



COMMUNITY JUSTICE REPORT

Newsletter of the
Pennsylvania Council
on Community Youth
Aid Panels

Community Justice Report:

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Pennsylvania By The Numbers For 2005:

- Counties in PCCYAP: 18
- Panels in PA: 271
- Number of volunteers: 2,001
- Cases referred: 3,863
- Successful cases: 84%
- Hours of community service: 34,360
- Restitution paid: \$28,904.79

What is a Youth Aid Panel?

Over the last few decades and after many consultations with other jurisdictions, both stateside and overseas, Neighborhood Justice Panels have evolved with a variety of names. In Wisconsin, the Panels are called "Community Panel Programs" or "Community Intervention Programs." In the State of Washington, Panels are called "Community Accountability Boards." In Haiti, the panel process has no name. It simply involves a meeting with an offender by village members and the village chief. These parties dispense community service for minor infractions of the law.

Here in Pennsylvania, the name also varies. While most counties employ the name "Youth Aid Panels," variations exist. For example, Lehigh County's panels are known as "Community Justice Panels." The PA programs have started at different times, dating back as far as 1962 in Westmoreland County and as recently as this year in Union County. Another variation is the venue that implements the program, whether it is the District Attorney- or probation-run model, or whether it is the private provider- or police-run model.

Despite these differences, Youth Aid Panels (YAP) across the state focus on the same mission—utilizing trained, community volunteers to "hear" cases of first-time offenders in an effort to uphold Balanced and Restorative Justice (BARJ) principles. These hearings, which are more like interviews than court proceedings, aim to help the juvenile understand all aspects and effects of the crime, amongst other things. Information is gathered during the hearing in order to provide the child with a contract that will affect some sort of change.

The youth's contract may involve any number of tasks, such as perform community service, write an essay, write an apology letter to the victim, pay restitution, complete an art project, or join an extracurricular activity. No matter how creative the task is, the reason behind it is always the same—uphold BARJ principles. If the contract is completed successfully, the youth avoids being adjudicated delinquent of the charge(s) and does not have to pay the court-related fines.

The Youth Aid Panels have been bringing justice to their communities since before the advancement of the aforementioned BARJ principles or the Victim Bill of Rights. The panelists share a commitment to paying "balanced" attention to the accountability of the juvenile, to the protection of the community, to the development of competencies necessary to prevent the offender from committing future crime, as well as to the restoration of the victim.

Traditionally, juvenile justice takes place in a courtroom. It is an adversarial process in which a judge determines if a delinquent act has been committed by the alleged offender. With YAP, the offender admits guilt in exchange for the panel intervening. This admission allows the focus to be on sanctions for the offender's behavior and producing a series of outcomes. These outcomes involve linkages to the community, the offender, the victim, and, of course, the panelists.

In short, the outcomes allow the panelists, to gain an understanding of the underlying cause of the delinquent act and offer a contract based on the needs of the community, victim and offender. The desired outcome for the juvenile is to assist him or her in becoming a productive, tax-paying member of society, rather than a tax-consuming member of society. The assistance, provided in the form of a contract, allows that child to give back to the community in some way, which, in effect, builds strengths that will help prevent future crime. Most importantly, the victim is provided an opportunity to be heard. The victim is instrumental in providing information that will help the panel provide obligations to the juvenile to address and repair any harm caused by the crime.

In today's society, being an adolescent is not getting any easier, and the old saying, "It takes a village to raise a child" continues to hold true. Youth Aid Panels have proven to effectively "raise a child." While it might not be someone they know sitting across the table, and the crime might not affect someone they know, panelists recognize the importance of their "job"—crime may not have a personal affect on them today, but in the future, it may. If the work they do through volunteering with a YAP will prevent future crimes and victimization, it is worth their time.

Balanced and Restorative Justice Explored

In January 1995, Pennsylvania's General Assembly was called into special session with the sole purpose of focusing on crime. Out of the session came Act 33, which has significantly impacted the state's juvenile justice system. Balanced and Restorative Justice (BARJ) principles are rooted in Act 33's redefining of the juvenile system's mission.

While many agencies that work with juvenile delinquents were already upholding what is now known as BARJ principles prior to the passing of Act 33, the philosophy of balance and restoration now moved to the forefront of all agencies' minds. The Commonwealth's goals for achieving balanced and restorative justice are to protect the community, impose accountability for offenses committed, develop competencies within the youths, and restore victims as best as possible to their pre-crime state.

Let's take a look at each of these principles in further detail.

Community Protection

Basically, the citizens of Pennsylvania have a right to live and work in safe and secure communities. The juvenile justice system has several goals in mind that

are aimed at protecting the community.

For example, there is a wide range of prevention and supervision options, consequences, and incentives that are utilized when best suited to assist the offender. Other goals and principles include reducing recidivism; assisting juveniles in developing the ability to obey the law and act responsibly; structuring time in productive activities; removing from the community those offenders whose behaviors cannot be managed effectively in a community setting; arming parents/guardians with the ability to set clear expectations and provide supervision for their children; encouraging and supporting schools, neighborhoods, faith communities, and youth-serving organizations in setting expectations and monitoring behavior; and increasing citizens' feelings of safety and confidence in the system.

Youth Redemption

Juvenile offenders have strengths, are capable of change, can earn redemption through accountability, and can become responsible members of society.

This is achieved by the following: assess the strengths, needs, interests and skills of the youths;

provide resources to build on the positives and address the needs of the youth; engage parents, employers, educators and others in providing opportunities for competency development; allow juveniles to demonstrate competencies; increase opportunities for juveniles to interact with positive role models; engage offenders in activities that are of value to crime victims and communities; hold offenders accountable for their crimes by allowing them to make reparations, pay restitution, develop competencies, and participate in structured activities; and, finally, it is imperative to operate a system that is responsive, fair and just.

Victim Restoration

A juvenile who commits a crime harms both the victim and the community. The juvenile, therefore, has an obligation to repair that harm to the greatest extent possible.

The following are the principles that every juvenile justice-related agency focuses on to achieve victim restoration: ensure that the harm is understood and considered by the decision makers throughout the justice process; inform victims of their rights and the case process; provide victims with access to a wide range of support and services; (continued on pg. 4)



*"To save one life is to save the world." —
from the Jewish Talmud*

*"He drew a circle to shut me out.
Heretic, rebel, a thing to flout.
But love and I had the wit to win.
We drew a circle that took him in."—
Edwin Markham*

Overcoming the Odds

submitted by Dwight Lichtenwalner, Lehigh County Community Justice Panel Coordinator



In each PCCYAP newsletter, you will find the story of a particular juvenile whose efforts make it evident why our panelists serve for several years. This issue's story involves a young lady from Lehigh County who was arrested for stealing over \$800 from her employer. Her name has been changed to protect her identity.

Jessica was impressive at her hearing, but not all that impressive. She was cooperative, but her attitude could have been better. Regardless, she admitted guilt and took some semblance of responsibility for her wrongdoings. The panel focused on getting her to take *full* responsibility for her crime and helping her understand the full effect of her actions.

During the hearing, the panel was able to ascertain that she graduated from high school and was attending a local community college, she spent her free time studying and working, her family was very important to her, and she loved to practice various types of dancing (ballet, jazz, etc.).

Her Youth Contract included community service, letters of apology to her mother and former employer, paying restitution, and performing an interpretive dance for the panel reflecting how she felt while stealing, how it felt getting caught, and how she hoped to feel when this ordeal was over.

Two months later, she came back for her review hearing. The only problem was that one of the most important things to her was missing—her mother. I asked where her mother was, to which she replied, “not here.” Here we go again, I thought. The questionable attitude re-

mains. I informed her that her mother needed to be present, to which she replied, “No she doesn't. I'm 18 now.” I explained that, at the time of the crime, she was not 18 years old, and she still needed to have her mother with her throughout the entire processing of her case.

After continued prodding about where her mother was, Jessica finally broke down crying. She explained that her mother and her had a lengthy argument over her mother's paramour and the way he was treating her younger sister. Jessica gave her a choice—“either he's out or I'm out.”

Freshly 18 years old, in college, working, no driver's license, and now living in a hotel—hardly the recipe for success in this difficult world. Ultimately, we allowed the review to take place.

Jessica explained that she completed her community service at a local youth organization. Completely on her own, she was able to organize and instruct a dance class for underprivileged youth. “WOW” seemed to be the instantaneous thought from all the panelists. Then she proceeded to tell us that the youth organization wants her to continue teaching, and she accepted the job—pro bono, of course.

Jessica was supposed to bring a check for the restitution, but her mother “used” the money her daughter had saved to reimburse herself for cost of living expenses she accrued while having Jessica residing with her. She still had \$300 and change for restitution, but what about the rest? Jessica's friend, (who drove her to the review, by the way) loaned her \$500 cash so she would not fail her contract.

Finally, she put an India Arie song on the stereo and danced for about ten minutes. It was amazing! The evidence was overwhelming that she spent a great deal of time preparing for this. When she finished, she was panting heavily, but proceeded to go back through the song and explain each portion to us and how it related to her crime.

Jessica's contract work was amazing. We typically tell the juveniles (and their parents) that it is the youth's contract, as they are the ones who broke the law. We know there are occasions when parents help their kids out, but Jessica had no option but to do it herself.

Too often, our panelists hear excuses as to why contracts aren't completed. Too many youths *and* parents want *another* chance to avoid adjudication in court. This young lady overcame great adversity to help herself. In the process, she reminded us why we continue to volunteer our time to help our youths.



The panel that heard the case is located in Whitehall. They were named Panel of the Year in Lehigh County for 2005.

Getting To Know You

This will be a profile of a panelist or a story shared by a panelist. Submit stories to Dwight for inclusion in newsletter. Email him at IMPACTDL@ptd.net or fax to 610-966-6867.

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Community Justice Report edited by Dwight Lichtenwalner, Lehigh County CJP Coordinator. For more information on PCCYAP, to become a volunteer, or to contribute a story, please contact Dwight at 610-966-6999, via email at IMPACTDL@ptd.net, or contact your local PCCYAP member.

BARJ Principles Explored

(Continued from pg. 2)

and allow victims to participate actively in their case.

Other goals include having juveniles perform community service that is of value to the victims and community; ensuring that the juvenile understands that crime has consequences; ensuring that the juvenile understands the impact of the crime on the victim and the community; ensuring that the parents and guardians understand the impact of the crime committed by their children; and, lastly, require juvenile offenders and parents/guardians to

fulfill any other legal obligations to all parties.

BARJ Principles are not necessarily easy to uphold, but if we as a community work together to fulfill these goals, our communities will continue to improve and the next generation of adults will be less of a burden to society.

To assist in this mission, it is commonplace to have BARJ Steering Committees in place on the county level. These committees are staffed by various members

of society—judges, probation officers, police officers, school officials, community members, etc. The Steering Committees are largely responsible for creating innovative ways to effectively deal with juvenile offenders and securing the funding necessary to implement these programs.

As the juvenile justice system continues to evolve, the mission of BARJ is here to stay. Why? Because it is effective and, simply put, it makes sense.

If you would like to be added to the newsletter mailing list, please email Dwight Lichtenwalner (IMPACTDL@ptd.net) with your preference of delivery (email or U.S. Postal Service). Be sure to include your name, organization, and address.

PCCYAP would like to thank the Pennsylvania Commission on Crime and Delinquency for allowing the use of their educational booklet, "Mission and Guiding Principles for Pennsylvania's Juvenile Justice System", published in April 2004, to educate our newsletter's readers on Balanced and Restorative Justice.