

Example of restorative justice policy proposal for juvenile justice system resear...

[Law](#), [Criminal Justice](#)



A growing number of probation officers, judges, prosecutors as well as other juvenile professionals are advocating for a juvenile justice system which is greatly based on restorative justice. These groups of people have been frustrated by the policy uncertainty between retribution and treatment as well as unrealistic and unclear public expectations. As a primary mission, the balanced approach or policy allows juvenile justice systems together with its agencies to improve in their capacity of protecting the community and ensuring accountability of the system and the offenders. It enables the youths to become productive and competent citizens. This guiding philosophical framework for this policy is restorative justice as it promotes the maximum involvement of the community, victim, and the offender in the justice process. Restorative justice also presents a viable alternative to sanctions as well as interventions that are based on traditional or retributive treatment assumptions. In the policy proposal for restorative justice, the balanced approach mission assists juvenile justice system in becoming more responsive to the needs of the community, victims, and the offenders. Therefore, this paper considers how restorative justice reduces referrals of juveniles to criminal and juvenile justice systems and gives a proposal on the implementation of restorative justice in the community together with a number of recommendations. For instance, preliminary research reveals that application of restorative justice in schools significantly reduces school expulsions, suspensions, and referrals to the criminal justice systems. Restorative justice programs are an alternative for zero-tolerance policies for juveniles or youths.

Criminal justice and policy makers are rattled by the number of publicized

prison management scandals and escalating costs that undermine funding of significant popular government services. They are calling for an evaluation of policies which continue to increase incarceration and improvement of criminal justice as this population reaches historical high level in America. There are over 2 million individuals housed in national jails or prisons and nearly 5 million individuals on parole or probation. United States of America leads the world in punishment and incarceration, and the cost of the correctional system now surpasses \$60billion annually. The rise in the costs and size of correctional facilities occurs after nearly two decades of tough reforms on crime. These 'tough on crime' reforms got the support of both Republican and Democratic administrators in response to the increasing crimes rates experienced since 1970s. Ironically, the unabated correctional costs and financial crises have put strains on health, education and human services budgets. It is, therefore, apparent that in as much as prison systems are costing the government more money, they are becoming less effective in addressing crime rates.

The criminal justice system recognizes the importance of restorative justice practice and programs to offenders in reducing the overall national crime rates. It also recognizes that a range of improvements is necessary to achieve successful integration of offenders to the community. Some of the programs that will ensure reduction in the number of individuals incarcerated must be incorporated in the overall criminal justice or juvenile justice system. To increase the use of restorative justice as opposed to retributive justice in the American community, meaningful education should be given high priority. Education will ensure that every offender has the skill and

knowledge required to successfully reintegrate into the community.

Offenders should be encouraged to go to classes in community learning facilities so as to address numeracy deficiencies and literacy to assist them in looking for future employment.

The criminal justice should also develop case sentence plan which outlines the services and programs that should be availed to the offender immediate he/she is found to be criminally culpable. Case management should be individually tailored to incorporate the offender's and victim's input and risk assessed using reliable tools. This is because restorative justice is an essential stepping for the future offenders and reduces the problem of managing prisons that are common in America. In addition, improvement of pre-release and release system will ensure that prisoners acquire valuable skills and work experience programs such as vocational training opportunities, Federal Prison Industries (FPI), occupational education offered at Bureau facilities. They should train prisoners nearing release in the contemporary society new ways and how efficiently they can look for employment opportunities. This will significantly reduce crime rates as statistics shows only a smaller percentage of ex-prisoners engage in crime after their release when they are employed. Federal Bureau of Prisons and United States Department of Justice should come up with new rules and regulations that require pre-release and release program and services to be provided to offenders immediately they are admitted in prisons.

One of the great challenges of criminal justice is refraining juveniles from crime and drugs. It is in the best interest of criminal justice and the community as well as the corrections to provide excellent transition services

to assist juveniles in the successful reintegration and inclusion to the society or their community. One of the ways that American correctional facilities use to safeguard the community from criminal activities is through retributive justice by incapacitating criminals and keeping them away from the community. However, some the offenders cannot be kept away from the society by incapacitating them forever, there comes a time when they must return to the community. This creates the need for the juvenile justice system to ensure that juvenile offenders successfully re-enters the community. The community can be protected in the long term by reducing the likelihood of juveniles engaging in drugs and crime after their release from prisons. One such strategy of minimizing the risk of recidivism is the implementation of restorative justice which provides juveniles with services, support, and treatment to makes sure that they are fully reintegrated in the community as responsible members. This approach is gaining prominence in America and internationally as it recognizes that juvenile offenders experience a range of personal, economic and social challenges which bar them from practicing crime-free lifestyle. Restorative Justice Approach focus on establishing balanced community-based initiatives which seek to meet the challenges of employing restorative processes and sanctions such as victim involvement, community service, restitution, and mediation among others as catalysts for changing the juvenile justice systems.

Juvenile Justice Systems grounded on restorative justice differs from traditional retributive justice in that the accountability, community protection, and competency development objectives outline clear outcomes geared at the three major juvenile justice clients who are the victims,

offenders, and the community. The outcomes should offer the basis for establishing clear performance measures for determining the success of juvenile justice systems as well as its agencies and interventions. This should be investigated in terms of whether there are measurable improvements by juvenile offenders in their ability to perform as productive, conventional citizens. An evaluation should also be done on the level at which the public is protected at the time the juvenile offender is under court supervision as well as how victims of the criminal acts participate in the juvenile justice process. The offender should also understand the harm they are causing the victims and the society and work to repay them. A consensus should be developed on the introduced performance-based objectives so that resources can be balanced to achieve the objectives directed to all clients and assist agencies to transcend unproductive and traditional conflicts between treatment and crime control. This is mostly in application in drug courts where juvenile offenders experiencing substance abuse problems and engaging in other criminal acts. The programs offered by these courts provide juvenile offenders with mandatory drug testing, intensive court supervision, social services and substance abuse treatment as an alternative to incarceration and adjudication. In this manner, the design of the drug courts breaks the cycle of crime, substance abuse and addiction by correcting the offenders' substance abuse behaviors.

In the education realm, restorative justice should be used as an option to zero-tolerance policies. It is a set of practices and principles based on the values of taking responsibility, strengthening relationships, and showing respect. In the event that harm results from certain acts restorative justice

primary focus is on repairing that harm and ensuring that it does not occur again. In the implementation the juvenile or offender must speak up and agree to increased responsibility for community building and overall school discipline. Sometimes administrators of juvenile justice systems accustomed to retributive justice have difficulties giving the offender the respect they require to effectively participate in restorative justice mechanisms. In addition, the administrator of juvenile justice systems may have problems with the need to honor the increase in participation of juveniles while maintaining respect for authority and maintaining control. Moreover, the shift in these powers is vital for the success of juvenile restorative justice and comes many benefits in the long run. Restorative justice should be used in schools to reduce the likelihood of school to prison pipeline. The practice and principles of school-based restorative justice must be in application consistently in the schools' disciplining programs. This will reduce the likelihood of the teachers and the students being disenchanted with this discipline process and not adhere to the restorative justice principles. Administrators of schools should ensure that teachers and school's staff include experienced proponents of restorative justice in schools. Restorative justice in schools must be based on the culture, values, and norms of the school, surrounding community, and the students. This is because it is a system of justice which uses value-based approach in resolving conflicts as well as building community with fundamental elements central to its effectiveness. Despite this, restorative justice must work harmoniously with the culture, values, and norms of participants. The use of restorative justice in schools promises a lot with regards to the discipline of the students as it

reduces expulsion and suspension rates. In addition, it assists in keeping students from low-income families and those of color out of juvenile justice systems, but schools. It is sometimes seen as an effective and fair policy to keep students in school and enhance school safety at the same time to provide them with the greatest learning opportunities and lead fulfilling and productive lives. It is opposed to the Zero-tolerance disciplinary programs in schools which provide for harsh and stringent penalties such as expulsions, and suspensions for behaviors condemned by the school rules. It also addresses the issue of racial discrimination where students of color are always disciplined severely compared to their White counterparts. Therefore, students who were once expelled or suspended from schools risk being referred to juvenile justice systems.

Crime theorists explain that youthful experiences are potential causation of later patterns of crime and violence in youth. Empirical evidence advances the notion that cultural transmission and social disorganization are some of the reasons why youth engage in criminal activities. In areas associated with socio-economic challenges, poverty, social disorganization, and victimization are likely to encourage street gangs. Young people living in such areas are more likely to engage or commit delinquent criminal acts than their counterparts from neighborhoods associated with high socio-economic status and affluence. Youth who are members of a gang have high delinquency rates as compared to their counterparts who are not members of these gangs before their recruitment into these gangs. The idea of restorative justice was partially developed from the manner in which some indigenous communities like the Maori responded to harm and conflict. It seeks to

encourage the repair of the harm, accountability, and restoration of relationships. As a protective factor, the community must ensure that there is a way of regulating drugs and guns in the streets, where citizens apply for gun licenses and hold them legally.

In conclusion, this policy is two-fold as it demonstrates the criminal justice department's commitment to restorative justice and benefit to the community. It also assists offenders to establish sound work ethic and gain accredited work skills. The program provide re-socialization services to offenders, based on the principles of enabling offenders to have a wide choice of services or programs and incentive-based regime as they serve their sentences. It will also ensure that the accommodation issues in prisons which are instrumental to reintegration of prisoners into the community are fully addressed. This is because implementation of restorative justice is fundamental in reducing the serious overcrowding which is common with the majority of prisons in America. However, regardless of the overcrowding s prison is experiencing, restorative justice should only granted to non-violent offenders who are likely to remain model and complete all other required programs. It will also ensure that services delivery occurs from a familiar and accessible setting that minimizing the possibility of alienating offenders. This will call for timely evaluation of the policy with regards to research on service delivery and rehabilitation of the offenders. This will permit services and programs to be fine-tuned, monitored and revised. This is because it is important for criminal justice system to meet the needs of offenders so as to deal with issues related to crime and increase their quality of life. Based on the needs of the offenders, restorative justice should assist them to develop

peer support groups that will see the improvement of their lives. Development of these support groups will provide offenders with opportunities for engaging in activities tailored to meeting their needs, as opposed to engaging in criminal activities after their integration into the community. This policy should provide offenders with effective intervention and develop the capacity of staff delivering services. This can be achieved through accurate referral information for services, shelters outside prisons, capacity building for police staff and development of support groups. There should be increased opportunities for qualified juvenile offenders to access community resources, to start reintegration to the community as well as demonstrate individual responsibility and self-control. The design of the restorative justice programs should also be improved with regards to participation criteria to ensure that the selected persons benefit most from the program, and only those juvenile offenders who present the least risk to the society should be enrolled in the program. The funding of the restorative justice program and services should also be increased to ensure that the opportunities are available to as many juvenile offenders as possible. Some of the programs that the paper suggests should be incorporated in the restorative justice program include vocational or education training, work release, community corrections, temporary home furlough, community correction furlough programs, group home residence, and thorough healthcare programs among others. These programs have a custodial structure and operate as a continuum of the prison's rehabilitative services with a strong emphasis on guidance and counseling.

There should be brokerage of services and programs from organization well

equipped to assist in the implementation of restorative justice. It is also that the state recognizes that some key organizations lack critical mass, which is required to operate vibrantly within a brokerage system. It is also essential that the generic brokerage service providers should be adequately equipped and skilled to deal with juvenile offenders. A demarcation of service providers responsible for social and other support programs should be done from provider responsible for supervision. The service providers should recognize the fact that some juvenile offenders easily become overwhelmed with several reporting requirements after their release from police cells. Group home residency service providers should consist of private or publicly owned organizations or agencies approved by the United States Department of Justice. These service providers should offer specialized residential treatment, such as alcohol and drug treatment as well as additional bed resources. Restorative justice programs success should go beyond reduced recidivism and incorporate small progress and gains, as opposed to only re-offending. It creates the need to identify the purpose of restorative justice policy, develop goals or objectives and ascertain the avenues for achieving these goals. The pre-release system should also identify how to work across agencies and organizations to attain these goals and objectives. The system should seek multiple criminal justice oriented results such ultimately improved community safety, improved integration with mainstream community, and reduced re-offending. These goals can be achieved through multiple means and drawing on different programs and services. The driving force of restorative justice policy should be rehabilitation of juvenile offender which requires implementation of various initiatives and pilot programs. This

creates the need for the effective initiatives and pilot programs to be transformed into running programs with current government funding. Service providers and program administrators require guaranteed funding to act and achieve long-term goals that will benefit society and criminal justice.

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