Balanced and Restorative Justice Philosophy

Jessica Ashley, Office of the Attorney General
Peter Newman, Cook County Juvenile Court
Darryl Earl, Chicago Public Schools

Justice Questions

- Who do you want to make the world safe for?
- What forces shape our behavior such that we do the right thing most of the time?
- When we have been victimized or treated unfairly, what are our feelings and what are our needs?
- If we had a good process in the community for resolving conflicts and harm, what would we want to be true of that process?
- Does our current justice process involve any of these values?

History of Restorative Justice

- Draws on ancient concepts and practices largely abandoned in late Middle Ages
- Obligations to victim and family/ community
- This form of justice not used as formal justice systems emerged
- These systems have offender pay debts to the king or lord and later the state

History of Restorative Justice

- Inspired by “community justice” still used by some non-western cultures
- Particularly, indigenous populations in New World counties
- North America- Native American sentencing circles
- New Zealand- “Maori justice”
- Helped move RJ focus away from just victim and offender; added a community focus

History of Restorative Justice

- Modern interest in RJ in 1970s and 1980s
- The victims' movement
- Rise of informal neighborhood justice
- New thinking on equity and human relations influenced in part by the women's movement and social justice movements

Current Restorative Justice Practices

- Dominant in juvenile justice, usually non-violent and misdemeanor cases
- By 1997, 30 states adopted legislation or policies based on BARJ
- The Illinois Juvenile Justice Reform Act of 1998 adopted BARJ for the state's juvenile justice system
- Also applied to handle misconduct in schools

History of Juvenile Court

1899-First juvenile court; Rehabilitation focus

60s & 70s-Laws keep status offenders out of juv court & institutions; juveniles separated from adult offenders

Before 1899-One court for adults & juveniles

1960s-U.S. Supreme Court decisions give juveniles due process rights

1980s-more punitive, juvenile transfers to adult court

Dominant Justice Philosophies

Retribution

- Focus on punishment
- Offenders passive during proceedings
- Focus on facts and procedures
- Little or no victim participation

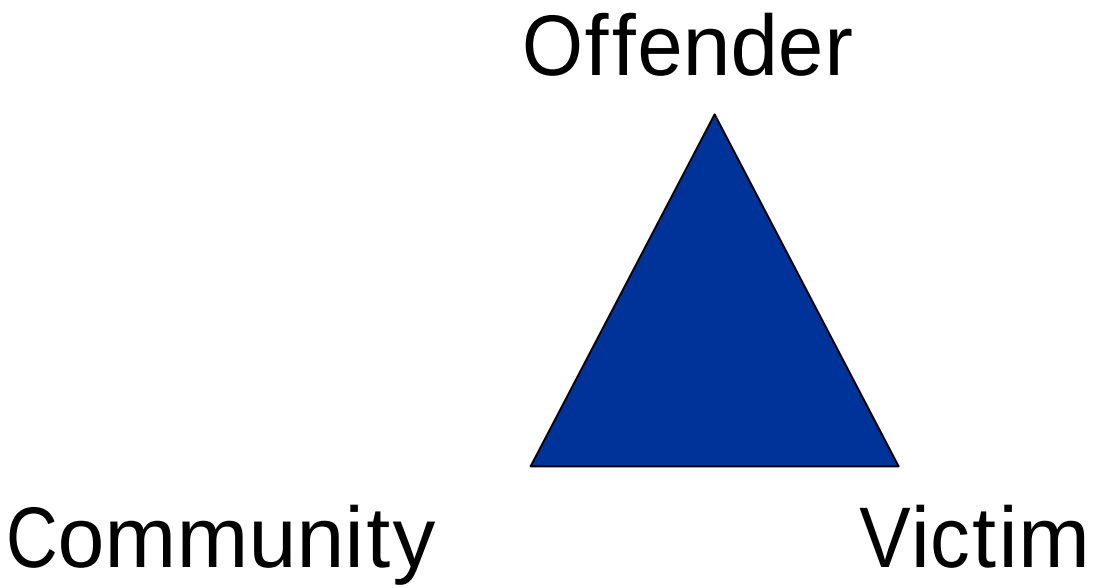
Rehabilitation

- Focus on treatment
- Offenders passive recipients of services
- Focus on offender deficiencies
- Little or no victim participation

BARJ Principles

- Offenders repair the harm caused to the victims and community
- Build on offender strengths & improve competencies
- Victims provided opportunity to participate
- Focus on community safety

3 Stakeholders of BARJ



3 Goals of BARJ

- Accountability
- Community safety
- Competency development

Accountability

The offender must repair the harm to individual victims and the community.

Community Safety

Communities are protected and involved in the justice system.

Competency Development

Offenders are given opportunities to increase their skills.

Benefits of BARJ

- Cost-effective
- Less stigmatizing
- Direct accountability
- Broader involvement in the justice process
- Greater satisfaction with process by all involved
- Greater likelihood of successful completion
- Reduced fear among victims
- Reduced frequency and severity of further criminal behavior

Programs that Often Incorporate BARJ Principles

- Youth courts or peer juries
- Victim-offender mediation (VOM) programs
- Family group conferencing
- Circle sentence
- Community Board

Restorative Justice in Schools

- Alternative to traditional school discipline
- Those affected directly participate
- Discipline responses are individualized
- Focuses on harm done rather than rules broken

Peer Jury Programs

- Youth administer justice to their peers who have act of misconduct.
- Most are police run and handle minor crimes, but schools are adapting the program to handle school misconduct

Chicago Public Schools Peer Jury Initiative

- CPS along with Alternatives, Inc. trained over twenty-five schools citywide.
- CPS Discipline Code now includes Peer Jury as a referral option for teachers.
- Citywide Peer Jury Advisory Committee guides the process

Exercise on Justice Responses

- We all have heard about the recent incident with students at Glenbrook North High School. How can you respond differently using the different justice philosophies?

- Retribution
- Rehabilitation
- Restorative