

Strategic use of radio to create a climate of restorative juvenile justice.

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This paper has two distinct parts. In the first part, I refer to the social construct in which the lives of our youth are embedded. This analysis rests on the economic violence theory and the consequent roll played by the media within this frame. In the second part, I address the core issue of this paper which is restorative juvenile justice and the positive role media could play. My own emphasis is on radio, because it lends itself perfectly to storytelling, the key ingredient in creating justice that heals.

To help you understand how I came to this perspective, here is my own history. About a dozen years ago I made a professional shift from lawyer to restorative justice practitioner. As a student lawyer I worked at the Pro-bono program for the Pontifical Catholic University of Ecuador. I saw many cases where our criminal justice system in no way contributed to the transformation of those incarcerated. I remember the time I was visiting a young inmate who seem particular hopeless and when I dug into his history it revealed that he was the son of a single impoverished mother who lacked the resources that would have kept him out of the streets. I asked myself: "Even if he would be released; to what community would he return? Now that he is being labeled as an inmate, in what way has the criminal justice system contributed to his transformation? I painfully saw the penal law as an insufficient instrument to rescue the dignity and wholeness of our youth. That was 1981.

This continued to troubled me until 1996, when I was introduced to restorative justice by the Victim Offender Reconciliation Program in Lancaster [LAVORP], Pennsylvania, USA. This is a court-directed diversion program to minor-first-time offenders. I have worked with these young people since, and subsequently went on to obtain a masters degree in conflict transformation. So I see myself coming all the way from promoting an adversarial culture as a lawyer to promoting a restorative culture as a restorative justice practitioner.

This fruitful journey has taken me from seeing crime as a case needing to be won, to seeing crime as a wound needing to be healed.

And as I take this journey, I see that I am moving even further away from processes that were shaped in the Western model, to those that are more connected to the processes of the Indigenous people. The content of the radio program I host and produce has evolved along with me. I started with *Latinas of Today and Tomorrow* to promote Latina role models for the new generations. Now I tell stories of young people who have gone through restorative processes in a program called *For a Culture of Peace*.

Moving beyond my own experience I now want to assert that this reality of economic violence particularly as wrought by the media on society directly impacts the plight of these young people.

The world we live in is a social construct. We can observe the way things are: the basic request for health, housing, information and education respond to money. For the most part, we pay for our basic needs. These services are not available as a right nor do the rights of people drive the economy. Therefore, in our economic model the need for

financial capital is valued, but not human capital or environmental capital. (Mateyko, 1997). If human capital were valued, youth would have the education available to prepare them to take a place in society. And, if natural capital were valued the earth would be treated as a precious commodity to be passed on to our children as a supportive and affirming habitat.

But, because this is not the case and those with the financial capital establish our cultural priorities, it follows then that public policy is driven by economic considerations alone so that juveniles without capital behind them or a quality environment that shapes their lives more constructively can, by this logic, be discounted to a value of exactly zero: worthless! (Giroux, 2009).

This is a social system based on economic violence: the deliberate, intentional acts of omission and commission in the sphere of economics. It is a social process built by humans who have the power to leave other humans and environmental capital out of the economic model. This is the measure of the distribution of power and domination in society. (Mateyko, *ibid.*).

This economic violence wreaks havoc in the juvenile justice system. (D. Goodman, 2008). Economic violence fashioned what some criminologists call the Prison Industry Complex in the United States of America, (Chomsky, 1998), with a huge negative impact on youth. (Beale, 2009).

Before giving a brief historic overview, “privatization” is the shifting of public services from being provided by the public sector employees to being provided by the private sector employees. The US privatization of prisons started with the President Reagan administration’s privatization of government services in general and the adoption of the zero tolerance measures. (Skiba, 2000; Newburn & Jones, 2007). To fill the cells, and keep them profitable, Reagan backed legislation drafted by the prison industry that drastically increased incarceration, and placed emphasis on creating the Drug War and Drug Czar instead of focusing on the root causes of alienation, exclusion and impoverishment from economic violence that drives drug demand. Drug rehabilitation programs were cut. With it our young drug addicts became criminals instead of rehabilitation patients. Prison conditions were made harsh. What meager rehabilitation programs existed were eliminated.

It continued with President Bush senior’s spending on the drug war overseas, often substituting as a convenient foreign policy excuse for intervention to replace the now-defunct fear of Communism. (Herman, & Chomsky, 1988).

It found its peak with President Clinton’s adoption of the laws pertaining to zero tolerance, mandatory sentences, the three strikes-and-you-are-out law, truth-sentencing and tougher penalties for drugs in inner cities. This policy of Zero Tolerance has found its way to schools, so that the schools become the first source of referral for our children, thus initiating the down-hill path into the criminal justice system (Hamilton, 2008). It has affected our young Latino immigrants whose only crime is to come to the US to join their parents (Pew Hispanic Center [PHC], 2009a; National Council of La Raza [NCLR], 2009). As a result, the overall number of young people detained at juvenile correctional facilities has increased enormously in the last decades (Kearney, 2009; The Sentencing Project [TSP], 2009; The Week, 2009).

And tougher laws meant a tendency to judge juvenile offenders as criminal adults. The statistics on our youth being judged as adults are staggering. (Chen, 2009). As a

result, not only has the juvenile population increased at the juvenile detention facilities, but also the juvenile population in those facilities intended to hold only criminal adults. (Gonnerman, 2008). And on the other hand, that also means that a significant number of our children have parents who are incarcerated. (PHC, 2009b). One of every 48 Americans is under the supervision of the criminal justice system. One of every 100 Americans is under surveillance of the prison system. (TSP, 2009). Additionally, statistics show the population of incarcerated mothers has doubled in the last decade. (Henderson, 2008; S. Moore, 2009).

The recent administration of President Bush brought this punitive trend into the schools with No Child Left Behind, for which children were “barraged with blame for low test scores or poor performance in standardized tests.” (Olorunda, 2009; Giroux, 2009a).

President Obama seems to be struggling against this tide by calling for ending the crack-powder sentencing disparity within 24 hours of taking office. The White House website made clear that Obama's campaign commitment to eliminate both the crack/powder disparity and the ban on syringe exchange funding were now official administration policy. (Tyler & Papa, 2009).

Unfortunately, the Justice Policy Institute is concerned about the 2010 budget that increases the spending in law enforcement, putting more police on the streets, which leads to more arrests and decreasing the expenditures for prevention aspect of juvenile justice. (2009).

In sum, the economic violence in the juvenile system started with a leadership at the top that took away addressing youth wrongdoing from the natural groups where this matter belongs --such as community-based programs, churches, schools and juvenile courts-- and switched instead to the hands of corporations whose only mandate and purpose is to turn out profits.

Its low point may be the recent conviction of two Pennsylvania judges for sentencing five thousand and sending around two thousand first-time juvenile offenders to private prisons for such acts as a schoolyard fighting, in exchange for millions of dollars in kickbacks from the private prison owners. (A. Goodman, 2009). More prison time, more money for the judges.

But how do we explain becoming a society that allows this to happen to our children?

The role of the media.

Although this social construct has many builders such as corporations, the military industrial complex and the government, they all use media to sell their message and it is a violent message that they sell. (Larsen, 2006, p. 8-16). “All we are hearing is the marketing of fear,” says Block (2008, p. 38).

One of their powerful clients, the prison industry complex, funds lobbying to make politicians beholden to it and sponsoring public relations campaigns that fund and also feed the media with information. (Chomsky, 1997). These public relations are done by nonprofits think-tanks funded by corporations that feed the media with information and buy time on TV, print and radio. (Lakoff, 2004, p. 88; Bagdikian, 1987). When legislation on tougher laws was being pushed in Congress during the Clinton administration, images of dark streets with young Black and young Latinos trafficking

drugs were shown on TV asking politicians to be tough on crime. (Mechthild, 2008; National Council on Crime and Delinquency [NCCD], 2007).

TV, print and radio commercials and news seek out the sensational violent angle, and research shows this engenders violence in the listener. If we connect this with the editorial norm which is, "If it bleeds, it leads," the result is more violence in the media.

Corporations, in this sense, not only sell us goods but also thoughts (Scholte, 2000). Used in a violent way, the very nature of the medium becomes manipulative. TV doesn't stimulate space for the political imagination, in that sense their effect is to seize the young mind, take control and selectively frame the issue. (Chomsky, 1991). Our topic is a prime example: There is a near total lack of social juvenile justice content on radio, movies or TV series.

What I have observed is that the media distort reality and therefore contribute to keeping us ignorant and fearful. The power of the prison industrial complex in the media is such that the audience is permitted to see only one side of the reality that youth are facing. They are treated cruelly. (Mohr, 2008).

For example, these images portray drugs being sold and consumed on inner-city streets by African-American and Latino teenagers. (Kirk, 2008; Nagel, 2008). What is not shown are teenage consumers and dealers in the wealthy suburbs.

Ignorance is also being promoted when individual juvenile crime is put in the forefront of media and little or none is shown of social-structured crimes affecting youth. The media describes the horror stories of juvenile offenders and atrocious as these crimes may be, they do not have the larger impact of the crimes inflicted on youth because of unjust social economic models. (Beiser, 2001). Media focus at great length on juvenile crime obscures the economic violence of "times of peace" for the entire society. In fact, young lives are lost by the thousands, even the millions, as a result of the violent economic model in which we are immersed. (Schirch, 2005; Mahajan, 2001). In the USA i.e. a large percentage of Latino children lack health insurance. (Unicef, 2008). A 12 year-old boy in the state of Maryland died because his mother didn't have the money for a tooth extraction that would have cost \$80.00. (Giroux, 2009). This type of economic violence is not being presented in the media.

Violence gets to us; it shapes the way we think, it perpetuates punitive frames. A frame is a metaphor to explain a principle organizer of the mind, a priority of values, a way we see the world.

According to Lackoff, conservatives shape their view from the image of a "stern father," who deserves to be obeyed. All those who disobey are and should be punished. (2004, p. 7). This type of mentality promotes justice as population control using punitive means to deal with the wrongdoing of our youth. This is the framework in which news is made.

I can make a case that this stern father mentality comes from believing that the world is a dangerous place. Basically, it comes from fear.

Violence is used politically to engender fear which makes populations malleable and susceptible and supportive of tougher new juvenile criminal laws. Dr. George Gerbner, dean emeritus of the Annenberg School for Communications at the University of Pennsylvania, (who for three decades studied violence on TV) coined the phrase, "mean world syndrome" to describe the phenomenon that people exposed to a lot of violent media understand the world as hostile and unforgiving. (1994). Collectively, these

policies instill social fear and distrust: 60% of Scandinavians say “you can trust people”, but only 30% of US citizens. (Rothstein and Uslaner, 2005).

Certainly many resist this manipulation, but the message repeated and repeated is the one remembered. It is remembered in the ballot box and these political choices sustain the economic violence model.

Values in general are distorted. Individualism sets the norm of juvenile social behavior. Competition (in sports, business and military) is glorified at the expense of a sense of community. As reported by Gerbner, people no longer learn their values from their family, church, community and schools but instead from “a handful of conglomerates that have something to sell.” (1994).

Violent media not only distort juvenile reality but also deform juvenile morals. Our children receive a twisted idea of self. They create false ideas about morality for our children: it is something that is somewhere out there, not inside. Youths always need to “attain it” instead of looking inside for it—feeling empowered to achieve it. For young people, the media violate their psychological process of seeing themselves as the ones who possess within a natural goodness —it discards the incipient but natural wisdom of youth. Violent media try to convey to children *what* is moral not *how* to become people with morals. Only the *how* empowers youths to take ownership of it, demand it, get it for themselves.

Stretching the mind.

“How can we continue doing the same and expect a different result?” Albert Einstein famously asked. How can we move from punitive frames which come from violence and fear, to healing frames? I think society needs mind expansion. Felix Frankfurter (1882-1965), the great US Supreme Court justice “re-minded” us, “A mind once stretched never returns to its original limits.” Restorative juvenile justice is a stretcher.

Restorative Juvenile Justice.

What would it look like if the world would dare to assume that humans are good and want to live in a good way with one another? (Pranis, 2005, p. 24-29). What would it look like if instead of courts, judges and lawyers would see the human story told of an encounter between the core participants in a crime? This assumption of human goodness and a nurturing society would take us from an adversarial frame to a restorative one from the start, from fear to trust; it will take us from unwittingly meeting corporate and special interest needs to meet human needs.

Returning to the collective mind.

This stretching of the mind to a restorative frame, ironically, may mean returning to our origins, from individual to community: to getting away from a dominant individualistic society, fragmented and compartmentalized, (Tso in Nielsen & Zion, 2005, p. 38), to tasting again the shared humanity of collective societies that are the ones that restore the soul of communities. In this regard, Amawtay Wasi, the first Indigenous University in Quito, takes a stand in their philosophy of education to “unlearn” what was taught by the West. (2004). To do otherwise is “to impose European-based models and standards” (Nielsen & Zion 2005, p. 3; Nielsen & Zion, 2005). Warning about this happening, Cambell said, “The society is the enemy when it imposes its structures on the individual.” (1991). In the same trend of thought although coming from another philosophical tradition, the Indigenous people of Ecuador connect with the idea of

Gandhi to “decolonize” the mind (1951). In stretching the mind for a restorative juvenile justice paradigm, Zehr, the grandfather of restorative justice and an avid photographer uses the metaphor of a photographic camera and stresses the need of “changing lenses,” that is changing frames and paradigms. (1990).

While an adversarial mind set promotes the existence of the “other,” a restorative mind set reclaims the “one another.” Carnarios said, “We live in one another” (2008). This shared oneness is the dimension in which we find the “We” we are yearning for. Zehr says: “We are all connected to each other and to the larger world through a web of relationships.” (2002). Sherman and Strang assert that “restorative [juvenile] justice is a way of thinking about what is best for *the many connections* [emphasis added] among crime victims, their offenders and the criminal justice process” (2007).

In Latin America that seed has been planted centuries and even millennia ago. The Mestizaje, the blending of Indigenous, African and Spanish see family/community as the primary identity: we are not an individualistic society, we are a collective one. A sense of community goes along with restoration because relationships are dynamic and evolving, that is just the way we grow. “We grow and learn in community”, said Luis Macas, the first Indian to run for the presidency of Ecuador in 2006.

In a collective frame the focus is on human needs which are belonging, autonomy and meaning of individuals and communities (Clark, 2004).

To address human needs is paramount to deep transformation; it is going to the roots of crime and what it takes to heal because respect is holistic. Fromm says, even if we take just “one step which is integrated, which is total, is more effective than taking many steps in only one direction.” (1994, p. 69). Yazzie reinforces this integration when he says: “The ultimate goal of peacemaker process is to restore the minds, physical beings, spirits and emotional well being of *all* people involved” (as cited in Nielsen & Zion, 2005, p. 4).

Respect, (Zehr, 2002, p. 36) that deep ingrained human need pertaining to meaning, set as a fundamental value of restorative juvenile process, is the way to social transformation. Experiences of respect “shake” the frames of reference, dismantle the preconceived ideas and undeniably have a ripple effect on others. The visible structures may look the same, but they are no longer holding the soul hostage. I have seen this in 2007 at the Graterford prison in Pennsylvania, where a group of lifers are called “apostles” by the Warden for their wisdom and guidance they provide to others. They are free inside themselves, in spite of the pain of incarceration. They are changing lives and structures from within the prison while using restorative philosophy.

So from this collective perspective we ask the question: “Who owns a crime?” (Sherman & Strang, 2007). The responsible answer is we do. Once the core participants of a crime own that crime, the media can no longer grab the story and jam it into the usual punitive frame by asking: “What laws have been broken? Who did it? And what do they deserve?” (Zehr, p. 21). Instead the experience of the aftermath of a crime would be: “Who has been hurt? What are their needs? And whose obligations are these?” (Ibid). Reporting of this sort changes the frame and brings social change. (Fromm, 1994, p. 69). It “smashes the mirror” in the words of Harold Pinter, the 2005 Nobel Prize in Literature, “for it is on the other side of that mirror [of that punitive frame] that the truth stares at us.”

Media to communicate it.

This powerful restorative process must be told in the media to reach the larger society. Richard Cullen Rath says that even in early America we got “into the more complex notion that sound could tie together communities across far greater distances than the merely visible” (2003, p. 175; Douglas, 1999, p. 31). How is this best done? It is done by the simple telling of the story. Stories of what happened in this sacred place of restorative juvenile process have a power of their own. Participants come with respect, humbleness and wonder (Zehr, *ibid*) to this process which lends itself to unravel the great potential of people to be moved and become truly present. Empowerment and “self-esteem grow from the respect that comes from being heard, declares Shafir (2000, p.11). If there is something real to counter the current message blasted at us from TV, radio and print, it is this.

Radio and Storytelling

From my experience, radio is the communication medium made for storytelling.

Radio is less invasive, it allows the person to regain control, to process their own thoughts—it injects space for the imagination. (Lipman, 1999, p. 19). “It allows [you] to hold something in reserve, which was just yours, your own distinctive image and vision” explains Douglas (*Ibid*, p. 30). When people have the opportunity to process information, storytelling may “awaken something within the heart that is beyond all knowledge,” claims Anthony de Mello (1982, p. 4). This has to do with the holistic nature of the restorative juvenile process that is at play. People listen not only with the mind to frame and judge, but with all their being. And according to J. Krishnamurti, people listen “with an intelligence that comes from insight,” (2000, p. 36). Rightly so, “listening is a powerful force in our lives” Michael P. Nichols concludes (1995, p. 4). Without the personal encounter experience of being in the radio studio, listeners maintain the balance of healthy solitude in which they create their own insights and find their own connection with the story. (Storr, 1988, p. 202).

Even though the audience are not “prepared” the way that a facilitator prepares the participants of the restorative process, the audience knows that for listening to be productive they also have to bring “respect, humbleness and wonder” (Zehr, *ibid*) for trust to develop. “Communion between ... people takes place only when there is a relationship in which [all] are deeply, intensely involved,” explains J. Krishnamurti (*Ibid*, p. 49).

But at the same time, listening to restorative storytelling challenges us. If we want to “find the truth, [we] have to live tremendously, with no security” (*Ibid*, p.36) of what will be the outcome of that meeting. So in restorative juvenile process, participants create security of the environment to allow the telling of the story, but a sense of wonder about where this will take them. This happens inside the process as well with the audience.

Some research suggests that thoughts don’t originate in the mind, the original impulse comes from the heart, which then creates a thought. Douglas cites Mark Tramo explaining that the sounds are captured by the “auditory system of the brain [which] feed into the limbic system. The limbic system then generates a host of associations and emotional states.” (*Ibid*, p. 32). The fact is, stories move people’s hearts. And at hearing restorative juvenile justice stories, the thought of new ways to deal with juvenile justice is planted. What is planted in the heart produces personal transformation. Once a person is transformed, a social movement for restorative juvenile justice could start because everything one does affects the whole.

Restorative juvenile justice storytelling is a teachable moment. The dialogue engages our critical thinking. Being in other people's shoes through their stories, we open up to perceive other personal and social reality and deal with it in a critical way. (Freire, 1970). And I would add, not only a critical way but also in a caring way. Keltner states that "recent studies have revealed that our capacity for caring ... and reverence is built into our brains, bodies, genes and social practices." (2009). What we want are the right processes that promote this. (Hartney, C. & Marchionna, S., 2009). Bateson believes that "caring can be learned by all human beings, can be worked into the design of every life." (1989, p. 161). The storytelling is the vital process that allows this to happen

In this type of storytelling there is even a sense of nature taking a righteous place similar to what happened when our ancestors gathered to pass on their legends and myths. Cambell asserts: "The myth and the rites were means of putting the mind in accord with the body, and the way of life in accord with the way nature dictates" (1991).

These stories not only have to happen but also need to be told for all to hear. Freire explains why: "Human existence cannot be silent." (Ibid, p.76). The participants who tell their stories on the radio evoke a power that soars above their simple words. This happens because they are soaring above their devastating and even deadly experiences. With these words, Freire concludes, humans "transform the world." (Ibid.). Hopefully these stories may be repeated and repeated to create a cultural memory (P. Moore, 2003, p. 265-277) because restorative juvenile justice is a movement. It is a movement like others created through human history, which were not "a system requiring belief, but instructional practices requiring action." (Hawken, 2007, p. 184). Then, what is restorative juvenile justice?

Restorative Juvenile Justice

Restorative justice is a radical option to live in harmonious relations within the web of life, to be empowered to deal with harm that comes from disputes, conflict and crime in a non-violent, participatory and inclusive way. Restorative justice involves all the people affected by a crime, where obligations created by crime are met to 'make things right'—restore relationships--and the process used is geared towards promoting deep transformation of individuals and community.

Paraphrasing Hawken, restorative juvenile justice emerged to understand the source of violence, not to combat it," (2007, p. 185), and it relies on human "resilience" (Ibid, p. 171) to bring it to fruition. And it has shown positive results (Sherman & Strang, 2007). Here are some of the key points:

Non-violence is a radical option because it breaks with the traditional system in which the state punishes the type of violence called *illegal*, with more violence labeled *legal* (Gilligan, 1996). Statistics show that this has not created a better society. When grammar students were asked to come up with possible ways to punish a classmate for his behavior, the list of alternatives were horrendous, even cruel. When asked to make a list of solutions to his behavior the possibilities were all respectful and practical. Violence breeds violence. Goodness enhances human dignity. Children respond according to the direction we take them (Claassen, 2008).

Restorative Justice is about people. From the restorative lens, crime is not seen in reference to codes and written laws but in reference to real people affected by crime. This same lens must frame the way juvenile offenders should be seen; as young human beings with specific context of circumstances and personal history. A 12 year-old boy

and his neighbor, both African Americans, agreed that the throwing of eggs in her windshield for three consecutive mornings could be made right with the offender mowing her lawn. His eyes were wide open when at the end of the sessions the lady said: "And I will pay you \$25.00 each time you come." He was going to do it for free. She added: "You and I have to practice not ever perpetuating slave labor in this new generation." (LAVORP, 2005).

Addressing root causes.

When real people talk in a safe environment, addressing of human needs takes place. An inmate was 15 years-old when committed a hideous crime kidnapping, raping, shooting and disfiguring a woman. Sixteen years later he faced the mother and the daughter of the deceased woman in a restorative conference. Both treated him with respect. He answered every question the women had about the incident and even his own childhood. A month later, he was asked how he feels about the experience, he said: "For the first time in my life I know what it is to be a human being." (Solotaroff, 2004). Kay Pranis is right in saying: "The core participants of a crime are the ones more likely to do radical change in a loving way." (2003).

Use of people's processes

Process built in the values of respect, humbleness and a sense of wonder, as circle processes, more than any other restorative justice process, goes beyond conflict resolution which responds to *what you get*. In conflict transformation, voices are pertaining to a collective society and the exercise of the minds and hearts take us to a place where what matters is *who you are*. An Indigenous woman from the Amazonian region of Ecuador referring to a child whose behavior caused the community to get together to discuss the wrongdoing stressed that he is not coming as the son of a single family from the tribe. "He is coming as *our* child. We are all responsible and care for him." (C. Calvachi-Mateyko, interview August, 2006).

Being accountable.

Being accountable is to be responsive to the interrelationship of all involved and to be able to do something to make things right. With restorative justice the whole community can also participate in being accountable. Two boys got into an abandoned school bus and decided to celebrate the last day of class burning their homework papers. They got out when the fire spread and burned the bus to the ground. The bus belonged to a charity organization destined to a Central American country. In a restorative juvenile process they decided to help on Saturdays in this organization. Parents accompanied their children. They continue cooperating long after the period agreed. The community inspired by this example gave the charity a new bus. (LAVORP, 2005).

And what would we say about this story? Isn't it transforming what happen to the manager of Amelia's Store in Lancaster, Pennsylvania, in the aftermath of a fire? Two senior high school Latinos were playing with a lighter they found in one of the shelves of the store. After each took their turn on playing, they left the lighter where they found it. A little while later, the mother of one of them said it was time to go. While leaving the store, somebody yelled: Fire! Fire! Everyone rush to the car and left. Two days later, a police knocked on the door of their apartment. The two boys were charged with arson. Even though they didn't intended to start the fire, they were advised by counsel to pledge guilty. The court sent a referral to LAVORP and a restorative juvenile process took place. The manager explained in the meeting how irresponsible it was, what they did. Lives

could have been lost, his entire source of income would have vanished, he said. They apologize to the manager. The damages amounted to \$750 each, which they agreed to pay in monthly installment by getting a job. They signed the agreement. The manager must have felt better at this point because of the accountability shown by the youngsters, so he felt moved to ask: "I want to know more about you." One of them said, "My mother is from Puerto Rico and she raised me on her own. I was born and live here all my life. But I assure you, Sir, this is not going to prevent me from going to college, which is what I really want to be." Miguel Rosado's eyes must have shined while he said those words. Or maybe it was the way he spoke. The fact is, the manager changed his posture and replied: "Now, listen to me carefully. If you pay me the full amount agreed, at the time agreed, and then you send me a proof that you got accepted to college, I will give you the \$750.00 back to pay for your tuition." Miguel Rosado paid the manager in full in the time agreed, got accepted to college, got his money back to pay for tuition. The last time I interviewed him on the radio, he told me nothing will stop him from getting his PhD. His great desire is to teach criminal justice. Isn't this accountability a greater outcome than going to jail?

Or isn't it inspiring when a retired teacher whose car was stolen by a young neighbor becomes this offender's advocate? After expressing his remorse to the elderly woman, the young high school student told her he has been expelled from school by the commission of this act. She went the next day to speak with the principal to get him back to school. She insisted that her young neighbor is a good person and has learned from his mistake.

Conclusions

If we could go back to the sources that made us who we are and allow ourselves to hear these stories that people share from the best part of themselves, who says that we can't collectively inspire ourselves and thus transform society?

I have explained under the theory of economic violence that the criminal juvenile justice system wasn't created in a vacuum, but is a social construct. I have explored how corporations and the media collude in using violence to make societies malleable to get tougher laws that happen to affect those more vulnerable by age, race and economic situation, and end up benefiting this conglomerate. And fortunately, I have shared as well that we have mind stretchers, that is, restorative justice process to bring healing to individuals and communities to change society, by using the very same media that they use, to spread a restorative frame. I have told you stories of youth making things right.

Now I want here and now, together, just as Harold Pinter, the 2005 Nobel prizewinner in Literature suggested, that we "smash the glass" of that old punitive frame in our minds to be replaced with a restorative frame. A restorative frame held with the power of our children's stories of restoration. That their gestures of accountability, apology, learning from their mistakes, and recognition of what they have done, and the makings of amendments take their righteous place in our hearts, our minds and our spirits. They worked hard at restoring their wrongdoing and if you let them, they will continue doing so. They deserve that you think about justice through their eyes. After all, they all are our children. They deserve that we give them the change that we didn't have. Through our children's eyes crime is a wound that needs healing. Through our children's eyes we surpass the broken glass and see the truth. We see the justice that heals. We see that justice heals.

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1.6 Juvenile justice services shall be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes. Commentary. To "avoid harm" admittedly is flexible wording and covers many features of possible interaction (for example the use of harsh language, physical violence or exposure to the environment). Involvement in juvenile justice processes in itself can be "harmful" to juveniles; the term "avoid harm" should be broadly interpreted, therefore, as doing the least harm possible to the juvenile in the first instance, as well as any additional or undue harm. Restorative justice began as an effort to deal with burglary and other property crimes that are usually viewed (often incorrectly) as relatively minor offenses. Today, however, restorative approaches are available in some communities for the most severe forms of criminal violence: death from drunken driving, assault, rape, even murder. Some advocate the use of restorative approaches such as "circles" (a particular practice that emerged from First Nation communities in Canada) as a way to work through, resolve, and transform conflicts in general. Others pursue "conferences" (an effort with roots both in New Zealand and Australia, and in facilitated victim-offender meetings) as a way to build and heal communities. Our justice system is flawed and inequitable, says Harvard law professor Martha Minow. She calls for a reset to emphasize accountability, apology, and service, rather than punitive punishment. Part 2 of the TED Radio Hour episode Making Amends. Our justice system is flawed and inequitable, says Harvard law professor Martha Minow. She calls for a reset to emphasize accountability, apology, and service, rather than punitive punishment. About Martha Minow. Martha Minow is a professor at Harvard Law School, where she has been teaching since 1981. Previously, she served as the Dean of the Law School between 2009 and 2017. Web Resources. Related TED Bio: Martha Minow. Related TED Talk: What If We Ended The Injustice Of Bail? Related TED Playlist: Life In And After Prison. Restorative justice Eight states communicate restorative justice principles in statute or code reference. Oregon's juvenile justice system is specifically based on the balanced approach, the principles of personal responsibility, accountability, and reformation within the context of public safety and restitution to the victims and to the community (419C.001). While legislation provided victims legal access to a wide variety of rights, the climate in the courts had already been receptive to assuring those rights (Pavelka, 2008). The department has partnered with Clemson University to create a Center for Girls Advocacy, a gender specific program, which incorporates circles and reintegration, along with a youth day treatment program. A Restorative Justice Approach to Working with Children in Residential Care™, Dr. Willie McCarney [Pdf 207] Specialised conferences: 'Strategic use of radio to create a climate of restorative juvenile justice', Charito Calvachi-Mateyko [Pdf 90kb] 'Street Boys as a Challenge for Restorative Justice in Brazil', Fernanda Fonseca [Pdf 42kb] 'Restorative Juvenile Justice - The Challenges - The Rewards', Chris Graveson [Pdf 232kb] 'Restorative Justice as a Unifying Force for Child Justice Theory and Practice', Ann Skelton [Pdf 270kb] 'Juvenile ...