Implementing balanced and restorative justice

Victim • Offender • Community
ACKNOWLEDGMENTS

The Illinois Criminal Justice Information Authority would like to thank the following groups and agencies for their assistance in developing this guide:

The Balanced and Restorative Justice Project, Florida Atlantic University
Community Justice for Youth Institute
Cook County Circuit Court-Juvenile Justice and Child Protection Resource Section
Cook County State's Attorney's Office
Cook County Juvenile Temporary Detention Center
juvenile Court Program - Dane County, Wisconsin
DuPage County Juvenile Detention Center
Illinois Balanced and Restorative Justice Initiative

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This project was supported by grant #04-JB-BX-0055 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, and grant #01-JB-BX-0017G awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions contained within this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.
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Foreword

Created in 1983, the Illinois Criminal Justice Information Authority is a state agency dedicated to improving the administration of criminal justice. The Authority works to enhance the information tools and management resources of state and local agencies, and it serves as a statewide forum for criminal justice coordination, planning and problem solving. It is also responsible for research, information systems development, and administration of federal funds. The Authority’s specific powers and duties are spelled out in the Illinois Criminal Justice Information Act [20 ILCS 3930].

ICJIA supports the use of balanced and restorative justice (BARJ) in Illinois’ juvenile justice system in accordance with the state’s policy on BARJ as outlined in the Juvenile Court Act. In recent years, the agency has made BARJ a research and funding priority. In 2003, the Authority sponsored a statewide BARJ summit attended by juvenile justice professionals across Illinois. The goal of the summit was to develop a statewide strategy to systematically implement BARJ-based programs and principles for juveniles throughout the state.

Summit participants identified several needs to aid them in the implementation of BARJ principles. One need was continuing education on programmatic applications of the BARJ philosophy. This led to a conference in March 2005 entitled, “Juvenile justice in Illinois: Implementing restorative justice in your community.” ICJIA also sponsored six intensive restorative justice training sessions for juvenile justice practitioners throughout Illinois in late 2005.

The Authority created this series of BARJ implementation guides to provide profession-specific information on how the BARJ philosophy could be used across the juvenile justice system. For more information about BARJ, visit the Authority’s website at www.icjia.state.il.us.
About this guide

This publication is one in a series of guides designed to assist in the statewide promotion of balanced and restorative justice. BARJ is a philosophy of justice that can guide the work of individuals who deal with juvenile offenders, their victims, and the communities in which they live.

The goals of this guide are to:

- Promote compliance among those working in juvenile justice in Illinois with the state’s policy on BARJ outlined in the Juvenile Court Act.
- Improve the response to juvenile conflict and crime by increasing the knowledge and understanding of BARJ by juvenile justice professionals, agencies, communities and their members.
- Offer strategies, programs, and practices that incorporate the values and principles of BARJ.

Implementing balanced and restorative justice: A guide for juvenile detention is specifically designed to provide Illinois juvenile temporary detention centers with practical strategies to use BARJ in their daily activities. A variety of juvenile justice practitioners provided guidance during the development of this guide to make it applicable to those working in detention facilities.
Balanced and restorative justice

Restorative justice is a philosophy based on a set of principles that guide the response to conflict or harm. Restorative justice principles can guide responses to conflicts in many settings, not just those caused by a violation of law. The balanced and restorative justice model was a concept developed in part by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in order to make the philosophy of restorative justice applicable to the modern U.S. justice system. BARJ uses restorative justice principles to balance the needs of three parties—those identified as offenders or law violators, the crime victim, and the affected community.

Principles of restorative justice

The principles of restorative justice are:

- Crime is injury.
- Crime harms individual victims, communities, and offenders, and creates an obligation to address that harm.
- All parties should have an opportunity to respond to the crime, including victims, the community, and the offender.
- The victim’s perspective is central in deciding how the harm should be repaired.
- Accountability for the offender means accepting responsibility and acting to repair the harm done.
- The community is responsible for the well-being of its members, including both victim and offender.
- All human beings have dignity and worth.
- Restoration, repairing the harm, and rebuilding community relationships is the primary goal of restorative justice.
- Results are measured by how much repair was done rather than how much punishment was handed out.
- A high degree of crime control cannot be achieved without active community involvement.
- The justice process is respectful of age, abilities, sexual orientation, family status, and diverse cultures and backgrounds, whether racial, ethnic, geographic, religious, economic, or other. All are given equal protection and due process.

BARJ is not a program, but a philosophy with a coherent set of values and principles to guide the administration of justice.

BARJ is not a program, but a philosophy with a coherent set of values and principles to guide the administration of justice. The programs described in this guide are based on the philosophy of BARJ and will be referred to as “BARJ programs.” Although BARJ can also be applied to adult offenders, it has gained a wider acceptance in Illinois for use with youth in the juvenile justice system.
BARJ’s three main goals include:

- **Accountability.** BARJ strategies provide opportunities for offenders to be accountable to those they have harmed and enable them to repair the harm they caused to the extent possible.

- **Community safety.** BARJ recognizes the need to keep the community safe. Community safety can be accomplished through BARJ strategies by building relationships and empowering the community to take responsibility for the well-being of its members.

- **Competency development.** BARJ seeks to increase the pro-social skills of offenders. Addressing the factors that lead youth to engage in delinquent behavior and building on the strengths evident in each youth increases their competencies.

BARJ recognizes three parties with an important role and stake in the justice process: **victims, offenders, and communities.**

Crime is viewed as harm to individuals and communities, rather than merely a violation of state laws. As a result, the administration of justice is guided not only by the interests of the state, but also the interests of victims and community members. A crime may produce a clear victim, an individual who was directly harmed, or victims who were harmed indirectly. For example, drug crimes may appear to have no clear victim, but families and communities are very much affected when one of their members abuses drugs. The involvement of both direct and indirect victims of crime is necessary in the justice process for offenders to gain a better understanding of the harm they have caused and learn empathy for others.

The BARJ philosophy differs from the dominant justice philosophies of retribution and rehabilitation. Retribution reacts to an offense through punishment, while rehabilitation seeks to improve the individual offender through treatment. In both philosophies, offenders remain relatively passive and are not expected to accept responsibility for their crimes. In fact, retributive and rehabilitative justice systems may encourage offenders to deny responsibility, due in part to the adversarial processes involved in the determination of guilt and appropriate punishment.

Many criminal justice professionals have embraced the BARJ philosophy due to the limitations evident in the absence of accepting responsibility and the exclusion of victims and community members from the justice process. Many BARJ principles and practices enhance the juvenile justice system. Many BARJ-based practices do not, or cannot, apply in all cases. But when the conditions are right for BARJ implementation, better outcomes can be seen for victims, offender, communities, and the juvenile justice system. There is a possible restorative response to any harm or crime, even if the offender is incarcerated.

BARJ has been implemented all over the world, but most extensively in Western Europe, New Zealand, and Canada. Nationally, BARJ has been endorsed by the U.S. Department of Justice through the Office of Juvenile Justice and Delinquency Prevention, which has funded the National Balanced and Restorative Justice Project since 1993. Housed at Florida Atlantic University, the BARJ Project provides training and technical assistance and develops a variety of materials to inform policy and practice related to balanced approach and restorative justice. *(See Appendix for contact information.)*
As of March 2005, at least 16 states included balanced and restorative justice in the purpose clauses of their juvenile courts. In 1998, Illinois’ Juvenile Court Act was revised to include a purpose and policy statement adopting BARJ for all juvenile delinquency cases. Many jurisdictions in Illinois are operating BARJ-based programs and practices and numerous state and local initiatives promote BARJ. The Office of Juvenile Justice and Delinquency Prevention’s Desktop Guide to Good Juvenile Detention Practice acknowledges the value of applying BARJ principles. The guide states that BARJ has led to “a balanced approach to juvenile justice that is inclusive rather than exclusive of effective concepts, programs, and ideas, and that recognizes the holistic nature of delinquency prevention by placing a greater emphasis on the family, community, meaningful employment, and aftercare services.” Juvenile detention facilities that apply BARJ concepts provide continuity to a juvenile justice system guided by the philosophy.

**Benefits of balanced and restorative justice**

The goals of juvenile detention facilities are consistent with the BARJ goals of the larger juvenile justice system. Figure 1 outlines the roles of juvenile justice system professionals, including detention center staff and administrators, in the facilitation of BARJ.

Research has shown that BARJ:

- Offers a more cost-effective means to handle crime over the traditional court system.
- Reduces recidivism rates.

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1. Facilitate mediation.
2. Ensure restoration.
3. Develop creative and restorative community service options.
4. Educate community members on their potential role and engage them in BARJ-based practices.

1. Develop ways for young offenders to increase competency.
2. Assess and build on youth and community strengths.
3. Develop community partnerships.

1. Develop incentives and consequences to ensure compliance with supervision objectives.
2. Assist school and family efforts to handle and maintain offenders in the community.
3. Develop prevention capacity of local organizations.

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**Figure 1: The role of juvenile justice system professionals in the facilitation of balanced and restorative justice**

| Accountability | 1) Facilitate mediation.  
|                | 2) Ensure restoration.  
|                | 3) Develop creative and restorative community service options.  
|                | 4) Educate community members on their potential role and engage them in BARJ-based practices.  |
| Competency development | 1) Develop ways for young offenders to increase competency.  
|                        | 2) Assess and build on youth and community strengths.  
|                        | 3) Develop community partnerships.  |
| Community safety | 1) Develop incentives and consequences to ensure compliance with supervision objectives.  
|                  | 2) Assist school and family efforts to handle and maintain offenders in the community.  
|                  | 3) Develop prevention capacity of local organizations.  |

• Increases satisfaction of victims and offenders with the justice system.
• Improves competencies of offenders.
• Increases completion of restitution agreements.
• Lessens the fear felt by victims of crime.
• Increases community involvement.
• Provides individualized attention and services for offenders and their victims.

BARJ also offers specific benefits to juvenile detention professionals. BARJ:
• Helps youth gain and express empathy and build competencies.
• Gives detained youth an opportunity to be part of the solution to conflict.
• Equips detained youth to re-enter the community and remain crime-free.
• Gives detention staff a larger role in the justice process
• Offers opportunities to involve community members.
• Handles disputes among detention center residents.
• Provides opportunities for victims to share their experiences with detained youth.
Putting balanced and restorative justice into practice

Detention provides temporary custody for juveniles accused of offenses and whom the court believes pose a risk for harming themselves or others and/or are likely to fail to appear in court. Additionally, youth who have been found delinquent could be sentenced to a short-term of detainment or placed in detention for violations of parole. Detention offers to both alleged and post-conviction juvenile offenders a safe and secure environment along with clinical assessment, social services, and programming.

Challenges to implementation

BARJ has been disseminated throughout the juvenile justice system, but it has yet to be incorporated widely in juvenile detention centers. One reason is that most youth in detention have not been convicted of any crime. Many youth in detention are only alleged to be offenders, which prevents the implementation of BARJ practices that focus on working with offenders, their victims, and their communities. Second, it is difficult to allow detained youth, whether they are alleged or convicted offenders, to work in the community, or to bring community members into detention centers. However, in some juvenile detention facilities, staff and administrators believe in the value of BARJ and have begun to incorporate the philosophy in their facilities. These facilities have encountered challenges to BARJ implementation, some of which are addressed below.

Rule enforcement

Juvenile detention centers must remain safe and secure. One way to ensure safety and security is to create and enforce rules by which juvenile residents must abide. BARJ principles can be applied within the context of detention center rules and regulations. BARJ emphasizes a balance of public and facility safety along with accountability and competency development. For example, the response to the breaking of detention center rules can be restorative by addressing what harm was done and to whom, and by providing opportunities to repair the harm.

Short-term detainees

The National Juvenile Detention Association conducted a nationwide survey of detention practitioners. The group found that detained juveniles are typically a community's most troubled, and most troublesome, youth. Detained juveniles may be anxious, withdrawn, aggressive, upset, and hostile toward adults and authority figures. The impact of a juvenile's removal from the community and their family can be traumatic. Detention programs and goals can minimize potential harm of removal from the community and promote reintegration. These efforts can be enhanced when implemented in manner consistent with the principles of BARJ.
Experienced detention workers often establish relationships quickly with detained youth who share important issues and concerns in their lives. Despite that detention staff work with youth for a short time, opportunities exist to reach the BARJ-based juvenile justice system goals of accountability, competency development, and public safety.\textsuperscript{16}

Balanced and restorative justice programming benefits

Well-designed BARJ programs offer a variety of benefits for detained youth and detention staff.\textsuperscript{17} BARJ programs:

\begin{itemize}
  \item Keep youth busy and active.
  \item Provide an opportunity to release emotional and physical tensions.
  \item Offer social situations and activities with rules.
  \item Develop social skills, teach responsibility, and increase confidence.
  \item Foster warm and trusting relationships among staff and residents.
  \item Provide opportunities for interaction among residents.
  \item Teach youth be a part of a team that works together.
\end{itemize}

Some Illinois detention centers have started to incorporate BARJ by allowing youth to perform community service and offering opportunities for victim restoration.
Addressing conflict

A restorative community can be created in a detention center setting when youth learn trust and respect, and have positive relationships with other residents and staff. When appropriate, BARJ-based practices can be used to create this sense of community. By empowering youth and giving them the opportunity to play a significant role in facility problem solving, they can achieve a greater sense of self-worth. When possible, staff should devote less time to making decisions for youth and begin facilitating a process that allows youth to solve problems for themselves. BARJ responses may not be appropriate for every conflict, but they are effective when dealing with minor or persistent issues that arise in detention.

Peacemaking circles

Peacemaking circles bring together parties in conflict to resolve an issue. They also may be applied to formal processes, such as sentencing. A trained facilitator, often called the circle keeper, allows interested parties to share feelings and information related to the conflict or offense. The facilitator may use a talking piece, an object that is passed from person to person indicating that it is that person's turn to speak. By offering opportunities for open and safe communication, these programs resolve conflict, strengthen relationships between participants, emphasize respect and understanding, and empower all parties involved. Circle facilitators, with the permission of detention center administrators, can also invite family and community members to participate.

Victim offender mediation programs

A victim offender mediation program can be used within a secure facility to resolve disputes between two residents or among residents and staff. These programs are facilitated by a trained mediator and bring together all affected parties who work on a solution and develop a written agreement on the appropriate response to the conflict. This method can teach youth how to peacefully resolve conflict, resolve misunderstandings, and prevent further conflict.
Incorporating balanced and restorative justice into detention practices

Balanced and restorative justice can be incorporated into detention practices without the implementation of new programs. Adjustments to current practices may make them more restorative. Detention facilities may already incorporate one or more of the core goals of BARJ: public safety, accountability, and competency development. Here are examples of how the goals of BARJ can be achieved in a juvenile detention facility.

**Competency development**

Detained youth often lack self-confidence. Competency development activities can engage detained youth and help them discover hidden talents. Programs should be offered to detained youth early to maximize the value of the time they will spend in detention. Individual strengths, assets, and talents should be the focus of competency development programs, which often include sports, recreation, service, mentoring, job training, and teen parent support.

**Community involvement**

Community service opportunities can be provided in a detention facility, but should be voluntary for juveniles who have not been adjudicated delinquent. Ideally, these opportunities take into account the strengths, interests, and skills of the youth leading to increased competencies. Community service activities within a facility may include helping civic organizations with mass mailings; attending CPR and first aid certification classes; and creating art and craft projects for senior citizen centers, nursing homes, and municipal buildings.

Detention facilities should also, when appropriate, allow community members the opportunity to volunteer to work with youth inside the detention facility. Community member volunteers can offer mentoring, recreation, counseling, education, and tutoring. Community members also may participate in a circle process, along with family members of detainees, in an effort to support the youths’ return to their community. Providing youth with community support is a critical part of re-entry.

**Victimization**

Ideally, victims participate in BARJ-based programming, but because most detained youth have not been convicted of an offense, victim participation is not an option. However, detention centers can offer education on BARJ that focuses on empathy, responsibility, and conflict resolution, and illustrate these concepts by involving crime victims. For example, victim impact panels and victim impact statements allow victims to share their experiences and the far-reaching impact of crime.

Mothers Against Drunk Driving held the first victim impact panel in 1982. Victim impact panels allow crime victims to share their experiences and impact of crime with offenders. These panels allow victims to talk with groups often made up of offenders of similar crimes when it might be too difficult or impossible for them to talk with their own offenders. This process also allows individuals and offenders to gain empathy and learn the impact of their actions, even though they are not dealing directly with those whom they have harmed.

Victims may provide written statements in lieu of meeting with an offender. The statements share the effect of the crime. The first use of impact statements in the U.S. was in 1976 by the probation department in Fresno County, Calif., which used them to guide sentencing in court.
Detention centers can offer education on BARJ that focuses on empathy, responsibility, and conflict resolution, and illustrate these concepts by involving crime victims.

Many youth who end up in detention are victims themselves and can use these opportunities to discuss their own feelings of victimization.

Victim impact statements are typically used post-conviction and pre-sentencing, but can also be used in detention. A facilitator can read a statement written by the victim that describes the harm caused by the offender. Many youth in detention are victims themselves and can use these opportunities to discuss their own feelings of victimization.

**Implementation**

Certain conditions promote the implementation of BARJ in a juvenile detention center. They include:

- A common BARJ mission, the collective understanding by staff of BARJ goals, and clear expectations of juveniles.
- Respect for diversity, the use of the diverse strengths of staff and youth and acknowledgment that there are many different ways to achieve the same goals.
- An individual commitment, the belief that individually one can make a difference.
- A commitment to one another, the creation of a supportive environment in which successes are celebrated, accomplishments are built upon, and communication is fostered.

There are several steps to developing detention-based BARJ practices. They include:

- Promoting an understanding of BARJ.
- Identifying stakeholders and partners.
- Conducting needs and BARJ assessment in the facility.
- Establishing an action plan.
- Monitoring and evaluating the implementation of the action plan.
- Building community partnerships.
- Finding ways to obtain funding and resources.
- Managing problems, conflicts, and barriers.
Conclusion

The juvenile justice system has been criticized for failing to be responsive to victims and the communities it serves. Many citizens fear juveniles who return to the community from detention facilities. Traditional justice processes encourage community residents to leave the issue of justice to the professionals. But crime affects all members of society, and involvement of local citizens can be vital to the reduction of crime. In *Crime Shame and Reintegration*, John Braithwaite writes, “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.”22 BARJ is able to provide a framework for involving all parties affected by crime in the justice process and has the potential to build societies like those Braithwaite describes. BARJ can also be used in detention to build a more peaceful environment and aid in the transition of juveniles back into their communities.

Restorative justice is a trend both nationally and internationally. Over the past decade, states have implemented BARJ-based practices and programs and have adopted BARJ-based policies for juvenile justice. The U.S. Office of Juvenile Justice and Delinquency Prevention endorses BARJ, and Illinois adopted BARJ as its purpose and policy for responding to juvenile delinquency. This philosophy can guide the work of detention professionals and aid in the administration of justice. Research shows that BARJ-based programming is associated with high satisfaction with the juvenile justice system and low recidivism rates.

This guide is intended to further the knowledge, understanding, and practice of balanced and restorative justice. Agencies are encouraged to move toward a restorative juvenile justice system by using the philosophy of BARJ and the practices and programs described in this guide. The BARJ-based strategies implemented should be geared toward the needs of the community and its individual victims, offenders, and citizens.
Notes

1 705 ILCS 405/5-101.

2 This philosophy is based on practices used in indigenous cultures and religious groups for centuries.

3 The concept and term balanced and restorative justice was developed by the Balanced and Restorative Justice Project, funded by the Office of Juvenile Justice and Delinquency Prevention. The project sought to make the concepts of restorative justice applicable to the modern justice system and its professionals.


12 Ibid., 1.


Appendix

The inclusion of resources in this appendix does not indicate an endorsement of any agency, program, service, or individual. This appendix is intended to provide a broad range of resources for information on balanced and restorative justice.

**Illinois resources**

**Local resources**
Ford County Family Group
Conferencing Program
Contact: Cassy Taylor Morris
Restorative Justice Coordinator
Ford County Court Services
200 W. State St.
Paxton, IL 60957
Phone: 217-379-2221
E-mail: cmorris@fordcountycourthouse.com

Champaign County Victim Offender Reconciliation Program
Contact: Mark Krug
Court Diversion Services
Champaign County Regional Planning Commission
1776 E. Washington St.
Urbana, IL 61802-4578
Phone: 217-328-3313
E-mail: mkrug@ccrpc.org

Community Panels for Youth
Contact: Robert Spicer
Community Justice for Youth Institute
10 W. 35th St., Suite 9C 4-1
Chicago, IL 60616-3717
Phone: 773-842-4987
E-mail:rspicer@ccrp.org

Cook County Juvenile Detention Center
Contacts: Anna Greanias-Wright, Special Programs Coordinator
Jerry Robinson, Superintendent
1100 S. Hamilton Ave.
Chicago, IL 60612
Phone: 312-433-7102
Fax: 312-433-6644

DuPage County Juvenile Detention Center
Contact: Bernard Glos, Ph.D., Superintendent
420 N. County Farm Rd.
Wheaton, IL 60187
Phone: 630-407-2523

Macon County Teen Court
Contact: David Kidd, Coordinator
253 E. Wood St., 4th floor
Decatur, IL 62523-1483
Phone: 217-424-1400
E-mail: dkidd723@hotmail.com

**Statewide resources**
Illinois Balanced and Restorative Justice Initiative/Illinois Balanced and Restorative Justice Project
Contact: Sally Wolf
361 N. Railroad Ave.
Paxton, IL 60957
Phone: 217-379-4939
E-mail: SallyWolf@illicom.net

**Other resources**
The Balanced and Restorative Justice Project
Florida Atlantic University
111 E. Las Olas Blvd.
Askew Tower, Suite 613
Ft. Lauderdale FL 33304
Phone: 954-762-5668
E-mail: odixon@fau.edu
Website: www.barjproject.org

Center for Restorative Justice and Peacemaking
School of Social Work
University of Minnesota
1404 Gortner Ave., 105 Peters Hall
St. Paul, MN 55108-6160
Phone: 612-624-4923
E-mail: rip@che.umn.edu
Website: http://rjp.umn.edu/

The inclusion of resources in this appendix does not indicate an endorsement of any agency, program, service, or individual. This appendix is intended to provide a broad range of resources for information on balanced and restorative justice.
Dane County Juvenile Court Program
Contact: Jim Moeser, Juvenile Court Administrator
210 ML King Jr. Blvd., Room 303
Madison, WI 53703
Phone: 608-266-9130
Fax: 608-267-4160
E-mail: moeser.james@co.dane.wi.us

International Institute for Restorative Practices
P.O. Box 229
Bethlehem, PA 18016
Phone: 610-807-9221
E-mail: info@restorativepractices.org
Website: www.iirp.org

National Juvenile Justice Prosecution Center
at the American Prosecutors Research Institute
Contact: Stephanie Muller, Victim Advocate
99 Canal Center Plaza, Suite 510
Alexandria, VA 22314
Phone: 703-518-4398
Fax: 703-836-3195
E-mail: stephanie.muller@ndaa-apri.org
Website: www.ndaa-apri.org/apri/

National Youth Court Center
c/o American Probation and Parole Association
P.O. Box 11910
Lexington, KY 40578-1910
Phone: 859-244-8193
E-mail: nycc@csg.org
Website: www.youthcourt.net
Youth website: www.ycyouth.net

Restorative Justice Online
Prison Fellowship International Centre
for Justice and Reconciliation
P.O. Box 17434
Washington, DC 20041
Phone: 703-481-0000
E-mail: rjonline@pfi.org
Website: www.restorativejustice.org