RESTORATIVE JUSTICE FOR JUVENILES:
A Pathway to Success

A Certified Public Manager® Program Solutions Alabama Project
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Restorative Justice Project Team

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Executive Summary

The National Center for Juvenile Justice (NCJJ) maintains a profile for all states’ juvenile justice system. In 2005, Alabama’s delinquency services were summarized by NCJJ as organized at state and local levels with detention administered by county executive agencies.¹ The Department of Youth Services (DYS) administers commitment programs. Diversion from DYS involves the intake officer recommending counseling, supervision by a juvenile officer or temporary placement with parents or a custodian. This paper reviews how other states approach restorative justice and reviews several initiatives undertaken across the United States proven to reduce juvenile detention.

Recommendations are highly favored for community involvement that would require victims and offenders in all areas of the rehabilitation program to resolve conflict while rebuilding relationships that have been harmed between families and communities. Community involvement includes allowing schools to respond to incidents of misconduct that lead to the detention of youth because of zero-tolerance discipline policies. This paper exposes studies that show significant improvement when offenders are encouraged to look at the impact of their behavior and accept the responsibility of their actions when involved in restorative circle-conferences. Alabama cannot end adult incarceration without further decreasing youth detention rates. Therefore, the goal is to emphasize restorative justice methods such as conferencing, as an alternative to further involvement in the criminal justice system.

Team Challenge

In Alabama, adult prisons continue to surpass their maximum capacity. Many offenders became “justice involved” as juvenile offenders. The recidivism rate continues to climb and leads to a cycle of offending that continues unless something intervenes the cycle. Many of the youth offenders serve out their sentencing at facilities operated by DYS whose mission is to hold juvenile offenders accountable through use of institutional, educational and community services that balance the rights and needs of victims, communities and offenders.

Some states are using “conferencing” as a method to bring offenders, victims and supporters of each together to determine appropriate restitution or consequences for their crime. If the juvenile successfully completes the restitution and restoration of the crime, the charges are dropped.

Team Task

This team was tasked with analyzing the rate of juvenile offenders in Alabama. We explored how Alabama compared nationally and what are other states are doing to prevent juveniles from entering the justice system. We evaluated the initiatives utilized across the United States that are being proven to reduce the number of juveniles who enter judicial custody. Finally, we assessed what other strategies should Alabama consider in deterring juvenile criminal behavior.

Introduction

What is juvenile restorative justice? Restorative justice is a structured method utilized for juveniles at the introduction phase of the justice system to be guided through an alternate path. Youths who offend are not always held accountable for their actions when the traditional juvenile system determines their future. The role of the youth is passive and often indifferent. Restorative justice engages victims, offenders and their families through a mediation process that holds the offenders accountable while repairing the damage caused to victims and communities. Restorative justice is a shift from zero-tolerance as the only option to a creative reform process for appropriate individuals.

The traditional criminal justice system focuses on who broke the law, what law was broken and what punishment to invoke. Restorative justice concentrates on who was harmed, what are the needs of all affected and how to repair the harm for all involved. Restorative justice also suggests that the response to youth crime must strike a balance among the needs of victims, offenders and communities and that each should be actively involved in the justice process to the greatest extent possible.\(^2\) Other states have used such approaches to build bridges between the community and courts by implementing the following restorative justice programs (titles):

- Healing Circles, Circles of Understanding
- Community/Neighborhood Accountability Boards
- Youth, Teen and Student Courts
- Restitution
- Family Group Conferencing
- Victim Impact Classes
- Victim Offender Conferencing

The Problem in Alabama

In 2007, Alabama spent over $50,000 on each juvenile housed in detention facilities.\(^3\) Statistics continue to demonstrate that children as young as 11 years of age are detained in state youth facilities for minor infractions. In 2007, Alabama policy makers collaborated with the Annie E. Casey Foundation and began reducing commitments in DYS. The reform led to an average of 582 juveniles being housed in DYS facilities compared to the 1,084 juveniles that were housed before the Foundation began working with the state. Much of the success was related to revising the Alabama Juvenile Justice Act of 2008, that banned the incarceration of status offenders. Status offenders are juveniles under the jurisdiction of the court for offenses such as truancy, running away, violating curfews and underage drinking. In 2010, it was discovered that only 42% of DYS


admissions were for felony offenses confirming that many non-serious offenders are still being committed to DYS.  

**The Success of Other States**

Statistics from California, Pennsylvania, and Illinois demonstrate a proven success rate for balanced restorative justice (BRI) in the school systems. All three states recognized that under zero-tolerance policies, behaviors such as fights without weapons, dress code violations, the use of obscenity, defiance of authority and other disruptive behaviors resulted in escalating expulsions from school. Statistics prove a direct relationship to truancy and expulsions as the beginning of behavior problems that can eventually lead to consistent contact with the court systems. The following states created clear and consistent restorative languages in mission statements, legislation and programs to effect change.

**California**

California implemented a school-based restorative pilot program utilizing restorative justice practices in 2007, at Cole Middle School in the West Oakland community. Cole incorporated restorative circles involving participants (students, teachers, staff and others) literally sitting in a circle, with a circle keeper to guide the process. The circle keeper ensured that everyone had an opportunity to speak, that the process was respected and that everyone abided by the agreed upon values. This change reduced the average rate of suspension to only six per 100 students compared to the average rate before the program of 50 suspensions per 100 students. This represents an 87% suspension reduction in one school system in California that also achieved a 0% expulsion rate after implementing restorative justice. After proven success, the pilot program was expanded throughout the Oakland Unified School District. Further, achievements in some of the after-school and alternative education programs in Oakland highlight the success of various restorative programs:

- In 2009, 96% of the juvenile offenders participating in McCullum Youth Court’s peer counseling programs, a diversionary program for first time offenders that offers an alternative to the traditional juvenile justice system, did not re-offend.
- In 2010, the school enrollment rate among Youth Uprising members averaged about 10% higher than Oakland Unified School District overall, and as much as 40% higher than the district’s worst schools.
- Ninety percent of the youth in the state-run California Youth Outreach’s job training programs that were previously involved in gang culture and/or activity, are now enrolled in school.

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About one-third of at risk youth placed in local nonprofit Youth Radio’s media training programs go on to work in media.6

There were several other areas in California which developed their own restorative justice programs. One of those includes the Resolve to Stop the Violence program (RSVP). RSVP provides empowerment groups, peer education, mentorship training and other activities at George Washington High School, Youth Guidance Center and YWCA for boys and girls who are impacted by the criminal justice system and/or at risk of violence. The program offers separate restoration programs for the offender and community that can be utilized specifically to meet the needs of all involved.

Pennsylvania

As a national model for restorative justice reform, Pennsylvania is one state that developed new roles for the court and community within its Juvenile Justice System. Cumberland County Juvenile Probation, under the direction and guidance of the Cumberland County Juvenile Court, provides services to youth that fall within the jurisdiction of the Juvenile Court. Probation duties are governed by the Juvenile Act of Pennsylvania. The Juvenile Probation Department has specific responsibilities to the Court, the Community, to the victims of juvenile crime and to the juvenile offender.

The Juvenile Court in Cumberland County is able to successfully address community protection, offender accountability, competency development and victim restoration through programs such as evidence based assessment, motivational interviewing, community based probation, electronic home monitoring, youth aid panel diversion, victim awareness classes, community based restitution, community service programs, therapeutic foster care, residential out of home placement and secure confinement.

Pennsylvania seeks to achieve three goals 1) community protection – emphasizes the right to a safe and secure community 2) accountability - incurs an obligation to the victim and community and 3) competency development - addresses having the juvenile become more capable of being responsible and productive members of their communities.7 To reach these goals, Pennsylvania partnered with the John D. and Catherine T. MacArthur Foundation for funding and was the first state chosen to participate in the Models for Change initiative. Models for Change is working to transform the juvenile justice system by focusing on three targeted areas of improvement in Pennsylvania: strengthening aftercare, reducing disproportionate minority contact and improving mental health and juvenile justice systems.8


8 See: http://www.modelsforchange.net/about/States-for-change/Pennsylvania.html
Successful examples in Pennsylvania include the Student Justice Panels set up in four Lehigh County middle schools to prevent adjudication of first-time offenders and to help schools provide accountability and guidance to offending juveniles. Juveniles referred to the panels immediately received a mental health and behavioral assessment. Among 148 juveniles referred to the panels and monitored for two years:

- 55% were identified as having unmet mental or behavioral health needs
- 95 met with panels and entered into a contract
- 65% of these completed their contract
- 92% of those who completed their contract did not re-offend
- 22% of those who did not complete their contract did re-offend

**Illinois**

In Peoria, Illinois, juvenile justice officials along with school officials noticed that 80% of African-Americans were entering detention for aggravated battery in one public high school. Forty-four percent were released at or before their detention hearing suggesting that many were not considered a public safety risk and, therefore could be identified for reform. In 2006, with support from the Models for Change initiative the principles of Balanced and Restorative Justice (BARJ) was introduced in Manual High School as a way of resolving conflicts before arrest and referral to the juvenile justice system. A Peacemaking Circle is the intervention technique used that allows the students to talk out issues, work on misunderstandings and resolve differences. Trained staff uses the Peacemaking Circles to keep disagreements from escalating into physical altercations and the Peacemaking Circles eventually spread to seven other county schools within three years.

Peer juries were also introduced at Manual High School as a way to hold students accountable for their behavior. The peer juries are led by students that hear cases involving fighting, intimidation, insubordination and other misconduct. The students can administer consequences such as mediation, writing assignments, and after-school detention. Officials saw a 35% overall reduction in school-based referrals resulting in secure detention and a 43% drop for African-American youth with the Peer Juries successfully handing 95% of their cases.¹⁰

**The Comeback States**

In the publication, *The Comeback States*, nine states youth offender statistics are reported on. Those states are Connecticut, Mississippi, New York, Wisconsin, Illinois, Ohio, Texas, California and Washington. As a group, these states reduced youth incarceration by 51% throughout the U.S. during 2001-2010. Individually each state out-performed the national average of 32%. The decline in the number of arrests was associated with effective community-based intervention programs

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that focused on family, community, youth development and not incarceration. The programs are far less costly than $50,000 per bed in Alabama. This publication also highlighted studies that signal the public is in favor of unconventional practices that restore the youths rather than punish. In fact, “80% prefer the reallocation of state funding to programs and 62% prefer allowing youths to live in their own homes, receive counseling and other services under the close supervision of a caseworker rather than being confined in large youth incarceration facilities”

The Status of Alabama

Alabama works in harmony with the Juvenile Justice Act of 2008 found in Title 12 Chapter 15 of the Code of Alabama, 1975. That law was amended to prohibit the commitment of status offenders to DYS. Once DYS removed status offenses it reduced admission population by 77% (1,103 of 1,438)\(^{12}\). The *Code of Alabama* outlines basic rehabilitation options in Alabama courts as:

1. Informal Adjustment – Deferred
2. Consent Decree – Continued to Be Dismissed; Set Conditions
3. Probation – Plead True
4. Boot Camp – Not as commonly used but typically a 28-45 day program
5. Suspended Commitment – custody is vested with the DYS but the youth is allowed to stay home
6. Department of Youth Services – commitment to DYS

The result is that victims have little or no role in the juvenile justice system. Yet, many believe that victims need opportunities to speak and to be heard, and to participate in creating a response for the harm done. Alabama must realize there is no ‘one size fits all’ and do more for low-risk juveniles by introducing and participating in victim-offender conferencing.

According to Kenney Provitt\(^{13}\), Director of Sequel Youth and Family Services of Tuskegee, Alabama has several ineffective programs still in place such as alternative schools, scared straight programs, D.A.R.E., curfew laws, long sentences and boot camps. In these programs juveniles are placed with peers who have similar behaviors and they tend to flock together during the program, defeating the intent for rehabilitation. In addition, curfew laws do not work because statistics consistently underscore that most crimes happen after school between 3:00 – 7:00 pm. Programs in Alabama that are successful include family therapy, aggressive replacement training, Big Brothers/Big Sisters, life skills, in-home nursing, HIPPY program and PATH. However, Alabama can address the underlying causes of criminal behavior by promoting conferencing and building relationships with victims, families and the community.

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\(^{13}\) Kenney Provitt, Director of Sequel Youth and Family Services of Tuskegee. Interviewed: April 2013.
Recommendations for Alabama

New Role of Probationary Officers

According to the Alabama’s Juvenile Probation Officers’ Resource Manual, approximately 41,000 delinquency cases are handled annually by Alabama juvenile courts.14 Virtually every one of the juveniles involved in these cases has contact with juvenile probation officers at some point. The probationary officer is the first line of contact for juveniles entering the court system and can make the recommendation of conferencing as an alternative in partnership with county juvenile justice systems and school systems. A plan should be developed by the probationary officer that appropriately address the concerns of all those affected by a juvenile crime. Depending on the crime, the agreement could include programs such as worksheets, letters of apology or community service as long as the resolution adheres to the principles of restorative justice and addresses the needs of the victims, offenders and community. The following are basic examples of restorative justice programs used by the Ogle County Juvenile Probation Department in Illinois.15

- **Victim-offender conference**: a process allowing victims and offenders to meet in a safe setting to discuss the impact of the offense
- **Community impact panels**: volunteers from the community meet with the offender to share stories of how crimes have affected their lives
- **Accountability diversion contracts**: contracts signed by youth to help them recognize and take responsibility for at-risk behaviors
- **Alternative to suspension**: youth visit a reporting center in the community instead of facing an out of school suspension
- **Alternative to detention**: youth visit a community reporting center instead of being sent to juvenile detention
- **Online diversion education**: an online education course focused on enhancing the youths’ understanding of the offense

A probationary officer can make the recommendation for conferencing; however, for conferencing to work it must be voluntary and not a forced participation of the offender nor the victim. The developed plan should be specific, measurable, attainable, relevant, and definitely timed to make sure the youth is accountable. The probationary officer would then follow-up on the proposed action plan by meeting with the juvenile and victim to make sure the agreement was upheld to a satisfactory level.

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Educational Systems

Circles can be administered at all levels of schooling and serve an array of purposes both in and out of the juvenile justice system. They can be used to resolve conflict, address misbehavior, reduce exclusion, raise attendance and increase happier and safer schools. Restorative practices in schools can also be used for building relationships and changing community cultures. The goal is to get to the underlying root of the problem in order to for the youth to take responsibility for their actions.

Teen courts work well in an educational setting because the offenders actually face their victims while being judged by their peers. Sitting in a court style setting, the students are provided general questions to ask that will identify why the student acted out and how he or she may have felt at the time. The concept also includes additional time for them to talk about any life events that may be affecting them in the present. States that use peer courts develop questions that are simple and practical for moving in a positive and successful direction toward a fair outcome. The teen court sessions are conducted by trained youths and facilitated by school administrators. The entire process is one method of restorative justice used in decreasing the school-to-prison pipeline.

Administrators or conductors of circles and peer courts would seek to ask questions that will allow people to speak from the heart, while sharing their role and understanding of the event. Most importantly, circles provide acceptance and prevent future crimes.  

RESTORATIVE QUESTIONS TO ASK:

1) Can you explain what happened?
2) How did it happen?
3) What was the harm?
4) Who do you think was affected?
5) How were you affected?
6) How were others affected?
7) How do you feel about what happened?
8) What needs to happen to make things right?
9) How are you doing now in relation to the event and its consequences?
10) What were you looking for when you chose to act?
11) What would you like to offer and to whom?

How will circles work? Using handbooks and manuals created by the National Juvenile Justice Network (NJJN) and the Texas Public Policy Foundation such as The Comeback States, Alabama could define roles of the juvenile justice system, the community, the victim, the offender and

family/guardian. For example, with accountability the community role could include creating informal support systems for victims and paid work experience for offenders. The Juvenile Justice System role in accountability would be to find productive ways to ensure that offenders repay victims and complete the restorative requirements that work in harmony with developing competency of the juvenile leaving the system better than when they entered. The family/guardian role would include setting clear behavioral expectations in harmony with the courts. Guardians would also contribute by participating in parenting education, training, or other activities in support of the juvenile.

Communities

Communities such as drug councils, therapists, cooperatives, Boys and Girls Clubs, faith-based organization and non-profits can play a significant role in restorative justice. Responsible participants would be best selected from community leaders or citizens who want to be engaged in advisory boards at local, county and state levels. Such leaders can be trained to facilitate Community Panels, Restorative Boards and Neighborhood Accountability Boards. Local police authority and probation officers would recommend the youth to the community for further restorative justice. During a scheduled meeting, board members would discuss with the offender the nature of the offense and its negative consequences. Community diversion programs allow the youth to avoid the stigma and foreshadowing associated with having a juvenile record. Instead, working with the community both the citizens and the youth develop stronger relationships and an informal support systems or sense of safety.

RESTORATIVE PRACTICES
Restorative practices take incidents that might otherwise result in punishment and create opportunities for juveniles to:

- Become aware of the impact of their behavior
- Understand the obligation to take responsibility for their actions
- Take steps toward making things right

Potential Funding Sources

There are several potential funding sources for a restorative justice program. Grants are available through the Alabama Department of Economic and Community Affairs (ADECA) and include the Title II Part B Formula Grant Program, the Juvenile Accountability Block Grant Program and the ADECA LETS Division sub-grants. ADECA also has staff available to assist in acquiring grants. There are also grant opportunities available through The U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Committee (JJDPC). Additional possibilities include collaborating with faith-based or community-based organizations, city or county governments,
universities and local schools. A portion of the funds that are collected as restitution and paid by the offender would also be put back into the program.

In 2011, the JJDPC awarded Pennsylvania 13 grants to counties around the Commonwealth. The $11.5 million in grant money came from Federal Formula Grant Title II funds. These dollars built explicitly upon the years of work of the Mental Health/Juvenile Justice Workgroup. At a time of dwindling state resources, the initiative was a proclamation of stakeholder and JJDPC commitment to the Juvenile Justice System Enhancement Strategy (JJSES) that would become one of Models for Change’s legacies. JJDPC is influential in steering state policy, and its advice extends to how millions of dollars in federal and state funds should be spent. These funds include JJDPA formula grant funds that are available to every state that complies with JJDPA’s core mandates. They also include dollars from an array of federal funding streams, such as Justice Assistance Grant funding, and state funding streams, such as state violence prevention funds. 17

Conclusion

The restorative justice processes discussed in this paper are proposed as alternatives to the legal approach for youths in Alabama. These alternatives are designed to decrease the incarceration and recidivism rates of the youth in Alabama. Strategies, programs and practices have been presented positively from California, Pennsylvania and Illinois as well as other areas that report positive results after introducing restorative justice.

The most commonly used and proven plan to address the state’s concern is restorative juvenile justice. Alabama should take a closer look at implementing restorative justice programs in the school systems, community and court systems. The establishment of school facilitators/mediators, victim advocacy, training and redefining probationary roles are small steps in getting this process started. Potential funding sources are available for a pilot program to originate in the capital city of Alabama.

By introducing Restorative Justice Programs for Alabama youth, the state becomes a critical component of the global effort to decrease the early involvement of juveniles in the justice system and empower our communities and families.

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Appendix 1-A victim’s story

WHY?

Can you imagine what it feels like to move into a house, go to the movies and come back to find that someone kicked in the front door? I don’t think anyone can understand the fear I was experiencing that night. I was afraid be left on my own. After the police took the report, I called my family to help me move out that same night. (I never went back.) It was a very stressful situation and really incredulous. I never thought there would come a time when I would move in and move out of a house on the same day?

The perpetrator was a 15 yr. old boy living next door. This was not his first offense. It was common knowledge that he broke into houses throughout the neighborhood. Why I was not told is still a mystery to me? Why has no one stopped him?

Conferencing… might have generated a major change in this young man’s life. He was doing more than simple breaking into people houses and stealing their personal items. He took very personal items that had family memories that could not be replaced.

If I had the opportunity to have a conference, I would tell him that “right was right and wrong was wrong” I would tell him how valuable all my possessions were to me; how hard I worked and some of the things I had to sacrifice. I would want him to at least apologize to me.

A lot of the young people living in Montgomery today are in desperate need of counseling, mentoring, and guidance. They need to be taught morals, values and respect for each other.

Without some form of change crime will continue to rise and these crimes will become more and more violent. So once again I ask “Why” … “Why won’t someone do something to help show them that the future is as bright as you want it?”
APPENDIX 2- An offender speaks

A LIFETIME OF REGRET....

I am 37 and I am serving a life sentence in prison for killing a man when I was 17.

I started committing crimes when I was 11. An ex-con talked me into breaking into someone’s house. According to him, I didn’t have to worry because I was a kid... NOTHING HAPPENS TO KIDS! That was a lie. I could have lost my life because the homeowner had a gun. I was sent to Mt. Meigs Youth Detention Center for the first time. It was like a boot camp. I straightened up for a little while, but gave into the temptation of easy money in a drug infested neighborhood.

I dropped out in Jr. High. Unfortunately, I got in trouble again because I was shooting a BB gun at the school bus. I was sent to Mt. Meigs a second time. I wasn’t worried because I knew they would eventually send me home. Once again, I hooked up with the same group of cat’s I ran the street with each day. Without realizing it I was going down fast because I didn’t care; no one cared. I knew that one of my friends and some other guy was in a relationship with the same girl. Once again, I didn’t care; it was none of my business. One day while sitting in the car with him, a guy approached us with his gun drawn. He came to fight over this girl. I didn’t know him but I was going to defend myself. We shot each other at the same time. I survived; he didn’t.

I now have a lifetime behind bars to rethink how I lived my life and the decisions I made. The question that circulates through my mind every day is...Why. Why didn’t my two visits to Mt. Meigs deter me or someone pulling me to the side and showing me a better way? I don’t know the answer; I wish I could relive my past and go a different direction. As for today’s young people that are committing crimes, serious crimes, someone needs to make a powerful effort to change their lives in positive way.

I am being asked about Restorative Justice. I don’t know. Really no one knows if it will work unless they try it. As I think back to the house I broke into when I was 11, I wonder... what if that man had told me how he had worked his entire life to buy his house. Would a feeling of guilt have changed my life? What if that man had lowered his gun and said “Son, it doesn’t have to be this way. Let me help you.” Would the act of someone caring have changed my life? Can Montgomery, Alabama afford to leave any stone unturned? Is the question “what If...” going to rule Montgomery for eternity?

I have one last thing to say...If someone does not take an active role guiding these youths in a more productive direction, someone will guide them in a negative direction.
APPENDIX 3-A psychologist’s view

WHAT IS THE REAL PROBLEM? THE ACTION OR THE ISSUE

I have years of experience working within the department of youth services and know there are a few to many people working there for a pay check. In order to work with kids that are brought in to this system, the worker needs to have compassion and a desire to help these kids. (A mission) It can be very stressful upon the most dedicated of workers because these kids are turning to them constantly for help; they know who really cares about their future.

Which leads me to my net observation...underlying issues. Most times we simple ask kids why they did it. Is that enough? Do we really expect an honest answer? Have anyone considered that the child does not have the answer? There are laws and programs to punish youth offender but they do not have enough services/ programs to habilitate them. Anger is a big issue today; yet, how many anger management programs are being offered? Can a behavior really be changed/ stopped without knowing where it originated? A lot of churches and community programs involve children in a positive manner but none of these programs were specifically designed to help prevention of youth entering to the criminal court system for youth.

I believe Conferencing is an impressive method of Restorative Justice. It is used in some manner in states across the U.S. with positive effect in preventing youth from entering and reentering the criminal court system. There are many reason why this is such an effective process. For example, the victim receives the opportunity to express their emotions and the effects of this act of violation has made on them. The offender compelled to face the consequences and take accountability of their actions. This is the doorway to healing all that is involved (victim and offender) but it does not stop there. Acknowledgement is not the resolution to the issue. It is like a weed in your front yard. It does not matter how many times you pull it up or cut it, if the root is not extracted, it will continue to grow. It will increase and expand to uncontrollable magnitude.