

BERRIEN COUNTY COMMUNITY RESTORATIVE BOARD

*Berrien County Trial Court
Family Division
Mabel J. Mayfield, Presiding Judge
811 Port Street
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A restorative justice project developed by:

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The Berrien County
Trial Court, Family Division

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COMMUNITY RESTORATIVE BOARD

What is the Community Restorative Board?

The Community Restorative Board (CRB) is a Diversion program, based on the Restorative Justice theory, used as an alternative to formal Court intervention. The CRB consists of a large diverse group of volunteers who live within Berrien County and have become volunteers of the Court. These members have spent many hours in training and learning about the topic of Restorative Justice and how to conduct a panel. The volunteers have the full support of the Court and the County of Berrien and have the authority, vested in it by the Court, to use discretion in working with youth to find appropriate and unique solutions to juvenile crime.

One panel consists of three to five members who meet with the offender, the offender's parent(s) and (frequently) the victim of the offense to discuss the creation of an agreement which will guide the juvenile offender in making amends to the victim and the community. The Board members will ask questions and work with the parties involved to reach a resolution. After everyone is in agreement, a contract is signed by the meeting participants. The contract specifies terms and conditions the juvenile must follow to complete the program. Successful completion of the program will result in the dismissal of the petition.

Restorative Justice is unique in that it allows the offender to hear how the victim and the community was harmed by the juvenile's offense, and allows the offender to discuss this impact with the victim(s) and the rest of the panel.

How does the process begin?

After a crime has been committed, the police send a report and juvenile petition to the Prosecuting Attorney's Office alleging that the juvenile has committed a crime in the state of Michigan, that he/she is under age 17, and that Court action is necessary. This petition and police report are sent to the Intake Division of the Trial Court where a screening process determines what path the juvenile should follow in the Court system.

If it is determined that the juvenile could benefit from participating with the Community Restorative Board, the juvenile and parent(s) are notified by the Court to appear for a preliminary hearing held by a Court referee. Present in the hearing are the referee, the Intake probation officer and representatives from the CRB. The juvenile is advised of his/her rights and given the option to appear in Court for formal adjudication or to have the case resolved through the CRB. If the decision is that the case will be referred to the CRB, confidentiality and consent forms are signed. The family is then informed where and when to meet with the panel.

What kinds of terms and conditions might be assigned?

The CRB has the discretion to assign many different tasks that are deemed appropriate with each case. A few examples of tasks that each panel may assign are: performing community service, writing letters of apology, writing essays on different topics, and paying restitution. The panel is not limited to these examples and may develop terms and conditions different than these, yet still specific to the case.

Who will supervise the juvenile?

The Intake probation officer is assigned to monitor the juvenile's progress and compliance. However, the parent is responsible to report any problems and concerns to the probation officer. The panel will be informed of compliance and non-compliance by the probation officer and/or the parent. There will be follow-up meetings with the juvenile's panel to review his/her progress in meeting the goals stated in the contract.

What will happen to a juvenile who decides not to participate?

The case will be scheduled for an arraignment before a Family Division Judge. If the juvenile is found guilty, he or she will have a formal Court record and will be subject to any disposition allowed by law, including probation, placement in a group home, residential treatment program or training school. Significant fees and reimbursement expenses may also be incurred by the juvenile and/or parent.

Advice to the juvenile...

This is a unique opportunity few juveniles are given. The following are expectations that exist throughout the entirety of the program:

- ✓ Acceptable conduct and behavior (inappropriate behavior will not be tolerated).
- ✓ Full participation and promptness.
- ✓ Meeting all conditions of the contract.

Advice to parents....

This is an opportunity for the parent(s) to support their son or daughter in this learning experience. The parent(s) can assist in this process by actively participating and encouraging the participation of their child.