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Restorative Justice Initiative

**Preliminary Proposal
January 2016**

**A collaboration between the Milwaukee Youth Council, the Milwaukee Police
Department and Milwaukee Public Schools.**

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I. INTRODUCTION

The Youth Council of the City of Milwaukee (Youth Council), in collaboration with the Milwaukee Police Department (MPD) and Milwaukee Public Schools (MPS), is seeking to create a restorative justice program to provide a community-based and peer-driven alternative to existing, formal juvenile justice processes for certain young offenders. The following is a summary of this proposal.

What is Restorative Justice?

In general, restorative justice focuses on repairing and rebuilding relationships by emphasizing stakeholders' roles in the criminal justice process instead of merely satisfying abstract legal principles. For instance, according to a 2001 report,¹ *"from a practical perspective, it [restorative justice] requires the juvenile justice system to respond to crime by devoting attention to (Zehr, 1990; Pranis, 1998; Maloney, Romig, and Armstrong, 1998; Bazemore, 2000):*

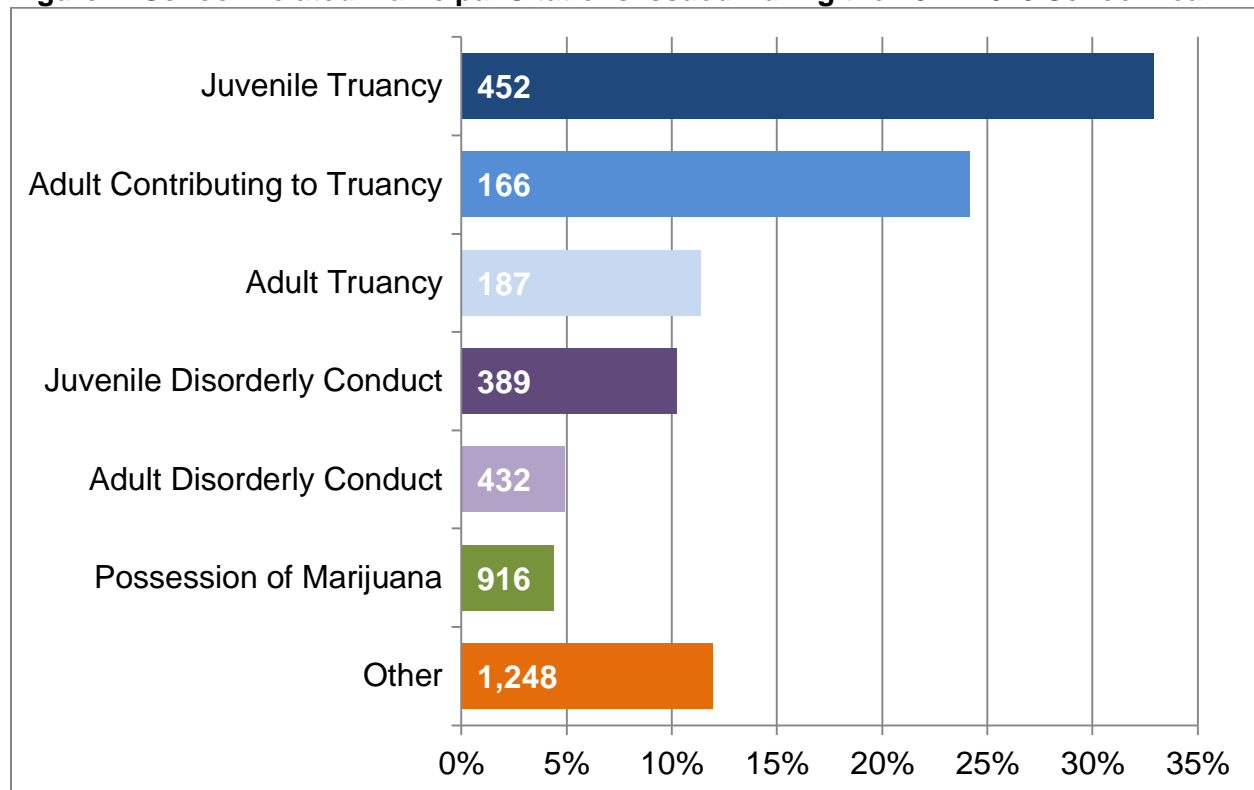
- *Enabling offenders to understand the harm caused by their behavior and to make amends to their victims and communities.*
- *Building on offenders' strengths and increasing offenders' competencies.*
- *Giving victims an opportunity to participate in justice processes.*
- *Protecting the public through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

 LESS RESTORATIVE	MORE RESTORATIVE 
Focus on law-breaking.	Focus on harm.
Focus on punishment.	Focus on repair.
Emphasis in hearings is on testimony, procedure and evidence.	Emphasis in hearings includes an increased focus on dialogue and understanding.
Service options for offenders are limited and focus more on completion of tasks.	Service options are varied, relate to offender strengths, and benefit the community.
Sentences are based on pre-determined factors related solely to the nature of the offence.	Sentences are individualized, incorporating the needs of the victim, offender and community.

The Need for Restorative Justice

Each year the Milwaukee Police Department issues thousands of municipal citations for ordinance violations related to schools. The vast majority of these citations involve conduct that is non-violent and victimless. For instance, during the 2014-2015 School Year, 88% of citations were issued for truancy, disorderly conduct, and possession of marijuana.

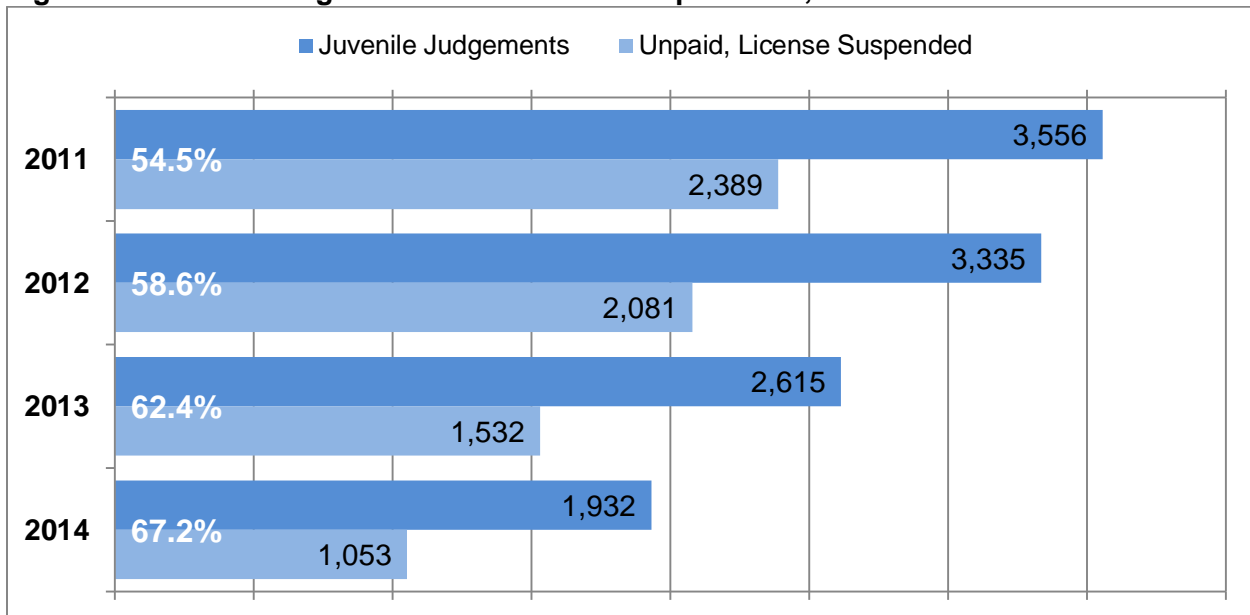
Figure 1. School-Related Municipal Citations Issued During the 2014-2015 School Year.



Further, based on discussion with Municipal Chief Judge Phil Chavez, many juvenile citations are not paid. These often lead to juvenile warrants, juvenile judgements and the suspension of the juvenile's driver's license. In 2014, for instance, there were 1,932 juvenile judgments. Of these, 1,053 resulted in driver's license suspensions. Figure 2 on page 6 provides data from 2011 to 2014.

Based on these numbers, juvenile judgements declined by over 45% between 2011 and 2014, but the proportion of these judgements resulting in driver's license suspensions has increased nearly 19% over this same time. Finally, according to data provided by the Municipal Court, as of August 6, 2015, over 5,700 municipal warrants are currently outstanding. Of these, nearly 75% are related to truancy.

Figure 2. Juvenile Judgements and License Suspensions, 2011-2014 School Years.



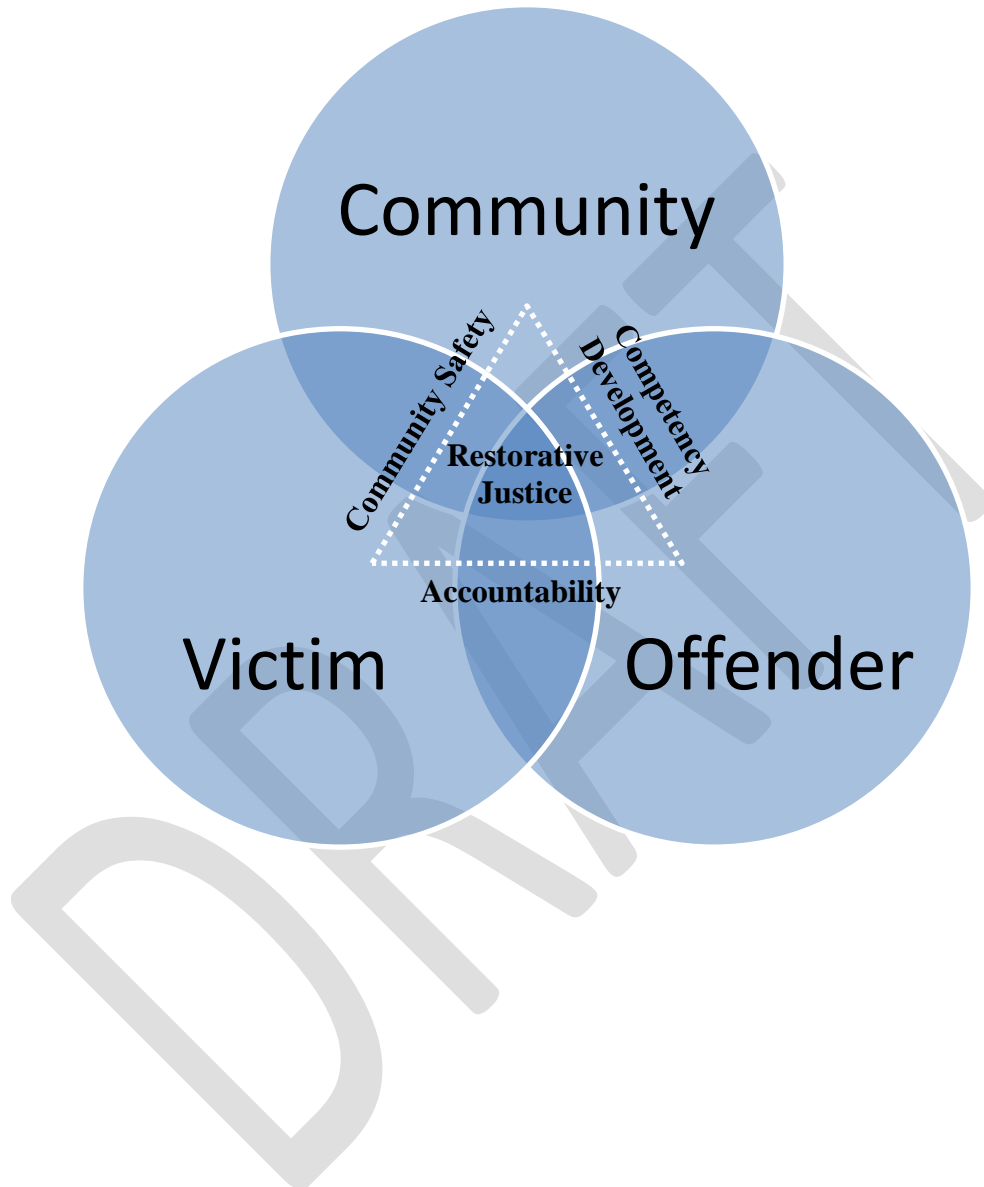
*Data provided by Milwaukee Municipal Court.

Goals

Traditional restorative justice principles emphasize the role all stakeholders play in healing damages caused by offenders. The Restorative Justice Initiative (“the Initiative”) recognizes the relationship between the community, offenders and victims in a typical restorative justice model (see figure 3, page 7), and – broadly speaking – will attempt to achieve the following goals:

- **Offenders:** Hold juvenile offenders accountable, while providing opportunities for them to take responsibility for their actions and understand the effects their actions have on others.
- **Community:** Build trust, develop relationships and foster awareness within the community regarding restorative justice (broadly) and juvenile justice (specifically).
- **Victims:** Provide victims the opportunity to receive explanation, be heard and to participate in the development of a response strategy for the harm done.
- **Volunteers:** Provide youth and adult volunteers with the opportunity to develop skills in and knowledge of the criminal justice system through various community activities.

Figure 3. The Restorative Justice Model.



II. THE RESTORATIVE JUSTICE INITIATIVE

Why Restorative Justice?

Numerous studies have demonstrated that restorative justice programs produce positive effects for both victims and offenders. A 2009 meta-analysis,² for instance, found that restorative justice practices are effective in reducing recidivism. Victim-offender mediation, in particular, has been found to be an effective means of facilitating restitution. As the U.S. Department of Justice (U.S. DOJ) notes:

In general, victims who meet their offenders tend to be more satisfied with the process than victims whose cases are handled in the formal justice system (Umbreit 1994a, 1994b) and are less fearful of being revictimized (Umbreit and Roberts 1996; Umbreit and Coates 1993; Umbreit 1994a, 1994b). Similarly, offenders who meet their victims through mediation are far more likely to be held directly accountable for their behavior (Umbreit 1994a, 1994b; Marshall and Merry 1990), successfully complete their restitution obligations (Umbreit and Coates 1992), subsequently commit fewer and less serious crimes (Pate 1990; Nugent and Paddock 1995; Schneider 1986; Umbreit 1994a, 1994b), and are satisfied with both the process and outcome of victim-offender mediation (Coates and Gehm 1989; Marshall and Merry 1990; Umbreit and Coates 1993).³

Victim-offender mediation is a process by which offenders and victims are offered the opportunity to meet in a safe and structured setting for dialog and problem-solving. According to the U.S. DOJ, the goal of the process is twofold:

- The first goal is to hold offenders directly accountable for their behavior, learn the full impact of their actions and develop plans for making amends to anyone violated.
- The second goal is to foster a sense of empowerment for victims.

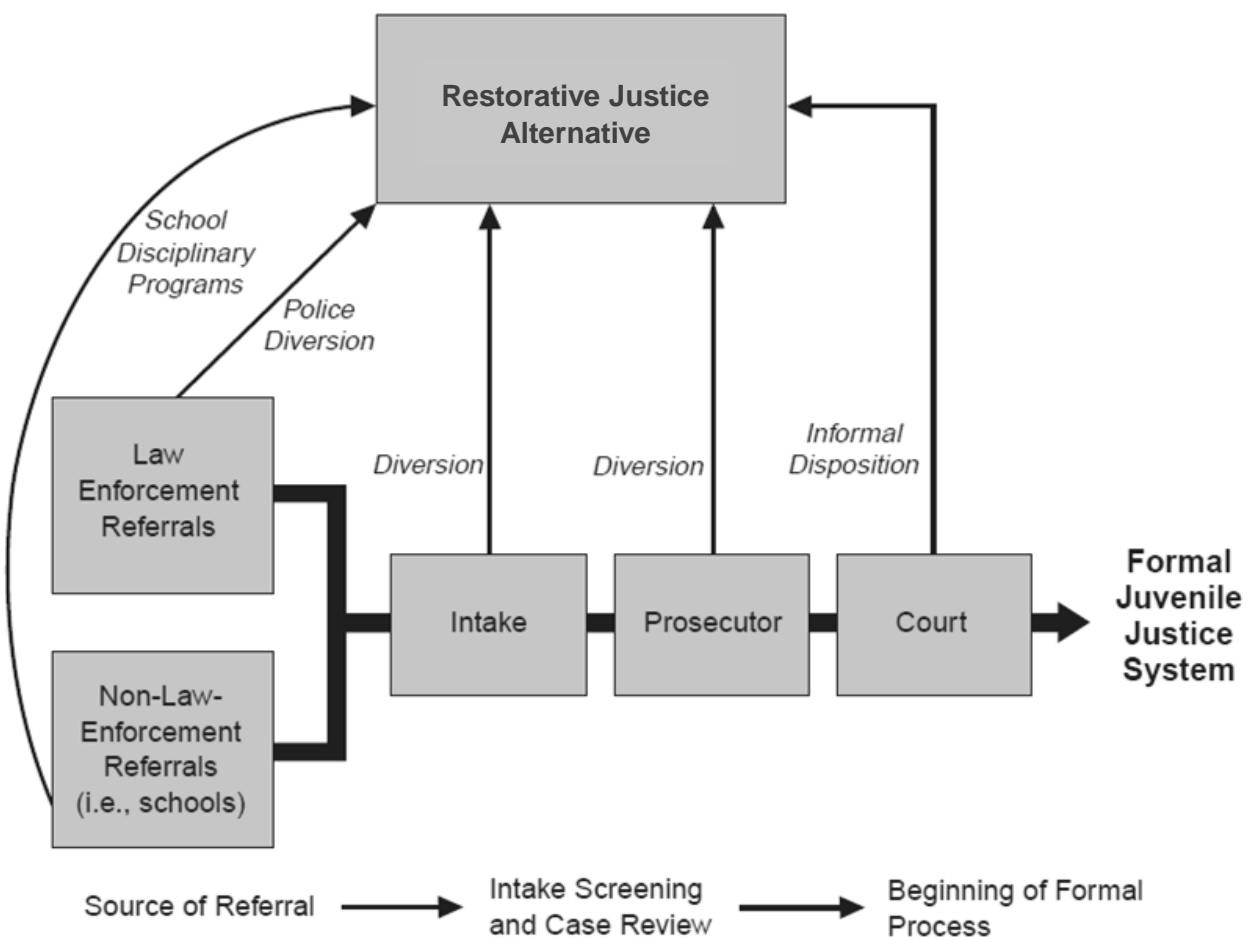
Overall, the goal of mediation is not to determine guilt, but to help the offender accept responsibility for his or her actions and, if possible, repair harm. According to the U.S. DOJ,⁴ more than 95% of victim-offender mediation sessions result in signed restitution agreements, but *“research has consistently found that the restitution agreement is less important to crime victims than the opportunity to express their feelings about the offense directly to the offenders.”*

The Initiative: An Overview

The Initiative will consist of two distinct components: one geared toward juvenile violations and the other toward adult violations. Figure 4, below, provides an example of how youth and adult offenders may be diverted into a restorative justice program. The outline following on page 10 provides an overview of the proposed objectives for each component.

Note that the scope of this initiative is currently limited to pre-intake referrals only. Additionally, both the offender and the offender's parent or guardian must agree to enter the program, and either admit or plead no contest to the allegation. The process ends when the offender successfully completes his or her sanctions or reenters the traditional juvenile justice system.

Figure 4. Points at Which Youth Offenders May be Diverted into a Restorative Justice Program.⁵



A. Juvenile Violations.

If a juvenile is found in violation of a municipal ordinance relating to truancy, disorderly conduct or possession of marijuana, an officer will notify the individual that he or she may choose to enter into the Initiative or be issued a citation. If opting to enter the Initiative, the individual will complete the following steps to complete the program and avoid receiving a citation:

1. Pre-Conferencing – Juvenile offenders (and victims, if applicable) will attend a pre-conferencing session with an MPS social worker. The goal of pre-conferencing is to ensure that participation is genuinely voluntary, that the case is appropriate for mediation, and that stakeholders are prepared for and knowledgeable of restorative justice processes and outcomes, including what their responsibilities will be throughout the Initiative. If either the offender or the victim (if applicable) decide not to take part in the initiative – or if the social worker determines that the case is not appropriate for restorative justice – the offender will be issued the citation. The process will only continue with the informed consent of the offender and, if applicable, the victim.
2. Mediation – Accompanied by a parent, guardian or other responsible adult, juvenile offenders will attend at least one mediation session, to be moderated by an MPD Office of Community Outreach and Education (OCOE) officer with mediation training through UW – Milwaukee and attended by a panel of peers. The moderator's role will be to facilitate interaction between stakeholders to achieve an outcome perceived as fair by everyone. The objectives of the mediation session will include:
 - **Honesty:** Mediation will allow the offender an opportunity to present his or her perspective on the incident, including events leading up to and the circumstances surrounding the activity. The offender will be offered opportunity to express remorse.
 - **Understanding:** If the offense involved one or more victims, the session will provide the opportunity to express their feelings and perceptions of the offence, including thoughts on the personal dimensions of their victimization and loss. Participation by the victim is voluntary.
 - **Resolution:** Addressing the underlying cause of the individual's problem is an important component of the Initiative. An MPS social worker will be in attendance and will be the person responsible for addressing this objective.

3. Restoration: Based on discussion at the mediation session, and in coordination with an MPS social worker, the offender will be required to perform one of the following:

- **Educational or Skill-building Activities:** The offender will also be required to attend an educational or skill-building session on a topic related to his or her offense, such as “Dispute Resolution.” All sessions will be conducted by an OCOE officer.
- **School-based or Community Service:** The offender will perform a school- or community based service activity relating to his or her offense.
- **Other Mutual Agreements:** The restoration process need not be limited to the above remedies. Additional mutually-agreed-upon resolutions may include activities aimed at repairing the harm caused, including activities aimed at addressing the cause of the offending behavior.

The social worker will notify MPD when the service has been completed, upon which the offender will have completed the Initiative. See section III on page 13 for further information on the benefits of peer panels.

B. Adult Violations.

Adults contributing to truancy will be notified by an MPD officer and advised that a citation will be issued unless the individual completes the following steps:

1. Education/Mediation Session – Individuals will be required to attend an education or mediation session where they will receive information from the Parenting Network, an MPD Truancy Abatement and Burglary Suppression (TABS) officer and a municipal court judge on available resources.
2. Monitoring – The attendance of the student for whom the adult is responsible will be monitored for 6 months. If the student’s attendance improves to an acceptable standard *and* there are no additional violations of state statutes or city ordinances, no citation will be issued to the adult contributing to truancy.

III. THE PEER PANEL

As part of the mediation process, a panel of peers will attend each session and will provide input to the restorative justice process. Provided below is a brief summary of the benefits of peer panels, including information on youth courts, a similar – but more punitive – peer panel arrangement.

Selected Statistics: Why a Peer Panel?

According to a 2005 survey of 365 U.S. youth court coordinators,⁶ an estimated 125,000 youth offenders serve in youth court programs each year, diverting approximately 9% of offenders from formal juvenile justice systems. The survey also found that:

- More than 80% of juvenile offenders successfully complete their youth court sentence.
- In 30% of programs surveyed, one in 5 offenders returned to the program as a volunteer.
- The average cost to run a youth court program was \$430 per youth served and \$480 per youth successfully completing a sentence.

A 2014 “meta-analysis” of 13 other studies by researchers at Missouri State University⁷ also speaks favorably of youth court programs. The researchers note that youth courts are “a *promising alternative sentence that adequately addresses and meets the needs of youth participants.*”

A recent master’s thesis⁸ provides additional information on the administration of Wisconsin’s youth courts. According to the paper’s survey of county-based teen court programs in Wisconsin:

- 20% of programs are administered by county judicial centers.
- On average, teen court programming consumes 11 hours of time per week.
- The average number of youth served per month is 4.925.
- It takes an average of 8.8 hours per month per youth to reduce recidivism rates.
- Funding is the most common challenge faced by programs surveyed (28.6%), followed by staff time, scheduling and offenders not completing sanctions (21.4% each)¹.

¹ A 1998 Urban Institute survey of 335 youth court programs across the United States also found that “funding uncertainties” was the problem most commonly reported among youth courts.

This paper concludes by comparing Wisconsin's youth court programs to the average cost of a common alternative, noting that:

According to the U.S. Justice Policy Institute website, the average cost to hold a youth in a post-adjudicative, residential facility is \$240 per day. Comparing programs at that rate, teen court programming only costs \$88 per youth versus \$240, for a cost savings of \$152 per youth per day. In addition to providing positive experiences for teen offenders and reducing recidivism, teen court programs could provide great cost savings. The literature review suggested that overall programs were cost-effective, but funding was not always delegated to sustain these programs.

Finally, according to a 2000 U.S. DOJ publication (attached),⁹ youth courts offer at least 4 potential benefits: accountability, timeliness, cost savings and community cohesion. This paper also cites reduced recidivism as a potential benefit of youth courts. It states:

Of the few studies that measured official recidivism, some found very low rates of reoffending among former youth court defendants. Several researchers found rates of post-program recidivism that ranged from 3 to 8 percent within 6 to 12 months of appearance in teen court (Butler-Mejia, 1998; McNeece et al., 1996; SRA Associates, 1995). A few studies found recidivism rates in excess of 20 or 30 percent...It is not possible to say whether these higher rates are anomalies. Existing teen court evaluations are so different in scope and design that it is often impossible to compare the findings of one with another.

This last point perhaps illustrates a major challenge in teen court implementation: despite a growing body of research suggesting youth courts have a positive impact on youth, there is simply not enough data to reach a solid conclusion. For instance, according to a 2011 article¹⁰:

Despite their popularity, there are many unanswered questions about the effectiveness of teen courts. The overall impression one gets from the evaluation literature is positive, but researchers have yet to identify exactly why teen courts work. Most important, studies have not yet investigated whether some teen court models are better than others.

This article further cites evidence that *"the real value of teen courts might be their ability to ensure the delivery of meaningful sanctions for first-time delinquent offenders, the type of youth usually ignored by the traditional juvenile justice process."*

Anticipated Benefits of the Peer Panel

The Initiative's peer panel, although not a teen court, will be implemented with the above benefits in mind, and although research on the effectiveness of youth court programs, specifically, may be limited, the Initiative – through its peer panel – hopes to achieve the following:

- **Accountability:** Offenders avoid establishing criminal records, but are still held accountable for their actions. This is especially true for relatively minor offenses not likely to be traditionally prosecuted.
- **Youth Empowerment:** Youth gain a deeper understanding of legal issues, learn about responsible citizenship and develop a positive image within the community.
- **Behavioral Outcomes:** A growing body of research,¹¹ including the concept of “positive youth development,”¹² suggests that youth respond more positively to their families, peers, schools and communities than the traditional juvenile justice system.
- **Cost Savings:** Restorative justice programs may be more cost-effective than traditional juvenile justice programs, especially when considering the potential to reduce recidivism.



Action Plan: Initial Steps

The following steps, adapted from the U.S. Department of Justice's "Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs,"¹³ will be used to implement the Restorative Justice Initiative (items with a check mark have already been or are in the process of being completed):

- ✓ **Step 1:** Seek advice and input from key persons in the community (judges, law enforcement, schools, youth-serving agencies, etc.).
- ✓ **Step 2:** Define the program's purpose, goals and objectives.
- ✓ **Step 3:** Explore legal and technical issues which may impact the program.
- ✓ **Step 4:** Identify target populations, including the types of offenders and offenses and the magnitude of juvenile crime.
- **Step 5:** Create an advisory board.
- **Step 6:** Develop policies and procedures for referrals, case management, training, etc.
- **Step 7:** Assess the financial and human resources needed and available.
- **Step 8:** Identify and secure financial and in-kind support for the program.
- **Step 9:** Secure services for the program and its clients, such as arrangements for sentencing options (community service locations, educational classes, peer discussion groups, mentoring, etc.).
- **Step 10:** Promote awareness of the program.
- **Step 11:** Devise evaluation and result tracking metrics and procedures.

These and other considerations are discussed in greater detail below.

IV. PROGRAM DESIGN & IMPLEMENTATION.

The following details have been developed from discussion with Youth Council members; MPD, MPS and Municipal Court representatives; and the Wisconsin Teen Court Association. The outline is the working framework of the of the Initiative and is subject to change by the advisory board.

Leadership and Organization.

A. Advisory Board.

An advisory board shall be created to provide ongoing support and guidance to the Initiative. The advisory board shall be comprised of 7 members, each of whom shall demonstrate an interest in, and experience with, working with youth. The board shall include:

- One member of the community with juvenile justice experience, to be appointed by the Mayor and to serve as chair.
- The Common Council President or the President's designee.
- The presiding judge of the Milwaukee Municipal Court.
- One member of the Milwaukee Police Department, to be appointed by the Chief of Police.
- One MPS social worker, to be appointed by the MPS Superintendent.
- One member of the Youth Council appointed by the Youth Council President.
- The Director of the Community Development Grants Administration, or the Director's designee.

Adults appointed to the advisory board shall serve two-year terms. Youth representatives shall serve one-year terms. The board shall meet at least annually and as often necessary to monitor and support the Initiative, as determined by the board's chairperson. A majority of members shall constitute a quorum. The board shall be responsible for the following:

- Formalizing and reviewing the practices and procedures of the Initiative.
- Developing community support and outreach efforts.
- Making recommendations regarding the recruitment, selection and training of adult and youth volunteers to the Initiative.
- Advising adults and youth in matters relating to alternative judicial processes.

B. Peer Panel.

The Youth Council recommends that youth volunteers to the peer panel be limited to high school-aged youth only, with a minimum age of 14 years. The Youth Council also recommends that youth volunteers be recruited through recommendations from school and other officials, and that the advisory board oversee the recruitment process and make final recommendations for appointments to the peer panel.

The following information shall be provided on all applications for the peer panel:

- One letter of recommendation.
- A 250 word essay explaining why the individual wishes to volunteer for the Initiative.
- Other application requirements, as recommended by the advisory board.

To help combat the potential for apathy, the Youth Council recommends keeping the quorum for the panel low, but having a large pool of eligible jurors.

Procedure.

A. Referrals.

As noted above, municipal ordinance violations relating to truancy, disorderly conduct or possession of marijuana shall be considered eligible for referral to the Initiative. The advisory board shall work with MPD, if necessary, to address required changes to this policy. MPD officers shall have sole discretion for referring individuals to the program.

For comparison, the National Association of Youth Courts (NAYC) notes that typical offenses heard by youth courts include theft, vandalism, alcohol-related offenses, disorderly conduct, assault, possession of marijuana, tobacco and curfew violations. Additional information on the referral process can be found on page 23 and following.

B. Programming.

All activities relating to the Initiative will be held at participating MPS schools, unless otherwise agreed upon by the advisory board. MPS, in consultation with the advisory board, shall determine the frequency and timing of mediation sessions. In general, the Youth Council does not recommend holding mediation sessions during the day.

For comparison, according to the NAYC, youth courts are typically operated by or

incorporated with a number of different agencies and organizations. These include:

- Nonprofit organizations (22% of youth courts).
- Schools (36% of youth courts).
- Juvenile justice systems, including juvenile courts, juvenile probation departments and law enforcement agencies (42% of youth courts).

C. Sanctioning.

The Youth Council anticipates it may be beneficial to solicit advice and assistance from potential partnering agencies or organizations regarding the implementation of restorative sessions, activities or agreements. Tentatively, the following organizations have been identified as potential partners:

- Beyond the Bell
- Boys & Girls Clubs.
- Esperanza Unida.
- House of Peace.
- Journey House
- Running Rebels.
- Social Development Commission.
- United Community Center

At its initial meeting and before the Initiative is fully implemented, the advisory board shall develop a list of approved sessions, activities or other restorative agreements. These may include, for instance, community service, letters of apology, reports, interviews, presentation or educational classes.

The Youth Council has expressed a desire to limit the timeframe for the fulfillment of potential agreements to 6 months or less. If sanctions are not met, juveniles will be issued citations or referred to Municipal Court for traditional sanctioning.

A more extensive list of offenses and sanctions can be found on the NAYC website, including a list of typical sanctioning options youth courts utilize. The 6 most common options include community service, oral or written apologies, essays, educational workshops, jury duties and restitution.

Administration.

A. Training.

Youth volunteers participating in the peer panel shall be required to undergo at least two half-days of training before participating in the Initiative. The advisory board shall develop procedures for implementing this training.

B. Coordination.

It is anticipated that a part- or full-time coordinator may be necessary for the Initiative to have long-term success. Program partners (MPS, MPD and the City Clerk) should be prepared to pursue various funding opportunities as soon as the scope of the Initiative has been determined (e.g. anticipated number of referrals to the program per year, number of pilot schools, etc.). Additional administrative costs will be absorbed into existing City staff member's workloads. See page 20 for additional funding considerations.

C. Recordkeeping.

It is anticipated that MPS will coordinate the maintenance of records for the program.

D. Monitoring & Evaluation.

The advisory board shall be responsible for determining which metrics will be used to evaluate the Initiative, in consultation with the Initiative coordinator. Compilation and analysis of these metrics shall be performed by the Initiative coordinator.¹⁴ Additional support shall be provided by the Legislative Reference Bureau, as needed.



Additional Considerations

A. Funding.

According to the Wisconsin Court System website:

Teen courts in Wisconsin are funded through county human services departments, county boards, school districts, the United Way, the Office of Justice Assistance, and private donations. Many also receive in-kind contributions of space from county courthouses and other city and county facilities. In addition, some courts charge a small fee for their services, while others hold annual fundraisers.

Often teen courts require hiring a coordinator to train and manage volunteers, assist with intake, and process cases. The budget for these programs ranges from \$20,000 to \$60,000 annually.

Sustainability in funding is anticipated to be an important factor in the success of the Initiative. It is hoped that additional sustainable funding sources may be secured for initial and ongoing costs, including the possibility for tax-levy funding, private investments or even social impact bonding.

B. Confidentiality.

According to Ms. Nancy Anne Miller, President of the Wisconsin Teen Court Association¹⁵, “*confidentiality is a key component in the training process*” for teen court volunteers. She notes that teen court volunteers in Wisconsin are typically required to sign an oath of confidentiality, and confidentiality is reinforced at the beginning of each court session.

Typical teen court processes for juvenile defendants in the United States, likewise, appear to be very sensitive to confidentiality concerns. For instance, as a 2002 report by the American Bar Association (ABA)¹⁶ explains:

The teen court process itself is similar to that of a traditional juvenile court. Defendants typically go through an intake process that includes an interview with an adult program worker. A parent often is required to be present during the intake interview, so this step sometimes occurs just prior to the teen court hearing. The worker explains the teen court process to the offender and parent and ensures that both understand that their participation is voluntary. In most jurisdictions, teen court proceedings and all program records are confidential.

Although the ABA report is dated, it appears that this general process is widely practiced today. For instance, in Wisconsin, Beaver Dam's teen court proceedings, like any formal juvenile court proceeding, are closed to the public.

Given this information, it would be wise to require a signed confidentiality from both youth and adult volunteers as a condition of participation in the initiative, even though the Initiative's mediation process is not directly associated with the Municipal Court system and the peer panel not strictly a youth "court," per se. Breaking this oath should have consequences, as determined by the advisory board.

Ms. Miller notes, for instance, that most teen courts in Wisconsin prohibit persons who break an oath of confidentiality from serving and require them to apologize to all relevant persons. The Vilas County Teen Court oath of confidentiality has court volunteers declare:

"I solemnly swear that I will not divulge either by words or signs any information which comes to my knowledge in the course of a Teen Court proceeding and that I will keep confidential all said proceedings which may be held in my presence."

Mirroring Vilas County's Juvenile Court, all of its Teen Court proceedings are kept confidential, and as a consequence of breaking confidentiality, the Vilas County Teen Court's oath of confidentiality notes that:

If you discuss the events with persons who are not present, you will do a great disservice to American jurisprudence as well as eliminating yourself from future Teen Court participation. Each of you will be held accountable in fulfilling this oath, not only to the respondents, but also to the integrity of the Teen Court proceedings.

In Wisconsin, the public is prohibited from viewing juvenile court records, so it appears that as long as teen courts follow the processes described above, respondents' information will remain confidential. As Ms. Miller notes, *"what additional confidentiality terms you agree to with the cooperating departments is decided upon as needed."*

V. CONCLUSION

Traditional juvenile justice processes were developed separate from adult justice systems because youth have different and specific needs and characteristics. Youth often do not fully understand the implications of their actions and benefit from learning how their actions impact others. Often, this understanding comes through rehabilitation, treatment, supervision and other restorative processes, rather than strictly punishment.

For some youth, traditional justice provides an appropriate response, providing offenders with lessons in accountability and responsibility. Traditional processes, however, may fail to take into account the full needs of all parties involved: offenders, victims and the community. Further, in cases where juvenile courts are subject to heavy volume, petty offenses may be dismissed, or offending youth may not have their needs adequately met and may not be connected to appropriate services in the community. Even when youth are held accountable in court, the youth's role may be a passive one.

The Restorative Justice Initiative is intended to address the long-term wellness of Milwaukee's communities and to foster a sense of ownership in the criminal justice system, making the success of the justice system a collective effort. Recent research and practices appear to support this idea. For instance, according to one recent report:¹⁷

Much has been learned in recent years about the strategies and characteristics, the "best practices," that underlie successful prevention programs. The best strategies are intensive, rather than brief or superficial; comprehensive, rather than focusing on a piece of the problem; and flexible, rather than assuming the same approach will work for everyone. There is also research that supports the importance of a strengths-based approach that recognizes, nurtures, and builds on the resiliency and strengths present in young people (Werner & Smith, 1992; Benson, 1997).

Restorative justice is not a new or novel concept, but in the face of those who advocate for only the most punitive measures, it bears remembering that restorative justice:

- Emphasizes that crime damages people, communities and relationships.
- Is geared toward repairing harm, in addition to holding offenders accountable for it.
- Changes how crime is portrayed: from an offense against the state to an offense against

a person.

- Brings victims, offenders and the community together to discuss explanations and reparations – constructively, not punitively.
- Holds offenders accountable to both victims and the community.
- Recognizes, enhances and develops youth strengths, assets and competencies.
- Connects youth to needed community services.

Programs that focus on the prevention of youth offenses and restitution to victims and the community attempt to solve the broader issues surrounding youth crime. This Initiative aims to repair damage to victims and the community and set offending youth on a positive course. In the long run, programs that implement these principles save resources and prevent small issues from growing into larger problems.

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¹ Goodwin, T.M. 2001. *The Role of Restorative Justice in Teen courts: A Preliminary Look*. Washington, D.C.: National Youth Court Center. <http://youthcourt.net/wp-content/uploads/2010/05/role-of-rj.pdf>

² Tennyson, Heidi R. 2009. *Reducing Juvenile Recidivism: A Meta-Analysis of Treatment Outcomes*. <http://commons.pacificu.edu/cgi/viewcontent.cgi?article=1212&context=spp>

³ See the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention's literature review on restorative justice for further information on the positive impacts of such programs. An electronic copy can be found at: http://www.ojjdp.gov/mpg/litreviews/Restorative_Justice.pdf

⁴ Ibid.

⁵ Ibid.

⁶ Pearson, Sarah S. and Sonia Jurich. 2005. *Youth Court: A Community Solution for Embracing At-risk Youth*. American Youth Policy Forum. <http://www.aypf.org/publications/Youth%20Court%20-%20A%20Community%20Solution.pdf>

⁷ Puzach, Cheryl and Aida Hass. 2014. *A Study of the Greene County Missouri Teen Court Model*. International Journal of Social Science Studies. <http://redfame.com/journal/index.php/ijsss/article/view/547/441>

⁸ Beth C. Johnson. 2011. *Wisconsin Teen Courts: Current Trends and Recommendations*. Thesis, MS Family Studies and Human Development. UW-Stout. <http://www2.uwstout.edu/content/lib/thesis/2011/2011johnsonb.pdf>

⁹ Wilson, John J. October 2000. *Teen Courts: A Focus on Research*. U.S. Department of Justice. <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/1000233-Teen-Courts-A-Focus-on-Research.PDF>

¹⁰ New York State Bar Association. 2011. *Youth Courts: The Power of Positive Peer Pressure*. NYSBA Journal, Vol. 83, No. 1. http://www.courtinnovation.org/sites/default/files/attachments/project/Journal_January2011_for%20download.pdf

¹¹ Elizabeth Seigle, Nastassia Walsh, and Josh Weber. 2014. *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*. New York: Council of State Governments Justice Center. <http://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>

¹² Jeffrey A. Butts, Gordon Bazemore, and Aundra Saa Meroe. 2010. *Positive Youth Justice: Framing Justice Interventions Using Concepts of Positive Youth Development*. Washington, DC: Coalition for Juvenile Justice. <https://positiveyouthjustice.files.wordpress.com/2013/08/pyj2010.pdf>

¹³ Available online at: <http://www.ojjdp.gov/publications/peerjustice.html>

¹⁴ Clarke, et. al. 2010. *The Choice Between Fixed and Random Effects Models: Some Considerations for Educational Research*. Institute for the Study of Labor, Discussion Paper No. 5287. <http://ftp.iza.org/dp5287.pdf>

¹⁵ Miller, Nancy Anne. February 26, 2015. Personal Communication.

¹⁶ Butts, Jeffrey and Janeen Buck. 2002. *The Sudden Popularity of Teen Courts*. American Bar Association. The Judges' Journal, Volume 41, No. 1. <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/1000262-The-Sudden-Popularity-of-Teen-Courts.pdf>

¹⁷ Vermont Agency of Human Services Planning Division. September 2003. *Promoting Youth Justice Through Restorative Alternatives*. <http://humanservices.vermont.gov/publications/reports-whatworks/ww-restore-justice>