

Local volunteers take active role in youth justice

By Kathy Khoury, Special to the Christian Science Monitor
April 8, 1999

MESA, ARIZ -

It began as a dare. Two elementary school girls told police that a man tried to abduct them while they were leaving school. He had a knife, they said, and he chased them.

The news sent shock waves through this Phoenix suburb, still reeling from the disappearance of another elementary school girl abducted in January.

Mesa police fueled up the helicopter and called out the dogs, initiating an intensive six-hour search. Worried parents drove their children to school rather than let them ride buses.

Then the girls' stories began to unravel. By the next day, they admitted they made up the whole thing.

The girls could face a juvenile court judge, but it's more likely they'll face members of the community instead. A justice panel made up of volunteers from the community will listen to the girls, ask questions, and then decide how they should make amends.

The concept, known as balanced and restorative justice, is part of an exploding trend in juvenile justice being practiced throughout the United States.

At a time when laws for juveniles are getting stricter and prison sentences stiffer, these new forms of discipline focus on reparation and rehabilitation rather than punishment, and recognize individual victims and communities as stakeholders in that process.

Here, the diversion program is run by Maricopa County's Juvenile Probation Department and can involve an appearance before a "community justice committee" made up of adult volunteers drawn from the community, or before a "teen court," in which a young offender faces sentencing by a panel of peers.

Like most programs, the one in Maricopa County is an option for juveniles who admit to minor offenses and are first- or second-time offenders. Sanctions can include community service, counseling, financial restitution, letters of apology, and jury duty.

In the Mesa case, police spokesman Sgt. Earle Lloyd says he hopes the girls will perform community service at the police department and, more important,

get counseling. "That was our main concern," he says.

Advocates say such programs are more effective and less costly than the traditional juvenile-justice system, and are becoming increasingly popular.

According to the American Bar Association, there were some 50 teen courts in 14 states in 1991. Today, there are more than 500 such courts located in 45 states and the District of Columbia.

It's unclear how many other nontraditional justice projects exist, but some believe they number as many as 1,000. They include victim-offender mediation, community reparations boards, and circle sentencing.

Media fuels growth

Experts say the growth is fueled by media attention on juvenile crime and the belief that the traditional juvenile-justice system is not working.

Programs were instituted as court caseloads swelled, and their momentum grew as more money became available for law enforcement in the 1990s.

The idea of restorative justice is not new. The oldest, still-operating projects were established in the mid-1970s in Horseheads, N.Y., and Grand Prairie, Texas.

But their origins are even older. One researcher found a reference to such a court operating in Ohio as early as the 1940s. The federal government began financially supporting teen courts in the 1990s.

But in spite of their popularity, no one knows if teen courts and other restorative-justice projects really work.

The Urban Institute, a think tank in Washington, was recently awarded funding for the first systematic evaluation of teen courts.

"What we have now are testimonials," says Jeffrey Butts, a senior researcher with the institute's Program on Law and Behavior.

He notes that most programs focus on the types of offenders that are the least likely to reoffend, and adds that most of the studies done to date are surface studies, often conducted by the programs themselves.

Diversity among programs

The question of effectiveness is complicated by the differences among programs. Some are largely symbolic and operate like mini juvenile courts, while others are using truly innovative methods. "We don't know yet what impact they have in the long term," Dr. Butts says.

In spite of their popularity, the programs are not without criticism.

Gordon Bazemore, with the Balanced and Restorative Justice Project at Florida Atlantic University in Boca Raton, says by focusing on low-level offenders, restorative-justice projects may bring in youths that would not otherwise be involved in the juvenile-justice system. Reparations should be applied to higher-level offenses, Mr. Bazemore says.

One of the most innovative programs in the country, and one that applies the balanced- and restorative-justice model to serious crimes, is a circle-

sentencing program in Dakota County, Minn.

Borrowing from native American traditions, circle sentencing involves the victim, the offender, and as many members of the community as want to attend.

The assembled group forms a circle and a "talking piece" is passed. Whoever holds the talking piece holds the floor. No one is allowed to interrupt, and there is no time limit. Everyone must agree to the outcome and anyone, including the offender, can veto it.

Process of rebuilding

Mark Carey, Dakota County community corrections director, says a traditional sentencing may take as little as 30 seconds, but the factors that have contributed to the crime may have taken years and involve the whole community. Circle sentencing allows all those issues to surface and the process of rebuilding to begin.

"Never in all my years working in corrections, have I seen a process so powerful and healing in its applications," he says. "The flip side is we have to invest the time. We have years and years of built-up problems. We can't rely on the justice system to heal those conditions."

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