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EXAMINING THE NEED AND DEVELOPMENT OF A JUVENILE COMMUNITY – BASED MEDIATION PROGRAM IN THE NINTH JUDICIAL CIRCUIT OF FLORIDA

A revolution is occurring in criminal justice. Many theories on crime and criminal behavior have been advanced throughout the history of criminal justice, and criminal justice systems have developed and implemented changes based on some of those theories. Although these changes may lead to creative innovations, they have seldom changed the basic nature of the business of criminal justice. Today, a “paradigm shift” is changing the focus of the work of criminal justice away from the offender and toward the community and victim(s) (Barajas, 1995).

Courts need a design that is non-competitive, non-contradictory, and strives primarily for harmony rather than rationality. The way to achieve harmony in the system is to focus on the community rather than on the offender. Rather than asking what to do to the offenders or for them, the question becomes: How can we best protect and serve the community? (Barajas, 1995)

This project sought to develop a community-based restorative justice mediation program for the Ninth Judicial Circuit in Orlando, Florida. It traces the journey of establishing the need for the program and how this exercise was motivated by a strong desire to create a diversion program for juvenile offenders who commit offenses for the first time in Central Florida.

Creating a program within a specific community in Central Florida will allow juvenile offenders to face their victims, community, and family without having to spend time in a correctional facility.

The goals of the community-based restorative justice program in Central Florida are:

- ?? To establish a cooperative relationship between criminal justice agencies, service providers, and residents which would equal a self-contained neighborhood;
- ?? To establish alternatives to convictions for youthful offenders;
- ?? To provide victim-offender mediation, often conducted by community volunteers;
- ?? To foster individual responsibility and accountability to the community while preserving individual rights; and
- ?? To reflect the community's interests.

Through surveys and numerous discussions with the stakeholders, it was established that there is a need for a community-based restorative justice program in a community in the Ninth Judicial Circuit. The information gathered from the surveys (See Appendix 1) assisted the author of the paper in formulating the court designed program (See Appendix 3).

The program found that diverting cases to a restorative justice program would have a positive impact in several respects: First, limited court resources could be expended on children who are most highly at risk and who consume a disproportionate amount of court resources presently; and second, current juvenile law and procedures are often based on out-moded, discredited sociological and psychological theories rather than on sound preventative and rehabilitative theory. In a balanced and restorative justice program, an offender is obligated to restore the crime victim to the state of well-being prior to the commitment of the offense

(www.ihhsr.fsu.edu.) The recommendations for the restorative justice program in Central

Florida are:

- ?? To establish a balanced and restorative justice program that will restore the crime victim to the state of well-being prior to the commitment of the offense;
- ?? To have the balanced and restorative justice framework incorporate three major program priorities: accountability, community protection, and competency development;
- ?? To establish a model under the restorative justice concept that fits the category of decision-making which would include models such as circle sentencing, family group counseling, reparative probation, and victim-offender mediation;
- ?? To identify the most appropriate sources for referrals to restorative justice;
- ?? To develop clear guidelines for the referral of cases; and
- ?? To establish and build community involvement.

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