

Juvenile Accountability Conferencing: A Child of Restorative Justice

Linda Burns, Tri-County Mediation Center

*From a session presented at
"Dreaming of a New Reality," the Third International Conference on Conferencing,
Circles and other Restorative Practices, August 8-10, 2002, Minneapolis, Minnesota*

BACKGROUND

In April of 2001, The Montgomery County Probation Department received a Juvenile Justice Grant from the NYS Division of Criminal Justice Services. This reflects Montgomery County Probations redesign of their entire approach to working with juveniles utilizing the philosophy of Restorative Justice and the Balanced Approach. Previously, a key component was missing in their program, accountability.

The grant target populations are juveniles, between the age of 10 to 15 who have committed an act of delinquency. Although this program is primarily an intake program, a small number if deemed appropriate are referred post-adjudication. Cases deemed inappropriate are: sex offenders, serious assault, and evidence of serious mental health issues.

The grant goals are as follows.

1. To provide a key accountability component to the existing juvenile service.
2. Through the conferencing, the juvenile will be encouraged to take personal responsibility for their actions by meeting face to face with the victim.
3. Give the juvenile an opportunity to repair the harm they have done.
4. Increase and promote a sense of community, thus helping the juvenile to reintegrate into the community and also strengthen their community ties.
5. Reduce recidivism rate ***To date of the conferences that have been held, 100% of the juveniles have not re-offended although it is way too so to know of the long term effect.
6. Make restitution and community service victim specific when possible.
7. Provide answers and closure for the victims. **To date, 57% of the victims have conferred.

SPECIFICS

In order to implement this program, Montgomery County Probation Department partnered with The Tri-County Mediation Center. This working partnership has been beneficial to both with each supplying an essential element to the program.

I was hired by Tri-County Mediation Center as a part time program coordinator and facilitator to help implement the program.

When a referral is received from Probation, an introductory letter, including a pamphlet, is sent to both the offender and victim. This letter is followed up by a phone call one week later. The main purpose of the call is to get an appointment to explain in person the purpose of the program and the conference process. The victim is reassured that agreeing to a pre-conference in no way obligates them to actually conference. The meeting is scheduled for a time and place convenient for the victim.

At this meeting, the benefits of the conference process is explained in detail. The victim is encouraged to tell their story. They are asked to explain the consequences to them because of the offense. If the victim is willing to participate, the whole process is then discussed. They are told in detail the questions that will be asked by the facilitator during the conference. Any expectations and concerns the victim has are uncovered and explored. The victims are then asked to be thinking about what they would like to come out of the conference. The victim is asked to think about restitution. It is mentioned that restitution is sometimes in the form of community service, but can be victim specific. It is stressed that the victim focus on the offense not the offenders. The victim is also encouraged to think about questions they would like to ask the offender. Two or three dates are then chosen by the victim for the actual conference. The importance of bringing supporters is discussed and if there are to be any, their names, phone numbers and addresses are obtained. The victim is reassured throughout this pre-conference that they will be safe and that the whole process is confidential.

The supporters are sent a letter including a pamphlet, confirming their attendance and explaining their role. This letter is followed up by a phone call and perhaps a personal visit.

The same is done for the offender and his/her supporters. It is explained to the offender that this is an opportunity to make things right. A little brainstorming is done on ways the offender might do this. The offender is reassured they will be safe and that the process is confidential.

The importance of the agreement, should one be reached, is stressed to all parties.

Probation is always represented at these conferences and plays a vital role.

CONFERENCE

There are several goals of the conference. Primary is too provide the accountability factor for the juvenile. Learning the human consequences of the crime and meeting with the victim face-to-face certainly encourages this. Equally important is to give the victim closure. The conference provides a safe, neutral environment which will encourage healing communication. Healing is also begun by allowing the victims to express directly to the offender how the crime has affected them and their family.

Giving offenders the opportunity to explain the circumstances that led up to the crime and their consequences allows the victim to see the offender as a human not a monster.

Seeing first hand the distress, sadness, and remorse parents, grandparents and supporters of the offender feel, has a profound impact on both the offender and the victim.

All parties are encouraged to ask questions of each other.

Restitution is always brought up by the facilitator if not by the victim. This is done by the facilitator asking the victim near the end of the conference what they would like to come out of the conference.

The facilitator has a script for the conference. This may not be followed in order, but it is very important that all questions be asked. The facilitator encourages feelings be expressed and explored.

The restitution is approved by probation before the agreement is written. This is important because probation then takes ownership in overseeing that the restitution happens.

The agreement is written, everyone at the table signs and receives a copy. Probations copy becomes part of the offenders file and helps to complete their obligation to probation.

EXPERIENCES

As I mentioned before, 43% of the victims have refused to conference. One victim I deemed inappropriate, he was still too angry.

When the crime is youth against youth, I have yet to find a youthful victim willing to take part in the conference. It is not unusual for the parents to be eager to conference, but not the youth. Most young victims are afraid of retaliation, either by the offender or a group of the offenders friends. Some of the parents have refused the conference for the same reason. To be honest, I understand their concern and there certainly is no way I or probation could guarantee their safety. Other victims do not see a personal benefit because the offense was so minor or restitution has already been made.

One surprise I have had is the unwillingness of the local middle school to participate in the program. Also, teachers at the same school. There was a very appropriate case where the teacher was being harassed out in the community by a young offender. He flatly refused to have anything to do with the program. It concerns me that a school system is so unwilling, when I believe they should have the best interest of the child in mind at all times. My sense of the attitude is that these students are the enemy.

Wal-Mart and Fashion Bug have both refused to participate, another surprise.

However, every other store, or convenience store has participated, even paying the appropriate representative to participate. To a letter, every victim that has participated has done it with the hope of making a difference to the youth. Here is a list of the victim participants:

Stewart Shops, Quick way, Nice and Easy, Hannaford, City of Amsterdam, Village of Ft. Plain, a local cemetery, Priest, Postmaster, and of course, private citizens.

It has been a wonderful experience for me as the facilitator. Every conference has been powerful in its own way. And, I have grown so much from my experiences. I have survived a direct verbal attack by a mother of an offender. I have witnessed first hand how important or destructive the home environment can be. I have facilitated a conference where an offender that was totally uncooperative refusing to utter a word. I have dealt with everyone's tears and of course watched the healing process. I have had many victims tell me after the conference how great it was and express hope that they have helped the youth.

One conference in particular I would like to share with you. The crime involved vandalism of nine victims property. The victim who did agree to conference was an older lady, disabled and pretty much house bound. When I called her to set up the pre-conference appointment, she agreed saying she doubted she would do it but was willing to listen to me. She was very angry.

At the pre-conference, she vented for over two hours. Eventually she calmed down and we discussed the process and the benefits. She agreed to participate.

When she sat down at the table for the conference, she eyed the boy and stated, "I will treat you respectfully because Linda explained that was how the conference was to be done, but I am very angry."

She was a very articulate victim. She calmly explained how devastating the vandalism had been to her, how she had no money to replace the items, how one of the things the kids took was her medicine and it had been

difficult for her to obtain a new prescription because she had no transportation.

She stated she had thought a lot about the restitution and decided she wanted labor. She explained that money meant nothing because it could come from the parents. So, in lieu of money, she asked that he come to her house, supervised, and wash the outside of her windows, 18 in all. Everyone agreed this was appropriate restitution.

A few days after the window washing was complete, she called me. She was thrilled with the conferencing process. She was glad she had gotten to know the boy and "I really like him. I invited him to come back."

The Juvenile Accountability Conference is a wonderful program. Like any other process, it is perhaps not perfect, but when it works, it really works.