

Best Practice Guidelines

for

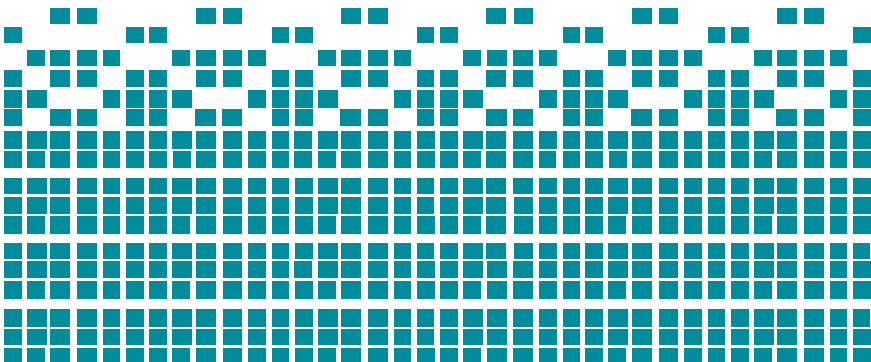
**CRIME VICTIM
PARTICIPATION**

IN

**COMMUNITY
JUSTICE PANELS**

within

Pennsylvania's Juvenile Justice System



"Best Practice Guidelines for Crime Victim Participation in Community Justice Panels" has been developed to assist panels as they increase involvement with victims of crime. This document was compiled and created by Ms. Valerie Bender for the Pennsylvania Council of Chief Juvenile Probation Officers, under the direction of the Joint Review Committee of the Juvenile Justice and Delinquency Prevention Committee and the Victims' Services Advisory Committee of the Pennsylvania Commission on Crime and Delinquency. Additionally, the Victims Services Committee of the Pennsylvania Council of Chief Juvenile Probation Officers as well as members of numerous Youth Aid Panels were invaluable in the development of this document. We anticipate that you will find this document helpful as you seek to further include victims in Community Justice Panels.

Other significant contributions from individuals and their organizations are as follows:

Winnie Backlund
Executive Director
Montgomery County Mediation

Billie Jo Hack
VOJO Consultant
Pennsylvania Commission on
Crime and Delinquency

Valerie Bender
Restorative Justice Consultant

Aleshia Hough
VOJO Consultant
Pennsylvania Commission on
Crime and Delinquency

Steven Bischof
Youth Aid Panel Coordinator
York County Juvenile Probation

Daniel McMonagle
Youth Aid Panel Coordinator
York County Juvenile Probation

Susan Blackburn
Balanced and Restorative Justice Specialist
Juvenile Court Judges Commission

Michael Pennington
Manager, Victims Services Program
Pennsylvania Commission on
Crime and Delinquency

Linda Butts
Youth Aid Panel Coordinator
Lancaster County Juvenile Probation

Daniel Rhoads
Chief Juvenile Probation Officer
York County Juvenile Probation

Michael Cleary
Assistant District Attorney
Philadelphia

Marcella Szumanski
Pennsylvania Commission on
Crime and Delinquency

John Delaney
Deputy District Attorney
Philadelphia

For additional copies of this document, please contact the Juvenile Court Judges' Commission at (717) 787-6910.

This project was supported by PCCD subgrant # 1999-DS-16T-11090, awarded by the Pennsylvania Commission on Crime and Delinquency (PCCD).

Introduction

to Crime Victim Participation in Community Justice Panels

In Pennsylvania's Juvenile Justice System, all parties – the victim, offender and community – are considered when resolving the harm caused by crime. Juveniles who commit crimes are held accountable for repairing the harm to the victim and community. In addition, juveniles who come in contact with the system, either directly or through diversion programs, are expected to exit their encounter more competent to assume a productive role in their communities. As all of this is accomplished, communities are protected not only through the sanctioning of juveniles, but also through the reintegration of juveniles into their communities.

Community Justice Panels administer justice at a grassroots level and offer an alternative to traditional juvenile justice. While particular processes of the panels may vary from neighborhood to neighborhood, several factors are constant. All panels utilize the services of well-trained community volunteers. In a face-to-face meeting a panel addresses a juvenile who has committed a summary or misdemeanor offense or sometimes in some counties, a non-violent felony offense. Guided by the mission of the Juvenile Justice System, panels seek to involve all parties – victim, offender and community – in defining the harm caused by crime, addressing how the harm can be repaired and providing support/assistance to offenders as they assume their responsibility to repair the harm, and become a contributing citizen.





A Community Justice Panel in Action

Three 14-year-old boys were sent before a community justice panel for putting a smoke bomb in a neighbor's mailbox. They placed the smoke bomb in the mailbox located on a porch, rang the doorbell and ran. The neighbor's 13-year-old daughter answered the door, saw smoke streaming from the mailbox and heard a small explosion. Quickly, she shut the front door and avoided injury.

As the boys were running off, the girl's mother drove up the driveway. Mom saw the still smoking mailbox and called the police. Since the girl was friends with the boys and the boys lived in the neighborhood, they were apprehended almost immediately.

The police asked both the mom and her daughter what they would like to see happen to the boys. After explaining the options, the mom chose a community justice panel. The boys agreed to participate in the panel, also.

Both mom and her daughter were invited to meet with the panel. However, mom chose to go alone because she did not want her daughter to see how upset she was by this incident.

Mom explained to the panel that she was very concerned that her daughter could have been hurt. She spoke clearly and at times was quite emotional. Mom's statement impacted the panel tremendously. The panel asked her how they could be of help. Mom asked for several things: an apology from the boys, a promise not to bother her daughter at school and community service that would make the boys aware of how serious this incident could have been.

Each of the boys was seen separately and the resolutions were different based on each boy's involvement and other information that the panel

gathered. Each boy received community service that involved a local burn center and each boy wrote an apology to the mom and daughter.

In addition, the “bomb builder” had to do a research paper on accidents involving explosives. One boy had to attend an anger management course and make a presentation to his class. The third had to serve as a helper for a local youth sports team for the entire season.

All three boys were monitored carefully for two months. At the end of that time period they had all three satisfactorily completed the consequences imposed by the community justice panel.

The police from the community report that the mother and her daughter were well satisfied and reported no further problems with the youth.



Community Justice Panels – a brief History

Members of a community come together to sanction another member who broke a rule of the community. They require the offender to repair the harm done to the victim. They seek to restore the community’s peace and dignity, damaged by the offender. They work to have the offender mend his ways and contribute positively to the community.

This notion is an ancient one. In Pennsylvania, for over forty years, community members have been dispensing “neighborhood justice.” The community members have been known by various names, “youth aid panels,” “neighborhood justice panels,” “youth commissions,” and “youth diversion committees.” (For ease of use, all are hereinafter described as “Panels.”) The first, in Westmoreland County, began in the early 1960s. Panels currently operate in 17 of the Commonwealth’s 67 counties.





Originally, some panels were designed to serve the juvenile justice system by diverting first-time, minor juvenile offenders to reserve the limited resources of the system for those in greatest need of them. In many places, the desired result was savings to the system. In others, the primary function was serving the needs of the community, victim and offender.

Over time, the mission of the Panels has evolved, with a growing focus on repairing the harm done to victims and communities. **Most agencies that operate Panels recognize the following benefits.**

TO THE COMMUNITY:

People need and deserve to be protected. Effective, early intervention with a young offender will prevent future crime, thereby protecting the community. The community also benefits from general deterrence, that is, lawful behavior motivated, in part, by the knowledge and fear of the consequences of illegal behavior.

The community is enriched by the contributions of young people who become responsible, productive citizens. The community is empowered when it comes together to successfully address its younger, misbehaving members. It meets its own needs with its own resources.

Panels are the means by which the community polices itself. It is democracy at the most basic level, the community acting through some of its members.

TO THE VICTIM:

The panel values the victim and recognizes the harm caused to the victim by the offender. Panels seek and consider input from the victim. The victim's voice is heard more quickly and less formally than in the court system. The juvenile offender reimburses the victim for financial loss due to the crime. The victim may receive an apology, if desired. The victim is kept informed of the actions taken in the case.

TO THE OFFENDER:

The panel values the offender. He learns from the panel that he caused harm, to the victim and to his community, and is held accountable by them for repairing that harm. He actively participates in the crafting of the repair plan. He learns other skills that will enable him to live responsibly and productively. He avoids court action and its consequences.




Sensitive Victim Inclusion

In Pennsylvania, various entities sponsor Community Justice Panels. Sensitive victim inclusion requires the sponsor provide to the victim:

- Notification of the referral to a Community Justice Panel
- Invitation to comment on the decision to refer to the Panel and on the Panel process
- A brochure/pamphlet describing the Community Justice Panel, its function, and the victim's role in the process
- A single point of contact
- The opportunity to submit a written victim impact statement and financial loss statement
- The opportunity to address the Panel in person at a time when the offender is not present
- The opportunity to obtain relevant, non-confidential, case information
- Information on local victim services
- Upon request, notification of the final outcome





As in all restorative processes, Community Justice Panels offer unique benefits for the victim. Discussion around the following points may be valuable to anyone considering participation in a panel.

BENEFITS FOR THE VICTIM

- Action is immediate following referral
- Consumes less of a victim's time than traditional court hearings and offers more convenient hours for interaction
- Gives victims a voice through the use of written victim impact statements and the opportunity to address the panel
- Restitution collection is timely
- Provides for community supervision
- Consequences on the juvenile's life are immediate
- By nature Community Justice Panels are more personal



For some Community Justice Panel members talking with a victim of crime may be an unsettling experience. Therefore, it is recommended that a comfort level be built based on information and education. The following topics should either be offered as part of the basic preparation for community members or as enrichment topics for continuing education:

- **CONFIDENTIALITY**

In addition to respecting private aspects of a juvenile's history, it is also critical that Panel members understand the importance of confidentiality regarding victim information.

- **IMPACT OF CRIME**

Although the financial, physical and emotional effect of crime varies from person to person, panel members should be familiar with common factors that affect many victims.

- **CRISIS INTERVENTION**

Panel members are not expected to be crisis intervention experts. However, understanding the educational component of crisis intervention and knowing local victim referral resources and the process for the referrals is very important when discussing issues which may be distressing to victims.

- **BUILDING PARTNERSHIPS WITH VICTIM AGENCIES**

Victim agencies are rich in experience and information. How to make contact and nurture good working relationships can strengthen the work of any Panel.

- **MANDATED REPORTING**

Panels must understand and follow the law on when and how to report necessary information.



SAMPLE FORMS

Notification to Victim of Community Justice Panel Meeting	8 ■ A
Community Justice Panel Program Victim Input Questionnaire	8 ■ B
Victim Impact Statement	8 ■ C
Notification to Victim: Juvenile did enter contract	8 ■ D
Notification to Victim: Juvenile did not enter contract	8 ■ E
Notification to Victim: Juvenile has breached contract	8 ■ F
Letter to Victim with Restitution Enclosed	8 ■ G

[Date]

[Name of Victim]

[Address of Victim]

Re: [i.e. vandalism]
Juvenile Offender[Name]

Community Justice Meeting: [Time, place and date]

Dear [Victim's name]

The [Probation or DA's office] is committed to helping crime victims and providing services and support to people in our community who have been hurt by crime. We are sorry that you were victimized and are grateful for your cooperation in this process. Your involvement and input are vital to promoting individual and community safety and to holding your offender accountable for the harm s/he has caused.

The juvenile offender in your case has been referred to a Community Justice Panel, a unique program for first-time juvenile offenders. Instead of going to court, first-time offenders are required to appear before a panel of community members in their local district. There they are held accountable for their offenses. The juvenile offender must admit involvement in the incident and must complete the disposition or obligations determined by the panel. This may include community service and/or restitution to you for any out-of-pocket loss caused by the crime.

If the juvenile offender accepts *and* fulfills all of the obligations ordered by the Panel, s/he will avoid a criminal record. Failure to accept *and* complete the panel disposition will cause the case to be sent to court for further proceedings. This program provides an opportunity for the community to be involved in helping to solve juvenile crime.

We think it is important that you have an opportunity to comment on this referral and we are interested in your input. You are invited to address the panel at the time and location listed above. Your attendance is *not required* but would be helpful in informing the panel and subsequently the juvenile offender,

about the effect this crime had on you. If you are unable, or prefer not to attend the meeting, please fill out the Victim Input Questionnaire and return it to our office so the panel can understand the impact this crime has had on you and your loved ones—emotionally, physically and financially. **If you suffered any out-of-pocket loss, please document your loss on the enclosed Questionnaire and return it to the above listed address within the next 7 days. If you do not provide this information prior to the above listed hearing date, the Panel will be unable to order restitution as part of the disposition in this case.**

At the top of the Victim Input Questionnaire, please check whether you object or do not object to the referral of this case to the Community Justice Panel and also whether you will or will not attend the scheduled meeting. If you have any questions or need additional information about, or assistance in completing, your victim impact statement, please contact me within the next 7 days at [phone number].

Very truly yours,

[Name of person sending letter]

[Position]

[Phone number and hours available]

**Community Justice Panel Program
Victim Input Questionnaire**

[Name of Victim]

[Name of juvenile offender]

The Community Justice Panel is very interested in how this crime has affected you and your family. Please take some time to complete the following questions and fill out the Victim Impact Statement. This information will be shared with the Panel members hearing the case and the juvenile offender and his/her family. Please send it to [Address]. Thank you.

I **do not** object to this case being referred to the Community Justice Panel

I **do** object to this case being referred to the Community Justice Panel

I **will** attend I **will not** attend the Community Justice Panel meeting.

What would you like to see happen as a result of what happened to you? Feel free to use additional paper if necessary.

If the panel requires that this/these juvenile offender(s) complete community service work as part of the contract, do you have any suggestions as to the type of work or where this work should be performed? Please list the organization as well as a contact person and his/her phone number if you have any specific suggestions. The agency must be a non-profit agency i.e., church synagogue, community center. Please feel free to list more than one agency.

[Date]

[Name of Victim]
[Address of Victim]

RE: [i.e. vandalism]

CHARGE:

JUVENILE OFFENDER: [Name of offender]

COMMUNITY JUSTICE PANEL MEETING: [time, place, day]

Dear [Name of Victim]

Notice of this meeting had been sent to you previously. The juvenile offender in your case **has contracted** with the above Community Justice Panel. We think it is important for you to know the terms of the contract. Please contact me if you wish to know the outcome of this meeting.

Very truly yours,

[Name]
[Position]
[Phone number and hours available]

[Date]

[Name of Victim]
[Address of Victim]

RE: [i.e. vandalism]
JUVENILE OFFENDER: [Name]

Dear [Name of Victim]

As you will recall, we wrote to you and informed you that the above named juvenile offender was scheduled to appear before the Community Justice Panel. That panel has informed us that the juvenile **did not enter into a contract**.

As a result, the case is being brought to court for a hearing on the charges. In the next several weeks, our Victim/Witness Unit will contact you to facilitate your appearance in court, or you may be contacted by the Juvenile Probation Department. If you have any questions regarding this matter, please call me at the number listed below.

Sincerely,

[Name]
[Position]
[Phone number and hours available]

[Date]

[Name of Victim]

[Address of Victim]

RE: [i.e. vandalism]

JUVENILE OFFENDER: [Name]

Dear [Name of Victim]

As you will recall, we wrote to you and informed you that the above named juvenile offender appeared before a Community Justice Panel and entered into a contract. The Community Justice Panel has informed us that the juvenile **has breached the contract.**

As a result, the case is being brought to court for a hearing on the charges. In the next several weeks, our Victim/Witness Unit will contact you to facilitate your appearance in court or you may be contacted by the Juvenile Probation Department. If you have any questions regarding this matter, please call me at the number listed below.

Sincerely,

[Name]

[Position]

[Phone number and hours available]

[Date]

[Name of Victim]
[Address of Victim]

RE: [i.e. vandalism]
JUVENILE OFFENDER: [Name]

Dear [Name of Victim]

As you may recall, the juvenile offender in your case entered into a contract with the Community Justice Panel. He has fulfilled all of the obligations ordered by the Panel. As part of the contract, he was ordered to pay restitution in the amount of \$_____, which is enclosed.

We sincerely hope that you have been satisfied with this process. If you have any questions or comments, please contact me at the number listed below.

Very truly yours,

[Name]
[Position]
[Phone number and hours available]

MISSION
of the
Juvenile Justice System in Pennsylvania



**“Juvenile Justice:
Community Protection;
Victim Restoration;
Youth Redemption”**

Community Protection refers to the fundamental right of all Pennsylvania’s citizens to both be and feel safe from crime.

Victim Restoration emphasizes that crime can forever change its victim. The goal of victim restoration programs and services should be to restore the victim, to the greatest extent possible, to his/her pre-crime status.

Youth Redemption embodies the belief that the vast majority of juvenile offenders are capable of change and have strengths upon which treatment services can build.

Furthermore, all of the services designed and implemented to achieve the mission and all hearings and decisions under the Juvenile Act – indeed all aspects of the juvenile justice system – **must be provided in a fair and unbiased manner**. The United States and Pennsylvania Constitutions guarantee rights and privileges to all citizens regardless of race, color, creed, gender, national origin or handicap.