



Promoting Youth Justice Through Restorative Alternatives

*Vermont Agency of Human Services
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This booklet is one of a series produced by the Planning Division of the Vermont Agency of Human Services to assist the work of its regional and local partners in achieving positive outcomes for Vermont’s citizens. The State Team for Children, Families, and Individuals has identified 10 **outcomes**, or conditions of well-being, that form the basis for these efforts. Those outcomes are listed in the box below.

These outcomes will be achieved only by the collective efforts, formal and informal, of individuals, families, organizations, and institutions; our communities, rather than any single program, “own” the outcomes. However, communities have expressed a need for guidance about which programs and practices are most effective. We need to learn from experience; and we sometimes need to make difficult choices between one program and another.

Programs that focus on **preventing** problems before they start, especially in childhood, as opposed to programs that focus on remediation or treatment, hold more potential, over the long term, for achieving these outcomes. In addition, in the long run prevention programs save resources

because they stop conditions from growing into larger problems that lead to greater costs for a community. Prevention is not a “stop-gap” strategy, but addresses the long-term health and well-being of communities.

The *What Works* series offers brief overviews of programs that research has shown to be effective in achieving the outcomes listed above—by preventing problem conditions and behaviors and promoting positive ones. As a practical matter, most booklets focus on programs addressing a particular aspect of our success (or failure) in achieving one of the outcomes. For example, preventing child abuse and neglect is an important measure, or indicator, of our progress toward the outcome,

“Children Live in Safe and Supported Families.” Some programs have been shown to be effective in impacting multiple indicators, or even multiple outcomes; thus, descriptions of these may appear in more than one of our booklets.

Much has been learned in recent years about the strategies and characteristics, the “best practices,” that underlie successful prevention programs.

10 Outcomes

Conditions of Well-Being for Vermonters

- Families, youth, and individuals are engaged in their community’s decisions and activities
- Pregnant women and young children thrive
- Children are ready for school
- Children succeed in school
- Children live in stable, supported families
- Youth choose healthy behaviors
- Youth successfully transition to adulthood
- Adults lead healthy and productive lives
- Elders and people with disabilities live with dignity and independence in settings they prefer
- Communities provide safety and support for families and individuals

Although the focus here is on specific *programs*, we also know that any program's success—and the success of a community's collective efforts—is dependent on the wider community context. Thus, we identify (on p. 4) some key components of a coordinated community strategy.

Here, we call **Effective Programs** those for which research demonstrating success in changing the targeted behaviors has been published in peer-reviewed journals, or, if not so published, then those evaluated using a control group and follow-up assessment of results. **Promising Programs** are those that appear to be successful in changing the targeted behaviors, but which do not meet the criteria for Effective Programs—that is, they have not appeared in peer-reviewed journals, or do not have a control-group and follow-up in their design. Finally, **Noteworthy Programs** are prevention efforts that have demonstrated success in changing relevant attitudes and knowledge, but not the targeted behaviors themselves.

Many, probably most, prevention programs implemented at the community level have simply never been thoroughly evaluated, and some of these *may* be effective. However, our aim here is to identify those where we can say with some confidence, “it works.” On the one hand, our selection criteria (described above) are rigorous, so we run the risk of overlooking some worthwhile prevention activities. On the other hand, it can be useful to narrow the field to a few exemplary programs. Therefore, these booklets do not contain an exhaustive list of effective and promising programs; rather, they provide a number of illustrative examples.

Much has been learned in recent years about the strategies and characteristics, the “best practices,” that underlie successful prevention programs. The best strategies are **intensive**, rather than brief or superficial; **comprehensive**, rather than focusing on a piece of the problem; and **flexible**, rather than assuming the same approach will work for everyone. There is also research that supports the importance of a strengths-based approach that recognizes, nurtures, and builds on the resiliency and strengths present in young people (Werner & Smith, 1992; Benson, 1997). A separate booklet in this series (*What Works: Promoting Resiliency and Youth Asset Development*) describes this approach in detail. Other common characteristics or approaches of successful programs are described in each booklet.

One word of caution: No program, however effective in its original setting, can be transplanted to a new setting without modification, although it is possible that such alteration could weaken its effectiveness. However, any program must be sensitive to the unique attributes and needs of a particular community; there are no “cookie-cutter” programs here. Rather, we hope the information presented in the *What Works* series will provide communities with inspiration for new efforts and validation for those that are ongoing.

Booklets in the *What Works* series will be published periodically as the steady stream of new research informs us. This is what we know today; we will know more tomorrow.

*What Works:
Youth Justice
Through Restorative
Alternatives*

*The best strategies
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comprehensive,
and flexible.*

COMPONENTS OF A COORDINATED COMMUNITY EFFORT: AN OVERVIEW

Successful community strategies are likely to include some or all of the following components:

- ❖ Community members are recognized as affected parties and are included in the restorative justice process.
- ❖ Youth who offend are held accountable for their actions.
- ❖ Youth's strengths, assets, and competencies are recognized, enhanced, and developed.
- ❖ Youth are connected to needed services in the community.
- ❖ Victims feel safe, and are informed, heard, and validated.

In this report, we focus on youth who commit non-violent delinquent acts, and how to hold them accountable using restorative justice court alternatives. We looked to programs that intervene early; support victims, youth, and families; hold youth accountable; give all involved parties a voice; enhance “protective factors” or individual assets; and help victims, youth, and families make links to needed services within their communities. We chose to highlight just a few of the many promising and effective restorative programs in Vermont and throughout the United States.

The Traditional Juvenile Justice System

The juvenile court system was developed, separate and distinct from the adult system, to provide rehabilitation, treatment, supervision, and control, rather than punishment. Youth have needs different from those of adults. Youth often do not understand fully the impact of their actions on others. Youth need to learn how their actions impact others and they need to be held accountable. (Bazemore & Walgrave, 1999). Because of their age, there remains the hope that youth, with some guidance, can learn from their mistakes, take responsibility, and make positive choices in the future.

For some youth, the traditional justice system provides the appropriate response to harm done. Some youth need the control and supervision that the court may provide. However, the needs of victims, offenders, and the community are often unmet by this system.

In order not to stigmatize youth, court proceedings are typically confidential. Further, in the traditional system, crime is seen as a violation against the state, rather than against the person. 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.

Youth who offend are not always held responsible for their actions and their needs often go unmet. Due to the heavy volume of cases in juvenile court, minor juvenile delinquent acts may not be treated as a priority. Petty offenses are frequently dismissed. In a recent Vermont study on recidivism, it was determined that in delinquency cases during 1995, 22.9% were disposed of by dismissal or withdrawal (Clements et al., 2001). Typically, those cases considered less serious, such as shoplifting, unlawful trespass, or alcohol possession, were less likely to result in a finding of delinquency. That means that in almost one-fourth of the delinquency cases filed, youth were not held accountable for their actions and the victims’ needs were unmet.

When youth are held accountable in court, this is often well after the offense has been committed, and the youth’s role is a passive one. Youth rarely take responsibility for their actions in court. Additionally, while juvenile court was designed to provide support and rehabilitation, due to the volume of cases youth who commit petty delinquencies are unlikely to have their needs assessed and to be connected to appropriate services in the community (McCarran et al., 2000; McCarran, 2001).

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What Does “Restorative Justice” Offer?

Restorative justice is a new way of thinking about crime. It emphasizes that crime damages people, communities, and relationships. If crime is about harm, then the justice system should be about repairing the harm. (Office for Victims of Crime, 2000; Morris and Maxwell, 2001). “It creates obligations to make things right.” (Zehr, 1990, p. 181).

Restorative justice shifts our thinking from punitive to restorative. It shifts our way of looking at crime from seeing it as an offense against the state, to seeing it as an offense against persons, and it looks to ways to remedy the harm done to those individuals.

Restorative justice recognizes three “stakeholders”: the victim, the offender, and the community. All three need to be invited into the process to respond to an offense. “Defining the harm and determining what should be done to repair it are best accomplished with the input from crime victims, citizens, and offenders in a decision-making process that maximizes their participation” (Office for Victims of Crime, 2000). Restorative justice brings victims and offenders together in order for victims to receive explanations and reparations, for offenders to be held accountable to the victim and the community, and for all affected parties, including families, to be involved in helping to repair the harm done (Umbreit, Coates, & Vos, 2002).

The 1996 National Juvenile Justice Action Plan states that the juvenile justice system’s response to delinquent conduct should be based on the “balanced and restorative justice” philosophy, which balances the needs for offender accountability to the victim and the community, the need to provide for public safety, and the system’s goal of helping youth become competent, contributing members of society (Bilchik, 1996). Youth must take responsibility for their involvement in an incident and must be held accountable for their actions. When youth complete a restorative intervention, they should have a deeper understanding of the harm caused by their behavior and have acquired new skills. Above all, the intervention chosen must ensure the safety of all participants, particularly the victim.

Public safety is ensured when the potential impact on a victim is considered before recommending a restorative response, when the victim’s choice to participate is truly voluntary, and when youth are appropriately supervised. To be accountable, juveniles who offend must acknowledge their responsibility for the incident, understand the impact their actions have had on others, and take action to make amends for the harm done.

New competencies youth may develop include education, job skills, communication skills, and the ability to make productive decisions and engage in problem-solving (Pranis, 1998). A successful outcome for the offending youth results when he or she gains skills needed to make positive choices and be a productive community member, and when the youth is remorseful, empathic, stronger in character, and more connected to the community (Office of Juvenile Justice and Delinquency Prevention, 2001).

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Supporting Victims

The traditional justice system has focused on offenders. Restorative justice requires that the needs and rights of victims be protected and that they be involved in the justice process to the greatest extent possible (Office for Victims of Crime, 2000). There are certain core rights of victims that need to be honored as part of any restorative justice program. These include:

- *Safety.* Victims should feel respected and protected.
- *Information.* Victims should receive as much information as possible about the incident, the restorative process, support services, etc.
- *Privacy/Confidentiality.* Victims should choose what and how much to share with others.
- *Testimony.* Victims should be provided a chance to tell their story and the offender should be prepared to listen respectfully.
- *Choice.* Victims should be free to choose whether or not to participate.
- *Validation.* Victims should feel they have been heard and their stories have been validated.
- *Restitution.* Victims should be adequately compensated for their loss. (Bazemore & Schiff, 2001; Strang, 2002; Vermont Center for Crime Victim Services, 2002).

If victims choose to participate in a restorative intervention, they need to be asked, throughout the process, whether it poses a threat to their safety and well-being. Interventions must be conducted in a location that the victim considers safe. Victims should be encouraged to bring along a support person. (Umbreit, 2000). Victims should be given a chance to gather information and to confront their offenders. (Office for Victims of Crime, 2000).

However, some victims will choose not to participate. They may be concerned that they will be re-victimized by the experience, that the matter is too trivial to merit the time required by the intervention, or believe that the traditional justice system will result in a more desired punishment (Umbreit, Coates, & Vos, 2002). It is important that their choice not to participate be honored.

When working with victims, the dialogue should not only focus on what the victim needs as a direct consequence of the crime (i.e., restitution), but also consider what else would be helpful. Victims may need recommendations for supportive services in the community. It is important for program staff to know the valuable resources in the community and help victims make the necessary links to those services.

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Supporting Youth

Responding Early to Prevent and Reduce Delinquency

Responding early on to youth who commit crimes reduces the likelihood of continued delinquency, prevents additional harm to victims, and results in lower incarceration costs. Research shows that youth entering the juvenile court system at a young age have a high risk of repeat offending. Communities should develop and implement effective early interventions for very young offenders (Mandel, 2000; McGarrell, 2001). When communities identify and address early warning signs of problem behaviors as they emerge, youth do not need to “up the ante” before having their needs recognized. Prevention efforts are more successful and cost-effective if utilized before there is persistent negative behavior (Bilchik, 1999).

In 1995, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) outlined key principles for effective delinquency prevention and early intervention. Among the list were (1) address problem areas and identify strengths early and at appropriate developmental stages, (2) address multiple risk factors in multiple settings such as family, school, and peer groups, and (3) build on juveniles’ strengths rather than focus on their deficiencies (Bilchik, 1995). Restorative justice programs can hold youth accountable while also connecting them to positive resources in their communities (Mandel, 2000).

Strengthening Developmental Assets

Effective prevention strategies reduce youth’s exposure to dangerous risk factors and strengthen protective factors in their lives (Bilchik, 1996; Mendel, 2000). “Assets” are another term for protective factors that reduce the impact of risks or change the way a person responds to them.

The Search Institute of Minneapolis researched the question, “What do young people need to navigate through childhood and adolescence?” They found a set of 40 key factors they call “developmental assets.” These are divided into two clusters:

* **External Assets** are positive developmental experiences that surround youth with *support, affirmation, and acceptance; empowerment, including meaningful ways to contribute to one’s community; clear boundaries and expectations; and opportunities* for constructive use of time, in school, community, and religious activities.

* **Internal Assets** are *values, commitments, and competencies* that a young person has acquired, including educational commitment, honesty, responsibility, and making positive choices. (Murphey, 2000; United Way of Chittenden County, 1999).

These assets are considered building blocks of development that help young people grow up healthy, caring, and responsible. [For the full list of the Developmental Assets, see www.search-institute.org, “40 assets”]. The more assets youth have, the more likely they will choose healthy lifestyles, make less risky decisions, and be productive members of the community.

Building Assets, Developing Competencies, and Offering Services

There are youth who have many developmental assets, but still make poor decisions, like committing delinquent acts. Others have few assets. Lack of assets may be an underlying cause or contributing factor affecting their ability to make positive choices. It is vital to support all youth in building on their existing assets and strengths, developing competencies, and connecting them with resources in their communities, as well as holding them accountable for their actions.

Determining what a youth needs can come from a formal or informal assessment. Formal assessment tools may include questionnaires that ask about a youth's assets and needs. The assessment can also be done informally, through a dialogue with the youth, their parent or guardian, and any other people who support the youth. Asking these individuals about the youth's successes and challenges at home, in school, in the community, and with peers, can determine what assets are present and what resources and supports would be helpful (Kurlychek et al., 1999). It is important to make sure that connections to services in the community are successfully made.

Competency development for youth emphasizes improvements in education, social skills, employability, and productive community participation. Both the youth and the community benefit from positive work experiences, community service, and other productive activities. (Bazemore & Cruise, 1998).

Making Amends

Apology

An apology is one way of showing remorse and accepting responsibility (Hoyle et al., 2002; Strang, 2002). Often a heart-felt, sincere apology is what victims of crime desire, more than financial restitution. The opportunity for victims to come face-to-face with their offender enhances the likelihood of receiving an apology. Victims attending a restorative conference are much more likely to receive an apology, and believe that the apology is sincere, than when an offender is sent to court (Strang, 2002).

Restitution and Restorative Community Service

Restitution is a process by which offenders are held accountable for the financial losses they have caused to victims. Restitution is considered to be one of the core rights of victims. Restitution can come in the form of direct compensation to the victim, community service, or other work designed by the affected parties to respond to a specific incident. Community service is unpaid work performed by an offender for the benefit of the victim or the community. It is restorative if it is meant to compensate for the harm done, rather than to punish (Bazemore & Walgrave, 1999). Community service offers a way to hold an offender accountable to repair the harm caused by his or her actions. It not only provides a way for offenders to make amends, but the service often contributes to the quality of

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life in a community (McCarran et al., 2000). The community is enhanced by the valuable work performed, and the youth benefits by giving something positive back to the community and developing new skills or competence. (OJJDP, 2001). As youth offer something valuable to the community, they learn that they themselves have value in the community.

Types of Programs Using a Restorative Justice Approach

Restorative justice reflects values—focusing on healing or restoration, rather than punishing—and also incorporates a process. Restorative justice encourages bringing together those individuals affected by a crime to discuss how they have been affected and to create an agreement as to what should be done about it (Strang & Braithwaite, 2001). There are a variety of interventions that utilize a restorative justice process, while adhering to its values and goals. We have chosen to highlight a few types of interventions and programs, particularly those that have been used to respond to youth, and the individual victims and communities they have harmed.

Studies have shown that many victims of non-violent crimes want the option to meet with the person who has harmed them.

Victim Offender Mediation

Victim Offender Mediation (VOM) brings together the victim and the offender, with a trained mediator, to discuss the incident. Where juvenile offenders are involved, parents and other support people are increasingly being invited in to the process (Morris & Maxwell, 2001). Unlike other forms of mediation, “In victim offender mediation, the involved parties are not disputants. One has clearly been victimized. . . . [T]he emphasis [is] upon victims’ healing, offenders’ accountability, and restoration of losses” (Morris & Maxwell, 2001, p. 125).

In many VOM programs, the mediator first meets separately with the offender and the victim. This pre-mediation session is considered to be an essential step in connecting with each party, building trust and rapport, which is key to successful mediation (Umbreit, 1994). During the mediation session, the victim has the opportunity to meet the offender in a safe and structured setting. Victims can describe their experience and the impact of the offense. The offender is held directly accountable and can explain what he or she did and why, and answer the victim’s questions. They discuss what can be done to remedy the situation and create a plan (Morris & Maxwell, 2001). Such plans might include an apology letter, monetary payments, community service, and participation by the offender in supportive groups or service.

Studies have shown that many victims of non-violent crimes want the option to meet with the person who has harmed them. After meeting with the offender, victims were significantly less fearful of being re-victimized (Bazemore & Umbreit, 2001). However, because some victims clearly do not want to meet the offender, their participation in mediation must be voluntary.

Those victims who participate generally experience satisfaction. “The vast majority of VOM participants (typically over 80%) across setting, cultures, and types of offenses reported believing that the process was fair to both sides and that the resulting agreement was fair” (Umbreit, Coates, & Vos, 2002, p. 7). Some victims appreciate the chance to speak directly to the offender; however, others complain about the amount of time the mediation process takes (Morris & Maxwell, 2001). Most juvenile restitution agreements are satisfactorily completed (Bazemore & Umbreit, 2001; Morris & Maxwell, 2001). In one study, recidivism rates were lower among offenders who participated in mediation than among those who did not participate (18% vs. 27%). (Bazemore & Umbreit, 2001, citing Umbreit, 1994).

Restorative Justice Conferences/(Family) Group Conferences

Restorative Justice Conferences bring together the offender(s), the victim(s), their families, other affected individuals, and anyone who supports the victim and the offender, with a trained facilitator. Police officers are often present, either as facilitators or as participants in the conference. Members of schools, churches, and community-based organizations may be natural supports for youth and victims. Conferences recognize a wider circle of people as being victimized or affected by crime and represent the important role of the family and natural supports in young people’s lives (Umbreit, 2000).

Facilitators in the Real Justice model use a script to insure that the participants, and not the facilitator, control the outcome of the conferences. While sitting in a circle, the participants discuss the incident and its impact, and collectively craft a restorative agreement.

Research has shown that restorative conferences successfully address the needs of many victims of offenses committed by youth and that conferences are a promising early intervention for very young offenders (McGarrell, 2001). The benefits of conferencing include the ability of victims, parents, and other affected parties to voice their concerns and describe the impact the incident has had on them. Youth hear and learn how their behavior has affected others. The conference provides a way for those involved to create a plan to best restore the situation in a way that is meaningful to them. It allows the offender to “buy in” to the agreement, making it more likely that the youth will successfully complete the tasks set out in the agreement (McGarrell et al., 2000).

There is typically a high level of satisfaction with the process; the majority of participants, victim and offender alike, believe that the process is fair (Umbreit et al., 2002). One study, the Indianapolis Juvenile Restorative Justice Experiment, found that over 90% of victims participating in conferences reported that they were satisfied with how the case was handled, as compared to 68% in the non-participating control group. Over 80% of the youth studied in the “Indianapolis Experiment” successfully completed their reparation agreements, compared to 58% of the control group (McGarrell et al., 2000). More youth felt that they were held accountable for their actions following a conference than did those processed through court (Bazemore & Walgrave, 1999). Victims, youth, and parents involved in conferences believed that the

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process better helped to solve the problems (McGarrell et al., 2000). Victims who participated in conferencing were significantly less likely to fear re-victimization by the offender than when the offender went to court (Strang, 2002). There was also a statistically significant reduction in the re-arrest rate, 6 months and 12 months after the conference (McGarrell et al., 2000).

Circles (Healing, Peacemaking, Sentencing)

Circles are similar to group conferences in that they expand participation beyond the victim and the offender to include families, supporters, and interested community members (Morris & Maxwell, 2001). Participants speak, in turn, describing the incident and its impact. They discuss what needs to happen to resolve the matter, and a consensus plan is created. Respect for participants and the circle process is encouraged and demonstrated (Bazemore & Schiff, 2001). The peacemaking circle is a voluntary, community-directed process, in partnership with the juvenile justice system. Circles typically involve a multi-step approach, including a healing circle for the victim, another healing circle for the offender, a circle to develop the elements of a disposition agreement, and follow-up circles to monitor the progress of the offender (Pranis, 1998).

Circles can be used as an alternative to court, or as a way to determine a post-adjudication disposition. They are utilized as a way to heal a wrong (“Healing Circles”), to resolve conflict (“Navajo Justice”), or to create an appropriate sentencing plan (“Sentencing Circles”) (Bazemore & Walgrave, 1999; Morris & Maxwell, 2001).

Victim Impact Panels

Victim Impact Panels offer a forum for victims to tell a group of offenders how crime has affected them, their families, and their neighbors. The panels make use of “surrogate” victims, persons who are not the actual victims of participating offenders, but who have experienced either similar experiences or are family or friends of the victims (Bazemore & Walgrave, 1999). The panels provide victims with a structured, positive process for sharing their personal experiences and educating others about the physical, emotional, and financial consequences of crime. They also help offenders understand the impact of their crimes on victims and the community.

Much credit goes to Mothers Against Drunk Driving (MADD) for the creation of this intervention. They found, through a study of a large number of drunk driving crash victims, that 82% of victims who tell their stories to offenders say that speaking has aided them in their recovery. Victims who spoke on panels experienced more over-all well being than those who did not speak, experienced lower levels of anxiety, and were less likely to still be angry at their offender. MADD notes that some crime victims may feel re-victimized by telling their story, so caution must be exercised (Mothers Against Drunk Driving, undated).

Victim Impact Panels have been used for less serious crimes, such as shoplifting, offering victims a way to explain to youth how theft has affected them and the community. It is important to prepare the youth for being part of the audience, clarifying the expectations that they will be respectful and listen. This promotes a positive learning experience for the youth and diminishes the likelihood that the victim will feel disrespected or re-victimized.

Restorative Panels/Reparative Boards/Community Boards

Restorative boards or panels are typically comprised of a small group of volunteer citizens who meet directly with an offender. The board and the youth discuss the nature of the offense and its consequences, and create a way for the offender to learn from the matter and make amends for the harm done. The victim is invited to attend or to offer a statement in writing of how they were harmed. Community boards promote citizen involvement, provide a forum for victims and the community to confront the offender in a constructive way, and provide the offender with an opportunity to take responsibility and be held accountable to the victims and the local community (Bazemore & Umbreit, 2001; Bazemore & Walgrave, 1999; OJJDP, 2001).

In Vermont and other states, restorative panels and boards are typically used as sentencing alternatives, rather than as court alternatives. Youth may be referred by the Family Court to a restorative panel as part of the conditions of probation. More recently, this approach is being explored as a pre-charge response to juvenile crime. This allows for a youth who has offended to go before a community board, without first having to go to court, to discuss the incident and for the group to collectively decide what needs to be done. Once the requirements are fulfilled, the case can be closed without court intervention.

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Limitations of Restorative Justice Approaches

Recidivism

The research is not conclusive regarding the ultimate effect restorative justice programs have on recidivism. If the programs are voluntary, some argue that those who agree to participate in restorative programs and take responsibility for their actions are inherently less likely to re-offend. However, diverting youth who are less likely to re-offend is one of the goals of a good diversion program (McCold & Wachtel, 1998).

Some studies reveal a statistically significant reduction in re-offending following restorative justice interventions. The Hudson Institute found, through the Indianapolis Juvenile Restorative Justice Experiment, that youth in the restorative justice group had lower re-offense rates than the control group after 6 months – 12.3% for the restorative justice group compared to 22.7% for the control group. This represents a 46% reduction in re-arrests. After 12 months, 30.8% in the restorative justice group were re-arrested, compared to 41.2% in the control group (McCarran et al., 2000). Another study revealed a 32% lower rate of recidivism for those involved in victim offender mediation compared to those who did not participate, and found that when they did re-offend, their offenses were less serious

than those who did not participate in mediation (Umbreit, Coates, & Vos, 2002). Other studies have found that group conferences, when truly restorative, can have an impact on re-offending (Bazemore & Schiff, 2001).

It is also important to look at what makes restorative justice valuable, beyond the offender-focused question of recidivism. Even if recidivism rates are found to be the same as those after a court intervention, the benefits of responding to youth early, holding them accountable for even “petty” delinquencies, and bringing victims directly into the justice process, as well as the high rates of satisfaction expressed by participants, argue for the use of restorative justice interventions as part of the continuum of responses within and outside of the court system.

Sustainability

Many restorative justice programs “are run virtually on a shoestring budget.” (Umbreit & Greenwood, 2000b). Finding sufficient funding for such programs has been a difficult challenge. The primary source funding victim-offender mediation programs, for example, has been local and state governments, followed by the federal government. To a lesser extent, foundations, grants, and private contributors have funded restorative justice programs (Umbreit & Greenwood, 2000a). Unfortunately, although well-evaluated programs have shown positive results, many programs have closed or are at risk of shutting down due to the lack of sustainable funding. The programs highlighted below include some that were shown to be effective but are no longer in existence. They are included in this report for the evaluation information they offer.

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Victim-Offender Mediation

New Mexico Center for Dispute Resolution

The Center, a private, non-profit, community-based organization, jointly administers the Program with the Juvenile Probation Office. Cases are screened to determine if they are appropriate for mediation. If both parties agree, volunteer mediators (who receive 48 hours of training) meet with the parties individually before the full session, allowing the mediator to describe the process and hear the parties' perspectives. Through a facilitated dialogue, parties discuss the incident, ask questions, gain information, express feelings, and work toward a mutually agreeable mediation plan. The agreements reached are filed with the probation office and monitored by staff.

The program began in 1987. It has an annual caseload of almost 400 referrals. Originally, offenses were primarily property crimes, committed by first-time offenders. The program has expanded to include post-adjudication cases referred by the court.

The results

In a 1994 evaluation, data showed that in 99% of the mediation sessions a written restitution agreement was successfully negotiated. Victims felt that they had been treated fairly by the process, offenders learned how they had affected others, most offenders completed their restitution agreement, and most participants felt that justice had been served. Although the recidivism rates among these offenders did not appear to be significantly different from those participating in court proceedings, there were many other benefits (completion of restitution agreements, reduced fear and anxiety, and high levels of satisfaction).

For more information

New Mexico Center for Dispute Resolution, 800 Park Avenue SW,
Albuquerque, NM, 87102, (505) 247-0571; nmcdcr@igc.apc.org.

Umbreit, M. (1994) *Victim Meets Offender: The Impact of Restorative Justice and Mediation*, Criminal Justice Press: Monset, NY.

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Victim-Offender Mediation

Minnesota Citizens Commission on Crime and Justice

Begun in 1985, the Program received referrals for juvenile offenders from Court Services' staff from two counties. Referrals could be made at any point in the court process, from diversion to prosecution. Participation was voluntary. The Program utilized both staff and volunteer mediators. Cases included burglary, general property offenses, and minor assaults.

(At the time of this publication, the Program is no longer running, although there is high interest by staff in revitalizing it.)

The results

In 1991, the Program received 453 referrals. There were 179 mediations conducted in that year. Offenders ranged in age from 10-18. Of the mediations conducted, 93% successfully negotiated restitution agreements. These agreements included financial restitution, personal service, and community service. Victims experienced other positive outcomes, such as being less fearful of being re-victimized by the same offender. For participants, there was a high level of satisfaction with the process, including how they were treated, and the results of the mediation. Those offenders who negotiated restitution agreements were more likely to complete their obligation than those who were ordered to pay restitution by the court.

For more information

Umbreit, M. (1994). *Victim Meets Offender: The Impact of Restorative Justice and Mediation*, Criminal Justice Press: Monsey, NY.

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Group Conferencing

Indianapolis Juvenile Restorative Justice Conference Project

The Indianapolis Project is one of many diversion programs within the Marion Superior Court, Juvenile Division. The conferencing program, which started in 1997, serves first-time offenders 14 or younger. Eligible offenses include assault, shoplifting, mischief, and theft. After a referral is made, the offender and a parent are contacted. Once the offender admits responsibility, the victim is contacted. Participation of the victim and the offender is voluntary. Conferences are facilitated by trained volunteers, including police officers, neighborhood prosecutors, the county's juvenile justice coordinator, and community members.

The results

Between September 1, 1997, and September 30, 1999, 232 youth were assigned to restorative justice conferencing, and a total of 182 conferences were conducted. More than 80% of the youth successfully completed their reparation agreement, compared to 58% of youth assigned to traditional court diversion. More than 80% of the youth apologized to victims. Over 90% of victims participating in conferences reported that they were satisfied with how the case was handled, compared to 68% in the control group. Victims, youth, and parents involved in conferences were much more likely to report that the experience had helped solve problems than were those involved in the control group. Also, re-arrest rates, 6 months and 12 months after the conference were statistically significantly lower in this group than in the group assigned to traditional court diversion.

In 2002, 100 cases were referred to the project. 54 victims participated in conferences. The youth had an 80% completion rate, defined as completing their reparation agreements, paying all fees, and having no new offenses.

For more information

Julie Deckard, Juvenile Diversion Program Manager, Reach for Youth, Inc., 3505 North Washington Boulevard, Indianapolis, IN 46205, (317) 920-5900, jdeckard@reachforyouth.org.

McCarran, E., Olivares, K., Crawford, K., and Kroovand, N. (2000) *Returning Justice to the Community: The Indianapolis Juvenile RJ Experiment*, Indianapolis, IN: Hudson Institute; McCarran, E. (2001) *Restorative Justice Conferences as an Early Response to Young Offenders*, Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

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Woodbury (MN) Police Department's Restorative Justice Community Conferencing Program

The Department began their program in 1995 for juveniles and those affected by juvenile crime, to respond to the concern that victims were not offered opportunities to be involved in the justice system, were often fearful, and had no closure after the incident. Offenders' needs were also being neglected. The program wanted to address community problems at the local level through direct interaction among victim, offender, and the community.

To determine whether a case is appropriate for the program, staff evaluate the seriousness of the crime, the offender's past involvement in the justice system, the attitude of the offender, and whether the offender takes responsibility for the offense. Repeat offenders and felony offenses are acceptable referrals. Participation in the conferences is voluntary. If appropriate, trained police officers bring all parties together and facilitate group conferences, held at the police department or a local school. Contracts often include restitution, which must be paid within 90 days, and involvement in counseling and chemical dependency treatment. Once agreements are completed, the case is closed.

The results

Between 1995 and 1997, the program conducted 81 conferences. As of 1997, when the study was done, only one restitution agreement was not completed—when the offender moved out of state.

Participants' satisfaction with the conference process and results was very high (averaging 8-9 on a 10-point scale). The majority believed they were treated fairly and preferred the restorative program to having the matter handled by the court system. Victims were more likely than offenders or their parents to believe that the court could have accomplished things that the program did not. However, the majority of all respondents said that if they were faced with a similar situation, they would choose the Restorative Program over Court.

For more information

David Hines, Woodbury Police Department, 2100 Radio Drive, Woodbury, MN, 55125, (651) 739-4141.

Umbreit, M., and Fercello, C. (1997) *Woodbury Police Department's Restorative Justice and Community Conferencing Program: An Initial Assessment of Client Satisfaction*, St. Paul, MN: Center for Restorative Justice and Mediation.

The majority of all respondents said that if they were faced with a similar situation, they would choose the Restorative Program over Court.

The “Just Youth” Project of Chittenden County, Vermont

“Just Youth” is a voluntary, pre-charge project that uses restorative justice interventions to provide a prompt and meaningful response for youth who commit petty delinquent acts, disregard school policies, or are in conflict with one another, and to support the victims they harm. Referrals are made by police and school resource officers. The youth must have committed a non-violent offense, admit responsibility, and follow the established protocols.

Plans utilize the most appropriate intervention(s), in order to address issues of accountability, competency, and public safety. Interventions include Family Group Conferencing, Mediation, Victim Impact Classes and Panels, and Individualized Plans (created when victims are unable to participate directly). Plans may include community service, letters of responsibility, life-skills classes (including victim impact, decision-making, and communication skills), and referrals to community resources. Upon completion of the plan, the case is closed, without the involvement of the court system.

Staff provide case management and are available for follow-up. All youth are contacted 3 months after the case is closed to determine whether there have been any new offenses, to check on the youth’s behavior at home and in school, and if they need assistance in connecting with any services in the community. There is a part-time coordinator and one full-time case manager.

The results

The Project receives 130 referrals each year, with approximately 100 youth fully participating and completing their restorative agreement. Pre- and post-test results reveal that most youth have learned how their actions have impacted others and express remorse. According to surveys, the majority of victims, offenders, families, and police are very satisfied with the process and the outcome. In a three-month follow-up with offenders, it has been learned that few youth have re-offended.

For more information

Mariellen Woods, Juvenile Justice Programs Coordinator, Spectrum Youth and Family Services, 31 Elmwood Avenue, Burlington, VT 05401, (802) 864-7423, x216, mwoods@spectrumvt.org. See also “Just Youth is one of Vermont’s best deterrents to juvenile crime. Can the state afford to let it close.” *Seven Days*, Burlington VT, June 4, 2003, pp. 24A-25A.

Pre- and post-test results reveal that most youth have learned how their actions have impacted others and express remorse.

The First Response Team, Burlington (VT)

The Team provides restorative community service to victims of crime. The Community Justice Center, Center for Crime Victim Services, and the Department of Corrections jointly supported its creation. The project works to stop the deterioration of Burlington's neighborhoods by responding to property crime. Community volunteers remove graffiti, mend fences, re-plant gardens and fix windows. Activities include:

- *Scouting for Crime & Victims:* Citizens, victims, police officers and business owners report incidents of vandalism to the Team by calling a hotline.
- *Repairs and Clean-ups:* The Team organizes regular Saturday morning community clean-ups, utilizing community volunteers and offenders.
- *Team Leader Development:* The Team trains offenders, students who need to perform community service hours, and others to lead groups of volunteers at the work sites. The Team Leaders become experts at graffiti removal, public speaking, and contacting members of the community.
- *Mural Projects & Other Restorative Activities:* The Team seeks to improve, not just repair its community. Mural painting provides an opportunity for offenders and volunteers to enhance buildings and spaces that are deteriorating or repeatedly being “tagged” with graffiti.

The work of the volunteers, often young property crime offenders, not only improves the physical appearance of the area, but increases community pride.

The results

The Program believes that visually distressed neighborhoods deter businesses from locating there, resulting in a negative impact on economic growth, and on the quality of life for the community, residents and business owners alike. The Team has found that the work of the volunteers, often young property crime offenders, not only improves the physical appearance of the area, but increases community pride. Since its inception in 2000, over 150 volunteers have cleaned nearly 400 graffiti sites. Five murals have been painted in “tagged” areas within the community. The list of community partners has grown to over 40 groups, organizations and businesses.

For more information

Cara Gleason, Burlington Community Justice Center, 82 South Winooski Avenue, Burlington, VT 05401, (802) 865-7548, cgleason@ci.burlington.vt.us.

COMMON CHARACTERISTICS OF SUCCESSFUL RESTORATIVE JUSTICE PROGRAMS

Restorative Justice is not a specific “program”—it is a philosophy, a set of values, and a process. Restorative interventions can be used “pre-charge” (before an offense is formally charged in court) or at many other points within the justice system. No single program will be “a one size fits all.” Communities need to adapt an approach to fit their needs and may choose to offer a “menu” of options to be used on a case-by-case basis.

There are many different interventions that provide ways for victims and offenders to have safe, supportive, and productive contact. Through victim-offender mediation, group conferencing, impact panels, circles, and community boards, victims, offenders, and communities are all brought in to the justice process and are able to create a response to crime and the resulting harm that best meets their needs.

Whatever intervention is chosen, the program will be most successful when:

- Victims, as well as other stakeholders in the community, are brought into the planning process when designing a program.
- Victims’ participation is truly voluntary.
- Victims are adequately compensated for their loss.
- Youth who offend are responded to early on—soon after an offense is committed.
- Staff and/or volunteers receive adequate initial and ongoing training and supervision.
- Program funding is both sufficient and sustainable.
- Programs are evaluated to insure that the interventions adhere to the values and processes of restorative justice, and serve the intended stakeholders.
- Based on such evaluations, appropriate changes are made to the programs and interventions to best meet the needs of victims, offenders, and the community.

HELPFUL RESOURCE S

*What Works:
Youth Justice
Through Restorative
Alternatives*

Vermont Center for Crime Victim Services

103 South Main Street
Waterbury, VT 05671-2001
Phone: 802-241-1250
1-800-750-1213 (Vermont only)
1-800-845-4874 (TTY Vermont only)
Website: www.ccvv.state.vt.us

Office for Victims of Crime (OVC)

U.S. Department of Justice
810 Seventh Street, NW, 8th Floor
Washington, DC 20531
Phone: 1-800-627-6872
Website: www.ojp.usdoj.gov/ovc/

Office for Victims of Crime Resource Center (OVCRC)

P.O. Box 6000
Rockville, MD 20849-6000
Phone: 1-800-627-6872 or 301-519-5500
E-mail for print publications: puborder@ncjrs.org
E-mail for questions: askovc@ncjrs.org

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Website: ojjdp.ncjrs.org
Phone: 1-800-638-8736

REAL JUSTICE, Community Service Foundation

Box 229, Bethlehem, PA. 18016
(610) 807-9221, e-mail: usa@realjustice.org, website: www.realjustice.org/

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Dedicated to the Well-Being of Children and Families

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