

The Juvenile Community Review Board

A model collaborative initiative to ensure safer and stronger communities through meaningful offender accountability, victim support, and community reintegration.

ACKNOWLEDGEMENTS

The following document is a hybrid of multiple ideas and current directions in Juvenile Justice arranged in a collaborative effort to replicate and implement - in its final product - a unique service model for the State of Maine.

In March of 2011, the Juvenile Justice Advisory Group of Maine (JJAG) hosted a training that originated in the State of Connecticut called, "Effective Police Interactions with Youth". It was during this training I first learned of Connecticut's use of Juvenile Review Boards (JRB); later I researched the model and connected with Francis Carino and Joel Rosenberg, both of whom were instrumental in creating the Connecticut JRB.

Since having learned of the model's potential of this model, I have become a passionate advocate for the development of a JRB in Maine. As a member of the JJAG and Shared Youth Vision Council of York County, I found like-minded juvenile justice practitioners and drafted a preliminary proposal.

The draft JRB proposal sought a police department, a school district, and a community willing to make this vision a reality. Fortunately, Lt. Timothy Deluca of the Old Orchard Police Department, RSU 23 Superintendent Patrick Phillips, Regional Juvenile Corrections manager Colin O'Neil, DHHS case workers Shannon Chavarie and Rebecca Austin, Assistant District Attorney of York County Tanya Sweeny, Pam Anderson, J.D. of the Restorative School Practices Project, as well as community members from the Old Orchard Beach community. Also, through my membership on the Board of Directors of the Restorative Justice Institute of Maine (RJIM) and in collaboration with the RJIM's Executive Director Patricia Kimball, the ability to design the JRB into a philosophically as well as programmatically restorative process that has potential for statewide replication was enhanced. We were also fortunate to engage the University of New England SEARCH Institute, who agreed to evaluate the project and provide student interns to support critical administrative functions of the project.

I thank the above persons and their respective organizations for their steadfast support and assistance in this most important and potentially transformative project.

Respectfully,
Sgt. Jonathan Shapiro
Maine State Police
Board Member, Restorative Justice Institute of Maine
January 2013

The material contained in this document is both original and borrowed, when appropriate and with permission. The JRB concept is taken directly from the State of Connecticut and their Youth Services Bureau. Therefore, many of their procedures and best practices are taken verbatim and utilized as properly noted as generic board standards. Other sections of this document are original to Maine and reflect our desire to make the process philosophically and explicitly restorative. We have designed our JRB to not only be restoratively-based, but also a low threshold program for a wider range of youth in need of social services.

A RESTORATIVE JUSTICE INITIATIVE FOR THE STATE OF MAINE

BACKGROUND

The Juvenile Justice system in the State of Maine is responding to current research in juvenile delinquency and quickly adopting the recommended approach of “alternatives to detention”. Research demonstrates that incarceration of juveniles leads to continued criminal conduct and poor outcomes continuing into adulthood. In response to this research, Maine’s Juvenile Justice Taskforce recommends significantly reducing the number of juveniles incarcerated in the State, and basing juvenile incarceration solely on two factors: degree of threat to society, and failure to appear for court. Absence either of these criteria the recommendation is that an “alternative to detention” be utilized.

While there is uniform agreement in the Maine’s juvenile justice system that these criteria are best practice for nonviolent youth, there is also a significant gap in resources for alternatives to detention, which results in frustration on the behalf of stakeholders and impedes the progress of best practice.

The Juvenile Community Review Board (JCRB) has the potential for multiple positive affects to further improve alternatives to youthful incarceration in Maine. It also meets the best practice criteria of early identification and intervention, tracking, accountability, and collaboration. Finally, the JCRB is cost effective with minimal monetary resources required for implementation and sustainability.

Restorative Practices are utilized in numerous countries around the world for both the juvenile and adult criminal justice systems. Several countries have enacted laws that direct the justice system to offer and or examine the applicability of restorative practices prior to the offender entering into the traditional justice system. Currently, there are several successful school and community-based restorative practices projects in Maine. However, the vast majority of the state remains on the sidelines; either unaware or hesitant to adopt this innovative method of responding to juvenile misconduct. The hesitation to act is problematic and is actually hindering the implementation effort to reduce incarceration for juveniles.

One other significant impediment is the separation of schools and the juvenile justice system. The two systems are connected in their respective roles to develop well-rounded resilient juveniles that progress successfully into adulthood. Restorative practices utilized in a juvenile review board that spans both systems will address school and community misconduct. In other words, a restorative practice could meet the vast majority of our current juvenile justice needs.

The JCRB engages juvenile justice professionals to include but not limited to: court personnel, JCCOs, police, school staff, DHHS staff, mental health staff, and community members. The juvenile would be routed to the board by either the police and or the school. Participation is voluntary and confidentiality waivers are signed. The existing police juvenile reporting form (PJRF) is used to identify high- risk children and provide background information to the board.

The board hears the case and then makes the recommendation to “repair the harm done” and to get the proper services in place for children that have identified needs.

In order for the above to take place I feel legislative support would be helpful. The support of legislation would provide a frame work and legitimacy to this effort. Supportive legislation in combination with the juvenile community review board would also help unite the three worlds of the juvenile; Home, School, and community. Children would be dealt with consistently, and within the frame work of the best practices of early identification, alternatives to incarceration, accountability, and tracking. This initiative would also help unite the various efforts currently under way in Maine as well as meet the juvenile justice task force recommendations. For example, restorative practices reduces suspensions and expulsions from school which in turn reduces criminal behavior and misconduct and increases graduation, this process would identify problem youth early and better utilize the various alternatives that Maine now utilizes.

Restorative practices elegantly and efficiently accomplishes the core goals of the juvenile justice task force, shared youth vision councils, and the local jurisdictional Team Planning groups. Legislative support for restorative practices in Maine would be productive in all venues and assist in unifying what is currently an arguably convoluted systems response to juveniles in need.

STANDARDS, GUIDELINES & OPERATING PROCEDURES

The standards contained in this document are recommended guidelines for operating a Juvenile Community Review Board. The standards are designed to ensure that each member of a Juvenile Community Review Board (JCRB) uphold the highest standards of trust, confidentiality, fairness and impartiality when discharging the duties and responsibilities of the Board to protect the rights and privileges of the children and families appearing before it and to preserve the rights and interests of any victims, the community, as well the integrity of the Board and its members and associated agencies.

I. STANDARDS OF PROFESSIONALISM

The actions of all those involved as members or associated staff of the JCRB should meet the highest standards of professionalism based upon the following universal elements of youth work:

- Act fairly, perform tasks impartially and maintain objectivity
- Avoid even the appearance of any conflicts of interest or impropriety
- Respect and maintain professional boundaries and confidentiality
- Possess a basic knowledge of the applicable law and legal principles
- Be knowledgeable of available diversions and be able to assess child and family needs and match to available diversions
- Be aware of the needs and concerns of any potential victim in the case.
- Be aware of any overall community interests that might be present.
- Operate on a belief that while a young person may have acted without malice, they nevertheless must be held accountable for their actions.
- Operate on a belief that families should be empowered to seek the appropriate services for their children's educational, emotional and physical health and well being.

II. PROCEDURAL OVERVIEW

The following standards provide a set of procedures that may be used to help assure that every JCRB case is handled in a manner that will ensure a fair and impartial process that will produce the most effective outcome.

PRE-HEARING: Even before the Initial Hearing, a considerable amount of preparation occurs to make sure the family understands and agrees to the process, to obtain the appropriate background and intake information, forms and releases and the information necessary to present the case to the JCRB.

INITIAL HEARING: These procedures assume the child and family will actually appear before the JCRB at the hearing. If the JCRB only reviews the reports and does not meet with the child and family at the hearing, some of the following procedures will not apply.

INTERIM HEARING: While not required in every case, an interim hearing may be held at any time while a case is under JCRB supervision for the purpose of monitoring compliance with the diversions, to amend or modify any of the terms of the Contract, or to address any problems or issues that may have occurred during the period of supervision.

FINAL HEARING: The purpose of the Final Hearing provides the JCRB the opportunity to bring closure to the case for the family if the case was successfully closed or to explain the next steps the family can expect if the process was not successful. In either case, the JCRB should provide support and encouragement to the child and family as they move forward from this point.

PURPOSE, PROCESS & PRINCIPALS

PURPOSE

The Juvenile Community Review Board's purpose and mission is to function both as an alternative to and as an extension of the traditional criminal justice and school disciplinary system and to support and assist school districts and the community at large by providing alternatives to punitive discipline for students/juveniles who participate in actions that harm the school community and the community at large.

The board will function under restorative philosophies and practices that hold the offender accountable are victim centered, and are focused on repairing the harm done, as well as reintegrating the offender and victim into the community and school environment, and facilitating the development of the competencies of involved juveniles so they become successful members of society.

The JCRB will act as a bridge between stakeholders; linking key juvenile justice, mental health, social services, and school professionals in a collaborative matrix that facilitates communication and unifies corrective/therapeutic action by all responsible stakeholders. The JCRB is not designed to be and will not function as a fact finding entity or as an adversarial hearing for the determination of wrongdoing.

AUTHORITY

Each of the agencies and organizations will grant the JCRB limited authority to conduct comprehensive reviews of student behavior, and to identify agreed-upon range of interventions with the young person and the young person's family. The JCRB's hearing and processing of a disciplinary or criminal justice related case shall not limit any of the participating agencies from considering additional (non JCRB) actions for new offences committed by the juvenile while the original case is before the Board. Once the JCRB has reached a conclusion, the participating agencies will support the recommendations of the JCRB and work in a collaborative manner to carry out the recommendations.

PROTECTION AGAINST SELF INCRIMINATION

Any statement of admission made by the referent to the Juvenile Community Review Board in connection with this offense cannot be used in evidence against said referent in an adjudicatory hearing if a petition based on the same facts is later filed.

CASE CRITERIA

- The person referred must be less than 18 years old at the time of the offence.
- All participation in board procedures must be voluntary by all parties involved.

- The juvenile must accept responsibility for any wrongdoing in appropriate cases (cases of a non-disciplinary nature preclude this requirement i.e. mental health, developmental, emotional, or family in need cases).
- As a general rule, violent felony offences are precluded from being heard by the board. All other crimes and acts of wrong doing may be entertained by the board at the board's discretion, to include but not limited to juvenile status offenses, misdemeanors, felonies, school violations, community violations, parental disciplinary issues, substance abuse issues, truancy issues, and by the court for pre- and post- adjudication dispositions/alternatives.
- The JCRB may also hear cases that pertain to families with service needs whose children display but are not limited to the following behaviors: runaways, beyond the control of the parent (out of control), and inappropriate sexual behavior.

REFERRALS

Juveniles can be referred to the board by:

- Police
- Courts
- Department of Corrections (JCCO)
- DHHS
- District Attorney's office
- School district
- Parent/guardian, and,
- Juvenile's own self-referral.

Referrals to the JCRB should be appropriate for the JCRB to entertain, to include but not be limited to the following: Multi-domain, early involvement in the Criminal/disciplinary system, rapid continued wrong doing/acting out, in need of services.

JCRB BOARD MEMBERS

The Board will consist of juvenile justice (police, court, Department of Corrections), social service (crisis services), school personnel, mental health professionals (DHHS), and appropriate community members.

The JCRB must have no less than three sitting members, representing the three "core" agencies of the Board (DHHS, DOC, and the school district) to hear a case and no more than 5 unless a particular expertise is required, then at the Board's discretion an additional member(s) may sit to hear a case, bringing the JCRB's total to seven members.

ROUTING MECHANISM

Cases will be routed to the JCRB by the preferred referral mechanism currently in use and identified as the Police Juvenile Reporting Form (PJRF)*. Internal policies and procedures by each stakeholder will govern the referral procedures. The referring party will explain the JCRB's purpose and function to the child and parent before a case is referred to the JCRB.

JCRB OPERATING PROCEDURE

The board member (or their designee) representing the Department of Health and Human Services will be primarily responsible for receiving all the referred cases, contacting the parent, explaining the board's purpose and procedures, as well as the required waiver and confidentiality forms, disseminating the cases to the board members, and assigning the appropriate board for case tracking and follow up. For example, all cases involving criminal activity will be tracked and followed up by the DOC (JCCO) board member, all cases involving mental health will be tracked by the DHHS board member, and all cases involving school misconduct will be tracked and followed up by the school board member. All JCRB working/open case files will be stored by the DHHS. Once the case is completed/closed the Old Orchard Police Department will store the completed case files. In the event that a case is primarily in the purview of another social service agency other than DOC, that agency will maintain records generated for their purposes in addition to the DOC records.

Once a case is referred to the DHHS member he/she will screen the case for appropriateness for a board hearing, make arrangements for relevant board members to attend, make all board members aware of any special circumstances or unusual cases, and coordinate parental notification (mail cover letter/meeting and waivers) as well as set the date and time for the hearing. The victim will also be solicited for input and participation in the process. If the victim is reluctant to attend or is unable to attend their input will be requested through a victim's letter and or the answering of the restorative victim questions for presentation at the conference. The JCRB will meet at least once a month on a mutually agreeable date and in consideration of the other participants. The waivers will be signed prior to the case being heard.

Once a case is heard, a written resolution plan will be developed and an appropriate board member will be assigned to track and follow up on the juvenile's progress. An interim hearing may occur at the discretion of the board. Final resolution may entail a final board appearance, which may consist of a closing circle or at the Board's discretion a case closing form may satisfactorily complete the juvenile's obligation.

The board will have the ability to resolve the case immediately at the initial hearing or require additional actions by the juvenile that may require other appearances before the board for final resolution. The juvenile may be allowed to resolve the issue to the Board's satisfaction without the need for additional appearances.

Whenever applicable, and as a general rule, the JCRB will utilize a circle process and restorative questions as an essential part of the hearing (except when the case is referred for a restorative circle conference). When there is a victim present the board will also ask restorative victim questions.

The JCRB will operate under the process as explained in this document and the juvenile and parent acquiesces to this process as indicated by their voluntary signature on the attached

waivers. No other rights or obligations are understood or implied other than what is explicitly stated herein.

JCRB HEARING PROCEDURE

The JCRB hearing procedure will be determined by the nature of the case scenario that is presented to the board via the PJRF mechanism. Generally, the three following scenarios will present themselves to the board:

- I. In the **first scenario** the juvenile has committed an act of wrong doing either in the school or in the community at large. In this case, the board may either utilize an informal (accountability) circle process for cases of a non-complicated nature, or refer the case out to a formal Restorative Justice (RJ) conference.

In appropriate cases, the board itself may conduct an informal circle with the assistance of a facilitator and any other relevant parties. The board will conduct the hearing in a circle configuration; the facilitator will welcome the involved parties, make introductions, and explain the process. Restorative questions will be utilized. Based upon the discussion generated by the questions and the board's assessment, a resolution will be reached and a contract will be made and signed. Upon completion of the contract, the board will reach a final disposition.

In the instance where the case is significant enough to require a referral to a formal RJ conference, the board will meet in a circle configuration and spend the initial appearance explaining the conference process and making arrangements for the formal conference. An initial contract will be drawn up that requires the family to participate in the circle and may also contain any applicable social service recommendations.

The board will manage the conference by identifying a facilitator, who conducts the pre-conference interviews, schedules the conference, and conducts the conference involving both offender and victim (if willing to participate), and their families/ supporters. The conference agreement will come back to the board. Upon satisfactory completion of the agreement, the board will reach a final disposition of the case.

- II. In the **second scenario** the juvenile is referred to the board because of a juvenile/family in some type of crisis. Generally this type of case would focus on the social services required to assist the family. Families referred to the board under this scenario fall into three groups: Families that are in crisis and have no existing services; families that have services however, the services are not sufficient; and families that need services but the family has been resistant to accepting the recommended services.

In cases that address juveniles and families in need, the board will meet the family in a circle configuration and based upon the information contained in the PJRF, the juvenile and family's input, and any other relevant party's input, the board will make recommendations for improved social services. A contract will be drawn that will require active juvenile/family participation, report back to the board, and then a final disposition.

These cases may also be referred out to a Family Group Decision Making conference, involving extended family and relevant social service providers, if the board determines that is an appropriate option.

III. The third scenario would be a combination of the first two scenarios where the juvenile is referred to the board, which determines that the juvenile not only committed an act of wrongdoing but also has social service needs. In this case the board may hear the case in an informal circle or refer out to a formal RJ conference and make recommendations for improved social services for the juvenile and/or family.

INFORMAL (ACCOUNTABILITY) CIRCLE PROCESS

The board prescreens the case through the PJRF and other relevant information. Then family, juvenile and victim are contacted. The juvenile, family and victim (optional) meet with the board.

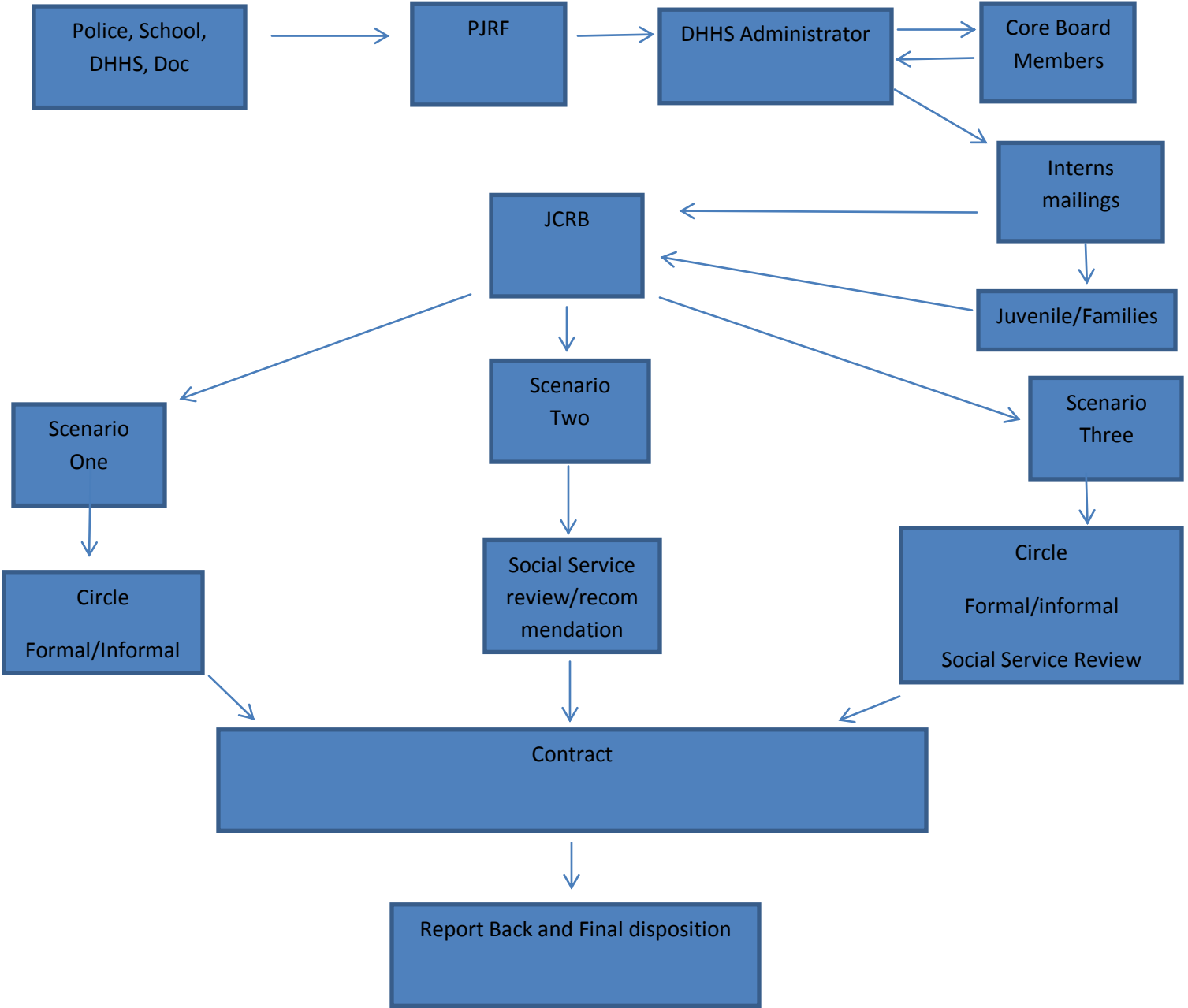
The victim should be included in the process whenever possible even if alternate means are required such as a victim letter and/or interview with victim, with restorative questions asked and recorded for use in the circle. The facilitator welcomes the attending parties and explains the process.

The restorative questions are asked and answered by the juvenile, family members and other participants. Victim input is provided if not present. Recommendations are solicited from the attending parties. The board makes recommendations. A contract is made. The juvenile and family should report back to the board for final case closure. (This may not require a physical appearance before the board, but may involve a written statement and evidence that agreement terms have been carried out.)

FORMAL RJ CONFERENCE PROCESS

The board prescreens the case from PJRF and other relevant information. Then family, juvenile and victim are contacted. The board meets with the juvenile and family (in a circle). The board facilitator explains the formal RJ Conference process and pre-conference preparation. Social service issues may be addressed at this time. A contract is drawn up requiring the formal conference and social service recommendations, if applicable. The conference agreement comes back to the board. The juvenile and family will report back to the board after completion of the agreement for final case closure, which is held as a closing circle.

JCRB Order of Operations Flow Chart



REFERRALS, SERVICES, DIVERSIONS

The following factors will be considered for the Juveniles appropriateness for a JCRB diversion:

- Seriousness of the offense
- Role of the juvenile in the offense
- Prior Police involvement
- Age of the juvenile
- Attitude of the juvenile
- Availability of appropriate diversions
- Multi-jurisdictional implications
- Juvenile's willingness to accept responsibility for act

The following are services the Board may provide, but shall not be limited to:

- Restorative Justice Conferencing
- Family Group conferencing
- Individual and group counseling;
- Parent training and family therapy;
- Work placement and employment counseling;
- Alternative and special educational opportunities;
- Recreational and youth enrichment programs;
- Outreach programs to insure participation and planning by the entire community for the development of regional and community-based youth services;
- Preventive programs, including youth pregnancy, youth suicide, violence, alcohol and drug prevention; and positive youth programs involvement

Possible Diversions may include but not limited to:

- Community service
- Restitution
- Apology
- Journal
- Psychological evaluation
- Substance abuse assessment
- Counseling
- Positive youth activity
- After school activities
- Interview/research and essay
- Monitoring and return to JCRB

Restorative Questions

Questions asked of Juvenile Offender (asked in this order):

- What happened?
- What were you thinking about at the time?
- What have your thoughts been since?
- Who has been affected by what you did?
- In what way have they been affected?
- What do you think you need to do to make things right?

Victim Questions- To help those harmed by others' actions:

- What did you think when you realized what had happened?
- What have your thoughts been since?
- How has this affected you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

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