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Addressing Youth Offending Through Collaboration and Engagement

Fathi Zabaar, MA

Mr. Zabaar has been working in the field of human rights for the last 15 years. He is an experienced restorative conferences facilitator in both the adult and juvenile justice systems. Mr. Zabaar has worked internationally, providing transitional justice services and technical assistance to civil society organizations in the Middle East and North Africa.

For the last few decades, the growing field of restorative justice has been demonstrating its effectiveness in dealing with offending and notably youth offending (Umbreit, Vos, & Coates, 2006). Restorative justice philosophy is based on the notion that crime harms relationships and requires the offending person to make amends to the victims and to the community (Zehr, 1990). This philosophy stands in contrast to the conventional justice system’s, which defines crime as an offense against the state and stipulates that the offender, therefore, must be punished for his or her actions. Restorative justice’s holistic approach engages victims, offenders, their families (in most processes), the community, and the justice system in the accountability process to repair the harm to the victim and reduce the likelihood of future offending. It is a different approach to offending that often increases satisfaction among all stakeholders while reducing recidivism (Chong, 2007; Sentencing Guidelines Commission, 2005).

Restorative justice approaches have been burgeoning around the world to address youth offending in an attempt to heal relationships and reintegrate offenders back into their communities. In 1989, New Zealand's juvenile justice system shifted to using family group conferencing, a family-based approach that results in restorative outcomes, as a mainstream response to youth offending, with the exceptions of murder and manslaughter. Since this shift, New Zealand has succeeded in drastically reducing offending and recidivism rates. Australia, Canada, the United States, and other countries around the world have reported similar successes.

The American Humane Association’s Restorative Justice for Youth Initiative (www.RJforYouth.org) is promoting restorative justice with communities and government agencies through presentations, trainings, and technical assistance. Since its inception in January 2008, the initiative has started creating a process that is specifically designed to address dependent youth offending with the support of the initiative's Restorative Justice Advisory Council. American Humane believes that blending family group decision making and restorative justice processes is an approach that can better address situations in which offending youths are also part of the child welfare system. Statistics show that youths who are abused or neglected are more likely to be arrested as juveniles and reoffend more than their peers (Wiig & Widom, 2003; Widom & Maxfield, 2001).

Statistics show that youths who are abused or neglected are more likely to be arrested as juveniles and reoffend more than their peers.
In this issue of *Protecting Children*, authors from different geographic areas in the United States and New Zealand — and with different sets of expertise in restorative justice and family group decision making processes — write about promising practices in addressing youth offending.

First, Eric Kasper and Mary Hoeft explain how Barron County’s Restorative Justice Program in Wisconsin succeeded in reducing youth offending by implementing restorative justice programs that address destructive behavior, drinking problems, and school-related offending. Hoeft and Kasper analyze three case studies that show how victim-offender conferencing helped victims and engendered empathy. The article also compares juvenile statistics in Barron County to other similarly sized Wisconsin counties, offering evidence of restorative justice’s benefits.

Second, American Humane introduces an innovative process — developed as part of its Restorative Justice for Youth Initiative — to address youth offending when youths have been abused or neglected, or show other dependency markers. The article underlines the connection between child abuse and neglect and youth offending, and also highlights the need for juvenile justice and child welfare systems to engage family groups in the accountability process and attend to the youths’ needs for safety and well-being.

Third, Kris Miner relates how restorative justice helped “Tyler,” an inmate in a maximum security prison in Wisconsin, and “Jenny,” a student in a St. Paul, Minnesota, school, accept responsibility and develop empathy toward victims. Miner’s work shows how storytelling can be a powerful tool that restorative justice uses to connect people and identify common bonds.

Fourth, Shirley Jülich, Allan MacRae, and Rita MacRae describe the success of community group conferencing in reducing youth involvement with gangs in Wellington, New Zealand. Jülich, MacRae, and MacRae support early intervention with youths who are in gangs, as change only becomes more challenging when these youths grow older and become more immersed in gang culture. The authors attribute the success of the project to the development of collaborative and cooperative partnerships between the community and government services and non-government agencies in providing “wraparound” programs.

Finally, Tom Cavanagh shares 4-year research findings from his work with a school in New Zealand implementing restorative practices. The article underscores the importance of interpersonal relationships among students, their peers, teachers, and school staff in fostering a positive learning environment and reducing behavioral issues. Teachers at the school used restorative justice practices, notably restorative discussions or conversations, to address poor behavior problems. Furthermore, based on the restorative practices program, the teachers developed their own age-appropriate processes to be used throughout the school.

In this first issue of *Protecting Children* dedicated to restorative justice, American Humane would like to acknowledge:

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References


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Eric T. Kasper, PhD, JD

Ms. Hoeft is a professor in the departments of communication arts and French at the University of Wisconsin-Barron County. As a Fulbright-Hays Scholar, Hoeft recently travelled throughout Morocco, researching the role of Moroccan women as seen through the eyes of Morocco’s children. She has been honored as an Outstanding Educator, a Wisconsin Teaching Scholar, and a Wisconsin Idea Fellow. Her work in the field of interpersonal communication is published by Oxford University Press. Hoeft served as president of the board of directors of Barron County Restorative Justice and has been a victim/offender facilitator for the organization for 9 years.

Dr. Kasper is assistant professor of political science at the University of Wisconsin-Barron County. Prior to joining the UW-Barron County faculty, he worked as a teaching assistant and lecturer at the University of Wisconsin-Madison and as an adjunct professor at the University of Wisconsin-Milwaukee. He earned his doctorate in political science and his law degree at UW-Madison. Dr. Kasper has previously published in the Encyclopedia of the First Amendment (2008) by CQ Press, and his doctoral dissertation, To Secure the Liberty of the People: James Madison’s Bill of Rights and the Supreme Court’s Interpretation, will be published by Northern Illinois University Press in 2010.

Introduction

The United States is currently experiencing a nationwide trend in shifting criminological thinking toward restorative justice; although relatively new in this country, it is a return to the traditions of justice from ancient Arab, Hindu, Greek, and Roman civilizations (Braithwaite, 1999). Restorative justice is an alternative to the retributive and rehabilitative justice paradigms (Eglash, 1975; Bazemore & Umbreit, 1995). Generally speaking, restorative justice recognizes crime as being directed against individual victims, not at the state (Zehr, 1996; Umbreit, Vos, Coates, & Lightfoot, 2005), and it attempts to make the community whole again.

One of the primary programs of restorative justice today is victim-offender conferencing (VOC), in which victims and offenders, along with facilitators, discuss the impact that a criminal act has had on them and how they can begin healing. VOC and restorative justice programs generally have high satisfaction levels and positive effects on both victims and offenders (Abrams & Umbreit, 2002; Bradbury, 2002). On the whole, restorative justice has been found to have a positive impact in lowering recidivism rates (Evje & Cushman, 2000). Specifically, it has long been found that youths participating in restorative justice programs, particularly VOC, have lower recidivism rates (Schneider, 1986; Stone, 2000). However, these positive findings have not been universal (Stone, Helms, & Edgeworth, 1998; Robinson, 2003). Our study examines the attempt of restorative justice programs to lower juvenile crime rates in Barron County, a rural county in northwestern Wisconsin.

By the late 1990s, the county’s juvenile arrest rate, which had typically been much lower than the rest of the state as a whole, was nearing the juvenile arrest rate throughout Wisconsin (Wisconsin Office of Justice Assistance, 2009). Convinced that incarceration served only to
harden first-time juvenile offenders and lead them to reoffend, Barron County, Wisconsin, Circuit Court Judge Edward Brunner sought an alternative. He desired a program that offered juvenile offenders the opportunity to understand the gravity of their crimes, face their victims, and ask, “What can I do to make things right?” In 2000, Judge Brunner facilitated the formation of Barron County’s first restorative justice program, VOC. This soon led to the formation of Barron County Restorative Justice Programs, Inc. (BCRJP).

Although there has been substantial growth in BCRJP over its first 9 years, the question remains: Has BCRJP been successful in positively affecting victims and offenders? To answer this question, we provide three compelling VOC case studies to show how BCRJP works. The offenders in these case studies had a recidivism rate of zero.

To support these case studies, we provide statistical data showing that since BCRJP began operation, juvenile crime in Barron County has dropped more than in similarly sized counties or the state as a whole. Our analysis builds on an earlier study of juvenile crime in Barron County (Kasper, 2007), and demonstrates that there is a strong correlation between BCRJP and the county’s lower crime rate.

**Barron County and BCRJP**

BCRJP serves the residents of Barron County, Wisconsin. The county is nestled in the northwest corner of the state. It is a largely rural county with a total population of approximately 45,000. The county’s populace is over 97% White, and over one quarter of the county’s residents are under the age of 18. The median household income is just over $40,000 per year; nearly 13% of the children in the county live below the poverty line. The county’s largest employers are the Jennie-O Turkey Store, a poultry processing plant, and the St. Croix Casino. There are more than 1,600 farms located in the county (Krokson, 2008).

By 2009, 9 years after its inception, BCRJP had grown to include an executive director (Polly Wolner), seven employees, 200 volunteers, and eight programs dedicated to providing youths the sustainable support they need to thrive (Wolner, 2009).

In 2008, BCRJP’s programs served 1,137 clients (Wolner, 2009). The following is a brief description of each program:

- **VOC** offers juvenile offenders the opportunity to make things right with their victims.
- **Teen Court** provides an opportunity for juvenile offenders to restore relationships with the community through alternative sanctions.
- **Prime for Life Under 21** confronts juveniles with the consequences of high-risk drinking behaviors.
- **Youth Educational Shoplifting (YES)** offers juveniles the opportunity to confront their behaviors.
- **Anger Management** offers juveniles alternatives to destructive behaviors.
- **Restorative Action Program (RAP)** helps juveniles engage in community service opportunities in lieu of school detention.
- **Truancy Initiative** brings counselors into the school and home to intervene in the lives of children who exhibit pre-truancy behavior.
Restorative Justice Friends pairs adult volunteers with middle school and high school students in need of mentoring.

BCRJP works in conjunction with the Department of Health and Family Services (DHFS), county and municipal courts, local law enforcement agencies, and the schools. These other social institutions often turn to BCRJP first, in lieu of arrests, trials, suspensions, and expulsions, when dealing with juvenile offenders. For instance, local school districts, law enforcement, DHFS, and judges refer scores of cases involving juveniles annually to BCRJP; indeed, all of the case studies discussed in this article were referred from these county partners. In addition, several of the local law enforcement agencies and school districts have their employees undergo VOC training with BCRJP (A. Richter, personal communication, July 1, 2009).

Methodology

We begin our analysis with three case studies that demonstrate the effectiveness of BCRJP’s VOC Program. These case studies constitute the heart of our analysis, which examines the “real world” impact of BCRJP. Since our inquiries in this part of the article are primarily questions of “how” and “why,” the case study method is the most appropriate form of analysis (Yin, 1994).

In order to support our qualitative case studies, we provide juvenile arrest rate and juvenile crime rate comparisons in two ways. First, we compare the number of juvenile arrests in Barron County for selected crimes to the number of juvenile arrests in 12 other similarly sized counties in Wisconsin. These 12 counties were chosen for comparison because they had juvenile populations within a range of 20% greater to 20% less than the juvenile population of Barron County. Data from the previous 3 available years (2005-2007) were used for this comparison. The comparison was done to demonstrate the lower number of juvenile arrests in Barron County relative to counties in Wisconsin with a similar number of juveniles.

Second, we compare selected juvenile crime rates in Barron County to juvenile crime rates in the remainder of Wisconsin. Juvenile crime rates in this report are measured by the total number of juvenile arrests in each category that occurred for every 1,000 juveniles in the jurisdiction. This comparison was done in two ways. First, we compared each of several crime rates in 1999 with 2007 to gauge the change in crime rates in Barron County since the introduction of BCRJP. Second, in order to better understand crime rate trends, we compared average juvenile crime rates over the 5 calendar years preceding the implementation of BCRJP (1995-1999) to their respective average juvenile crime rates over the first 8 calendar years of BCRJP’s operation (2000-2007). These analyses reveal that juvenile crime rates have generally dropped significantly more in Barron County than in the rest of the state.

We approached our statistical analysis with an eye toward a “cut-point” (the point in a sequence of values that is used to separate those values into two subgroups) of the year 2000. In February of that year, BCRJP began operations. We predicted a significant decrease in juvenile crime in Barron County beginning in 2000, and we predicted that the crime rate in Barron County had dropped more than it had in similar counties or in the state as a whole. Our data largely bear this out.

Case Studies

What follows are three case studies in which one of the authors, Mary Hoeft, participated as a VOC facilitator. These stories offer persuasive evidence that VOC has a significant emotional impact on the lives of juvenile offenders and their victims.

The Snowmobile Case Study

My partner Dan and I listened as three boys described their theft of a snowmobile. One spoke of his fear that this crime would ruin his chance of joining the army, another of the vow he had made to his dead father to lead a life that would make his father proud. The third boy sat in silence as his
friends spoke about the crime into which he had drawn them.

The boys stepped outside the room when Dan and I pre-conferenced their victim — an articulate woman determined to see the boys receive the punishment they deserved. An hour later, we brought the victim face-to-face with her offenders, giving this young mother the chance to speak of her feelings of violation and anger.

The boy whose father had died said, “I feel like a murderer.” He went on to explain how he had wanted his life to be better. After his father’s murder, he had moved in with his grandmother. Now, he had shamed the woman who had been so good to him. The victim interrupted, “You are not a murderer. Your grandmother has much to be proud of.”

The young man about to enter the army told the victim that he was a good student and an athlete who coached children. But now, he was ashamed to walk down the street in his hometown. Then, the third boy spoke. “It’s my fault,” he said. “I saw your machine and wanted it. I deserve to be punished and will do whatever you want.”

The victim looked at the boy whose father had died and at the would-be soldier. She said, “One hundred and fifty hours of community service are too much. I’d like you to do 75 hours.” And to the mastermind she said, “I don’t think you are a bad boy. You made a bad choice. I want you to do 150 hours.” She asked the boys how they planned to repay her. Two could manage $50 a month and the third $100.

The victim had one more thing she needed to say: “You’re good boys who did a foolish thing.” She addressed the first, saying, “Your father would be proud of you tonight.” To the second, she noted, “You will make a good soldier.” Then, to all three she said, “Everyone deserves a second chance. Use it well. Don’t make me regret my decision!”

As the boys got up to leave, one turned to her and said, “I’ll try to make you proud.”

In this case, VOC provided an opportunity for the victim and offenders to meet with each other. This led to the offenders understanding the gravity of their actions, the victim coming to identify with the offenders, and a resolution among them all. Since the three young men committed this snowmobile theft and took part in VOC in 2000, none of them has committed theft or any other felonies as of 2009 (P. Wolner, personal communication, July 2, 2009).

The “All I Want Is My Money” Case Study

My partner Peggy and I had been given a case involving a teenage boy who had tossed something out of his vehicle that shattered the windshield of an oncoming car. Peggy called the driver of the damaged vehicle and asked if he would be willing to participate in VOC. He agreed.

Then Peggy called the offender. First, she spoke to his mother. The mother was upset. Why should her son have to participate in this program? He hadn’t done anything wrong. Maybe they should just hire a lawyer! The son agreed with his mom. He didn’t think the program was in his best interest.

Peggy called me and said, “I guess this is as far as we go, right?”

I replied, “Let me give him one more try.” When I finally reached the offender I said, “Do you have any idea how lucky you are? This case could have been sent straight to the court. Instead, you have a chance to make things right and walk away with a clean slate. Interested?”

He paused and said, “I need a few days to think about it.”

When I called back two days later, his father answered and said, “No, he isn’t home and I’m late for work!” Then he slammed the phone down. Over the next week, I left three messages on his answering machine, telling the young man to call me and let me know one way or the other what he planned to do. No calls.
Finally, frustrated, Peggy and I turned the case back over to Restorative Justice, explaining that it appeared as though the offender was unwilling to participate. That’s when Connie, executive director of Restorative Justice, got involved. She decided to give the offender one more call. He answered the phone and told her that he wanted to be involved. He hadn’t received any of the messages that I had left. His mom and dad must have erased them. They didn’t want him to participate in the program, but he had decided to go ahead with it anyway.

The case was now back in my hands. I called his number, only to discover that his phone had been disconnected. What now? Peggy and I decided to drive to his home. As we wound our way through the trailer park, we saw a young man standing in front of the address listed on the case file. We got out of the car and walked up to him. Without any introductions, he knew who we were. He shook our hands and thanked us for coming. He said that he wanted to go ahead with this program and was thankful that we hadn’t given up on him after his parents had disconnected the phone.

Next, Peggy and I met with the victim. This man, in his early 40s, was convinced that the offender had deliberately tried to hurt his family by tossing a Coke can out of his car window, shattering the windshield of the victim’s car. The victim was certain that nothing the young man had to say would make him feel better. He shoved a sheet of paper across the table and said, “All I want is my money!” His voice trembled as he spoke.

Then we brought the offender and victim together. The offender spoke about his life — his expulsion from school, the death of his grandmother that led to the loss of his job. He spoke of his regret at what had happened and swore that he had not seen the victim’s car approaching. “I’m sorry, man. I can imagine how you must have felt,” he said.

As the offender spoke, I watched the victim. I watched his tense body begin to loosen. I watched his face soften. Then I watched him push his chair closer to the table as he leaned in the direction of his offender.

When the young man stopped speaking, the victim explained how upset he had been — and how certain he was that the action had been deliberate. Then, he handed the young man the bill. The offender said, “I want to pay this and I promise I will, but I’ve been fired from my job. Is there any chance that you’d be willing to give me some time? Could I pay this off a little every month?”

The victim paused. Then he looked at Peggy and me and said, “Could I just have a minute with the two of you?” The young man stepped outside and Peg and I listened in amazement to what the victim had to say. He wondered if we thought it would be inappropriate for him to offer the offender a job at his business.

Minutes earlier, this man had been filled with rage. His only interest, he claimed, was in getting his money. But now, given the chance to confront his offender, he found himself in the position of being able to empathize. He had looked into the face of an offender whom he had feared and found a young man whose life was tough; a young man who regretted what had happened; a young man willing to make things right.

Thanks to VOC, this victim was able to release his anger and unleash his compassion. At the same time, this offender was able to admit his wrongdoing and make it right. Since this VOC took place in 2001, the offender has refrained from committing any crimes against persons or property (P. Wolner, personal communication, July 2, 2009).

### The “They Tell Us We’re Poor” Case Study

“They tell us we’re poor.”

“They call us dirty Mexicans and trailer trash.”

“I don’t want to sit at the front of the bus anymore. I’m tired of being afraid.”
As facilitators for BCRJP, my partner Lory and I were asked to facilitate a case involving a 12-year-old boy, his little brother, their friend, and six neighborhood kids who had roughed them up in the trailer park — kids who used to be their best friends.

The school bus driver reported to the middle school principal that some White kids were tripping Mexican kids. For their safety, the Mexican children were asked to sit at the front of the bus. The principal referred the case to Restorative Justice.

On a Monday night, Lory and I met with the three Latino children and their families. One mother explained, “These kids used to sleep at our house. They used to play football in our yard. Now, they never come. We don’t understand what happened.”

One boy’s aunt, through an interpreter, added, “I need to know if my boy has done something to get the others so upset.”

On Tuesday, we met with the offenders — five boys and a girl, all appearing to be Caucasian, all eager to talk. Lory and I began with the same two questions we always ask: “What happened? How are you feeling now?”

One boy began, “I don’t like it when he calls my mom fat and my dad stupid.”

Another said, “I don’t like it when he calls me a retard.”

That boy’s brother added, “I don’t like it when he jumps on my brother’s back. My brother has scoliosis. I don’t want him to hurt my brother.”

I asked one of the offenders, “Is it true that you call the boys dirty Mexicans?”

Answer: “Maybe once. But my own brother is half Mexican. I didn’t mean anything bad by it.”

I asked, “Is it true that you kicked him in his private parts?”

He paused for a long time, then replied, “I don’t think so. I think that was when we were playing football. I didn’t mean to hurt him.”

On a Thursday, the victims, offenders, and all parties’ families met face-to-face. Victims and offenders sat in a circle, speaking only when a talking piece was in their hand. Parents sat outside the circle, listening. One chair remained empty. If a parent needed to talk, he or she could move to that chair, wait for the talking piece, speak, and then return to a chair outside of the circle. Lory and I had made it clear to parents that the circle was for their children; it was their space to talk, listen, and hopefully heal.

One offender began by saying, “I miss our friendship. You all made me feel welcome. I felt like you were my family.”

The next offender said, “We were like brothers and sisters. I want things to be the same. I don’t know how all this bad stuff started but I want it to stop. I miss you.”

A third offender added, “You’ve hurt me too, you know. You hit me in the back and you know I have a problem. You called me poor and you called my mom fat. That hurts.”

Another offender added, “You called my mom bad names. I don’t like that. I think you’re racist, too. This racism has to stop!”

It was a victim’s turn to speak: “I didn’t know you had a back problem. I’m sorry.”

Another victim, with tears running down his face, said, “I don’t think you’re a retard. I’m in the same class. I have problems too.”

In a matter of hours, the wall dividing the children came tumbling down.
Another victim asked, “Why do you call me bad names?”

The offender replied, “I’m not calling you bad names. I call all my friends those names.”

Another offender added, “Yeah, I’m his friend and he calls me ‘fatso.’ I don’t mind. I know he doesn’t mean it.”

Then a victim’s mother moved into the empty seat. She looked into the face of her son and asked, “Is it true that you jumped on his back? Did you call him names? There is no room for that behavior in our home!”

When it was time to draw up a contract, I asked the children what they wanted. Everyone agreed that the name calling had to stop. “No more racist comments.” “No more talk about trailer trash.” “What about the bus? Can we sit together?” “What about football? Can we play again?” “Can we still tackle each other?” “How about no hurting on purpose? We can hit, but not in private parts.” Laughter ensued.

While the children were signing the contract, one boy approached me and asked, “When do you think we’ll get our copies of the contract? I mean, when can we start playing?”

In a matter of hours, the wall dividing the children came tumbling down. They left the conference room laughing. Once confused and concerned parents now shook each other’s hands.

When the room emptied, Lory and I had time to process what had just happened. These children had cast aside society’s labels of victim and offender. They were just kids with a problem. And they listened.

As demonstrated in this case, BCRJP gives people, both young and old, the opportunity to listen. And when they listen especially well, when they listen with their hearts, and when they like what they hear, they heal. This case was successfully resolved in 2006. As of 2009, no further cases have been referred to BCRJP for these offenders, nor is there any available evidence that any of them (all of whom are still under the age of 18, as of this writing) have reoffended (P. Wolner, personal communication, July 2, 2009).

Statistical Analysis

Although the aforementioned case studies left participants with the feeling that VOC was a positive experience, what evidence is there that it had a lasting impact on the behavior of the juvenile offenders in Barron County? In this section, we examine how a decrease in juvenile crime has occurred in the county at the same time that BCRJP has been in operation.

Juvenile Crime in Barron County Compared to Similarly Sized Wisconsin Counties

From 2005 through 2007, the juvenile population of Barron County averaged 11,409. To compare Barron to counties with similar numbers of juveniles, we selected those with juvenile populations that were within 20% of Barron County’s total; this included all counties with juvenile populations between 9,127 and 13,691. This yielded 12 counties in Wisconsin: Columbia, Douglas, Dunn, Grant, Marinette, Monroe, Oconto, Oneida, Pierce, Polk, Shawano, and Waupaca. The average juvenile population of this 12-county control group for 2005 through 2007 was 10,933.

It is helpful, before comparing juvenile arrest rates between Barron County and the 12-county control group, to compare BCRJP with the restorative justice activities of the other 12 counties. In 2007, BCRJP’s VOC served 119 offenders, the overwhelming majority of whom were juveniles. That same year, there were 74 participants in teen court; in addition, eight parent-teen workshops (comprising a total of 65 participants) focused on healthy decision-making.

1Hereinafter, we will refer to these 12 counties as the “12-county control group.”
skills and strong parent-teen communication. Also in 2007, 159 teens who had been charged with underage drinking were referred to Prime for Life Under 21. Finally, 2007 saw 200 children in six school districts served by community outreach workers from BCRJP (P. Wolner, personal communication, January 8, 2009).

In 2007, only two counties from the 12-county control group had any restorative justice programs whatsoever. Oneida County was one; its restorative justice program, Northwoods Restorative Justice (still in operation), also serves neighboring Vilas County. Over the first 5 years of its operation, Northwoods Restorative Justice handled a total of 230 referrals to the program for both juvenile and adult offenders (Laabs, 2007).

Pierce County is part of St. Croix Valley Restorative Justice, a multi-county restorative justice program. Founded in 2001, St. Croix Valley Restorative Justice only recently began to grow and serve juvenile populations; it opened its Restorative Justice Center in 2006 and began working with cases in area schools beginning in 2007 (St. Croix Valley Restorative Justice, 2009). Thus, of the 12-county control group, 10 counties had no restorative justice program over the period studied, and the other two were minor programs relative to BCRJP.

As Table 1 and Graph 1 depict, the number of juvenile arrests from 2005 through 2007 was much lower in Barron County in several categories when compared to the average of the other 12 counties. The following data were gathered from Wisconsin Crime and Arrest Reports for the years 2005 through 2007 (Wisconsin Office of Justice Assistance, 2009).

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Juvenile Pop.</th>
<th>Total Juv. Arrests</th>
<th>Total Index</th>
<th>Theft</th>
<th>Total Non-Index</th>
<th>Simple Assault</th>
<th>Vandalism</th>
<th>Disorderly Conduct</th>
<th>Total Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barron Co.</td>
<td>11,409</td>
<td>475</td>
<td>111</td>
<td>79</td>
<td>364</td>
<td>10</td>
<td>24</td>
<td>91</td>
<td>112</td>
</tr>
<tr>
<td>12-Co. Avg.</td>
<td>10,933</td>
<td>676</td>
<td>100</td>
<td>68</td>
<td>576</td>
<td>23</td>
<td>30</td>
<td>122</td>
<td>160</td>
</tr>
</tbody>
</table>

Table 1. Average Juvenile Arrests in Barron and 12 Similar Counties (2005-2007)
Barron County law enforcement averaged 475 juvenile arrests per year from 2005 through 2007. In contrast, the average of the 12-county control group was 676 total arrests during the same 3-year period. This calculates to 42.3% more juvenile arrests in counties of similar size to Barron County than in Barron County. Breaking these juvenile arrest numbers down into index, non-index, and status offenses reveals more data implying less juvenile crime in Barron.

Index offenses are the more serious type of major catalogued offenses. They include felonies such as homicide, sexual assault, aggravated battery, robbery, burglary, major theft, motor vehicle theft, and arson. The average annual juvenile index arrests were relatively equal between Barron County and the 12-county control group, with Barron a bit higher than the control group. Barron County averaged 111 of these arrests, while the 12-county control group averaged 100. As an example, Barron County averaged 79 thefts, while the 12-county control group averaged 68 thefts.

The biggest difference between Barron County and similarly sized counties was in the area of non-index offenses. Non-index offenses are less serious crimes, and they include simple assault, theft of property, fraud, vandalism, and disorderly conduct (DC). Barron County’s annual average of these less serious juvenile arrests from 2005 through 2007 was 364. However, the average annual number of juvenile non-index arrests in the 12-county control group was 576 — an increase of 58.2% over Barron County. For example, Barron County averaged 10 simple assaults per year, but the annual average of the other 12 counties was 23 simple assaults; this is an increase of 130.0%. Likewise, while there was a yearly average of 91 juvenile arrests for DC in Barron County, the other 12 counties’ annual average was 122, an increase of 34.1%.

Finally, there was a major difference between Barron and similarly sized counties in the number of juvenile arrests for status offenses. Status offenses are violations of the law for juveniles that are not violations of the law for adults. These include curfew violations, runaways, and some liquor law violations. From 2005 through 2007, Barron County averaged 112 status arrests per year, while the other 12 counties averaged 160 status arrests per year. This calculates to an increase in these counties of 42.9% over Barron County.

Overall, there was a stark contrast between Barron County and counties with similarly sized juvenile populations; Barron County’s juvenile arrests for non-index and status offenses were substantially lower than in comparable Wisconsin counties. This makes sense, as many of the offenses dealt with by BCRJP involve non-index and status offenses. Indeed, as the representative case studies demonstrate, restorative justice approaches can have a significant positive impact in these types of cases.

**Trends in Barron County's Juvenile Crime Rate Compared to the Rest of Wisconsin**

In this section, we will demonstrate that juvenile crime in Barron County has been on the decline for several years, and that the juvenile crime rates in Barron County have decreased significantly more than in the rest of Wisconsin.

As previously noted, the vast differences in juvenile populations between Barron County and the rest of Wisconsin were determined by comparing the juvenile crime rates of Barron with those in the remainder of the state. The rates used

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2 Beginning in 2007, Wisconsin stopped categorizing data into index, non-index, and status offenses. Instead, Wisconsin now uses the following categories: violent, property, drug, society, and other. However, since each of these categories is broken down into its constituent offenses by the Wisconsin Office of Justice Assistance, we were able to continue categorizing 2007 data in the same manner as data for previous years.
in Graph 2 show the number of crimes committed in each category per 1,000 juveniles in the jurisdiction.³ The following data were gathered from Wisconsin Crime and Arrest Reports for the years 1995 through 2007 (Wisconsin Office of Justice Assistance, 2009).

First, consider the total juvenile arrest rates in Graph 2.

Clearly, the juvenile arrest rate in Barron County has dropped compared to the late 1990s. Furthermore, this rate has decreased at a pace faster than the other 71 counties combined in Wisconsin. The average juvenile arrest rate in Barron County from 2000 through 2007 was 30.0% lower than over the period of 1995 through 1999, dropping from an average arrest rate of 68.3 to 47.8. In the rest of Wisconsin, the juvenile arrest rate was only 19.2% lower during 2000 through 2007 than it was during 1995 through 1999, dropping from an average of 104.5 to 84.4. Similarly, consider that Barron’s juvenile arrest rate in the single year of 2007 was 34.2% less than it was in 1999 (the year before BCRJP began), dropping from a rate of 66.1 to 43.5. However, in the rest of the state, the juvenile arrest rate only dropped 21.7% from 1999 to 2007, from a rate of 99.3 to 77.8.

When focusing more specifically on juvenile theft arrest rates, the drop for Barron County is just as stark when compared to the rest of Wisconsin. This is evident in Graph 3.

Indeed, the average juvenile arrest rate for theft in Barron County decreased, on average, by 49.7% from the period 1995 through 1999 to the

³ These rates were calculated by dividing the total number of juvenile arrests in a given category by the total number of juveniles in the jurisdiction. This number was then multiplied by 1,000.

Graph 2. Total Juvenile Arrest Rate

Overall, there was a stark contrast between Barron County and counties with similarly sized juvenile populations; Barron County’s juvenile arrests for non-index and status offenses were substantially lower than in comparable Wisconsin counties.

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period 2000 through 2007. This was an average drop of the juvenile theft arrest rate in Barron from 16.7 to 8.4. However, the rest of the state only experienced a 30.0% average drop over the same period, from 15.0 to 10.5. Likewise, Barron’s juvenile theft arrest rate dropped 57.4% from 1999 to 2007, decreasing from 15.5 to 6.6. The difference for the rest of Wisconsin was only a drop of 22.4% over that period, decreasing from 12.4 to 9.6. Of particular interest here is the fact that for a period in the late 1990s, the juvenile theft arrest rate in Barron County was substantially higher than in the rest of the state, but by 2003 the juvenile theft rate was significantly lower than in the rest of the state.

Now, consider an example of non-index offenses. Graph 4 depicts the rate of juvenile arrests in Barron County and Wisconsin for vandalism.

Vandalism has also decreased among juveniles in Barron County at a greater rate than in the rest of the state. The average rate of juvenile vandalism arrests in Barron dropped 54.2% between the years 1995 through 1999 and 2000 through 2005, from 4.8 to 2.2. However, the corresponding decrease for the rest of the state was only 23.9% over those two periods, from 4.6 to 3.5. Likewise, the juvenile vandalism arrest rate decreased 31.0% in Barron County from 1999
to 2007 (from 2.9 to 2.0), while it decreased a miniscule 8.6% for the rest of the state (from 3.5 to 3.2). Much like the juvenile theft rate, from 1997 through 1998, Barron County’s juvenile vandalism rate was much higher than in the rest of the state, but a few years later Barron’s rate was significantly lower. It has consistently remained lower than the state rate since then.

For a final example of Barron County’s lower rate of juvenile crime, examine one more non-index offense, disorderly conduct. Graph 5 delineates the differences between Barron County and Wisconsin regarding juvenile disorderly conduct arrests.

Admittedly, the rates of decrease for Barron County are not as great when compared to the rest of the state. That said, the rates of decrease are nevertheless noticeably better for Barron when comparing the time periods of 1995 through 1999 to 2000 through 2007. The juvenile arrest rate for disorderly conduct in Barron decreased by 14.3% from 1995 through 1999 to 2000 through 2007 (from an average arrest rate of 10.5 to 9.0), while the state decrease was only 9.1% (from an average rate of 17.5 to 15.9). However, when comparing only the single years of 1999 and 2007, Barron County’s arrests dropped 12.9% (from a rate of 9.3 to 8.1), while the state as a whole did better, yielding a drop of 18.7% (from a rate of 17.7 to 14.4). This better performance by the state compared to Barron is probably due to the dramatic increase in Barron County disorderly conduct arrests in 1998 that has not been matched since.

There is no doubt that several juvenile crime rates in Barron County have decreased at a more substantial rate over the past few years when compared to the remainder of the state. This is especially the case with theft and vandalism, and it is arguably true with regard to disorderly conduct. Given the focus on these types of juvenile crimes by BCRJP, this should come as no surprise. These statistical data demonstrate that the outcomes of our three cases studies, where the recidivism rate for all offenders has been zero, are not anomalous outcomes for BCRJP.
Conclusion

Based on available data, BCRJP was a major factor behind the substantial decrease in juvenile crime in Barron County. As our case studies demonstrate, restorative justice, particularly VOC, has a powerful impact on all participants and helps make communities whole again. In none of our cases was there a reoffense.

In support of our case studies, we provided supplementary statistical data. This data demonstrated that juvenile crime rates across the board in Barron County began their decrease right around the time that BCRJP began operations in February 2000. Since that time, Barron’s juvenile crime rates have dropped well below those of similarly sized counties, and multiple Barron juvenile crime rates have decreased at much faster levels than rates in the rest of the state. This drop in the crime rate has occurred during a time when juvenile populations in Barron County and the rest of the state decreased by the same small percentage. 4

BCRJP, the courts, law enforcement, social services, and schools have united in a common cause in Barron County: to do what is necessary to create a caring system of accountability that deters juveniles from crime. Their efforts have paid off. Judge Brunner’s visionary alternative to the incarceration of first-time juvenile offenders has become a success story in Barron County.

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4 In 2000, 25.5% of the population was juvenile in both Barron County and the rest of Wisconsin. In 2005, both Barron County and the remainder of the state had 24.4% of their respective populations made up of juveniles.


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**CONFERENCE ANNOUNCEMENT**

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**Restorative Group Conferencing for Dual-Jurisdiction Youths**

By the American Humane Association

**Introduction**

Because of young people’s age, lack of maturity, and incomplete brain development, they may be more impulsive, which can lead them to break conventional social rules and the law. Youths’ experiences with child abuse and neglect, poverty, substance abuse, mental health issues, and homelessness are other factors that may contribute to youth offending. These are important aspects of crime that the juvenile justice system often ignores or fails to take into account.

Research demonstrates a link between child maltreatment and juvenile offending (Wiig, Widom, & Tuell, 2003). It is often overlooked that those who commit juvenile offenses are frequently victims themselves. There is growing national attention on youths who have been abused or neglected and who commit delinquent crimes — called "dual-jurisdiction youths" to indicate their involvement in two systems. Various systems, including child welfare, juvenile justice, the courts, and others, are collaborating in numerous ways to address this special, but significant, population of youths.

One promising approach to dealing with dual-jurisdiction youths has been conceptualized by American Humane and its Restorative Justice Advisory Council, consisting of national leaders and visionaries in multiple fields and disciplines. This integrated, coordinated approach — termed “restorative group conferencing” (RGC) — is designed to address the harm done; the needs of the victim(s); the needs of the offending youth for safety, permanency, and well-being; and the prevention of future offending. Built on the principles and values of restorative justice and family empowerment processes, and on research that demonstrates positive outcomes in these fields, it is hypothesized that RGC can effectively bridge the gap between child welfare and juvenile justice systems, and can better meet the specific needs of youths, their families, victims, and the broader community.

In order to demonstrate RGC’s potential, this article: (1) Establishes the gap between the child welfare and juvenile justice systems; (2) provides an overview of restorative justice and family group decision making; and (3) introduces RGC as a multi-system strategy to bridge the gap that exists between the child welfare and youth justice systems.

**The Gap Between Child Welfare and Juvenile Justice Systems**

“An overarching challenge when dealing with the crossover population is the tension between the cultures and perceptions guiding policy and practice in the juvenile justice and child welfare systems.
welfare fields…but a successful and sustainable collaborative reform initiative must attempt to reconcile the tension between child protection and community safety.” (Bilchik & Stangler, 2009)

While there are no national statistics on the total number of youths who are in both the child welfare and juvenile justice systems, there is a clear consensus that these young people are experiencing negative outcomes — and the systems that were designed to help them are, in fact, struggling to serve them effectively. The outcomes include predisposition to later delinquency, serious and violent offending, placement in out-of-home residential facilities, the victimization of community members, and high rates of recidivism, school dropouts, teen pregnancy, and gang involvement. Estimates are that 9% to 29% of youths in the child welfare system conduct delinquent acts (Smith & Thornberry, 1995). In addition, these dual-jurisdiction youths are impacting court systems, as they constitute a large proportion of the court’s deeper-end delinquency caseload (Halemba, Siegel, Lord, & Zawacki, 2004).

Dual-jurisdiction youths may be dependent on the child welfare system and commit delinquent behavior, launching their involvement in the juvenile justice system; conversely, they may commit a delinquent offense, and then be assessed for maltreatment, prompting a referral to the child welfare system. Regardless of the door through which these youths enter, various studies demonstrate that they suffer exposure to negative peer groups and detention, among other unfortunate outcomes (Ryan, Herz, Hernandez, & Marshall, 2007).

Dependent and delinquent youths are oftentimes victims themselves, and experiencing maltreatment increases the likelihood of future delinquency (Stewart, Dennison, & Waterson, 2002). Wiig, Widom, and Tuell (2003) showed that those abused or neglected had an increased chance of arrest — as a juvenile by 59%, as an adult by 28%, and for a violent crime by 30%. Maltreated children are often younger at the time of their first arrest, commit almost twice as many offenses, and are arrested more frequently than children who are not maltreated (Widom & Maxfield, 2001). Additionally, dual-jurisdiction youths often experience less favorable outcomes to their cases, including: a higher likelihood of being detained; elongated lengths of stay in the delinquency system; and higher rates of recidivism than youths without a foster care history (Petro, n.d.). Finally, according to Petro (n.d., p. 2) and based on research conducted by Carter, Sterk, and Hutson (n.d.), “Studies comparing groups of delinquent youths and control groups found that delinquent youths were more likely to have abusive families.”

A critical question is whether or not there is a link between children being placed out of the home and juvenile delinquency. While earlier studies showed that out-of-home placements had a minimal effect on future offending, more recent studies have provided a different perspective. Three reports by Stewart et al. (2002), Ryan and Testa (2005), and Bilchik and Nash (2008) demonstrated a correlation between children living in out-of-home care and the likelihood of future offending. Specifically, according to Bilchik and Nash, these children are twice as likely to commit delinquent acts as those who receive in-home services. In the Ryan and Testa study, of those who experienced at least one placement in out-of-home care, males were 1.9 times and females 2.11 times more likely to become delinquent. Some of these statistics may be indicative of the fact that “dual-jurisdiction youth[s] are likely to be reported to the police by their caseworkers for behaviors such as fighting or stealing, [events] less likely to occur in a biological family” (Petro, n.d., p. 11).
Impact of Dual-Jurisdiction Youths on Child Welfare and Juvenile Justice Systems

Not only do dual-jurisdiction youths experience a higher likelihood of detention and recidivism than youths without a foster care history (Herz, Kirsky, & Ryan, 2006), but also the impact of their dual status on the child welfare and juvenile justice systems is staggering. For example, these systems report the following effects: unintended duplication of case management efforts; inefficient use of systems’ resources; addition of substantial costs; and decreased timely action. Numerous reports have documented that serving dual-jurisdiction youths can be difficult for many reasons, including but not limited to: the lack of established protocols; insufficient communication between systems; insufficient resources and funding to serve these youths and get them needed services; court proceedings being held separately; and misunderstandings of each system’s mission. Siegel and Lord (2004, p. 1) sum up the challenges in a recent report for the National Center for Juvenile Justice:

In too many instances, the two kinds of cases weave their way down separate paths, before separate judges, in pursuit of separate goals, without any coordination, cooperation, or even communication. The child may be represented by different attorneys. His or her assigned probation officer and his or her assigned child protection worker may be unaware of each other’s existence. Eventually, what are in effect dueling case plans may emerge and may feature contradictory orders as well as services and treatment that are at odds with one another.

According to Siegel and Lord (2004), the following five areas can be addressed to improve collaboration between the two systems:

1. Screening and assessment. Strategies in this area include multi-system screening, interagency intake assessment, protocols for dual-jurisdiction notification, and early identification of youths at greater risk of antisocial, pre-delinquent, and delinquent behavior.

2. Case assignment. Illustrations would include the implementation of dedicated court dockets and assigning one judge to one family/youth.

3. Case flow management. Strategies are joint pre-hearing conferences; combining dependency and delinquency hearings; and using a mandatory interagency court presence. These ideas are projected to save court calendar time, result in better individualized plans, improve communication between systems, and provide judges with the opportunity to gain a more holistic portrait of the youth and his/her family.

4. Case planning and supervision. Examples in this improvement area are developing joint case plans submitted to the court in advance of hearings; using specialized case management and supervision units; applying family-centered interventions such as family group conferencing, restorative practices, and wraparound processes; and implementing programs that target very young offenders.

5. Interagency collaboration. For instance, having broad statutory authority, formal written agreements, and collaborative funding arrangements may improve how systems work together to serve dual-jurisdiction youths.

Clearly, while dual-jurisdiction youths experience alarming outcomes, systems are making strides to collaborate and better serve these youths. Federal legislation, including the Juvenile Justice and Delinquency Prevention Act (JJDPA) and Child Abuse Prevention Treatment Act (CAPTA) support the notion of interagency
collaboration between the child welfare and juvenile justice systems and help showcase the shared responsibilities and roles of these two systems. The official missions of these two systems are different, making interagency and system collaboration more difficult, but not unattainable. The child welfare system strives to “protect” children and the juvenile justice system focuses on rehabilitating youths and providing for community safety. Even so, some juvenile justice systems have a “punishment” mentality when it comes to responding to youth offending, which causes conflict with restorative justice and family empowerment principles and processes. Both systems, according to Wiig, Widom, and Tuell, strive “to interrupt the trajectory of juvenile and criminal offending that seems to be the destiny for at least some of these victims of child abuse and neglect” (2003, p. 11).

Overview of Restorative Justice

According to Shadow, “Justice is understood to be what is fair, right, appropriate, and deserved” (2008). What is deserved, in this view, is that offenders be held accountable for their acts. Accountability, however, is not the same thing as punishment. The question about the role of victims in the equation of justice also looms. So far, most criminal justice systems include victims in a very limited way; often, they are considered mere witnesses because the state takes over as the primary victim. This is especially true with youth offending. In many cases, confidentiality leaves victims in an abyss of uncertainty and frustration regarding outcomes.

Even when victims are involved — for example, when compensated monetarily and symbolically — it is important to remember that it is not possible for justice to completely restore victims to the state of welfare that existed before the harm occurred. Memories and trauma of the harm may stay with victims for a long time, sometimes forever. In support of this argument, Archbishop Desmond Tutu, in an interview with CBC News, stated that it is possible for victims to forgive but forgetting would be disastrous and unrealistic (MacNeil, n.d.). Justice is then a relative concept and cannot be achieved in its intrinsic meaning. It is important to recognize this perspective in order not to mislead those who experience the trauma of crime. Restorative justice recognizes this reality.

Like any principle-based practice, there are a number of values that guide restorative justice. According to Zehr (2002), restorative justice:

- Focuses on the harm done to and needs of the victim, community, and offender;
- Addresses the offenders’, the communities’, and society’s obligations that result from the harm done;
- Uses inclusive, collaborative processes;
- Involves those with a legitimate stake in the situation; and
- Seeks to put right wrongs.

Restorative justice principles, values, and processes have emerged as an effective response to youth offending. Though it is often considered to have its roots in ancient traditions, restorative justice emerged in the 1970s as an effort to deal more effectively and holistically with offending (Daly & Immarigeon, 1998). Today it encompasses a variety of practices designed to meet victims’ needs, hold offenders accountable, and collaboratively include families and communities in a consensus-based resolution process.
Contemporary restorative justice can be traced to a case in 1974 in Elmira, Ontario, where two teenagers vandalized 22 properties. Probation officer Mark Yantzi suggested that the two youths face their victims to apologize, hear what the victims had to say, determine the amount of restitution, ask for forgiveness, and assure the victims that they were not targeted, as the vandalism was random (Kelly, 2005).

Zehr (2002) states that restorative justice is based upon old, common-sense, traditional understandings of wrongdoing with specific practices having been developed to fit a modern context. Restorative justice attempts to respond holistically to crime as a violation of people and relationships (Zehr, 1990), and address both victims’ and offenders’ needs, offenders’ obligations, and the root causes of offending. To better respond to wrongdoing, it is important to ask the right questions. When a crime occurs, the legal system asks the following questions:

- What laws have been broken?
- Who did it?
- What do they deserve?

Restorative justice suggests that other questions are more fundamental:

- Who has been hurt?
- What are their needs?
- Whose obligations are these? (Zehr, 2002)

These questions underpinning restorative justice do not undermine the importance of laws and systems, but recognize laws as a mere framework for social interactions. Restorative justice focuses on the harm done to people and relationships. By actively including the offender, members of his or her family system, the victim and his or her supporters, and often community members in the resolution process, restorative justice seeks to achieve positive outcomes such as victim and offender satisfaction with the restorative dialogue experience (Umbreit, Coates & Vos, 2005).

Victims’ needs — both from an individual and community perspective — are central in restorative justice. A person often experiences even minor property crimes as an attack on the self (Zehr, 2002). Crime impacts victims at different levels: physical, emotional, psychological, and financial. These impacts raise numerous needs. Victims need to be treated with respect and dignity, to feel safe, to vent their feelings, and to receive just reparation for their losses, such as lost wages and property. In addition, the community’s needs have to be met in order to retrieve a sense of safety and reintegrate the offender in a trustful manner. These needs are best addressed through inclusive and collaborative processes. Victims and communities need to have a say in the outcomes of the accountability process.

Restorative justice puts the responsibility of making things right primarily on the offender. However, the offender’s family and community also share the responsibility to attend to the offender’s needs by addressing the causal factors behind his or her offending. Often, restorative justice processes include community resources, like drug and alcohol treatment professionals, counselors, and representatives from other community-based agencies, to offer services to both victims and offenders. Similarly, offenders have the responsibility to make things right to the
victim and the community by hearing the effects of their behaviors and creating plans that address victims’ needs, which may include restitution and contributing to the prevention of future offending.

**Restorative Justice Research**

While more research is needed to fully understand the outcomes resulting from restorative justice, a number of studies have demonstrated that restorative justice processes are effective in addressing youth offending — most notably, by achieving lower recidivism rates and high levels of victim, offender, family, and community satisfaction.

For example, victims who participate in victim-offender dialogues report higher levels of satisfaction than victims in control groups (McGarrell, Olivares, & Kroovand, 2000; Umbreit, Coates, & Vos, 2005). Moreover, victims are more likely to receive restitution during restorative justice processes. A research project carried out by Umbreit, Coates, and Vos (2004) showed that agreements were reached in 90% of victim-offender dialogues — and that 80% to 90% of these agreements were fulfilled. Evje and Cushman (2000) report that in six victim-offender dialogue programs evaluated in California, completion rates for restitution and community service were higher than in programs for which a face-to-face meeting did not take place. The same study clearly found that all participants in the victim-offender dialogue programs reported a general satisfaction rate above 90%. In addition, research carried out by Braithwaite (2002) found that in four studies, offenders’ satisfaction and perception of fairness were higher when they participated in a restorative justice process.

Various reports indicate that youth justice family group conferences in New Zealand have yielded promising results, such as decreasing the number of young offenders appearing in court (Chong, 2007) and the number of young people arrested, while resulting in high levels of victim satisfaction (Maxwell, 2003). Lastly, a study that focused on restorative conferencing reported a 91% success rate and a 5.6% recidivism rate in Northern California (Restorative Resources, 2009).

**Overview of Family Group Decision Making in Child Welfare**


Children and their parents are nested in a broader family group: those people to whom they are connected through kinship and other relationships. Agency decision-making practices that are planned and dominated by professionals and focused narrowly on children and parents can deprive those children and parents of the support and assistance of their family group — and can deprive agencies of key partners in the child welfare process. [Family group decision making or] FGDM recognizes the importance of involving family groups in decision making about children who need protection or care, and it can be initiated by child welfare agencies whenever a critical decision about a child is required. In FGDM processes, a trained coordinator who is independent of the case brings together the family group and the agency personnel to create and carry out a plan to safeguard children and other family members.

FGDM processes position the family group to lead decision making, and the statutory authorities agree to support family group plans that adequately address agency concerns. The statutory authorities also organize service providers from governmental and non-governmental agencies to access resources for
FGDM processes are not conflict-resolution approaches, therapeutic interventions or forums for ratifying professionally crafted decisions. Rather, FGDM processes actively seek the collaboration and leadership of family groups in crafting and implementing plans that support the safety, permanency and well-being of their children. (p. 1)

FGDM Values

The values associated with FGDM include:

- Children have a right to maintain their kinship and cultural connections throughout their lives;
- Children and their parents belong to a wider family system that both nurtures them and is responsible for them;
- The family group, rather than the agency, is the context for child welfare and child protection resolutions;
- All families are entitled to the respect of the state, and the state needs to make an extra effort to convey respect to those who are poor, socially excluded, marginalized, or lacking power or access to resources and services;
- The state has a responsibility to recognize, support, and build the family group’s capacity to protect and care for their young relatives;
- Family groups know their own histories, and they use that information to construct thorough plans;
- Active family group participation and leadership are essential for good outcomes for children, but power imbalances between family groups and child protection agency personnel must first be addressed; and
- The state has a responsibility to defend family groups from unnecessary intrusion and to promote their growth and strength.

FGDM Processes

FGDM processes are carefully managed and crafted to ensure fidelity to the FGDM values and to ensure that those values drive practice. The following five items are critical to supporting exemplary practice in FGDM:

An independent (i.e., non-case carrying) coordinator is responsible for convening the family group meeting with agency personnel. When a critical decision about a child is required, dialogue occurs between the family group and the responsible child protection agency personnel. Providing an independent coordinator who is charged with creating an environment in which transparent, honest, and respectful dialogue occurs between agency personnel and family groups signifies an agency’s commitment to empowering and non-oppressive practice.

The child protection agency personnel recognize the family group as their key decision-making partner, and time and resources are available to convene this group. Providing the time and resources to seek out family group members and prepare them for their roles in the decision-making process signifies an agency’s acceptance of the importance of family groups in formulating safety and care plans.

Family groups have the opportunity to meet on their own, without the statutory authorities and other non-family members present, to work through the information they have been given and to formulate their responses and plans. Providing family groups with time to meet on their own enables them to apply their knowledge and expertise in a familiar setting and to do so in ways that are consistent with their ethnic and cultural decision-making practices. Acknowledging the importance of this time and taking active steps to encourage family groups to plan in this way signifies an agency’s acceptance of its own limitations, as well as its commitment to ensuring that the best possible decisions and plans are made.
When agency concerns are adequately addressed, preference is given to a family group's plan over any other possible plan. In accepting the family group's lead, an agency signifies its confidence in, and its commitment to, partnering and supporting family groups in caring for and protecting their children, and to building the family groups' capacity to do so.

Referring agencies support family groups by providing the services and resources necessary to implement the agreed-upon plans. In assisting family groups in implementing their plans, agencies uphold the family groups' responsibility for the care and protection of their children, and contribute by aligning the agency and community resources to support the family groups' efforts.

The most prominent FGDM process implemented worldwide is the family group conference, which was legislated in New Zealand in 1989 by the Children, Young Persons and Their Families Act to address child welfare issues and youth offending. The family group conference is based in part on the traditional and ancient Maori people's approaches to resolving conflicts and dealing with offending (Morris & Maxwell, 1998), with the goal of family empowerment (Doolan, 2003).

Research on FGDM

FGDM and other family engagement approaches are becoming an international cornerstone of family-centered practice. Two international surveys — Burford, Morris, and Nixon (2007) and Nixon, Burford, and Quinn (2005) — clearly document the growth and spread of FGDM and other related practices, identifying implementation in 22 countries and 35 U.S. states. With these innovations becoming prevalent, research and evaluative efforts have been undertaken worldwide to gain an increased understanding of how these processes impact systems, communities, families, and children.

Various themes emerge from the research. First, implementing FGDM and other family engagement approaches requires system and community buy-in, reorganization, a meshing of family-led philosophies with new practice orientation, realignment of services to meet families' needs supported by flexible funding, and internal and external leadership and advocacy within the lead agency and at different levels to support risk-taking, change, and innovation. Even in agencies where FGDM is legally mandated, there are signs of resistance and professionally dominant strategies, signaling difficulty sustaining family-led practice. In agencies that describe FGDM as a best practice, resistance from within and outside the agency hampers efforts to support the innovation.

In considering outcomes, however, family engagement processes more fully identify and better mobilize the family group in planning and decision making. Notably, the involvement of fathers, paternal relatives, and children in decision making — those who have been traditionally marginalized or excluded — has been found to occur more regularly. Members of the family group provide an increased level of resources and informal supports, and supplement services offered by service providers. In addition, numerous studies have documented an enhanced level of satisfaction experienced by family members and service providers fulfilling various roles in the process. Child safety, permanency, and well-being are not compromised by using these processes, and there is a significant increase in children living with their kin.

New Frontiers: Bridging the Gap With RGC

New strategies that build youth and family group accountability for offenses committed, while attending to the concerns that brought youth offenders to the attention of child welfare systems, are desired. It is hoped that innovative
strategies to serve dual-jurisdiction youths will improve community safety, meet victims’ needs, and rehabilitate young people instead of simply punishing them — which may lead to their continued engagement in criminal activities after or while they are in the juvenile justice system. Child welfare and juvenile justice systems often alienate youths, as well as their families, victims, and communities, from the processes of repairing the harm the young people have caused and attending to the young offenders’ dependency needs. These systems may hold a restricted vision of the issues facing youths and their families, and may also ignore victims’ needs.

American Humane has a decade-long history of promoting progressive and inclusive approaches to decision making, notably various restorative practices and FGDM. These types of processes promote a holistic, inclusive, and collaborative approach that places youths, their family groups, their victims, and other stakeholders at the center of decisions. Building on American Humane’s history; the development of effective processes to serve dependent and delinquent youths, their families, and victims; and our belief in family-led and victim-involved decision making, we established a Restorative Justice Advisory Council to create a more holistic response that includes accountability and care for youths who are dealing with dependency and delinquency issues. Our intent is to prevent youths from reoffending, involve those most impacted in decision making, meet youths’ and victims’ needs, create long-lasting kinship and cultural connections for youths, encourage pro-social development of these youths, and reduce the likelihood of youths’ transition from the juvenile justice system to the adult criminal justice system.

This Restorative Justice Advisory Council was composed of experts in restorative and juvenile justice, child welfare, law enforcement, education, courts, victim advocacy, disproportionate minority representation, and trauma healing. Council members assembled in August 2008 and January 2009, and participated in subsequent conference calls, to design a sustainable response for dual-jurisdiction youths, their family groups, the victims of their offenses, the systems that serve them, and the communities in which they live. As previously mentioned, this newly developed response has been termed RGC, which is a government and community partnership model that helps youths, their family groups, and victims of youth offending address dependency and delinquency issues.

It is hoped that innovative strategies to serve dual-jurisdiction youths will improve community safety, meet victims’ needs, and rehabilitate young people instead of simply punishing them.

This description of RGC takes into account the council members’ and American Humane staff contributions, literature on FGDM and restorative practices, and the experiences of numerous communities that have been implementing family-led and victim-involved decision-making processes in child welfare and juvenile justice. RGCs help address harm done to others, youths’ rehabilitation, and youths’ safety, permanency, and well-being.
Core Values and Guiding Principles of RGC

<table>
<thead>
<tr>
<th>Core Values</th>
<th>Guiding Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Respect</strong> for family groups’ wisdom and expertise and for the cultures of those involved in the decision-making process.</td>
<td>• Family groups and victims are invited to adapt the process to fit with their cultures, traditions, and decision-making styles.</td>
</tr>
<tr>
<td><strong>Responsibility</strong> of youths and their family groups to account for youths’ acts and to repair the harm — and for systems to empower family groups as decision makers to meet victims’ and youths’ needs.</td>
<td>• Youths admit and accept responsibility for their offenses. • Sufficient time, energy, and resources are put toward identifying and bringing together family groups to make decisions and plans that build responsibility and accountability. • The portion of the RGC in which the victim participates is truly victim-oriented, meeting his or her needs with no obligations being placed on him or her.</td>
</tr>
<tr>
<td><strong>Interconnectedness</strong> to build, nurture, and repair relationships between and among youths, family groups and their social networks, and community members — and between the systems that serve them.</td>
<td>• Relationship building between different stakeholders is promoted. • Emphasis is given to system collaboration and partnership to serve dual-jurisdiction youths.</td>
</tr>
<tr>
<td><strong>Engagement</strong> of those who have caused harm and those who have been hurt, along with family group networks, community members, and representatives of formal systems to participate in consensus-based decision making.</td>
<td>• There is holistic recognition of each participant’s knowledge, experience, and contribution to the RGC process. • There is a commitment to comprehensively prepare participants to support their involvement.</td>
</tr>
<tr>
<td><strong>Healing</strong> to restore victims, youths, family groups, and the broader community to a state of wholeness.</td>
<td>• Participants express their feelings and needs. • RGC plans address the needs of victims, youths, family groups, and the community. • Participants create an understanding of harm done and its impact from various vantage points.</td>
</tr>
<tr>
<td><strong>Transparency</strong> of information, decisions, and outcomes shared among multiple systems, family groups, victims, youths, and the community.</td>
<td>• There is open, direct, and respectful interaction and communication. • The follow-up phase promotes collaborative monitoring of the plan.</td>
</tr>
<tr>
<td><strong>Collaboration</strong> among child welfare and juvenile justice systems, courts, law enforcement, and communities to meet the safety and well-being needs of the victim, youth, and community.</td>
<td>• Interagency practices and policies to implement RGC are used. • Multi-system problem solving and solution building occur.</td>
</tr>
<tr>
<td><strong>Fairness</strong> in addressing the needs of victims, youths, and family groups and in the representation of marginalized groups in the RGC process.</td>
<td>• The coordinator acts independently in organizing and facilitating the process. • Failure to complete the RGC plan should not justify a harsher outcome for the youth. • The plans are realistic, achievable, and timely.</td>
</tr>
</tbody>
</table>

**Youth Eligibility**

The RGC process is intended to serve dependent youths (10 to 18 years old) in both the child welfare and juvenile justice systems; those youths in the juvenile justice system with dependency issues as identified in an assessment process; and those youths who are in the dependency system, commit an offense, and get arrested, launching them into the juvenile justice system. Joint referral processes, established by juvenile justice and child welfare systems, are important to support RGC addressing both dependency and delinquency issues.
Participant Involvement and Roles

In restorative group conferences, key participants remain constant based on their relevance to both dependency and delinquency concerns, as shown in Table 1.

Table 1. Conference Participants and Roles Related to Dependency and Delinquency

<table>
<thead>
<tr>
<th>Participant</th>
<th>Role</th>
</tr>
</thead>
</table>
| Youth | • Takes responsibility for his or her part in the offense  
       • Addresses harm done and needs  
       • Discusses ways to prevent future offending  
       • Participates in creating plans that meet the purposes of the RGC |
| Family group, including extended family and social network | • Takes responsibility, with the youth, for developing and implementing a plan that puts right the wrong, repairs the harm done, and ensures that the young person receives the help and services needed to prevent future offending  
       • Works in partnership with social worker, probation officer, or RGC coordinator to oversee the implementation of RGC plans |
| Coordinator | • Screens the referrals, paying particular attention to the victim when the youth has had extensive multiple offenses and has participated in prior RGCs or other restorative processes  
       • Informs, empowers, and prepares participants for the RGC  
       • Facilitates the process  
       • Ensures that reparations, prevention, and fairness are addressed  
       • May monitor the RGC plan |
| Child welfare social worker | • Provides information about the agency’s concerns related to child safety, permanency, and well-being, and about resources in the community to support the family group and youth  
       • May provide oversight and monitoring of the RGC plan |
| Community resources representative | • Educates participants on resources that the family group can leverage as part of the plan |
| Interpreter (if needed) | • Translates information to build understanding |
| Education representative (if relevant) | • Informs participants of school issues, needs, and resources |

Additional participants to handle the delinquency stage of the conference appear in Table 2.

Table 2. Conference Participants and Roles Related to Delinquency

<table>
<thead>
<tr>
<th>Participant</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim/Person harmed</td>
<td>• Shares impacts and voices needed</td>
</tr>
<tr>
<td>Victim’s support</td>
<td>• Supports the victim emotionally and if asked, helps him or her express impacts and needs</td>
</tr>
<tr>
<td>Community resources representative</td>
<td>• Provides all assembled RGC participants with resources that can be considered during the development of the plan</td>
</tr>
<tr>
<td>Law enforcement (arresting/citing police officer and possibly probation officer)</td>
<td>• Represents the community needs regarding safety and prevention and shares the impacts of the offense on the community</td>
</tr>
</tbody>
</table>

Three Core Phases of RGC

As demonstrated in Figure 1, there are three core phases of a restorative group conference, which ensues after a referral has been accepted: preparation, the conference itself, and follow-up and monitoring.

Figure 1. RGC Phases

1. Referral
2. Preparation
3. Conference (both child welfare and youth offending stages)
4. Follow-up and plan monitoring
5. Outcomes and results achieved
Phase 1: Preparation

Pre-conference preparation is a key element of the RGC process, and varies slightly based on whether the coordinator is preparing for the dependency or delinquency part of RGC. The coordinator prepares all of the individuals listed in Tables 1 and 2 by providing clear and transparent information about the RGC process that enables individuals to decide on their level of participation. During preparation, the coordinator seeks from, and provides information to, all stakeholders, and during the process engages in a conversation about some of the following items: the purpose of the conference; the referring agency; the RGC process; the voluntary nature of participation; the privileged nature of the information shared throughout the process; and any questions or concerns from participants. Moreover, the coordinator helps with the formulation of the conference, gathering contact information for support people and others who are important to the family group, child welfare team, victims, law enforcement and other agency representatives, and handling any specific needs to facilitate participation in RGC. The preparation and planning phase also provides all participants, particularly the youth, family group, and the victim, with the opportunity to contemplate what they would like to say at the conference. Given that each participant’s role in the RGC process is unique, the coordinator’s preparation of each person will vary. While not an exhaustive list, Table 3 identifies the coordinator’s roles and functions in preparing different stakeholders in the delinquency and dependency parts of the process.

Table 3. Summary of Coordinator Preparation Activities

<table>
<thead>
<tr>
<th>Stakeholder Being Addressed</th>
<th>Delinquency Part</th>
<th>Dependency Part</th>
</tr>
</thead>
</table>
| Youth (the coordinator meets with the youth and the family together, if possible) | • Asks the youth about what happened  
• Informs the youth about the charge(s)  
• Helps the youth tell his or her story  
• Ensures that the youth accepts full responsibility for his or her part in the offense  
• Asks the youth whether he or she is ready and willing to make amends to those harmed by his or her behavior  
• Clarifies any discrepancies between the youth’s version of the facts and the incident report | • Engages youth in a conversation about who he or she considers to be members of a family group or support network  
• Gains an understanding of the youth’s involvement in the child welfare system  
• Considers the youth’s dependency needs for purposes of preparation and planning  
• Inquires about what the youth would like to see happen | |
| Family group | • Collects information on how the family was impacted by the offense  
• Engages in conversation about who is part of the “extended family”  
• Inquires about conflict resolution approaches congruent with the family’s culture  
• Reaches out to members of the extended family as potential conference participants | • Shares information about the child welfare agency’s concerns that precipitated the RGC referral  
• Identifies members of the family group who can be approached as potential participants in the conference  
• Works with family to determine if they would like to take the lead in engaging other family/kin for the conference | |
| Victims | • Informs victims about the voluntary nature of the process  
• Informs victims about their rights during the process  
• Asks victims about the offense and its impact on their lives  
• Asks about their expectations from the RGC process  
• Asks for a list of support people they may want to involve in the conference  
• Gains a clearer understanding of the victims’ needs | | Continued on page 31. |
Phase 2: Restorative Group Conference

Keeping in line with the aforementioned values and principles, the purpose of the restorative group conference is to share information about the offense and the child welfare issues that the youth has experienced, and to create plans that will yield positive outcomes. The conference should have two distinct parts to address the delinquency and dependency issues independently. These are intentionally separated for the following reasons: (1) The victim of the youth’s offense does not have a right to information about the youth’s involvement with the child welfare system, as this information is privileged and protected by confidentiality rules; (2) it is hypothesized that victims’ knowledge of the offending youth’s dependency issues may also result in the victim “being soft” on the youth offender. Victims may develop too much empathy for the youth, and be less likely to hold the youth accountable for the harm he or she has caused; and (3) the victim should not have to feel responsible to work on dependency issues.

The dependency and the delinquency parts of the conference can occur in any order, depending on the case. The coordinator enters into a careful negotiation process with the referring agents, the youth, and the family group, taking into account multiple perspectives to collectively decide which part of the conference occurs first. The coordinator may also use assessment mechanisms to help support the group’s decision making.

As shown in Figure 2, the two parts of the conference are each composed of three stages. If, however, the victim of the youth’s offense is a family member, then the child welfare and juvenile justice parts of the conference may be combined, and the victim would likely be part of the dependency deliberations. Table 4 describes some of the inner workings of each stage of the delinquency and dependency parts of the conference. At the conclusion of the restorative group conference, the coordinator has worked with all stakeholders to build a consensus-based plan that is sufficiently detailed so that everyone knows their roles in achieving the plan. These plans include a detailed list of tasks, due dates, check-in dates for plan monitoring, and an understanding of how and under what conditions the RGC process will be reinitiated, if necessary.
Figure 2. RGC Process

Table 4. Stages of the Restorative Group Conference

<table>
<thead>
<tr>
<th>Stage</th>
<th>Delinquency Part</th>
<th>Dependency Part</th>
</tr>
</thead>
</table>
| Information sharing: streamlining information among participants, answering questions, and addressing concerns | • Law enforcement reads the incident report  
• Youth admits to the offense  
• Victim shares impacts of the offense on his or her life  
• Youth provides his or her perspective  
• Family and community voice how the offense affected them  
• Open discussion  
• Available resources are shared | • Social worker provides information about the case and addresses the child welfare system’s concerns regarding the young person’s safety, permanency, and well-being  
• Those familiar with community resources provide information about the issue facing the family and related resources  
• Family has opportunity to ask clarifying questions |
| Private family time: putting the family group in charge of the resolution | • Family group discusses the impacts of the offense on the different stakeholders, including family members  
• The youth and the family group write the plan to make amends | • Family group creates a plan to address the child welfare agency’s concerns |
| Plan presentation and negotiation: working toward a consensual resolution | • The youth or another family member presents the plan  
• Participants discuss the plan and refine it  
• Participants work to reach agreement between victim, family group, youth, and referring agency  
• Needed/identified resources are embedded into the plan | • The youth or another family member presents the plan  
• Participants discuss the plan and refine it  
• Participants work to reach agreement between the family group and referring agency  
• Needed/identified resources are embedded into the plan |

Phase 3: Follow-Up and Monitoring

The follow-up and monitoring phase of the RGC process ensures that the plan is successfully implemented and provides youths and their family groups with the support they need. It also allows those with an investment in the plan’s completion to track progress and make adjustments, as appropriate.
The follow-up and monitoring functions are individually constructed by the family group and service providers of each part of the RGC. Each community implementing RGC will have a different configuration for how to staff these functions. Experience from communities around the world that are implementing similar decision-making processes suggest that there is one service provider, typically the coordinator, who has the ultimate responsibility for following through on the monitoring function.

The activities listed in the plan are typically shared by the youth, the family group and other supporters, the social worker, and the probation officer. In this capacity, the coordinator provides support and guidance to the youth and his or her family group during plan implementation. The youth and family group members need to report the progress of the plan implementation on a regular basis to the coordinator. The coordinator also helps connect the family group to resources, services, and other supports available in the community. The coordinator remains in close contact with all stakeholders to exchange information regarding the progress of the plan.

Because the youth is still formally involved in the child welfare and juvenile justice systems, the service provider(s) responsible for working with that youth also has a role in plan monitoring, reporting progress to the coordinator. Spreading the monitoring and follow-up responsibilities between many individuals can support the youth, family group members, and service providers partnering to complete the plan. This also builds in a checks-and-balances system so that if the plan goes off course, a follow-up conference can be quickly organized. Insufficient follow-up and monitoring can negatively affect the completion of the plan(s).

System Issues for RGC Implementation

There are numerous system issues that communities implementing RGC will need to address. The degree of collaboration between the child welfare, juvenile justice, court, and law enforcement systems, and the extent of practice experience with restorative justice and FGDM will impact which of these issues are germane to communities implementing RGC. The implementation issues may include:

Mission, Roles, and Outcomes
- Reaching a common understanding about the mission, roles, and shared outcomes between the child welfare and juvenile justice systems

Referrals and Assessment
- Identifying dual-jurisdiction youths by professionals in numerous systems, including social workers, police officers, probation officers, and courts
- Developing and using referral and cross-referencing mechanisms to determine if the arrested youth is involved with the child welfare system (law enforcement)

Practice
- Establishing one point of contact for family members when they inquire about their child’s involvement with the child welfare or the juvenile justice systems
- Having a coordinated protocol for handling dual-system cases

Legal Issues
- Establishing a single judge (knowledgeable in both dependency and delinquency issues) to preside over dual-jurisdiction cases
- Having attorneys who are trained in both dependency and delinquency cases represent the youth in both systems
- Instituting practices where family, legal guardians, foster parents, and caseworkers attend all proceedings
System Issues

- Developing flexible funding streams across systems to meet the youth’s needs
- Training across systems on RGC
- Integrating management information systems to support effective partnerships across systems
- Developing audit systems to eliminate overlap in service delivery

Conclusion

Dual-jurisdiction youths are victims, despite their responsibility for the harm they caused to victims, their families, and the community. These youths often encounter a lack of communication and collaboration between the child welfare, juvenile justice, and court systems, which may be due to conflicting missions and philosophies: to protect versus to punish (Altschuler, Stangler, Berkley, & Burton, 2009). Resorting to punishment without investigating the root causes of youths' behaviors, given the extenuating circumstances, will not result in the outcomes victims, families, or communities desire.

RGC creates a structure to support collaboration among systems, agencies, families, and communities to deliver a lost sense of justice and offer victims and youths the opportunity to heal and discover a brighter future. By blending the principles, values, and processes within the restorative justice and family empowerment fields, youths and their families receive support in taking responsibility for offenses, youths’ needs resultant from maltreatment are addressed, and victims are positioned as being actively involved in the accountability process to ensure that their needs are met.

Without a transformative approach like RGC, it could be argued that juvenile crime victims may never feel that justice has truly been served, youth antisocial behavior may escalate, restitution may be an afterthought, offenders who were abused and/or neglected as children may never be recognized as victims and will historically reoffend, and the cycle of violence and victimization may continue.

Questions or comments regarding American Humane’s restorative justice initiative or the RGC process can be directed to Lisa Merkel-Holguin, American Humane’s director of system and practice advancements, at lisa@americanhumane.org or (303) 925-9421.

References


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Arnold Rosenfield, superior court judge, Sonoma County, Calif.

Tim Turley, consultant to the Robert Wood Johnson Foundation’s Reclaiming Futures Initiative, Denver, Colo.


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Howard Zehr, professor of restorative justice at Eastern Mennonite University’s graduate program Center for Justice and Peacebuilding, Harrisonburg, Va.

Elaine Zook Barge, program director for Seminars for Trauma Awareness and Resilience, Eastern Mennonite University, Harrisonburg, Va.

To learn more about American Humane’s Restorative Justice for Youth Initiative please visit www.rjforyouth.org
In Classrooms and Prisons: Wisconsin Program Explores the Use of Restorative Justice Circles for Empathy Development and Violence Prevention

Kris Miner, MS

Ms. Miner is director of St. Croix Valley Restorative Justice Program. She has a master’s in counseling from South Dakota State University. She is an adjunct professor at University of Wisconsin – River Falls, teaching courses in introductory and advanced restorative justice. Her career background includes time as an in-home family therapist, social worker, child protection supervisor, and juvenile justice supervisor. Under her leadership, the St. Croix Valley Restorative Justice Program has received local, state, and national awards. She has successfully implemented new programs and expanded the use of restorative justice in Wisconsin.

In 2001, the St. Croix Valley Restorative Justice Program (SCVRJP) was founded with the goal of bringing victim-offender conferencing and restorative justice services to the community. Located in River Falls, Wisconsin, not far from the Minnesota border, SCVRJP provides courts, schools, human services providers, probation officers, law enforcement agents, and community members the opportunity to use restorative justice as a method of addressing — or resolving — crimes and conflicts. SCVRJP’s restorative justice programs include “peacemaking circles” (meetings between all involved parties that operate on the premise of respect), victim-offender conferencing, and community conferencing. SCVRJP provides training and workshops that support the implementation of restorative justice. SCVRJP also administers the use of circles in programs that address underage alcohol consumption and safe teen driving.

Restorative Justice

Restorative justice is increasingly being used to repair the harm caused by crimes and conflicts. Restorative justice circle processes, like conferencing models, employ the participation of victims, offenders, and community members. Circles create a climate of respect to address accountability and foster healing for everyone involved.

Circles provide an opportunity to build community as well as repair harm. SCVRJP’s mission, which has remained unchanged since 2004, relies on the implementation of restorative circles “to build a culture of peace and belonging, utilizing restorative justice principles and programs in our community.”

SCVRJP uses peacemaking circles, such as those originally identified by Kay Pranis, Barry Stuart, and Mark Wedge. In their book Peacemaking Circles from Crime to Community, these innovators describe four areas or “wedges” to balance when using peacemaking circles. These wedges are: getting acquainted; building understanding and trust; addressing issues and visions; and developing a plan of action (2003). Pranis, Stuart, and Wedge encourage a circle process that balances relationship building and problem solving.
At SCVRJP, these four wedges are used, more or less, to guide the flow of the circle process. In practice, we have renamed the second wedge “building relationships” and the final wedge “taking action.” Participants in SCVRJP circles are provided a small business card with the following:

**Circle Stages**

- Getting Acquainted
- Building Relationships
- Addressing Issues
- Taking Action

By guiding participants in this process and using the third phase to address crime or conflict, SCVRJP has developed an approach that is easily duplicated. SCVRJP's Safe Teen Driving Circles, for example, bring together students in a driver's education class with a community member/storyteller. The story is part of the third phase of the circle. Students who have shared in developing the circle’s values (phase one) and have gotten to know each other (phase two) listen to a story about life before and after a tragic event brought on by drinking and driving (phase three). The circle winds down when students reflect on what they will take from the circle (phase four).

In addition to the four phases, there are common elements in each circle. To mark both the beginning and end of a circle, openings and closings are used. A circle opening might be a brief poem or reading. In some circles the use of a musical instrument or song is an appropriate opening. Smudging or using sage to open a circle can also be appropriate. The circle keeper lets all participants know that the opening and closing signify the start and stop of time in the circle relating to one another. The use of a talking piece is also a key element in SCVRJP restorative justice circles. Talking pieces are items placed in the circle center and used so that participants speak one at a time.

Participants are encouraged when they hold the talking piece to speak from the heart — to speak about their own experiences, versus what they think about someone else. The circle keeper also provides guidelines for when individuals are not holding the talking piece. Listening to others without interrupting is the responsibility of those not holding the talking piece.

Listening with the goal of understanding the truth, versus listening to agree or disagree, is encouraged. Circle participants are invited to listen differently by focusing on the circle center and bearing witness to the speaker instead of mentally drafting a response.

In addition, participants are given a paper plate and marker at the beginning of the circle. They are asked to think of a person with whom they have a close relationship and write down the most important characteristic of that relationship on the paper plate.

The first round of the circle, meaning the first pass of the talking piece, is for establishing the circle values. Each individual shares which value they selected (i.e., wrote on the plate). The plates are placed in the center of the circle. The next round of the talking piece is to gather consensus or agreement on using those values for the circle. This foundation in the “getting acquainted” stage produces a framework for deeper work in subsequent stages.

Restorative justice circle processes have a variety of advantages, applications, and outcomes. Circles can build community and a sense of belonging. They can be used in a variety of contexts to address conflict and promote healing.
of settings — from elementary classrooms to prison-based programs. And they can have transformative effects, regardless of one’s role entering the circle (victim, offender, community member).

This article highlights the application and consequences of circles conducted in two settings. The article describes the powerful impressions circles made on an inmate at a state prison in Wisconsin and on students and teachers in a classroom community in nearby Minnesota. Key features of restorative justice circles are identified, including their ability to prevent violence and to respond to violence.

The experiences of one young man, “Tyler,” serve as an example of the profound transformation that can be culled from a circle experience. This article also explores the experience of a young woman named “Jenny” involved in the use of circles in classroom settings. School-based examples describe one type of circle that builds community and another that responds to conflict.

Tyler’s Story

Tyler’s father drowned when his snowmobile fell through the ice. Tyler was 7 years old when his father died and he experienced grief, loss, and trauma. Tyler believes this experience created the foundation for his life today. Tyler is now serving time in prison. Following his father’s death, Tyler became involved in the child welfare system. At 16, he was charged with two counts of being party to felony murder, eventually leading to two consecutive 25-year sentences.

While in prison Tyler was part of a restorative justice program that included talking circles featuring survivors. The survivors spoke in detail, describing their lives before, during, and after the crimes they had committed. The prison is a maximum-security setting and the restorative justice circle is part of a larger curriculum in a “Challenges and Possibilities” program. The restorative justice circle portion of this curriculum covers 3 days. Victims and community members join inmates to participate in the process. Two teachers facilitate the “Challenges and Possibilities” program, but the 3-day circle portion is led by former Wisconsin Supreme Court Justice Janine Geske. Judge Geske directs the Marquette University Law School Restorative Justice Initiative. She has been facilitating the prison’s 3-day restorative justice circles since 2000.

The 3-day circle has specific objectives for each day. The first day includes an introduction to the circle process and an overview of restorative justice. Community building and developing a deeper understanding of the ripple effect of harm are the day’s objectives. The second day is focused on victims’ stories. Three survivors share the experience of losing a loved one to serious and violent crimes. Everyone in the circle, including the inmates, is able to respond to these stories in the afternoon. The inmates are then given an assignment for the third day. They are asked to create something to express their gratitude to the speakers. They may crochet a heart, paint a painting, or compose a poem, song, or letter. The opportunity to share these (in the morning circle) is available. Then the circle breaks into smaller groups to create a skit in which someone playing a drug dealer (someone selected from their smaller group) does not want to get involved in the restorative justice experience. The rest of the actors (who include victims and community members) need to find a creative way to convince the dealer that he really needs restorative justice. In addition to being extremely funny, and a great relief after the heaviness of the previous two days, this activity provides the men with a way to talk to others in the prison about the program. The afternoon circle also includes focusing on next steps.

Tyler remembers a victim’s story including small yet important details, such as her description of knickknacks on a shelf that she
focused on while experiencing the trauma of sexual abuse. He explained, “I realized trauma is trauma. Hearing her story, I connected to my own experience.” Tyler connected to vivid memories of his own, such as details from the morning he was told of his father’s death. He remembered his confusion over having early-morning guests in his home. He remembered getting a bowl of cereal and sitting at the table. Finally, an uncle told him his father was gone.

Tyler says that he raised questions about his father’s death. He recalls that his family handled him by “shooing” him away. He heard statements like, “You’re too young to worry about that — go play.” He feels he missed opportunities to grieve and to understand what happened. Tyler felt he wasn’t important enough to get these answers. His isolation from his family grew.

Tyler’s life includes referrals to human services because of his mother’s messy home. Tyler talks about how he felt embarrassed and different from his peers. He wouldn’t have friends visit due to his home’s condition. Once a child protection referral was made, he would help his mother clean the home or they would move elsewhere to avoid any further issues with human services.

In his early teens Tyler became involved in the juvenile justice system as a result of shoplifting and fighting. School truancy issues emerged. Tyler just wanted to get away from it all. He was desperately trying to escape the life and situation he was in.

Tyler understands now that his social workers were well-meaning individuals who were trying to help him. However, at the time, he felt that they could not relate to him — and that he didn’t belong. His perceptions prevented him from connecting to caseworkers in a way that would be helpful. But after 14 years in prison, he knows that those crucial years represented a turning point in his life. At that time he did not choose a path of healing. He continued to hurt, which caused him to hurt others. Now, Tyler wants to reach out to young people — young people who are the same age he was when his life took a dramatic turn. Tyler wants to use his life as an example for others.

When trauma affects people, making meaning of it is a step toward reconstructing their lives. In 2002, when Tyler experienced the restorative justice circle, he described how it transformed his thoughts about his crime. He remembers the victim impact statements in the courtroom at his sentencing. The voice in his head said, “Yeah, but you didn’t pull the trigger.” He was able to dismiss his accountability for the family’s pain. He didn’t identify himself as the person directly responsible; therefore, he didn’t see himself as the one responsible for their pain.

The 3-day circle experience opened Tyler up to accepting the harm he had caused. He realized that his trauma over losing his father was the same kind of trauma he had caused someone else to experience. The circle helped Tyler develop empathy for his victims. In his words, “The circle gave me an emotional connection to my crime.” The 3-day circle process brought an awareness that the past 14 years in prison had not. Tyler was able to connect his trauma and the victims’ trauma. He sees this emotional connection as a turning point for accepting responsibility. This acceptance has Tyler wanting to give back to help offset the harm he caused.

Tyler has nearly 20 more years to prepare himself for returning to his community. He went into prison at 16 and will leave at 49. He
will have “paid his debt to society” for the crime committed. With the average male life expectancy at 74, Tyler will have 25 years to be a productive citizen. He will have spent 33 years behind bars.

In Wisconsin, the average annual cost per inmate is $30,000. Using that amount for 33 years equals $990,000. If you add in lost wages, Tyler’s cost to society is over $1 million. The cost to his victims cannot be calculated in dollars. He could spend his entire life in prison and his crime cannot be undone. Lives ended because of his actions; his victims and their families will forever be changed by what happened. Serious and violent crimes like murder affect generations of victims and their families. When juveniles commit serious and violent crimes, however, their lives are also shattered.

Using circle processes in prison helps inmates accept accountability. Tyler has remained committed to restorative justice and his accountability and motivation to repair the harm he caused is a driving force in his life. Seven years have passed since his restorative justice circle experience and Tyler continues to work on restorative justice in his life. He wants to share his story to help other young men in similar situations. He views the teen years as crucial and would like to reach this audience by encouraging teens to avoid ending up in his shoes.

**Jenny’s Story**

Community-building circles are often used in school classrooms. In a second grade classroom in St. Paul, Minnesota, school days start and finish with a circle. In this setting, the circle process is used to prepare students for learning. Circles promote positive relationships between students and between students and their teachers. As discipline-related and other issues arise in the classroom, students and teachers address them in circles, using the circle as a problem-solving device. As the teacher in the St. Paul classroom reports, “In 21 years of teaching, this is the most powerful tool I’ve ever used. Circles have transformed the way I teach and the way students learn.”

Students can bring life issues to circles. Students can raise these issues with as much depth or explanation as they choose. Students speak of issues that are occupying their thoughts, such as concerns about parents in prison, or their feelings about the police being at their homes the previous weekend. In voicing these issues, the students become better learners. Often it is felt that circles take time away from teaching, but the reality is that the time for teaching is enhanced.

David Sousa, in *How the Brain Learns*, observes, “Students must feel physically safe and emotionally secure before they can focus on the curriculum” (2006, p. 44). Restorative justice circles promote safety by structuring sharing. In a circle, each student is afforded an equal opportunity to speak and listen.

In addition to the individual academic gains that stem from a circle, the classroom climate benefits from circle processes. Circles establish and support a positive school culture by recognizing every individual. As expert Linda Crawford explains, “Schools are like towns, a group of people, often diverse, that spends a lot of time together working, talking, eating, and playing. Both need to create a climate that supports the productivity and well-being of the people who live there. If they don’t have a healthy, safe climate, nothing of real quality can be sustained” (2008, p. 18).
The circle process is structured and predictable for young people. They are informed and know what to expect. This structure decreases anxiety and allows for an increase in performance. Instead of a competition to raise your hand first, to be called on and given permission to speak, each student is afforded the opportunity to speak when handed a talking piece. When students are familiar with circle processes, they can successfully move to resolving conflicts.

“Jenny,” age 16, experienced a talking circle at school after being invited to attend by a group of her peers. Eight students in her alternative school had recently completed 2 days of restorative justice circle training. Jenny was advised of two options after she teased a fellow student: make a report to the police or participate in a circle. Jenny’s parents and Jenny chose the latter after they learned what to expect during the circle process.

After experiencing the first day of the training, the eight students involved in the circle discussed the school’s own culture of peace and belonging. One student was consistently teased and the teasing was often ethnic. The students shared how some of them were even guilty of laughing at these “jokes,” while acknowledging how much harm they might be causing. The students decided they wanted to address this behavior. When they advised staff, the reaction was to call law enforcement. The students shared with staff that their intention was to get the behavior to stop, not to get the offender in trouble. The staff agreed to a compromise, and gave Jenny a choice to attend.

The students trained in circle processes decided that, first, a circle with Jenny would be appropriate, followed by another circle that included the victim. Jenny agreed to this plan and participated in her first circle session. In the circle were eight of Jenny’s peers, SCVRJP staff members, and a community volunteer. The students employed new facilitation skills and shared in managing the circle through the four phases.

Jenny’s behavior was addressed by her peers. The students expressed that they were uncomfortable with the name calling and put-downs, especially since they were about another student’s culture. Jenny was apologetic immediately. A plan, not just an “I’m sorry,” was needed to make things right. Jenny herself spoke about having a better understanding of the issue after the circle. She admitted not being sure why she could be charged with harassment, but reported “completely” understanding the nature and consequences of her harmful behavior by the end of the circle.

Circles conducted in prisons and schools have different settings, contexts, and objectives. What they share is the value of storytelling.

A follow-up circle was held with the victim and no further discrimination issues surfaced that involved Jenny or the victim.

The power of restorative justice to address climates in schools has been identified by the International Institute of Restorative Practices (IIRP). A recent study (IIRP, 2009) indicated a reduction in violence, behavior incidents, and suspensions in schools that used restorative justice tools, including classroom circles, to build a sense of community and resolve conflict appropriately. The study reviewed school outcomes in England, Canada, and the United States.
Conclusion

Circles conducted in prisons and schools have different settings, contexts, and objectives. What they share is the value of storytelling. Sue Monk Kidd, in the prologue to The Mermaid Chair, wrote, “They say you can bear anything if you can tell a story about it” (2005).

Storytelling is a central component of restorative justice. Circle processes invite all participants to share pieces of their individual stories. In some circles, like the one Tyler experienced, the entire story of a crime and its impact is shared. These stories connect people and highlight common bonds of humanity.

In Christina Baldwin’s book, Storycatcher, she explains, “Story is a search for community that allows us to share, build, and learn from each other. Recognizing story as an act of citizenship, we know that the world can change on a word. Story can save us. We choose whether we want to live in hopefulness or despair” (2006, p. 136).

Furthermore, Baldwin asserts that we listen to others’ voices as we travel our own memories. Through this experience, circle members better understand one another. In school classrooms, this understanding produces empathy in the relationships between students. In The Little Book of Circle Processes, Pranis states, “Storytelling strengthens a sense of connectedness, fosters self-reflection, and empowers participants” (2005, p. 40).

From schools to prisons, restorative justice circles hold the potential to positively impact participants. The power of storytelling in the circle process enhances individual experiences, while shaping the collective climate.

References


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Mr. MacRae is the youth justice practice advisor for South Island, New Zealand, with Child, Youth and Family Services. His work includes 28 years in care and protection and youth justice services, holding the positions of youth justice coordinator, regional manager coordinator, and national manager of family group conferences. Mr. MacRae co-authored The Little Book of Family Group Conferences New Zealand Style. He is the co-recipient of the prestigious KPMG Innovation Award for a program he developed that has emerged as the new leading model for youth justice in New Zealand. He has trained and consulted worldwide.

Ms. MacRae is a certified mediator, author, consultant, and trainer. The restorative justice model of family group conferencing in New Zealand was the subject of her master’s thesis. She created a video called Family Group Conferencing New Zealand Style, introducing this process to many parts of the world. Her work in restorative justice includes a variety of roles with victim-offender and parent-teen mediation programs in the United States. She has consulted in Singapore, Belgium, Germany, Canada, and Mexico. Her current work is as a youth justice coordinator convening family group conferences for the police and the New Zealand Youth Court.

Introduction

The success of the family group conference (FGC) in New Zealand is well documented, as is its role in reducing both the incarceration of young people and the subsequent costs incurred by courts throughout the country (Becroft, 2009). Since the inception of FGCs following the enactment of the 1989 Children, Young Persons and Their Families Act, agencies have experienced collaborative working relationships that are focused on the needs of young persons. FGCs have provided social workers, youth workers, and the police a wealth of empirical information and unique insights regarding young people, their need to belong, offending patterns and behavior, and their connections to gang culture. This understanding has facilitated a new way of working with youths.

Allan MacRae, one of the authors and a youth justice coordinator with Child, Youth and Family Services, and Sergeant Tony Moore of the Wellington Police initiated a project that encapsulated three elements: the information gained from FGCs; a series of community
group conferences\(^1\) (CGCs), which captured the strengths of communities; and restorative programs collaboratively developed within the CGCs. An in-depth knowledge and understanding of the conditions that foster and maintain recidivism in young people contributed to the project’s success (Carruthers, 2002). This article describes two reiterations of this project that targeted the top 10% of recidivist youth offenders in Wellington — specifically, young people who were members of the same peer groups or youth gangs.

The work undertaken by MacRae and Moore was unique. The youth gangs involved in this project were associated with adult ethnic gangs, such as Black Power, whose members tend to be predominantly Maori and Pacific Island peoples (Roguski, 2008). Gang members are highly visible because of the tattoos on their faces and arms and also because of the gang insignia flamboyantly patched on their leather clothing (Newbold, 2000). These gangs are well known in New Zealand for the violent crimes they commit and the fear they engender in much of the population (Bellamy, 2009; Hazlehurst, 2007). It is difficult for young people to change their lifestyles as members of youth gangs, but so much more difficult once they become members of an adult gang. Therefore, interventions need to occur while gang members are still young.

Profile of Youth Gangs

Definitions of youth gangs tend to make reference to their criminal nature and can be understood within the wider context of social problems that impact young people in lower socio-economic groups (Roguski, 2008). While it could be debated that youth gangs do not necessarily have criminal elements, this argument is not relevant here. The youth gangs referred to in this article were associated with adult ethnic gangs as described previously (Roguski, 2008).\(^2\) Therefore, the term “youth gang” depicts a peer group consisting of young people whose offending appears to have become an accepted way of life and who have affiliated themselves with an adult gang. Furthermore, the term “youth gang” indicates the existence of a nurturing relationship with an adult gang that views members of the youth gang as “prospects” for future inclusion.

All young people have a need to belong. It is natural for them to gravitate toward peer groups whose experiences and interests reflect their own. For some, it is their sports team or their school friends, but for too many young people in New Zealand the peer group is a youth gang. In this way, “…the gang has taken on the responsibility of doing what the family, school, and other social agencies have failed to do — provide mechanisms for age and sex development, establish norms of behavior, and define and structure outlets for friendship, human support and the like” (Vigil, 1988, p. 168).

This quote exemplifies the experiences of many young people in New Zealand. Information from FGCs indicated that young people who had become members of youth gangs shared the following experiences:

- Cultural isolation from whanau,\(^3\) hapu,\(^4\) and iwi.\(^5\) This may have occurred through marriage breakdown, parents working long hours, families needing to relocate for

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1 It is believed that Judge McElrea was the first person to use the term “community group conference” in 1994 when advocating for restorative justice processes for adults (McElrea, 1994). The CGC or restorative conference is commonly used throughout New Zealand by restorative justice practitioners working with adults.
2 There are many contributing factors as to why adult gangs and youth gangs form. Such an analysis is beyond the scope of this article. Roguski (2008) has provided a literature review based on the work of Gilbert and Newbold (2006).
3 Maori term for extended family spanning three to four generations, pronounced as fahno.
4 Maori term for sub-tribe.
5 Maori term for tribe.
employment opportunities elsewhere, or welfare placements of young people outside of family networks.

- Absence of appropriate adult role models such as parents of friends, teachers, coaches, or adult leaders in clubs (youth recreational centers). While successful youth groups have access to a range of role models, members of youth gangs had none. Their role models were members of the adult gangs.

- History of abuse. Most youth gang members had experienced a traumatic event such as sexual, physical, or mental abuse. For example, all members of an offending group that Child, Youth and Family staff worked with had been victims of the same pedophile group (MacRae, 2003).

- Poor school attendance. Youth gang members tended to have poor school attendance throughout their school careers. Young people behind in their school work and unable to cope in the classroom would skip school, thereby compounding the problem.

- Behavioral difficulties at school. Youth gang members exhibited behavioral difficulties at school, which on further investigation could be linked to unaddressed learning difficulties. Challenging the authority of the teacher or bullying peers was typically an indicator that the young person was not coping. These behaviors were also precursors for assault within the school environment.

- Drug or substance abuse. Drug dependency increased on exclusion from school — many gang members’ last link to the community — adult supervision, and positive role modeling. This increased drug dependency, and in turn, offending increased to support the dependency. Adult gangs provided drugs on credit to the youth gang and required the youths to commit burglaries or aggravated robberies to repay the debts.

- Inappropriate emotional attachments. Their only emotional attachments were with other members of the youth gang. Acceptance within the youth gang gave them a sense of belonging and fostered an emotional dependence on the youth gang, which made it almost impossible to break away from the gang and its activities.

The gang needed to be the agent for positive change.

These young recidivist offenders were not unusual. Similar youth gangs with similar profiles can be found in most urban communities around the world (Roguski, 2008; Shaw & Tschiwula, 2002).

Traditional forms of justice, including FGCs, had proven to be less effective with members of youth gangs. Youth gang members appeared sincerely remorseful in FGCs toward victims and they appeared committed to addressing the harm they had caused, but within weeks they were drawn back into the activities of the youth gang. Although social workers typically worked with most members of the same youth gang, it was at different times; therefore, the gang culture was never threatened. Most justice responses have seen gang members grouped together in institutions where gangs have significant influence. It became obvious that the peer group was the key to change. If the peer group was left as it was, any commitment a young person made to effecting positive change in his or her life was stopped by the gang, which drew the youth back in. It was clear that a different response was needed. The gang needed to be the agent for positive change.
The Target Youth Gangs

The challenge for MacRae and Moore was to motivate the youth gangs sufficiently so that they could be the instigator for change—a considerable challenge given that Maori and Pacific peoples are over-represented in youth justice and criminal justice systems (Statistics New Zealand, 2009; Morris, 2002). Furthermore, because of the discriminatory practices these groups of people have been exposed to, they tend to have negative views of the police (Morris, 2002) and, no doubt, other government agencies. The two youth gangs that were targeted had both experienced discrimination.

Tu Rangatahi — Stand Tall Young People— targeted a Maori youth gang of 15 Black Power6 prospects, starting in 1996. This project empowered and supported Maori leaders to work with 15- to 16-year-olds who were responsible for 58% of court appearances in their district (McRae, 2003). They were recidivist offenders, committing burglaries for the adult gang and at times using younger children to assist. In return, they received drugs and other rewards. They were being groomed by the adult gang as potential members, and in turn they were grooming children younger than themselves for a life of crime.

Building on their experience with Tu Rangatahi, MacRae and his colleagues captured the strengths within the Samoan community, implementing another project in 2000. Named Loimata O Apa’ula7— Tears of the Mother — it targeted an older Samoan youth gang of 17- to 19-year-olds, who had a significant influence over younger youths. The goals of the project, as determined by young people and youth workers, were that offending would stop; that by the end of the 6-month restorative program all young people would be either in a recognized educational program or working full time; and that any pre-existing FGC plans would be completed.

Most members of these gangs had previously participated in mandatory FGCs, some more than once. Although it might seem as though the FGC process had failed these young people, it should be remembered that FGCs alone cannot address the complexity of inequality and deeply ingrained racism when society itself has been unable to successfully do so (Stubbs, 1997). For FGCs to be effective they need to be embedded in the community (MacRae & Zehr, 2004), as described in the following section.

CGC

In contrast to an FGC, which focuses on the individual in the context of his or her family, a CGC focuses on identifying the needs of the youth gang in the context of both family and community. There is a general acceptance that the community is involved in restorative justice processes, in recognition and understanding that crime affects the wider community in many ways (Roche, 2003). However, defining “community” can be fraught with complications. Traditionally, communities have been defined by geographic boundaries, but in modern, urban societies such communities have become less influential (Van Ness & Strong, 2006). Therefore, commentators and practitioners have turned to other understandings of communities.

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6 The Black Power is an adult ethnic gang as described earlier in this article. It is a territorial gang with various chapters throughout New Zealand, most of which are engaged in some form of serious criminal activity (Roguski, 2008).

7 The program was named after a place in Samoa that is an important site in the Samoan culture. Loimata O Apa’ula is a small rock face that looks like a woman crying because of water seeping over it. According to legend, Apa’ula cried tears at the thought of not having her husband and son. The Samoan people traditionally made pilgrimages to this place in the hope that the grieving tears of Apa’ula would bring spiritual and physical healing to their suffering (Samoan Sensation, 2005).
For some, a community is defined by the relationships that have formed around common interests, occupations, or leisure activities, referring to it as a community of interest (Braithwaite, 1989). In restorative justice processes, this could also mean those people who have an interest in the participants. For other commentators, it is more a community of care that is defined by the emotional ties and relationships between the people in the group (Van Ness & Strong, 2006). Again, this could mean those people who have relationships with the participants. Paul McCold (2004) refers to the “community of interest” and the “community of care,” respectively, as macro and micro communities. He argues that the former is defined by membership or geography — that is, not by those personal relationships that form the basis of micro communities. An individual can at one time belong to a number of interlinked micro communities. Understanding the distinction between micro and macro communities is important when working with dysfunctional communities or those operating outside of societal norms.

The project understood the youth gang as a community or a micro community linked to other micro communities that had the potential to have both positive and negative influences. Further, the youth gang was viewed as operating outside of societal norms within a wider or macro community that could provide the necessary resources to support members of youth gangs in achieving their goals and effect dramatic change in their lives. It was therefore crucial to ensure that functional members of the micro community were located and included, and that connections were re-established. This was achieved by connecting gang members to key people in the macro community who could provide appropriate role modeling. The support and inclusion of both macro and micro communities in the project was central to its success. In so doing, the young people’s cultural community was empowered and appropriate resources were allocated to lead the project.

Key partners, such as government funding agencies, the Crime Prevention Unit (CPU),8 the police,9 Child, Youth and Family Services, The Wellington Safer Community Council, community groups, and key community leaders, were identified and brought together in a CGC. A restorative program was collaboratively developed that specifically targeted the needs of the individual youth gangs. The in-depth understanding of these needs meant that the program could more readily access the necessary resources (McElrea, 2006). Each program had a finite life cycle with clear goals, just as any other FGC or restorative justice process would have. The same steps were followed as each restorative program was developed. These are summarized to provide a formula that might assist others with the development of effective restorative programs:

1. Acknowledge that there is a problem. Gather and collate information to highlight trends and patterns occurring within the community.

2. Identify potential key partners who can assist in the convening and promoting of the CGC.

3. Invite people and organizations who might have an interest to meet so that information can be gathered and shared.

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8 The CPU is part of the Ministry of Justice’s Crime Prevention and Criminal Justice Group. Its role is to advise government on crime reduction policy and practice and to promote, support, and fund best-practice, community-based crime reduction initiatives (Ministry of Justice, n.d.).

9 The New Zealand Police, through its Youth Aid Section, manages the majority of youth offending matters. These officers work closely with the community and attend FGCs.
4. Allow time for participants in the meeting in Step 3 to deliberate with colleagues for at least 1 week.

5. Reconvene the meeting and collaboratively develop ideas into a draft plan or proposal. Identify necessary resources and potential sources of funding.

6. A smaller team, which becomes a steering group for the project, develops a second draft and a lead agency is identified.

7. Use the final draft and applications for funding to advocate for resources from both government and non-government agencies, using a multi-agency approach.

8. Implement the plan.

9. The steering group monitors the plan, guiding it to success.

It should be noted that the development of effective restorative programs is not linear, and some steps might be repeated more than once or at different times, depending on the needs of all participants.

**Restorative Programs**

Each restorative program was designed around the specific needs of individual groups, as opposed to fitting a target group into a pre-designed program. While the programs varied depending on the needs of the target group, common elements can be identified. Each program commenced with a 5-day induction camp, the aim of which was to develop rapport between the young people, the police youth aid officers, and the youth workers. Together, they experienced a range of activities that supported the building of crucial relationships. This was followed by an intensive 25-week community program, which the young people attended on a daily basis throughout the week and on weekend evenings. Effective networks for parents were established by linking them to community resources, and relationship guidance was provided to reconnect young people to their families. Links to influential leaders in the individual communities and within their cultures were established, and good community relations were fostered by the young people undertaking projects that were beneficial to the macro community. The program aims were developed and endorsed by the young people.

To achieve these goals the restorative program focused on developing life skills supported by activities that were age-appropriate. Interpersonal communication skills were taught, including courses in anger management and appropriate dispute resolution. Counseling addressed drug and alcohol addiction, as well as unresolved underlying issues like physical and sexual abuse. Educational sessions covered civil and personal rights, numeracy, literacy, and social issues. A range of sporting activities were included. Depending on the age of the target group, the police provided training such as first aid, road safety, and driver licensing. Participants were provided with job-seeking strategies, interview techniques, and support for developing curriculum vitae. Finally, they were given practical advice on budgeting and living independently. Central to the program, irrespective of age, was a range of learning experiences and activities that not only reconnected youths to their traditional culture, customs, values, and language, but also helped them have pride in their heritage.
The final stage of the restorative program, a low-intensity follow-up of 26 weeks, was aimed at supporting the young people on their journey toward realizing their long-term goals. By this stage all participants were actively engaged in education, work experience, or employment. They had been reconnected to their families and important cultural groups and leaders, and were using the resources of their communities in positive ways. Occasional group activities were facilitated but the emphasis in this stage was lessening the dependence on youth workers and moving the young people toward self-reliance and independence.

**Project Outcomes**

Child, Youth and Family Services staff carefully tracked the outcomes of FGCs in Wellington City, where the programs were located. Because the numbers of young people involved in the program were relatively few, and because these young people were previously known to departmental staff and the police, it was not difficult to confirm their suspicions: a small number of youth gang members were responsible for most of the crime committed by teenagers in Wellington City.

The success of these restorative programs was significant. Tu Rangatahi was initially introduced to reduce burglaries in the Wellington area over the summer break. The number of burglaries dropped immediately. By the end of the following year, 1997, recorded youth crime had dropped by 45% (Cardy, 1999). This drop in the crime rate could be attributed to the cessation of offending by the young people engaged in Tu Rangatahi. By the end of 1999 Wellington figures had changed significantly: the number of FGCs had dropped from 160 in 1996 to 74 (a drop of 54%), the number of charges dealt with at FGCs had dropped from 554 to 176 (68%), and the number of serious recidivists had dropped from 30 to 2 (93%) (Carruthers, 2002). Loimata O Apa'ula was just as successful as Tu Rangatahi. Youth offending in the area in which this project was based dropped by 30% (Napp, 2000) as soon as 5 weeks into the program.

By the end of 2000, after 4 years of work on the two projects outlined here and others like them, youth offending in Wellington had dropped by over 60% (MacRae, 2003; MacRae & Zehr, 2004). Again, because of the relatively small numbers of young people involved in the restorative programs, it was not difficult to identify that they had ceased offending, and so the drop in offending rates could be attributed to these youth gang members. Unfortunately, there has been no formal follow-up with these particular young offenders to identify if the restorative programs had any long-term impacts on their lives. However, indications are that some positive relationships between youth workers in Loimata O Apa'ula and the young people have been maintained.

To refute the possibility that particular personalities, teams, or communities had been responsible for the project’s success, the same formula was applied to a community in Hornby, Christchurch, a different part of the country, using a different team (MacRae, 2007). By the end of its first year, this restorative program was achieving significant results. It has become part of the local community, making a real difference for young people and their families. These projects created a focus on youth and the services they needed, which spearheaded a new approach.

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10 The success was such that in 2000 both MacRae and Moore received a prestigious KPMG Supreme Award for Innovation in Public Service (Napp, 2000), a coveted award in New Zealand.
11 FGCs in New Zealand target the top 20% of offenders. Lesser offenders are addressed through police diversion programs. The programs outlined here addressed the top 10% of this particular group.
12 Judge Malosi, New Zealand’s first Pacific Island Judge (Wilson, 2002), who had privileged information regarding Loimata O Apa'ula, recently informed MacRae that some youth workers had continued their relationships with the young people and had attended their weddings.
to youth crime in New Zealand. Community-focused justice teams are the core of the new structure in Child, Youth and Family Services. People in these teams need intimate knowledge not only of the factors behind offending, but also of the community resources, networks, and opportunities that can create an alternative offending-free future for young people. They are multi-disciplinary, community-focused delivery teams working within a specific community and are organized around local communities, encompassing such groups and people as Maori and Samoan leaders, other cultural leaders, Police Youth Aid, local government youth workers, school teachers, and various non-government and community organizations. Given that it is widely understood that poor economic conditions can foster the development of youth gangs (White, 2004), these initiatives are perhaps a timely move in a climate of economic uncertainty.

**Conclusion**

The CGCs involved all interested stakeholders in the development of restorative programs that addressed the disconnections causing young people to become isolated from their families and communities, leading them to form associations with a like-minded peer group. The key to success was the development of collaborative and cooperative partnerships between the community and government and non-government agencies in the provision of “wraparound” programs. This addressed disconnections on two levels: first, between youth and associated services, and second, between the various services working with youth. As such, the CGCs not only promoted restorative outcomes between young people and their victims, their families, and their communities, but also promoted the restoration of relationships between agencies within those communities — agencies that had previously competed with each other for the necessary resources to ensure their survival. By repairing disconnections and restoring relationships, restorative communities have been created that are working together to address the underlying causes of youth crime. Thus, communities have been made safer and children are now better protected from unnecessary incarceration in institutions and boot camps.

**References**


Restorative Practices in Schools:  
Breaking the Cycle of Student Involvement in Child Welfare and Legal Systems

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Dr. Cavanagh is on the faculty of the Richard W. Riley College of Education and Leadership at Walden University. He has two graduate degrees — one in organizational leadership from Regis University and another in educational leadership from Colorado State University. Following the award of his doctorate in 2004, he spent 1 year in New Zealand on a Fulbright Fellowship, and another 4 years there developing the theory of a culture of care in schools. As a result of this work, he is recognized internationally as an expert on applying restorative justice theory in schools to create a culture of care.

On the Friday following the inauguration of President Barack Obama, television host Bill Moyers shared his thoughts (Petrick & O’Neill, 2009) on Obama’s book, Dreams from My Father (2004), the state of education in America’s poorer neighborhoods, and the disproportionate number of incarcerated minorities in our prisons. During the narrative Moyers noted, “For the first time in history, more than one in every 100 adults in America is in jail or prison; that’s 2.3 million people.”

Moyers linked these incarceration statistics to education by referring to an article he had recently read in Sojourners Magazine. Quoting from the article, he pointed to the words of Carol Fennelly, executive director of Hope House in Washington, D.C.: “The education system, particularly for inner-city youth where the bulk of our prisoners come from, is abysmal” (Berger & Choi, 2009, p. 10).

Research clearly shows there is a relationship between how children are treated in schools and the number of juveniles involved with the legal system (Browne, 2003). In the current climate of zero tolerance in schools (Casella, 2003) this outcome particularly applies to young persons who have been “minoritized,” “racialized,” and “marginalized” — that is, young people who suffer from a social order that supports systemic discrimination based on differences due to minority status, race, and living on the margins of society.

The Pew Center on the States conducted the research underlying the incarceration rates cited by Moyers. The Center linked these rates to schooling, particularly early childhood education: “Research shows that attending a high quality pre-kindergarten influences a child’s success both in school and in life” and “dramatically reduces participation in juvenile and adult crime, and increases high school graduation, employment and earnings” (Warren, 2008, p. 16).

Moyers further underscored the point with a quote from President Obama’s book (2004): “Upon my return to Chicago, I would find the signs of decay accelerated throughout the south side, the neighborhoods shabbier, the children edgier and less restrained, more middle-class families heading out to the

Statistics show that youths who are abused or neglected are more likely to be arrested as juveniles and reoffend more than their peers.
suburbs, the jails bursting with glowering youth, my brothers without prospects. All too rarely do I hear people asking just what it is that we’ve done to make so many children’s hearts so hard, or what collectively we might do to right their moral compass, what values we must live by. Instead I see us doing what we’ve always done, pretending that these children are somehow not our own” (p. 438).

Moyers directly linked the abysmal condition of schools that minority students attend to the disproportionate rate of imprisonment of these same people. Others label this phenomenon as organizational racism or as a “racialized social order” (Ballard, 2008). This social order resulted from a shift in American culture in the late 1960s from being egalitarian to being characterized by dominance-based hierarchical systems — that is, from having a culture of communal responsibility to a system characterized by control in the hands of the rich and powerful. Those lacking control and power are now disproportionately represented in statistics involving such phenomena as the achievement gap and involvement with the social welfare and legal systems (Wilkinson, 2005).

This shift in American culture created greater and greater inequities among racial groups. The impact of these inequities has affected social relationships, leading to rising violence in schools, homes, and communities. They also affect people psychologically, resulting in increases in violence, racial prejudice, and behavior problems in childhood, as well as decreases in student achievement, particularly among minoritized, racialized, and marginalized children.

These children are at an educational disadvantage, particularly if they live in poor neighborhoods and communities (Wilkinson, 2005). This disadvantage, accumulated over generations, is referred to as “educational debt,” which goes beyond the popular “achievement gap” discussion that is limited to short-term analysis (Ladson-Billings, 2006).

Present Concerns

At the present time there are public concerns over the violent behavior of youths in our schools and communities. There are also concerns regarding the resultant involvement of these offending youths with child welfare agencies — particularly with the disproportionate representation of minority youths in legal and social services systems. To address these concerns, it is reasonable to consider what might be done in schools to reduce violent behavior.

People often relate bullying to violence in school. Rigby (2002) said bullying is one form of violence with far-reaching effects, both in the contexts of schools and in society in general. Pepler and Craig (1977) established the link between student bullying in schools and resorting to similar behaviors when problems arise within intimate and workplace relationships. Thus, as Morrison (2007) points out, addressing bullying is related to reducing violence and conflict in society as a whole, and the implementation of restorative justice practices offers effective processes for responding to violent school behaviors.

Under the current zero-tolerance policies, bullying often leads to exclusion from school. Such punitive responses cause weakened relationships within the school and a sense of isolation from the wider community for those persons who are excluded (Hart, 2000). This sense of isolation reduces the student’s chances of reintegration back into the school and increases
the risk to public safety through involvement in wrongdoing (Bazemore, 1999). Thus, using zero-tolerance policies to respond to violent behaviors in schools appears to be in opposition to the fundamental purposes of public education, and in particular, to the purpose of building students' capacity to live as contributing members of a democratic society (Hart, 2000).

One approach to solving problems related to violent behavior is keeping students in school, rather than excluding or suspending them or creating conditions that cause them to want to leave school early.

The principles of restorative justice (Johnstone & Van Ness, 2007; Amstutz & Mullet, 2005; Zehr, 1995) offer an alternative way of thinking, believing, and behaving for educators who respond to student wrongdoing and conflict and support students' motivation to attend school. These principles are focused on relationships — especially building and maintaining healthy and caring relationships. Specifically, restorative justice theory proposes that when wrongdoing and conflict occur, relationships are harmed, and the response should focus on healing that harm.

Over the past 5 years, I have applied these principles to schools in the United States and New Zealand as an emerging theory of a culture of care in schools. Evidence accumulated in the United States and New Zealand is appropriate to this study because both countries were identified as having high-quality schools and low equity, meaning not all students have access to a high-quality education, particularly those children from minority and poverty homes (Organization for Economic Co-Operation & Development, 2001).

**New Research**

In this article I share findings from research with one New Zealand school from 2004 through 2008 (Cavanagh, 2005, 2007, 2009a, 2009b). The school was chosen for this study because it began implementing restorative practices at the beginning of the study and continued the process through 2008. The voices of students and teachers at the school form the foundation of this research.

This case study focuses on a New Zealand “area school” (K-12 equivalent in America). Students are divided by years in New Zealand schools rather than by grades, as they are in America. For example, Year 5 in New Zealand is roughly equal to Grade 4 in the United States. New Zealand school years follow the calendar year, with school beginning in February and closing for the summer by mid-December.

The New Zealand Education Review Office reported in September 2008 that “Brady Area School” (a pseudonym), the subject of this research, had about 400 students and was ranked just below the middle of the socio-economic scale for students. Demographically, the student body consisted of about 60% boys and 40% girls, and about 60% of those students identified as Maori, while most of the remainder were New Zealand European.

During the 5 years spanning this study, Brady Area School underwent profound change in the way student behavioral problems were handled. Staff at the school traditionally responded to these problems using control and punishment techniques that included detentions, referrals, stand-downs, suspensions, and expulsions. This policy was based on the Assertive Discipline Model (Canter & Canter, 2001) and the mantra of “teachers’ right to teach and students’ right to learn” (Rogers, 2003). Under this policy, student behavioral problems were viewed as disruptions to learning, and students were treated as passive receptors of punishment. Assertive Discipline is a popular classroom management model in both the United States and New Zealand.

In 2004, Brady Area School began introducing the idea of restorative practices as an alternative way of responding to wrongdoing and conflict (Restorative Practices Development Team, 2003).
Problems were seen as learning opportunities, and the emphasis was placed on building the capacity of students (and teachers) to respond to wrongdoing and conflict non-violently (Cavanagh, 2007). In 2006, teachers at the school learned about restorative discussions. These discussions are a form of restorative practices that focuses on engaging in conversations in which the emphasis is on the problem rather than the person. It is a way to ensure that each person’s dignity is respected while the problem is addressed.

**Listening to Student Voices**

In the third term of the 2007 school year (mid-July through September), Year 7 through Year 10 students at Brady Area School were asked to engage in a reflective writing exercise. They were requested to write about highlights, challenges, learning difficulties, and things that made learning easier, including what teachers could do, as well as how the school could improve, and an overall assessment of the school.

A total of 96 students participated in the exercise. Of this total, there were 13 Year 7 students, 16 Year 8 students, 29 Year 9 male students, 17 Year 10 male students, and 21 Year 9-10 students.

These data were reviewed based on my experiences at Brady Area School and experiences as a social scientist working in a number of educational settings in America and New Zealand. I did not interact with the teachers and students at Brady Area School in conducting this analysis. Thus, the method of analysis would be called qualitative content analysis (Flick, von Kardorff, & Steinke, 2004) by sociologists because the researcher’s predetermined themes and theories were imposed on the data.

Based on the analysis, the central theme expressed by students was relationships — with both their peers and teachers. Comments about these relationships were both positive and negative. However, this analysis indicated that relationships were the most important aspect of schooling for these students.

On the one hand, “making friends,” “learning with friends,” and “having great friends” were important. On the other hand, students struggled with other students’ behavior when “class is not settling and being too loud.” One student explained, “That makes it hard for me to listen to the teacher and understand the work I have to do.”

Relationships with their teachers were also important. As one student wrote, “I learn with certain teachers and in some classes I don’t. Teachers I learn with do things like explain things well to me and I feel comfortable working with them.” It was clear that the students wanted to have positive relationships with teachers: “What helps me learn is a good connection between me and the teacher.” It was important to “have a good relationship with the teacher I am with.” Another student said, “I don’t want to just look at a teacher as just my teacher, I also want them as a friend.”

Brady Area School students were clear they wanted their teachers to care for them as individuals as well as care for their learning. One or the other form of caring was not enough. Students wanted teachers to have both kinds of caring. One expressed this as wanting teachers “that can understand me and my learning ways.” Another wrote about the importance of “the things teachers do to help me learn and to get to know me personally and know how I like learning.” They wanted teachers to explain things so they understood: “What helps me learn is when a teacher explains the work to me in a way that I understand. I like it when teachers explain it so you understand but if you don't he will explain once again.”

These students wanted a safe, well-managed learning environment. They were clear that “A noisy room makes learning hard.” They found learning difficult “when the class is unsettled and loud.” Rather than being punished, students wanted help with classroom disruptions by
“teaching us how to behave in the classroom.” They wanted “a teacher that can control our class or a teacher that we respect so we are quiet for them and listen to what they say.”

Students wanted to develop healthy relationships with their teachers. As one wrote, “Another challenge for me is being in science, it is hard because of my relationship with the teacher and [it’s] still challenging but I am trying my best and think I am doing really well.” However, frequent changes in teachers did not allow for strong relationships to be established. Students did not like “having heaps of different teachers.” What students wanted was stability and predictability.

As a result of adopting restorative practices as the fundamental response to problems related to student misbehavior, these students understood the importance of building and maintaining healthy, caring relationships: “School would be better if the children in this school would know not to bully because it may hurt other [students’] feelings and if the whole school would just be nice to [everyone] and never be mean, then the school would be a nice friendly school.” Relationships were at the center of providing an effective learning environment for students. As one student said, “Overall I think school is a great way to get friends and get a better education.”

Listening to Teacher Voices

In October of the 2008 school year, a majority of the teachers at Brady Area School were interviewed about their use of restorative practices in the classroom. The 17 interviews represented the range of staff positions in the school and included one administrator.

Focused interviews (Foster & Nixon, 1975; Merton & Kendall, 1946) were conducted using the Levels of Use Format (Hall, Dirksen, & George, 2006), because it provides “a method for determining how much and how well a change is actually being implemented in the classroom” (Wright, 2002, p. 4). The purpose of the interviews was to determine how teachers were implementing restorative practices in their classrooms. In addition, documents that offered clarification and further explanation of what was said in the interviews were examined.

Analysis of interview data revealed a central theme: “The focus of the school transformed from punitive to restorative.” The new mantra of the school became “care before censure.” The emphasis was on “listening to students” and having “an opportunity to talk about a problem behavior” rather than resorting to “blame and punishment.”

The four tenets of “care before censure” were:

1. “Responses to poor behavior need to be individualized, appropriate to the student and the wrongdoing.
2. “Poor behavior can be an indication of other problems.
3. “Students may not have the language to express their emotions or concerns.
4. “Misbehaviors provide opportunities for further learning about how to behave or react.”

These tenets were based on the following “restorative principles” created by staff at Brady Area School: “(a) Everyone speaks, everyone listens; (b) use of ‘I’ statements; (c) the problem is the problem (rather than labeling the person as being the problem); (d) externalize the behavior (by separating the problem from the person), (e) state who is affected; (f) clarify misunderstandings; (g) students empathize with others’ feelings; (h) students help provide solutions; and (i) restoration of relationships.”
Research further revealed that the primary restorative practice used by Brady Area School teachers was restorative discussions or conversations. When a problem behavior occurred, the offending student was asked to “stand outside the classroom” to let things calm down. During this “reflection or cool-down time,” which lasted 5 to 10 minutes, students were asked to remember “the one rule — no hurting — no hurting words, no hurting others, no hurting property, and no hurting self.”

After the cool-down period, the teacher asked the student if he or she was “willing to discuss things.” If the student agreed to participate, the prompts for these conversations, which were facilitated by teachers, were:

5. “Introduction — Setting the scene, honesty, take turns, agree to solve the problem, use ‘I’ statements, no blame.

6. “Telling stories — Each party tells their story, confirm each story. Tell me what happened. What were you thinking at the time?

7. “Effects of the problem — Talk to each other in [your] own words. Who was affected? Who else? And how? How did this make you feel? What promoted you to be angry — why? What were you thinking at the time? Establish misunderstandings.

8. “Externalize the behaviors. Empathize. How do you want your friends to think of you? How do you want to be remembered?

9. “Solutions — Discuss together. What do we need to do now? How can we make sure this doesn’t happen again? What do we want to happen?

10. “Review (may be later) — Have we sorted out the problem? Have we been fair? Do we need to talk to other people? Do we need to review this process later?”

This process, in which “each person has a voice,” “requires both parties to talk about the problem behavior” and gives “power for students to have their say and not be interrupted.” If they were not willing to talk things over, then they were given a red card and sent to the administration office for more formal consequences, including restitution and restoration.

Brady Area School teachers said originally the restorative practices program was “one model fits all.” However, they found that did not work and developed age-appropriate processes for use throughout the school. Separate models were developed for each area of the school: primary, middle, and secondary.

Teachers interviewed generally agreed that with the introduction of restorative practices the dominant response to student wrongdoing and conflict was based on the idea that “everybody has a voice.” Restorative discussions allowed students and their teachers to “get down to the nitty gritty without losing face.” Another outcome was that “both parties [bought] into the strategy or outcome,” and as a result there were “much stronger relationships.” Two challenges to the process were teachers “not having enough time to listen to [a] student’s story” and “passing on restorative practices to new teachers.”

**Conclusions**

The findings shared here are not meant to be a dictate for what other schools should do. Rather, educators and those interested in education are offered these ideas to reflect upon and determine if they are appropriate, applicable, and adaptable to the context in which they work.

Findings revealed relationships are of primary importance to the students of Brady Area School. These relationships involved both their teachers and one another. Relationships constituted the primary reason students attended school and wanted to be successful. Prior to the initiation of restorative practices at Brady Area School in 2004, the response to student wrongdoing and conflict was focused on punishment and control. This response did little to help students (and teachers)
build and maintain healthy, caring relationships. Students had no voice and were treated as passive receptors of retribution for having broken school rules.

The model of implementation of restorative practices adopted by Brady Area School in 2004 was built on the idea that students are motivated to attend school to be with their friends. Therefore, schools can encourage improved attendance by helping students create and maintain healthy, caring relationships. Teachers at the school changed how they responded to student behavior problems. Rather than exercising control and dominance over the situation, they took on the role of facilitating conversations (restorative discussions) that brought together those persons who caused the harm and those persons harmed by the wrongdoing or conflict. These facilitated conversations provided students (and teachers) with a space to voice their emotions and concerns and listen to the voices of others who had been affected. Then, working together, the persons involved were given the opportunity to decide how to heal the harm to relationships resulting from the wrongdoing or conflict.

Restorative discussions or conversations are one form of restorative practice. They fit well with other popular restorative practices, talking circles (Cavanagh, 2009; Pranis, 2005; Pranis, Stuart, & Wedge, 2003) and family group conferences (Burford & Hudson, 2000; Marsh & Crow, 1998). These practices empower students to solve their own problems non-violently. They provide a safe place to express themselves and their emotions. Students who misbehave are able to repair relationships with friends and teachers harmed by their behavior. As a result, students are motivated to attend school because they have the means to create and maintain healthy, caring relationships.

These conversations also offer an alternative process for classroom management (Macfarlane, 2007). In the classroom, Brady Area School teachers encouraged positive behavior by: (a) Developing respectful and caring relationships; (b) giving students a voice; (c) making expectations clear; (d) rewarding positive behaviors; (e) helping students talk about feelings; (f) encouraging open and honest conversations; and (g) involving parents. Teachers realized time spent attending to these ideas early in the school year resulted in much less time being spent daily attending to minor incidents in the classroom, silly behavior, lying, harassment, and bullying.

This case study is an example of a schoolwide change sustained over a period of time. Research shows that such change is required for restorative practices to be effective and sustainable (Sherman & Strang, 2007). Further, according to these findings, schools adopting restorative practices within a culture of care can reasonably expect decreased violence and greater safety. As a result, students are more likely to feel they are free from harm and the threat of harm, and are more likely to stay in school and avoid involvement with child welfare and legal systems.

References


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