

Members

Sen. Luke Kenley, Chairperson  
Sen. David Ford  
Sen. David Long  
Sen. Glenn Howard  
Sen. Timothy Lanane  
Sen. Samuel Smith, Jr.  
Rep. Jeb Bardon  
Rep. William Crawford  
Rep. Brian Hasler  
Rep. Ralph Foley  
Rep. Mary Kay Budak  
Rep. Jeff Thompson



## INTERIM STUDY COMMITTEE ON JUVENILE LAW AND RESTORATIVE JUSTICE

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Authority: Legislative Council Resolution 99-1  
(Adopted May 26, 1999)

### MEETING MINUTES<sup>1</sup>

Meeting Date: September 19, 2000  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 431  
Meeting City: Indianapolis, Indiana  
Meeting Number: 2

**Members Present:** Sen. Luke Kenley, Chairperson; Sen. David Ford; Sen. Glenn Howard; Sen. Timothy Lanane; Rep. Jeb Bardon; Rep. William Crawford; Rep. Brian Hasler; Rep. Ralph Foley; Rep. Mary Kay Budak; Rep. Jeff Thompson; .

**Members Absent:** Sen. David Long; Sen. Samuel Smith, Jr..

Senator Kenley called the meeting to order.

Mr. Edmund McGarrell made a presentation to the Committee concerning a pilot restorative justice project in the Marion County Juvenile Court. He is a fellow with the Hudson Institute, the Director of the Crime Control Policy Center, and a member of the criminal justice faculty at Indiana University, Bloomington.

The project has been in operation for four years. The project involved a study of 458

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

children first time, non-serious offenders who were charged in the Marion County Juvenile Court. The children were randomly assigned to either a conference group or a control group. Children were not assigned to the conference group without the consent of the child's parent or guardian.

The children involved in the project were between 12 and 14 years of age. Roughly speaking, 25% of the children had been involved in an assault, 50% had been involved in shoplifting or other theft, and 25% had been involved in a variety of miscellaneous acts, including vandalism and reckless mischief.

Two hundred twenty-six children participated in the control group. The children in the control group participated in a variety of traditional diversion programs. For example, some of the children participated in teen court or anti-shoplifting programs.

Two hundred thirty-two children participated in the conference group. Children in the conference group attended a conference chaired by a facilitator. In 50% of the conferences, a police officer was the facilitator. The child and the victims of the child's offense participated in the conference. In addition, the conference included persons, such as teachers, who were there to provide support to the child in evaluating the consequences of the child's actions and the ways that the child could respond to his or her acts.

The goal of the conference was to apply restorative justice principles. These include:

- (1) offender accountability;
- (2) community reintegration; and
- (3) victim involvement.

The conference group had significantly better outcomes than the control group. Table 1 summarizes some of the findings.

Category	Conference Group	Control Group
Recidivism of Participants	34%	20%
Program Completion	80%	56%
Victim Satisfaction	98%	60%

The Marion County Juvenile Court is considering the expansion of the project to 2<sup>nd</sup> time repeat offenders.

Sen. Howard what additional expenses resulted from using the conference approach. Mr. McGarrell said that the principal cost was the hiring of a full-time program coordinator. There is a training expense involved in preparing volunteer participants. He also indicated that it involved time taken by persons participating in a conference. The project was funded with a federal grant.

Sen. Howard asked about the willingness of persons to participate in the process. Mr. McGarrell said that there was a high level of participation. Schools are willing to favor participation in this approach over the traditional arrest procedure.

Rep. Hasler asked about the willingness of police officers to participate. Mr. McGarrell said

that overall police officers felt the conference approach was a more efficient use of their time. The traditional trial approach requires them to wait outside a court room for long periods until their cases are called. Supervisors had to be educated as to the value of assigning police personnel to a conference. It might be better, he said, if a police department formed a special unit to participate in these conferences.

Rep. Budak asked if the federal money used for the project could be used for other purposes. Mr. McGarrell said the grant can be used for other purposes. A local coordinating committee decides how to allocate the money based on local priorities.

Rep. Foley asked about the training of volunteers. Mr. McGarrell indicated that models developed in Pennsylvania and Australia were used to train volunteers.

Judge Payne , Marion County Juvenile Court, spoke on behalf of the use of restorative justice principles. He suggested that courts engage in "self-regulation" to limit the number of cases coming before them. Diversion programs and community service assignments for offenders limit the amount of court time devoted to a case. However, these programs do not solve the issues that brought the person to the court. As a result, these efforts virtually assure that the person assigned to the programs will return to the court. The "do it my way because you fouled up" approach to cases does not work with children. Other approaches work better in all settings including urban settings some of the time. The goal of state governmental funding should be to help identify what works and when.

Sen. Howard asked whether a zero tolerance policy was a wise policy. Judge Payne suggested that schools are seeking new directions beyond zero tolerance. But that there needs to be established a safe haven for children who are expelled.

Rep. Crawford asked about the cost effectiveness of a restorative justice approach. Judge Payne indicated that it has a positive effect on reducing recidivism.

Rep. Foley asked if restorative justice principles work in areas where citizens are not emotionally motivated to help children. Judge Payne said that the conference approach breaks down hostilities and encourages involvement. Many victims become very interested in helping an offender after the victims participate in a conference. Rep. Budak noted that the juvenile court has authority to issue a participation order to require parents to participate in the reformation of a delinquent child.

Al Wengerd, Executive Director, Center for Community Justice, stated that St. Joseph County experienced a similar reduction in recidivism and victim satisfaction due to the use of restorative justice principles.

Ms. Michelle Milliken, Director of Public Policy, McCoy, Inc., suggested that more funding for alternative schools is needed to deal with suspended and expelled students.

Rep. Budak indicated that there is a problem with the sharing of information between schools and juvenile courts. Jeffery Bercovitz, Director of Probation and Juvenile Services for the Indiana Judicial Center, indicated that federal law now allows the sharing of confidential student information with juvenile courts. However, there is a need for state legislative changes to fully implement the federal law. Rep. Thompson indicated that he is working on legislation to allow more information sharing.

Jim Killian, representing 34 youth service bureaus, indicates that teen courts are effective. He suggested greater funding for pilot programs implementing teen courts.

Senator Ford presented the report of the subcommittee established to develop a proposal for amending the juvenile curfew law. Senator Ford distributed PD 3286 (2000) for the Committee's consideration. The Subcommittee, which included Sen. Lanane felt that enactment of permanent changes to the curfew law could render the appeal of the Marion County case moot. The Subcommittee suggested a temporary change which would expire in 2002. In addition the Subcommittee favored categorizing the exceptions to the curfew law as affirmative defenses. This would simplify the decisions that a law enforcement officer must make when he or she enforces the law. Difficult issues related to making findings concerning the applicability of constitutional exemptions to the curfew law would be left to the court in which the case was filed. The Committee voted affirmatively by voice vote to recommend PD 3286 (2000) or a substantially similar bill to the General Assembly.

Jeffery Bercovitz, Director of Probation and Juvenile Services for the Indiana Judicial Center, on behalf of Judge Mary Beth Bonaventura, requested that the Commission recommend the establishment of a juvenile code study commission. Jeff Bercovitz suggested that the Subcommittee may wish to propose legislation similar to the legislation enacted in the 70's to establish a previous juvenile code study committee. Judge Payne concurred that the very thorough approach taken in the 70's would be the best way to review needed changes to the juvenile code. Senator Kenley appointed Rep. Foley, Rep. Hasler, and Rep. Budak to a subcommittee to study the preparation of a preliminary draft on the issue.

Senator Kenley adjourned the meeting.