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# An Initiative to Develop a Sustainable Restorative Juvenile Justice System

Final Report To Maine's Juvenile Justice Advisory Group



Juvenile Justice Advisory Group

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John Gorczyk led the development of restorative justice in Vermont. Between 1991 and 2003 he served as Commissioner of the Department of Corrections and promoted intermediate sanctions, restorative justice programs, and the application of evidence-based practices. John has advised CJNVT on amending laws and policies to deepen restorative justice practices in Vermont and develop accreditation standards.

George Shaler is the Director of the Maine Statistical Analysis Center (SAC) and has been employed at the Muskie School since 1999. He serves as Managing Director of the Children, Youth and Families-Justice Policy program. In his role as SAC Director he provides program evaluation and consultation services to state and local government agencies as well as community-based organizations in criminal justice, public health, and health policy issues. In 2015, one of these reports—*Disproportionate Contact: Youth of Color in Maine's Juvenile Justice System*—received JRSA's Douglas Yearwood National Publication Award.

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## 1.0 Executive Summary

This report is based on a comprehensive review of practices, innovations, and an assessment of the potential for system-wide rollout of restorative justice (RJ) programs and services for youth in Maine. The report outlines findings from a project conducted by the Community Justice Network of Vermont (CJNVT) between April and October 2016, based on a specific series of questions posed by the Juvenile Justice Advisory Group (JJAG). The report describes the methods, resources, and approaches CJNVT used to accomplish the tasks associated with the requested services. It outlines and develops recommendations to inform a “blueprint” describing in concrete terms what the JJAG can do to expand and improve restorative justice practices in Maine.

Examining the experience of other jurisdictions can be a useful means to identify options to advance and further develop restorative justice. However, the knowledge, experience, and expertise that currently exists in Maine is substantial. This document reports best practice based on regional, national, and international models, policies, and implementation strategies. Presently, the best indicators of success about “what is working” come from a wide range of tests of small-scale applications and are based on learning between programs and practitioners. Based on this literature, this report identifies and offers insights about impediments and key challenges to the sustainable integration of restorative justice into youth justice systems. As part of an overall Blue Print, this report considers initial training and supervision requirements and capacities to ensure those who work with youth in conflict with the law are educated about the value(s) of restorative programs for youth.

The report is organized into the following sections: 1) project methodology; 2) significant activities undertaken during the project; and 3) key findings and recommendations. The final section of the report offers some specific steps for JJAG to consider based on the specific questions posed to key stakeholders and survey respondents throughout the project. The project design and delivery we have proposed is grounded in the language of stakeholders surveyed and interviewed through the project. **Appendix A** outlines the specific questions and our responses based on the original Request for Proposal (RFP). Overall recommendations are outlined below.

## 1.1 Key Findings and Recommendations

- A variety of organizations in Maine are delivering restorative justice programming for youth around the state. **Appendix B** presents a map of existing programming. Programming tends to be concentrated in Region 1 and Region 2. CJNVT has identified key data about existing restorative justice programs in Maine. This includes office, locations, types of RJ services, system contact points, addresses, and information for key personnel. **Appendix C** offers a full and most detailed to date compendium of restorative youth programs in Maine. *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.*
- While some assessments and evaluations of existing programs have been completed to date, in general there is a lack of consistent data collection that would allow for the sort of rigorous analysis required to know whether existing programs are “working.” **Appendix D** provides a detailed overview on understanding evidence-based programs and practices for youth, and key considerations and options about how to assess system-wide reforms, using consistent and valid measures. *We recommend that future 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.*
- Australia, Canada, New Zealand, and the United Kingdom have developed various models of relevant restorative justice legislation or practice. In the US, Alaska, Colorado, Pennsylvania, South Carolina, and Vermont offer important examples of the use of restorative programs for youth. The literature review presented in **Appendix E** offers some insights from other jurisdictions based on a detailed examination of national and international models/approaches. Research supports the development of “home grown” vs. “imported” models so long as principles associated with evidence-informed processes and outcomes are clearly identified and used to drive the design, implementation, and quality adherence. *We recommend the experience in other jurisdictions be reviewed but caution against abandoning existing RJ programs.*
- Recent analysis suggests best practice involves investing in a whole system approach based on cross-sectoral engagement. This includes ensuring restorative programs and services exist for youth at a variety of contact points. **Appendix F** offers one view of a system-wide approach. *We recommend Maine consider a hybrid of the “dual track” and “safety net” models in which restorative programs are prioritized at every point of entry or contact point for youth in conflict with the law, with opportunities for victims to participate throughout.*

- A variety of challenges and barriers to the implementation of restorative justice programs exist in Maine and elsewhere. These include, but are not limited to, legislative authority, fidelity to practices associated with the benefits of restorative justice for youth, local and cultural adaptations, ensuring consistent referrals to community-based programs, state and non-state interactions, and the multitudes of organizational relationships that can sustain or complicate restorative programs. **Appendix G** offers a list of impediments and specific responses. *We recommend JJAG consider which of the listed impediments are particularly relevant for Maine and which mitigation strategies could be integrated into existing program management.*
- Most organizations offering RJ programs struggle to finance their operations. While few studies have carefully examined relative costs and benefits of RJ programs, promising findings report a high return in terms of crimes prevented, and lower costs of delivering RJ compared with traditional “interventions.” **Appendix H** outlines some sustainability issues and specific responses, including a methodological starting point to compare costs and provide financial data for all stakeholders. *We recommend JJAG consider a cost comparison study to build on a more consistent approach to data collection and allow for an average costs per case comparison to be calculated.*
- To promote a sustainable RJ system, a number of existing actors must work together. This includes those connected to JJAG, DOC (JCCOs, Long Creek), and community-service providers. Specific recommendations include:
  - We recommend that JJAG convene a RJ Council or Consortium to collaboratively design a strategic plan through an inclusive process involving key state and non-state actors. This will require building on existing community-based capacity, the interest among other state agencies, and the motivation among Juvenile Community Corrections Officers (JCCOs). **Appendix I** offers some considerations for Maine in moving toward a state-wide/whole system.
  - We recommend that JJAG consider the value of existing restorative programs to assess the extent to which they can activate communities, increase volunteerism, and expand an understanding of the limitations of punitive responses to crime and harm for youth. Part of this assessment must include a common way to understand how existing programs embrace evidenced-informed processes and outcomes. **Appendix J** offers some elements for local service providers to consider.
  - We recommend that prioritizing the development and promotion of restorative justice “services” in the community does not result in abandoning restorative “approaches” within state agencies. **Appendix K** offers recommendations for expanding programming at Long Creek and defining the role of JCCOs, consistent with a community-first focus.

## 2.0 Project Methodology

The project was organized between April and October 2016 through three interrelated phases: 1) Identification, Verification, Legislation, and Evaluability; 2) Literature Review of RJ: Models, Mechanisms, and Sustainability; and 3) Recommendations for how Maine can Expand and Improve RJ Services for Youth. A key part of the report focuses on addressing the following questions.

### 2.1 Key Questions

What youth-serving restorative justice services currently exist throughout Maine?

- Where do those services exist?
- What models/programs are being implemented?
- How do we know whether these programs are “working”?

What youth-serving restorative justice models show promise for the state of Maine?

- What other national and international models of restorative justice have proven to be effective in addressing juvenile delinquency?
- What other youth-serving systems could benefit from adopting a restorative approach or restorative justice services?
- How have other states or countries addressed potential barriers to implementation of restorative justice practices (e.g., confidentiality laws that prohibit sharing of information)?
- How are successful restorative justice practices/services both in and out of state sustaining themselves?

What can the JJAG do to promote restorative justice practices throughout Maine?

- Is development of a statewide model possible and/or preferable?
- Is development of a variety of services based on local needs and resources possible and/or preferable?
- How does the development and promotion of restorative justice “services” differ from the development and promotion of restorative justice as an “approach” to existing practices?
- Should the JJAG promote both restorative justice services and restorative justice as an approach throughout Maine or limit its initiatives to one or the other?

## 2.2 Approach and Assumptions

CJNVT employed a multistage, mixed methods approach to data collection and analysis.<sup>1</sup> Data collection included a survey designed to capture both quantitative and qualitative responses on key questions around existing practices, implementation challenges, and aspirations for Maine. Based on these responses, focus group questions were designed to delve deeper into the themes that emerged from the survey. Themes were identified by the project team through a process of identifying common responses and comparing the depth and detail of the open-ended questions. Detail is related to the number of unique concepts that emerged throughout all data collection. By contrast depth is connected to the nature of the responses, especially in the open-ended survey responses. This included the length of responses, the complexity of connections made, and specific examples provided.

CJNVT's approach involved identifying, verifying, and assessing existing programs in Maine based on initial meetings with JJAG. This included meetings with Barry Stoodley, retired Department of Corrections (DOC) Associate Commissioner; Colin O'Neil, DOC Associate Commissioner; Anna Black, DOC grants manager; Tracey Horton, Associate Professor of Forensic Psychology and Criminal Justice, Thomas College; Nate Gagnon, JJAG Compliance Monitor; Jason Carey, JJAG Associate; Roy Curtis, Belfast DOC Regional Manager; Sergeant Jonathon Shapiro, State Police Department; and Mary Lucia, DOC Policy Manager.

Subsequent interviews were conducted with Patti Kimball, Ryun Anderson, and Chris Jones of Restorative Justice Institute of Maine (RJIM), and Lorraine Brown and Sarah Mattox of the Restorative Justice Project of the Midcoast (RJPM). Both organizations offered insights into their hopes for restorative justice in Maine and the role

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<sup>1</sup> For more on a multistage mixed methods design see Wheeldon, J. & Ahlberg, M. (2012) *Visualizing Social Science Research: Maps, Methods, and Meaning*. Thousand Oaks, CA: Sage Publications; Wheeldon, J. (2010) Mapping Mixed Methods Research: Methods, Measures, and Meaning. *Journal of Mixed Methods Research*, 4(2): 87-102; Wheeldon, J. (2011) Is a Picture Worth a Thousand Words? Using Mind Maps to Facilitate Participant Recall in Qualitative Research. *The Qualitative Report*, 16(2): 509-522

this project could play. Through these initial meetings in stage 1 CJNVT identified key strengths and challenges in Maine (See **Appendix L**).

Stage 2 involved the development of a survey of key individuals in Maine identified by JJAG, DOC, RJIM, RJPM, and George Shaler of the University of Southern Maine. The survey is attached as **Appendix M**. In addition to collecting data on participants in terms of their employment, years in role, knowledge of RJ, and interest in moving toward a more comprehensive RJ system in Maine, the CJNVT adapted the Stages of Concern (SoC) questionnaire. Used in situations where new practices, policies, and programs are being introduced, the SoC questionnaire is based on the belief that change efforts more often succeed when people feel they can raise questions and concerns and express their ideas in a climate of safety, respect, and thoughtful discussion. Efforts were made to adapt this approach based on key areas identified from existing literature and previous experience from around the world.<sup>2</sup>

Over 110 participants were identified by CJNVT, JJAG, RJIM, and RJPM, and contacted by email. Results are included as **Appendix N**. Based on the survey results (n=77), CJNVT designed a workshop for July 21, 2016 to bring together a smaller group of participants at the forefront of restorative justice programs for youth in Maine. Through a series of focus groups, 32 key RJ stakeholders participated in a full day meeting. Conversation circles focused on a variety of topics and CJNVT team members worked with each group, asked groups to put the questions in order of importance, posed the questions, and ensured each member had an opportunity to speak. CJNVT team members recorded the discussion for integration into a summary report. The questions are included as **Appendix O**. The results of the conversations were compiled and sent to all participants on July 28, 2016, to allow the opportunity to reflect on the day, clarify any comments they made, or add additional feedback as appropriate. The final compilations are included in **Appendix P**. In Stage 3, this data was compiled and integrated with a detailed literature review organized to answer specific questions presented by JJAG. This involved a determination of how to define key terms used both in the RFP and in the literature.

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<sup>2</sup> See Archie A., George, A.A.; Hall, G.E. & Stiegelbauer, S.M. (2013). *The Stages Of Concern Questionnaire*. SEDL. <http://www.sedl.org/pubs/catalog/items/cbam17.html>. Adapted with permission

Restorative justice is known for definitional confusion. In general, it can be seen as 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. One or more trained and impartial individuals should facilitate restorative justice programs and focus 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. Additional definitions, as agreed by the project team are as follows:

*A Restorative Justice Approach* can be defined as a philosophical orientation that informs all aspects of process and practice;<sup>3</sup>

*A Restorative Model* can be understood as how restorative justice programs and services are available as part of a system-wide framework of restorative justice in any jurisdiction;

*A Restorative Justice Program* is a defined set of replicable services designed to address a specific problem or set of needs.

*A Restorative Justice Service* is a specific unit of a program or the provision of a supportive activity related to a RJ program.

*Restorative Justice Principles* refer to key elements of a program or service, the adherence to which makes it more or less “restorative.”

The result of Stage 3 was a draft report sent to JJAG members and key stakeholders for comment. These comments were integrated into the final report where possible. To further ensure the co-construction of this report, **Appendix Q** provides international ground rules and legal safeguards for the use of restorative justice in criminal matters, **Appendix R** offers a list of research consulted and cited throughout this report.

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<sup>3</sup> We distinguish here between a restorative justice approach that is designed to respond to harm or crime, and “restorative practices” as defined by the IIRP, which suggests restorative justice is a subset of restorative principles that can be applied anywhere and to any situation. See <http://www.iirp.edu/what-is-restorative-practices.php>

### **3.0 Project Activities and Outcomes**

While data collection and analysis occurred in three distinct stages, project activities were organized through three interrelated phases. Each phase included a face-to-face meeting with JJAG to provide project updates, answer questions, and ensure project implementation was proceeding in ways that were consistent with JJAG goals and included the input of key stakeholders. Each phase operated independently of the others, but the results of each informed the development of subsequent phases.

#### **3.1 Identification, Verification, Legislation, and Evaluation History**

CJNVT first worked to identify programs for youth that employ RJ principles in their programs. Given the definitional complexity that spans jurisdictions, any program that said they employed RJ was initially included. In addition, based on federal guidelines, programs serving individuals up to 22 years of age were included. After further research, CJNVT identified those programs specifically providing RJ services in the juvenile justice context, those in a preplanning stage, and those that could promote RJ in their work. These were reorganized to prioritize programs explicitly engaging in RJ programs. This included mapping these programs, listing the contact name, info, and various RJ programs, the contact point for each, and whether these programs have been evaluated to date.

During this phase, CJNVT also conducted an analysis of existing provisions that give legislative basis for restorative justice in Maine. This involved listing possible amendments to better root restorative justice in Maine law, reviewing existing practices, and suggesting new policies that could better integrate existing RJ programs into the youth justice system. Finally this phase included conducting a survey of state/non-state practitioners on the value, implementation, challenges, and benefits of restorative justice. The results of this survey were used to develop questions for focus groups to guide the “Blueprint” section of the final report.

### **3.2 Literature Review: Models, Mechanisms, and Sustainability**

This phase focused on reviewing literature drawn from regional, national, and international examples of juvenile justice systems that have integrated restorative justice programs. This review focused on the wider literature about restorative justice for youth while organizing the review to prioritize the questions posed by JJAG. Overall Literature Reviews/Synthesis involved identifying, assessing, reflecting, and synthesizing the persistent, and sometimes conflicting, findings. This includes scientific literature: program descriptions, and other sources such as: advocacy and rights literature, administrative monitoring, and best practice guidance, including materials from Maine.<sup>4</sup>

During this phase, CJNVT also considered promising models to inform JJAG and the state of Maine, and compiled common impediments, challenges, and lessons for the sustainable integration of restorative justice into juvenile justice systems. While defining specific training areas for community agencies and DOC staff is beyond the purview of this project, this phase also involved initial assessment of research, training, and quality assurance considerations.

### **3.3 Developing Findings and Recommendations**

The third phase of project delivery involved reviewing and assessing the specific questions posed by JJAG, the data collected in phases one and two, and the organization of a Blue print with specific suggestions about where JJAG can go from here to expand and improve restorative justice services for youth. These recommendations were guided both by the initial questions posed by JJAG and by the comments provided and specific questions raised by stakeholders over the life of the project.

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<sup>4</sup> It is important to acknowledge that this work has benefited from collaboration with John and Valerie Braithwaite (AU), Marie Connolly (AU), Kate Morris (UK), Joan Pennell (USA, Lisa Merkel Holguin, and staff at Kempe Center, University of Colorado.

## 4.0 Findings and Recommendations

### 4.1 Identification, Verification, Legislation, and Evaluability

i. What and where do youth-serving restorative justice services currently exist throughout Maine?

Organizations in Maine are delivering restorative justice programming for youth around the state. **Appendix B** presents a map of existing programming. Programming tends to be concentrated in DOC regions 1 and 2 (southern and central Maine) as outlined in table 1. We recommend expanding access to existing programs, expanding the number of programs across the state, and considering how existing stakeholders can work together to develop RJ programs in DOC Region 3.

Table 1: RJ Programs: Programs and Locations

Program	Main Location	Serves
Bates College	Lewiston, ME	Bates college students in and around Lewiston
Portland Center for Restorative Justice	Portland, ME	Gorham High School Prison groups in Windham and Madison Cumberland County
Restorative Justice Institute of Maine	Brunswick, ME	Augusta, Berwick, Biddeford, Bangor, Brunswick, Kennebunk, Lewiston, Portland, Oxford Hills, and Waterville
Restorative Justice Project of the Midcoast	Belfast, ME	Waldo, Knox, Lincoln, and Sagadahoc counties
Restorative Practices Collaborative of ME	Orono, ME	Bath Middle School Boothbay Middle School Hall Dale Middle School Windham Middle School Marancook Middle School Mt. Jefferson Junior High School Ridge View Community School
Thrive: Maine Youth Court	Portland, ME	Portland, Yarmouth, and Bath
York County Juvenile Community Review Board	Old Orchard Beach, ME	York County

ii. What models/programs are being implemented?

Table 2 outlines types of RJ programs by program and contact point

Table 2: Program, RJ Programs, and Contact Point(s).

<b>Name of Program</b>	<b>Type of RJ Programs(s)</b>	<b>Contact Point(s)</b>
Bates College	Restorative Justice Conferences Student Conduct Committee	Conflict resolution Precharge
Portland Center for Restorative Justice	Peacemaking Circles Victim Offender Dialogues	School Community Diversion Postadjudication
Restorative Justice Institute of Maine	Circles Dialogue Conferences	School Presummons Postsummons Precharge Postcharge
Restorative Justice Project of the Midcoast	RJ in Schools Community Conferences Community Re-entry programs Long Creek Programs	Schools Postcharge Incarceration Postconviction
Restorative Practices Collaborative of Maine	School based programs (circles, mediation, panels)	Schools
Thrive: Maine Youth Court	Youth court informed by restorative justice principles	School Preadjudication Postadjudication
York County Juvenile Community Review Board	Community review board model/program (JCRB)	School Community Postarrest Pre- and postadjudication

**Appendix C** offers a full and detailed compendium of restorative youth programs in Maine.

iii. How do we know whether these programs are “working”?

Through the surveys and in discussions with stakeholders, apprehension about the current and future quality of RJ delivery in Maine emerged. Indeed, the concerns about the quality of some existing programs are among the highest revealed in the survey. Some expressed concern about specific RJ practices in the state among a variety of programs.

*Lack of follow up, lack of communication, adversarial relationships with stakeholders, sending different reparative agreements to different conference participants and getting caught, and a general unwillingness to work with others, just to name a few.*

Others identified issues between programs.

*To my thinking, the main impediment to developing a comprehensive continuum of restorative services lies in a messy group of interpersonal interactions over the course of the past four years between the boards/leadership of RJI and RJPM. These two organizations have struggled to come to clarity on whether they're competing or collaborating... and over time, some both inadvertent and some seemingly intentional undermining has taken place. Communication has been poor throughout...*

Some of the practices described by those surveyed are not consistent with any reading of the literature about what works to deliver and sustain an effective restorative justice system for youth. However, it would be premature to suggest specific programs in Maine are not “working.” While some assessments and evaluations of existing programs have been completed to date, in general there is a lack of a consistent approach to data collection that would allow for the sort of rigorous analysis required to make such a determination.

To date, two programs, the Restorative Justice Project of the Midcoast and Thrive Youth Court, have taken steps that would allow for subsequent and more rigorous evaluation. We recommend that future 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. **Appendix D** provides some specific examples.

## 4.2 Literature Review: Models, Mechanisms, and Sustainability

What youth-serving restorative justice models show promise for the state of Maine?

Restorative justice models are distinct from specific approaches, programs, or processes. A variety of organizations and individuals have attempted to categorize these models.<sup>5</sup> One accessible approach offers at least four models. The first views RJ as an add-on to the existing system and exists simply as a means to augment existing practice. The second, called the dual track model, allows for RJ processes to be infused at every point of entry or contact point. In this model, the victim is offered the opportunity to be involved at every stage. A third model prioritizes restorative justice as the default approach but allows that the traditional criminal justice system serves as a safety net when restorative programs are unable to bring about a resolution. Fourth and finally, the unitary model assumes restorative processes are the only viable means to address conflict.

Maine's best strategic use of their strengths and resources involves positioning the youth justice system to involve youth and their families and to hold to core principles of keeping kids tied, or reconnected, with family, school, community, or culture. It means working to keep kids out of the system whenever possible. This can best be achieved through approaches that promote victim participation and engage youth in repair, restoration, or reduction of harm they have caused. These processes can simultaneously allow for the identification of additional services needed to get at underlying causes that get in the way of them turning their lives around.

Based on surveys, interviews, and focus groups in Maine, it is clear stakeholders are generally committed to developing an approach that is firmly rooted in and owned by the "community." For example:

*I've had several experiences in which a larger RJ entity moves into an area where smaller RJ movements are occurring and they are unable to work together to support larger progress within that community. These local folks end up alienated and ultimately don't continue the good work they were doing. You need local community members who know the culture and the people within that community to build the support needed to sustain this movement...we need to really invest the time in these communities to have THEM create the program that best meets their needs and involves them.*

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<sup>5</sup> See Van Ness, D. & Strong, K. (2015). *Restoring Justice: An Introduction*. New York: Taylor & Francis.

According to another participant:

*...a circle allowed these boys [who had damaged a local community spot] the opportunity to re-connect with people, share their stories, be seen differently, and have a way forward which would repair harm and shift the way they are seen in the community. The plan involved working with the group that they had harmed...this process was great because it allowed members of the community to participate in a meaningful way.*

In addition, RJ advocates and programs have infused their way into a surprisingly wide range of practice sites (e.g., Long Creek) and entry points, especially in schools, in juvenile probation, and youth development activities. As is clear in the review of the literature, and in the survey in Maine, there are important differences in the way people understand community and how they translate this into roles for themselves and others. We recommend that Maine consider a hybrid of the “dual track” and “safety net” models in which restorative programs are prioritized at every point of entry or intercept for youth in conflict with the law, with opportunities for victims to participate throughout.

i. What other national and international models of restorative justice have proven to be effective in addressing juvenile delinquency?

The literature review in **Appendix E** offers some insights from other jurisdictions based on a detailed examination of national and international models/approaches. These are summarized in the tables 3 and 4 below.

Table 3: International Jurisdictions: RJ Programs and Lessons

<b>International Jurisdiction</b>	<b>Primary RJ Application</b>	<b>Lessons for Maine</b>
Australia	Conferencing Wagga Wagga Family Group Conferencing	Police-led RJ programs allow for large-scale diversions; options for victim participation is essential
Canada	Victim Offender Mediation Peacemaking Circles Circles of Support and Accountability	Investing in RJ for youth can lead to other community-based programs; can create innovative responses but need support and facilitation from state actors
New Zealand	Family Group Conferencing	Benefits to institutionalizing RJ practices within state institutions, but need meaningful participation from the community to be sustainable
United Kingdom	Conferencing Victim Offender Mediation Restorative schools/cities	Restorative schools and cities suggest need for cross-sectoral engagement to assist youth whenever/wherever conflict occurs

In the US, Alaska, Colorado, Pennsylvania, South Carolina, and Vermont offer important examples of the use of restorative programs for youth.

Table 4: National Jurisdictions: Programs and Lessons

<b>National Jurisdiction</b>	<b>Primary Programs</b>	<b>Lessons for Maine</b>
Alaska	BARJ Tribal RJ programs	Agreements with tribal villages, the Division of Juvenile Justice, and the Department of Law can authorize direct referrals back to the tribe for resolution through indigenous RJ programs
Colorado	BARJ RJ in correctional settings	Restorative Justice Coordinating Council can support the development of restorative justice programs; RJ programming can be used in youth detention facilities with some success
Pennsylvania	BARJ	RJ can drive broader juvenile justice reform in law and policy and can be used alongside evidence-based metrics and methodologies
South Carolina	BARJ	RJ can be a vehicle for developing a framework for broader community-based reform; an Annual Report to Citizens on RJ practices can make clear the benefits
Vermont	RJ Panels Restorative reentry COSA	Significant value realized by investing in the community infrastructure to manage and deliver RJ programs such as defined community; collaborations with other youth serving systems; site to recruit and train volunteers and innovate

We recommend the experience in other jurisdictions be reviewed but caution against attempting to abandon existing RJ programs. Research supports the development of “homegrown” vs. “imported” models so long as principles associated with evidence-informed processes and outcomes are clearly identified and used to drive the design, implementation, and quality adherence of homegrown approaches.

ii. What other youth-serving systems could benefit from adopting a restorative approach or restorative justice services?

Data sources indicate that grounding RJ in partnerships between state and non-state actors is essential. We note some disagreement in Maine about what “community” means, who gets included, and how best to ensure that crime victims, young people, and other voices of constituents are included in meaningful ways. It is clear that stakeholders appreciate restorative justice as a shift in philosophy first and then a set of programs or services second. The program becomes limited if the shift in philosophy does not happen. For example:

*Significant effort is necessary for people and local communities to understand the distinction between provision of restorative practices and a kinder criminal justice process.... The criminal justice system looks at crime as an offense against the state. Restorative Justice begins with recognition of harm to a person and a community. Restoring and healing that harm for both the offender and victim is paramount, as opposed to "paying your price to society". Beginning application of restorative practices with juveniles is likely to be the most palpable evidence in a community witnessing the restoration of harm and the renewal of community.*

Best practice involves investing in a whole system approach to support children and young people in a multiagency, multidiscipline basis to take early action at the first signs of any difficulty—rather than only getting involved when a situation has already reached crisis point. This includes ensuring that restorative programs exist for youth at a variety of contact points. **Appendix F** offers one view of a system-wide approach. The value of this approach was recognized among some Maine stakeholders. This means the justice system is but one means to engage youth. As one stakeholder stated:

*We must always be mindful of the need for differential services and programs for youth, families and communities with an eye towards best practice and measurable outcomes. Despite that, there is no reason why the principles of RJ cannot be integrated into diverse and necessary approaches at all levels from first contact to reintegration from confinement.*

As Leone, Quinn, & Osher (2002) have observed, what is required is a reorientation of services offered by the variety of agencies, organizations, and communities to ensure youth are served based on an agreed framework. This requires engaging partners from the education sector, police, prosecuting attorneys, courts, other juvenile justice actors, as well as mental health, child welfare, and recreation services.

iii. How have other states or countries addressed potential barriers to implementation of restorative justice practices—e.g., confidentiality laws that prohibit sharing of information?

Challenges to the implementation of RJ programs are numerous. These include, but are not limited to, legislative basis, fidelity to practices associated with the benefits of restorative justice for youth, local and cultural adaptations, and ensuring consistent referrals to community-based programs. While not all respondents believe the lack of a specific legislative basis is a barrier, a common understanding among key players does seem to be a concern. For example:

*We find it most useful that the DOC and the prosecutor's office are supportive. Their interpretation of legislation is what is most important for us at this time....It would be helpful to the restorative justice processes in Maine if judges and prosecutors were allowed a legislatively mandated option of restorative practice in all criminal cases at a certain level of crime.*

The surveys suggested that a great deal of concern exists about access and quality of RJ delivery in the state. We understand these concerns to involve a number of issues including definition and preparation with people to engage in honest deliberations at all levels. This means exploring how to create hospitable climates in service organizations, develop media and educational strategies, and establish mechanisms of quality assurance and governance that are consistent with the principles of RJ. For example:

*When a RJ plan is created during a restorative process and that plan is not completed by the offender, the process isn't complete. It re-harms the victims and doesn't bring closure. Because of this we need to make sure that we are holding youth accountable, but in addition providing them with the proper amount of support to complete the entire process.*

*I think another challenge is that we would need to identify a number of new or existing local organizations that would need to be trained in this model in order to provide RJ. In other words we lack a lot of infrastructure, especially in rural and northern ME.*

*The main thing I'd like to see improve is that there is some way of determining that a program has solid training, supervision, policies, and process fidelity supports in place.*

Some responses in the survey are concerning in their suggestion that some practitioners may be using threats or punishment in the guise of restorative practice.

*I am cautious about RJ programming in Maine being less than restorative as new programs strive to meet quotas for numbers served for contracts/funding purposes. I also worry about adults sitting around and making decisions for, as opposed to with, a young person... dressing it up and calling it “restorative” when it is just sitting in a circle and doling out punishments.*

We acknowledge that the literature is rife with concerns about how to get beyond tokenistic involvement of victims and young people and especially to ensure cultural representation. We have learned that tackling the issues of disproportionality in Maine is a top priority. It is clear from the literature that simply introducing restorative decision-making processes cannot solve this broader issue. This requires thinking about cultural variations and promoting the participation of victims. For example:

*Staying true to the principles and values of RP. Teaching young people the principles and values. Ensuring the facilitation of the program is culturally appropriate and feels accessible.*

*The victims' perspective is crucial. At the end of the day, if victims feel that the process was a waste of time, or worse, re-victimizing to them, then the programs simply won't be successful.*

*When it comes to youth who are involved in juvenile justice at the court level (juvenile petition has been filed), attorneys and judges want to be certain that the RJ program being utilized is professional and will benefit victims as well as the offender.*

The question of how to approach confidentiality varies by jurisdiction. Some programs offer full confidentiality, while others offer none. The solution to this question must be worked out on the ground between state and non-state actors. One middle ground has been to make clear that confidentiality will be breached to protect people from a disclosure made during a RJ process that indicates an imminent danger. However, a disclosure that is made in these circumstances would be used to trigger an investigation to search for other evidence that might result in taking further action, and not as evidence in a legal proceeding.

A specific concern that emerged was around confidentiality.

*An employee... angered the sheriff's department by not reporting a domestic incident that was likely criminal. She was told to report it, she said she would, and she didn't. The sheriff's department said they could no longer trust her...*

*We went into a RJ process last year thinking that we were an alternative to the justice system and held information confidential about new criminal activity that was disclosed.*

The largest impediment identified by participants is concern about how the two leading RJ service providers can find common ground.

*There are many RJ groups in the state, each with distinctions in their philosophies and practices. I think that there is benefit in these programs coming together for conversation to further the RJ field.*

*We need to do a better job working together to support this movement in all communities. It's very frustrating to see folks who are considered experts in RJ not being able to resolve conflict amongst themselves. We need a clear process for moving forward that allows all voices to be heard and respected. There needs to be an ability to come together and work together, which isn't happening now.*

It is clear that part of the solution is about working together to define common ways to assess programmatic quality, ensure fidelity, and gather data in ways that will allow for best practice to emerge. This requires a broad-based effort. In the words of one participant:

*I am wondering how we can hold one another accountable to our work, how can we support one another in becoming a restorative state? I don't think one model or one agency can do this we need everyone and all the resources and expertise here. We need administrators, practitioners, board members, clients, students and policy makers to be on board.*

We recommend JJAG consider which of the impediments listed in the table below are particularly relevant for Maine and which mitigation strategies could be integrated into existing program management.

Table 5: Implementation Impediments, Issues, and Mitigation Strategies

<b>Impediment</b>	<b>Issue(s)</b>	<b>Mitigation Strategy</b>
Community Relationships	Competition for funding, recognition, and prestige complicate the needed relationships among community stakeholders	Acknowledge that these issues are driven by perverse incentives inconsistent with RJ principles. Community agencies need to find new ways to coordinate/collaborate
Credibility	Programs at the intersection of the justice system will be held to a high standard around practice (access to information, consistent agreements, confidentiality)	Create space for honest conversations about roles/responsibilities and expectations, and follow up
Fidelity to Best Practices	RJ can be used as a moniker to gain funding but it won't be successful without continually assessing quality assurance and fidelity to best practices	Engage in organizational self-assessments to ensure programmatic assumptions are consistent with what works in RJ programs
Predictable Funding	Programs cannot develop the necessary infrastructure to sustain RJ programs without predictable funding arrangements	Ensure public funds are awarded through a fair and transparent process; diversify funding sources for community agencies
Referrals	Statutory workers including correctional workers and child and youth social workers and probation workers too often do not refer eligible youth to RJ programs	Those who make referrals should be informed by youth-centered goals that are clearly defined by their agencies and are used to inform their work through policy and practice guidance
Legislation	RJ is more difficult to sustain without language referencing the needs of responsible parties, and the interests of the victim, identifying the importance of community partnership and engagement	In Maine, authority is granted to juvenile community corrections officers to "make whatever informal adjustment is practicable without a petition." This opens the door for referrals to alternative restorative processes
Local Adaptations	Ensuring programs meet local needs makes measuring outcomes difficult	Have stakeholders collaborate to define a core set of measures that can be applied to funded programs
State Non-state collaboration	Restorative justice practices and programs are not immune to being coopted for coercive or punitive ends including net-widening and defaulting to a dominant offender orientation	State actors must allow community organizations to play an essential role in co-constructing the terms of state/non-state collaboration

**Appendix G** offers a detailed examination of impediments and specific responses.

iv. How are successful restorative justice practices/services both in and out of state sustaining themselves?

The issue of sustainability is one that clearly emerged from interviews, surveys, and focus groups. More than 60% of those surveyed do not believe that there is adequate funding to support RJ programs for youth. This issue is clearly about more than funding. For example:

*The key to make ME an RJ state is to figure out sustainability. How can we insure that the various programs succeeding in implementing RJ continue? And how do we coordinate all of the programs so we work toward the same goal? So we don't duplicate services? So we don't undermine one another?*

*I think that as we build capacity in various areas, the emerging leaders in those areas can be mobilized to continue to grow the practices, but we need a solid plan in place for where specific programs will live and how they will be a part of a restorative community of practice. This is the stage we are at in many communities, and while we have ideas of how it could be sustained in a community, there's been little conversation about this with the state, and we are wondering if RJ will be adequately funded to be sustained.*

This included concerns about the need for regular communication and to create space for greater coordination.

*We really would benefit from regular communication with DOC administration at the Associate Commissioner level. Direct communication would help us be accountable, and also to understand DOC's vision so that we can strategically plan to support it. This could be quarterly check-in's or a broader forum, but this would be a great help in sustainability planning.*

*...we have learned that not everyone views RJ as a parallel community based justice option. It was a critical moment in working with DOC to develop a shared understanding of our role. The lesson is that we need to make sure we are clear about our roles in the system, and that that takes really intentional dialogue— the work is not yet clearly defined and we need the kind of space that this situation afforded us to listen to understand and respond accordingly.*

*I am not clear on what a "comprehensive continuum of restorative youth services" means. My concern would be who is deciding what this means? I think that RJ organizations should be active participants in that conversation.*

We recommend JJAG consider which of the sustainability challenges listed in the table below are particularly relevant for Maine and which mitigation strategies could be integrated into existing program management.

Table 6: Sustainability Challenges, Issues, and Mitigation Strategies

<b>Sustainability Challenge</b>	<b>Issue(s)</b>	<b>Mitigation Strategy</b>
Ideological Divides	Justice agencies struggle to move from an offender-focused punishment-centric view of justice with the structures associated with RJ	State actors must focus on “community building” aimed at mobilizing and enhancing citizen and community groups
Community Ownership	While restorative programs cannot be sustained without state funding and facilitation, these programs cannot succeed without significant community buy-in	Community organizations must take ownership of defining and educating the community; creating partnerships with funding and referral agencies; recruiting and training volunteers, and obtaining diverse financial support
Cost savings and reinvestment	Few appreciate that restorative approaches to crime save the state money by preventing individuals from becoming part of the criminal justice system for offenses that can be resolved at the local level with community and victim participation.	Cost comparison studies determine the costs of the juvenile justice system with RJ programs
Coordination and Communication	Sustainability is unlikely without a mechanism for and commitment to regular communication and to create space for greater coordination between funders and community providers	Coordination and communication can be improved through regular meetings based on shared expectations, and clear roles and responsibilities among state and non-state actors

**Appendix H** offers detailed examination of sustainability challenges and specific responses.

### 4.3 Recommendations on how Maine can expand and improve RJ services for youth

What can the JJAG do to promote restorative justice practices throughout Maine?

We recommend JJAG promote a statewide model of RJ. This means confronting a persistent concern expressed to us that an “integrated” RJ juvenile justice system could result in a system that is driven by state interests. This concern could start to be addressed if JJAG convened a RJ Council or Consortium and hired an independent facilitator with specific and transparent terms of reference to collaboratively design a strategic plan through an inclusive process involving key state and non-state actors. This could practically build on existing community-based capacity and begin to engage other state actors who are essential parts of a cross-sectoral system for youth. **Appendix I** offers some considerations. Some in Maine described what is needed in this way:

*1) Structure for how to integrate RJ services along a continuum. 2) Plan for how to avoid competition for funding. 3) Plan for future collaboration and ongoing support of defined best practices... I have put a great deal of thought into this and am inclined towards founding a new organization whose purpose is to do what the Institute initially claimed they would do: be the hub for restorative entities across the state, leading legislative efforts, ensuring allegiance to best practice, gathering data and organizing major joint funding initiatives, and conducting trainings...*

While longer term we believe a hybrid of the “dual track” and “safety net” models would be the best strategic use of Maine’s capacity and experience, there is significant work to do to ensure equitable access to restorative programs at every point of entry or intercept for youth in conflict with the law. In the meantime, we recommend that JJAG consider the value of existing restorative programs and restorative programming based on the extent to which they can activate communities, increase volunteerism, and include a common way to understand how existing programs embrace principles associated with evidenced-informed processes and outcomes associated with RJ. **Appendix J** offers some elements for local service providers to consider as part of an organizational self-assessment.

In the medium term, we recommend that programming at Long Creek continue. Lessons from other jurisdictions, including Colorado, could be reviewed and policies and procedures revisited based on this experience. The work to date involving RJPM provides a solid basis for continued training and program development that can be meaningful for staff and youth.

In the short term, we recommend that JJAG build on the interest and capacity among JCCOs to consider how to prioritize the development and promotion of restorative justice services in the community consistent with a community-first focus. **Appendix K** offers detailed suggestions.

## **5.0 Maine’s Blueprint for a Restorative State: Work Plan and Recommendations**

### **5.1 Summary**

The blueprint provided below 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,” including the appendices. It was developed to serve as a concise foundational document for the advancement of restorative justice for youth in Maine. It 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.

#### **5.1.1 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

## 5.2 Recommendations and Next Steps

### 5.2.1. Restorative Justice Council

5.2.1.1 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.

5. 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

### 5.2.2 RJ Typology

5.2.2.1 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

### 5.2.3 RJ Programming

5.2.3.1 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

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

5.2.3.3 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.

### 5.2.4 RJ Self-Assessment

5. 2.4.1 We recommend encouraging RJ providers to review this report's self-assessment checklist.

5. 2.4.2 We recommend convening RJ stakeholders to select and adapt an evaluation model for inclusion in future JJAG RFPs.

5. 2.4.3 We recommend contracting to train RJ providers on data collection and compilation.

### 5.2.5 RJ Implementation

5.2.5.1 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.

5.2.5.2 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.

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

## **5.3 Legislative and Policy Recommendations**

### **5.3.1 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.

5.3.1.1 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.

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

5.3.1.3. 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.

5.3.1.4 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.

5.3.1.5 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.

5.3.1.6 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.

5.3.1.7 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.

5.3.1.8 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.

5.3.1.9 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.

5.3.1.10 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

## 5.3.2 Policy Recommendations

### 5.3.2.1. 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

### 5.3.2.2 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

## **5.4 Recommendations by Organization**

### **5.4.1 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

## 5.4.2 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

### 5.4.3 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)?

## 5.5 Phases and Timeline

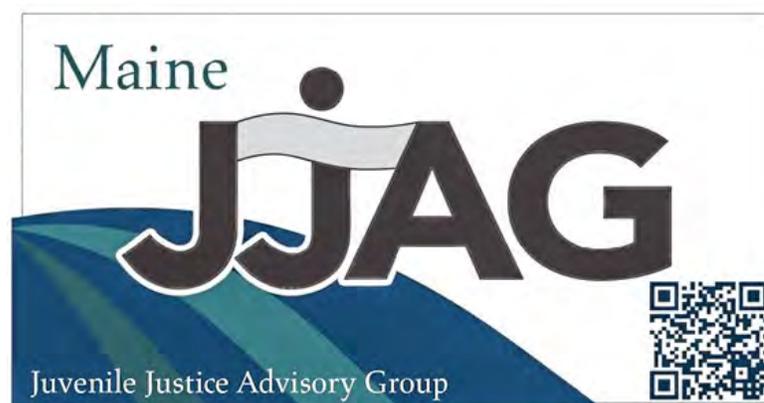
Phase 1: Establish RJ Council and nominate a leadership team (3-6 months)

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 polices, 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)



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# An Initiative to Develop a Sustainable Restorative Juvenile Justice System

Appendices to the Final Report To Maine's Juvenile Justice Advisory Group



Juvenile Justice Advisory Group

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## Appendix A – JJAG Questions and CJNVT Replies

What youth-serving restorative justice services currently exist throughout Maine?

i. Where do those services exist?

Organizations in Maine are delivering restorative justice programming for youth around the state. **Appendix B** presents a map of existing programming. Programming tends to be concentrated in Region 1 and Region 2. There is a need to expand access to RJ programs across the state. This is especially important in Region 3 where there are few programs.

ii. What models/programs are being implemented?

Table 1 outlines key program data including location, RJ program, system contact point, and address and information on key personnel. **Appendix C** offers a full and most detailed to date compendium of youth programs in Maine that offer restorative services.

iii. How do we know whether these programs are “working”?

While some assessments and evaluations of existing programs have been completed to date, in general there is a lack of consistent approach to data collection that would allow for the sort of rigorous analysis required to know whether these programs are “working.” Future funding should include agreed-upon outcomes, clear and consistent criteria for data collection, and reporting based on a graduated model of evaluation so as not to overwhelm fledgling programs. **Appendix D** provides an overview for understanding evidence-based programs and practices for youth and key considerations and options for using consistent and valid measures.

What youth-serving restorative justice models show promise for the state of Maine?

i. What other national and international models of restorative justice have proven to be effective in addressing juvenile delinquency?

Australia, Canada, New Zealand, and the United Kingdom have developed various models of relevant restorative justice legislation or practice. In the US, Alaska, Colorado, Pennsylvania, South Carolina, and Vermont offer important examples of the use of restorative programs for youth. **Appendix E** offers some insights from other jurisdictions. These are valuable examples, but research supports the development of “homegrown” vs. “imported” models so long as principles associated with evidenced-informed processes and outcomes are clearly identified. Local solutions work best when key principles drive the design, implementation, and quality adherence.

ii. What other youth-serving systems could benefit from adopting a restorative approach or restorative justice services?

Recent analysis suggests best practice involves investing in a whole system approach in which cross-sectoral engagement can promote youth development, family engagement, and community capacity building. This includes ensuring restorative programs are available for all youth, at various points of contact with the system. This means accessible programs for youth living at home, at school, in care, charged with an offense, adjudicated guilty of an offense, detained in juvenile facilities, and for youth as part of a release plan to the community. **Appendix F** offers one view of a system-wide approach based on a hybrid of the dual track and safety net models in which restorative programs are prioritized at every point of entry or intercept for youth in conflict with the law. The model includes opportunities for victims to participate throughout.

iii. How have other states or countries addressed potential barriers to the implementation of restorative justice practices—e.g., confidentiality laws that prohibit sharing of information?

A variety of challenges and barriers to the implementation of restorative justice programs exist. These include, but are not limited to, legislative, fidelity to practices associated with the benefits of RJ for youth, local and cultural adaptations, consistent referrals to community-based programs, state and non-state interactions, and the multitudes of organizational relationships that can sustain or counteract restorative programs. An essential impediment that must be confronted is the need for a fair, transparent, and as inclusive as possible means to make decisions about resource allocation in support of an RJ system. **Appendix G** offers a discussion of impediments and mitigation strategies.

iv. How are successful restorative justice practices/services both in- and out of state sustaining themselves?

Most organizations offering restorative justice programs struggle to finance their operations, despite the savings these community-based programs realize. Few studies have carefully examined relative costs and benefits of restorative approaches. Promising findings from rigorously conducted studies report high return in terms of crimes prevented, cost of delivering RJ compared with court and traditional “off-the-shelf” interventions that may or may not be matched with needs. **Appendix H** provides a discussion of sustainability issues for RJ programs including a discussion on cost-benefit and cost comparison studies to provide financial data for all stakeholders.

What can the JJAG do to promote restorative justice practices throughout Maine?

To promote a sustainable RJ system, JJAG must define the resources it and other state agencies are ready to invest and implement a strategic plan designed through an inclusive process involving key state and non-state actors. While the provision of community-based restorative programs and services is to be preferred whenever possible, the potential for RJ within state agencies and other organizations is clear.

i. Is development of a statewide model possible and/or preferable?

Investing in a statewide/whole system approach involving cross-sectoral engagement is preferable because it can promote youth development and family and community capacity building. JJAG can support the advancement of restorative programs in Maine in a more coordinated way by convening a coalition of RJ stakeholders, sometimes called a Consortium or Council in other jurisdictions. In this way, JJAG can build on existing community-based capacity and the interest and motivation among Juvenile Community Corrections Officers (JCCOs) and other staff. **Appendix I** offers a blueprint and some additional considerations for Maine to move toward a statewide/whole system.

ii. Is development of a variety of services based on local needs and resources possible and/or preferable?

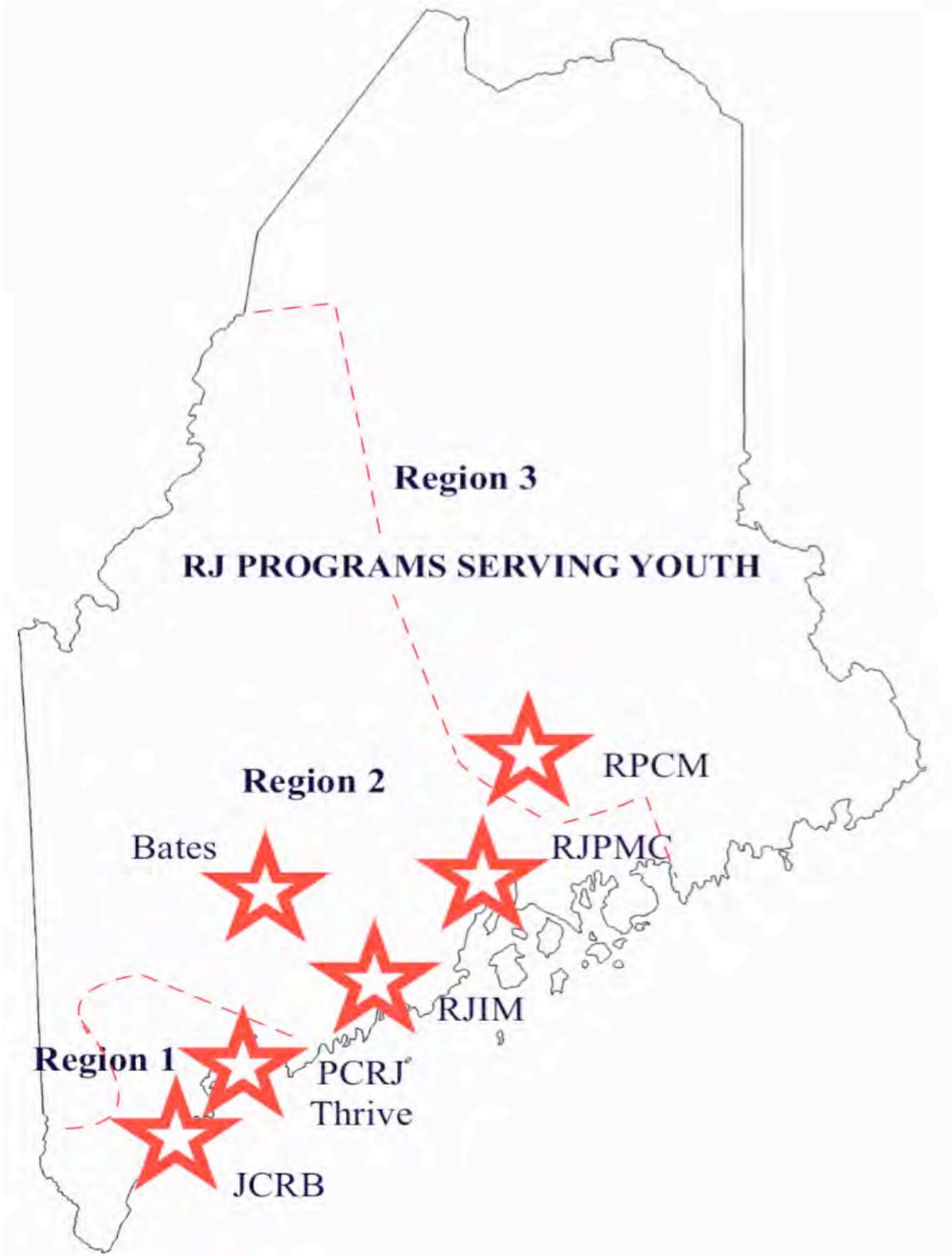
Research suggests the value of locally developed restorative programs and restorative programming that can activate communities, increase volunteerism, and expand an understanding of the limitations of punitive responses for youth. It is also clear that these programs must embrace principles associated with evidenced-informed processes and outcomes. Programs that work toward these in the context of the research on restorative justice are more easily assessed for success. To date, two programs, the Restorative Justice Project of the Midcoast and Thrive Youth Court, have both taken steps that would allow for subsequent and more rigorous evaluation. **Appendix J** offers some elements for local service providers to consider.

iii. How does development and promotion of restorative justice “services” differ from development and promotion of restorative justice as an “approach” to existing practices?

Some hold that a distinction can or should be drawn between establishing a restorative system on the one hand and supporting the development of a variety of services based on local needs and resources on the other. However, prioritizing the development and promotion of restorative justice “services” in the community need not require abandoning restorative “approaches” within state agencies and other organizations. For example, the Department of Corrections has established itself as an enthusiastic partner in this work by supporting training of Correctional Officers at Long Creek and among JCCOs. **Appendix K** offers recommendations for expanding programming at Long Creek and defining the role of JCCOs, consistent with a community-first focus.

**Appendix B – Mapping RJ Programs for Youth in Maine**

Figure 1 – Map of Existing RJ Programming for Youth



**Appendix C – List of RJ Programs for Youth**

Table 1: RJ Programs for Youth in Maine

Current Operational Restorative Justice Programs	Details of Organization and/or Program	Contact Point (school; precharge; preconviction; other)	Assessment/ Evaluation Status
<p><b>Bates College (Bates)</b> Lewiston, ME</p> <p>Carl Steidel, Associate Dean of Students for Student Support and Community Standards csteidel@bates.edu</p> <p>(207) 786-6220</p>	<p>Restorative Justice Conferences</p> <p>Student Conduct Committee</p>	<p>Conflict resolution Precharge</p>	<p>No</p>
<p><b>Portland Center for Restorative Justice (PCRJ)</b></p> <p>400 Congress St. #4870 Portland, ME 04101</p> <p>Elizabeth Chapman Executive Director portcenterrestorativejustice@gmail.com</p> <p>(207) 400-4756</p>	<p>Peacemaking Circles at Gorham High School</p> <p>Training to groups of prisoners in Windham and Madison</p> <p>Victim Offender Dialogues through the Cumberland County Sherriff's Office</p>	<p>School Community Diversion Postadjudication</p>	<p>No</p>

<b>Current Operational Restorative Justice Programs</b>	<b>Details of Organization and/or Program</b>	<b>Contact Point (school; precharge; preconviction; other)</b>	<b>Assessment/ Evaluation Status</b>
<p><b>Restorative Justice Institute of Maine (RJIM)</b></p> <p>Ryun Anderson Executive Director Suite 106 14 Maine Street Box 24 Brunswick, Maine 04011 submit@rjimaine.org</p> <p>(207) 504-5134</p>	<p>Community Justice Collaboratives are groups made up of individuals who have a shared interest in expanding access to restorative practices for youth. They exist in: Augusta, Berwick, Biddeford, Bangor, Brunswick, Kennebunk, Lewiston, Portland, Oxford Hills, and Waterville (limited)</p>	<p>School Presummons Postsummons Precharge Postcharge</p>	<p>Yes</p> <p>Surveys on participant satisfaction; self-reflection on process; subset risk/preventive; (recidivism)</p>
<p><b>Restorative Justice Project of the Midcoast (RJPMC)</b></p> <p>Lorraine Brown Executive Director Sarah Mattox Restorative Service Coordinator P.O. Box 141 Belfast, ME 04915 info@rjpmidcoast.org</p> <p>(207) 338-2742</p>	<p>Restorative School Practices</p> <p>Restorative Community Conferences through Court Diversion</p> <p>Community Re-entry program (in partnership with Maine Coastal Regional Reentry Center)</p> <p>Long Creek Programs</p>	<p>Schools Postcharge Postconviction</p>	<p>Yes</p> <p>Surveys on participant satisfaction; developmental assets change; and tracks recidivism.</p>

Current Operational Restorative Justice Programs	Details of Organization and/or Program	Contact Point (school; precharge; preconviction; other)	Assessment/ Evaluation Status
<p><b>Restorative Practices Collaborative of Maine (RPCM)</b></p> <p>Barb Blazej Peace &amp; Reconciliation Studies 103 East Annex Orono, ME 04469 Barbara_Blazej@umit.maine.edu  (207) 581 2609</p>	<p>RPCM is a coalition of trainers and facilitators who support Maine educators and school personnel, nonprofit leaders, social service agencies, and other groups throughout the state in implementing restorative practices in partnership with the University of Maine</p>	<p>Schoolwide implementation of RJ approaches; other</p> <p>RPCM offers annual RP workshops to individuals and teams</p>	<p>Some RPCM trainers have participated in a RAND study implementing the IIRP whole school change program in 14 Maine middle schools, with evaluation results due in 2016-17</p>
<p><b>Thrive: Maine Youth Court (Thrive)</b> 185 Lancaster St. Portland, ME 04101 Mike Freysinger mfreysinger@youthmovemaine.org  (207) 541-0900</p>	<p>Trains youth community volunteers to use restorative justice to create an agreement for all. The premise is that peer-to-peer will make the respondent (offender) more accountable</p>	<p>School Preadjudication Postadjudication</p> <p>MYC operates primarily in Portland, Yarmouth, and Bath</p>	<p>Yes</p> <p>Hornby Zeller Associates in 2014</p>
<p><b>York County Juvenile Community Review Board (JCRB)</b></p> <p>Jonathan Shapiro Sergeant, Maine State Police jonathan.j.shapiro@maine.gov  (207) 409-8553</p>	<p>Sgt. Shapiro developed and implemented the juvenile community review board program (JCRB) for Old Orchard Beach PD, later adopted by the restorative justice institute of Maine (RJIM)</p>	<p>School Community Postarrest Pre- &amp; postadjudication</p>	<p>Youth Survey, Victim Survey, and Circle participant survey data</p>

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<p><b>York County Juvenile Community Review Board (JCRB)</b></p> <p>Jonathan Shapiro Sergeant, Maine State Police jonathan.j.shapiro@maine.gov  (207) 409-8553</p>	<p>Sgt. Shapiro developed and implemented the juvenile community review board program (JCRB) for Old Orchard Beach PD, later adopted by the restorative justice institute of Maine (RJIM)</p>	<p>School Community Postarrest Pre- &amp; postadjudication</p>	<p>Youth Survey, Victim Survey, and Circle participant survey data</p>

Table 3: Additional Programs of Interest

Additional Programs of Interest	Details of Organization and/or Program	Contact Point (school; precharge; preconviction; other)	Assessment/ Evaluation Status
<p><b>Lisa LeDuc</b> UM - Presque Isle lisa.leduc@umpi.edu (207) 768-9436</p>	<p>Contact for previous RJ programs in Northern Maine</p>		<p>n/a</p>
<p><b>MAINE INSIDE OUT</b> maineinsideout@gmail.com PO Box 15168, Portland, Me 04112</p>	<p>Maine Inside Out collaborates with incarcerated and formerly incarcerated people to create and share original theater, inside and outside correctional facilities</p>	<p>Detention Reentry Community</p>	<p>n/a</p>
<p><b>Seeds of Peace</b> 183 Powhatan Road Otisfield, Maine 04270 Phone +1 207 627 7202 camp@seedsofpeace.org</p>	<p>The Maine Seeds Leadership Program is a year-round local and school-based activities to create positive change in schools and communities</p>	<p>School Community</p>	<p>n/a</p>
<p><b>Shaw House Bangor</b> 136 Union Street Bangor, ME 04401 Phone: (207) 941-2874 Toll-Free: 1-866-561-7429</p>	<p>Seek to engage youth who are homeless, or at-risk of becoming homeless to develop a viable plan for their future</p>	<p>Community</p>	<p>n/a</p>

Additional Programs of Interest	Details of Organization and/or Program	Contact Point (school; precharge; preconviction; other)	Assessment/ Evaluation Status
<p><b>Tree Street Youth Center</b>  144 Howe Street Lewiston, ME 04240  (207) 577-6386</p>	<p>Support youth in Lewiston-Auburn through programs rooted in academics, the arts, and athletics in a safe space</p>	<p>Community</p>	<p>n/a</p>
<p><b>Maine-Wabanaki REACH</b>  Phone: (207) 615-3189  Email:  esther@mainewabanakireach.org   Facebook: MEWabanakiREACH  Twitter: @MEWabanakiREACH</p>	<p>Cross-cultural collaborative comprised of staff from the State of Maine Office of Child and Family Services (OCFS) and Wabanaki child welfare, health and wellness programs</p>	<p>Prison</p>	<p>n/a</p>
<p><b>Wayfinders</b>  P.O. Box 65  215 Gloucester Hill Road  New Gloucester, ME 04260  Phone (207) 926-4532  Dorothy Foote, Ph.D.  (207) 236-3000  dorothyf@wayfinderschools.org</p>	<p>Wayfinder Schools serve more than 80 young men and women throughout Maine who are at risk of high school noncompletion. Staff and students share in decision making and use RJ practices</p>	<p>School</p>	<p>n/a</p>

## Appendix D – Evidence-Based Programs for Youth

Many assume the use of evidence-based programs will be a magic bullet to determine which youth programs—including RJ programs—to fund and which to abandon. In some instances, states are mandated to fund only these programs. This often results in reductions in funding for local programs that may have measures of effectiveness, but that do not have rigorous evaluation studies. This is an error. As John Braithwaite (2014) has observed:

....the poor quality of science that is identified in some influential studies and reviews well-illustrates the dangers of imposing legalistic/risk averse and economic priorities. Until entire agencies can be the subject of comparison for restorative vs. a standardized approach that does not employ the principles of responsiveness we will be left with tests of small elements of the approach to build confidence in continuation and developing program strength.<sup>1</sup>

Instead, Lipsey et al. (2010) recommend maximizing the use of the research we have while not getting stuck in the box of evidence-based programs more narrowly defined by the “gold standard” of program effectiveness. Instead juvenile justice agencies should compare their current services to best practices shown in the research to improve outcomes for juvenile justice-involved youth.<sup>2</sup> The goal should be the development of meaningful system-wide quality assurance mechanisms and measures across the continuum of care.

Three main approaches can be used to translate research evidence on effective programs into practice for everyday use by practitioners and policymakers. The first approach is direct evaluation of each individual program to confirm its effectiveness and, if it is found ineffective, to use that evidence to improve or terminate it. While a juvenile justice system would not likely undertake impact evaluations for all existing programs, direct evaluation is useful for a promising, innovative “homegrown” program as part of a commitment to evidence-based practice. It would also be wise to conduct an independent evaluation on a model program when it is first implemented in a particular jurisdiction to be sure that it is equally effective (Barnoski, 2004). All of these approaches can be used in assessing RJ programs depending on how they are developed and implemented.

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<sup>1</sup> See Braithwaite, J. (2014). “Evidence for Restorative Justice,” *Vermont Bar Journal* 40(2): 18-27.

<sup>2</sup> CJNVT has compiled a number of methods, tools, and surveys in partnership with CRG. These are available for JJAG on a thumb drive provided as part of the final package.

A second is to implement a new program with a focus on fidelity to a certified list of model programs. The major advantages of the model program approach are the assurance from prior research that the identified programs have the potential to be effective. The disadvantages largely revolve around the requirement for strict adherence to the prescribed protocol. It is common for RJ providers to develop their own restorative programs to meet the needs of their communities and in partnership with referral agencies and other stakeholders. As a result, adhering to fidelity standards can be challenging.

A third approach is to implement a type of program that has been shown to be effective on average by a meta-analysis of many studies of that program type and focus on programs that research indicates will yield a better than average effect. Meta-analysis has suggested problems with programs such as juvenile boot camps, scared straight programs, and curfew laws (Lipsey et al., 2010). They have all been shown not to be effective in reducing antisocial or illegal behavior. Similarly, it has been found that the most restrictive out-of-home placements for mental health treatment, including psychiatric hospitalization and placement in residential treatment centers, are not effective for most child and adolescent offenders (Burns et al., 1999; Knitzer & Cooper, 2006; U.S. Department of Health and Human Services, 2001).

Another way to consider meta-analysis is as a means to identify key program traits that make programs more likely to be successful. These include programs that emphasize a philosophy that encourages behavior change by facilitating personal development through improved skills, relationships, insight, and understanding. Lipsey et al. (2010) suggest restorative justice programs for youth are among the most effective responses to juvenile delinquency. A challenge is that even when implemented with as much fidelity as possible in light of budget constraints and workforce limitations, programs cannot be sustained if they are disconnected from a system-wide quality assurance approach and a continuum of effective services for youth.

Sustainability is more likely when state and non-state actors can define together key measures of program success. There are at least three options for consideration. The first is based on Results-Based Accountability (RBA) framework. RBA is a means by which organizations and programs can be held accountable. RBA helps organizations identify the role they play in community-wide impact by identifying specific customers who benefit from the services the organization provides. For programs and organizations, the performance measures focus on whether customers are better off as a result of your services (Keevers et al., 2012). This approach can be used to improve the performance of their programs. The table below offers one way to capture data.

Table 4: RBA and RJ Processes

<b>How much service did we deliver?</b>
# of youth served by case type (precharge, probation, reentry)
# of youth who completed the program (by case type)
# of victims and affected parties contacted (phone, letter)
# of victims, affected parties, and community members who participated in process
<b>How well did we deliver it? (What did we do?)</b>
% of responsible parties who successfully completed (by case type)
% of victims and affected parties contacted
% of referred youth contacted within one week of referral
% of victims and affected parties, and community parties satisfied with the process
<b>The Amount and quality of change/effect did we produce? (Is anyone better off?)</b>
# with no new charges up to one year after completing program (by case type)
# of responsible parties who feel they learned how their actions affected others
% of responsible parties with no new charges up to one year after completing program
% of responsible parties who feel they learned how their actions affected others

The second is based on the Standardized Program Evaluation Protocol (SPEP). It is a tool for comparing juvenile justice programs to what has been found to be effective in the research. It is configured so that the maximum overall score is 100 points. Each of the ratings on the key effectiveness factors represented in the SPEP has a maximum value assigned in proportion to the strength of that factor for predicting recidivism effects in the statistical models used in the meta-analysis (Lipsey et al., 2010).

Table 5: Standardized Program Evaluation Plan (SPEP) for Youth Services

	Possible Points	Received Points
<b>Primary Service:</b>		
High average effect service (35 points) Moderate average effect service (25 points) Low average effect service (15 points)	35	
<b>Supplementary Service:</b>		
Qualifying supplemental service used (5 points)	5	
<b>Treatment Amount:</b>		
Duration: % of youth who received target number of weeks of service or more 0% (0 points); 20% (2 points); 40% (4 points); 60% (6 points); 80% (8 points); 100% (10 points)	10	
Contact Hours: % of youth who received target number of hours of service or more 0% (0 points); 20% (3 points); 40% (6 points); 60% (9 points); 80% (12 points); 100% (15 points)	15	
<b>Treatment Quality:</b>		
Rated quality of services delivered Low (5 points); Medium (10 points); High (15 points)	15	
<b>Youth Risk Level:</b>		
Percentage of youth with target risk score or higher 25% (5 points); 50% (10 points); 75% (15 points); 100% (20 points)	20	
<b>Provider's Total SPEP Score</b>	<b>100</b>	<i>Insert</i>

George Shaler, at the University of Southern Maine’s Muskie School of Public Service, developed a final option—the graduated evaluative framework depicted below. It offers a way to understand how key questions can be organized by output and outcomes. The key benefit is that it offers a graduated model of evaluation so as not to overwhelm fledging programs. This framework is below.

Table 6: Graduated Evaluative Framework for RJ Programs

Intervention/Process Level	Evaluation Questions	Performance Indicator	Data Sources	Timing
1. Establish a referral process for RJ program	How many programs are referring to RJ program?	RJ programs have a documented referral system in place	Memorandum of understanding	Within 3 months
2. Set a length of time required for case preparation	How satisfied are youth and victims with the amount of time taken to establish case?	90% of youth and victims are satisfied with the amount of time it took to establish case	Program Data	Post
3. Amount of time required to conduct restorative process	How satisfied are youth and victims with the amount of time needed to complete the RJ process?	90% of youth and victims are satisfied with the amount of time it took to complete the RJ process	Program Data	Post
4. Nature and content of RJ agreement	How satisfied are youth and victims with the nature and content of the RJ agreement?	90% of youth and victims are satisfied with the nature and content of the RJ agreement	Satisfaction Survey	Post
5. Completion of the RJ agreement	Has the youth fulfilled the requirements of the disposition?	XX% of youth that fulfill the requirements of their agreement	Program Data	Post
6. Victims are satisfied with the RJ process	How satisfied are victims with the process?	XX% of victims that are satisfied with the RJ process	Victim Survey	Post

Initial Outcome (KANS)	Questions	Indicator	Data	Timing
1. Youth who have participated in RJ interventions are more knowledgeable about the impact of their behavior	How knowledgeable are youth about the impact of their behavior?	XX% of youth will be more knowledgeable about the impact of their behavior	Conferencing Survey	Pre & Post
2. Youth who have participated in RJ interventions have increased respect for people in the community	How respectful are youth of people in their community?	XX% of youth will have increased respect for people in their community	Conferencing Survey	Pre & Post
3. Youth who have participated in RJ interventions have improved listening skills	How improved are youth's listening skills?	XX% of youth will have improved listening skills	Conferencing Survey	Pre & Post
4. Youth who have participated in RJ interventions understand the impact their actions have on the victims	How many participants understand the impact their actions have on the victims?	XX% of youth will be more knowledgeable about the impact of their actions on the victims	Conferencing Survey	Pre & Post
5. Youth who have participated in RJ interventions and who are still in school see the value of attending school	How many participants who are still in school see the value of attending school?	By discharge, XX% of youth in school will see the value in attending school	Conferencing Survey	Pre & Post
6. Youth who have participated in RJ interventions understand the impact of using alcohol and other substances	How many participants understand the impact of using alcohol and other substances?	XX% of youth will be more knowledgeable about the impact of using alcohol and other substances	Conferencing Survey	Pre & Post
7. Youth who have participated in RJ interventions understand the impact of drinking and driving	How many participants understand the impact of drinking and driving?	XX% of youth will be more knowledgeable about the impact of drinking and driving	Conferencing Survey	Pre & Post
8. Youth who have participated in RJ interventions understand the need for them to be accountable	How many participants understand they need to be accountable for their actions?	XX% of youth will understand that they need to be held accountable	Conferencing Survey	Pre & Post
9. Victims have assurance that what happened was unfair/unjust	How many victims feel that they have assurances that what happened is unfair?	XX% of victims will have assurances that what happened was unfair	Victim Survey	Pre & Post

Intermediate Outcome (Behavior)	Questions	Indicator	Data	Timing
1. Youth refrain from using alcohol and other substances	How many youth refrain from using alcohol and other substances?	Three months postdischarge, XX% of the youth refrain from using drugs/other substances	Follow-up Survey	3 months postdischarge
2. Youth refrain from drinking and driving	How many youth refrain from drinking and driving?	Three months postdischarge, XX% of the youth refrain from drinking and driving	Follow-up Survey	3 months postdischarge
3. Youth attend education or job training	How many youth have attendance rates in excess of 95%?	Three months postdischarge, XX% of youth have school attendance or job training rates of 95+%	Follow-up survey	3 months postdischarge
4. Youth respond appropriately to problematic situations	How many youth respond to problematic situations in a constructive manner?	Three months postdischarge, XX% report not losing their temper	Follow-up survey	3 months postdischarge
5. Victims can ask questions of youth if they feel the need	How many victims ask questions of the people who committed crimes against them?	XX% of victims who feel comfortable asking questions	Victim Survey	Pre & Post

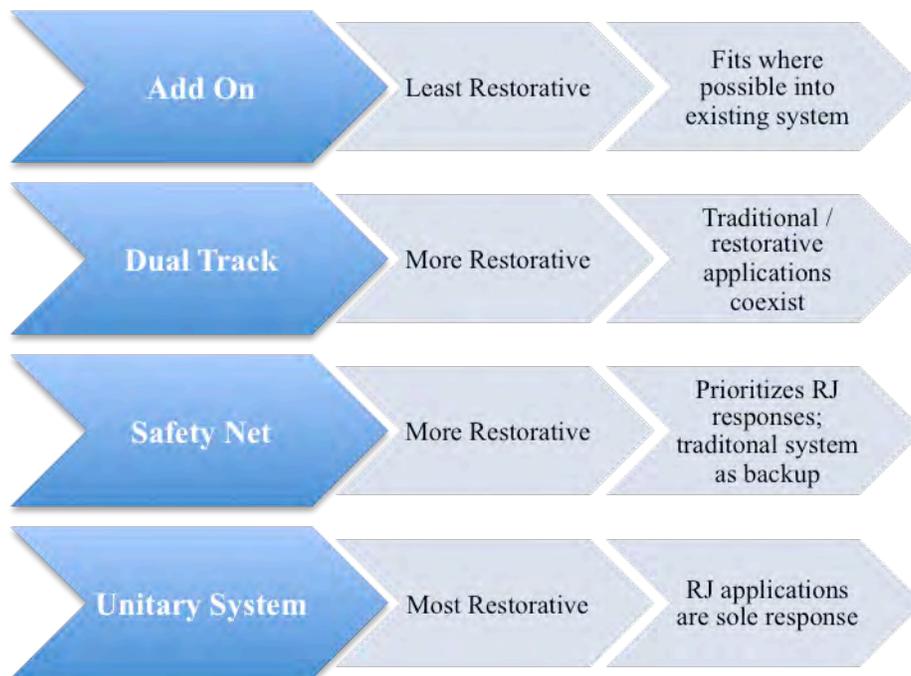
Long-Term Outcome	Questions	Indicator	Data	Timing
1. Youth complete RJ agreements	How many youth complete their RJ agreements on time or are on time with payments?	Twelve months postdischarge, XX% of youth who have completed or are current with their RJ agreements	Follow-up survey #2	Every year
2. Youth are not arrested/rearrested	How many youth participants are not readjudicated in the 12 months following program discharge?	Twelve months postdischarge, XX% of youth have not been readjudicated	Follow-up survey #2	Every year
3. Youth refrain from problem behavior in school	How many youth participants stay out of trouble at school?	Twelve months postdischarge, XX% of youth have not committed any infraction at school	Follow-up survey #2	Every year
4. Youth become more active in their community	What positive roles in the community were created for the juvenile offender?	Twelve months postdischarge, XX% of youth will be engaged in community service	Follow-up survey #2	Every year
5. Youth complete their education and/or job training program	How many participants have completed their education and/or job-training program?	Twelve months postdischarge, XX% of youth will have completed high school and/or job training.	Follow-up survey #2	Every year
6. Youth secure employment	How many participants find work?	Twelve months postdischarge, XX% of youth will have secured employment.	Follow-up survey #2	Every year

## Appendix E – Lessons From Other Jurisdictions

### *Promising youth-serving restorative justice models*

Restorative Justice models are distinct from specific approaches, programs, or processes. A variety of organizations and individuals have attempted to categorize these models. Van Ness and Strong (2015: 153-156) offer an accessible way to understand them. The first views RJ as an add-on to the existing system, which exists simply as a means to augment existing practice. The second, called the dual track model, allows for RJ processes to be infused at every point of entry or intercept. In this model, the victim is offered the opportunity to be involved at every stage. A third model prioritizes restorative justice as the default approach, but allows that the traditional criminal justice system serves as a safety net when restorative programs are unable to bring about a resolution. Finally, the unitary model assumes restorative processes are the only viable means to address conflict. The figure below offers one perspective.

Figure 2: Models of Restorative Systems



While a number of other jurisdictions offer lessons as Maine advances restorative practices for youth, research supports the development of “homegrown” vs. “imported” approaches so long as principles associated with evidenced-informed processes and outcomes are clearly identified and used to drive the design, implementation, and quality adherence (McGarrell & Hipple, 2007; Hipple, Gruenewald, & McGarrell, 2014). Based on existing interest, experience, and commitment, the state of Maine should consider adopting a hybrid of the dual track and safety net model in which restorative programs are prioritized at every point of entry or intercept for youth in conflict with the law, with opportunities for victims to participate throughout. The question is how best to harness efforts in Maine into a coordinated effort without losing the considerable energy and capability at the grassroots level.

This is a much-discussed challenge in the human and social services literature and among those interested in matters of justice reform. Issues of what constitutes community, who owns restorative justice, and what partnerships, coordination, leadership, and financing arrangements work best have been, and continue to be, hotly debated (Wheeldon, 2009). Unfortunately, some of these tensions have fueled competition between approaches and models and among organizations operating in a jurisdiction where they are forced to compete for scarce resources.

Most recently, researchers, practitioners, and leaders in jurisdictions paving the way for “restorative cities” have begun to see around these “model” competitions and to frame them as developmental challenges that require a combination of definition, cooperation, and sharing. A key element in their success appears to be bringing a sufficient combination of legal, policy, administrative, and leadership will to bear on offering a restorative option as the most important consideration at a minimum of one point of intercept in the system. This has the effect of being inclusive to all young people at a particular stage of the justice process.

Maine’s commitment to increase RJ access for youth as reflected in the survey and in policy documents is very high and seemingly limited only by the level and kind of central and local coordination and partnership arrangements that are best suited to Maine’s evolving use of strategies for keeping young people connected to their communities, schools, and families (reducing congregated care); and by rationalizing

investments at each point of contact from detection to reentry and reintegration including agreeing on who is in the best position to take up the work in each locality.

Another promising approach has been undertaken in the United Kingdom. In 2016, a House of Commons justice committee recommended that restorative justice should be available for all types of offenses. Although RJ may not be appropriate in every case, a bright line exclusion rule is contrary to the aims of the U.K.'s Restorative Justice Action Plan and the work of the Restorative Justice Council (2015). This body works under the umbrella of restorative justice to tie threads between criminal justice, early intervention, housing, schools, workplaces, and other areas with coordination and cooperation. It serves as a vehicle for bringing key parties together on a voluntary basis to deepen their understanding of problems and to find solutions. It is a good example of the way that restorative principals are finding their way into governance and cross-sectoral cooperation while acknowledging that problems, like youthful offending, have complex and multiple causes, none of which can be fully addressed by any one agency or by government alone. The Council works with the following principles to guide all their work:<sup>3</sup>

- Restoration – the primary aim of restorative practice is to address and repair harm;
- Voluntarism – participation in restorative processes is voluntary and based on informed choice;
- Neutrality (impartiality) – restorative processes are fair and unbiased towards participants;
- Safety – processes and practice aim to ensure the safety of all participants and create a safe space for the expression of feelings and views about harm that has been caused;
- Accessibility – restorative processes are non-discriminatory and available to all those affected by conflict and harm; and
- Respect – restorative processes are respectful to the dignity of all participants and those affected by the harm caused.

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<sup>3</sup> The U.K.'s RJ Council's Manifesto (2015) is available here:  
<https://www.restorativejustice.org.uk/sites/default/files/news/files/RJC%20Manifesto%202015.pdf>

*International restorative justice programs that have proven effective for youth*

Numerous jurisdictions around the world have developed various models of relevant restorative justice legislation or practice. In the US, Alaska, Colorado, Pennsylvania, South Carolina, and Vermont offer important examples of the use of restorative programs for youth. Research supports the development of locally developed restorative justice programs as long as principles associated with evidenced-informed processes and outcomes are clearly identified and used to drive the design, implementation, and quality adherence (Lipsey et al., 2010).

Many different countries and jurisdictions within those countries have adopted restorative approaches to responding to youthful offending. The commitment to RJ is widespread and with some exceptions continues to grow. The number and type of programs of RJ with young people continues to expand in most jurisdictions with evidence of considerable hybridity between programs, “models,” and aims. This is particularly evident in the United States and contributes both to creativity in exploring new ways to apply RJ but also to a blurring of distinctions about the level of “restorativeness” and fidelity to principles.

Perhaps the best-known example in youth justice is New Zealand’s pioneering effort. The 1989 Children, Young Persons and Their Families Act was designed to divert youth from the criminal justice system. Initially developed in New Zealand in large measure to balance out the decision-making power of the state in order to reduce disproportionate removal and placement of Maori and other Pacific Island young people, a Family Group Conference (FGC) is a meeting where a young person who has offended, their family, victims, and other people like the police, a social worker, or a youth advocate, make plans that can address underlying issues which led to youthful offending. Clear legislation required a FGC in any situation where a young person had been removed, or was likely to be removed, from their family. In such cases a meeting of all entitled persons in that young person’s life would be called, and those attending would contribute to the decision of how to proceed. The intention was to counterbalance the power of the legal and professional systems in dominating the decision processes at a critical juncture when the young person’s behavior was such that strong measures were

needed and the consequences of traditional practice were high. The law required victims to be given the opportunity to be involved in carefully described ways.

New Zealand has run its entire youth justice system in a nonadversarial manner since 1989. It provides the world's strongest example to date of how a national juvenile system can transition to something incorporating restorative justice (McElrea, 2012). A great deal has been learned from the NZ experiment that informs attempts at system-wide roll out internationally. Establishing youth justice family group conferences as a central process and including a role for the court to approve a plan for restoration of the harms and for turning the young person's life around have a profound and enduring effect on the rest of the social system. It has influenced practices as early as prevention/detection through to reentry after sentencing.

However, while the numbers of young people going into congregate care have dramatically dropped in large measure related to the introduction of this new way of processing cases, the proportion of Maori, the indigenous people of NZ, still remains high. One challenge in NZ related to the consequences of efforts to institutionalize and professionalize RJ practices within state institutions and among social workers, without ensuring active, effective, and meaningful participation from the community and community groups.

Other models have also received international attention. One country in particular that continues to push restorative justice policy and practice forward is Australia. While restorative principles can be traced to the indigenous peoples of Australia, it was not until the 1990s that a "police-initiated" restorative conferencing program was developed to divert youth from the formal system in South Australia (Bazemore & Umbreit, 2001; Strang, 2002). Currently, restorative justice is in all states and territories, and crime victims are given options for participating in decisions and to putting their ideas about repair forward at every stage of the criminal justice process.

Other parts of the world have gone through similar transformations with respect to their juvenile justice policies. The United Nations (2006) reported that countries such as South Africa, the Czech Republic, and the Philippines have developed a form of restorative justice legislation or practice. Restorative justice has been identified in law, policy, or practice in 35 countries in Europe, and in many expressions and locations in

other parts of the world (Dunkel et al., 2015). The focus on restorative justice has also been used as a means to empower communities and democratize once autocratic justice systems, as in the former Soviet Union, and especially the development of probation in Latvia (Wheeldon, 2012a).

In Canada, restorative justice was modeled as part of the justice system in the mid 1970s. It became an institutional priority through the Young Offenders Act (YOA) in 1984. The YOA was enacted in order to create more offender specific responses to youth criminality by explaining the networks of treatment available to the youthful offender (Basso, 1989). Under the YOA, judges were seen as having far too much discretion with little in the way of guideline sentencing for various types of juvenile criminality (Roberts, 2003). The YOA was replaced in 2002 with the Youth Criminal Justice Act (YCJA). This Act represents the commitment to restorative justice through offender accountability, increased sanctioning for violent offenders, and the increased use of reintegrative and rehabilitative measures (Roberts, 2003).

In Nova Scotia, a broad partnership of youth-serving agencies has built on these principles to develop mechanisms for cooperation in the delivery of restorative approaches to youth at each of four entry points including police, crown, court, and corrections. A Steering Committee was established to explore how Restorative Justice Initiatives could be effective, flexible, and specific enough to meet the needs of many different offenders, victims, and communities. Despite restorative alternatives being most prevalent at precharge and postcharge/preconviction entry points, the Steering Committee supports a more systemic approach to restorative justice, one which provides for the referral of cases at all entry points in the system. These four entry points are presented in Figure 3.

Figure 3: Entry Points and Referrals



The most ambitious and recent development to date to integrate restorative justice in all aspects of youth services are the Leeds, England Child Friendly City and the Hull, England Restorative City. These efforts draw together public and private partners and set both the resolution of interpersonal conflicts and the achievement of agreed-upon educational, social, health, and related goals with restorative and related family-centered practices as the vehicles. The idea of child friendly cities comes from the United Nations convention on the rights of the child (UNCRC). The UN in 1989 set out internationally agreed minimum standards adopted by the convention. The convention contains 54 articles that cover the main areas of children's lives. The UK signed in 1991. The articles apply to every child under 18 without exception. In 2011, Leeds declared the intention that children and young people in Leeds will:

- Be safe from harm
- Do well at all levels of learning and have the skills for life
- Choose healthy lifestyles
- Have fun growing up
- Be active citizens who feel they have voice and influence

Led by the Hull Centre for Restorative Practices (HCRP) the city of Hull is endeavoring to become a “restorative city.” The goal is for everyone who works with children and youth in Hull, one of England’s most economically and socially deprived cities, to employ restorative practices. This project was a result of successful work undertaken at the city’s Collingwood Primary School. By embracing restorative practices and training staff and children alike, the process and implementation of restorative practice within schools is constantly developing. Table 7 summarizes some lessons from international jurisdictions.

Table 7: Lessons from International Jurisdictions

<b>Jurisdiction</b>	<b>Primary RJ Program</b>	<b>Lessons for Maine</b>
Australia	Conferencing Wagga Wagga Family Group Conferencing	Police-led RJ programs allow for large scale diversions; options for victim participation is essential
Canada	Victim Offender Mediation; Peacemaking Circles; Circles of Support and Accountability	Investing in RJ for youth can lead to other community-based programs; can create innovative responses but need support and facilitation from state actors
New Zealand	Family Group Conferencing	Benefits to institutionalizing RJ practices within state institutions, but need meaningful participation from the community to be sustainable
United Kingdom	Conferencing Victim Offender Mediation; Restorative schools and cities	Restorative schools and cities suggest need for cross-sectoral engagement to assist youth whenever/wherever conflict occurs

*National restorative justice programs that have proven effective for youth*

In the US, restorative justice until the early 1990s existed largely as community mediation centers supported by federal dollars. It largely comprised grassroots victim-offender reparation and victim-offender mediation programs and began to expand beyond mediation, with the introduction of juvenile justice conferencing in New Zealand and Australia, the Navajo court in the US, and sentencing circles in Canada also beginning to be recognized as primary restorative justice practices (McCold, 2001). In the United States, legislation or policy directives enabling RJ have been embraced in over 30 states. A key program has been Balanced and Restorative Justice (BARJ). Distinct from restorative justice, this new philosophy requires juvenile justice professionals to devote balanced attention to three goals: offender accountability, offender competency development, and community protection.

In 1993, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice launched a national initiative called the Balanced and Restorative Justice (BARJ). BARJ involved a practical convergence between community and restorative justice to enable citizens and community groups to "...mobilize informal social control and socialization processes" (Bazemore & Schiff, 2001: 5). As a result of the sustained support of BARJ by OJJDP, numerous county and state jurisdictions throughout the country began to examine the principles, merits, and potential of restorative justice.

Early adopters included six juvenile justice county systems: Deschutes and Lane in Oregon; Travis in Texas; Dakota in Minnesota; Allegheny in Pennsylvania; and Palm Beach in Florida. By 1997, 17 states followed suit and enacted legislation that tied more closely into what could be considered a restorative justice model (Moon et al., 2000). Pennsylvania later specified the restoration of the victim as a concept of the BARJ model, and in 2000, the state amended its legislation to give victims of juvenile offenders the same rights as those of adult offenders (Pavelka, 2008). With Act 33, Pennsylvania became one of the first states to implement the BARJ approach statewide (Torbet, 2008).

The BARJ model takes a three-pronged approach of aiding victims, offenders, and their communities in restoring normality. Thus far, offenders and victims have been examined in the context of accountability and competency development (Holler, 2015),

and conceptualized as requiring youth responsible for harm to take responsibility “through understanding the impact of their behavior, accepting responsibility, expressing remorse, taking action to repair the damage, and developing their own capacities... [and] become fully integrated, respected members of the community” (OJJDP, 1998: 5).

The BARJ model attempts to link the balanced approach of community safety, offender accountability, and competency development, with the concepts of restorative justice in one model of crime prevention and control (Bender, King, & Torbet, 2006; DeVore & Gentilcore, 1999; Torbet, 2008). While no comprehensive examination of legislation specifically around juvenile or youth justice has been made in the US, at least sixteen states articulate balanced and restorative justice in statute or code reference (Pavelka, 2008). Five states are of immediate interest.

The State of Pennsylvania emerged as a model for juvenile justice reform, and in 1995 the state’s legislature thoroughly integrated the balanced approach and restorative justice (BARJ) into its Juvenile Act. The juvenile justice system in Pennsylvania (42 PA CSA Section 6301) is guided by a balanced and restorative justice philosophy:

...the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care, and rehabilitation that provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable children to become responsible and productive members of the community.

In addition, Act 33 of the Juvenile Act in 1995 outlined the restorative requirements that juvenile justice professionals would have to employ in the sentencing and subsequent rehabilitation of youth offenders (Griffin, 2006). Included within these requirements were three core concepts of accountability, competency development, and community protection. Importantly, the law also secured allocation of resources necessary to achieve system balance and client goals. These concepts would become the basis for a set of white papers commissioned by the Pennsylvania Commission on Crime and Delinquency (Torbet & Thomas, 2005; Torbet, 2008). The work in Pennsylvania greatly influenced the Juvenile Justice System Enhancement Strategy (JJSES) that sought to reduce harm by applying actuarial assessment tools, cognitive behavioral interventions,

and performance measures to make incremental improvements, and by addressing not just the youthful offender but the entire family.

In South Carolina, the Department of Juvenile Justice in South Carolina has adopted Balanced and Restorative Justice (BARJ) in its mission, and through legislation (Rubin, 2006). Among its restorative benchmarks, South Carolina's "Report to Our Citizens" measured restitution payment rates, completion rates of community service hours ordered, victim satisfaction, volunteer hours, and recidivism rates following juvenile incarceration. The department's progress and key strategic goals are then included in the governor's annual accountability report (Thomas, 2006). The state has also worked to develop a community engagement initiative called the "charette concept" (Pavelka, 2008: 109-110). This concept provides a framework for a community to implement vision and engage citizens. The community is brought together to collaboratively address its challenges, create a holistic approach to therapeutic activities within detention facilities, and develop a continuum of activities that provide youth with responsible opportunities while institutionalized and upon reintegration into the community.

South Carolina offers one view on addressing a longstanding challenge for community and restorative justice. On the one hand community justice has been criticized as simply providing for a more inclusive means to punish wrongdoing (McCold, 2004). While crime control is not possible without community assistance, unless the community is prepared to be involved in a process that supports individuals to hold themselves accountable, the potential for community justice can become easily overwhelmed. On the other hand, community agencies must find ways to partner with—while remaining independent of—the state agencies that fund them. The goal must be to prepare community members to support, involve, and empower those people who are party to the conflict. If not, jurisdictions risk severing the link between restorative justice programs that have been shown to result in significant positive outcomes for youth. What is important is the understanding that while restorative programs work best in the community, they have value within state agencies. Three useful examples of this are Alaska, Colorado, and Vermont.

Restorative justice in Alaska closely links its aboriginal origin with a modern philosophy of offender accountability, competency development, and community safety (Pavelka, 2008). Alaska's law also incorporates a key principle of restorative justice, "restoration of community and victim." Of specific interest to Maine, perhaps, is that Alaska was one of the first states to work with tribes to handle youth (often Native American youth) diverted from formal justice system processing. The state allows tribes to handle justice as they have done for centuries through the use of peacemaking circles that provide a more complete healing and retributive process. Through a series of agreements with tribal villages, the Division of Juvenile Justice and the Department of Law authorize direct referrals to the division to be referred back to the tribe for resolution.

In 1999, the Native village of Kake, Alaska, revived a traditional means to address conflict, primarily as a means to address the rising number of juveniles charged with alcohol-related offenses. The Kake Tribe established a Heart Healing Council that utilizes circle peacemaking, and celebrates the completion of a sentence with young adults as a healing circle for victims. A group of tribal members determines the sentence and supervises the completion of the offender's sentence. The completion rate is approximately 98%. In Kake, an independent review found the circle process to have a substantially lower recidivism rate than the statewide rate where offenders are prosecuted in traditional courts. Key in Kake was empowering the community to put in the time and effort to address the actions of youth (Nisham, 2010).

Community based programs, however, are not the only mechanisms by which restorative programs can assist and serve youth. In Colorado, legislative declaration based on restorative justice (CRS Section 19-2-102) is to "protect, restore, and improve the public safety...provide the opportunity to bring together affected victims, the community, and juvenile offenders for restorative purposes." Further, "while holding paramount the public safety, the juvenile justice system shall take into consideration the best interests of the juvenile, the victims, and the community in providing appropriate treatment to reduce the rate of recidivism and to assist the juvenile in becoming a productive member of society."

In 2007, the Colorado State Legislature, through HB-07-1129 (Colorado Revised

Statutes, 2008), established the Restorative Justice Coordinating Council. The Council's legislative mandate is to support the development of restorative justice programs, serve as a central repository for information, assist in the development of related education and training, and provide technical assistance for those wishing to develop restorative justice programs. An early adopter is the Colorado Division of Youth Corrections (DYC). While the original intent of SB-1992-94 was to divert youth away from incarceration through restorative justice programming, DYC has used restorative justice practices within its facilities and programs since 1992.

In Vermont, youth may be diverted to a variety of programs delivered by Community Justice Centers (CJCs). CJCs were funded more than 20 years ago in Vermont to become a central site for the community to develop alternative approaches to crime and conflict. Today, in partnership with the Department of Corrections (DOC), municipalities, and communities across Vermont, the CJNVT supports the delivery of services to youth at risk, victims, communities affected by crime, and those responsible for criminal offenses (Wheeldon, 2016). CJCs accept direct referrals from police and state's attorneys, and work with probation and parole to involve communities through programs like reparative probation and others designed to support successful offender reentry into communities across Vermont.

The value of investing in CJCs and creating the community infrastructure to manage and deliver restorative justice programs is threefold. First, CJCs exist in each county in Vermont, and many are linked to municipalities allowing for a definition of community to be based on geographic boundaries, making it easier to identify which partnerships are required to ensure referrals to various restorative programs (Dhami & Joy, 2007). The system was originally designed to ensure there was a local point from which community based justice programs could operate. Since their inception in 1994, these centers have become central parts of city government, have innovated and developed new programs, and have evolved to become organizations that operate numerous programs from a variety of funding sources.

Second, because CJCs exist in communities across the state, they find unique funding sources or other forms of material support, develop partnership with other non-state actors, and can serve as a local resource for businesses, schools, health care offices,

and other organizations interested in but not knowledgeable about restorative justice. Essential here is the process of recruiting, screening, training, and retaining a group of volunteers who are willing to be unpaid providers of juvenile justice intervention. Once a program has qualified volunteers, who understand their responsibility in upholding the values of the community, the hope is that they become tools for the recruitment and development of future volunteers (Dhami & Joy, 2007; Dzur & Wertheimer, 2002).

Third and finally, CJs offer a means for communities to come together to learn about restorative justice, support volunteer programs, and be partners in the process of reintegration for offenders. Specifically, CJs in Vermont have developed programs that serve to model normal and normative life for released offenders, and communicate the prospect of sharing normative space by engaging deeply with those responsible for harm (Fox, 2016). CJs offer a unique space for those who have harmed to confront their own actions and experience support offered by community members who show up for them.

Table 8: Lessons from National Jurisdictions

Jurisdiction	Primary Programs	Lessons for Maine
Alaska	BARJ Tribal RJ programs	Agreements with tribal villages, the Division of Juvenile Justice, and the Department of Law authorize direct referrals to the division to be referred back to the tribe for resolution through indigenous RJ programs
Colorado	BARJ RJ in correctional settings	Restorative Justice Coordinating Council established to support the development of restorative justice programs, RJ programming has since been used in youth detention facilities with some success
Pennsylvania	BARJ	RJ can drive broader juvenile justice reform in law and policy and can be used alongside evidence-based metrics and methodologies
South Carolina	BARJ	RJ can be a vehicle for developing a framework for broader community-based reform; an Annual Report to Citizens on RJ practices can make clear the benefits
Vermont	RJ Panels Restorative reentry COSA	Significant value realized by investing in the community infrastructure to manage and deliver RJ programs such as defined community; collaborations with other youth serving systems; site to recruit and train volunteers and innovate

## **Appendix F - Additional Youth-Serving Systems That Could Benefit From RJ**

Promoting youth development and family and community capacity building includes ensuring restorative programs for youth living at home, youth at school, youth in care, youth charged with an offense, youth adjudicated guilty of an offense, youth detained in juvenile facilities, and for youth as part of a release plan to the community. The most researched approaches are those that have been developed for use with young people and their families to keep young people connected to family, school, community, and other important cultural ties (Crampton, 2007; Dünkel, Horsfield, & Păroșanu 2015; McElrea, 2012).

The “no wrong door,” “no wrong number,” family centered conceptualization of services is conceptually aligned with restorative approaches as are dialogic student-centered models of learning, and other community-based prevention and intervention programs. “Whole family” or “think family” approaches and have a history of working with groups and family groups (not just exclusively parents). Restorative Justice shares with many other approaches and interventions the principles that grow out of positive working alliances that build toward self-regulation, nonjudgmental use of self, and of understanding people in wider socioeconomic, racial, and gender contexts.

Restorative justice brings to the table as its *raison d’être* the central focus of identifying harms and working to find ways to engage the young person in doing something to repair the harm with preference for bringing the person who has done the harm and the persons who have been harmed into discussions, preferably face-to-face. Thus, the focus has long been juvenile justice. It is clear that without engaging other youth-serving systems in these processes it is difficult to realize RJ’s full potential.

Research suggests that the use of single-strategy approaches to addressing issues of violence and delinquency reduction simply does not work (Lipsey, 1992; Tolan & Guerra, 1994). In fact, too many practices in juvenile corrections fail to deter future criminal behavior, provide ineffective treatment (if treatment is provided at all), and are not associated with lower rates of recidivism. “Reactive” solutions, such as building more prisons or adding more beds in existing facilities to accommodate those affected by “get tough on juveniles” policies, are not only less effective, but also cost more than proactive approaches such as preventing crime and providing educational supports to offenders and

their families (Greenwood, Model, Rydell, & Shiesa, 1996), or to those individuals considered to be at risk of offending.

Programs and programs that rely on restorative principles have been used at a variety of points in the criminal justice process. However, what is needed is a reorientation of services offered by the variety of agencies and organizations that exist in every community to serve youth, including youth with disabilities or who have had contact with the juvenile justice system. Educational institutions and agencies, police, prosecuting attorneys, courts, other juvenile justice actors, as well as mental health, child welfare, and recreation services may all have a role to play in the life of these youth and their families (Leone, Quinn, & Osher, 2002). Youth-serving systems and partners who have a history of working with groups and who are vested in community approaches are good partners for restorative justice efforts. Some efforts are based upon a public health prevention model that focuses on early identification, early after-onset intervention, and intensive individualized services or aftercare within a collaborative system of prevention, treatment, and care. This means RJ initiatives in any state should look to engage young people in the context of their families, cultural groups (tribes), schools, health care systems, child welfare, mental health, and homelessness. For example:

A community-wide collaborative effort enhances interventions in several ways. Such efforts can change the politics and norms of the community, provide consistency of behavioral expectations across domains, enlist a greater number of volunteers, and improve the likelihood that the interventions will become long term. Because there is no one way to collaborate, schools, communities, and youth-serving agencies must engage in comprehensive planning and preparation efforts to design collaborative approaches that will meet their specific needs. While this is not easy, the result is worthwhile, both in the short, and long-term benefits that youth, their families, and their communities all reap (Leone, Quinn, & Osher, 2002: 30)

## **Appendix G - Overcoming Barriers to Implementation of RJ Programs/Services**

A variety of challenges and barriers to the implementation of restorative justice programs exist. The first step involves identifying those challenges that exist in the literature. In general these include: a lack of stakeholder buy-in, negative organizational or personnel attitudes toward families and young people, difficult relationships between contracted service deliverers and public agencies, and insufficient or conflicted communication and collaboration across the range of stakeholders. Of particular concern in the state of Maine include, but are not limited to, legislative authority, fidelity to practices associated with the benefits of restorative justice for youth, local and cultural adaptations, confidentiality, and ensuring consistent referrals to community-based programs. In addition, it is crucial to recognize how the multitudes of organizational relationships can sustain or undermine restorative programs.

### **Legislative Authority**

One potential challenge is the lack of specific language in the Maine Revised Statutes Title 15 Court Procedure-Criminal that specifically references Restorative Justice. There is, however, language in Title 15, Part 6: Maine Juvenile Code, Chapter 507: Petition, Adjudication and Disposition section 3301, 1B that provides a juvenile community corrections officer with the authority during the period of “preliminary investigation” to “make whatever informal adjustment is practicable without a petition.” That language opens the door for an alternative restorative process. Section 3301, 1B goes on to state that the informal adjustment may include a contract for restitution with the victim of the crime and the performance of community service. It would seem fitting that a restorative process be employed.

RJ in Maine would also be enhanced if specific language referenced 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. On a related note, references to punishment in this section could be removed. Additionally, depending upon the availability and/or capacity for the

provision of an alternative restorative process statewide it would be a good idea to include amended language to section 3301 that more specifically and clearly describes the elements of an informal adjustment that is specifically designed to be restorative in nature. However, any procedural language, although ultimately desirable, would be premature until the necessary infrastructure and quality assurance mechanisms are in place to provide for the statewide availability of the service.

Additional Legislative recommendations<sup>4</sup>:

- 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.
- 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.
- 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.
- 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.
- 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.

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<sup>4</sup> Please note: the underline text in this section is proposed new language.

- 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.
- 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

### Theory and Practice

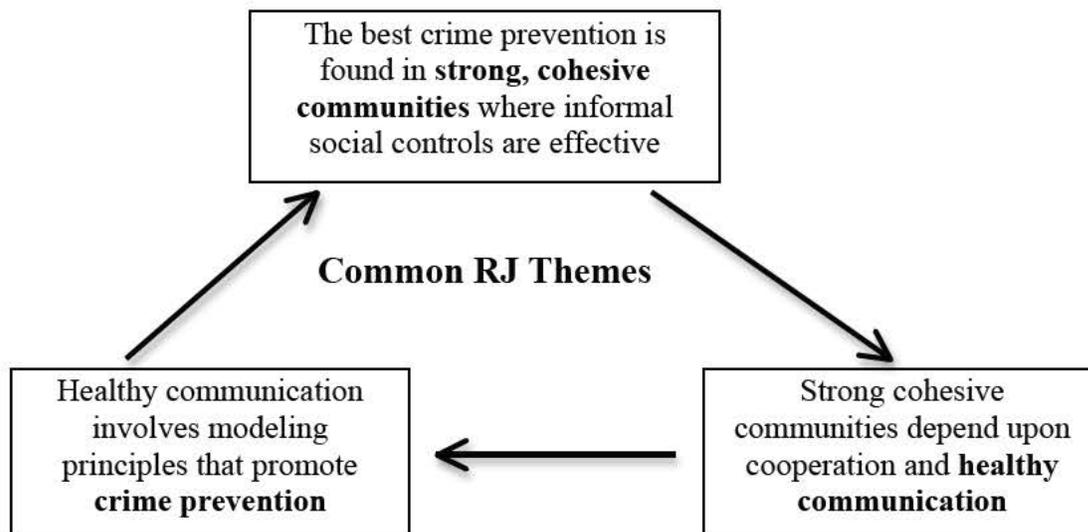
Quality assurance and fidelity to the model are essential to overcoming implementation challenges. Restorative justice practices and programs are not immune to being coopted for coercive or punitive ends including net-widening and defaulting to a dominant offender orientation through minimizing or giving weak support or keeping harms and victims perspectives at the forefront. This requires an understanding that how one frames restorative justice as a concept leads inexorably to views about how it can best be delivered. While a variety of definitions for restorative justice exist, in general they all share the premise that the formal justice system inadvertently causes harm as it attempts to respond to criminal acts (Wheeldon, 2009).

Based on the predominant (but widely discredited) view that punishment changes behavior, too often the question of why people do things (or do not) is ignored. For those caught up in the justice system, participation is limited to hiring a lawyer to navigate a variety of complex procedural set pieces that invoke simplistic notions of law and order

(Elliott, 2011). At its most insidious, this approach divorces individuals impacted by crime from meaningfully engaging with their fellow citizens on fundamental questions of justice. It robs communities of the opportunity to understand, empathize, and resolve actions that impact everyone (Wheeldon, 2012b).

Seen in this way, restorative justice can serve as a means to respond to harmful actions while expanding community well-being. It offers a means to model principles associated with right relations, give voice to individuals who historically have been excluded from decision making, and explicitly support communities to get involved in crime prevention. Figure 4 outlines key themes and their interrelationship.

Figure 4: Common Themes in RJ (Wheeldon, 2012a: 220)



Restorative programs and principles can be traced back to the work of either innovative practitioners, such as those involved with the Kitchener Experiment in Ontario, Canada, or approaches based on the perceived needs and practices of indigenous peoples in Canada, New Zealand, and the United States (Wheeldon, 2009). However, three books led practitioners to build on existent programs and design, develop, and participate in new forms of restorative justice processes. *Crime, Shame, and Reintegration* (Braithwaite, 1989) offered a specific theory while both Howard Zehr's *Changing Lenses* (1990) and *Peacemaking as Criminology* (Quinney & Pepinsky, 1991) combined a certain distrust of the state as sole actor in criminal justice matters with

community-centric models often informed by religious or spiritual values.

Braithwaite's reintegrative shaming theory (1989) is the leading theory for restorative justice. The theory distinguishes between two types of shaming: reintegrative shaming and disintegrative shaming (or stigmatization). Disintegrative shaming relates to labeling theory in which people, usually youth, begin to permanently adopt the behaviors for which they were initially ostracized (Heidt & Wheeldon, 2015). Disintegrative shaming takes place when society disgraces people to such a degree that they create a "society of outcasts" (Braithwaite, 1989: 55). Braithwaite (1989) argued that the shame associated with the current justice system results in lower levels of informal social control because the offenders lose their attachments to society. This makes it easier for those shamed in this way to justify taking part in the criminal subculture that also happens to be a repository for knowledge and learning about deviant and criminal behaviors and skills.

In contrast to disintegrative shaming which is disrespectful, unforgiving, and isolates the individual from groups, reintegrative shaming allows them to reenter society without a state-imposed stigma or label. Reintegrative shaming can occur when disapproval for criminal behavior is partnered with respect for the individual, forgiveness, and acceptance back into the group, neighborhood, or community. Restorative justice practices and processes attempt to follow these principles in facilitating face-to-face meetings of affected parties, but they also represent an opportunity to reform justice policy and inform legislation. The aim is to ensure that any form of behavioral or social control is implemented in respectful ways that provide opportunities for repair and healing of harms that have resulted from wrongful behavior. At the same time, restorative programs open spaces for the possibility of forgiving while attempting to maintain the person's prosocial bonds with primary groups, including family and community.

### Supporting Victims

RJ advocates have long observed that the justice system is mandated to focus first on responsible parties, ensuring due process rights, and in the case of juveniles promoting a care ethic in all interactions. As a result, the victims' advocacy community and others

have argued that restorative justice is offender focused and insufficiently concerned with victim experience (Acorn, 2004; Mika, Achilles, & Halbert 2004). The state's offender-centered apparatus has not historically given personnel the kind of time, training, and resource support to engage in roles and tasks that follow the offender's relationships out into their families and social networks, and to engage with victims and victim support groups. State mandates are about the offender and the offense; hence, their interests are driven in large measure by the risks and needs of the offender.

While the weight of mounting research evidence on RJ processes indicates that they can be effective in healing harms and finding meaningful forms of justice for those involved, it also seems to be clear that RJ processes can produce adverse outcomes. For the most part, research suggests that the gaps between the ideal and the real result from poor practice, inadequate preparation for victim participants, lack of training for practitioners, and structural obstacles (Choi, Bazemore & Gilbert, 2012).

For these reasons, concerns about the value of RJ persist despite clear evidence that victims prefer restorative justice programs to the existing system (Sherman & Strang, 2007). They may be rooted in an underappreciated role of feminist traditions within the restorative movement. Many from this tradition, including Kay Harris, have argued that restorative processes should allow those who have suffered harm to participate in the design of an appropriate response (Quinney & Pepinsky, 1991: 310). The ways in which researchers and advocates conceptualize "victims" varies widely. Too often, the definitions of reparation, needs, restoration, healing, and empowerment do not take into account the actual victim's experience.

Chris Marshall (2016) recently described these as the 5Vs of victim support. The first is Voice, or the opportunity to speak of experience/story in one's own words and have it heard by those who matter. Many complainants lodge a formal complaint because they feel no one has listened to them, or taken them seriously, or no one is interested. Feeling silenced is inherently disempowering, and when restorative programs ensure victims have a voice, it returns a sense of power and self-control. The second is Veracity. Harmed parties desperately need to know the truth about what happened, to get answers to questions, to put missing bits of the jigsaw together, to make sense of what occurred. When restorative programs work, they work in part to restore coherence and meaning.

The third is Validation. Wronged or hurting persons need their losses and pain to be recognized and acknowledged. Those who have been harmed need someone to say, “It matters,” and need to be shown respect to counter the disrespect they have suffered. The fourth principle is Vindication. An injured party needs the person who caused injury to admit responsibility for it (even if it was unintentional). This moral imperative can enable those who have been harmed to overcome self-blame. Vindication may include restitution and/or a good faith effort to make restitution or repair damages. This form of accountability may be tangible and specific or general and symbolic. Finally, the fifth concept is Valuation. The hurt party needs to find value or meaning in getting past the experience and the to ability embark on future. This may involve a specific expression of forgiveness or simply the ability to move on and no longer feel blighted by the trauma of the past.

#### Community-Centric

Another important element is a desire to root processes in the communities where the harm occurred. Based on more critical traditions that informed early restorative programs, there remains a distrust of the state as impartial arbiter and a desire to locate justice in individual communities (Gibbons, 1994: 124) in which members of communities participate in the decision-making process (Einstadter & Henry, 1995: 232). As state actors have increasingly taken on restorative practices, one concern has been a de-emphasis on the potential for communities to develop the capacity to solve their own problems (Elliott, 2011). This is a problem in two important ways. First, the actual inclusion of the community in any process to address harm acknowledges the important role the community plays in crime prevention. Second, by specifically including the community in the process, there is the acceptance that even those not harmed in a particular case still have an interest in its successful resolution (Elliott, 2002: 462–463).

This has required the recognition among state actors that to overcome the concern that restorative justice programs may be seen as a covert means to expand state control, the community must play an essential role in co-constructing the terms of state–non-state collaboration. This means defining restorative justice in a jurisdiction, convening

meetings, establishing funding models, specifying evaluation criteria, and telling the stories must be a process of meaningful collaboration. For community-based practitioners, one challenge involves confronting the reality that restorative programs cannot be sustained without state funding and facilitation. This requires embracing the paradox that efforts to transform the justice system require at least nominal cooperation with the very institutions that early RJ advocates sought to replace (Pavlich, 2005: 111).

### Transformation

Additionally, of importance is the moral potential for restorative justice to assist individuals to better understand themselves and take responsibility for their actions. This view of morality is rooted in attending to the real needs of actual individuals through processes that are consistent with community values. This means that participating in problem-solving itself can be a transformative experience for victims, responsible parties, and the communities in which they reside (Pepinsky, 1999: 303–304). For those who have caused harm, restorative processes allow people to understand in a deep way the consequences of their actions. Properly supported, these individuals can find the determination to live better, change their lives, and develop a coherent “...pro-social identity” (Maruna, 2001:8). This transformation extends beyond traditional correctional goals.

This is why voluntary participation is an important component of the transformative potential RJ programs can provoke. The integrity of the process is best protected when autonomy is respected and an individual makes their own decision to participate, engage their fears, and confront the shame all (or most) feel for what they have done. The transformative potential here also applies to those who have been harmed and community members who are also impacted. When properly facilitated, RJ programs can encourage all participants to think about others in morally relevant ways. As an example of participatory problem-solving, RJ programs model key social and relational skills, encourage critical thinking, and create experiences that can spur the cognitive development associated with perspective taking, moral reasoning, and self-awareness (Wheeldon et al. 2013).

## Understanding the Evidence for RJ

While Wood and Suzuki (2016) argue that restorative justice is most often framed as “evidence based” or “evidence informed” (Sherman & Strang, 2007; Umbreit, Coates, & Vos, 2007), there is still an insufficient understanding of the empirical findings about the benefits of restorative programs. Sherman and Strang (2007) in their exhaustive review found studies that allowed for 36 direct comparisons to conventional criminal justice programs. When RJ programs involve face-to-face meetings among all parties connected to a crime including victims, offenders, their families, and friends, they result in substantial and statistically significant positive outcomes for those involved. These findings included:

- Substantially reduced repeat offending for some offenders;
- Reduced crime victims’ post-traumatic stress symptoms and related costs;
- Provided victims and offenders with more satisfaction with justice than CJ;
- Reduced crime victims’ desire for violent revenge against their offenders;
- Reduced the costs of criminal justice, when used as diversion from CJ;
- Reduced recidivism more than prison (adults) or as well as prison (youths).

For youth, positive outcomes with RJ include a variety of short-term and mid-term impacts on reoffending and reduced maltreatment of young people. These findings are associated with early engagement with needed services, increased likelihood of program completion for young people, and a variety of precourt discretionary responses. Particularly for youth justice, elapsed time from detection to restorative justice engagement is a challenge for youth taking matters seriously and for positive take-up of a restorative option. Some evidence supports positive outcomes (safety and reduced violence) using RJ approaches with specifically tested protocols in situations involving both child protection and in domestic violence (community-based approaches and DV court dockets.)<sup>5</sup>

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<sup>5</sup> For example, see Baffour, 2006; Bergseth & Bouffard, 2007, 2012; Bradshaw & Roseborough, 2005; Braithwaite, 2007; Hipple & McGarrell, 2008; Latimer, Dowden, & Muise, 2005; Leonard & Kenny, 2011; McGarrell & Hipple, 2007; Mutter et al., 2008; Pennell & Burford, 2000; O’Shaughnessy et al., 2010; Presser & Van Voorhis, 2002; Strang, et al., 2013; Suntag, 2013

## Definitions and Local/Cultural Variations

While the institutionalization of restorative justice has been a trend in many jurisdictions, it is important to note that there remains a tradition among restorative justice practitioners to resist efforts to define, measure, and professionalize its delivery. This is in part a result of the fact that for many in the restorative justice community, practice usurps theory as the leading mechanism of social transformation (McCold & Wachtel, 2002; Wood & Suzuki, 2016). For example, restorative justice has been defined as a process (Zehr, 2002), as a variety of approaches (Dignan & Marsh, 2001), as a theory of justice (Van Ness & Strong, 2006), as an option (Walgrave, 2008), and as a set of processes, outcomes, and values (Dignan, 2007). A recent comparative review of European RJ programs concluded:

There is ... no clear-cut definition of what RJ actually is. ... RJ ... has come to be used to describe processes and practices that seek to employ a different approach to resolving conflicts. RJ regards the criminal justice system as an inappropriate forum for resolving criminal offences ... (Dünkel, Horsfield, & Parosanu, 2015: 4)

Others argue restorative justice can and must be defined if it is to be expanded in ways that retain its integral character and positive outcomes. One approach is to view restorative justice as a mechanism that can address crime, disputes, and community conflict (Daly, 2016: 21). On this view, restorative justice is a mechanism that involves one or more meetings involving the affected individuals including the victim, offender, and relevant community members, facilitated by one or more impartial people. The goals are the inclusion of the harmed party(ies) throughout the process, and especially as part of an encounter facilitated by a trained individual(s). The focus in this encounter is on identifying the harm, attempting to make amends, and promoting reintegration. A challenge for some is that specific processes and individual outcomes may vary depending on the context.

The need to make space for local and cultural adaptations means avoiding the desire to root success in one model or another and to make room for a variety of programs which offer appropriate innovations that make RJ programs relevant for

stakeholders. Adopting standards for programs is of interest to funders, who desire clear outcomes by which to assess the value of an investment. However, adopting more uniformity across RJ sites goes against the premise of RJ developing organically. Local and cultural variations are beneficial as long as RJ programs are guided by rules and procedures that align with what is appropriate in the context of the crime, dispute, or conflict. Essential here is the focus on facilitating personal development through improved skills, relationships, and insights (Lipsey et al. 2010). To be effective, RJ programs must combine disapproval for criminal behavior with respect for the individual, forgiveness, and acceptance back into the community (Braithwaite, 1989).

While we recognize that not all programs are the same, it is clear that programs should report on a core set of measures. Finding agreement on these measurements is an important step toward a truly RJ infused system. Some key questions for consideration have been compiled in **Appendix J**. Most restorative justice advocates agree on five basic ideas (Hagan, 2008: 187).

1. Crime consists of more than violation of the criminal law and defiance of the authority of government;
2. Crime involves disruptions in a three-dimensional relationship among the victim, the offender, and the community;
3. Crime harms the victim and the community, and the primary goals should be to restore the victim and the community, repair harms, and rebuild relationships among the victim, the offender, and the community;
4. The victim, the community, and the offender should all participate in determining what happens, and government should surrender its monopoly over responses to crime;
5. The disposition should be based primarily on the victim's and the community's needs and not solely on the offender's needs or culpability, the dangers s/he presents, or her/his criminal history.

## Referrals

Most RJ efforts with youthful offenders are offered on a piecemeal basis (e.g., small or pilot projects). Among the biggest barriers to implementation for youth serving RJ programs are referrals. There are many examples of programs withering or having to spend extraordinary amounts of time “recruiting” for referrals. Research suggests that left to their own discretion statutory workers (including correctional workers, child and youth social workers, and probation workers) too often do not refer eligible youth. Legal and/or policy guidance and quality assurance are needed to ensure equal access of eligible young persons and safeguard against discretion (Sundell & Vinnerljung, 2004).

Programs that set the default for referrals at least at one intercept point, with exceptions requiring documentation, get more referrals. Program descriptions and surveys indicate that many programs have “exclusions”; that is, youth who by virtue of a particular offense or behavior or capacity cannot be referred for restorative process. These exclusions are typically highly controversial, often reveal an “offender”-centered vision of restorative justice and are thought to contribute to disproportionality based on race and/or ethnicity. Instead, those who work with youth responsible for harm need to consider how key youth-centered goals can inform their work.

Key recommendations include:<sup>6</sup>

- Keep young people connected to their families, schools, and communities
- Use RJ as a vehicle for actualizing children & young people’s rights
- Divert youth at each step from further penetration into justice system
- Reduce racial and ethnic disparities in meaningful & purposeful engagement of youth, families, and communities
- Animate cross-system collaboration & governance
- Pave way for timely access to quality services & legal counsel
- Keep youth out of adult courts, jails, and prisons
- Foster connections with informal community-based supports
- Foster permanent connections in family & community settings
- Recognize and serve subpopulations of youth
- Identify community-based alternatives to the use of detention and confinement
- Improve aftercare and reentry

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<sup>6</sup> Youth Transition Funders Group (2015) *Juvenile Justice Reform: A Blueprint*. Available at: [http://www.njjn.org/uploads/digital-library/A-Blueprint-for-Juvenile-Justice-Reform\\_Third-Edition\\_YTFG.pdf](http://www.njjn.org/uploads/digital-library/A-Blueprint-for-Juvenile-Justice-Reform_Third-Edition_YTFG.pdf)

## Confidentiality

Another challenge relates to how to handle confidentiality. In many jurisdictions, there is no clear statement of law or policy prohibiting those involved in a restorative process from reporting actions and statements that occur during the process. While in practice confidentiality is an important aspect of restorative processes, confidentiality can never be absolute. In other jurisdictions, disclosures that are of “significant” or “compelling” public interest may affect the confidentiality of a restorative process conference. The most common way that jurisdictions have opened space for honest conversations (i.e., reducing tensions about self-incrimination) is through careful preparation and the use of consents.

This is related to the need for the impartiality of the person organizing and facilitating the RJ process. While widely accepted as a key ingredient of good outcomes and trust-building during the process, it is even more important for RJ programs that involve intermediate sanctions and more complex dynamics than it is for front-end RJ processes. For these more complex processes it is important that a common understanding of how confidentiality will be handled by an RJ program exists, including what pledges should (or should not) be made. **Appendix R** offers some international guidelines on safeguards, including confidentiality (UN, 2006).

In Maine, section 3301, 1B (2) provides that any admission made in connection with this informal adjustment may not be used in evidence against the juvenile if a petition based on the same facts is later filed. This provision for “use immunity” is only available to the restorative justice process when a juvenile community corrections officer initiates an “informal adjustment.” Section 3301, 6-A provides for the confidentiality of the juvenile’s records where a juvenile petition has not been filed. As there already exists a capacity and precedent for direct referral by police to an alternative restorative process at the front end of the system, there should be statutory language that provides for the same sort of use immunity in such a case as already exists when a similar referral is made by a JCCO.

We recommend that 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 in evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed.*

The question of how to approach confidentiality varies by jurisdiction. Some programs offer full confidentiality, while others offer none. While the solution to this question must be worked out on the ground between state and non-state actors, one middle ground has been to make clear that confidentiality will be breached to protect people from a disclosure made during an RJ process that indicates an imminent danger. However, a disclosure that is made in these circumstances would be used to trigger an investigation to search for other evidence that might result in taking further action, and not as evidence in a legal proceeding.

#### State/Non-State Collaboration

For a justice system to take seriously the need to provide community-based alternatives that employ restorative programs involves confronting numerous tensions within the restorative movement itself. No one should be under any illusion. Tensions will inevitably arise. The question is how those committed to the larger project of supporting the development of a restorative state engage these tensions and how they move forward together. This will require all parties to respect both the need for the state to act as guardian of public dollars on the one hand, and the need for communities and non-state organizations to be a meaningful part of decision making on the other. Community-based organizations should think about local impediments to their effective operation. This includes organizational considerations, programmatic considerations, data collection and evaluative considerations, and cost effectiveness.

Perhaps the most complex challenge is related to defining and adhering to a set of agreements to guide relations between state and non-state actors in a way that can counter the multitudes of organizational relationships that can sustain or counteract a program (D'Angelo, Brown, & Strozewski, 2012; Shapland, 2014; Urban & Johnson, 2010). These exist between state agencies and community partners and among community partners. To support state and non-state collaboration, state actors must allow community

organizations to play an essential role in co-constructing the terms of state/non-state collaboration. This means how a jurisdiction defines restorative justice, establishes funding models, specifies evaluation criteria, and tells restorative stories must be the result of a process of meaningful collaboration. It means prioritizing referrals to community-based programs and holding in check the tendency for actors in state agencies to become territorial, attempting to handle these cases internally rather than turn to an outside agency when they determine a restorative justice program and its volunteer base are inadequately suited to youth criminality (Bazemore & Griffiths, 2003).

This means engaging in a process to define restorative justice in a way that is consistent with theory and research, and is meaningful in local jurisdictions. It means finding a balance between a desire for more restorative programming on the one hand, and the fear of state co-optation on the other. The sort of collaboration required means being willing to assess the structure and ideology of justice agencies. One study found that the greatest obstacles to implementation of restorative programs were psychological and emotional in nature (Schwartz et al., 2003). This is consistent with other research that has examined the change from a highly bureaucratic organizational structure that embraces a crime control model to one that is much more restorative at its core (McLeod, 2003). The transition required for sustainable restorative programs requires shifts of nearly everything that justice agencies have known including the realization that punishment of the offender is situated much differently within the structure of restorative justice. Unlike traditional justice, the restorative process requires state actors to “focus significant attention on ‘community building’ aimed at mobilizing and enhancing citizen and community groups’ skills and confidence in informal responses to crime, harm, and conflict” (Bazemore & Griffiths, 2003: 337). Success involves the wisdom among state actors to support, fund, and facilitate community-based programs and hold in check the desire to be too prescriptive about the form these programs take.

For community-based practitioners, the co-construction of goals and purposes can overcome the concern that restorative justice programs may be seen as a covert means to expand state control. While restorative programs cannot be sustained without state funding and facilitation, these programs cannot succeed unless community organizations take “...ownership of defining and educating the community, creating partnerships with

funding and referral agencies, recruiting and training volunteers, and obtaining financial support” (Dhami & Joy, 2007:10). By defining the community, local programs need to determine whether geographic boundaries will characterize the community that a restorative program will represent, or if the program can reach into multiple communities and lend support.

Once this occurs, it becomes the responsibility of the program coordinators to develop a rapport within those communities that translates into support for the continued success of the program itself (Willis, 2016). As with many justice-based programs, establishing relationships between other justice system agencies, as well as funding agencies, is necessary for a program’s survival (Gilbert & Settles, 2007). This can prove difficult on many different levels. As Dhami & Joy (2007) point out, there can be concerns from community representatives who do not think this type of program is an appropriate punishment or that it limits the accountability of those responsible for harm.

While there are concerns about who will buy in to the program from a formal justice standpoint, it is equally important to develop and maintain an eager and appropriately qualified community volunteer base (Dhami & Joy, 2007). This means recruiting, screening, training, and retaining a group of volunteers who are willing to be unpaid providers of juvenile justice intervention. They must embrace confidentiality, demonstrate sensitivity to the victim, and have appropriate communication skills. This is a high bar and it requires turning some helpful and willing people away. It means limiting volunteers to those who are well suited to this work.

## **Appendix H - Sustaining RJ Programs /Services**

Many restorative justice programs are run virtually on a shoestring budget (Umbreit et al. 2000). Finding sufficient funding for such programs has been a difficult challenge. The primary source of funding for 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. Unfortunately, although well-evaluated programs have shown positive results, many have closed or are at risk of shutting down due to the lack of sustainable funding. The quality and costs of RJ programs, like most responses to youthful offending, ebbs and flows with changes in leadership, escalating costs, funding and contractual arrangements, and a host of other influences that are not yet fully understood.

While most organizations offering restorative justice programs struggle to finance their operations, few studies have carefully examined relative costs and benefits of restorative programs. Promising findings from rigorously conducted studies report high returns in terms of crimes prevented, the cost of delivering RJ services compared to court costs, and the effectiveness of RJ compared to case plans and traditional “off-the-shelf” interventions that may or may not be matched with needs. The complexities of calculating and comparing costs present ongoing, ever-changing challenges for researchers, program staff, and state government finance officers. It is likewise difficult for the public to understand.

There is little data about funding arrangements available, although clearly in the USA the JJAB grants were being used to underwrite RJ efforts as have Title IV-E dollars in some jurisdictions. Some states are using justice reinvestment initiative (JRI) funds to fund programs such as RJ with the premise that these programs are saving the system resources, hence they should receive some type of investment. JRI is a program of Pew. Many states participate in such initiatives.

Incarceration is costly, rarely effective, and mainly about punishment. Too often this approach perpetrates new harms on communities, families, and the offenders themselves. Delays and disproportionate access to quality legal services are well-known consequences of depending on the criminal justice system to solve a wide range of personal, social, and even educational and health problems it was never designed to

address. The criminal justice system has taken up the slack of other institutions (mental health, social welfare, education, child welfare, and juvenile justice) in an era where more and more laws have been passed to try and “make” people behave rather than put support into solving those problems at the levels at which they occur. Pranis (2001) accurately depicted the situation as the “skyrocketing cost of punishment.”

The promise that restorative justice will take less investment depends on reducing the number of people who get incarcerated and passing on this savings to create community-based architecture with staff who can recruit and engage volunteers to shift the responsibilities of a formal “punishment” system over to community-based restorative work. There is still good reason to expect that restorative justice will realize significant reductions in costs associated with deterrence effects. The number of young people exposed to RJ in most jurisdictions remains so small that such effects can’t be easily estimated. It requires the development of economic modeling of the true costs of RJ including the benefits derived at the community, family, and personal levels.

Diversion from court alone is well-established as being cheaper than going to court, both in the juvenile and adult systems, so long as there are both protections and incentives at the front end. Protections to allow people to engage in honest conversations without incriminating themselves, especially in cases where the legal preparation time is high and the chances of winning are low. The key is to leave incarceration for those who must be prevented from further crime. Internationally, new partnerships between government and private sector organizations are forming. There is no thorough archive of such partnerships in the US, but with the disappearance of the Juvenile Justice Accountability Block Grant, new arrangements are surfacing. These involve new approaches to collaboration.

In Europe, countries that have seen the best experiences with RJ, in terms of introducing and sustaining a network of nationwide coverage and yielding decent caseloads (for example Germany, the Netherlands, France, Finland, Belgium, and Austria), provide a strong legislative basis for RJ. What these countries all have in common is:

...that their legislation is based on years of experience with systems that have gradually grown from local initiatives to nationwide practices that have been subject to evaluation and adaptation. (Dünkel, Horsfield, & Păroșanu 2015: 240)

While few studies have carefully examined relative costs and benefits of restorative programs, promising findings from rigorously conducted studies report high return in terms of crimes prevented and the cost of delivering RJ compared with court. Studies that have invested in community-led restorative justice efforts indicate high return investment through mobilization of volunteers and increased public trust and understanding. A restorative approach to crime saves the state money by preventing individuals from becoming part of the criminal justice system for offenses that can be resolved at the local level with community and victim participation. In the Netherlands, studies on the use of these Family Group Conferences (FGCs) within various sectors are promising. There is evidence FGCs are also effective within the integrated care system for young people with intellectual disability (Onrust, Romijn, & de Beer, 2015).

In Vermont, staff from the Crime Research Group completed the Criminal Justice Consensus Cost-Benefit Working Group Final Report. A cost-benefit model using the Pew-MacArthur Results First approach can assist in determining the costs of the juvenile justice system including how cases proceed through the system. While financial savings are not the only benefit of providing restorative alternatives to the traditional justice system, capturing these savings in each jurisdiction can make it more likely that savings are reinvested in community-based programs offering these services. **Appendix J** offers a detailed self-assessment for community-based organizations. Some relevant questions on cost include:

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

While the complexity of state–non-state collaboration was defined above as an impediment to success, it is also a precondition to ensure sustainability. It bears repeating that unless jurisdictions define restorative justice, establish funding models, specify evaluation criteria, and tell restorative stories through a process of meaningful collaboration, sustainability is unlikely. This means embracing the coproduction of key elements required to sustain a change from the traditional justice system with a few restorative add-ons, to a statewide model that builds on existing community-based capacity to offer restorative alternatives at every phase of the youth justice system.

Some recent concerns have focused on the issues that have emerged when government and/or government-funded organizations promote RJ through top-down structures that control its agenda and forms of manifestations. Sustainability requires that RJ not be undermined by legislative, top-down regulatory controls but be allowed to continue its development through innovation and bottom-up structures of community, unregistered, and localized projects (Gavrielides, 2016).

Cultural norms are essential to drive a program of change. Underlying this is the need for trusted relationships developed over time and through successful communication channels. Adopting an approach of “coproduction” is likely to be an effective way in which to address culture change (Best et al., 2012). In line with principles of “bottom-up working,” this should involve the opportunity for stakeholders to engage in problem-solving and create peer networks across which they can develop and spread new ways of working (Gifford et al., 2012).

Sustainability then is a process of mutual recognition about the need for a symbiotic relationship between state and non-state actors, based on mutual understanding and a commitment to coproducing the advancement of restorative practices. It means constructing together the terms of state–non-state collaboration by defining clearly the roles and responsibilities of each party and ensuring that space exists to talk through difficulties as they arise. In the long term, sustainability is dependent on the change being owned by the stakeholders it affects.

## **Appendix I – Considerations in Developing an Accessible RJ System for Youth**

Investing in a statewide/whole system approach of cross-sectoral engagement can promote youth development and family and community capacity building. Ted Wachtel (2013) has argued that the use of informal restorative practices dramatically reduces the need for more time-consuming formal interventions. Systematic use of informal restorative practices has a cumulative impact and creates what might be described as a *restorative milieu*—an environment that consistently fosters awareness, empathy, and responsibility in a way that is likely to prove far more effective in achieving social discipline than our current reliance on punishment and sanctions. Lipsey et al. (2010) make a number of recommendations for Juvenile Justice Advisory Groups to consider as part of a systematic reform.

- Improve cross-system coordination and collaboration and spur broader juvenile justice system reform by ensuring that the structural components of risk assessment and graduated sanctions are fully implemented as a platform for evidence-based program improvements, greater system accountability, and reduction of recidivism;
- Prioritize community programs oriented toward reducing risk and enhancing strengths for all youth, and guide jurisdictions toward implementation of evidence-based programming by incorporating guidelines for evidence-based programs in requests for proposals;
- Vigorously address the overuse of confinement, especially related to compliance with the deinstitutionalization of status offenders, separation of juveniles from adults, and disproportionate minority contact;
- Offer multicomponent intensive intervention programs in secure correctional facilities for the most serious, violent, and chronic offending youth and provide post-release supervision and transitional aftercare programs for youth released from residential and correctional facilities.

If JJAG and others in the state decide to pursue the establishment of a hybrid of the dual track and safety net models, a number of activities would likely need to follow. The first would be a commitment to prioritize community-based restorative programs at every point of entry or intercept for youth in conflict with the law. This hybrid would offer opportunities for victims to participate throughout.

To promote a sustainable RJ system, JJAG must first refine and clarify the intended outcomes and specify the resources it is ready to invest, in consultation with other statewide players. Based on these refinements, 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. They might consider the role of police, victim participation, referrals, family involvement, role of schools, tribal programs, and evaluation. As it undertakes the strategic planning process, the JJAG should contemplate these key considerations.

### **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 programs 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 programs/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 programs 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
- Training and mentoring at all levels: Awareness; intensive training; train the trainers

Once a group is convened, they might consider the following organizing principles when it carries out its work.

### **Proposed Organizing Principles**

- Explicit statement of values and expectations
- Use of fair process throughout
- Transparent decision making
- Use of restorative language
- Free expression of emotion
- Modeling of expected behavior

A specific step-by-step procedure is proposed below:

### **Specific Steps**

- Determine best investment by contact point
- Strategically determine resources for this initiative
- Convene key stakeholders
- Work collaboratively to establish a shared vision
- Outline decision-making process
- Agree on programmatic necessities
- Define the nature of state–non-state collaboration
- Clarify referral procedures
- Collaboratively define evaluation criteria
- Redefine RFPs to focus on RJ fidelity and evaluability
- Review JAG funding protocols
- Outline specific goals for community providers, JCCOs, state institutions
- Consider how conflict will be resolved
- Work together to widen the circle and tell RJ stories

## **Appendix J – Elements for Consideration by Community-Based Programs**

Evidence is substantial that young people, families, professionals, and crime victims are more positive about interventions identified as “restorative” relative to “business as usual.” Questions remain about what constitutes “restorative” and how the level of “restorative-ness” varies from jurisdiction to jurisdiction and program to program. Programs need to clearly specify the key elements of their “restorative” program, the expected responses from participants involved, and the expected outcomes. The challenge has been summarized as follows:

...the future of RJ as we see it depends significantly on whether a focus on interactions between parties who have caused harm and those who have been harmed remain central to such a definition, or whether RJ continues to expand into piecemeal programs and outcomes where the difference between “restorative” and other types of programs becomes increasingly blurred. (Wood & Suzuki, 2016: 154)

Critical elements of effective RJ for intermediate-level responses include good preparation, regular follow-up, developing community representation, and mobilizing supports. A significant proportion of young people and their families who have participated in restorative justice responses highlight that their main concerns have to do with income, housing, employment, and other factors related to poverty and to the absence of behavioral management and mental health services. By contrast, most RJ programs focus on incidents rather than underlying causes. Increased access to RJ makes visible these more challenging issues. This is why cross-sectoral collaboration is so important, long term.

In the short term, there is a need for agencies to be clear about what constitutes a change, and how they plan to gather data, and measure it. While using the restorative moniker has been valuable to attract funds, its use as a prefix doesn’t mean much. Programs vying for public dollars need to demonstrate to any funder that they are a credible agency capable of administering programs that embrace restorative principles shown to be effective. This means supporting youth to hold themselves accountable, reaching out to victims, providing multiple opportunities for participation, and ensuring

community members are trained to show up for both parties and ensure the community's interest in peace, harmony, and reconciliation is represented.

The most widely used and accepted process for assuring quality of practice across multiple sites within a given profession is that of accreditation. Accreditation was undertaken by the Community Justice Network of Vermont as a peer-review process for the purpose of identifying standards of operation for a Community Justice Center to ensure that despite the diversity of centers, the delivery of programs is consistent across the statewide centers. While it is premature to consider accreditation at this time, we recommend existing RJ programs in Maine engage in a self-assessment and consider the questions outlined below.

### **Organizational Considerations**

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?

### **Programmatic Considerations**

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, 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

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 they 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, victim satisfaction.
26. Has/have our program(s)/intervention(s) ever been evaluated for its/their outcomes? How were the results disseminated?
27. How many people did our programs serve between July 1 and June 30?
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 who we serve

## **Budget and Cost**

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

## **Appendix K - Clarifying the Role of JCCOs and Expanding RJ at Long Creek**

### *Clarifying the essential role of JCCOs*

There is considerable agreement among state and non-state practitioners that JCCOs play a crucial role as champions of restorative justice. Presently, some talk with victims and keep them informed as the process unfolds. They use restorative questions with youth and families. They educate family, victims, youth, and community about RJ. They may sometimes participate in circles but preferably not run them due to their statutory authority and the power imbalance it creates.

We recommend that a new policy about restorative justice be developed and included in the Juvenile Community section of the policy manual. It should include basic principles and values of RJ, as adopted by Maine, as well as clarify roles, rules, and procedures related to restorative justice. This will assist with the systemic implementation of restorative practices within DOC, clarify expectations for JCCOs, and increase the sustainability of your RJ efforts.

Including RJ, where appropriate, can also enhance existing policies. For example, *Policy 9.1 Case Management* could include a statement about RJ in the III. Policy section. It already references RJ under B. Case Plan Development and D. Monitoring. The approved risk and needs assessment used by JCCOs and referenced in the policy should be reviewed for alignment with RJ principles and to ensure that it addresses both assessment of family, school, and community connections and assessment of the strengths and skills of youth and family so that these can be built upon in the case plan.

Two sections of Procedure F. Conducting Preliminary Investigations in *Policy 9.3 Pre-Adjudication Functions* should be strengthened. Section 5 addresses victim contact and might include more detail on victims' rights and restorative questions to ask victims. Section 9 discusses the Preliminary Investigation Interview with youth and families. RJ language and restorative questions to ask youth and families could be included. If the DOC decides that an RJ response is the preferable one (when available,) that should be stated here.

Given the importance of JCCOs in the success and sustainability of RJ implementation in Maine, we suggest that they be provided with a training program

focused on the particular roles and tasks they are asked to perform. Furthermore, Maine should train the regional managers with in-depth knowledge both of RJ and of coaching skills, as they are perfectly positioned to coach and guide the ongoing development and refinement of restorative practice by JCCOs. The training provided to DOC employees specific to community education should be consistent with JJAG efforts as detailed in their strategic plan.

However, the specifics of the JCCO role need to be more thoroughly explored and then training and policy should be implemented to support them. For example, victims are at the center of an RJ system—and “victims” is broadly defined to include all those impacted by harm. Does the department want JCCOs to consistently interview victims and assist them to understand available RJ services and their opportunities to participate? Training in how to sensitively interview victims, explain how and why RJ works, and support victim involvement is essential. We know that victim satisfaction is enhanced when they are offered regular ongoing communication. Will you create contact standards for JCCOs with victims? Under what circumstances do JCCOs need to keep victims informed? How is this to occur? Policy and training will need to reflect Maine’s answers to these questions.

Likewise, giving priority to community organizations will require considering inclusion and access for youth and how referrals get accepted or ruled out and how that discretion is justified. JCCOs need to know existing programs and define the terms and nature of any referral including options at intake, communication, facilitation, follow-up, and the use of specific/specialized protocols. We understand at present sharing the police report with a community-based provider requires an in-person meeting, which can add significant time to a routine part of any referral. It is clear that some JCCOs have both the capacity and interest in facilitating restorative programs. This should be avoided.

The impartiality of the person organizing and facilitating the RJ process is widely accepted as a key ingredient of good outcomes and trust-building during the process. This is mainly so for the RJ programs that involve intermediate sanctions and more complex dynamics than it is for front-end RJ processes where the aims of diversion and restorative justice intersect and may overlap. How can JCCO’s best support community-based RJ programs? When should they participate? We recommend JCCOs consider these

following precepts in their work:

- Respond to crime at the earliest point possible and with the maximum amount of voluntary cooperation and minimum coercion;
- Respond through cooperative structures in the community that include those most impacted by an offense and that aim to provide support and accountability;
- Not all youth will choose to be cooperative. Consequences imposed should be transparent and held to the test of reasonableness, magnitude, fairness, and respect for all affected persons;
- Responses should emphasize safety, values, ethics, responsibility, accountability, and civility and be organized around opportunities for building empathy, learning, and work to elicit cooperation and provide opportunities to demonstrate competence;
- Follow-up and accountability structures are often necessary and should emphasize engagement with the natural community in building trusting relationships and capacity.

Finally, when might JCCOs be expected to use restorative questions with youth and families? At intake? Assessment? Forms and policies need to be adjusted to reflect expectations, and training should include how to best use these tools both at the new employee and advanced levels. Additionally, consideration should be given to how RJ training for JCCOs meshes with Motivational Interviewing, for which they currently receive training. Will JCCOs play a role in community education and raising public awareness about RJ in their local communities? What will this entail? A strategy to educate the public about RJ is clearly needed. Developed in partnership with community-based organizations, it might include:

- Sharing stories in local media
- Educating young children through schools
- Engage with local government, police, business, faith groups
- Free or low cost training for the public
- Mentoring programs

## *Expanding RJ Programs at Long Creek Youth Development Center*

Within the context of the institutional setting of Long Creek Youth Development Center, DOC can continue to incorporate restorative practices within the existing system. Ongoing training for staff and policy adjustments would facilitate consistent development and enhance sustainability. Restorative practices might include both a proactive approach, which imbeds participatory learning and decision-making processes into the daily routines in the lives of residents, and a reparative approach to address harms that occur.

Significant investment in staff training in restorative practices is already underway at Long Creek. We recommend that a Restorative Practices Leadership Team be recruited from among interested staff at various levels of the institution to help lead restorative justice implementation. This team could participate in more in-depth training on restorative principles, values, and practice, as well as an orientation to the whole school implementation strategy. They could then take the lead on reviewing the culture, routines, and policies that guide Long Creek programming for opportunities to build proactive and reparative restorative practice into the fabric of the institution. To further increase sustainability, it would be wise to make policy adjustments that incorporate restorative practices into the culture of the institution and to plan for ongoing staff training in restorative practices. While a thorough review of all juvenile institution policies is advisable, some examples of policy enhancements follow.

DOC could 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. Informal restorative practices such as affective statements, affective questions, and informal circles added to the Procedure E: Interventions section would also be helpful. Staff training should include these topics.

Throughout policy *15.3 Resident Discipline System*, language should be shifted to encourage consistent program of restorative practices that more accurately reflect the department's goals for implementation within the institution. This policy is currently somewhat authoritarian in nature, and should be reviewed with an eye to restorative

principles. For example, the policy section reads in part, “Residents who exhibit unacceptable behaviors shall be held accountable by having consequences imposed for their misconduct. The goals of resident accountability are to impose consequences that are directly related to the unacceptable behavior, deter future misconduct, teach new behaviors, and provide a safe and secure environment.” Residents, both those causing harm to the community and those affected, might benefit from an opportunity to review restorative questions together and come to an understanding of how to repair the harm and hold the resident causing harm accountable. A RJ Leadership Team could propose to the institution’s administration specific procedures for how this should occur, who should be involved, and so on.

*Policy 18.3 Case Plan* might incorporate restorative community conferencing (as available) to the Planning for Reintegration Section. Restorative practice circles and other restorative processes could be added to *Policy 19.7 Cognitive Behavioral Programming: Maine Operating Approach* under the Therapeutic Milieu/Normative Culture section.

## **Appendix L - JJAG Meeting Notes May 17, 2016 (Augusta, ME)**

### **Present:**

Barry Stoodley, retired Department of Corrections (DOC) Associate Commissioner  
Colin O'Neil, DOC Associate Commissioner  
Anna Black, DOC Grants Manager  
Tracey Horton, Associate Professor of Forensic Psychology and Criminal Justice,  
Thomas College  
Nate Gagnon, JJAG Compliance Monitor  
Jason Carey, JJAG Associate  
Roy Curtis, Belfast DOC Regional Manager  
Sergeant Jonathon Shapiro, State Police Department  
Mary Lucia, DOC Policy Manager  
John Gorczyk, Consultant  
Johannes Wheeldon, Consultant  
Gale Burford, Consultant  
Sarah Gallagher, Consultant

### **What is your vision for RJ in ME?**

JS – statewide restorative process is efficient, embedded, streamlined. Only if RJ breaks down does the traditional system kick in. Traditional system is broken. Need unified definitions, procedural standards for RJ. “As appropriate” could be any case. Voluntary, obviously. “RJ is meaningful accountability which is really the same as punitive.”

Tracy – Combination of RJ and traditional justice system. Murderer could have restorative process and still be punished. Buy in is important, but first need to agree on what it is.

RC – Buy in comes from exposure. Midcoast is very bought in after 10 years of RJ. DOC knows where we stand with RJ. Not just a referral, but use RJ in our own practice. ME closed a juvenile facility last year. How can we redefine the JCCO role to be more restorative and community involved? DOC should not be just a funding and referral source.

JS – A committee is currently rewriting the juvenile code, which makes it pressing to make some RJ decisions. It's an opportunity to build it into the juvenile code. Vision is to become a restorative state, focusing on positive youth development.

CO – Should be able to implement RJ in DOC. Feels Long Creek is doing well. Have lots of qualitative data and could have quantitative but lack way to analyze existing data.

JS – Assessment of youth needs to be part of the process, especially in regard to mental health and DD and trauma issues. These young people may need referral to services more

than RJ process.

RC and CO re: difference of opinion expressed re: how fully DOC has integrated RJ. Currently have a 4 year contract with RJP Midcoast for training and embedding RJ into DOC, especially Long Creek. There are strong advocates within DOC in all three regions.

Community collaboratives involving multiple service organizations being built. DHHS is working to implement the CPPC model.

Colin has directed RCAs in each region to develop and run local collaboratives to identify a community issue, collect data and address. Target a data point to move. Have \$ to support this initiative.

**Strengths for RJ in ME:**

- History of local and state collaboration
- Mutual respect
- DOC in a good place. Looking for next steps in best practice
- State is small enough to make it doable
- Also doable due to low end juvenile issues
- Community-based
- DOC population is very low right now

**Challenges:**

- Getting education to the table
- Informal diversion issues. Probable cause – who makes sure? Police use various options. Concerns re: what is happening? Are kids assessed adequately? No data. Except DOC went from 3000 referrals annually to 1500
- The Training Academy needs to educate law enforcement on RJ
- Definition of RJ as therapeutic for offender – at expense of victim and community?
- Need facilitator standards
- Have a diversion program – low level offenses with family support. Not conditional but focused on developmental assets
- Need more documentation/data on experience of victims. Involve them in front end

**NEXT MEETING: JULY 20 AND 21**

## **Appendix M – Survey: Restorative Programs and Practices for Youth in Maine**

This is an anonymous survey designed to better understand restorative justice (RJ) in Maine and assess common beliefs regarding the value(s), implementation, challenges, and benefits of integrating RJ into the juvenile justice system. Please respond to the items by May 30, 2016 in terms of *your present knowledge, interest, and concerns* about integrating restorative programs and practices. Thank you for your participation

\*\*\*\*\*

### **Section 1: Respondent Details**

1.1 For whom do you work? (select from below)

State agency  
Community-based program  
School  
Self-employed  
Other/Combination of above please elaborate

1.2 Please indicate your primary role (select from below)

Practitioner  
Supervisor  
Administrator  
Trainer  
Researcher/Evaluator/Consultant  
Other/combination of above (please specify)

1.3 How many years have you worked in this role? (select from below)

1 year or less  
2 – 5 years  
6 – 10 Years  
More than 10 years

1.4 Please rate how others in the state would identify your level of expertise/knowledge in your area(s) of RJ involvement:

Comprehensive experience/knowledge in one or more areas  
Advanced experience/knowledge in at least one area  
Intermediate experience/knowledge in at least one area  
Limited experience/knowledge  
Not applicable

1.5 Self-assessment of interest in seeing Maine develop a comprehensive continuum of restorative youth services (select from below)

- Very interested
- Interested
- Somewhat interested
- Neither interested nor disinterested
- I am opposed to the state moving in this direction

1.6 If a young person in your extended family or a close friend’s family was brought into the JJ system and offered an RJ, what advice, encouragement, and/or cautions would you give them about RJ in Maine as it stands now? If you have concerns, what are the main things you would want to see improve in the state?

1.7 What else should we know about your understanding of the potential for fully developing restorative programs and practices in the state? (open ended)

**Section 2: RJ in Maine: Programs and Principles**

2.1 To date these youth-focused RJ programs in Maine have been identified.

- Bates College
- Community Action Partners (Aroostook County)
- Faith in Action Initiative
- Restorative Justice Project of the Midcoast
- Restorative Justice Institute of Maine
- Restorative Practices Collaborative of Maine (RJ in Schools)
- Portland Center for Restorative Justice
- Maine Youth Court (Thrive)
- York County Juvenile Community Review Board
- Wayfinder Schools of New Gloucester and Camden

Please list any additional programs you are aware of in the state of Maine doing youth-focused work for whom restorative justice is or could be relevant, including their location in the table below.

Name of RJ Program	Location

2.2 Briefly tell us one of the RJ “success stories” you know about and identify what was most instructive about the example for you? (open ended)

- 2.3 Briefly tell us about one example of an RJ process that you were involved with or know about in Maine that did not work out. What is the most important learning about that example in your view? (open ended)
- 2.4 What legislation, written policies, or practice guidance do you find useful in your work? (open ended)
- 2.5 What changes (if any) are needed to legislation, written policies, or practice guidance to expand the use of restorative justice? (open ended)
- 2.6 What are some impediments to integrating restorative justice that you have not yet discussed? (open ended)
- 2.7 Please provide a brief example of the type of situations that could benefit from RJ that are not being addressed or a situation that could have benefitted from RJ but didn't? (open ended)
- 2.8. What is/are the greatest accomplishment(s) in Maine's journey toward RJ in your view? (open ended)
- 2.9. If you received training in restorative justice, from what organizations or individuals did you receive that training? (open ended)
- 2.10 What else do you think we need to know to help us better understand and engage with you and others in the state to best help you in your journey? (open ended)
- 2.11 How would you describe the ideal role of Juvenile Community Corrections Officers in restorative programs? (open ended)
- 2.12 What do you think the role of a facilitator is in restorative programs? (open ended)

### Section 3: RJ in Maine: Interests and Concerns

Select one response for each question below. Choices are:

1	2	3	4	5
Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree

3.1 I believe now is the time to integrate RJ into the juvenile justice system.

3.2 I know of some other approaches that might work better than restorative justice with juveniles.

3.3 I feel like existing programs in Maine offer models for wider implementation statewide.

3.4 I am concerned about the quality of some existing programs.

3.5 I would like to help other people in their use of the restorative justice programs with juveniles.

3.6 I have a very limited knowledge about restorative justice programs with juveniles.

3.7 I would like to know the impact of restorative justice programs with victims of youthful offending behavior.

3.8 I would like to develop working relationships with others in the region involved with programs of restorative justice in addition to work with juveniles.

3.9 I am concerned that restorative justice programs with juveniles could undermine individual responsibility for harmful actions.

3.10 I believe there is a sufficient knowledge base in Maine to expand the use of restorative programs and practices.

3.11 I am not interested in expanding restorative justice programs at this time.

3.12 I believe our state and nongovernment partners will support the expansion of restorative justice use.

3.13 I believe more training is needed among community practitioners to more fully implement restorative justice in Maine.

3.14 I believe more training is needed among state agency staff to more fully implement restorative practices.

- 3.15 I would like to know what resources are available as we further implement restorative justice programs.
- 3.16 I would like to know how my way of working is supposed to change as a result of using restorative justice programs.
- 3.17 I would like to share information with agencies and/or individuals on the progress of restorative justice programs.
- 3.18 I believe there is adequate funding to support RJ programs for youth.
- 3.19 I am concerned about the quality of research support for the use of restorative justice programs.
- 3.20 I am completely occupied with things other than restorative justice.
- 3.21 I would like to modify our use of restorative justice programs based on the experiences of young people (youthful offenders, students, clients, etc.) and victims of offending behavior.
- 3.22. I am concerned about the sustainability and costs of expanding restorative programs and practices.
- 3.23. Currently, other priorities prevent me from focusing my time on developments concerned with restorative justice.
- 3.24. I would like to know how my role and expectations of my performance will change over time with the expansion of programs of restorative justice.
- 3.25 I am excited by the prospect of Maine becoming a restorative state.

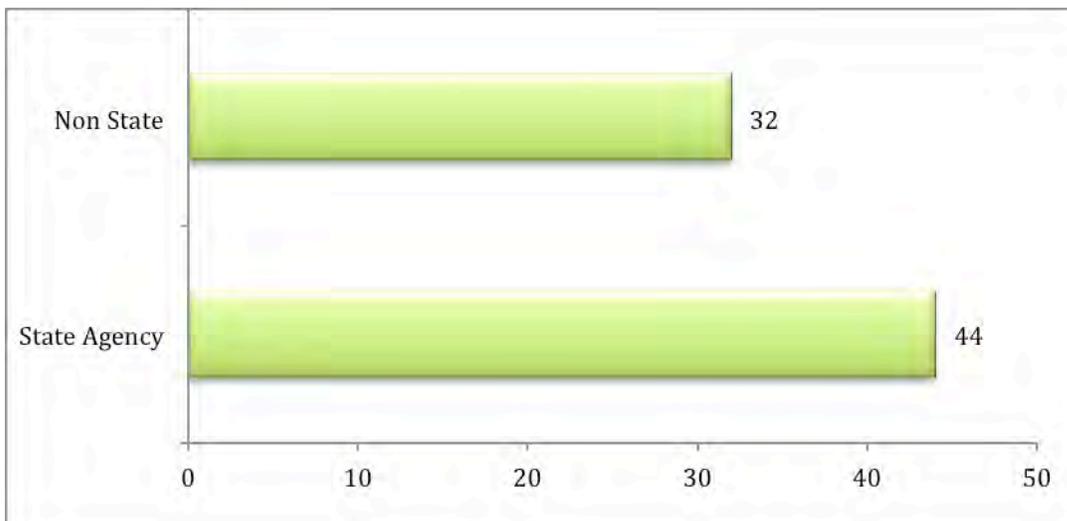
## Appendix N – RJ Programs Youth in Maine: Survey of Maine RJ Practitioners

### 1.0 Executive Summary

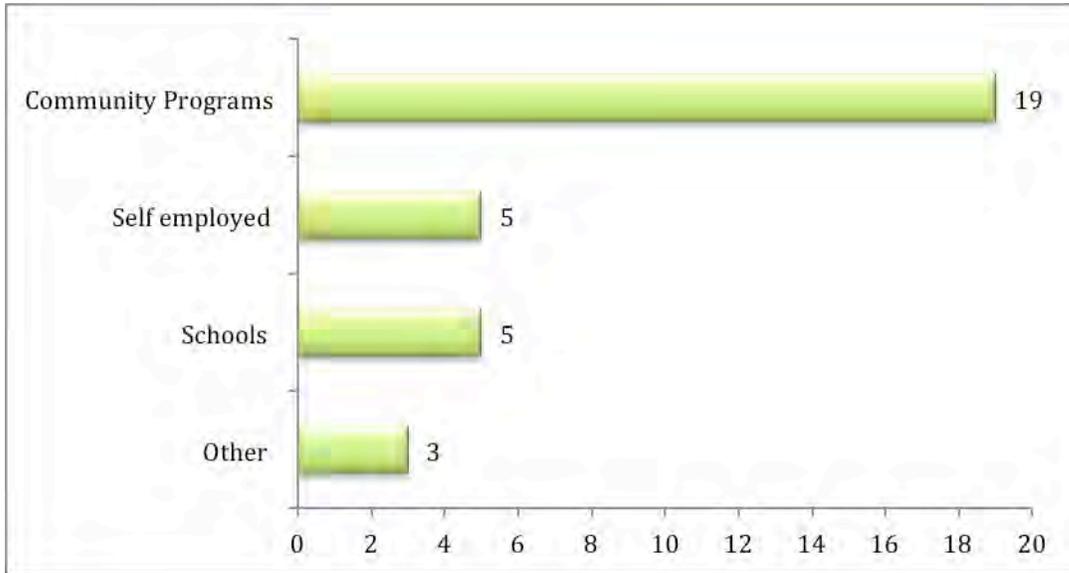
This document reports findings from an anonymous survey conducted between June 2 and June 20, 2016. The survey was designed to better understand restorative justice (RJ) in Maine and assess common beliefs regarding the value(s), implementation, challenges, and benefits of developing a comprehensive continuum of restorative youth services. The Community Justice Network of Vermont (CJNVT) identified respondents with assistance from the Juvenile Justice Advisory Group (JJAG), Restorative Justice Institute of Maine (RJIM), and the Restorative Justice Project of the Midcoast (RJPMC). In total, approximately 100 people received the survey. Respondents were asked to reply to each question based on their present knowledge, interest, and concerns. In total 77 respondents replied to at least one question on the survey. Questions remain and there exist some important concerns that must be addressed if Maine is to develop a truly sustainable juvenile justice system. Based on meetings and discussions with people in Maine and the survey results, it is clear that Maine is rich with the human and social capital necessary to continue and expand what already is innovative work.

### 2.0 Section 1 Survey Responses

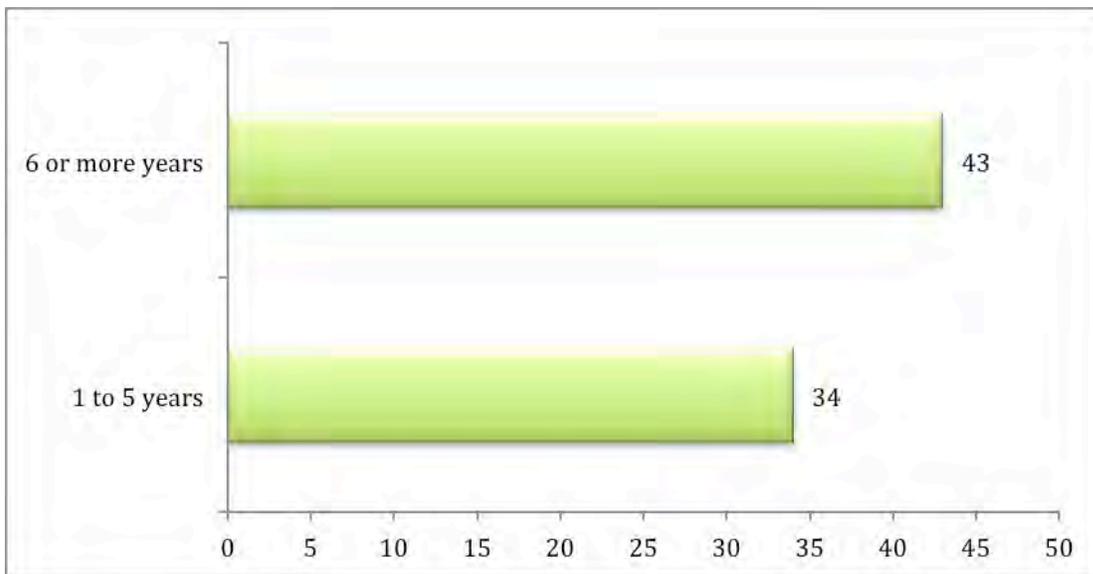
2.1 Survey Respondents can be divided into those who work for state and non-state agencies. (N= 76) 57.9% work for a state agency.



2.2 Among non-state respondents, the following groups emerged (N=32). 59% work for a community program.



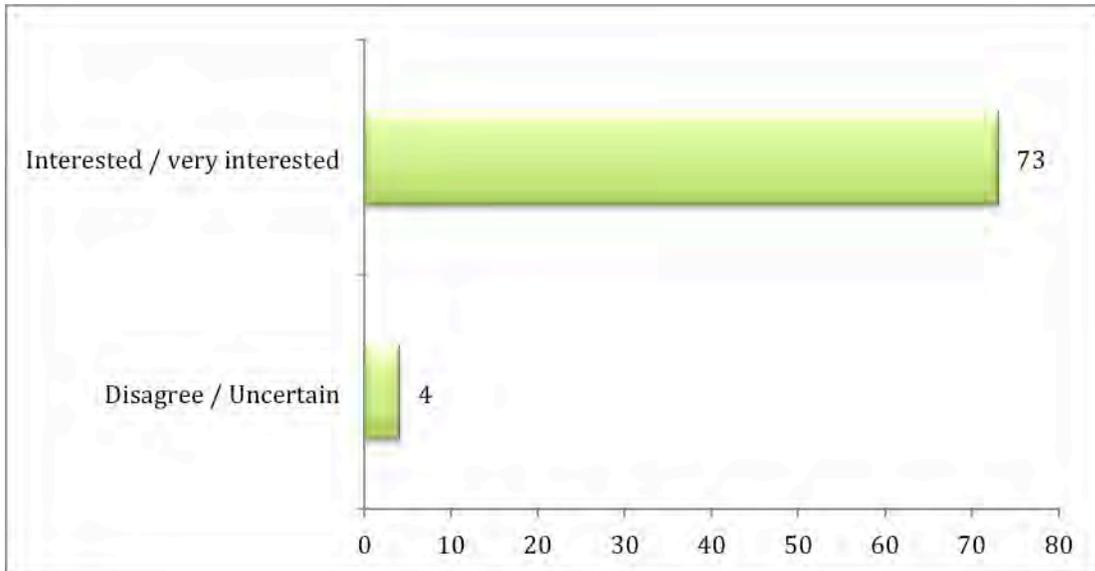
2.3 Years in current role (N= 77). 55.8% of respondents have worked 6 or more years in their current role.



2.4 Level of Expertise / Knowledge (N=75). 34.7% identified themselves as having advanced knowledge in one or more areas related to RJ



2.5 Interest in moving toward a comprehensive RJ system in Maine (n=77). 94.8% interested in a comprehensive RJ system.



### 3.0 Key Themes from the Narrative Responses

#### 3.1 There is a high degree of interest in and commitment to RJ among respondents

##### Illustrative Quotes

*This is an exciting time in Maine and in the nation to apply restorative programming and practice into our schools, court houses and juvenile system...*

*[There has been] significant investment of financial and human resources from DOC within the past several years. Slow, but steady progress, with a commitment to excellence and a passion for the work*

*[There has been an]...expansion of programs into communities and a broader base of knowledgeable participants and facilitators and the creation of numerous local collaborations.*

*[This work is about] Open-mindedness and open-heartedness. This is about care and compassion, not money or ego. We should be role-models to our youth, to our families and to our schools. We need to change this fear-based, punitive culture.*

#### 3.2 There is a strong desire for accountability around quality of RJ practice.

##### Illustrative Quotes

*There are many RJ groups in the state, each with distinctions in their philosophies and practices...*

*I am cautious about RJ programming in Maine being less than restorative as new programs strive to meet quotas for numbers served for contracts/ funding purposes. I also worry about adults (e.g. in a review board format) sitting around and making decisions for, as opposed to with, a young person.... dressing it up and calling it 'restorative' when it is just sitting in a circle and doling out punishments.*

*The variety in quality, follow through, ability to hold restorative healing space and respect of victim(s) is a problem in this state.*

*Juvenile Justice culture varies greatly in different regions of the state. Some juvenile courts are more "holistic" and welcome restorative practices while others are focused on resolving cases as quickly as possible with less focus on outcomes.*

3.3 There is concern about adequacy and fairness in funding to be available throughout the state.

#### Illustrative Quotes

*Concerns about sustaining [RJ] long term. Currently, cost is in the 1200-1400 range per circle. State funding is always volatile*

*I am concerned that the burden of funding training, travel, liability insurance etc. rests exclusively on their sponsoring organization. I feel that if they provide a valued service to State agencies then they should receive some form of support.*

*[Need] oversight and/or accountability for RJ programs to ensure that they are effective, beneficial programs.*

*I'm also concerned with any single entity having policy and best practices control over others when they may also see clients and compete for funding.*

3.4 Strong interest in additional training, coaching, and supervision for facilitators and quality assurance throughout system

#### Illustrative Quotes

*[There is a] need continuous follow-up training support and within the community and school administrative support for the process... [Need to implement] a project evaluation component for ongoing quality improvement.*

*While I believe that restorative practices offer young persons the opportunity to learn and grow from their mistakes, I am aware that the quality of practices vary widely. Because of the confidentiality of juvenile proceedings, it is difficult to know which youth benefit most from which practices. Quality assurance is a huge concern for me.*

*[There is a] need for capacity building to cover entire state, funding needs*

*RJ training for JCCOs and local law enforcement who are the first line in the JJ system. Having both LEOs and JCCOs able to look at cases through a more RJ lens.*

3.5 Inter-agency conflicts and the absence of an agreed-upon fair and equitable approach to governance are seen as impeding the development of RJ in the state.

#### Illustrative Quotes

*Although it's a challenge, we have a several providers who do good work, but don't communicate effectively together because they are competing for state dollars. We need to do a better job working together to support this movement in all communities. It's very frustrating to see folks who are considered experts in RJ not being able to resolve conflict amongst themselves. We need a clear process for moving forward that allows all voices to be heard and respected. There needs to be an ability to come together and work together which isn't happening now.*

*I believe that the state would benefit from clarity/ guidance of how different restorative services might fit together/ complement each other along that continuum... Current practitioners can likely work this out, but they might benefit from neutral facilitation. Additionally, some coaching about how to work towards building restorative thinking/ restorative ethos in those folks who may not naturally be restorative thinkers (e.g. department of corrections employees) might be really useful in moving us forward as a state.*

*To my thinking, the main impediment to developing a comprehensive continuum of restorative services lies in a messy group of interpersonal interactions over the course of the past four years between the boards/ leadership of RJI and RJP. These two organizations have struggled to come to clarity on whether they're competing or collaborating... and, overtime, some both inadvertent and some seemingly intentional undermining has taken place. Communication has been poor throughout...*

*The potential is limited by the two major RJ organizations in the state not effectively working together with a unified agenda and strategy. In fact, there is no unified agenda and strategy for RJ in the state. If there was, we believe that RJ programs and practices could be the catalyst to end youth incarceration in the state of Maine in 5 years.*

3.6 Need to focus on RJ Values and Principles through inclusive process that brings in state and non-state leaders, and youth, community, family, cultural, and crime victim voices.

#### Illustrative Quotes

*Restorative Justice is more of a shift in philosophy first and then a program second. The program becomes limited if the shift in philosophy does not happen*

*Certain harms are best addressed and the victim is most likely to begin to heal, if he or she has a chance to recount the impact of the harm directly to the offender, in the setting of a facilitated dialogue.*

*Staying true to the principles and values of RP. Teaching young people the principles and values. Ensuring the facilitation of the program is culturally appropriate and feels accessible.*

*Restoring and healing that hard for both the offender and victim is paramount, as opposed to "paying your price to society". Beginning program of restorative practices with juveniles is likely to be the most palpable evidence in a community witnessing the restoration of a harm and the renewal of community*

*If this involves an actual victim, such as victim offender dialogue, the practice should be victim centered and only take place at the request of the victim. The victim should never feel obligated or forced into a dialogue.*

*I am cautious about RJ programming in Maine being less than restorative as new programs strive to meet quotas for numbers served for contracts/funding purposes. I also worry about adults (e.g. in a review board format) sitting around and making decisions for, as opposed to with, a young person.... dressing it up and calling it 'restorative' when it is just sitting in a circle and doling out punishments.*

*One of the largest obstacles seems to be the top down approach where we've trained hundreds of administrators, teachers and other adults but not students. Youth need to be apart of this shift, they need to be trained, excited and apart of the what effects their lives especially within the school structure. Ironically the collaboration between restorative programs and agencies needs to be more honest, open and transparent*

3.7 In the absence of agreed-upon vision and principles for RJ in the state, concerns exist about what the role of the JCCOs should be as part of the continuum of restorative programs in Maine

#### Illustrative Quotes

*A gatekeeper for referrals, a key member of local collaboratives that provides feedback to the courts and systems while holding offenders accountable for the harm they caused*

*A referral source. I think participation in the circles should be at the discretion of the JCCO*

*Keep JCCO's informed of the agreements and get their input in the agreements before they are signed. Notify JCCO of any piece of the agreement that are not being fulfilled. Notify if there are any changes in the agreement and why*

*We don't know the answer to this [role of JCCOs] yet. I am very open to possibilities. Challenges may be other mandates for JCCO's (title 15), lack of interest by some JCCO's, lack of skill set (they were not hired for this skill set), and lack of time. There is a great deal of potential for the role of JCCO's in restorative programs, outside of facilitating circles as well*

*Engaged in community development (mentor training, facilitator training, LEOs training, educational trainings). Trained to view cases from a more restorative approach (victim, community input). Potentially serve in the role of Co-Facilitator along with a community Co-Facilitator.*

*First as practicing the philosophy in their day to day interactions with youth, families, victims and communities. For many this would mean a cultural shift away from "cop" towards an accountable support person. I would see them as the first layer of restorative options, where they could decide with the family what process made the most sense. They would advocate for the restorative options and be knowledgeable in restorative justice and what the juvenile's options were.*

*They would incorporate the basic RJ questions into their intake and decide if a more formal conference, circle or hearing made sense. They would speak the language and understand the landscape offered throughout the state. They would want to refer and known when it make sense to. But always start with a level of restorative service*

*All JCCOs trained in RJ and facilitation and implementing RJ practices into job tasks like intakes, addressing violations, communicating with victims, etc.*

3.8 Survey respondents offered many ideas about how to plan to use existing expertise and experience in Maine in designing a quality continuum of restorative justice programs that can be sustainable, effective, and evidence informed.

*[Three key questions] 1) Structure for how to integrate RJ services along continuum. 2) Plan for how to avoid competition for funding. 3) Plan for future collaboration and ongoing support of defined best practices...*

*I have put a great deal of thought into this and am inclined towards founding a new organization whose purpose is to do what the Institute initially claimed they would do: be the hub for restorative entities across the state, leading legislative efforts, ensuring allegiance to best practice, gathering data and organizing major joint funding initiatives, and conducting trainings. I would call this organization "Restorative Justice Alliance of Maine" (RJAM--catchy!).*

*The key to make ME an RJ state is to figure out sustainability. How can we insure that the various programs succeeding in implementing RJ continue? And how do we coordinate all of the programs so we work toward the same goal? So we don't duplicate services? So we don't undermine one another?*

*RJP's modeling that a system is possible in a community. RJIM's navigating a path to capacity building and leadership development across new communities; DOC's partnership on the ground (JCCO's) and administratively (through JJAG support and state funding) We really would benefit from regular communication with DOC administration at the Associate Commissioner level. Direct communication would help us be accountable, and also to understand DOC's vision so that we can strategically plan to support it. This could be quarterly check-in's or a broader forum, but this would be a great help in sustainability planning*

*I believe that the state would benefit from clarity/ guidance of how different restorative services might fit together/ complement each other along that continuum... Current practitioners can likely work this out, but they might benefit from neutral facilitation. Additionally, some coaching about how to work towards building restorative thinking/ restorative ethos in those folks who may not naturally be restorative thinkers (e.g. department of corrections employees) might be really useful in moving us forward as a state. Decisions about branding, how RJ entities are related (so as to avoid competition and confusing funders) will be essential.*

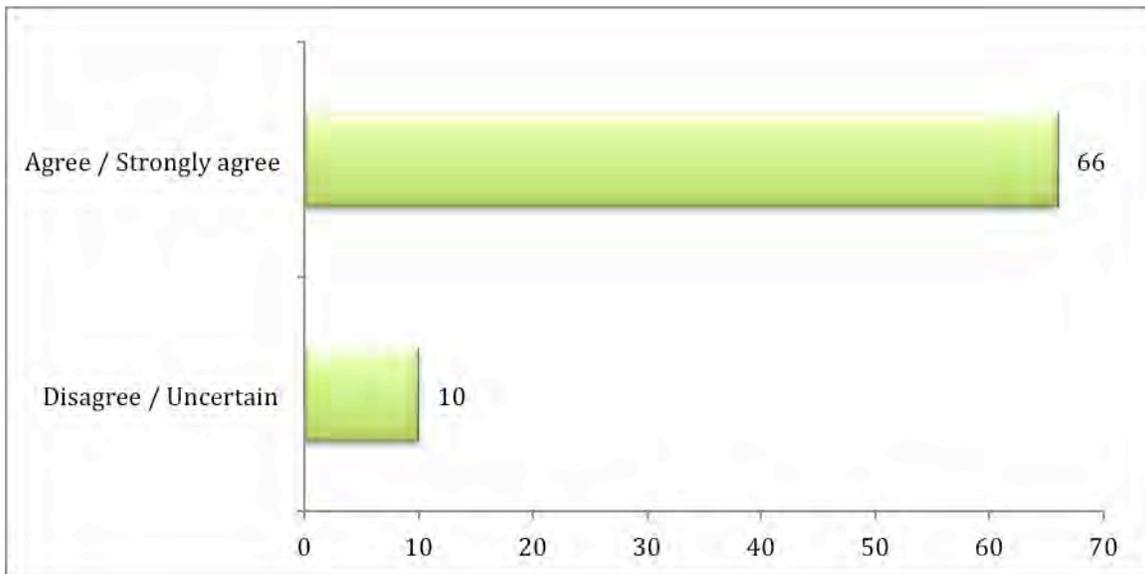
#### 4.0 Knowledge, Interest, and Concerns

Originally developed in the 1970s to assess the concerns teachers raise when new programs and practices are introduced, the Stages of Concern (SoC) questionnaire has since been adapted for use in a variety of settings. The intention behind using the questions is to gain understanding and facilitate open dialogue, especially in situations where new practices, policies, and programs are being introduced.

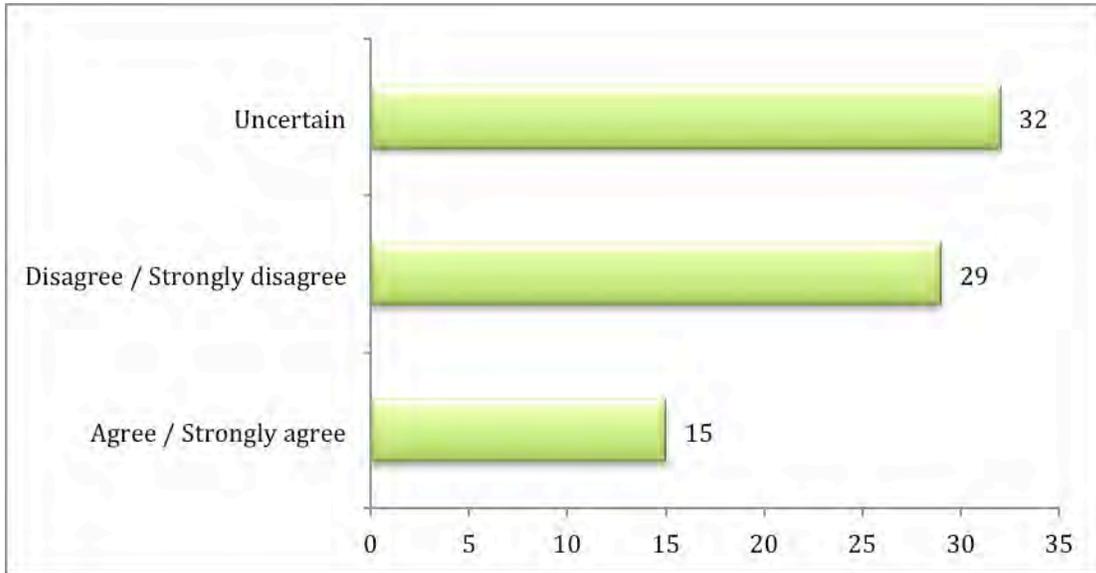
Its use is based on the belief that change efforts more often succeed when people feel they can raise questions and concerns and express their ideas in a climate of safety, respect, and thoughtful discussion. Our efforts to adapt this approach was developed based on key areas identified from existing literature and previous experience integrating restorative justice principles in justice systems around the world.

We offer the results with the hope that they can be used by those who took the time to fill out the survey to raise questions, explore each other's feelings and ideas, and deepen your conversations about the change efforts underway in Maine.

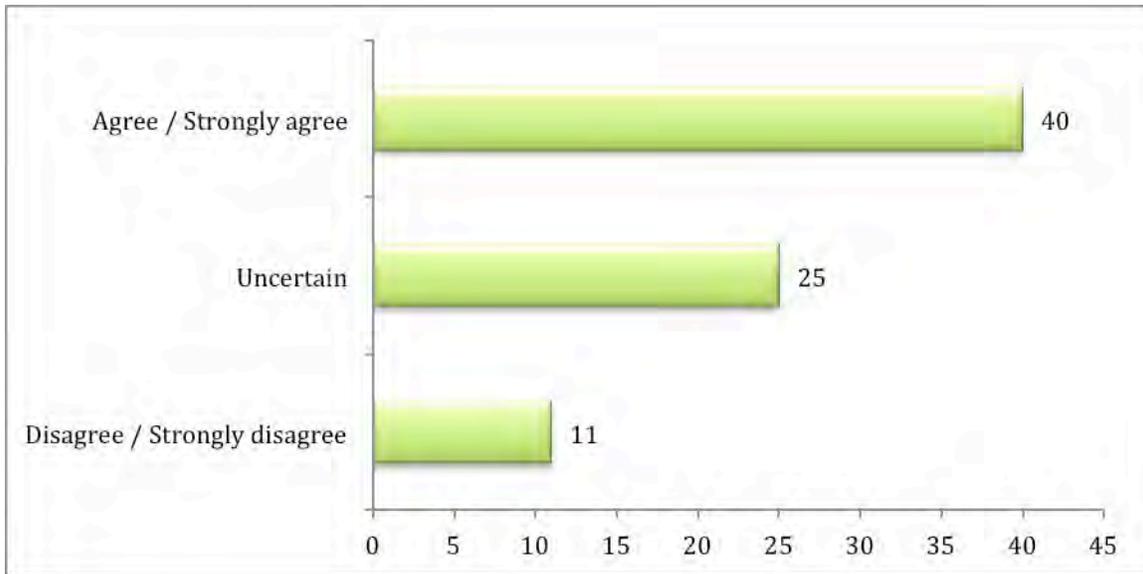
4.1 Believe now is the time to integrate RJ into the juvenile justice system. (n=76). 86.8% of respondents support this position.



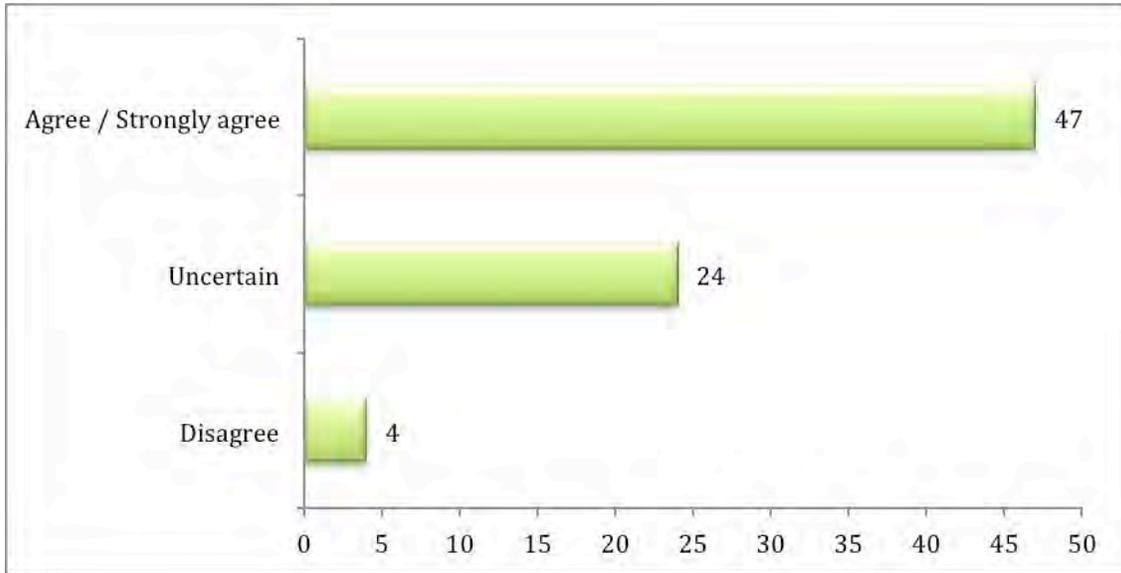
4.2 Know of other approaches that might work better than restorative justice with juveniles (n=76). Only 19.7% suggest programs other than RJ should be favored.



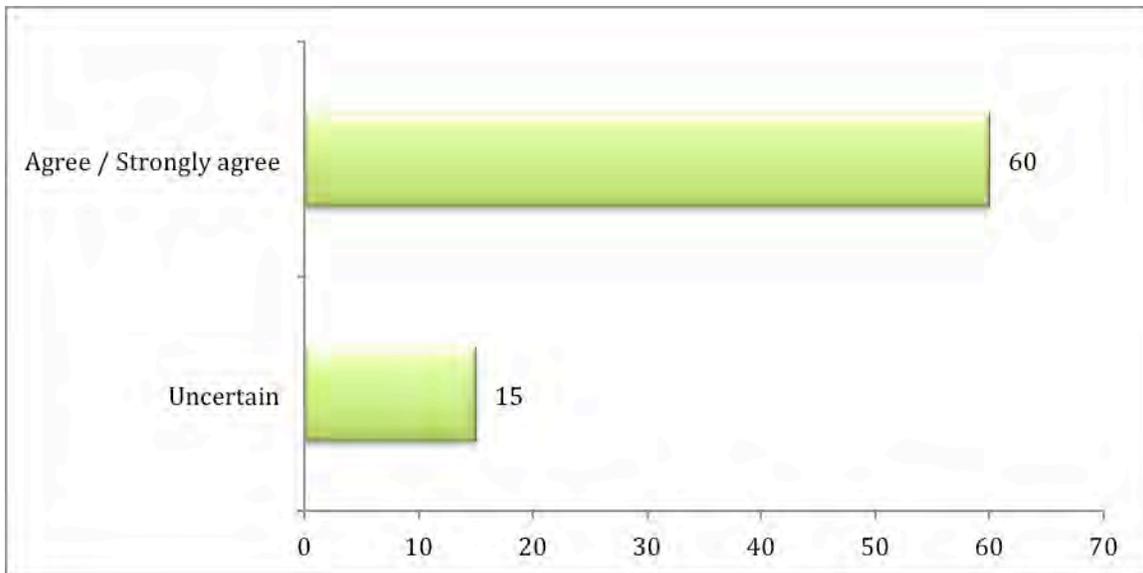
4.3 Feel that existing programs in Maine offer models for wider implementation statewide (n=76). 52.6% of respondents support this position.



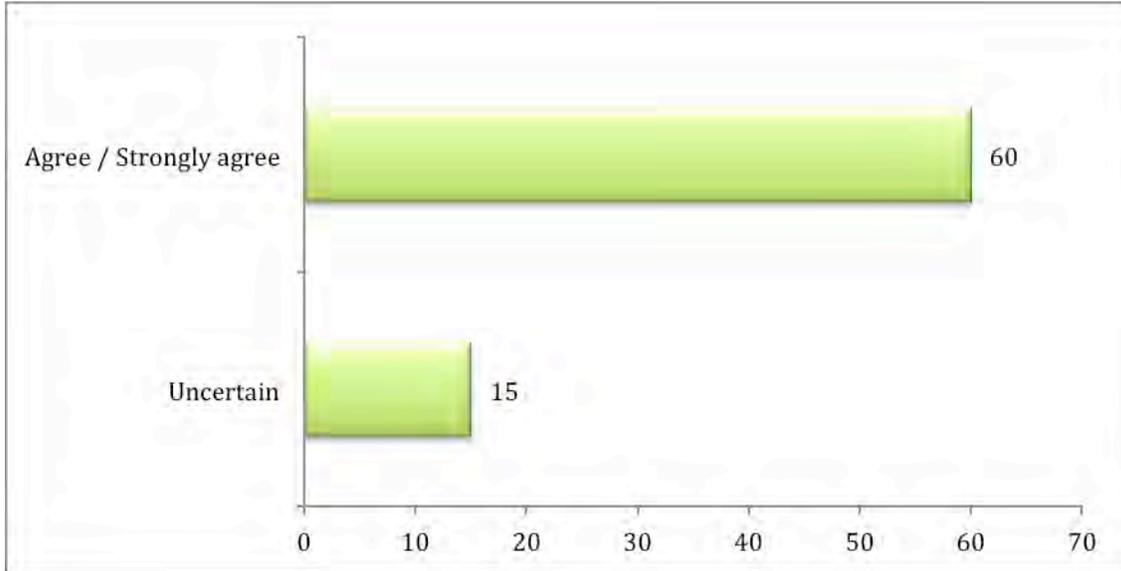
4.4 Concerned about the quality of some existing programs (n=75). 62.7% of respondents support this position.



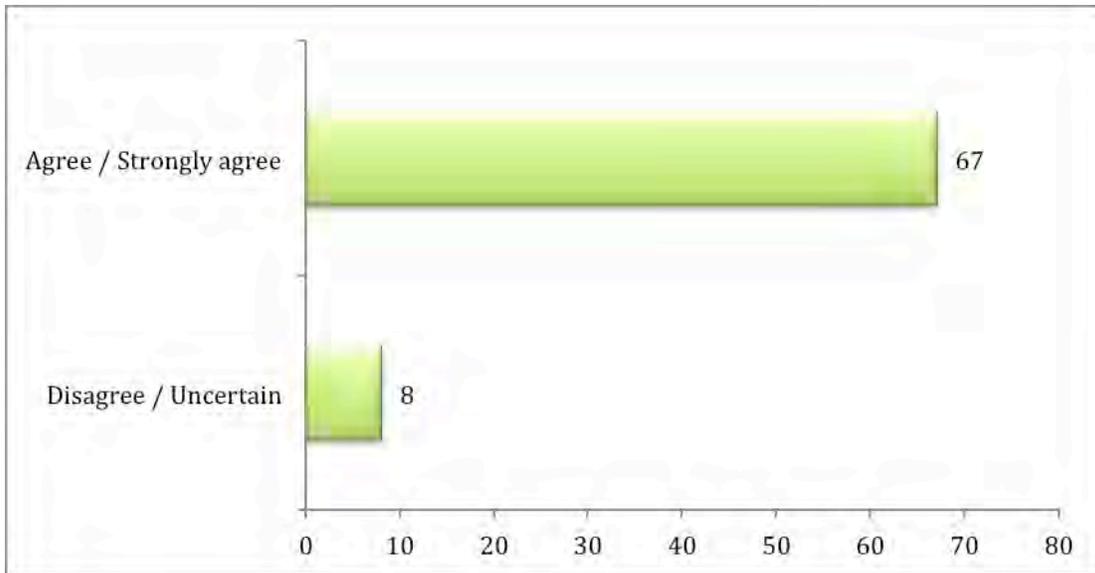
4.5 Would like to help other people in their use of RJ programs with juveniles (n=75). 80% agree with this statement.



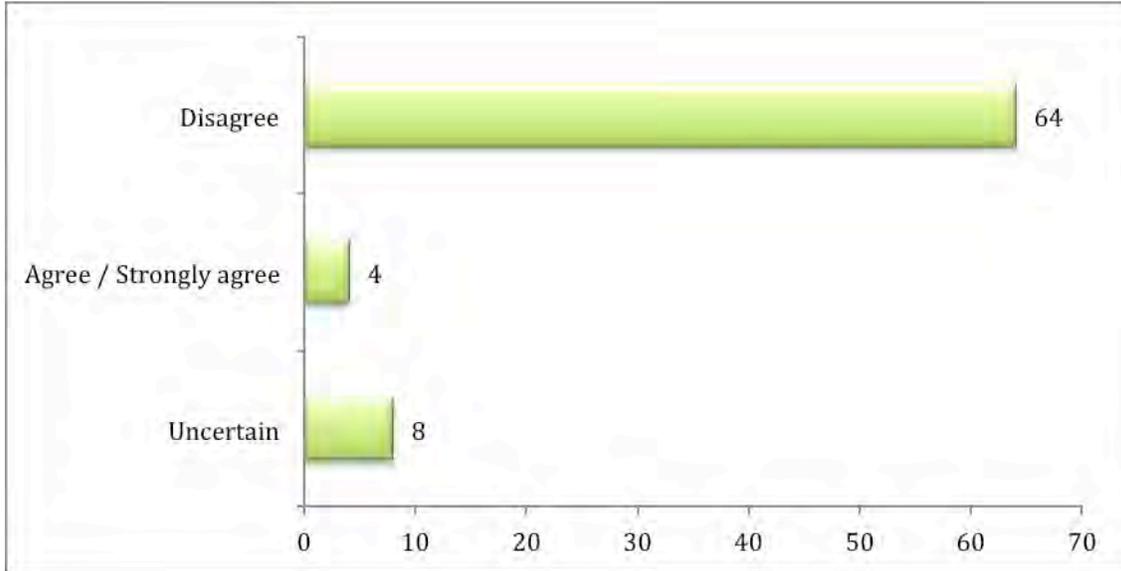
4.6 Would like to know impact of RJ programs with victims of youthful offending behavior (n=75). 80% agree with this statement.



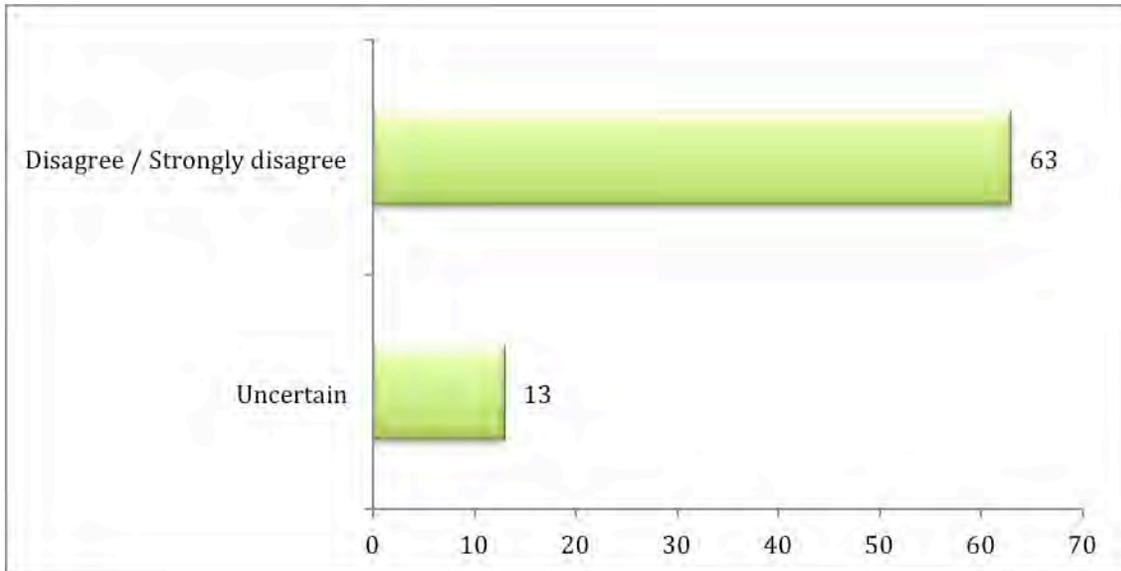
4.7 Would like to develop working relationships with others in the region involved with programs of RJ in addition to work with juveniles (n=75). 89.3% agree with this statement.



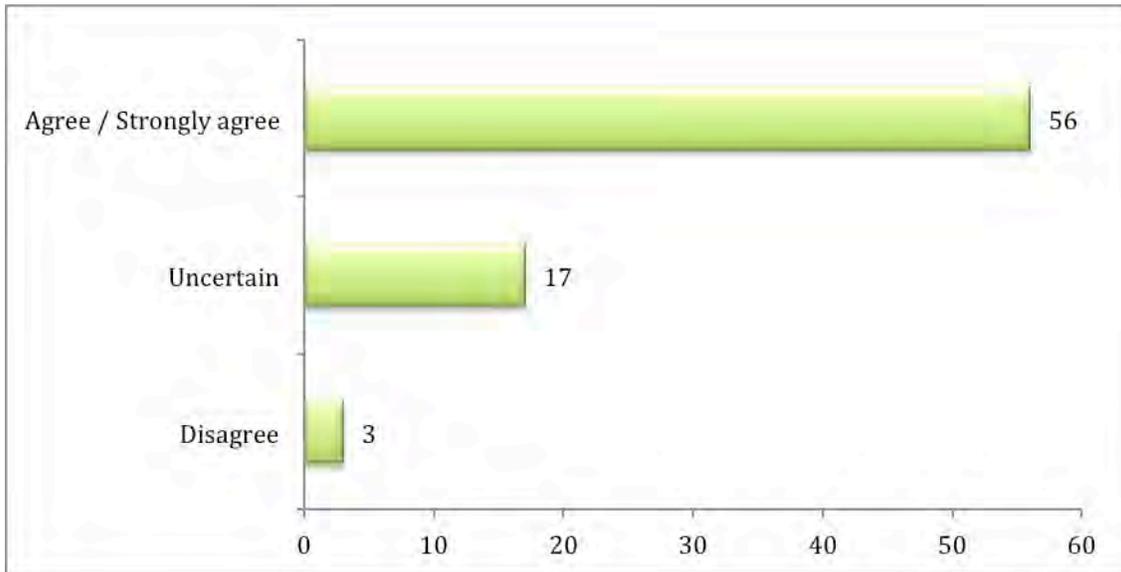
4.8 Concerned that RJ programs with juveniles could undermine individual responsibility for harmful actions (n=76). 84.2% disagree with this statement.



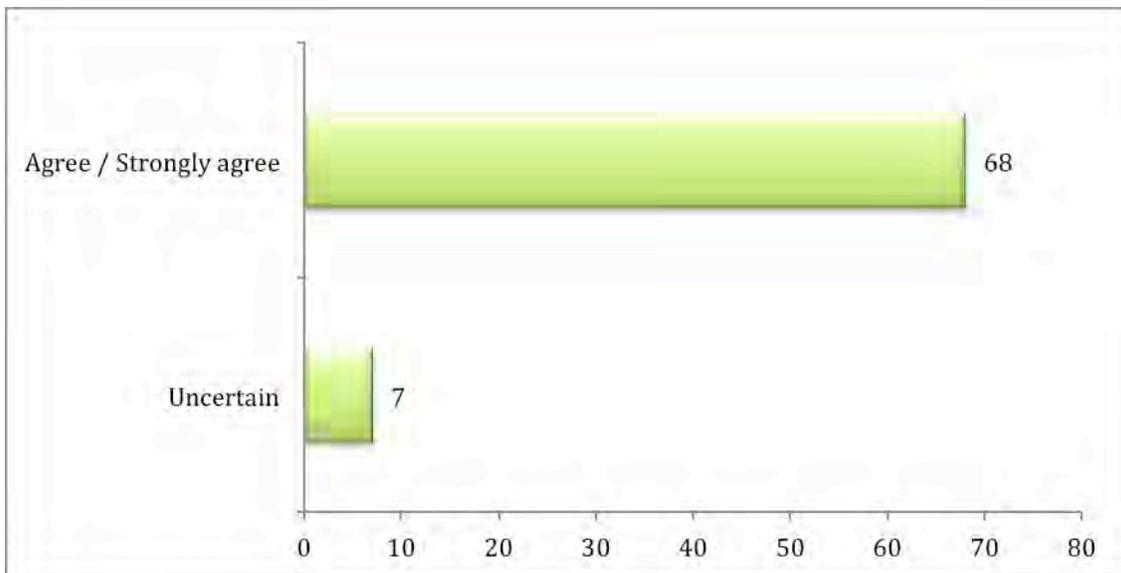
4.9 Not interested in expanding restorative justice programs at this time (n=76). 82.8% disagree with this statement.



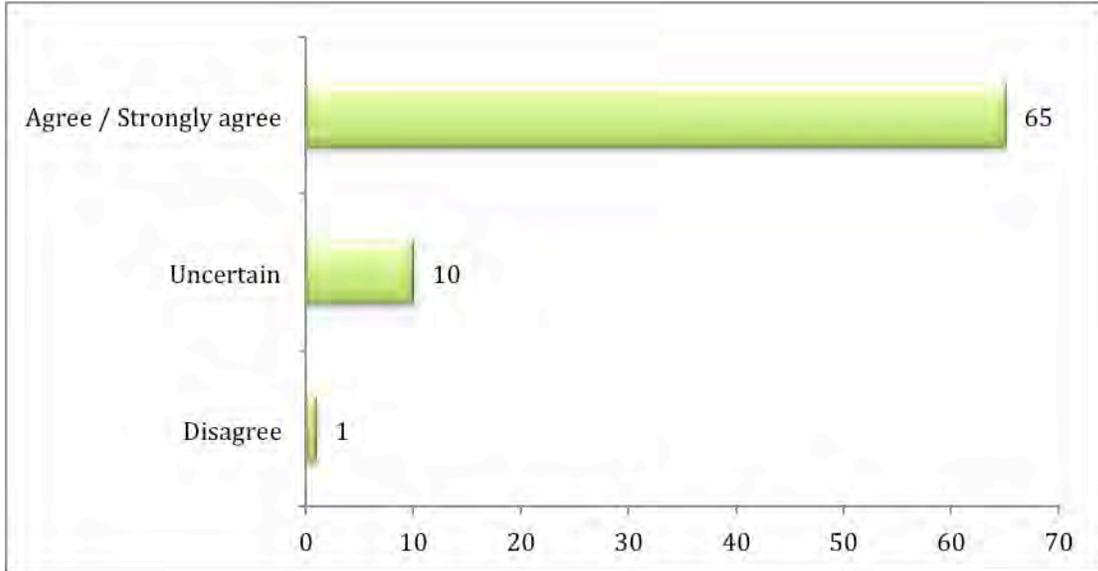
4.10 Believe our state and nongovernment partners will support the expansion of the use of restorative justice (n=76). 73.6% agree with this statement.



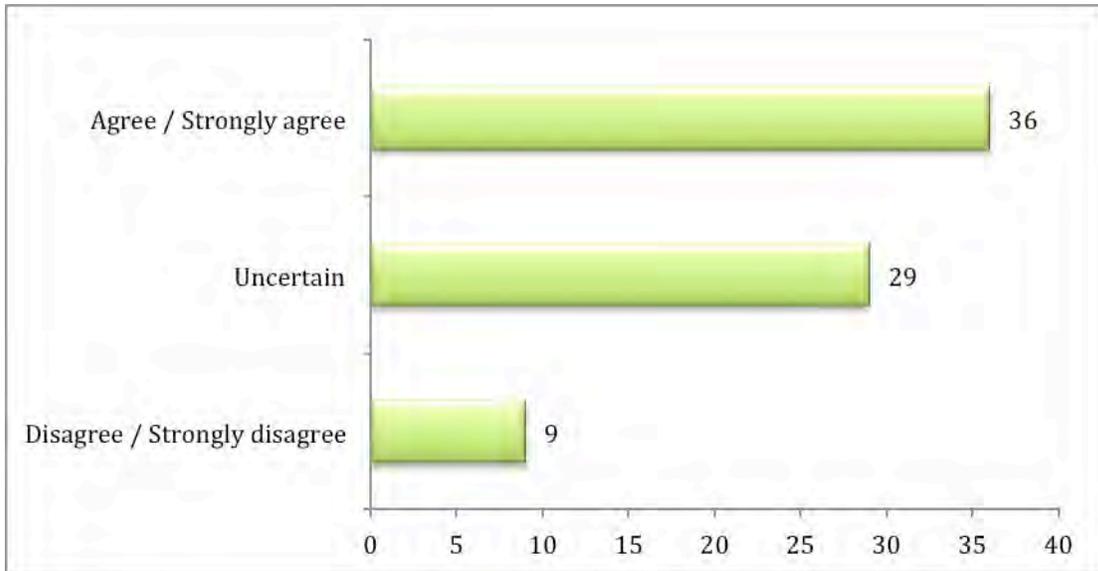
4.11 Believe more training is needed among community practitioners to develop a comprehensive continuum of restorative youth services (n=75). 90.7% agree with this statement.



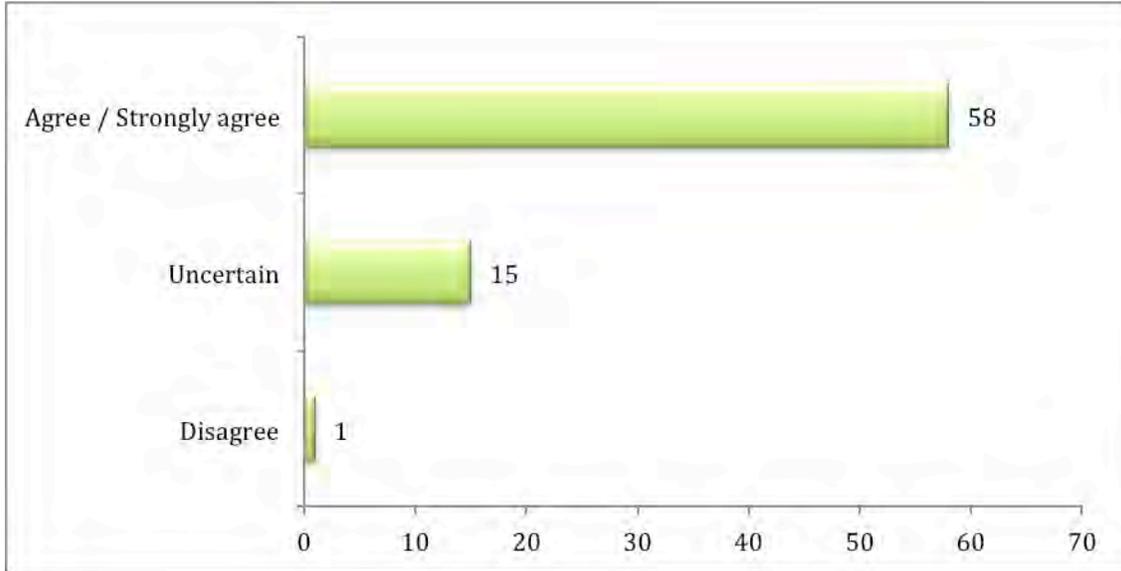
4.12 Would like to know what resources are available as we further implement restorative justice programs (n=76). 85.5% agree with this statement.



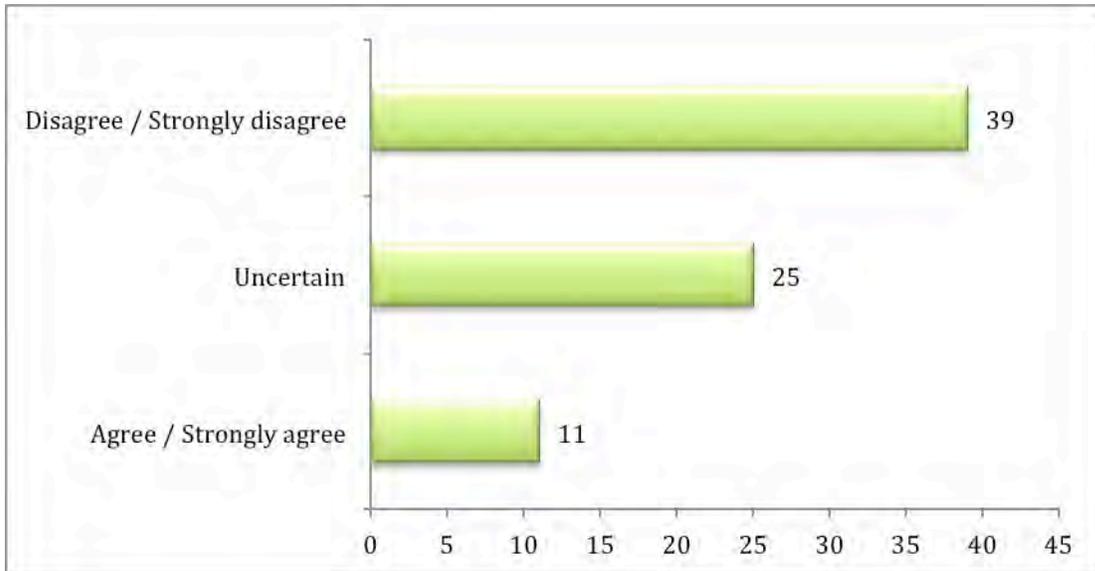
4.13 Would like to know how my way of working is supposed to change as a result of using restorative justice programs (n=74). 48.6% agree with this statement.



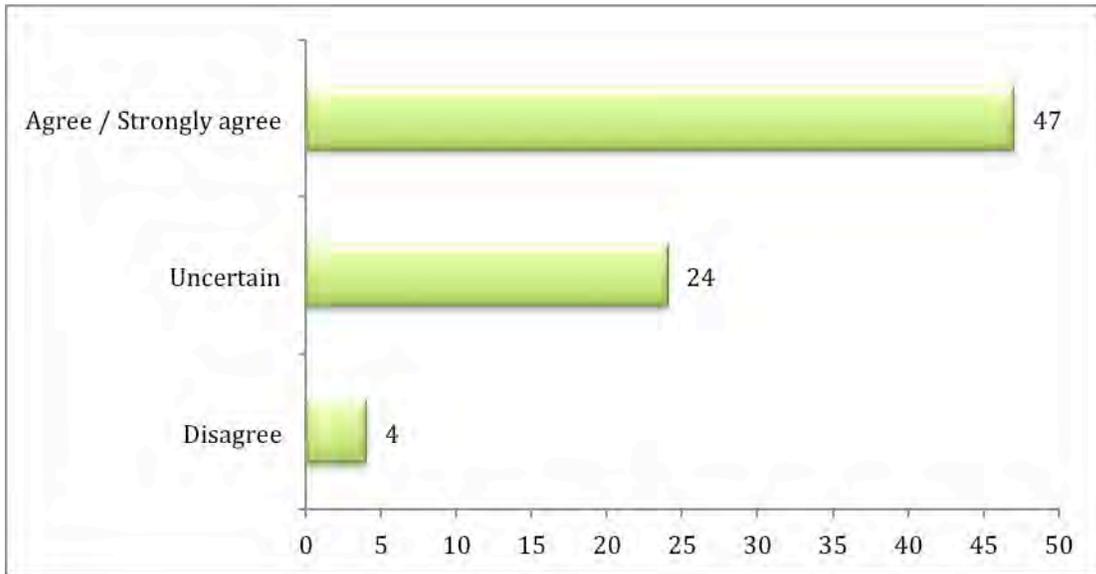
4.14 Would like to share information with agencies and/or individuals on the progress of restorative justice programs (n=74). 78.3% agree with this statement.



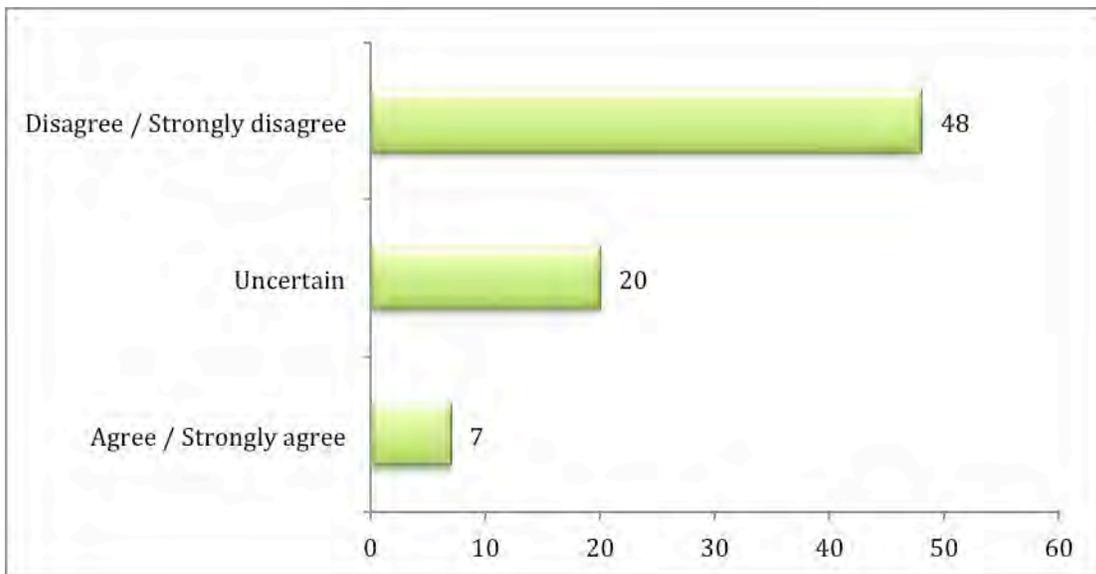
4.15 Believe there is adequate funding to support RJ programs for youth (n=75). 38.6% disagree with this statement.



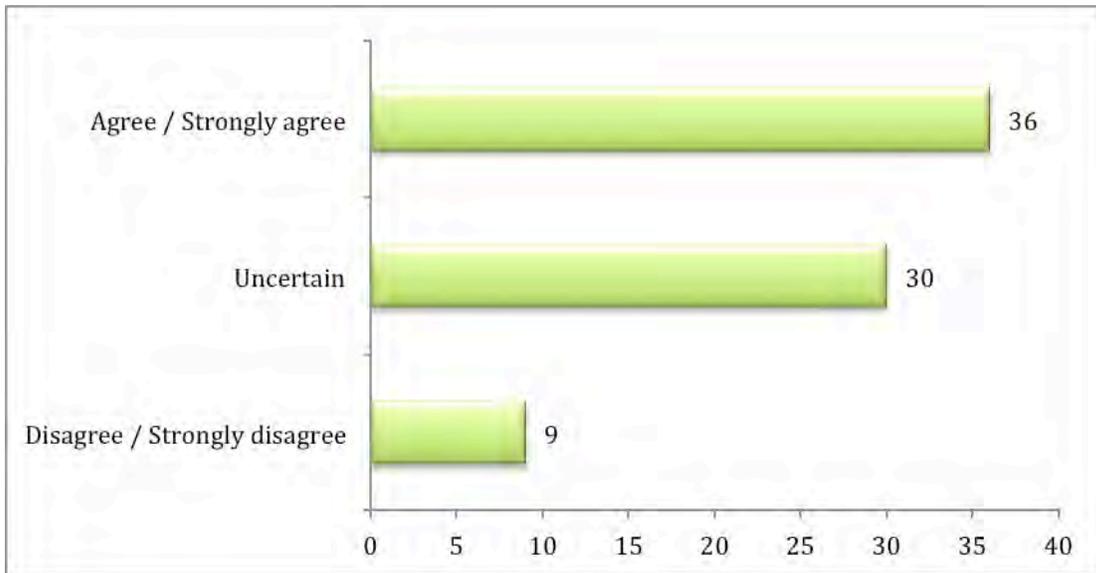
4.16 Concerned about the quality of research support for the use of restorative justice programs (n=75). 62.6% agree with this statement.



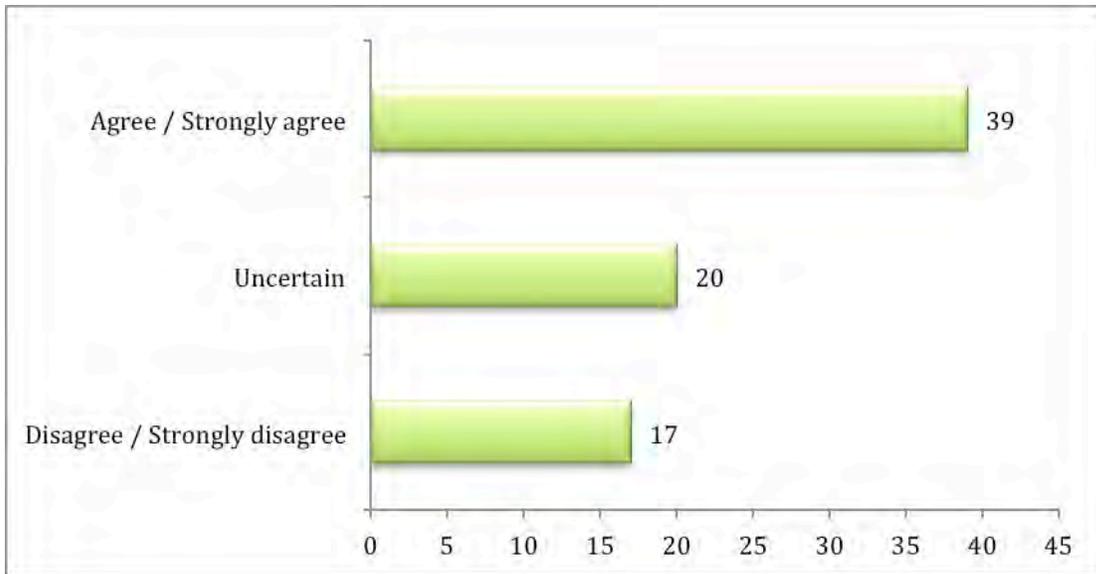
4.17 Completely occupied with things other than restorative justice (n=75). 64% disagree with this statement.



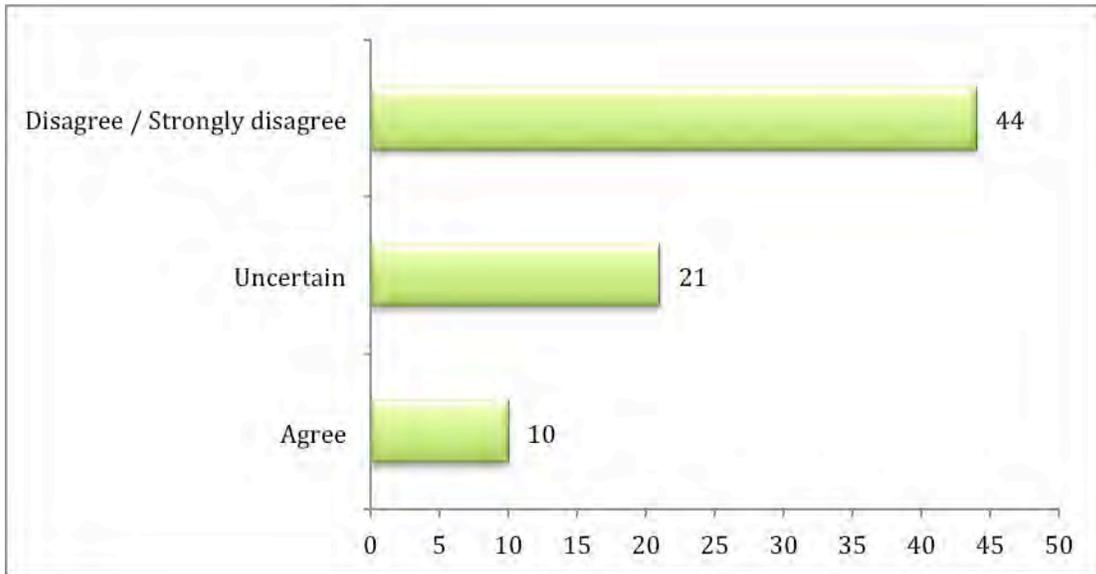
4.18 Would like to modify our use of restorative justice programs based on the experiences of young people (youthful offenders, students, clients, etc.) and victims of offending behavior (n=75). 48% agree with this statement.



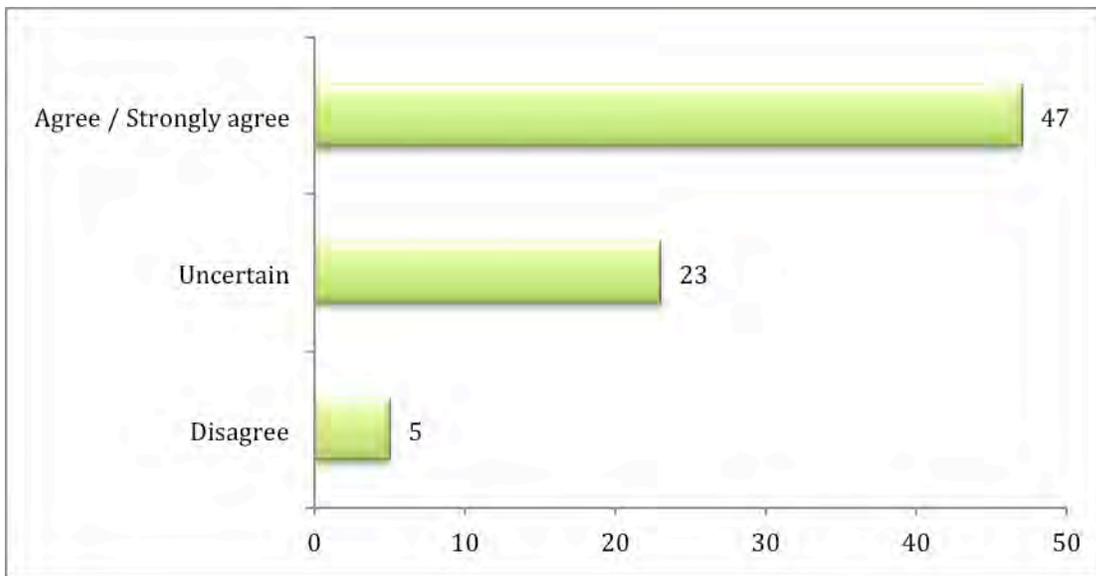
4.19 Concerned about the sustainability and costs of expanding restorative programs and practices (n=76). 51.3% agree with this statement.



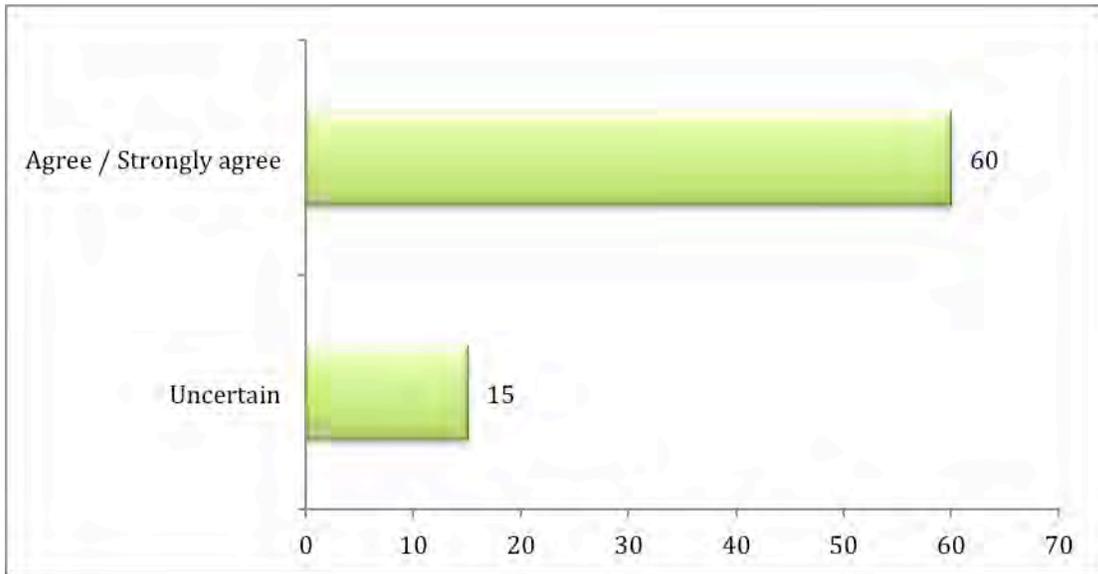
4.20 Other priorities prevent me from focusing my time on developments concerned with restorative justice (n=75). 58.6% disagree with this statement.



4.21 Would like to know how my role and expectations of my performance will change over time with the expansion of programs of restorative justice (n=75). 62.6% agree with this statement.



4.22 Excited by the prospect of Maine becoming a restorative state (n=75). 80% agree with this statement.



## 5.0 Key Findings and Reflections

Keeping in mind that there are no doubt other people in Maine who did not take the survey whose views will be important to learn, we note that clearly, there is moderate to strong agreement (n=66, 87%) among those of you who responded, that now is the time to get on with expanding access to RJ in the state. Yet, it is also clear from reading the written comments in the survey, that, while they agree the state should get on with things, a substantial minority of people are not clear what an “integrated” or fully-realized RJ Juvenile Justice System means, and some disagreement is evident in the form of concerns about whether that means a system that aims to be driven by “community” or by the State. Further, some concerns about how decisions and choices will be made in shaping the vision have been raised.

Judging from the survey responses, and the written responses, there is a group of people who are concerned, and others who are uncertain, that restorative justice might displace other programs or approaches that are suited for work with young people. Knowing from the literature review that this is a common concern, leaders may want focus some discussion on how programs can live together under a common set of principles, and especially the role of specific, evidence-based treatments and programs, within a restorative approach.

There is a theme of uncertainty suggested about the adaptability of some existing programs in the state. Along with the concerns raised in the written responses and the question about how RJ will change roles could fuel worries about job security. Judging from the high level of excitement and eagerness to engage with RJ, we read the worries as more about change than the anticipation of conflict. Again, reading the survey responses, we think some of the concerns are grounded in worries that legalistic/risk averse or economic priorities and expediencies could displace the aims of achieving positive goals for young people.

We take it as a good sign that people evidence generosity with their time and experience, including the time they took to fill out this survey (!) and bodes well for Maine achieving a common vision given the often high levels of volunteer time that planning efforts require. RJ is not a soft option including for the personnel and organizations that undertake it. Again, turning to the literature, ensuring fair methods of giving recognition for this cross-system work, and spreading good news of success and learning, are well understood as keys to design, implementation and sustainability success.

Clearly, the respondents to the survey are, for the most part, people who are “in the know” about restorative justice. However, for some questions such as: knowledge of other approaches better than RJ, belief that existing programs can serve as a model, and on questions related to funding and quality research, a number of respondents were uncertain. Experience and the literature are clear that educating others is an ongoing project that requires support, mentoring and supervisors who can “cut the brush”.

Experience and literature also are clear that champions of new practices and policies need to work together to ensure that their messages are not alienating groups of personnel who may feel that they are being told they don't know how to do their jobs or "don't get it". This is especially true in statutory settings where the tensions can be highest between reform advocates and correctional officers/child protection workers, police. The survey responses indicate some of these kinds of tensions around the role of JCCO/Corrections.

The literature is pretty clear on the point that statutory roles are not interchangeable in most jurisdictions and that approving plans from restorative justice processes is a vital role if that plan is intended to be part of a supervisory order. The literature is also pretty clear that facilitators of RJ processes, especially those that require higher levels of preparation and deliberation, need to be as free from conflicts of interest as possible.

We were pleased to learn from our site visits and the survey that the discussions about the definition of restorative justice and the importance of foregrounding harm is very much on the table for discussion in Maine. The literature is clear that this is the most salient feature of the definition of restorative justice.

All data sources indicate to us that belief in grounding RJ in partnerships between community and state is high. We note some disagreement about what "community" means, who gets included, and how best to ensure that crime victims, young people and other voices of constituents are included in meaningful ways. We acknowledge that the literature is rife with concerns about how to get beyond tokenistic involvement of victims and young people and especially to ensure cultural representation. We have learned that tackling the issues of disproportionality in Maine is a top priority. It is clear from the literature that simply introducing restorative decision making processes cannot solve this broader issue.

We read in the surveys and heard in discussions a great deal of concern about the current and future quality of RJ delivery in the State. We understand that to involve a number of concerns about definition, preparation with people to engage in honest deliberations at all levels, creating hospitable climates in service organizations and in partnerships, developing media and educational strategies, and setting in place mechanisms of quality assurance and governance that are consistent with the principles of RJ. Some responses in the survey are concerning in their suggestion that some practitioners may be using threats or punishment in the guise of restorative practice.

The concern about resources and sustainability is both understandable and typical for this kind of survey. We did pick up in interviews and in the survey responses the worry that the state JJ wants to "take over" the delivery of RJ with young people and some concerns centered on the worry that this would serve the ends of reallocating JJ workers in the face of low caseloads. We understand the responses about resources to be connected to this concern.

Concerns about time are among the highest in this part of the survey. Our analysis demonstrates an overrepresentation of state employees concerned that other priorities prevent them from focusing on RJ. It raises the question of what the state thinks is necessary by way of review and realignment of practice, policy, internal and external relations and business processes, and how current systems for data collection and dissemination square with the RJ initiatives.

Concerns about the quality of some existing programs are also among the highest revealed in the survey. We understand this in the context of concerns also raised about the conflict between agencies. We encourage leaders to have fuller explorations of these concerns and note that rarely can a full understanding of the cause be personalized. Instead, we encourage leaders to try and understand these tensions in a wider context of systems change efforts including undertaking discussions that would clarify the vision and direction for the state.

## **6.0 Continuing Themes and Issues to Guide our Work**

### Definitions Matter

- What is RJ? How do practitioners define and understand it?
- What would an integrated continuum of RJ programs look like to you? To a young person? To a family? To a victim of crime?

### Systems issues

- Integration of RJ principles in both state and community programs;
- What is the role of state actors and who owns RJ in Maine?

### Programmatic principles

- What are the key principles of RJ in Maine?
- How can those principles be safeguarded? Who are the stewards of the practice?
- What is expected of the person who has behaved badly? What are their rights?
- What is the hope for involving crime victims in RJ? Are there agreed-upon protocols for respecting their rights and engaging them fully?
- What is the role of the community?

### How do you know what is working? For whom? And in what context?

- Outcomes and measures / Quality assurance
- Standardized data collection

### What else matters?

- Community support
- Volunteer recruitment and training
- Practice Guidance
- Legislation and Policy (enabling and hindering)
- Confidentiality and use immunity
- Political will in the tough times

- Constructive use of conflict and restorative governance

## **Appendix O – A Conversation on RJ for Youth in Maine Agenda**

Thursday July 21<sup>st</sup> 10 am - 3 pm  
Room 102, Wishcamper Building  
University of Southern Maine

### **Agenda**

- |                   |   |
|-------------------|---|
| 10 am - 10: 15 am | Welcome and introductions   |
| 10:15 am – 12 pm  | Presentation: Literature Review, Survey Results, and Questions  |
| 12 pm – 12:50 pm  | Lunch on your own   |
| 1 pm -1:45pm      | Conversation circles (Pick 1 of 4 topics: Communities, Victims, Responsible Youth, State and non state collaboration)   |
| 1:45 pm – 2:30 pm | Conversation circles (Pick 1 of 4 topics: Communities, Victims, Responsible Youth, Roles and Responsibilities of JJCOs) |
| 2:30 pm - 3 pm    | Closing and Next Steps  |

### **CJNVT Presentation**

The CJNVT team will present key findings from the international literature review, summarize the survey results, and offer some considerations to guide the conversation circles.

### **Conversation Circle Facilitation**

Participants will have an opportunity to participate in two circles. A team member from CJNVT will work with each group. They will ask the group to put the questions in order of importance, pose the questions, and ensure each member has an opportunity to speak. CJNVT team members will record the discussion for integration into a summary report for send out to all participants.

## **Questions for the Conversation Circles**

### 1. Engaging Communities

1.1 How do practitioners work with communities in Maine to foster cooperation and participation in RJ programs?

1.2 How can communities be encouraged to focus on RJ principles of rehabilitation and accountability rather than traditional notions of judgment and retribution?

1.3 How can stakeholders share their experiences with each other?

### 2. Supporting Victims

2.1 How do practitioners support victims in Maine to participate in RJ programs if they choose?

2.2 What sorts of support should exist for victims of crime by youth in Maine?

2.3 What types of participation in RJ programs are available for victims of youth crime in Maine?

### 3. Working with those who caused harm

3.1 How do youth get referred to existing RJ programs?

3.2 What options should exist for youth take responsibility for harms they have caused?

3.3 How can JCCOs and community-based programs ensure effective coordination and communication?

### 4. State and Non State Collaboration

4.1 How does the state support non-state actors to expand restorative justice programs in Maine?

4.2 How could non-state actors adjust their practices to strengthen collaboration with the state?

4.3 If you could change one thing about the existing relationship between state and non state actors, what would it be?

### 5. Roles and Responsibilities of JCCOs

5.1 How do JCCOs employ RJ principles in their day-to-day interactions with youth, families, victims and communities?

5.2 When should JCCOs refer cases to community-based programs?

5.3 When would it be appropriate for JCCOs to participate in a RJ program?

## **Appendix P - Conversation on RJ for Youth in Maine Notes**

*The CJNVT team took these notes. They have been reproduced in full below.  
In some cases, the groups did not cover all questions in the time allotted.*

### **Engaging Communities**

#### **1.1 How do practitioners work with communities in Maine to foster cooperation and participation in RJ programs?**

- Organizations exist who take ownership of RJ programs
- RJ programs, including circles, are made up of community members from a variety of backgrounds
- Training programs for community members (low or no cost)
- Mentoring programs
- Outreach to communities to inform and educate on RJ processes
- Word of mouth (good programs and interactions are the best PR)
- DOC in 90s reached out to community watch groups, faith groups, service organizations and offered information, education, and training
- Re-entry work involving community members
- Support from city of Belfast for new shoplifting initiative

#### **1.2 How can communities be encouraged to focus on RJ principles of rehabilitation and accountability rather than traditional notions of judgment and retribution?**

- Contagion (once you see it work – it spreads...true of doubtful JCCOs and others)  
Changing attitudes requires seeing/experiencing alternatives
- Good programs model good values
- Local media, partnership with faith groups, tell stories
- Acknowledge fear people feel and the legitimate safety concerns before presenting RJ as an alternative that can better address harm
- Communicate with others clearly and consistently “talk about it, think about it”
- Focus on the value of participant-led processes, especially the importance of youth being involved in decision making
- Education – asking what is justice?
- Reaching out – believing that there is an audience prepared to hear about RJ
- Allies can be bridges - “be willing to talk less and listen more”
- Community exercises and training should include means for people to see how their definitions of justice can change
- Work across agencies and involve youth groups
- Shift language from Restorative Justice to Prevention and begin with kindergarten  
Restorative Justice as a brand identity does not work
- Start with schools – focus on children and families – teach responsibility – model circle process in schools and let the kids bring it home
- I.D. key players and interests in the community and market it to the power brokers including the police

## **1.2 (cont.)**

- Initiate conversations with strategic entities – outreach to people who have established trust with key entities and have them take the lead
- Enlist folks from within the system to engage community members
- Habilitation needs to occur previous to being rehabilitated
- Storytelling: telling the RJ story
- Teach accountability in the family circle
- Get the RJ message to power brokers in the community
- Police officers conduct circles?
- Trust, listen
- Move slowly
- Support pre-existing programming in order to generate community support
- Circles change lives
- Inclusion of voices from fringe communities (poverty)

## **1.3 How can stakeholders share their experiences with each other?**

- Media and word of mouth
- Identifying new allies (who is not in this room for example?), ultimately we are all stakeholders
- Look for news ways to engage in conversations
- Monthly stakeholder meetings/circles to explore shared concerns and issues; Encourage stake holders to reflect and tell their stories
- Association of Maine RJ Practitioners
- Resources group to share info, approaches, successes, and issues
- Speakers bureaus
- RJ community needs “safe place to have difficult conversations” (funding, practices, cooperation not competition) – irony that RJ about tough conversations but that is not happening enough
- Tell our stories, share our dreams, listen and trust the process
- Trust young people; Youth can do this work
- A collective dream
- Reach out to those not yet engaged
- Disassemble silos; expand the net increasing number of RJ stakeholders
- Everyone is a stakeholder
- Who should be at the RJ table?
- Increase and improve partnerships
- Identify change makers
- Maintaining identified stakeholders while establishing new torch-bearers
- Maximize usage of time
- Internship opportunities

## **Supporting Victims**

### **2.1 How do practitioners support victims in Maine to participate in RJ programs if they choose?**

- Support via Victim / Witness advocate (courts) – inconsistent practice throughout the state. Requires response by victims to initial letter. Victims have right to be involved in all aspects of criminal case
- Restitution (court, JCCO, RJ agreement)
- Participation in mediation program
- JCCOs reach out to victims (inconsistent)
- Victims may pursue compensation through civil litigation
- Protection orders / no contact orders
- Victim impact statements to court (may also appear)
- For DV/SA – presentation of services available
- Option to participate in RJ Program
- Definition of victim needs to be broadened to include all of those who have been impacted
- Victims are accommodated with regards to how and when the restorative process is to occur
- Lots of preparation and education for victims from practitioners up front
- Provide a supportive environment and allow victims to tell their stories
- Police stay involved with victims to educate, present options and advise as to what to expect-direct referral
- Currently we don't do much for victims
- We have victim advocates but their involvement is limited by system design

### **2.2 What sorts of support should exist for victims of crime by youth in Maine?**

- Improved communication about rights, services, and progression of the case
- Costs savings of system reform used to support victims
- Increased medium / longer term follow up for victims
- Victim refer cases to RJ processes
- Victim driven based on expressed needs
- Involved in RJ processes to the extent possible
- Must consider the nature of the offence (severity, trauma, violation)
- More consistent advocate contact with info on resources
- “a voice from start to finish”
- Training for practitioners to learn how to support and talk to victims, outreach and sensitivity – victims advocates, police, JCCO's
- Provide opportunities for victims to tell their stories
- Make them the center of attention
- Provide them the opportunity to have input into the outcome and the plan
- Do outreach and support post incident in a timely way
- Victims support groups
- Community resolution teams use circle process

### **2.3 What types of participation in RJ programs are available for victims of youth crime in Maine?**

- Information about RJ process
- Non participation
- Participation via letter, proxy or surrogate
- Victim/offender dialogue (in prison)

### **Outstanding issues and questions for supporting victims**

- Many unmet needs of victims
- Victim fear, anxiety, and lack of info about case / understanding of system
- How to walk the line between seeking victim participation in RJ based on our understanding of the potential value to them and need to respect their desire not to participate?
- How to re-orient the system from offender focused to victim centered?

### **Working with those who caused harm**

#### **3.1 How do youth get referred to existing RJ programs?**

- OOB High school, local PD, School handles a lot of referrals now, JCCOs
- District attorney, case workers, self-referral
- Courts, Non Profits, Long Creek, Word of mouth
- When referral is made, the door gets closed post finalization; youth may still need follow up/services post finalization of RJ to help prevent recidivism.
- From the Kids/Parents POV, things with the referral process may feel unorganized.
- What is the reentry expectation? What is the expected outcome of the referral?
- Who is doing the referral/what is the intention of the referral?
- Community needs the ability to do more referrals.

#### **3.2 What options should exist for youth to take responsibility for harms they have caused?**

- There is a lack of communication or failure to communicate the freedom involved in knowing that you're not right, taking ownership and responsibility for your actions. People aren't aware of how liberating that feeling can be.
- Reality Therapy (Book? Essay?...literature)
- Youth should take a high/definite hand in crafting their consequences after taking responsibility for their actions.
- Opportunity for accountability at all levels of the JJ system, to include youth incarcerated. The youth in Long Creek are so removed from the original crimes that got them committed to the youth center.

### **(3.2 cont)**

- Think of Restorative as Redemptive. How do we capture from the kids what's working, how they're feeling? Options for RJ are hard to find in certain parts of the state. More emphasis needs to be put on where the responsible party is at the time of the offense and how do we serve that youth to help make them whole?
- Circles never go according to plan and because of that, I never go into a circle with a plan of how things should go, understand the flexibility of the circle and the situation. Understand underlining circumstances.
- Referrals only for diversion, why?
- RJ options do a better job of accountability of behavior than a traditional punitive approach.
- Need to understand who does and who doesn't get referred to the RJ process and why?
- A better screening/intake process needs to be established balancing out the safety of the community/needs of the kids. We're seeing more high risk and mental health kids that we can't serve.
- Rise Model Study
- We need to understand that the kids we're serving today are not the same as the kid we will serve tomorrow. That we're trying to restore in a fluid set of circumstances with a still developing brain. How can we restore what isn't there? Kids will do well if they can, not if they want to.
- Community service should be meaningful to youth, build on youth's key interests and skills, so they can get connected through community service.
- Access to mentors, mental health services, as needed.
- Victim/offender mediation
- PA offers a offender/victim 'class', in which offenders hear from victims

Guiding principles for repair include:

- Victim choice for involvement
- Does it increase connection to school and community? Engage with mentors?
- Does it promote personal growth?
- Address harm and needs of victim? Not just monetarily. Don't saddle youth with unreasonable debt
- How to find opportunities for persistent connection beyond current reparation plan? Look in youth's family and informal support networks.
  
- How do we understand 'consequences' (people want punishment) vs. accountability?
- Circle is about 'giving an account'. Punishment is consequences to change behavior.

### **3.3 How can JCCOs and community-based programs ensure effective coordination and communication?**

- Set up agreements between all parties in advance.
- Each youth should have one primary case manager – not the JCCO who is too busy – who ensures communication occurs.
- JCCO is consistently in community over time.
- Do lots of pre-work with JCCOs to ensure all are agreed about what can be offered the youth.
- Get JCCO involved in the process if possible.
- Get program people to go to court when JCCOs are there.
- Plan from circle should go to JCCO. Facilitator or youth worker stays in touch with family and works to support plan completion. It gets complicated if plan is not completed.
- Lots of RJ options needed prior to DOC involvement. Don't want youth to 'get a number'.

## **State and Non-State Collaboration**

### **4.1 How does the state support non-state actors to expand restorative justice programs in Maine?**

- There are many diverse RJ programs in the state and each organization has strengths and capability to handle different types of cases. Need to identify a RJ program with successes and that is the go to organization...looking for timely, experience, resolution.
- The States goal for RJ is a RJ response when a youth enters the Juvenile Justice System, no matter what point they enter, from intake process to the aftercare process. This should be offered to any youth no matter where they are located in the State of Maine. Speaking to funding, there are certain criteria that need to be met for funds to be spent, including the RFP process and contracts.
- States role, guiding principle to build the capacity in Maine so every youth in Maine gets a RJ Response, this will be done with the DOC collaboration with the JJAG on RJ practices expansion. Slowly expose field staff and facility staff to RJ practices and how those staff can help to support RJ in the field and in the facilities.
- Southern Maine RJ is growing, but continued conversations need to happen in the field to enhance the work that is being done. More face to face meetings need to be conducted with non-state organizations to help support their work and continue to build those relationships.
- The most exciting piece is the State has made a commitment to the vision [every youth receives a RJ Response no matter where they come in contact with the JJ system]. The state has been a huge support of non state RJ and it's great.

#### **(4.1 cont)**

- We're referring to "the State" but really it's just the Department of Corrections that is represented of the state here. It's odd that more representation from other state agencies/departments are not more present in these RJ conversations. Dept of Education, DHHS, are not here. We need to evolve and engage other state entities. The DOC has limited resources, and including other state agencies could broaden funding sources.
- Recognizes that the DOC has been patient with the RJ process and wants to acknowledge the commitment to the long haul. Expressed concerns regarding the new administration and their stance on RJ. Would like more timely feedback from the state to non state agencies.
- During a conference, I attended, I took notes of all the different descriptions of what RJ is and what RJ produces and I had 5 pages. What core values does the DOC/State want Non-State to do? What outcomes does the DOC want?
- What is the "it". The "it" is the populations that will benefit from RJ, all people in the state (community, law enforcement, juveniles, etc) will benefit from a statewide approach of RJ
- The State of Maine can serve the Non-State agencies by providing data, quantify the data, who is benefiting and what is working through out the state.
- There needs to be an agreement on the principles of RJ and convene to define those principles.
- Define the roles of the state/non state so it's clear and not competitive.
- Patience with RJ process.
- Sustainability will come from perception and participation.
- Map out sustainable funds, state wide.
- Echos organized state approach with MUSKIE school, collective effort. Collective vision.
- Agrees on the collective vision of RJ. Acknowledge the efforts of each organization. Asks that the state recognize the humanity of those in the non-state organizations.
- Wants to actively change the perception and mindset of the divide between the state/non state and non state/non state.

#### **4.2 How could non-state actors adjust their practices to strengthen collaboration with the state?**

- Challenges...how to grow anymore as a field? Geographically? There is so much to do, difficult to prioritize what is next, or what should be done. Want to be valuable to the DOC, and viewed in alignment with the DOC and future

#### **4.3 If you could change one thing about the existing relationship between state and non-state actors, what would it be?**

- State and Non-State organizations work well together, it's the non-state/non state organizations that need to work better together.
- Respectfully disagree, that there are times when State/Non-State collaboration could be better and there are challenges between the two. Would like to find forums for communication on a regular basis to help strengthen the relationship between State and Non-State.
- There has been no talk of *procedural justice* this morning.
- Funding: Business leaders in the communities should be approached to participate in their community RJ programs (references Belfast), where shop owners have combined resources to do RJ process with juveniles found to be shoplifting/vandalizing.
- The players need to agree on a Quality Assurance/dashboard so we have access to information regarding what is happening/with whom/what area. Feedback from Police, Victims, Community, Responsible Parties. We need to know what is working and what isn't.
- Other State of Maine systems need to be present in these RJ conversations. Its important that the Dept of Corrections be involved in the prevention...education of trauma informed practices and ACE's...Would like to see training and education offered of the youth at Long Creek to help them better understand themselves, their brain development and the effect that trauma had on their behaviors and decision making. Expressing an interest in getting speakers and educators to give presentations to the youth at Long Creek.
- There is an opportunity to grow, and the challenge is to move from a theory to program. Where are our other state agencies? RJ can be applied across all state agencies...DOE/DHHS/DPS/DOC and could have pooled funds from all agencies in the state. Funding needs to come from communities too, with this collaboration it could benefit the state in a significant way. The challenge remains to move from theory to program, it will sell itself when people see the potential RJ has in other areas. Sustainability will come through program.
- Echos state agencies not being present in conversation. As part of a state wide system, more could be done in the early stages to help prevent kids from entering the deep end of the JJ System. If youth are exposed to RJ practices in school/community as young as kindergarten it could help set a tone so that the kids were seeing in the JJ System are the ones that belong there.
- It's great to see the DOC is the spearhead of RJ in Maine. How do we expand past the DOC? What other departments would have an invested interest?
- Would like to see the State of Maine support a system, maybe at MUSKIE, to provide a RJ center where there is literature, research, training, education. MUSKIE could provide a RJ association of professionals to provide training and education, technical assistance, quality assurance, best practices. This is how the State could support RJ.

#### **(4.3 cont)**

- There are great days in RJ when you feel like good work is being done, and then there are days when you look at the cases and the kids that arrive and you wonder “How did this kid get here?” There needs to be a better communication of the needs of the youth and assessment process. We are seeing kids in youth court that are beyond our capability to serve, that need more than we can offer. Mostly mental health needs and high risk behaviors.
- We need to provide more training on proactive work.
- Regular meetings need to happen between State/Non State, monthly?
- A work group should be formed to work on sustainability and improving RJ in Maine.
- (References Belfast program) We need to identify the champions of RJ and those that are doing the work and what’s working for them so we can work to create similar models.
- Recognize the lack of diversity in the day, there was no representation of people of color, poverty, etc.

#### **Questions arose:**

- How to support a deeper understanding of funding, restraints/challenges/criteria state uses for funding?
- How different cases are allocated to different RJ programs, what standards or questions come into play when deciding which RJ program will get the case?
- How will you avoid RJ being a bureaucracy?

### **Roles and Responsibilities of JCCOs**

#### **5.1 How do JCCOs employ RJ principles in their day-to-day interactions with youth, families, victims, and communities?**

- Meet people where they’re at. Recognize harm has been done. Sometimes keeping the victim informed goes a long way toward their satisfaction. Consider who else has been harmed.
- Be open to learning. Use restorative questions with families. Know the programs in your area, refer, show up.
- Keep restorative questions on their wall and educate parents, victims, youth and community about RJ. Engage with the community – e.g. volunteer at schools, after school programs so they are known in advance to youth. Within their own work environment, build open communication and ability to have hard conversations.
- Interactions with victims are tremendously helpful. Not sure what intake form looks like but restorative questions could be included. Attend circles sometimes.
- I used to think anyone in a suit was out to get me. I learned through the RJ processes that JCCOs actually care.

- The intake process is perfect for RJ practice. Speak with family, victim, using restorative questions. Put their answers in the case plan. Look through a restorative lens.
- JCCOs should be well trained on RJ at hire and ongoing. Should be champions of restorative practice. Doing restorative circles, though – we need to think long and hard about this due to the imbalance of power with youth. Participation can be meaningful in some cases.
- I'd like to acknowledge the providers in this circle speaking so positively about JCCOs. They can use RJ in referral, case planning, intake, etc. I am interested in organizational conflict and RJ. Use in daily life. Walk the walk. Be human, talk to people about your life.
- Important perspectives: from the inside of the system
- JCCOs are positioned at the beginning of the system, first to encounter
- All JCCOs should be fully trained in RJ
- It is the belief that JCCOs can remain impartial in RJ process
- I second the concern about power imbalance if JCCOs do circles. They can use the questions with youth. Talk with youth, not to them. Be involved in the community
- JCCOs can function as educators
  - o Creatively engage in RJ communities
  - o JCCO as an ally
  - o RJ in the workplace
  - o Bridge to DOC via JCCOs

## **5.2 When should JCCOs refer cases to community-based programs?**

- When they feel comfortable. Feel group is appropriate for youth and victim. After having conversation with victim and assessed willingness to participate.
- What are the criteria JCCOs are using to determine “when they feel confident”?
- I second that question. Also, they should refer as soon as possible. And schools and police should refer before DOC even gets involved. Avoid the youth getting a number.
- Divert youth from system altogether is best. But if in system, JCCOs should refer if the victim wants the process. When JCCOs have a good relationship with youth and family and in lower risk situations. When the offender admits.
- When JCCO has a good relationship with the program, and is well informed about the program and outcomes. And has a good relationship with youth and family.
- If the victim is willing is the first tier. If the young person needs help acting or thinking restoratively, make a referral. They will get more support and more accountability.
- I went through it two times. First time I was referred through the court. There was a long delay of many months and during that time I thought it was bullshit. Finally it was done, though, and it was very successful. I've turned my life around. But it would be better if it were done sooner.

- If the victim wants it, person who caused harm admits, and there is a good relationship with the organization.
- Whenever possible. Should have the ability statewide. Higher risk cases if the conditions are right.
- Anytime it could be meaningful to the victim and/or the youth. Can do one even if the victim doesn't want to participate using a surrogate. It 's a valuable alternative to incarceration and violation of probation. In facilities, too, and for reintegration when youth leave facilities.
- Remember there are often more than one victim. Many might have been impacted, including the offender's family and community.
- At Long Creek, use a restorative approach.
- Identify youth early, keeping them out of system
- When there is high support and high accountability
- Community commitment to engage with victim
- When there's a willingness to admit what's been done
- Whenever possible, RJ is not synonymous with diversion

## **Appendix Q - United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (2002)<sup>7</sup>**

### **Preamble**

- Recalling that there has been, worldwide, a significant growth of restorative justice initiatives,
- Recognizing that those initiatives often draw upon traditional and indigenous forms of justice which view crime as fundamentally harmful to people,
- Emphasizing that restorative justice is an evolving response to crime that respects the dignity and equality of each person, builds understanding, and promotes social harmony through the healing of victims, offenders and communities,
- Stressing that this approach enables those affected by crime to share openly their feelings and experiences, and aims at addressing their needs,
- Aware that this approach provides an opportunity for victims to obtain reparation, feel safer and seek closure; allows offenders to gain insight into the causes and effects of their behaviour and to take responsibility in a meaningful way; and enables communities to understand the underlying causes of crime, to promote community well-being and to prevent crime,
- Noting that restorative justice gives rise to a range of measures that are flexible in their adaptation to established criminal justice systems and that complement those systems, taking into account legal, social and cultural circumstances,
- Recognizing that the use of restorative justice does not prejudice the right of States to prosecute alleged offenders,

### **I. Use of terms**

1. Restorative justice programme. Means any programme that uses restorative processes and seeks to achieve restorative outcomes.

2. Restorative process. Means any process in which the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator. Restorative processes may include mediation, conciliation, conferencing and sentencing circles.

3. Restorative outcome. Means an agreement reached as a result of a restorative process. Restorative outcomes include responses and programmes such as reparation, restitution and community service, aimed at meeting the individual and collective needs and responsibilities of the parties and achieving the reintegration of the victim and the offender.

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<sup>7</sup> Reproduced in United Nations (2006). *Handbook on Restorative Justice Programs*. Criminal Justice Handbook Series. United Nations: New York.

4. Parties. Means the victim, the offender and any other individuals or community members affected by a crime who may be involved in a restorative process.
5. Facilitator. Means a person whose role is to facilitate, in a fair and impartial manner, the participation of the parties in a restorative process.

## **II. Use of restorative justice programmes**

6. Restorative justice programmes may be used at any stage of the criminal justice system, subject to national law.
7. Restorative processes should be used only where there is sufficient evidence to charge the offender and with the free and voluntary consent of the victim and the offender. The victim and the offender should be able to withdraw such consent at any time during the process. Agreements should be arrived at voluntarily and should contain only reasonable and proportionate obligations.
8. The victim and the offender should normally agree on the basic facts of a case as the basis for their participation in a restorative process. Participation of the offender shall not be used as evidence of admission of guilt in subsequent legal proceedings.
9. Disparities leading to power imbalances, as well as cultural differences among the parties, should be taken into consideration in referring a case to, and in conducting, a restorative process.
10. The safety of the parties shall be considered in referring any case to, and in conducting, a restorative process.
11. Where restorative processes are not suitable or possible, the case should be referred to the criminal justice authorities and a decision should be taken as to how to proceed without delay. In such cases, criminal justice officials should endeavour to encourage the offender to take responsibility vis-à-vis the victim and affected communities, and support the reintegration of the victim and the offender into the community.

## **III. Operation of restorative justice programmes**

12. Member States should consider establishing guidelines and standards, with legislative authority when necessary, that govern the use of restorative justice programmes. Such guidelines and standards should respect the basic principles set forth in the present instrument and should address, inter alia:
  - (a) The conditions for the referral of cases to restorative justice programmes;
  - (b) The handling of cases following a restorative process;
  - (c) The qualifications, training and assessment of facilitators;
  - (d) The administration of restorative justice programmes;
  - (e) Standards of competence and rules of conduct governing the operation of restorative justice programmes.

13. Fundamental procedural safeguards guaranteeing fairness to the offender and the victim should be applied to restorative justice programmes and in particular to restorative processes:

(a) Subject to national law, the victim and the offender should have the right to consult with legal counsel concerning the restorative process and, where necessary, to translation and/or interpretation. Minors should, in addition, have the right to the assistance of a parent or guardian;

(b) Before agreeing to participate in restorative processes, the parties should be fully informed of their rights, the nature of the process and the possible consequences of their decision;

(c) Neither the victim nor the offender should be coerced, or induced by unfair means, to participate in restorative processes or to accept restorative outcomes.

14. Discussions in restorative processes that are not conducted in public should be confidential, and should not be disclosed subsequently, except with the agreement of the parties or as required by national law.

15. The results of agreements arising out of restorative justice programmes should, where appropriate, be judicially supervised or incorporated into judicial decisions or judgements. Where that occurs, the outcome should have the same status as any other judicial decision or judgement and should preclude prosecution in respect of the same facts.

16. Where no agreement is reached among the parties, the case should be referred back to the established criminal justice process and a decision as to how to proceed should be taken without delay. Failure to reach an agreement alone shall not be used in subsequent criminal justice proceedings.

17. Failure to implement an agreement made in the course of a restorative process should be referred back to the restorative programme or, where required by national law, to the established criminal justice process and a decision as to how to proceed should be taken without delay. Failure to implement an agreement, other than a judicial decision or judgement, should not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

18. Facilitators should perform their duties in an impartial manner, with due respect to the dignity of the parties. In that capacity, facilitators should ensure that the parties act with respect towards each other and enable the parties to find a relevant solution among themselves.

19. Facilitators shall possess a good understanding of local cultures and communities and, where appropriate, receive initial training before taking up facilitation duties.

#### **IV. Continuing development of restorative justice programmes**

20. Member States should consider the formulation of national strategies and policies aimed at the development of restorative justice and at the promotion of a culture favourable to the use of restorative justice among law enforcement, judicial and social authorities, as well as local communities.

21. There should be regular consultation between criminal justice authorities and administrators of restorative justice programmes to develop a common understanding and enhance the effectiveness of restorative processes and outcomes, to increase the extent to which restorative programmes are used, and to explore ways in which restorative approaches might be incorporated into criminal justice practices.

22. Member States, in cooperation with civil society where appropriate, should promote research on and evaluation of restorative justice programmes to assess the extent to which they result in restorative outcomes, serve as a complement or alternative to the criminal justice process and provide positive outcomes for all parties. Restorative justice processes may need to undergo change in concrete form over time. Member States should therefore encourage regular evaluation and modification of such programmes. The results of research and evaluation should guide further policy and programme development.

#### **V. Saving clause**

23. Nothing in these basic principles shall affect any rights of an offender or a victim which are established in national law or applicable international law.

## Appendix R – References and Research Consulted

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