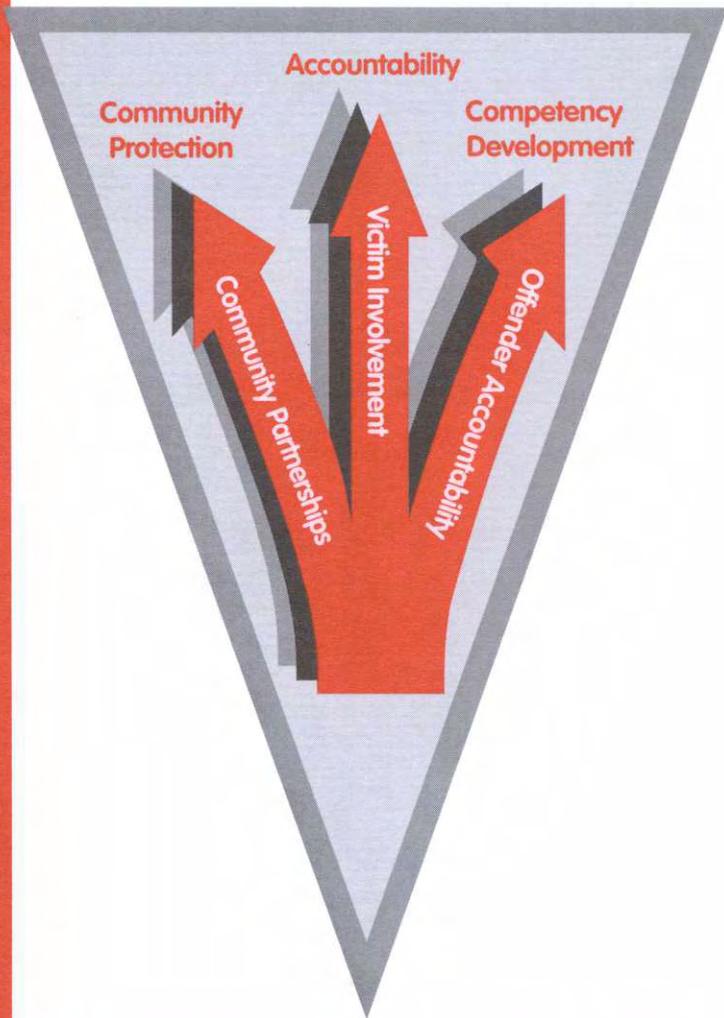


RESTORING JUSTICE, ACCOUNTABILITY & RESPONSIBILITY

"A CALIFORNIA SHOWCASE TRANSFER OF KNOWLEDGE WORKSHOP"



Co-Sponsored by: California Youth Authority
and Judicial Council of California

STATE OF CALIFORNIA

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January 31, 2000

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The Judicial Council of California and the California Youth Authority are pleased to present you with this report on the Restorative Justice Transfer of Knowledge Workshop. This was the state's first conference on restorative justice and we hope there will be many more. It brought together over 100 people from 16 counties to showcase their unique juvenile justice programs incorporating restorative justice principles. Participants had an opportunity to learn from each other, as well as from nationally recognized leaders, about restorative justice principles, which include:

- Crime is an offense against human relationships.
- Victims and the communities are central to the justice process.
- Offenders have personal responsibility to victims and the communities for their crimes.
- Stakeholders share responsibilities for restorative justice.
- Justice necessarily means assisting the victims, restoring the communities affected to the extent possible, and assisting the offenders to gain the skills, education, and self-confidence necessary to take personal responsibility.

California is stepping forward to become a leader in implementing these principles. It is not business as usual in our juvenile justice systems. The courts, in partnership with communities across the state, are working with their local government toward systemic change that will allow us to hear the voices of our victims and meet the needs of our youthful offenders so that they are restored.

This report incorporates comprehensive information and implementation strategies employed by California's juvenile court systems that can be replicated in other courts around the state and nation. It is intended to not only summarize the conference proceedings, but to give anyone interested in implementing restorative justice principles strategies both for building these principles into already existing programs and for developing new ones.

William C. Vickrey
Administrative Director of the Courts

Gregory Zernaño
Director of the Youth Authority

ACKNOWLEDGMENTS

The Department of the Youth Authority and the California Judicial Council, Administrative Office of the Courts wish to acknowledge the many participants who contributed to this “Restoring Justice, Accountability & Responsibility” transfer of knowledge workshop. Our sincerest thanks to members of the planning committee for their creativity, insight, commitment, and sense of humor. We want to also acknowledge the individual speakers and presenters for sharing their knowledge of, their passion for, and, most importantly, their practice of restorative principles. Special thanks to the facilitators, recorders, and typist for their assistance to the workgroups in the development of the county work plans. We want to acknowledge the support and endorsement of this workshop by the California District Attorneys’ Association, the Chief Probation Officers’ Association, and the Juvenile Court Judges of California. We extend our appreciation to Maria Cisneros of the Youth Authority and Eunice Collins and Trina Herron of the Administrative Office of the Courts for countless hours of “behind the scene” assignments that were critical to the success of this event.

“Restoring Justice, Accountability & Responsibility” A California Showcase Transfer of Knowledge Workshop

EXECUTIVE SUMMARY

The Judicial Council and the Department of the Youth Authority are very proud to have presented the first of hopefully many restorative justice workshops. “Restorative Justice, Accountability & Responsibility” was by all accounts a stunning success. The workshop was held on June 9–11, 1999, in Berkeley, California. Over 100 officials from 14 counties gathered to share their information, expertise, and experiences. The sponsors wish to acknowledge and thank the workshop planning committee, which was co-chaired by Judge Thomas C. Edwards and Mr. Kevin (Kip) Lowe, Assistant Deputy Director, Office of Prevention and Victims Services, Department of the Youth Authority. The planning committee was comprised of members from Fresno, Monterey, Sacramento, Santa Clara, Santa Cruz and Ventura Counties.

The counties with attendees at the conference were El Dorado, Fresno, Monterey, Napa, Orange, Placer, Riverside, Sacramento, San Francisco, Santa Clara, Santa Cruz, Shasta, Stanislaus, and Ventura. Attendees included judges, probation officers, district attorneys, public defenders, county board of supervisors, representatives of victims rights organizations, and community-based organizations working with at-risk youth.

The success of the workshop is partly attributable to the unique “transfer of knowledge” format. The format is based on the belief that the existing knowledge and expertise available in California is sufficient to solve the major problems of crime and delinquency facing the state’s communities.

Restorative justice is a new way of thinking about crime and criminal justice. Restorative justice emphasizes the ways in which crime hurts relationships between community members. Crime is viewed as a violation of a victim and a community, not only as a violation against the state. In restorative justice, crime victims take an active role in the justice system and have recourse to have their losses restored. Communities become safer by building the capacity for collective actions, they are actively involved in offender accountability and crime prevention. Offenders take personal responsibility for their actions and actively work to repair the harm they have caused to victims and communities.

The workshop featured a number of speakers and presenters sharing expertise and information on the personal impact of restoration, systematic approaches to restorative justice, and individual restorative practices. The “county teams” then worked in facilitated small groups and developed action strategies or model programs.

The planning committee has high hopes that a second restorative justice transfer of knowledge workshop will be held in Southern California by spring 2001. If so, the featured county programs will be those implemented as a result of attendance at this first workshop.

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The California Department of the Youth Authority has conducted a series of transfer of knowledge (TOK) workshops focusing on various aspects of the juvenile/criminal justice system, youthful offenders, and delinquency prevention. Based on the belief that there currently exists in the state of California sufficient knowledge and expertise to solve the major problems of crime and delinquency facing our communities. These workshops bring together acknowledged experts to share information and develop program models or action strategies that are later made available to interested parties in the form of a report such as this one.

A small planning group develops the workshops, which generally last two or three days. Although each workshop varies in format, all have at least three similar phases. The first phase is information sharing. In the second phase, participants break into small groups to develop strategies or model programs. In the last phase, participants return to the large group for a report and general discussion of the small-group findings. The final products of the workshop are action strategies or plans and a narrative report of the workshop's major discussions.

Since 1984, the Youth Authority has conducted TOKs on more than 60 subjects. The findings of the workshops, in some instances, have reinforced current thinking on the state of the art. In other cases, workshops have concluded with the development of some new and innovative ideas or recommendations. Most workshops have stressed that networking, coordination, cooperation, and collaboration are key elements when addressing the critical issues of crime and delinquency.

The workshops have also demonstrated that many effective programs currently operate in California to deal with the varied problems facing the justice system. Each workshop is unique, but all share the common goal of making California safer for everyone.

RESTORATIVE JUSTICE, WHAT IS IT?

Restorative justice is a new way of thinking about crime and criminal justice.

The concept of restorative justice has been receiving attention across the United States. Restorative justice emphasizes the ways in which crime hurts relationships between people who live in a community. Crime is seen as something done against a victim and the community—not simply as a violation against the state.

Restorative justice is a dynamic process where:

Crime victims have an active role in the justice system and their losses restored;

Communities become safer by building the capacity for collective action as they are actively involved in offender accountability and crime prevention; and,

Offenders take personal responsibility for their actions and actively work to repair the harm they have caused to victims and communities.

Restorative justice provides an expanded role for victims.

When an offense occurs, an obligation to the victim is incurred. Victims and communities should have their losses restored by the actions of offenders in making reparations. The juvenile justice process succeeds when victims are empowered as active participants.

Restorative justice gets the community involved.

The public has a right to a safe and secure community and must be protected during the time an offender is under juvenile justice supervision. The community takes responsibility for youth by making crime prevention a priority, involving youth in public service activities, and connecting them with others in the community so that they feel a sense of belonging in society.

Restorative justice requires offenders to take responsibility.

Juvenile offenders who come within the jurisdiction of the court should leave the system more capable of being productive and responsible in the community. By gaining skills, education, and self-confidence, offenders can build on their strengths to begin living better lives and not hurting others in the future.

RESTORING JUSTICE, ACCOUNTABILITY & RESPONSIBILITY A California Showcase Transfer of Knowledge Workshop

JUNE 9–11, 1999
BERKELEY MARINA RADISSON

◆ BACKGROUND

The idea for this event began late in 1997, with discussions between the leaders of the Judicial Council's Family and Juvenile Law Advisory Committee and the Youth Authority. They discussed the principles of restorative justice and methods to enhance the exposure of juvenile justice practitioners to promising restorative practices within California. They agreed that a transfer of knowledge workshop was the best forum to present this information and that the Judicial Council, Administrative Office of the Courts and the Youth Authority would collaborate on the planning and implementation.

Subsequently, a planning committee co-chaired by Judge Thomas C. Edwards and Mr. Kevin (Kip) Lowe, Assistant Deputy Director, Office of Prevention and Victims Services was convened in August 1998. The committee comprised representatives from Fresno, Monterey, Sacramento, Santa Clara, Santa Cruz, and Ventura Counties. Youth Authority and Judicial Council staff facilitated meetings over the course of several months that resulted in the development of a three-day workshop.

The first workshop, entitled "Restoring Justice, Accountability & Responsibility: A California Showcase Transfer of Knowledge Workshop," was held June 9–11, 1999, at the Berkeley Marina Radisson. The workshop was designed to be an intensive and informative process with the four major goals:

- ▶ Exploration of restorative justice principles in theory and in practice;
- ▶ Identification of effective strategies for community collaboration development;
- ▶ Sharing of sample restorative justice practices; and
- ▶ Development of county restorative justice action plans.

Participating counties were asked to convene a team of up to 10 members, with recommended members to include the presiding judge of juvenile court, the chief probation officer, the district attorney, the public defender, a member of the board of supervisors, a member of a victims rights organization, and a representative of a community-based organization working with at-risk youth. Additional members were at the discretion of the county. Each team was tasked with the development of a restorative justice action plan specific to the needs of the local juvenile justice system.

◆ PRESENTERS AND SPEAKERS

Exploration of restorative justice principles in theory and in practice was one of the stated goals of the first transfer of knowledge workshop. To accomplish this goal, the workshop was designed to present information in various formats by a wide range of speakers and presenters. On day one, Mr. William C. Vickrey and Mr. Gregory Zermeño provided opening remarks. The dinner speaker was Mr. Dennis Maloney, Director, Deschutes County, Oregon, Department of Community Justice, a nationally recognized leader in the restorative justice movement.

Day two was intense, informative, motivating, and emotional. The day began with a restorative justice panel comprised of individuals asked to discuss restorative justice from the perspective of an academic, a practitioner, and a victim. Mr. Maloney, Dr. George Martinez, and Mr. Azim Khamisa eloquently articulated these perspectives. This panel was followed by a forum entitled “Restorative Justice in Action,” which featured county programs and restorative justice practices. The county programs allowed for sharing of the systematic inclusion of restorative justice in the counties of Fresno, Santa Clara, and Shasta while the restorative justice practices enabled the counties of Fresno, Santa Clara, Santa Cruz, and Ventura to showcase specific restorative practices that have proven successful.

The luncheon speaker on day two was Ms. Cheryl Ward Kaiser, a survivor of violent crime. Ms. Ward Kaiser gave a brutally frank presentation on her experiences as a survivor of violent crime and strongly reinforced the significance of the victim’s place in the restorative process.

On the final day, before the county workgroups reported back to the large group, Assembly member Dion Aroner addressed the workshop. She complimented and encouraged the efforts of the workshop participants and spoke to the need of cost-effectiveness and measurable outcomes.

A brief summation of speaker and presenter comments follows.

OPENING REMARKS

◀ **William C. Vickrey, Administrative Director of the Courts.** Mr. Vickrey reminded the audience that California’s first juvenile court was established in 1903, and this may be an appropriate time to reflect on the juvenile justice system and future its course. The need for continued exploration of methods to improve the juvenile justice system is exemplified by the fact that the 1990’s have shown a 20 percent increase in juvenile filings. Mr. Vickrey noted that restorative justice concepts could be most successful when “practiced at the organizational level of the court system, in partnerships with other components of local government and the juvenile

justice system.” He closed his comments by emphasizing that restorative justice provides an opportunity to more fairly administer justice and better serve the needs of victims, youth, and the public as a whole.

◀ **Gregory Zermeño, Director of the Youth Authority.** In 1996, Mr. Zermeño, as the Superintendent of the DeWitt Nelson Youth Correctional Facility (DWNCF), was first introduced to restorative justice. Over the next two years he converted DWNCF to one of the only, if not the first, juvenile correctional facility resting on restorative justice principles. More than 350 staff were trained, and all offenders were educated and expected to incorporate restorative principles into their institutional program. Mr. Zermeño stated that the overall objective was to “incorporate this (restorative) process into the bricks.” In developing the restorative institution, Mr. Zermeño and designated staff made considerable community outreach efforts. The community’s overwhelming response has been an unexpected bonus, largely in part because it has dramatically increased the offenders opportunities for community service. Mr. Zermeño stated his intentions to increase the focus of restorative justice throughout the Youth Authority and reminded justice professionals of a responsibility to provide a service that makes sense to all aspects of the community.

“We have a responsibility to provide a service that makes sense to all aspects of the community.”

DINNER SPEAKER

◀ **Dennis Maloney, Director, Deschutes County, Oregon, Department of Community Justice.** Mr. Maloney began by reminding the participants that California is viewed as a leader throughout the nation and that now was an opportunity to make basic changes in the juvenile justice system. He presented restorative justice not as a program or an initiative, but as a lens through which practitioners should view their duties and the system. He stated restorative justice is a natural way of practicing justice—very personal, inclusive of victims and community, and representing the highest expectations of offenders. The challenge is to integrate restorative justice so it becomes the process of justice in this state. He stressed that, as this is accomplished, California will continue its rightful role as a national leader in justice and public safety.

RESTORATIVE JUSTICE PANEL

◀ **Dennis Maloney**, a nationally recognized leader in the restorative justice movement, focused his comments on an academic perspective. He indicated that restorative justice is value-based and at its core is the responsibility to get people together to solve problems. In order to effectively implement a

“If you don’t know where you are going, any road will do.”

restorative system, Mr. Maloney suggested three critical points: first, the preparation of a mission or focus statement; second, a new set of goals centered on the concepts of accountability, competency, community protection, and balance; and third, changing “what you count”—developing measurable outcomes for your work with victims, the community, and the offenders.

◀ **Dr. George Martinez** is a long-time Rotary Service Club member and a Neighborhood Accountability Board (NAB) member in Santa Clara County. His comments were presented from the practitioner’s point of view. His firsthand knowledge of the impact of mentoring activities and his strong sense of wanting to give back prompted him to become a volunteer NAB member. Dr. Martinez views his work as helping youth realize the harm they inflict upon community members. The NAB process facilitates an offender’s willingness to discuss issues with a community member as opposed to a “formal” representative of the law. The youth is often affected by the concern of the NAB members in a way that can lead to the offender personalizing his or her actions. The interaction in this process provides the offender opportunities to learn about the community and feel a part of the community, and it establishes responsibility as a viable solution to crime prevention.

◀ **Azim Khamisa**, president of the Tariq Khamisa Foundation, a foundation named after his murdered son, represented a victim’s perspective. Mr. Khamisa recounted his journey after the tragic murder of his 20-year-old son. He shared his anger, his deep sense of loss, his confusion about how this could

“Forgiveness must be earned, the stage must be set, and restorative justice attempts to do that.”

happen, and his indomitable faith, which led him to a healing path. The healing began with the formation of the Tariq Khamisa Foundation (TKF), an organization dedicated to preventing youth violence. TKF is unique in that Mr. Ples Felix, the grandfather of the 14-year-old who shot Tariq works with the foundation to spread the antiviolence message to middle school youth. As Mr. Khamisa states, he saw “victims on both sides of the gun” and working with Mr. Felix made perfect sense. For Mr. Khamisa the restorative process makes sense for three reasons. First, the vast majority of criminals will return to society. If not returned as functioning members of society, there is a good chance they will return to crime. Second, every human being has unique gifts, society has to mine these resources and allow everyone to contribute to the community. Lastly, victims need to heal—unabated anger is harmful, destructive, and blocks out love and joy. Mr. Khamisa noted that restorative justice sets the stage for forgiveness, a quality central to both the victim and the offender. He believes the offender needs the victim’s forgiveness to heal and in order for the victim to heal, it may require that her or she grant that forgiveness.

RESTORATIVE JUSTICE IN ACTION

The counties of Fresno, Santa Clara, and Shasta presented on their systemic approach to restorative justice and its impact at the local level. The presenters were as follows:

COUNTY PROGRAMS _____

- ◀ ***Fresno County, presented by Phil Kader, Probation Services Manager.*** Mr. Kader noted that Fresno County has a rich history of interagency collaborations and restorative practices. For many years, the Probation Department and other services agencies have developed programs and services with a strong emphasis on victim and community involvement. Examples presented were the Victim Offender Remediation Program, Youth Courts, Youth Accountability Boards, and a Graffiti Abatement program. These activities lead Fresno County to apply for and receive a National Institute of Corrections (NIC) grant. The “California Restorative Justice Initiative” grant provided funding for Fresno and four additional counties to meet and plan restorative justice forums. Each county then conducted their forum and the final report for NIC was prepared by Fresno County.

- ◀ ***Santa Clara County, presented by the Honorable Thomas C. Edwards, Presiding Judge of the Juvenile Court.*** Concerned over the dramatic increase in juveniles involved with weapons and violent offenses, Santa Clara County included a “Restorative Justice Demonstration Project” as part of the local action plan for its challenge grant. The Probation Department is the lead agency and the project initially focused on four designated neighborhoods. Judge Edwards noted that project staff devoted a significant amount of time to developing the mission statement, project focus, and project objectives. These documents subsequently provided the foundation and direction for all other activities. Central to the project was the formation of Neighborhood Accountability Boards (NAB) for each target area. Eligible youth are referred to the NABs, which in return are tasked with conducting confidential, face-to-face meetings with the offender, his or her parents, and, when possible, the victim. The NAB discusses the offense and its negative consequences and develops contracts that specify the youth’s responsibility to make reparations. Through collaborative partnerships, the NAB has access to a broad range of services providers. The services include, but are not limited to, day reporting centers, family group conferencing, parenting training, community service work, life skills programs, victim restitution, mentoring, youth leadership, and substance abuse prevention. Judge Edwards proudly stated that the Restorative Justice Demonstration Project has proven so successful that the number of targeted neighborhoods has grown to nine. The Santa Clara County Board of Supervisors allocated funding for the program expansion.

- ◀ ***Shasta County, presented by Renny A. Noll, Chief Probation Officer.*** Mr. Noll began by reminding the participants of the unique issues rural counties face. Restorative justice has allowed him to take a second and a third

“If you think money is the issue with restorative justice, you are missing the point.”

look at the services the probation department provides. These factors were seminal in establishing Shasta County's Restorative Justice Task Force. The task force includes public service agencies; local, state, and national political representatives; representatives from labor; members of the faith community; as well as educators, mental health professionals, local businesspeople, and at-large community members. The task force operates through a number of subcommittees charged with identifying specific problems or barriers and the appropriate public and/or private agencies needed to address the issues. This process has empowered Shasta County to efficiently develop solutions, programs, and practices to apply to their unique issues. For example, the Restorative Justice Task Force's Victims' Care Subcommittee successfully sponsored Assembly Bill 191. Another subcommittee led to the formation of "Restorative Enterprises," a private nonprofit that works with offenders leaving custody to help them obtain employment and housing. Mr. Noll indicated that Shasta County has established Youth Accountability Boards utilizing the existing structure of the Neighborhood Watch Programs and that restorative principles are fully integrated within the juvenile and adult justice system in both institutional and community corrections settings. As a benchmark of the success and popularity of the restorative process, Mr. Noll stated Shasta's recent annual Restorative Justice Conference had over 300 attendees.

RESTORATIVE JUSTICE PRACTICES ---

The conference also highlighted county programs that implement restorative justice principles.

- ◀ ***"Discipline That Restores," presented by Phil Kader, Probation Services Manager, Fresno County.*** In another example of Fresno County's efforts to view issues through the "restorative lens" Mr. Kader described Discipline That Restores, a conflict resolution program focused at the elementary school level. The core of Discipline That Restores is a small yellow card, that allows all students to quickly reference the appropriate resources to resolve conflicts. This strategy of being "aggressive with aggressiveness" has impacted the level of violence, and the learned skills are utilized beyond the elementary school.

- ◀ ***"Community Protection Practices," presented by Kurt E. Kumli, Deputy District Attorney, Santa Clara County.*** Mr. Kumli described a community protection practice of the Santa Clara County District Attorney's office. The practice is modeled after and works in conjunction with community policing. Assigned staff did not charge or try cases but were tasked to ascertain the perception of the district attorney's services and the type of services desired by the community. Through a series of community meetings, "quality of life issues" were found to be the major concern.

"Restorative justice can be a more appropriate way to deliver services."

In response to these concerns, the staff began collaborating with other public service agencies to address the issues noted. For instance, if blight was a top concern, then city code enforcement was brought in. Whatever the concern, the appropriate service provider was identified and the matter was expeditiously resolved. As issues and concerns began to be addressed, open dialogue became possible and was followed by a sense of trust. With the sense of trust, the communities were more forthcoming in discussing or dealing with traditional criminal justice issues.

- ◀ ***“The Juvenile Restitution Project,” presented by Carmen Flores, Deputy Probation Officer, Ventura County.*** For more than 20 years, youth under the jurisdiction of the Ventura County Probation Department have had opportunities to directly or symbolically make victim reparations. Ms. Flores described the Juvenile Restitution Work Release Center (JRWC) that in 1987 received the County Achievement Award from the National Association of Counties for distinguished programming. The JRWC is a 25-bed, coeducational placement option for juvenile wards ordered to pay restitution. The program goal is to increase the offender’s sense of responsibility and accountability for his or her actions by making reparations directly to their victim(s) or symbolically through community service. Offenders are given job training skills and, if hired, allowed to leave the facility to go to work. Offenders not gainfully employed must attend school and/or get involved in community service projects.

- ◀ ***“Santa Cruz Soccer Team,” presented by Laura Garnette, Deputy Probation Officer, and Armando Baltazar, Probation Aide, Santa Cruz County Probation.*** As the only team of presenters, Ms. Garnette and Mr. Baltazar described the Santa Cruz soccer team’s evolution into a truly restorative practice. The team began as a community protection practice intended to provide constructive activities for juvenile probationers during high crime hours. Through practice and participation in an indoor soccer league, the youth began building competencies in the areas of team work and discipline. During the first season a team member was attacked and seriously injured. Within 24 hours of this unfortunate incident, a significant showing of community support was generated. Public and private agencies came together in order to ensure the safety of all league participants. “Coach” Baltazar noted that this had a positive impact on the team, although it remained winless in the first season. Ms. Garnette then shared that the probation department was subsequently approached by Career Works Hire-a-Youth to develop a job site for high-risk youth. Predicated upon the existing competencies of soccer team members, Youth Leaders was considered a natural fit. With additional training, team members put on a nine-day soccer clinic for children up to the age of 12. Team members employed for the Unity Soccer Clinic received minimum wage and agreed to set aside a certain percentage for victim restitution. Upon completion of this experience, the team members had opportunities to take on the role of recreational leaders. Both Ms. Garnette and Mr. Baltazar pointed to an unexpected benefit of the evolutionary process—energizing of the paid professionals associated with this activity.

LUNCHEON SPEAKER

- ◀ **Cheryl Ward Kaiser, a survivor of violent crime.** In a brutally frank and emotional presentation, Ms. Ward Kaiser discussed the murder of her husband and the rape of her daughter in their home. She detailed her insistence that a justice professional who visited her home “walked through the crime scene, in order to get it.” She described the frustration of being a “witness” and therefore prevented from observing the courtroom proceedings. Yet Ms. Ward Kaiser voiced her appreciation of the district attorney’s office for the opportunity to participate in the justice system to the full extent the law allowed. She was given assistance in developing a victim’s impact statement and was included and informed of decisions in the cases, particularly as they related to sentencing of the suspects. Since this tragedy, Ms. Ward Kaiser has spent countless hours putting a face to victims. She routinely exercises her right to participate in hearings for the five individuals responsible for the murder of her husband and rape of her daughter. More amazingly, Ms. Ward Kaiser made over 100 visits last year and 70 visits this year to youth incarcerated in county or state facilities for victim impact classes. She goes to talk to the youth, to put a face on crime, and to help them understand the impact of their criminal actions. From Ms. Ward Kaiser’s perspective, restorative justice is “nothing more than, if a crime happened to you, how would you want to be treated.” Her closing comments were a challenge. “Why is the victim not involved? Why are you (justice professionals) resistive to this? Do you know how much they (victims) don’t believe in what you are doing?”

“Why are the victims not involved-why are you resistive to this....”

“Restorative justice is not soft, it is tough as hell.”

MOTIVATIONAL COMMENTS

- ◀ **Dion Aroner, Assembly Member, 14th Legislative District.** Assembly Member Aroner has more than 20 years of experience in the legislative process and has authored over 100 pieces of legislation in areas such as child care, educational finance, adoption, foster care, children’s mental health, and family policy. Assembly Member Aroner not only shared her perspectives but also came to learn about local restorative efforts. She pointed out that many juvenile offenders come first to the attention of social workers as abused and neglected children, and that the first steps toward restoration may well be socialization and skill building. She also referred to the difficulty of sanctioning youthful offenders with little or no attachment to their community or any sense of responsibility toward their victim. She encouraged the development of local programs and suggested that successful models of interagency collaborations and innovative funding are operating within other disciplines such as mental health, education, and social services.

“The challenge of restorative justice is to create programs at the community level, that ... provide accountability.”

◆ INTRODUCTION TO THE WORK PROCESS

Following the presentations, the workshop then broke into small discussion groups that were followed by a return to the larger group to report the discussions. Each group was given a specific task and provided with a facilitator and recorder. Due to a wide variance among participants in familiarization with restorative justice concepts, the small groups were structured around disciplines and county work sites.

◆ DISCIPLINE DISCUSSION GROUPS

Following the presentations, participants met in small discussion groups. Given the diversity of experience of the participants, representation in the small groups was determined by discipline area. Participants were divided into the following eight discipline areas: (1) judicial officers and court administrators, (2) chief probation officers, (3) district attorneys, (4) public defenders, (5) victim witness/juvenile justice prevention professionals, (6) county supervisors and administrators, and (7) two groups of program staff. Each group was provided with a facilitator and recorder and the notes of *each or all discipline groups are available upon request. If you are interested, please contact the California Youth Authority, Office of Prevention and Victims Services at 916-262-1392.*

Each group was given four tasks: (1) to discuss their impression of what they had heard during the earlier presentations; (2) to identify the types of barriers to implementing restorative justice principles; (3) to identify some of the benefits of using restorative justice principles in their local juvenile justice systems; and (4) to find solutions to identified implementation barriers or issues that might arise if they were to return to their counties and begin implementing the types of processes and programs that they learned about in the large group presentations.

Certain common themes emerged from the discipline group discussions. Each discipline group recognized that implementing restorative justice principles would require a philosophical shift and a cultural change in approaching juvenile justice. By acknowledging that the earlier presentations were aimed at systemic change, each discipline group independently arrived at some of the same conclusions about barriers. One of the most interesting barriers identified was that the participants looked first to themselves and, in each group, identified their own discipline as posing some resistance. This conclusion seems obvious because systemic change always means entrenched discipline perspectives must change, but it is highly unusual for those within a system to acknowledge their own role in such an enormous change. Additionally, the following shared themes were identified:

- ▶ Lack of collaboration stemming from different turf issues and funding streams;
- ▶ Fear of victims and victims' distrust of the justice system;
- ▶ The entrenched juvenile justice model, which is deficit-based rather than strength-based;

- ▶ Laws relating to three strikes, confidentiality, and sentencing;
- ▶ High caseloads; and
- ▶ Lack of education for everyone; the offender, the victim, the community, and the system participants.

Although there was a great deal of agreement across groups, within groups there were frequently divergent opinions. Participants grappled with the following questions:

- ▶ Are restorative justice programs better suited for children who commit minor offenses rather than serious offenses, or can the approach be taken for all children?;
- ▶ At what age, can a child be expected to gain the benefits of restorative justice programs by becoming accountable for his or her actions? Should programs include only younger children or older children or children of all ages?
- ▶ At what procedural point in a case should restorative justice be implemented?
- ▶ Will restorative justice work only for children who present as remorseful or can the principles be used to help children understand the consequences of their actions and reach a level of moral development where they can feel remorse for their actions?
- ▶ Is restorative justice simply a way of being soft on crime or in fact do some restorative justice programs, such as certain diversion programs, result in harsher consequences for typically low-level offenses?

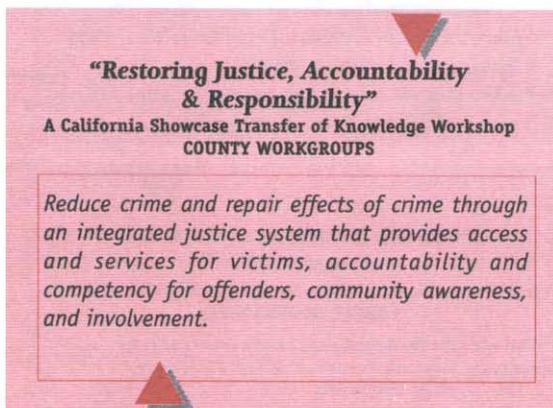
For the most part, the discipline groups identified the same benefits to restorative justice. Generally, they identified the defining characteristics of restorative justice as it was presented in the earlier large group presentation. Some of these benefits include: community involvement, addressing the needs of the victim, building offender competency and accountability, integration of system sanction related to offense, and better use of fiscal resources. As the participants reported the results of their discussions to the large group, there was a sense that individuals would be returning to their respective counties with a willingness to change and adopt new restorative justice ideas.

◆ COUNTY WORKGROUPS

After the discipline discussion groups reported back to the larger group, the real work for the TOK participants began. The county work teams were provided facilitators and recorders and charged with developing an action strategy or a work plan specific to local needs. The focus of the facilitation process was each team's response to what amounted to several questions. Their answers were documented in a structured county work plan and then presented to the larger group. The following elements constituted the work plan:

- ▶ Goal statement
- ▶ Need statement (Why do restorative justice?)
- ▶ What do you want to do?
- ▶ Who will do it?
- ▶ Funding options
- ▶ Implementation steps
- ▶ Suggestions on implementation technical assistance

All work plans were formatted as Power Point presentations and each county was provided an electronic and a hard copy of their work plan. The following sample work plan is a compilation of several counties' work.



“Restoring Justice, Accountability & Responsibility”

**A California Showcase Transfer of Knowledge Workshop
COUNTY WORKGROUPS**

We need a process to hold offenders immediately accountable to the victim and community, in which all three are involved as active participants.

“Restoring Justice, Accountability & Responsibility”

**A California Showcase Transfer of Knowledge Workshop
COUNTY WORKGROUPS**

- *Reform on confidentiality.*
- *Focus more on victims/victim impact statements in court process.*
- *Present Restorative Justice Information to Commission on Children, Families, and Friends.*
- *Develop a community forum.*
- *Bring schools into victim awareness programs.*

“Restoring Justice, Accountability & Responsibility”

**A California Showcase Transfer of Knowledge Workshop
COUNTY WORKGROUPS**

Who will take the overall lead for the county efforts?

- *A county consortium composed of Board of Supervisors and various county departments.*

Who will take the overall lead for the county efforts?

- *Supervising Juvenile Court Judges*
- *Criminal Justice/County Partners*
- *Chief Probation Officers*
- *Victims*
- *Mental Health*
- *Volunteer Center*
- *Faith Community*
- *Education*

“Restoring Justice, Accountability & Responsibility”

A California Showcase Transfer of Knowledge Workshop
COUNTY WORKGROUPS

Funding Options: (resources available)

- Victim Witness Funds
- Business Community
- Challenge Grants
- Service Clubs/
Organizations
- Foundations
- Restitution Fund
- County General Funds
- Redirected existing Funds

“Restoring Justice, Accountability & Responsibility”

A California Showcase Transfer of Knowledge Workshop
COUNTY WORKGROUPS

Implementation Steps:

Activity/Who	By When
• Restorative Justice Committee	30 days
• Discuss at the Juvenile Justice Coordinating Council, Judges Meeting	Next scheduled meeting
• Criminal Justice Partners Group and/or Children's Council	To be determined
• Community Forums	October 1, 1999
• Identify existing resources	January 2000

“Restoring Justice, Accountability & Responsibility”

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COUNTY WORKGROUPS

Implementation Steps:

Activity/Who	By When
• Victim Offender Meetings	July 2000
• Web site as Information Sharing Tool	To be determined

“Restoring Justice, Accountability & Responsibility”

A California Showcase Transfer of Knowledge Workshop COUNTY WORKGROUPS

Can you think of any help that might be available from the California Youth Authority, the Judicial Council—Center for Families, Children & the Courts, or any other presenter/county that would assist you during implementation? (State who and what.)

- *Facilitators/Trainers/Presenters from CYA and Judicial Council and presenting counties*
- *Identification of possible funding sources*
- *Trial Court Funding Rule 810 court operation expense*
- *List of conference attendees*
- *Legislative support*

NEXT STEPS

The “Restoring Justice Accountability & Responsibility” transfer of knowledge (TOK) workshop planning committee reconvened to debrief after the June 1999 event and to discuss future possibilities. A review of the attendee evaluation forms, committee members observations, and shared comments from participants led us to conclude that the stated goals of the TOK were met and that there is sufficient interest to warrant a second TOK. In essence, the last planning committee meeting for the “Restoring Justice, Accountability & Responsibility” workshop became the first planning meeting for a restorative justice transfer of knowledge workshop in 2000. Within that context the following “next steps” were discussed:

- ▶ Conduct a follow-up survey of county work plans from the June 1999 workshop;
- ▶ Conduct a second restorative justice transfer of knowledge workshop in Southern California, possibly in spring 2001;
- ▶ Identify possible funding assistance for county teams interested in attending;
- ▶ Place a stronger emphasis on the victim or victims’ representatives as part of the county work teams;
- ▶ Identify other state, county, or local agencies that may be funding or performing restorative practices;
- ▶ Invite additional state agencies to participate on the planning committee; and
- ▶ Improve and/or enhance various aspects of the TOK information-sharing process and work product.

APPENDIXES

"Restoring Justice, Accountability, & Responsibility"

A CALIFORNIA SHOWCASE TRANSFER OF KNOWLEDGE WORKSHOP

BERKELEY MARINA RADISSON HOTEL

JUNE 9-11, 1999

AGENDA

JUNE 9, 1999

6:00 pm No-host Hospitality Hour

7:00 pm Dinner

OPENING REMARKS

William C. Vickrey

Administrative Director of the Courts

Greg Zermeño, Director

California Youth Authority

DINNER SPEAKER

Dennis Maloney, Director

Deschutes County, Oregon

Department of Community Justice

JUNE 10, 1999

8:00 am Continental Breakfast

8:30 am WELCOME & COUNTY TEAM
INTRODUCTIONS

Kip Lowe, Assistant Deputy Director

Office of Prevention & Victims Services

California Youth Authority

9:00 am RESTORATIVE JUSTICE PANEL
❖ Academic perspective

Dennis Maloney

❖ Practitioner perspective

Dr. George Martinez

Neighborhood Accountability Board

❖ Victim perspective

Azim Khamisa

The Tariq Khamisa Foundation

10:00 am Break

10:15 am RESTORATIVE JUSTICE IN ACTION
❖ County Programs - Santa Clara County

Honorable Thomas Edwards

Presiding Judge of the Juvenile Court

Larry R. Price, Chief Probation Officer

Renny A. Noll, Chief Probation Officer

- Fresno County

- Shasta County

❖ Restorative Justice Practices

- Discipline That Restores

- Community Protection Practices

- Juvenile Restitution Project

- Santa Cruz Soccer Team

Phil Kader, Probation Services Manager

Kurt E. Kumli, Deputy District Attorney

Carmen Flores, Deputy Probation Officer

Laura Garnette / Armando Baltazar

AGENDA

PAGE 2

JUNE 10, 1999 (Continued)

- 11:45 am INTRODUCTION TO ACTION
PLANNING PROCESS *Audrey Evje, Attorney
Judicial Council of California*
- Milton Braswell
Prevention & Victims Services Specialist
California Youth Authority*
- 12:00 pm Lunch
- LUNCHEON SPEAKER *Cheryl Ward Kaiser,
Survivor of Violent Crime*
- 1:00 pm DISCIPLINE DISCUSSION GROUPS
- 2:00 pm Break
- 2:15 pm REPORT BACK *Moderator:
Honorable Thomas Edwards*
- 3:15 pm Break
- 3:30 pm COUNTY WORKGROUPS
- 5:00 pm ADJOURN
No-host Hospitality Hour
Dinner on your own

JUNE 11, 1999

- 7:30 am Continental Breakfast
- 8:00 am COUNTY WORKGROUPS
♦ Finalize county action plan
- 9:30 am Break
- 9:45 am COUNTY REPORTS
- 12:00 pm Lunch
- FEEDBACK/RECAP/CHARGE TO COUNTIES *Moderator: Kip Lowe*
- CLOSING COMMENTS
- 1:00 pm ADJOURN

Facilitators, Recorders, and Staff

Ms.Carolynn Castaneda	Ms. Diane Nunn
Ms. Karen Dodrill	Ms. Dorene Nylund
Hon. Thomas Edwards	Ms. Rochelle Gutierrez-O'Donnell
Ms. Audrey Evje	Ms. Barbara Phillips
Ms. Lorraine Faharity	Ms. Melissa Rodgers
Mr. Frank Gahub	Ms. Chiquita Sipos
Ms. Deborah Hedger	Mr. Duane Tanner
Ms. Trina Herron	Mr. Kevin Thurber
Mr. Jerry Hill	Ms. Jennifer Walter
Mr. Phil Kader	Ms. Anne Wells
Mr. Kurt Kumli	Mr. Christopher Wu
Ms. Ruth McCreight	



TOK Planning Committee

Hon. Kathy Akao	✘ Santa Cruz County
Mr. Milton C. Braswell	✘ Department of the Youth Authority
Hon. Tom Edwards	✘ Santa Clara County County
Ms. Audrey Evje	✘ Center for Families, Children & the Courts
Mr. Jerry Hill	
Mr. Phil Kader	✘ Fresno County
Mr. Kurt Kumli	✘ Santa Clara County
Mr. Kip Lowe	✘ Department of the Youth Authority
Mr. Verne Spiers	✘ Sacramento County
Mr. Duane Tanner	✘ Monterey County
Ms. Jennifer Walter	✘ Center for Families, Children & the Courts



Participating Counties

EL DORADO	MONTEREY
NAPA	ORANGE
PLACER	RIVERSIDE
SACRAMENTO	SAN FRANCISCO
SANTA CRUZ	STANISLAUS
VENTURA	