

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

---

---

# An Initiative to Develop a Sustainable Restorative Juvenile Justice System

Blueprint for a Restorative state: Work Plan and Recommendations  
Presented to Maine's Juvenile Justice Advisory Group



Juvenile Justice Advisory Group

Gale Burford  
Sarah Gallagher  
Karen Gennette  
John Gorczyk  
George Shaler  
Johannes Wheeldon

"This document is funded, in part, through a grant from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Neither the U. S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, the Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
JUVENILE JUSTICE ADVISORY GROUP  
111 STATE HOUSE STATION  
AUGUSTA, MAINE 04333  
*mainejjag.org*



BARTLETT H. STOODLEY  
JUVENILE JUSTICE ADVISORY GROUP  
CHAIR

Dear fellow Juvenile Justice Stakeholders,

The Maine Juvenile Justice Advisory Board is pleased to present our report entitled “An Initiative to Develop A Sustainable Restorative Justice System” for the state of Maine. The JJAG commissioned this report, researched and developed by the Community Justice Network of Vermont, in furtherance of our goal to make Maine a restorative state, especially for juveniles. The concept and practice of Restorative Justice is uniquely suited to juveniles by holding youth accountable for their actions, educating them in corrective and restitution practices to actively and meaningfully repair the harm committed to the victim and community at large. Restorative Justice provides a mechanism for the youth to internalize how their actions affected others, make right the harm committed and naturally leads to successful reintegration into the community by working to address the victim and community’s needs. Restorative Justice is efficient, timely, affordable and effective.

The JJAG believes that by building a state wide restorative justice system that works in partnership with the criminal justice system we can better serve both our juveniles, our citizens/victims and alleviate our overburdened criminal justice system from a magnitude of cases best suited for the domain of a restorative justice. It is our vision and mission to build a parallel system of restorative justice that interfaces seamlessly with our current criminal justice system and that can be used as a viable, affordable, and meaningful alternative to the existing system now solely in place.

The attached report outlines the path forward for Maine to best develop a sustainable Restorative Justice System. The full report highlights in great detail the various productive restorative justice efforts around our state, country and the world. The intuitive and natural nature of Restorative Justice immediately resonates with our human nature to meaningfully repair the harm done, satisfy the victim’s needs, and as a result once again to assist the offender to function in the community as a productive member.

With a viable restorative justice system it is the JJAG’s learned assessment that more than a quarter to half of all cases now referred to the criminal justice system could be heard in a restorative venue.

Maine has a rich tradition utilizing restorative justice and the JJAG has historically funded restorative programs – programs that have overwhelmingly demonstrated their effectiveness. The time has arrived for Maine’s Restorative Justice programs to evolve into the creation of a Restorative System that provides for universal access to this effective method of addressing crime and disorder in our state.

Please read the attached report with the anticipation of learning what a Restorative Maine would mean for our youth, our citizens and our future! We look forward to your support and assistance in bringing this vision of a Restorative Maine to a reality – “Dirigo” is our state motto and now is the time for us to LEAD on this most important initiative for our youth and our communities.

Bartlett H. Stoodley  
*JJAG Chair*

Edwin Chester, Esq.  
*JJAG Vice Chair*

Christine Thibeault, Esq.  
*Systems Improvement Chair*

Sgt. Jonathan Shapiro  
*Maine State Police*

Colin O’Neill, LCSW  
*Associate Commissioner, MDOC*

PHONE: (207) 287-1923  
FAX: (207) 287-4518  
TTY USERS CALL MAINE  
RELAY 711

*“The mission of the Maine Juvenile Justice Advisory Group is to advise and make recommendations to state policy makers and to promote effective system level responses that further the goals of the Juvenile Justice and Delinquency Prevention Act.”*

MAINE JJAG  
#111 SHS  
AUGUSTA, ME  
04333-0111

## **1. Executive Summary**

This Blueprint is based on the full report “An Initiative to Develop a Sustainable Restorative Juvenile Justice System: Final Report To Maine’s Juvenile Justice Advisory Group.” It was developed to serve as a concise foundational document for the advancement of Restorative Justice for Youth in Maine. It is organized as a working document and includes key recommendations and next steps, as well as additional recommendations related to legislation, policy, and by organization. Finally this document offers some essential organizing principles to guide this work and a proposed timeline.

### **1.1 Overall Organizing Principles and Key Considerations**

- Value for investment across the spectrum of youth services and youth engagement
- Outcomes that matter: Improving life chances for young people who are involved with or at risk of involvement with youth justice
- Aligning restorative approaches and principles with court and other justice processes, service provision, business processes
- Fostering a hospitable climate for organizational and workforce development and culture in support of restorative/relational approaches
- Keeping the experiences of youth, their families, and crime victims who experience restorative approaches in the foreground of planning, implementation, and evaluation activities
- Developing and sustaining restorative approaches to ongoing quality assurance and evaluation
- Cultivating local initiatives, leadership, and governance and meshing with systems and processes across the state
- Developing user-friendly data systems that have practical value at the local level and for statewide tracking and planning
- Tracking state, national, and international trends including research and evaluation
- Developing clear and consistent incentives and mechanisms for innovation, experimentation, and replication of successful new approaches and positive outcomes
- Training and mentoring at all levels: Awareness, intensive/indepth, and train the trainers
- Supporting RJ work through a system of public awareness and education
- Involve police, victims, families, schools, tribal programs, and other relevant state agencies and community partners

## **2.0 Recommendations and Next Steps**

### **2.1. Restorative Justice Council**

2.1.1 We recommend that JJAG convene a RJ Council to collaboratively design a strategic plan through an inclusive process involving key state and non-state partners or stakeholders.

2.1.2 We recommend devoting resources to hire a RJ Coordinator (state employee, contractor, grant funded) with the responsibility to administer, support, and facilitate the operations of a Council to implement this report's recommendations. This should include:

- Developing a strategic plan to outline a vision for Maine with specific outcomes, impacts, and indicators of success
- Assessing existing RJ programs to ensure fidelity to RJ practices and principles including activating communities, involving victims, increasing volunteerism, and expanding an understanding of the limitations of punitive responses to crime and harm for youth and the value of RJ
- Exploring how to link restorative justice programs in the community with restorative approaches within state agencies, non-state and private sector beneficiaries of the state's restorative justice efforts

### **2.2 RJ Typology**

2.2.1 We recommend that JJAG convene RJ stakeholders to review and select a model to guide the collective vision of Maine as a restorative state. We suggest a hybrid of the "dual track" and "safety net" models in which RJ programs are prioritized at every point of contact for youth in conflict with the law, with opportunities for victims to participate throughout. This includes:

- Engaging with RJ stakeholders to collectively define what RJ programs would look like at each contact point of the formal youth justice system
- Working with RJ stakeholders and victim advocates and people who have experienced the harm to collectively define opportunities for victim participation

## 2.3 RJ Programming

2.3.1 We recommend expanding access to existing programs, increasing the number of programs across the state, and considering how existing stakeholders can work together to develop RJ programs, especially in Region 3. This involves:

- Extending confidentiality provisions for use immunity in cases referred by law enforcement
- Examining and expanding eligibility criteria for JCCOs to refer to existing RJ programs
- Exploring how JCCOs, RCAs, and RCMs can strengthen community partnerships and enhance RJ programs through regional restorative justice councils tasked with developing, supporting, and promoting new restorative programs

2.3.2 We recommend that DOC continue to train staff at LCYDC on key principles of restorative justice and benefits for youth.

2.3.3 We recommend that future JJAG funding include agreed-upon outcomes, clear and consistent criteria for data collection, and regular reporting based on a graduated model of evaluation so as not to overwhelm fledgling programs.

## 2.4 RJ Self-Assessment

2.4.1 We recommend encouraging RJ providers to review this report's self-assessment checklist.

2.4.2 We recommend convening RJ stakeholders to select and adapt an evaluation model for inclusion in future JJAG RFPs.

2.4.3 We recommend contracting to train RJ providers on data collection and compilation.

## 2.5 RJ Implementation

2.5.1 We recommend JJAG consider which of the listed impediments are particularly relevant for Maine and adopt potential mitigation strategies as a part of future project management.

2.5.2 We recommend convening stakeholders to review this report and define key implementation challenges relevant for Maine and adopt mitigation strategies as a part of future service delivery.

2.5.3 JJAG should commission a cost comparison study to compare average cost per case between RJ programs and traditional CJS.

### **3.0 Legislative and Policy Recommendations**

#### **3.1 Legislative Recommendations**

We acknowledge that Federal law prohibits JJAG from "lobbying" for specific legislative changes or proposing new legislation. Likewise, the political climate may not at this time be conducive to achieving the recommendations we have outlined. As we have noted, the basic statutory elements are in place to provide the necessary authority to enable restorative justice processes to be employed at the front end of the juvenile justice system. Over the next 24 months additional steps could be taken to investigate what changes in legislation could better root restorative justice in the Maine juvenile justice system. While this should be done incrementally, the following are recommendations for consideration.

3.1.1 Develop specific language that references the principles and values of restorative justice in Title 15 Part 6 section 3002 Purposes and Construction. In this regard, specific language referencing the interests of the victim would be desirable, as would language that identifies the importance of community partnership and engagement.

3.1.2 Remove or revise references to punishment in Title 15 Part 6 section 3002 Purposes and Construction.

3.1.3. Develop amended language in section 3301 that more specifically and clearly describes the elements of an informal adjustment that is specifically designed to be restorative in nature.

3.1.4 Adopt specific language referencing the principles and values of restorative justice in Title 15 Part 6 section 3002 Purposes and Construction. This might include the following language: 3002 1. G. To preserve and strengthen ties to the community through the use of restorative principles and processes.

3.1.5 Establish a foundation for restorative practices in the Criminal Code by adding the following language to Title 17 Part 3 Chapter 47 section 1151 Purposes: 7. To promote the development of correctional programs which elicit the cooperation of convicted persons and engage the community as a partner in the criminal justice process.

3.1.6 Add language referencing the use of restorative processes to Title 15 Part 6 Chapter 507 section 3301. Preliminary investigation, informal adjustment and petition initiation. Specifically, 3301. 5. B: Make whatever informal adjustment is practicable without a petition. The Juvenile community corrections officer may effect whatever informal adjustment is agreed to by the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated, including engagement in a restorative process, a restitution contract with the victim of the crime and the performance of community service.

3.1.7 Amend Title 15 Part 6 Chapter 505 section 3204 be amended as follows: Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a juvenile community corrections officer during the course of a preliminary investigation or made to a police officer or other individuals as part of a restorative process meant to divert the juvenile from more formal involvement in the juvenile justice system are not admissible as evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed.

3.1.8 As, Title 17 Part 3: Chapter 48 Victims Rights currently has no specific reference to restorative process. We recommend that section 1172 1 should have an additional item entered as follows: G. The right to participate in a restorative process when one is employed.

3.1.9 As there is currently some considerable concern over the establishment of a permanent criminal record once a juvenile is referred to a juvenile community corrections officer we recommend that Maine consider how to establish a provision in law with criteria that allows for the expungement of the record upon successful completion of a restorative contract and/or agreement.

3.1.10 Finally, to address concerns that restorative justice is not fully defined, it may be advisable to consider to what extent restorative justice can be defined in Maine. We recommend the following principles guide any definition:

- Restorative justice is a mechanism to address crime, disputes, and community conflict through one or more meetings involving the affected individuals including the victim(s), offender(s), and representatives of the community
- Restorative justice programs should be facilitated by one or more trained and impartial individuals
- A central focus in any RJ program is on identifying the harm, attempting to make amends, and promoting reintegration
- Specific RJ processes and individual outcomes may vary depending on the context, but RJ programs focus on facilitating personal development by improving cognitive skills, modeling prosocial relationships, and supporting emotive insights
- RJ programs combine disapproval for criminal behavior with respect for the individual, forgiveness, and acceptance back into the community



### 3.2 Policy Recommendations

#### 3.2.1. Recommendations related to the role of JCCOs:

- Develop new policy about restorative justice and include in the Juvenile Community section of the policy manual
- *Policy 9.1 Case Management* should include a statement about RJ in the III. Policy section
- Risk and needs assessment used by JCCOs and referenced in the policy should be reviewed for alignment with RJ principles
- Strengthen Procedure F. Conducting Preliminary Investigations in *Policy 9.3 Pre-Adjudication Functions*
- Section 5 addresses victim contact and should include more detail on victims' rights and restorative questions to ask victims
- Develop training program for JCCOs and Regional Managers focused on the particular roles and tasks they are asked to perform
- Consider how RJ training for JCCOs meshes with Motivational Interviewing

#### 3.2.2 Recommendations to expand RJ at Long Creek Youth Development Center

- Recruit a Restorative Practices Leadership Team from interested staff at various levels of the institution to help lead restorative justice implementation
- Review the culture, routines, and policies guiding Long Creek for opportunities to build proactive and restorative practice into the fabric of the institution
- Adjust *Policy 15.1 Behavior Reinforcement, Redirection, and Modification* by adding restorative practices to both the staff training list and the Behavior and Skill Training and Reinforcement list for residents
- Add informal restorative practices such as affective statements, affective questions, and informal circles to the Procedure E: Interventions
- Revise language in *Policy 15.3 Resident Discipline System* to encourage consistent application of restorative practices
- *Policy 18.3 Case Plan* should incorporate restorative community conferencing (as available) to the Planning for Reintegration section
- Ongoing training for staff and policy adjustments should include RJ approaches in the lives of residents, and a restorative and reparative approach to address harms that occur

## **4.0 Recommendations by Organization**

### **4.1 Juvenile Justice Advisory Group**

JJAG should first refine and clarify the intended outcomes and specify the resources it is ready to invest, in consultation with other statewide players. This should include hiring a facilitator (state employee, contractor, grant funded) with responsibility to administer, support, and facilitate the operations of a group to implement this report's recommendations. JJAG can convene a group (called Council or Consortium in other jurisdictions) to support the coordinated advancement of restorative programs in Maine. A goal for this group could be to design a strategic plan through an inclusive process involving key state and non-state actors.

#### **Key Areas of Focus**

- Explicit statement of vision, values, and expectations
- Use of fair process throughout
- Transparent decision making
- Use of restorative language
- Modeling of expected behavior

#### **Specific Steps**

- Define best investment by contact point
- Strategically determine resources for this initiative
- Convene key stakeholders and work collaboratively to establish a shared vision
- Outline decision-making processes
- Agree on programmatic necessities
- Define the nature of state/non-state collaboration
- Clarify referral procedures and share best practices
- Collaboratively define evaluation criteria
- Redefine RFPs to focus on RJ fidelity and evaluability
- Review JJAG funding protocols
- Consider how conflict will be resolved
- Develop a communication strategy
- Work together to widen the circle and tell RJ stories

## 4.2 Department of Corrections

In addition to this work between and among JJAG, community-based RJ providers, and other stakeholders, DOC's Division of Juvenile Services has myriad opportunities to integrate restorative principles and practices both in community corrections and at Long Creek. It is crucial for representatives from Juvenile Corrections to participate in the collaborative processes discussed above as well as to design an internal collaboration process to determine departmental roles and priorities.

### Key Areas of Focus

- Outcomes that matter: Improving life chances for young people who are involved with or at risk of involvement with youth justice
- Keeping the experiences of youth, their families, and crime victims who experience restorative approaches in the foreground of planning, implementation, and evaluation activities
- Aligning policy and training with restorative principles and practices
- Fostering a hospitable climate for organizational and workforce development and culture in support of restorative/relational approaches

### Specific Steps

- Recruit a planning group that is representative of various roles within the division
- Develop a strategic plan for integration of RJ within existing structures, roles, and budgets
- Adjust policy and procedures to support strategic plan implementation
- Deliver extensive restorative practices training to personnel
- Consider guidelines for staff participation in RJ processes and referral to external processes
- Review and enhance communication patterns to support development of a restorative, relational culture within juvenile corrections
- Consider how to support all employees in transitioning successfully while still valuing their previous work
- Commit to an approach to consistent data collection for program management and outcome evaluations

### 4.3 Community-Based RJ Providers

It is clear that for state agencies to invest significant funds into community-based restorative justice programs, these programs need to specify the key elements of their “restorative” application, the expected responses from participants involved, and the expected outcomes. Without clear statements about the nature of the intervention, evaluations are unlikely to be useful. We recommend existing RJ programs in Maine engage in a self-assessment and consider the questions outlined below. Additional questions should be considered.

#### Recommended Organizational Elements to Consider

1. How do we define our purpose and direction?
2. What values and principles guide our organization?
3. What are our core functions and operations?
4. How do our governance structures and decision-making procedures assist our work?
5. What can we do to improve our victim services?
6. What are we doing to expand community education and dialogue?
7. What personnel policies, training resources, and support systems exist for staff?
8. How can we diversify our funding arrangements?
9. How often do we review our financial policies and management practices?
10. How can we recruit, train, and engage more community volunteers?

#### Recommended Programmatic Elements to Consider

11. What principles/theory of change/values do we say are important?
12. How do we know these principles are being implemented?
13. Under what sponsorship and authoritative arrangements are referrals being made?
14. How can we build on our relationships with referring agencies?
15. How can we improve the way we administer our cases?
16. Who gets access to our programs, who gets excluded, and who gets overlooked?
17. What is the general frequency of the program/intervention and how many hours or days per week do participants attend our program/intervention?
18. What are the credentials of the person(s) delivering the programs/interventions?
19. How are people attending to “fidelity” and responsiveness?
20. How are we learning from others in the state and beyond?

## Data Collection and Evaluation Considerations

21. How can our data collection and evaluation procedures benefit both our external funders and our internal operations?
22. Do we link the programs/interventions we offer with goals and target populations?
23. Are our programs/interventions based on a national model, use nationally recognized curricula, or are homegrown based on defined RJ principles?
24. What measures of progress/success are being applied? Who is applying them? How are they being applied?
25. In addition to decreasing recidivism, what other intermediate outcomes is the program(s) intended to address, if any? Some examples might include improving school performance, improving family relationships, and improving victim satisfaction.
26. Have our program(s)/intervention(s) ever been evaluated for their outcomes? How were the results disseminated?
27. How many people did our programs serve last year?
28. How many participants can our program/intervention serve per year at current staffing levels?
29. What data are we currently collecting on our participants?

- Name
- Address
- Age/Date of Birth
- Gender
- Ethnicity
- Issue(s) to be addressed
- Name of program(s) referred to
- Referral source
- Successful or unsuccessful outcomes
- Results or outcomes of successful program participation

30. What data are we currently collecting on our programs?

- Number of people referred
- Number of people served
- Number of victims contacted
- Number of victims who participated
- Number of community volunteers
- Number of volunteer hours
- Number and types of interventions provided
- Percentage of participants who were successful
- Percentage of unsuccessful participants
- Additional positive outcomes for those that we serve

## Budget and Cost Considerations

- What was the total annual budget for our programs/interventions last year?
- How are our programs/interventions funded (e.g., participant fees, state funding, federal grants)?
- How many participants can our program/intervention serve per year at current staffing levels?
- Approximately how many clients were eligible but could not be served by the program/intervention last year?
- How should we calculate the participant cost for our program/intervention (e.g., annual budget divided by number of participants, contract cost, other)?
- What is the participant cost for our program/intervention?
- What does this cost calculation miss about our work (training staff, mileage, space, operations)?

## 5.0 Phases and Timeline

Phase 1: Establish RJ Council and nominate a leadership team (3-6 months)

Phase 2: Assess resources, hire a coordinator, identify partners, clarify expectations and roles, assess readiness, putting out RFPs as needed, get buy-in, create evaluation matrix and logic model of change (6-12 months)

Phase 3: Finalize detailed strategic plan based on this report's recommendations and include steps for reviewing existing policies and legislation for needed changes, draft and distribute new policies, and educate partners (12-18 months)

Phase 4: Realign business and finance processes based on the strategic plan and set in place data and feedback systems relative to change indicators (18-24 months)

Phase 5: Draft initial report on evaluation and realignment based on the established evaluation matrix and logic model of change (24 months)

