, Florida has recently implemented a local residential program for some of the most serious offenders in the system which is based on balanced and restorative principles (see Appendix I), and hopes to expand the work and service model of the program into nonresidential programs and probation. Allegheny County (Pittsburgh), Pennsylvania is building on the neighborhood focus of its Community Intensive Supervision Program (CISP) to “model”

restorative practices for the system as a whole and will begin adding victim awareness training and mediation to the interventions offered in its neighborhood centers.

Conclusion. The history of justice reforms in the U.S. has been one of pendulum swings between an emphasis on punishment and an emphasis on treatment. Similarly, public policy and discourse seems to fluctuate between the refrain that “It's all society's fault” and “It's all the individual's fault.” The public and professionals are increasingly frustrated with such false choices between simplistic options which do not reflect the reality of our life experiences. The Balanced and Restorative Justice model addresses both individual and community responsibility by focusing on repair of harm and requiring that both offender and community contribute to victim and community restoration and to offender reintegration.

The current dominance of the retributive model in juvenile justice and an increasingly punitive national climate may make the vision of a Balanced and Restorative Justice model may seem distant, even unattainable. However, in the crisis surrounding juvenile justice systems moving into the second century of the juvenile court and toward the new millennium, apparently Utopian visions may be needed to sustain the motivation of those hoping to preserve and also reform a justice system for juvenile offenders. In this regard, Belgian criminologist Lode Walgrave's comments that, in the case of restorative justice, “there is nothing so practical as a good Utopia,” seem especially germane. In fact, all of us can make practical changes within our span of control which move toward the balanced and restorative end of the justice continuum. Small changes in daily work make a big difference. Every community member, every professional who is moved by the vision will be able to contribute to shaping the new juvenile justice model.

“This [restorative] vision of justice isn't just about saving money or averting prison construction -- and it's certainly not about being soft on crime. It's about making things right instead of lamenting what's wrong, cultivating strength rather than perpetuating failure.”

Minneapolis Star Tribune editorial, July 11, 1993

IX. Appendices

Appendix I

Restorative Justice in Action

Programmatic Examples

- Juvenile Reparation Program, Center for Community Justice, Elkhart, IN

The Juvenile Reparation Program targets older juveniles who may have previously failed in the system and risk continuing their negative behavior into adulthood. The accountability and responsibility of the participants includes understanding and acknowledging the harm, accepting responsibility by finding a solution, and taking concrete actions to make it right. JRP staff assist clients in developing a contract, which routinely includes restitution to the victim, volunteer service as symbolic restitution to the community and specific self-improvement strategies and may also include face to face mediation. Throughout their involvement with JRP, clients are restricted to their homes except when attending approved activities such as school, employment, or counseling. Volunteer telephone monitors ensure that clients follow these rules, as well as providing added encouragement and accountability.

- Crime Repair Service Crews. - In these projects, currently being implemented as community service alternatives for juveniles who have either been diverted from court or assigned to probation, service interventions, young offenders confront the real harm to the quality of life of citizens that results from household burglaries. Crews in these programs work with adult supervisors to repair windows, doors, and other damage to the homes of elderly persons victimized by break-ins. Service and accountability are combined with positive learning and some competency development, in an intervention that has the potential for direct positive impact on citizens' feelings of safety.

- The South Florida Youth Environmental Service - This recently opened residential program for serious juvenile offenders, operated by the juvenile justice system in Palm Beach County, Florida, is a holistic attempt to simultaneously address the three primary objectives and the three customers of a restorative correctional intervention. Located in a wildlife preserve surrounded by water and swampland in a national park in the Florida Everglades, public safety objectives are addressed through the physical and staff security of the program. Public safety in the post-program phase of the program is addressed by preventative efforts to continue programmatic activities once these youth return to their home communities. The core program is centered around paid work experience, as well as unpaid community service, in which young offenders work with national park staff in maintenance and restoration of portions of the Loxahatchee wildlife preserve. Educational curricula emphasizing environmental preservation and environmental career exploration is incorporated around this competency building experience. Accountability to victims is addressed by direct payments deducted from offender paychecks (or payment into a victim's fund when original victims cannot be located) and the program is beginning to incorporate victim awareness classes and victim panels. Finally, in articulating such untraditional performance objectives as measurable improvement in plant growth, ecological diversity, and improved public access to Loxahatchee National Wildlife Refuge as a result of environmental work of juvenile offenders, program administrators exemplify the broader emphasis of restorative justice on achieving community-oriented objectives. Such objectives go beyond those directed at individual offenders and operationalize the broader goals of “restoring

victims, restoring offenders, and restoring the environment and community” (Morgan, Johnson, & Wright, 1994).

· Red Lake Nation Rebirth/New Beginnings Program, Red Lake, MN

The New Beginnings Program is an alternative to the established court process for delinquent youth of the Red Lake Nation Band of Ojibwe. The program uses respected elders and community members to determine appropriate interventions with juvenile offenders and to work directly with the offenders.

· The Eastern Oregon Homeless Project and Abuse Shelter Coalition - These two projects of the Deschutes County, Oregon Department of Community Corrections are examples of an ongoing effort by the agency director to expand on the “corrections as a resource” theme by utilizing adult and juvenile probationers and parolees to accomplish a variety of human service and public works tasks. In these projects, which the director has described as examples of “community service on its highest plane,” young offenders have worked with volunteer builders and carpenters to construct a homeless shelter (after raising money for materials) and a domestic abuse crisis center. Offenders completed community service hours in a way that provided an important long-term benefit to their community, taught them lessons about the needs of other citizens (including those victimized by violent abuse), provided an opportunity for skill development and positive interaction with conventional adults, and ensured that offenders' time on community supervision was occupied for significant portions of the day and evenings.

· Family Group Conferences - In these conferences, based on the traditions of the Maori people of New Zealand, the victim and his/her supporters are given the opportunity to speak of how they have been affected by the crime and to condemn the criminal behavior but not the juvenile offender. The offender, his/her family or community surrogates, a trained facilitator/mediator, and the victim then participate in designing appropriate ways for the offender to repair the harm and make amends to victim and the community. This begins a reintegrative process for the delinquent in which members of the family and community take responsibility for monitoring offender compliance and facilitating victim and community healing.

· Victim Offender Meetings - The Victim Restoration Program of the Dakota County (MN) Community Corrections Department provides opportunities for crime victims to meet face-to-face with the juvenile offender(s) who violated them. They are able to talk about the offense and its full impact and to develop a plan for restoring victim losses. Community volunteers are trained in victim offender mediation skills, with an emphasis upon the use of victim sensitive communication and procedures.

APPENDIX II
Customers of Juvenile Justice: Yardsticks for Restorative Justice

<p style="text-align: center;">VICTIMS</p> <p>Do victims experience justice?</p> <ul style="list-style-type: none"> * Do victims have sufficient opportunities for them to tell their truth to relevant listeners? * Is the injustice adequately acknowledged? * Are victims sufficiently protected against further violation? * Do victims' families receive adequate assistance and support? * Does the outcome adequately reflect the severity of the offense? * Do victims receive adequate information about the crime, the offender, and the legal process? * Do victims have a voice in the legal process? * Are other needs- material, psychological, spiritual-being addressed? * Is there an opportunity for victims and offenders to meet, if appropriate? • Is there an opportunity for victims and offenders to exchange information about the event and about one another? 	<p style="text-align: center;">OFFENDERS</p> <p>Do offenders experience justice?</p> <ul style="list-style-type: none"> * Are offenders encouraged to understand and take responsibility for what they have done? * Is the victim-offender relationship addressed? * Are offenders given encouragement and opportunity to make things right? * Are offenders given opportunities to participate in the process? * Are offenders encouraged to change their behavior? * Is there a mechanism for monitoring or verifying changes? * Are offenders' needs being addressed? * Do offenders' families receive support and assistance? * Is there a plan to reintegrate the offender?
---	--

<p style="text-align: center;">COMMUNITIES</p> <p>Are community concerns being taken into account?</p> <ul style="list-style-type: none"> * Is the process and outcome sufficiently public? * Is community protection being addressed? * Is there need for restitution or symbolic action for the community? * Is the community represented in some way in the legal process? * Is there provision for solving problems caused by this event? * Have future intentions been addressed? • Are there provision for monitoring and verifying outcomes and for problem solving?

Source: Adapted from A. Howard Zehr, Changing Lenses (1990).

Appendix III
How Do We Know It When We See It?
Gauging Implementation of the Balanced and Restorative Justice Model

The goals of the Balanced Approach and Restorative Justice are straightforward. Objective outcome measures can be developed to determine if offenders increase competency, if victims are restored and experience justice, and if communities feel safer and are involved in the system.

But how do we know if current practices and policies are likely to produce these positive outcomes? The following questions can help juvenile justice administrators and staff gauge progress in implementing those practices and policies that are most likely to produce competent offenders, satisfied victims, and a safe and secure community. Since “we are what we measure” in juvenile justice, one of the most critical gauges of progress in implementing the BRJ model is whether or not success in achieving the three goals is monitored regularly.

How “Balanced” Are We?

1. Do staff give equal attention to competency development, holding youth accountable to victims and the community, and public safety in their response to each case?
2. Do managers allocate resources equally toward achieving rehabilitative goals (competency), sanctioning goals (accountability), and public safety (community protection)?
3. Are victims, offenders, community groups, and citizens viewed by both management and staff as equal customers of juvenile justice services?

How “Restorative” Are We?

1. Do victims, offenders, and community members play an active role in sanctioning, rehabilitation and public safety enhancement? Does each group have input into program design and process?
2. Is equal attention given to the needs of victims, offenders, and community members? Are programs and services targeted toward restoring victims, reintegrating offenders (after holding them accountable), and strengthening communities (by reducing fear, enhancing prevention capacity, resolving disputes)?
3. Does restoration of victims and victimized communities get priority over punishing (or treating) offenders? Are staff sensitive to victims needs in decision making and daily practice?

Competency

1. Are most offenders in your system working in paid jobs or work experience projects that make a productive contribution to the community? Do most offenders get to provide services to others (e.g., elderly, younger children) rather than simply receive services?
2. Are cognitive learning, decision-making skill training, conflict resolution skills, anger management, and related cognitive training integrated with active work experience and service interventions?
3. What efforts are in place to improve academic skills and reintegrate offenders into educational programs?
4. To what extent is the community (e.g., businesses, other employers, civic and religious groups) involved in competency development projects? Do conventional adults work directly with youth on community service projects? Is the community asked for input regarding competency development programs? Is the family assigned a clear role in achieving competency development objectives?
5. Are treatment and services used as support for offenders in active work and service roles rather than as primary interventions? How many offenders receive only counseling or remedial training with no opportunity for active involvement?
6. Are there objective measurement procedures to monitor offender gains in vocational, educational, interpersonal, health and other competencies? Are offenders who complete programs asked to be mentors to others or assist in program activities? Are there mechanisms for monitoring staff efforts to work with community groups and individuals in reintegration offenders?

Community Protection

1. Is a continuum of nonresidential options available for supervising offenders in the community as an alternative to confinement? What is the quality of supervision available to youth exiting institutional programs? Is the time of youth on community supervision structured during day and evening hours?
2. Are there written policies which specify alternative sanctions for youth on probation or aftercare who fail to comply with conditions of supervision and incentives for positive behavior? Are these sanctions fair and consistent with restorative justice values? Are staff aware of alternatives to violating probation or recommitting youth? How often are these intermediate sanctions used?
3. Does the community feel safe? Are citizens informed about juvenile justice policies regarding offender supervision and release following incarceration?

-
-
4. Are community members involved in offender monitoring and mentoring? Are family members given a clear role in monitoring the offender?
 5. Are preventive efforts directed toward improving the capacity of neighborhood groups and institutions to prevent delinquency (e.g., school conflict resolution, housing project crime watch programs)? Are juvenile justice staff viewed as a resource to these groups?
 6. Are residential and secure facilities used for only the most high risk youth? Are youth given a chance in less restrictive settings before referral to residential facilities? Is a “step-down” process in place to provide effective, reintegrative aftercare for high risk youth exiting facilities?
 7. Are multiple measures of public safety outcomes such as citizen fear, citizen involvement in the juvenile justice process, reductions in school violence--as well as recidivism available?

Accountability

1. Are victims' losses restored by the actions of offenders? Are offenders given reasonable restitution orders? Do most offenders complete these orders? Are youth supported in their efforts to make restitution (e.g., through employment or other earning opportunities)?
2. Do offenders increase their awareness of harm to victims? Are most offenders required to face their victims or surrogate victims in mediation? Do most offenders receive victim awareness training?
3. Are victims directly involved in the justice process? Are most victims satisfied at the end of the process?
4. Are community service orders related to the offense? Is the service completed in the offender's own community? Is most community service meaningful work involving groups of offenders and adults? Are victims given input into the nature of the community service work completed by offenders?
5. Are victims given the opportunity to participate in mediation? Is a mediation program available that utilizes community volunteers?
6. Are measures of restitution, community service, victim satisfaction, victim involvement, and offender empathy available?



X. References and Additional Information

Armstrong, T. Maloney, D. & Romig, D. (1990). The Balanced Approach in Juvenile Probation: Principles, Issues and Application. *Perspectives*, Winter, 8-13.

Bazemore, Gordon and Mark Umbreit. (1995). Rethinking the Sanctioning Function in Juvenile Court: Retributive or Restorative Responses to Youth Crime. *Crime and Delinquency* 41 (3), 296-316.

Bazemore, Gordon and Charles Washington. (1995). Charting the Future of the Juvenile Justice System: Reinventing Mission and Management. *Spectrum: The Journal of State Government* 68 (2), 51-66.

Bazemore, G. and Peter Cruise (1995). Reinventing Rehabilitation: Exploring a Competency Development Model for Juvenile Justice Intervention. *Perspectives*, Fall, 12-21.

Bazemore, Gordon. (1994). Understanding the Response to Reforms Limiting Discretion: Judges' Views of Restrictions on Detention Intake, *Justice Quarterly*, 11(3), 429-453.

Bazemore, G. and D. Maloney. (1994). Rehabilitating Community Service: Toward Restorative Service in a Balanced Justice System.. *Federal Probation* 58 (1), 24-34.

Bazemore, G. (1993). Designed Work Experience as an Alternative Intervention for Serious Offenders. *The Justice Professional* 7 (2), 47-69.

Braithwaite, J. (1989). *Crime, shame, and reintegration*. New York: Cambridge University Press.

Butts, J., and H. Snyder. (1991). *Restitution and juvenile recidivism* [Monograph]. National Center for Juvenile Justice, Pittsburgh, PA.

Eglash, A. (1975). Beyond Restitution: Creative Restitution. Pp. 91-101 in *Restitution in Criminal Justice*, edited by J. Hudson & B. Galaway. Lexington, MA: Lexington Books.

Elias, R. (1993). *Victims Still: The Political Manipulation of Crime Victims*. Newbury Park, CA: Sage.

Feld, B. (1993). The Criminal Court Alternative to Perpetuating Juvenile [In] Justice. Pp. 3-13 in *The Juvenile Court: Dynamic, Dysfunctional, or Dead?* Philadelphia: Center for the Study of Youth Policy, School of Social Work, University of Pennsylvania.

Feld, B. (1990). The Punitive Juvenile Court and the Quality of Procedural Justice: Disjunctions Between Rhetoric and Reality. *Crime & Delinquency* 36:443-64.

Galaway, B. & J. Hudson (Eds.). (1996). *Restorative Justice: An International Perspective*. Mansey, NY: Criminal Justice Press.

Galaway, B. & J. Hudson (Eds.). (1990). *Criminal Justice, Restitution, and Reconciliation*. Mansey, NY: Criminal Justice Press.

Gendreau, P., F. Cullen, and J. Bonta. (1994, March). "Up to Speed - Intensive Rehabilitation Supervision: The Next Generation in Community Corrections, Ronald Corbett, Jr & Joan Petersillia, eds. *Federal Probation*, 72-78.

Goldstein, A. and R. Huff, (Eds.) (1992). *The Gang Intervention Handbook*. Champaign, IL: Research Press.

Griffiths, C. & R. Hamilton. (1996). Sanctioning and Healing: Restorative Justice in Canadian Aboriginal Communities. In Burt Galaway and Joe Hudson (Eds.) *Restorative Justice: An International Perspective*. Mansey, NY: Criminal Justice Press.

Hackler, J. (1991). The Possible Overuse of Not Guilty Pleas in Juvenile Justice. Alberta Canada: University of Alberta, Centre for Criminological Research.

Harris, K. (1984). Rethinking probation in the context of the justice model. In McAnany, Thompson & Fogel (Ed.), *Probation and Justice: Reconsideration of Mission*. Cambridge, MA: Oelgeschlager, Gunn & Hain. 15-39.

Klein, A. (1988). *Alternative Sentencing: A Practitioners Guide*. Cincinnati, OH: Anderson.

Klein, A. (1989). The Curse of Caseload Management. *Perspectives*. 13 (1), 27-28.

Krisberg, B. (1988). *The Juvenile Court: Reclaiming the Vision*. San Francisco: NCCD.

Lab, S.P. & J.T. Whitehead. (1988, January). An Analysis of Juvenile Correctional Treatment. *Crime and Delinquency*, 34, (1) 60-83.

Lawrence, R. (1991). Reexamining Community Corrections Models. *Crime & Delinquency* 37(4): 436-449).

Lemov, P. (1994). The Assault on Juvenile Justice. *Governing* December: 26-31.

Lofquist, W.A. (1983). *Discovering the Meaning of Prevention: A Practical Approach to Positive Change*. Tucson: AYD Publications.

Maloney, D., & M.S. Umbreit. (1995). Managing Change: Toward a Balanced and Restorative Justice Model. *Perspectives*, Spring, 43-46.

-
-
- Maloney, D., D. Romig & T. Armstrong (1988). Juvenile Probation: The Balanced Approach. *Juvenile & Family Court Journal*, 39 (3), .
- Martin, L. (1993). Total Quality Management: The New Managerial Wave. *Administration in Social Work*. 17, 2, The Haworth Press, Inc.
- Martinson, R. (1974). What Works - Questions and Answers About Prison Reform. *Public Interest*, 32, 22-54.
- McAllair, D. (1993). Reaffirming Rehabilitation in Juvenile Justice. *Youth and Society* 25:104-25.
- McLagan, John. (1992). *Report of the Ad Hoc Committee on Restorative Justice*. Report to the Minnesota Dept. of Corrections.
- Messmer, H., & H. Otto, (1992). (Eds.) Restorative Justice On Trial: Pitfalls and Potentials of Victim Offender Mediation. *International Research Perspectives*. Norwell, MA: Kluwer Academic Publishers.
- Osborne, D., & T. Gaebler. (1992). *Reinventing Government*. Reading, MA: Addison-Wesley.
- Palmer, T. (1992). *The re-emergence of correctional intervention*. Beverly Hills: Sage.
- Pearl, A. (1978). *The Value of Youth*. Davis, CA: Dialogue Books.
- Pittman K. and W. Fleming (1991). *A New Vision: Promoting Youth Development*, testimony to House Select Committee on Children, Youth and Families. Washington, DC, September.
- Polk, K. (1974). *What Ever Happened to the National Strategy?* Monograph, Marion County Youth Study, University of Oregon, Eugene, OR.
- Polk, K. & S. Kobrin. (1972). *Delinquency Prevention Through Youth Development*. Washington, DC: U.S. Dept. of Health, Education, and Welfare.
- Pranis, K. (1993). Restorative Justice: Back to the Future in Criminal Justice. Paper, Minnesota Citizens Council, Minneapolis, MN.
- Rosenberry, M. (1986). *Urban Conservation and Service Corps Programs: A Series of Resource Reports*. Washington: Human Environment Center.
- Rubin, T. (1986). Juvenile Restitution and the Prosecutor. *The Prosecutor*, Journal of the National District Attorneys Association, 20 (20): 41-45.
- Schneider, A. (Ed.). 1985. *Guide to Juvenile Restitution*. U.S. Dept. of Justice, Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Schneider, A. (1986). *Restitution and Recidivism Rates of Juvenile Offenders: Results from Four Experimental Studies*. *Criminology* (24) 3, 533-52.

Schneider, A. (1990). *Deterrence and Juvenile Crime: Results from a National Policy Experiment*. New York: Springer-Verlag.

Schwartz, I., and R. Van Vleet. (1992). Public policy and the incarceration of Juveniles: Directions for the 1990s. Pp 151-164 in I. Schwartz (ed), *Juvenile Justice and Public Policy*. New York: Lexington Books.

Stoneman, D. & Calvert, J. (1990). *YouthBuild: A Manual for the Implementation of the Housing Related Enhanced Work Experience Program*. New York: The Coalition for Twenty Million Dollars.

Texas Family Code Annotated (1986). 51.01 (2).

Thomas, C.W. and S. Bilchick. (1985). Prosecuting Juveniles in Criminal Courts: A Legal and Empirical Analysis. *Journal of Criminal Law and Criminology*, 76, p.439.

Umbreit, M.S. (1995). Holding Juvenile Offenders Accountable: A Restorative Justice Perspective. *Juvenile and Family Court Journal*, Spring, 31-42.

Umbreit, M.S. (1995). *Mediating Interpersonal Conflicts: A Pathway to Peace*. West Concord, MN: CPI Publishing.

Umbreit, M.S. (1995). The Development and Impact of Victim Offender Mediation in the U.S.. *Mediation Quarterly* , 12 (3): 263-276.

Umbreit, M.S. and M. Carey. (1995). Restorative Justice: From Vision to Implementation. *Federal Probation*, 59(1). 47-54.

Umbreit, M.S.(1994). *Victim Meets Offender: The Impact of Restorative Justice and Mediation*. Monsey, NY: Criminal Justice Press.

Umbreit, M.S. and R. Coates. (1993). Cross Site Analysis of Victim Offender Mediation in Four States. *Crime and Delinquency*. 39 (4): 15-25.

Van Ness, D. (1993). New Wine and Old Wineskins: Four Challenges of Restorative Justice. *Criminal Law Forum*, 4 (2), 251-76.

Van Ness, D. (1990). Restorative Justice. In Burt Galaway and Joe Hudson (Eds..) *Criminal Justice, Restitution, and Reconciliation*. Monsey, NJ: Willow

Walgrave, L. (1993, August). Beyond Retribution and Rehabilitation: Restoration as the Dominant Paradigm in Judicial Intervention Against Juvenile Crime. Paper presented at the International Congress on Criminology, Budapest, Hungary .

Walkover, A. (1984). The Infancy Defense in the New Juvenile Court. *University of California at Los Angeles Law Review* 31:503-562.

Wilkins, L. (1991). *Punishment, crime and market forces*. Brookfield, VT: Dartmouth Publishing Co. Pp. 312.

Wright, M. (1991). *Justice for Victims and Offenders*. Buckingham, Open University.

Zehr, H. (1990). *Changing Lenses*. Scottsdale, PA: Herald Press.



XI. Endnotes

1. Manifestations of the movement toward what Feld (1990) has labeled the "punitive juvenile court" and others describe as a "retributive juvenile justice system" include widely documented statutory, policy, and procedural changes. Determinate and mandatory minimum sentencing laws in some states (Feld, 1993), fewer restrictions on transfer to adult court (Texas Family Code Annotated, 1986; Feld, 1990; Thomas and Bilchik, 1985), a weaker role for judges and traditional decision makers (Rubin, 1986; Bazemore, 1994), desert-based state codes and purpose clause provisions which de-emphasize the role of rehabilitation in the "best interest" of children and avoid reference to the needs of young offenders (Walkover, 1984; Feld, 1990) and changes in the content of intervention toward an emphasis on punishment and control in more secure settings (Schwartz and Van Vleet, 1992; Gendreau, Cullen and Bonta, 1994), for example, have brought about what is often described as a criminalized juvenile court. More recently, a number of states have moved further in the direction of dismantling their juvenile justice systems by lowering the age at which transfer to adult court is permitted, and some states appear to be developing adjunct correctional systems for juveniles which are difficult to distinguish from adult corrections departments (Lemov, 1994).

2. In fact, most current state proposals to abolish or further criminalize juvenile justice systems appear to be motivated by an effort to increase punishment and control over juvenile offenders (Lemov, 1994). Other proponents of abolition (e.g., Feld, 1990; 1993) argue that the juvenile court has proven itself incapable of protecting the rights of juveniles. Many youth advocates have argued, on the other hand, that efforts to revitalize the individual treatment mission by improving treatment programs, providing better needs assessment and case management, and enhancing funding should be the primary focus (Krisberg, 1988; Palmer, 1992; McAllair, 1993). A third approach, which is advocated in this document, is based on the assumption that the juvenile court and juvenile justice system can best be preserved and improved by adopting a new, more inclusive mission and framework for intervention that addresses sanctioning and public safety needs and promotes a more viable approach to rehabilitation and offender reintegration (Bazemore and Washington, 1995; Bazemore and Cruise, 1995; Maloney, Romig and Armstrong, 1988).

3. Ibid, note 2.

4. The terms "client" and "customer," are used interchangeably throughout this document in reference to victims, offenders, and communities. Although this usage may appear somewhat odd to some readers, especially in reference to offenders, the idea of customers of juvenile justice is important because it implies a rejection of the long-held view that the juvenile offender is the only client of the system. The use of "customer" here also implies a more active and empowered participatory as well as service recipient, role for each of the three parties. This role, and the importance of linking outcomes to customer needs is explained in more detail later in the text.

5. For more discussion of the retributive model that emerged in juvenile justice in the 1980s and its relationship to the "just deserts" model, see Bazemore and Umbreit, (1995). The contrast between restorative and retributive justice is elaborated in Zehr, (1990) and Bazemore and Umbreit, (1995).

6. While offender rehabilitation and reintegration are primary goals of restorative justice, the model also acknowledges that in order to *restore* a community, some offenders will need to be *removed* from it (some temporarily, a few permanently). In all cases the value attached to reintegration and the need to change the preference of some communities for “throwing away” troublesome young people must be weighed against public safety needs and the demand that victims be protected against further victimization.

7. See Wilkins, L. (1991).

8. See Braithwaite, J. (1989).

9. This overemphasis on due process may also have a number of unintended consequences according to these observers. To accommodate the needs of attorneys, for example, juveniles may be detained juveniles for longer periods or cases adjourned more frequently for continuances. Although the protections provided in a restorative process should not be judged against an ideal adversarial process that rarely occurs in retributive justice, ultimate outcomes in terms of fairness for victims and the accused, would, however, have to remain an empirical question. In countries where restorative processes are more widely used in juvenile justice, a variety of mechanisms have been devised to protect offender rights while maximizing access to non-adversarial options, both as part of diversion and in conjunction with the formal process. Moreover, concerns raised by some critics of restorative justice about difficulties in achieving equivalency in sanctioning between similar cases when, for example, the same conduct causes dramatic differences in actual harm, or differences in financial circumstances between offenders or victims create disparities in reparative debts, falsely assume that current punishments based on retributive considerations achieve equivalency in punishment. For research and policy commentary on current gaps in due process and unintended consequences of the adversarial system and procedures for ensuring equivalency and procedural protection in restorative alternatives, see Wright (1991); Hackler (1991); Messmer and Otto (1992); Van Ness, (1993); and Elias (1993).

10. While a new research agenda should be launched to explore the impact of balanced and restorative interventions on victims and communities as well as offenders, an emerging theoretical base and body of research is supportive of the view that the experience of making amends for harm done to victims and the community through restitution and unpaid service may have positive rehabilitative effects (Eglash, 1975; Schneider, 1986; Butts & Snyder, 1991; Wright, 1991). One clear basis for this expectation is derived from the equity theory idea that individuals in social and political situations tend toward fairness and balance (Schneider, 1990). A sanction calling for proportionate repayment to victims and the community might, all other things being equal, be more often viewed as fair than other sanctions -- especially those that may stigmatize the offender (Braithwaite, 1989; Walgrave, 1993). Schneider's (1990) research in particular tends to support this expected impact of community service and restitution and also suggests that completion of restitution and service is related to a greater sense of citizenship (as reflected in self-images as a good, honest, law abiding person) and a greater likelihood that the offender would express remorse. These changes in the offender in turn decreased the likelihood of reoffending. Such impacts would, moreover, seem to be more likely and more intensive when these sanctions follow face-to-face encounters between victims and offenders in mediation sessions (Umbreit, 1994).

*For information about additional resources (videos, print materials, and training)
related to the Balanced and Restorative Justice for Juveniles Project contact the:*

Center for Restorative Justice & Mediation

University of Minnesota

1985 Buford Avenue, 386 McNeal Hall

St. Paul, MN 55108-6144

(612) 624-4923

(612) 625-8224 Fax

ctr4rjm@che2.che.umn.edu

<http://ssw.che.umn.edu/ctr4rjm>

Restorative Justice



Balanced and Restorative Justice for Juveniles

*A Framework for Juvenile
Justice in the 21st Century*