



The Role of Restorative Justice in Teen Courts: A Preliminary Look

By Tracy M. Godwin

Introduction

The American Probation and Parole Association convened a focus group in March 2000 to examine and discuss the role of restorative justice in teen court programs, also commonly called youth courts and peer courts. There has been considerable debate and discussion over the past several years as to whether and how teen courts can incorporate restorative justice principles into their practices. However, the meeting in March represented the first discussion focused exclusively on the subject.

A panel consisting of persons working actively in teen court programs and persons working actively in more traditional restorative justice-based programs was brought together for the two-day meeting. The focus group generated a dynamic discussion of issues based on guiding questions identified in the *Guide for Implementing the Balanced and Restorative Justice Model* (Pranis, 1998). It is impossible to describe the magnitude of information that was generated by the process within the constraints of this paper. However, this paper will address the key issues that serve as a promising foundation from which teen courts can begin to move toward integrating more restorative justice-based practices within their programs.

Overview of Restorative Justice Principles

Before discussing how teen courts can become more restorative in nature, it is important to understand some of the overall principles and goals of restorative justice. There are numerous articles and books devoted to describing the restorative justice model. Therefore, this paper will provide a brief synopsis of the concept as opposed to an exhaustive description. A brief list of suggested supplemental resources on restorative justice may be found at the conclusion of this paper.

Background

Restorative justice outlines an alternative philosophy for addressing crime. When viewed from a restorative lens, crime is a violation of people and relationships – the relationships between the offender and his or her family, friends, victims, and the community – as opposed to merely an act against the state (Zehr, 1990). In essence, restorative justice focuses on repairing harm and rebuilding relationships through a process that involves stakeholders in an active and respectful way, while emphasizing the community's role in problem solving. From a practical perspective, it requires the juvenile justice

system to respond to crime by devoting attention to (Zehr, 1990; Pranis, 1998; Maloney, Romig, and Armstrong, 1998; Bazemore, 2000):

- Enabling offenders to understand the harm caused by their behavior and to make amends to their victims and communities.
- Building on offenders' strengths and increasing offenders' competencies.
- Giving victims an opportunity to participate in justice processes.
- Protecting the public through a process in which the individual victims, the community, and offenders are all active stakeholders.

Stakeholders and Goals of Restorative Justice

There are three primary stakeholders and three primary goals of restorative justice. Primary stakeholders are victims, offenders, and the community. Goals of restorative justice include accountability, competency development, and community protection. The role that these stakeholders take within restorative justice framework and the manner in which these goals are achieved differ slightly in practice among programs.

The emphasis on victims' roles in restorative justice is about choice. Restorative justice cannot exist without giving victims the opportunity to participate in the justice process and making every effort to respond to their needs and desire for participation. The level of their participation may vary (e.g., providing written impact statements, providing oral testimony of the impact of the crime, participating in victim offender mediation, giving their suggestions related to sentencing, etc.).

In restorative justice, the emphasis for offenders is on change. The goal is to hold offenders accountable by providing opportunities for them to understand the effect their actions have on others and to assist the offenders in enhancing and developing skills that will make them more productive and competent citizens by identifying and building on their strengths. Competency development is fundamentally about changing the role of the offender from passive recipient of services to an active role that allows him or her to be a resource to others (personal communication, G. Bazemore, March 4, 2000).

For the community, the emphasis in restorative justice is on bonding and building relationships. Communities are also victims of crime. Certainly, the juvenile justice system has a responsibility to protect the public from juveniles in the system (Pranis, 1998).



The development of this report was supported by the National Highway Traffic Safety Administration, U.S. Department of Transportation (Grant Number DTNH-22-Z-05212). The report was published by the National Youth Court Center at the American Probation and Parole Association with support from the Office of Juvenile Justice and Delinquency Prevention, Juvenile Accountability Incentive Block Grant Program (Cooperative Agreement Number 1999-II-VX-K001). Points of view or opinions in this document are those of the author and focus group members and do not necessarily represent the official position or policies of the U.S. Department of Justice or the U.S. Department of Transportation.

However, restorative justice also places some of the responsibility for offender reintegration onto the community itself. Communities need to offer opportunities for juvenile offenders to be held accountable for their actions (including educating youth on the effect of crime on the community), while at the same time giving them the chance to connect and contribute to their communities and establish or rebuild broken relationships.

Principles of Restorative Justice

It is important to understand that restorative justice is not a program. Essentially, restorative justice is a set of principles that can be applied to any program or practice. Some key principles that serve as part of a foundation of restorative justice-based practices include (Pranis, 1998; Bazemore, 2000; Zehr, 1990; Van Ness and Strong, 1997 as cited in Bazemore, 2000):

- **Repair:** Crime results in harm to individual victims, communities, and juvenile offenders and creates an obligation to make things right. Essentially, justice requires healing or repairing harm and rebuilding broken relationships.
- **Involvement:** All parties, including the victim (if he or she wishes), the community, and the juvenile offender should be provided with opportunities for input and participation in the justice process.
- **Justice System Facilitation:** Repairing harm requires that the respective roles of government and community be rethought in terms of how to respond to crime. In other words, restorative

justice-based practices change the role of the justice system from being an “expert” in a case-driven response to crime toward the justice system acting in a facilitative role that focuses more on problem-solving and community capacity-building.

Moving Toward Restorative Justice in Teen Courts

Moving teen courts toward restorative justice-based practices is an ongoing process. There is no single “right way” to implement the restorative justice concept. How the principles are implemented will vary based on local resources, traditions, and cultures. All teen court program models (i.e., adult judge, youth judge, youth tribunal, and peer jury) have the potential to incorporate restorative justice-based practices if staff and program organizers are flexible and open to new ideas related to program policies, procedures, and practices.

It is safe to say that no teen court is fully restorative in nature, and may never be, due to some of the practices and philosophies that define a teen court. However, programs can definitely be more restorative than they are currently. Change is slow and is a learning process. Program staff and organizers who decide to move toward more restorative justice-based practices will need to constantly assess and reassess where they are in the application of restorative justice principles and adjust practices accordingly. While it may be easier to implement restorative justice concepts as a program is being developed, there are ways to build on strengths of an existing teen court program to make it more restorative. Restorative justice principles can affect all aspects of a teen court’s processes (see Table 1 for some examples).

Table 1

Less Restorative	More Restorative
Focus on law-breaking.	Focus on harm.
Focus on punishment.	Focus on repair.
Emphasis in hearings focused on testimony, procedure, and evidence.	Emphasis in hearings includes an increased focus on dialogue and understanding.
Options for victim involvement are limited and constrained.	Options for victim involvement are varied and respect victims’ choice.
Service options for offenders are limited and focus more on completion of tasks.	Service options for offenders are varied and related to their strengths, and benefit the community.
Sentences are based on pre-determined factors related solely to the nature of the offense.	Sentences are individualized, based on guidelines that incorporate the desires of the victim(s), the needs and abilities of the offender(s), and the needs of the community.
Outcomes may increase the distance or further separate offenders from the community.	Outcomes strengthen the relationship between offenders and the community.
Program based on procedure.	Program based on principles.
Training of teen court participants is focused on teen court operations and courtroom procedure.	Training of teen court participants includes broader issues related to conflict resolution, community involvement, and problem solving skills.

(personal communication, J. Moeser, January 15, 2001)

Developing a Plan

From a practical perspective, there are three questions that restorative justice asks that can serve as cornerstones for structuring the development and implementation of more restorative practices in teen court:

1. What is the harm that was created by the teen court respondent's behavior?
2. What needs to be done to repair the harm?
3. Who is responsible for repairing the harm?

The major difference between the current philosophy of many teen courts and what the restorative justice philosophy demands is the view of the goal of teen court as responding to a crime or problem behavior by punishing the juvenile, as compared to a focus on the harm that was created by the crime or problem behavior and assisting the juvenile in making amends for their behavior and the resulting harm. There also needs to be an emphasis on helping the young person rebuild relationships to others (e.g., family, friends, victims, community) that have been damaged as the result of the crime or problem behavior. This is a crucial distinction (i.e., punishment v. reparation) that teen court program staff and organizers must make to be successful in moving toward restorative justice-based practices.

The implications of this shift in program philosophy is significant and the ways in which teen court practices can be augmented or implemented to support this philosophical shift are numerous. However, there needs to be a starting point from which movement toward more restorative justice-based practices can grow. To begin the process, staff and program organizers should consider the following three key concepts:

- Teen courts need to increase and rethink the role of victims and community in the programs' practices and operations.
- Teen courts need to alter the focus of teen court hearing proceedings from punishment to restoration.
- Teen courts need to rethink or augment the types of sentencing options available.

Rethink Role of Victims and Community

The Victims Role

The role that victims play in teen courts, if any, varies quite considerably among programs. For restorative justice principles to be integrated, teen courts' policies and procedures related to crime victims will have to be reconsidered and, in many programs, changed. As the earlier discussion indicated, in restorative justice victims are a key stakeholder and must have a choice as to whether they want to participate in the program or not. Therefore, teen courts that do not allow victims the opportunity to participate are neglecting a primary stakeholder of the program. Without making a provision for victim input and involvement, implementation of restorative justice-based practices is impossible.

At a minimum, teen courts can offer victims an opportunity to provide information on the impact the respondent's actions have had on them. Impact information should then be imparted during the hearing through the questioning process with the goal being to increase the respondent's awareness of the effect of their actions.

Programs should have various options available for obtaining and reporting impact information. For example, impact information can

be obtained through written, oral or electronic means (e.g., audio or videotape), chosen to suit the comfort of the individual victim. Teen courts need to create a victim impact statement that victims can complete which describes the effect (physical, emotional, and financial) the teen court respondents' behavior or crime had on them and asks the victim what s/he needs to have the harm repaired or for amends to be made. The recitation of victim impact information should be added to the teen court courtroom protocol or script. Victims also should be allowed to testify in teen court hearings, if they so choose. This option will increase the time needed to conduct hearings; however, if the goal of the hearing is to discover the harm caused by the respondent's actions and get information on how that harm can be repaired, victim input is essential.

Remember, victims should have a choice as to whether they wish to participate. There will be times when a victim will choose not to be involved. However, the impact information is still important to the respondent's understanding of the effect his or her actions have had on another human being. In cases where the actual victim does not want to participate, programs can implement a process by which a surrogate victim (e.g., youth or adult volunteer) provides impact information.

Beyond establishing a process for soliciting and providing impact information in hearings and obtaining victim involvement, meeting victim needs in teen courts lends itself to a little more creative thought. Some ideas include:

- Make victims feel comfortable when they attend teen court hearings. Like teen court respondents, victims need support before, during, and after the hearing. One way that teen courts can support victims is by having a youth or adult volunteer serve as a greeter or victim advocate. The advocate's role is to greet the victim when they arrive at the teen court hearing and make sure the victim's questions are answered. They also explain to the victim what the hearing process will be like and assist them in preparing testimony, much like a defense attorney does with the respondent. If possible, have a separate waiting area so that victims do not have wait in the same room with the respondent and his or her family.
- Inform the victim of the teen court's sentence. After the hearing, send a letter that tells them what the disposition was and, if appropriate, share with the victim the rationale of the jury as to why they recommended the particular sentence. Informing the victim when the respondent has completed his/her sentence is also good practice.
- Invite victims to volunteer with the program. Victims can be future surrogate victims, provide training on impact of crime for volunteers, serve on victim impact panels, and/or assist in policy development to help programs become more restorative and responsive to victims' needs. Youth victims can also be invited to serve as youth volunteer attorneys, jurors, or in other teen court roles.
- Invite victims, along with other stakeholders, to the program's recognition banquet at the end of the year.
- Solicit victim satisfaction information. Develop and send a victim satisfaction survey to all victims. Results from these surveys can provide excellent data to use in evaluating how well the program is responding to victims' needs. This information can be shared with funders to show the impact the program is having on a key constituent group.

- With victim and respondent consent, consider victim offender dialogue (i.e., a facilitated face-to-face meeting between the victim and offender to determine a disposition) as an intermediate step to or sentencing option for teen court.

From a restorative justice point of view, if there is a key customer in the justice process, it is the victim. This does not mean that the victim's interests must be adhered to at all costs to the process, but it does mean that there are often decision points in the process in which the victim should be given a significant voice. No matter what direction a program chooses for involving victims, it is important for teen court staff and participants to obtain additional victim-sensitivity and advocacy training. This type of training is often available from local victim advocacy staff working in the criminal/juvenile justice system and/or in the community.

The Community's Role

The community is also an essential stakeholder in restorative justice. Teen courts, by their very nature, are programs that require a significant level of community involvement to function effectively. However, the expanded role of community within the context of restorative justice can further enhance the use of community members in teen court programs. First, the role of community in restorative justice places an emphasis on the community's role in problem solving or on community members helping juvenile offenders reintegrate into the community. To do this, community members need to assume the responsibility for creating meaningful forums and activities that will allow offenders to repair harm and make meaningful and positive contributions to the community in which they reside.

Second, the impact of crime is not limited to the effect it has on individual victims. Effects of crime are far reaching. Many times, youth sent to teen court for sentencing have committed acts in which there is no easily identifiable direct victim, making the community the primary victim. Somehow, the impact of the youth's crime or behavior on the community needs to be articulated and brought out during teen court hearings through the questioning process. Volunteers from the community can assist and help define and describe the impact crime has on the community. This can be accomplished through:

- The development and recitation of written community impact statements in cases where there is no identifiable direct victim or in cases where the victim does not wish to offer their impact information. Depending on the type of crime, youth and/or adult volunteers could be given the responsibility for collecting and preparing community impact statements by talking with business owners in shoplifting cases, neighborhood associations in cases where property was vandalized, school administrators and teachers in school-related incidents, etc.
- Utilization of a youth or adult volunteer to serve as a community advocate whose role is to provide oral testimony on how the youth's acts affected the community.
- Offering offender's parents or other family members, neighbors, etc. the opportunity to provide impact information (e.g., if a teen court is hearing a breaking and entering case, a neighborhood member could be asked to share their feelings about knowing their neighbor's house was broken into and how it affected their sense of safety and security).

Other ideas for facilitating the community role in problem solving include:

- Have representatives from local businesses provide impact statements on the effects of shoplifting to stores and communities. Try to recruit a large number of local business representatives so that individual volunteers only need to appear in teen court periodically.
- Hold teen court hearings in different sites or locations throughout the community. This increases visibility of the program and encourages involvement from more community members – especially those who may have transportation problems – by making the program more accessible and/or convenient for community participation.
- Educate the community about teen court to counteract reluctance or fear of working with teen court respondents. Partner with the media to highlight success stories.
- Invite community people to events that celebrate teen court success.
- Seek out community projects in which the teen court could participate (e.g., teen court volunteers and respondents could assist the local police department in distributing program literature during National Drunk and Drugged Driving Month).
- Host a recognition event for community groups/members involved in the program. The event could be hosted by the youth volunteers.
- Assess community satisfaction with the program and make program improvements and enhancements based on community input.
- Encourage community members to serve as mentors for teen court respondents and volunteers. Mentors can be youth or adult community members.

Alter the Focus of Teen Court Hearings

Early in the focus group discussion it was revealed that one of the most basic issues that prevents some teen courts from incorporating restorative justice principles into their practices is how the teen court, and most importantly its staff and youth volunteers, view the purpose of the teen court hearing. Is the purpose to determine consequences and punishment for the respondent or is the purpose to assist the respondent in repairing the harm caused by his or her actions? Now, some may say, "What's the difference?" However, the subtle difference in these two questions can often mean a world of difference in a program's ability to implement restorative justice principles. If the purpose is to pronounce punishment, for punishment's sake, then who was harmed and how they were harmed may not be relevant. Impact information certainly would not be a priority element to be considered during the hearing and deliberation process. A respondent will get the opportunity to be held accountable for his or her actions by carrying out the tasks outlined in his or her sentence – tasks that may or may not have much meaning to the respondent, victim, or community. However, accountability will not be totally achieved unless the respondent gains an increased awareness and understanding of his or her actions and takes an active role in repairing the harm caused. Punishment alone does not facilitate increased awareness and

offers little opportunity for the respondent to make amends to the victim or the community in a meaningful way.

However, if the purpose of the teen court program is to assist the respondent in repairing the harm created by his or her actions, a decision about the appropriate type of consequence is impossible without information related to the specific and overall effect of that individual's crime or behavior. With this change in focus for the teen court hearing, youth volunteers are still able to delineate a consequence for the respondent's behavior; although, now they also are able to tailor the consequence to the unique circumstances and needs of the respondent, respondent's family, victim, and the community. Youth volunteers also are exposed to a new way of thinking about justice, thus increasing the educational experience that teen courts can provide to them by raising their awareness of the effects of crime and facilitating the development of their empathy toward others.

For this type of shift in the purpose of teen court hearings to take place, it is necessary for staff and program organizers to buy in to this concept of reparation of harm. The following ideas represent some strategies staff and program organizers can employ for making this shift in program focus move beyond rhetoric to practice. It is important to understand that these types of changes can be implemented in any model of teen court if program staff and organizers are flexible in the design and operation of their hearings.

- Volunteer training should stress and constantly reinforce the idea that the purpose of sentencing is to repair harm as opposed to punish.
- Youth volunteers will need to learn strategies for questioning and deliberating that will support this shift in focus.
- Programs will need to structure the hearing and deliberation processes so that appropriate information can be solicited and considered. Strategies for restructuring the hearing and deliberating processes include:
 - Make more time available for hearings and deliberations. This may mean hearing fewer cases in a given teen court session and/or holding court more often.
 - Give volunteer attorneys or jury panels an adequate amount of time to prepare their cases (e.g., question victims and witnesses, discuss the case with the respondent and his/her parent/guardian, review the police report, prepare their questions and opening statements, etc.).
 - Increase or change the type of information made available during the hearings and how information is presented during hearings with a goal of assuring that victim and community impact is received and articulated (e.g., impact statements; oral testimony of victims, community members, and respondent's family members, etc).
 - Train youth volunteers on the types of questions to ask during hearings. To be consistent with restorative justice goals, the sentence recommended by the judge or jury panel needs to have components that will help increase the respondent's understanding of his or her actions; offer opportunities to make amends or appreciate and repair the harm caused; and increase their skills, competencies and ties to the community to enable them to function as more productive citizens. To effectively do this, juries and judge panels must be given information during the hearing through the questioning process that describes the effect the

respondent's behavior has had on his or her family, the victim and/or the community. They also need to hear what understanding the respondent has about the effects of his or her behavior (Godwin, Heward, and Spina, 2000) and, what, if anything, the respondent has done to make amends for his or her behavior. It may be helpful for respondents to be asked what they think they can do to repair the harm.

- Provide youth volunteers with information on how to deliberate effectively and allow enough time for them to work through the deliberation process. The deliberation process is one of the most important components of the teen court hearing – it is where the decision is made on what the most appropriate sentence will be for a respondent. Too often, youth volunteers deliberate by focusing on the sentencing options themselves (e.g., How many community service hours should be given?), as opposed to facts, circumstances, and identifiable harm caused in the case being presented (e.g., What was the harm caused by the respondent's behavior? What type of community service assignment will best educate the youth on what he or she did or give them an opportunity to repair the harm caused by his or her actions? What type of educational class will help the respondent understand more fully the impact his or her actions had on the victim or the community?) Implementing a structured process that focuses on the harm and its repair for jury and judge panels to follow during deliberation will help increase the ability of youth volunteers to make appropriate, constructive, fair, and restorative sentencing recommendations. A seven-step deliberation process that supports restorative justice principles is outlined in Figure 1.

Figure 1

Seven-Step Deliberation Process

1. **Review the rules of the deliberation process.**
2. **Debrief on what was seen and heard during the hearing and review the facts and circumstances of the case.**
3. **Provide an explanation of the harm (i.e., who's been affected by the offense and how).**
4. **Outline the needs of the affected parties (e.g., respondent, respondent's family, victim, community).**
5. **Determine what needs to be done to repair the harm.**
6. **Determine an appropriate sentence that will help meet the needs of the affected parties and reach consensus.**
7. **Provide a written justification on the Verdict Form that explains the rationale for the sentence being imposed. (This justification should be explained to the respondent at the time the sentence is pronounced or during the post-hearing interview with program staff or his or her designee).**

(Godwin, Heward, and Spina, 2000)

- Assess the relevance of sentences given by juries and judge panels to the offenses committed and the needs of victims and the community.

Rethink And Redefine Sentencing Options

Some of the common sentencing options of teen courts, as well as many other programs based on the restorative justice philosophy, include community service, educational workshops, and apologies to victims. The manner in which these sentencing options are designed and currently utilized in teen courts may need to be rethought when viewed within a restorative framework. Sentencing options based on restorative justice principles encompass choices that focus on accountability (i.e., increasing respondents' awareness of the effect of their actions on others and offering them opportunities to repair the harm caused, either directly or indirectly), competency development (i.e., building youths' relationships with caring and positive adults or peers and providing respondents with opportunities to increase their skills and competencies so they are able to function as more productive members of society), and community protection (i.e., increasing youths' skills and ties to the community so they will be less likely to harm the community in the future) [Godwin, Heward, and Spina, 2000]. Designing sentencing options that are based on restorative justice principles helps give juries and judge panels choices that they can use to focus their sentencing recommendations on the harm that was caused, rather than focusing on punishing the respondent for the sake of punishment.

Community Service

Historically, community service has too often revolved around menial assignments, while little attention has been given to the advantages that it can provide by influencing youths' attitudes and providing public benefits (Maloney and Bazemore, 1994; Bazemore and Maloney, 1994). The prevailing attitude that community service should be designed to punish youth and make them suffer is changing gradually. Certainly, if that old attitude prevails, youth will be less likely to develop a healthy and positive view of providing service for their community. Initially, respondents may view their community service work as punitive. However, teen courts that design community service assignments to offer youth a chance to repair harm caused by their actions (directly or indirectly), develop skills, and build ties to the community will be supporting the restorative justice philosophy and may help contribute to youth choosing to avoid delinquent and problem behavior in the future (Godwin, Heward, and Spina, 2000).

In short, community service work should be oriented to community needs and linked with broader community issues. Community service should be constructive and educational – not punitive. Youth should not feel isolated while doing community service; rather, they should feel connected to the community. Whenever possible, programs should strive to have youth and adult volunteers and respondents working together on community projects. View youth as an untapped resource, who if given the appropriate guidance and support can produce positive results and meet community needs.

To facilitate the development of a more meaningful community service component, teen courts should get out into the community, and see what needs to be done, and build and maintain relationships with a variety of community organizations and agencies (e.g., youth serving organizations, victim service providers, neighborhood associations, civic groups). The teen court can check periodically with

these types of groups to see if they need assistance or if they have planned projects with which the teen court can partner. Teen courts should assure that all community service sites are aware and supportive of the program's vision for community service work. Another good practice is to ask victims to recommend community service projects or organizations. Staff can assess the victims' recommendations for suitability as community service sites for youth.

Some examples of community service projects teen courts can plan that are based on restorative justice principles may be found in Figure 2.

Figure 2

Community Service Project Ideas

- **Hold a community car wash.** Youth volunteers and respondents work together at the car wash. Donations are collected for the service being provided and the money is given to a local charity. The youth identify and decide on the local charity that will receive the money.
- **During domestic violence month, teen court respondents can help distribute literature that educates the community on domestic violence issues.**
- **Conduct discussions or educational workshops on timely issues and organize projects around those issues.**
- **Partner with a group who is building a Habitat for Humanity house.**
- **Organize and hold a youth summit.** Have teen court respondents participate and assist in the planning process.
- **Work with a community action or neighborhood group on neighborhood repair (e.g., fixing broken equipment on a playground, park beautification project).**
- **Have youth serve as mentors to younger children (e.g., tutor an elementary school-age child in math, work with younger kids at the YMCA or Boys and Girls Club).**
- **Have youth volunteer at nursing homes and senior citizen centers to promote intergenerational mentoring.**
- **Conduct a neighborhood food drive.** Collect food for local food pantries and serve the food or help distribute the food to needy families.
- **Assist elderly or disabled persons with household projects, snow removal, lawn care, or other services that can help them maintain a productive lifestyle.**
- **Conduct community surveys about the needs of the community, perhaps on behalf of local government planning groups, to help agencies better plan for and meet community needs.**
- **Work with the community or an agency to develop, plant, and maintain a community garden.** Raise vegetables and fruit that can be distributed to needy families or to the elderly.

Educational Workshops

Another aspect to look at in sentencing is in relation to the types of educational workshops and skill-building opportunities offered by the program (either those offered in-house or those to whom youth are referred in other community agencies). To meet competency development goals espoused in restorative justice, educational workshops and projects need to be designed to assist youth in developing skills and in gaining some social capital. This allows the youth to build relationships with others and have an ongoing role in their community based on something of value that they have to offer (personal communication, G. Bazemore, March 4, 2000). Therefore, to move toward restorative justice-based practices in teen court, educational workshops need to reflect competency development goals, as opposed to merely passing on information in a passive format. Youth learn best by doing, so integrating information with activity is more likely to result in long-lasting change.

Apologies

Oral and written apologies to victims are recommended quite often by teen court jurors and judges. However, for an apology to be an effective option when viewed within the restorative justice context, it must be sincere. If the respondent feels and is able to articulate his or her remorse in a sincere and respectful manner, then an apology can be a therapeutic option for offenders and victims. However, an insincere apology extended to a victim may cause more damage to an already sensitive situation or relationship. Also, a critical point to keep in mind when using apologies to victims as a sentencing option is that in restorative justice victim involvement remains a choice on behalf of individual victims. Therefore, victims must be asked if they wish to receive an oral or written apology from the respondent. If they do not wish to receive an apology, then an oral apology to the victim should not be required. A written apology could be ordered regardless of whether the victim wishes to receive it or not. However, if the victim does not want to receive the written apology, it should be placed in the respondent's file.

Additional Sentencing Options

Additional ideas and issues to consider when creating sentencing options for teen courts to support restorative justice goals include:

- Develop victim impact panels and victim awareness classes to educate youth on the effect of crime on victims and build empathy.
- Implement a peer mentoring program or component to strengthen ties between respondents and youth volunteers. Peer mentors can maintain contact with respondents while they are involved in the program to check on the respondent's progress and offer support for continued involvement in programs/projects.
- Implement an adult mentoring component that adheres to adult/youth partnership principles to strengthen ties and build relationships between youth and positive, caring adults.
- Involve victims in recommending the type of restitution/community service that should be made.
- Make provisions for the order and payment of restitution to compensate victims for monetary loss.
- Design community service or service learning projects so that they build on individual respondent's strengths and interests (e.g.,

a youth with musical talent could go to the nursing home and play for the residents).

- Develop options that encourage parental involvement (e.g., invite parents to participate in their child's community service, require or invite parents to participate in educational workshops with their child, ask parents what their needs and concerns are and respond if appropriate and feasible).
- Collaborate and partner with other community agencies that have programs designed to develop skills in youth.
- Look for sentencing options that create opportunities for youth to practice skills (e.g., community service, mentoring, apprenticeships).
- Have respondents return to teen court at the end of the sentence to say what they accomplished and have their achievement recognized and acknowledged by program staff and volunteers.

Developing sentencing options that serve multiple goals is important in a restorative justice approach. Fortunately, there are many activities that simultaneously can serve multiple goals of repairing harm caused, building skills and competencies of respondents, building or enhancing relationships within the community, and engaging others. During deliberations, teen court volunteers should be encouraged to keep these multiple goals in mind and attempt to address as many of them as possible through creative combinations of sentencing options.

Conclusion

This paper presents a preliminary look at how teen court programs can begin moving toward incorporating more restorative justice-based practices within their programs. As was evident during the focus group meeting in March 2000, there are many layers of the restorative justice philosophy that can and need to be explored in relation to their application in teen courts.

A tangential issue that needs to be examined is the relationship between teen courts and more traditional interventions based on restorative justice principles (e.g., victim offender mediation, family group conferencing, sentencing circles, community accountability boards) in order to determine constructive ways in which partnerships can be formed and reciprocal lessons learned. Each type of program has experiences and ideas to share that can help strengthen offender accountability, competency development, and community protection goals. For example, sentencing circles and family group conferencing programs can learn from the example set by teen courts that youth can be powerful voices in community problem solving and decision making. Likewise, the training that participants of sentencing circles and community accountability boards receive could be extremely beneficial to youth court volunteers in helping them to apply restorative justice principles to the examination and deliberation of cases coming before teen courts.

The goals for moving toward restorative practices are clear — more effective services for respondents, victims, and the community; better respondent accountability; increased skills and competencies for respondents; improved relationships among respondents and their families, friends, victims, and community; and more meaningful community involvement in solving local problems. Each of these are achievable and all are supportive and reflective of what restorative justice principles teach us. The discussion and application of restor-

ative justice principles in teen courts is just beginning, but the road ahead looks exciting and promising.

References

Bazemore, G. (2000, July). "Community Justice and a Vision of Collective Efficacy: The Case of Restorative Conferencing," in National Institute of Justice (Ed), *Criminal Justice, 2000: Policies, Processes, and Decisions of the Criminal Justice System*, Volume 3. NCJ182410. http://www.ojp.usdoj.gov/nij/criminal_justice2000/vol3_2000.html

Bazemore, G. and Maloney, D. (1994). Rehabilitating Community Service: Toward Restorative Service in a Balanced Justice System. *Federal Probation*, 58(1), 24-35.

Godwin, T.M., Heward, M.E., and Spina, T. (2000). *National Youth Court Guidelines*. Lexington, KY: American Probation and Parole Association.

Maloney, D., and Bazemore, G. (1994, December). Making a Difference: Community Service Helps Heal Troubled Youths. *Corrections Today*, 56(7), 78-84, 149.

Maloney, D. Romig, D., and Armstrong, T. (1998). Juvenile Probation: The Balanced Approach. *Juvenile and Family Court Journal*, 39(3) 5-53.

Pranis, K. (1998, December). *Guide for Implementing Balanced and Restorative Justice*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Van Ness, D. and Strong, K. H. (1997). *Restoring Justice*. Cincinnati, OH: Anderson.

Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herald Press.

Supplemental Readings

Balanced and Restorative Justice Project. (1997, August). *Balanced and Restorative Justice for Juveniles: A Framework for Juvenile Justice in the 21st Century*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. NCJ 169691 <http://www.ncjrs.org/pdffiles/framwork.pdf>

Bazemore, G. (2000, July). "Community Justice and a Vision of Collective Efficacy: The Case of Restorative Conferencing," in National Institute of Justice (Ed), *Criminal Justice, 2000: Policies, Processes, and Decisions of the Criminal Justice System*, Volume 3. NCJ182410. http://www.ojp.usdoj.gov/nij/criminal_justice2000/vol3_2000.html

Bazemore, G. and Maloney, D. (1994). Rehabilitating Community Service: Toward Restorative Service in a Balanced Justice System. *Federal Probation*, 58(1), 24-35.

Bazemore, G., and Day, S.E. (1996, December). Restoring the Balance: Juvenile and Community Justice. *Juvenile Justice*, 3(1), 3-15. <http://www.ncjrs.org/pdffiles/jjjd96.pdf>

Bazemore, G., and Umbreit, M.S. (1994). *Balanced and Restorative Justice*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. NCJ 149727. <http://www.ncjrs.org/pdffiles/bal.pdf>

Bazemore, G., and Walgrave, L. (Eds.). (1999) *Restorative Juvenile Justice: Repairing the Harm of Youth Crime*. Monsey, New York: Criminal Justice Press.

Center for Restorative Justice and Peacemaking. (2000, April). *Multicultural Implications of Restorative Justice: Potential Pitfalls and Dangers*. Washington, DC: Office for Victims of Crime, U.S. Department of Justice. NCJ 176348. http://www.ojp.usdoj.gov/ovc/infores/restorative_justice/96522-multicultural/

Dunlap, K (Ed.). (1998). *Community Justice: Concepts and Strategies*. Lexington, KY: American Probation and Parole Association.

Frievalds, P. (1996, July). Balanced and Restorative Justice Project. *OJJDP Fact Sheet #42*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. <http://www.ncjrs.org/pdffiles/91415.pdf>

Galaway, B., and Hudson, J. (Eds.). (1996). *Restorative Justice: International Perspectives*. Monsey, New York: Criminal Justice Press.

Office for Victims of Crime. (2000, October). Victims, Judges, and Juvenile Court Reform Through the Restorative Justice. *OVC Bulletin*. Washington, DC: Author. NCJ 179383. http://www.ojp.usdoj.gov/ovc/infores/vjj_10_2000_2/welcome.html.

Pranis, K. (1998, December). *Guide for Implementing Balanced and Restorative Justice*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. <http://www.ncjrs.org/pdffiles/167887.pdf>

Van Ness, D. and Strong, K. H. (1997). *Restoring Justice*. Cincinnati, OH: Anderson.

Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herald Press.

Online Resources

Center for Restorative Justice and Peacemaking <http://sww.che.umn.edu/rjp/>

Restorative Justice On-Line Notebook (National Institute of Justice) <http://www.ojp.usdoj.gov/nij/rest-just/index.htm>. □

Tracy M. Godwin is the Director of the National Youth Court Center and a Research Associate at the American Probation and Parole Association.

Focus Group Participants

Gordon Bazemore, Ph.D., Project Director of the Balanced and Restorative Justice Project (FL)

Hellen J. Carter, Ph.D., Supervisor of the Maricopa County Teen Court Programs (AZ)

Jim Moeser, Dane County Juvenile Court Program (WI)

Sandra Pavelka O'Brien, A.B.D., Project Manager of the Balanced and Restorative Justice Project (FL)

Nancy Riestenberg, Minnesota Department of Children, Families and Learning (MN)

Elinor Robin, Coordinator of the Broward County Teen Court (FL)

Mistene Vickers, Research Assistant for the National Youth Court Center

Jane Volland, Program Director of the Durham County Teen Court (NC)

Carl Wicklund, Executive Director of the American Probation and Parole Association (KY)

Kathleen Zeitlen, Program Director of the Salt Lake Peer Court (UT)

Facilitator

Tracy M. Godwin, Director of the National Youth Court Center

National Youth Court Center

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) established the National Youth Court Center (NYCC) in 1999 at the American Probation and Parole Association in Lexington, Kentucky. The NYCC serves as an information clearinghouse and provides training, technical assistance, and resource materials to assist jurisdictions in developing and operating effective youth court programs.

For more information, contact:
National Youth Court Center
c/o American Probation and Parole Association
PO Box 11910
Lexington, KY 40578-1910
Phone: 859-244-8215
Fax: 859-244-8001
Email: nycc@csg.org
Website: www.youthcourt.net

© 2001, American Probation and Parole Association