

Criminal Justice Coordinating Council

# Restorative Justice in the District of Columbia

Report

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# Restorative Justice in the District of Columbia

## Contents

INTRODUCTION..... 3

BACKGROUND..... 3

    What is Restorative Justice? ..... 3

    Restorative Justice Tools..... 4

SERVICE PROVIDERS..... 5

**Access Youth**..... 5

**Baltimore Community Conferencing Center (Restorative Response Baltimore)**..... 5

**Collaborative Solutions for Communities** ..... 6

**Restorative DC/SchoolTalk** ..... 6

**Youth and Families in Crisis** ..... 6

RESTORATIVE JUSTICE IN THE DISTRICT OF COLUMBIA ..... 7

**Court Social Services Division** ..... 7

**District of Columbia Public Schools** ..... 9

**Department of Human Services**..... 12

**Department of Youth Rehabilitation Services** ..... 14

**Office of the Attorney General** ..... 15

**Office of the State Superintendent of Education**..... 18

Table 1. Summary of Youth Serving Agencies’ Restorative Justice Programming..... 22

CONCLUSION..... 23

    Similarities..... **Error! Bookmark not defined.**

    Challenges..... **Error! Bookmark not defined.**

RECOMMENDATIONS ..... 23

    Finalize the Guiding Values and Principles Document..... 24

    Creation of A Restorative Justice Logic Model ..... 24

    Development of Agency-wide Metrics Related to Restorative Justice Programming..... 25

    Interagency Collaboration via Competency Development Programming..... 25

Appendix 1: Restorative Tools Deployed by Youth-Serving District Agencies..... 26

Appendix 2: Core Restorative Justice Values in the District of Columbia..... 30



## INTRODUCTION

In 2017, the District of Columbia’s (District) Juvenile Justice Committee, which is facilitated by the Criminal Justice Coordinating Council (CJCC),<sup>1</sup> established a Restorative Justice Workgroup to coordinate restorative justice efforts at several local and federal youth-serving agencies in the District. These agencies span across the justice, health and human services, and education sectors and include the Court Social Services Division of the D.C. Superior Court (CSSD), the Department of Human Services (DHS), the Department of Youth Rehabilitation Services (DYRS), District of Columbia Public Schools (DCPS), the Office of the Attorney General (OAG), the Office of the State Superintendent of Education (OSSE), and most recently, the Court Services and Offender Supervision Agency (CSOSA). The Restorative Justice Workgroup aims to identify a set of common values, principles, philosophies, and practices that each participating agency would adopt to help ensure their programs are operating with fidelity.

To achieve these goals, workgroup members agreed that participating agencies must have a clear understanding of each other’s restorative justice approaches. The CJCC conducted interviews and reviewed documentation from each participating agency (e.g., logic models, organizational charts, description of their Restorative Justice (RJ) or Balance and Restorative Justice (BARJ) programs, assessment tools, and decision-making process diagrams or matrices) in order to offer a comprehensive picture of the restorative justice approaches underway in the District.

## BACKGROUND

### What is Restorative Justice?

There are multiple definitions and interpretations of restorative justice. Criminologist Howard Zehr (2002), dubbed “the grandfather of the modern restorative justice movement”, describes restorative justice as “a process to involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs and obligations to heal and put things as right as possible.” Based on this definition, Dr. Zehr derived the three pillars of restorative justice:

- 1) Harms and Needs
- 2) Obligations
- 3) Engagement.<sup>2</sup>

Based upon literature, restorative justice origins can be traced to Native American, African and other indigenous justice systems.<sup>3</sup> It is also generally accepted that restorative justice was introduced to the U.S. criminal justice system circa the early 1970s.<sup>4</sup> RJ and BARJ advocates believe that justice can be viewed on a spectrum, with one end representing criminal justice and the other end restorative justice. While traditional criminal justice and restorative justice practices might share similar legal qualities and

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<sup>1</sup> The CJCC is an independent District government agency that supports the efforts of the local and federal criminal justice and juvenile justice leaders in the District to help ensure public safety and the fair administration of justice. CJCC hosts approximately a myriad of committees and workgroups that serve as a venue for agencies to address system-wide issues.

<sup>2</sup> Note: Three Pillars of Restorative Justice: 1. Harms & Needs 2. Obligations (“to put right”) 3. Engagement (of stakeholders)

<sup>3</sup> Zehr, H. (2002). Little Book of Restorative Justice.

<sup>4</sup> Armour, M. (2012). Restorative Justice: Some Facts and History. Tikkun. Duke University Press. 1 January 2012; 27 (1): 25–65.

protections (e.g., due process, the rule of law, and a regard for human rights), their ethics and processes differ.<sup>5</sup> Classical theories of criminal justice emphasize maximizing deterrence through punishment, as conventional knowledge suggests that people tend to avoid things that are painful.<sup>6</sup> RJ and BARJ is a shift in thinking from the standard theories of justice, whereas RJ and BARJ focus on repairing the harm done to the victim by healing the wounds and restoring the offender to the community that has been affected by the crime.<sup>7</sup> a

### “Restorative Justice” and “Balanced and Restorative Justice”

Restorative Justice practitioners have used different terminology to refer to their restorative approaches; some use the term “Restorative Justice” (RJ) and others use the term “Balance and Restorative Justice” (BARJ). As described earlier, Restorative Justice refers to the philosophical framework that repairing harm and building empathy and relationships are effective ways to deter future criminal behavior.<sup>8</sup> BARJ has the same philosophical framework, but it emphasizes the importance of engaging and addressing the needs of all parties involved (victim, wrongdoer, and community).

### Restorative Justice Tools

There are a variety of RJ and BARJ restorative tools utilized in the District to address harm (See Appendix 1). These tools have been classified into three distinct categories:

- 1) Conferences
- 2) Circles
- 3) Victim-Offender Mediations

Conferencing programs involve the victim and offender in an extended conversation about the crime and its consequences. Conferencing programs include the participation of families, community support groups, police, social welfare officials and attorneys in addition to the victim and offender.<sup>9</sup>

Circles usually occur after a conviction has been recorded and are used in a sentencing context rather than as an alternative to the justice system. There are various types of circles that are formed for specific reasons. For instance, circles can be reflective or supportive or neither, depending on the objective of the conversation.<sup>10</sup> Regardless of its purpose, the general composition of a circle includes a circle keeper/facilitator, the responsible parties, impacted parties, affected parties, and supporting parties. Circles bring all parties together to meet, talk about what happened, and settle on a plan to repair the harm.

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<sup>5</sup> Zehr (2002).

<sup>6</sup> Gibbs, Jack P. "Crime, punishment, and deterrence." *Social Science Quarterly* 48.4 (1968): 515.

<sup>7</sup> Ibid.

<sup>8</sup> Bazemore, G., et. Al. (2000). *Restorative Juvenile Justice in the States: A National Assessment of Policy Development and Implementation*. United States, 2000. Print. Retrieved From: <https://www.ncjrs.gov/pdffiles1/Digitization/197629NCJRS.pdf>

<sup>9</sup> Umbreit, M. (2000). *Family Group Conferencing: Implication for Crime Victims*. Office for Victims of Crime. Washington DC. Retrieved from

[https://www.ncjrs.gov/ovc\\_archives/reports/restorative\\_justice/restorative\\_justice\\_ascii\\_pdf/ncj176347.pdf](https://www.ncjrs.gov/ovc_archives/reports/restorative_justice/restorative_justice_ascii_pdf/ncj176347.pdf)

<sup>10</sup> Bazemore, G., & Day, S. (1996). Restoring the balance: Juvenile and community justice. *Juvenile Justice*, 3, 3-14.

Victim-offender mediations involve a meeting between the victim and offender facilitated by a trained mediator. With the assistance of the mediator, the victim and offender begin to resolve the conflict and construct their own approach to achieving justice in the face of their particular crime.<sup>11</sup> The meetings conclude with an attempt to reach agreement on steps the offender will take to repair the harm suffered by the victim.

### Restorative Justice: Philosophy versus Program

RJ and BARJ is more than just one set of interventions, practices, or models; rather, it requires a change in practice and a transformation in thinking about the administration of justice. At its core, RJ and BARJ values include accountability, healing, and inclusion, and individuals who approach crime with a restorative lens attempt to make systemic change and implement restoration into the culture and ideations of the people. They hope to foster social norms that will sustain restorative programming and practices.<sup>12</sup> On the other hand, criminal justice traditionalists tend to view restorative justice predominately as an application or a program instead of as a philosophy that requires a shift in approaching the administration of justice with the goal of restoration.<sup>13</sup>

## SERVICE PROVIDERS

District agencies work with various service providers for on-going training, technical assistance and direct services. Below is a description of the service providers that have provided RJ and BARJ support for youth-serving agencies in the District.

### Access Youth

Access Youth is a nonprofit organization that provides at-risk youth with access to the skills, resources, and support to be able to stay in school and out of the criminal justice system.<sup>14</sup> Access Youth provides early intervention and prevention programs that involve mediation, coaching, life skills education, and other supports for youth and their families.<sup>15</sup> Access Youth offers Victim-Offender and Family Mediation.

### Baltimore Community Conferencing Center (Restorative Response Baltimore)

Restorative Response Baltimore is a conflict resolution and community building organization that provides ways for people to collectively and effectively prevent and resolve conflicts and crime. Restorative Response Baltimore offers various training in restorative practices in schools, youth programs, workplaces, neighborhoods and more.

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<sup>11</sup> Center for Justice & Reconciliation. (N.D.) Lesson 3: Programs Victim Offender Mediation. Restorative Justice. About Restorative Justice. Tutorial: Intro to Restorative Justice. Lesson 3: Programs. Victim Offender Mediation Retrieved from <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/victim-offender-mediation/#sthash.CA4fkWC8.dpbs>

<sup>12</sup> Ibid.

<sup>13</sup> Walgrave, L. (2011). Investigating the potentials of restorative justice practice. Wash. UJL & Pol'y, 36, p.91.

<sup>14</sup> Access Youth (N.D.). Webpage. "Mission and History" Access Youth. Retrieved From <http://accessyouthinc.org/about/mission-history/>

<sup>15</sup> Access Youth (N.D.). Webpage. "What We Do" Access Youth. Retrieved From <http://accessyouthinc.org/what-we-do/>

## Collaborative Solutions for Communities

CSC is a community-based nonprofit organization that provides support services, training, violence prevention, and community capacity building to youth and their families.<sup>16</sup> CSC offers family group conferences and healing circles to youth.<sup>17</sup>

## Restorative DC/SchoolTalk

SchoolTalk is a DC-based non-profit organization whose mission is to create spaces that promote self-determination and a voice for youth with disabilities and their peers by encouraging collaborative problem-solving. Restorative DC, a program of SchoolTalk, is supported by a diverse collective of local restorative justice practitioners who provide direct technical assistance to DC schools. The Restorative DC team has a deep knowledge base representing multiple restorative justice models and practices, as well as complementary expertise in social work, drama therapy, non-violent communication, positive discipline, coaching, trauma-informed practices, special education, and more. Restorative DC supports the integration of restorative justice principles and practices in DC's schools, juvenile justice system, and social service agencies through training, on-site technical assistance, and direct services. It supports training and technical assistance for traditional public and public charter schools to implement restorative justice practices school-wide (proactive and responsive), provides restorative practices to DHS Youth Services Division, and has supported OAG prosecutors in training and technical assistance.

## Youth and Families in Crisis

Youth and Families in Crisis, LLC is a professional development, management and training consulting firm, located in Washington, DC and Prince George's County, MD, whose principals and consultants have expertise in supporting nonprofit and for-profit businesses and city and federal government entities. Since 2004, the firm has been providing services to clients in the following areas:

- 1) Balanced and Restorative Justice
- 2) Restorative Practices
- 3) Victim Restoration Operational Systems Design
- 4) Professional Development Training
- 5) Mental Health Holistic and Wellness Clinical Consultation
- 6) Community Engagement
- 7) Human Capital Performance Quality Improvement
- 8) Conflict Resolution
- 9) Restorative Mediation
- 10) Employee Assistance.<sup>18</sup>

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<sup>16</sup> Collaborative Solutions for Communities (N.D.) Who We Are. Collaborative Solutions for Communities Retrieved From: <http://wearecsc.org/who-we-are/>

<sup>17</sup> Collaborative Solutions for Communities (N.D.) Family Group Conference and Healing Circle. Collaborative Solutions for Communities Retrieved From: <http://wearecsc.org/healing-circle/>

<sup>18</sup> YFIC (N.D.). Youth and Families in Crisis. About Us. Creating Transformation and Healing Together. Retrieved From: <http://youthandfamiliesincrisis.com/about-us/>

## RESTORATIVE JUSTICE IN THE DISTRICT OF COLUMBIA

The District's juvenile justice system continues to embrace alternatives to traditional justice system involvement to find solutions to address delinquency and rehabilitation and reduce the number of youth entering the system. Restorative Justice is one of several mechanisms to help accomplish that goal. The following sections describe the RJ and BARJ efforts underway at youth-service agencies in the District.

### Court Social Services Division

The Family Court Social Services Division (CSSD) of the Superior Court of the District of Columbia provides a constellation of pro-social and comprehensive services and supports to youth ages 11-17. These youth are typically pending trial and/or adjudication for either one or more delinquent matters or a status offense (truancy or Person in Need of Supervision - PINS) matter, as well as youth sentenced to a period of probation. In fulfillment of its statutory responsibilities, the CSSD serves each youth entering the juvenile justice system and their families. CSSD's mission is to assist the D.C. Superior Court's Family Court and juvenile justice system in the rehabilitation of youths through the provision of comprehensive services and probation supervision with an eye towards public safety to prevent recidivism and protect the community.

### CSSD Guiding Values

CSSD identified the following four foundational pillars to guide its balanced and restorative justice efforts:

- 1) Competency Development
- 2) Community Safety
- 3) Accountability
- 4) Community Restoration

CSSD also identified community inclusion, competency awareness, and healing as values applicable to their Balanced and Restorative Justice approach. CSSD strongly believes that building relationships with family and community members, as well as child and adolescent stakeholders, plays an essential role in their Balanced and Restorative Justice programming. The space in which these programs take place is essential to the effectiveness of the service delivery and programming, making the selection of a constructive, safe space for youth during programming or idle time a priority. CSSD provides this space at its BARJ Drop-In Centers, described below.

### CSSD's Balance and Restorative Justice Origins

The D.C. Family Court Act of 2001 authorized the Superior Court to direct greater focus on the provision of case management, community supervision, and coordinated services to court-involved youth.<sup>19</sup> CSSD's adaptation of the Balanced and Restorative Justice philosophy of care regarding youth and families has been instrumental in the creation and development of its BARJ Drop-In Centers. The BARJ Drop-In Centers are multi-faceted, multi-functional facilities, which include satellite probation supervision offices, learning labs, and indoor and outdoor recreation. Youth and families are provided with snacks and meals prepared by CSSD staff, all of whom are Certified to Handle and Prepare Food, and the centers also offer a host of culturally-sound strength-based activities for CSSD's youth and

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<sup>19</sup> Public Law 107-114: District of Columbia Family Court Act of 2001.



families. The centers are open to youth Monday through Friday, 4:00 pm - 8:30 pm, and Saturday, 10:00 am - 2:00 pm, and they serve as an alternative to detention for youth identified as medium to high-risk who are pending adjudication or who have been sentenced to probation. The centers also offer an Alternative Suspension Program for youth suspended from 3 - 10 days, providing individual tutoring to assist youth with completing course work during their suspension.

CSSD opened its first BARJ Drop-In Center in June 2007, in Southeast. The Southeast quadrant was chosen as the first BARJ location based on local data indicators, as well as national trends, underscoring the frequency of delinquency and truancy during peak hours supported. CSSD also operates four additional BARJ Drop-In Centers located throughout the city and has an additional center under construction to serve youth residing in the Northwest (operation September 2019) quadrant of the city. Among the centers, CSSD operates an all-girls facility and a facility that serves youth assigned to a specialty court.

Since 2013, all CSSD staff, to include juvenile Probation Officers (PO), Clinical Psychologists, Deputy Clerks (DC), Delinquency Prevention Staff (DP), Supervisory POs, Assistant Deputy Directors (ADD), the Deputy Director and Director are required to complete extensive, comprehensive training in balanced and restorative justice philosophies and principles. CSSD staff have received BARJ training and certification from Youth and Families in Crisis (YFIC). Most youth under CSSD supervision are required to participate in programs and activities at a BARJ Drop-In Center as part of the foundational orientation for relationship and rapport building between the assigned PO and the youth and family. As the youth matriculate, daily attendance is reduced, and youth are encouraged to serve as peer supports to other youth. This approach is consistent with BARJ principles and practices and supports community service and service learning activities throughout the city.

#### CSSD's Balance and Restorative Justice Programs and Practices

CSSD has incorporated several restorative justice practices at each of the BARJs. At the time of case assignment, the PO coordinates a Family Group Conference (FGC) to include the youth, their family members, service providers, and any other individuals supportive of the family (e.g., friends, neighbors, and surrogate family members). When the conference is held, the FGC is facilitated by the assigned PO's colleague or a supervisor. The purpose of the FGC is to provide a space whereby the youth and family can build upon their strengths as well as address the identified needs and challenges the family may be experiencing. After the meeting, a formal plan is developed, and the PO is responsible for ensuring the family is linked to any identified services to address their overall challenges. Follow-up FGCs are also held to ensure team members are working with CSSD youth and families, as well as to adjust the plan in the event of any changes. Working in tandem with service providers, POs ensure services and programming incorporate CSSD's four BARJ Pillars: Competency Development; Community Safety; Accountability; and Community Restoration. As appropriate, CSSD works with OAG, MPD, and defense counsel to bring in youth who have experienced harm by CSSD youth to participate in restoration activities.

CSSD utilizes a graduated matrix to include rewards and responses to incentivize participation and achievements with court-ordered requirements. Formal and informal incentives/awards are provided at various benchmarks, which can be examined daily, weekly, and intermittently throughout the youth's

relationship with CSSD. Youth receive tangible rewards, including game-room time at the BARJ center, local community outings and trips, certificates, and gift cards. School attendance, grade point average enhancements, harm reduction, abstinence from drugs and alcohol, curfew compliance, and/or exhibiting pro-social positive behavior are some of the many examples of conduct for which formal and informal incentives/rewards are provided. Youth participate in community-led service projects, and the community is invited to participate in programming at the centers, to heal and repair relationships with other community stakeholders such as parents, peers and police officers.

### CSSD's Measurable Outcomes

CSSD's balanced and restorative justice outcomes are based on both the actual infrastructure of the BARJ Drop-In Centers, the constructs of BARJ principles, its four pillars, and an analysis of management strategies and attitudes among probation officers. The Strategic Management Division (SMD) of the District of Columbia Courts, in collaboration with the CSSD, is developing formal measures to evaluate balanced and restorative justice interventions provided at BARJ Drop-In Centers. These measures will also track recidivism for CSSD youth participating in BARJ programming, as well as youth served and supervised independently of BARJ programming. The Superior Court places a high premium on services and programming provided to court-involved youth and believes that formal evaluation measures will enable CSSD to identify effective services and programs as well as those that require enhancements or replacements. According to CSSD, observed outcomes include reductions in recidivism, greater compliance with court-ordered conditions, and increased school attendance and academic performance, which are positive outcomes that they associate with their programming.

### Next Steps for CSSD

Moving forward, CSSD plans to enhance the competency development aspect of its Balanced and Restorative Justice approach, which entails acknowledging individual conduct and behavior, understanding the harm and impact of conduct and behavior on the victim as well as the community, and restoring harm/making amends. Building upon its guiding principles, including exploring new ways to incentivize and enhance BARJ program participation, CSSD will also enhance its vocational services and supports at the BARJ Drop-In Centers. In addition, in 2019, CSSD will unveil its new case management system "Teens at Promise for Success" (TAPS), which will encompass automated data gathering and reporting features that will enable staff, as well as internal and external stakeholders, to capture, report and measure services, supports, and programming in real time.

## District of Columbia Public Schools

The District of Columbia Public Schools (DCPS) provides education to District youth from pre-kindergarten through high school. DCPS is committed to a mission that "ensure[s] that every school guarantees students reach their full potential through rigorous and joyful learning experiences provided in a nurturing environment."<sup>20</sup> DCPS serves approximately 49,000 students across 117 schools.

### DCPS' Guiding Values

DCPS empowers its schools to implement restorative practices. Though there is no one school-based restorative justice framework to which all schools subscribe, there are some overarching themes that all

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<sup>20</sup> DCPS (2018). A Capital Commitment: 2017-2022. District of Columbia Public Schools. Retrieved From: <https://dcps.dc.gov/capitalcommitment>

educators receive through training from the service providers. DCPS has adopted the three pillars of Balance and Restorative Justice,<sup>21</sup> paying special attention to the “harm-er,” “harm-ee” and the “community.” Through YFIC, educators are provided training that helps them build a restorative school community with circles. The training focuses on accountability, community safety, and competency building.

### DCPS Restorative Justice Beginnings

High suspension and expulsion rates for some schools led DCPS to seek out alternatives to current disciplinary protocols. DCPS began exploring the concept of Restorative Justice and contracted with Youth and Families in Crisis (YFIC) in 2015 to provide an overview and train school staff about restorative justice. DCPS RJ activities are coordinated through the Social Emotional Learning (SEL) team in the Office of Equity.

Restorative Justice in the school setting is used as an alternative to suspension and expulsion, and to improve the student’s social and emotional development. A series of recent laws have limited the circumstances in which students can be suspended and expelled, capped the number of days a student can be suspended, and required the use of restorative justice as an alternative to traditional school discipline.<sup>22</sup> As a result, DCPS has also turned to restorative justice practices to help ensure compliance with current legislative requirements. DCPS has active partnerships with OSSE, Restorative DC/SchoolTalk, and YFIC to work with individual traditional public schools to implement restorative justice practices and culture change.

### DCPS’ Restorative Justice Practices

Each school operates independently and therefore has designed custom programs to meet the needs of its students. At the time of this report, seven DCPS schools had established a whole-school RJ model, which entails conducting proactive circles, responsive circles, collaborative teacher circles, teacher and student circles, mindfulness circles, and mediation circles all focused on creating a restorative mindset towards addressing a variety of behaviors. Thirteen additional schools are seeking varying levels of RJ implementation (exploration and planning; proactive processes; restorative discipline; or build your own) all focused on creating a restorative mindset towards addressing all behaviors. These schools are receiving technical assistance support from Restorative DC/SchoolTalk and Youth and Families in Crisis. An additional 59 schools, plus the Office of Family and Parent Engagement, had several staff members participate in training to equip them with the skills to use the restorative circle process to strengthen community in their respective environments. The circles are used during leadership team meetings, whole school staff meetings, grade level team meetings, large or small group student meetings, parent meetings, and/or a mixed group (staff/parents/students) meetings. Other types of circles used include mindfulness/meditation moments, which focus on creating a restorative mindset towards building relationships with all school stakeholders.

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<sup>21</sup> Note: Three Pillars of Restorative Justice: 1. Harms & Needs 2. Obligations (“to put right”) 3. Engagement (of stakeholders)

<sup>22</sup> NOTE: Recent Laws- (1) the School Attendance Clarification Amendment Act; (2) the D.C. Public Schools Alternatives to Suspension Amendment Act of 2017; (3) the Student Fair Access to Schools Act of 2017

In general, the schools' RJ practices utilize circles, conferencing and mediation to proactively prevent harm by creating an intentional culture of relationship-building, positive behavior, and a healthy school climate. The RJ practices are also reactive in that they are used to respond to harmful behavior and wrongdoing with the school community. Overall, all stakeholders are challenged to adopt a different mindset around how relationships are built and how discipline and behavior are viewed and addressed. Since the 2014-2015 school year, DCPS has supported school staff and central office teams with 1- to 3-hour overviews as well as "5-day", "3-day", or "2-day" trainings. Based on the length of the session, participants were able to walk away with a basic understanding of the history and fundamentals of RJ and its practices and the skills to implement community building circles, reactive circles or both.<sup>23</sup>

In addition to the trainings provided, the Manager of the Social and Emotional Learning (SEL) team and one SEL Specialist (who coordinates RJ implementation for DCPS schools) provide supports as requested. These supports can include facilitating community building and reactive circles to address issues ranging from teacher-student conflicts to circles focused on restoring school safety and culture after fights, or neighborhood conflicts with a group of four school-based RJ trainers.

#### DCPS's Measurable Outcomes

DCPS has not conducted any formal evaluation of its restorative justice interventions. DCPS measures overall success using indicators such as annual school reports, the number of suspensions/expulsions, student academic records, and internal reports that track behavior in schools. In recent reports, there appears to be a correlation with schools that practice restorative justice and a lower rate of suspension for students.

#### Next steps for DCPS

Many individual schools have not implemented or established mechanisms to evaluate their restorative justice interventions. DCPS plans to increase restorative justice training and technical assistance opportunities for schools districtwide. DCPS understands that teaching is a difficult profession, and turnover or the reassignment of teachers is very common in the District. DCPS recognizes that RJ is a new approach and more emphasis should be made for restorative justice training to help all stakeholders understand the value of this reform. DCPS noted that there is some reluctance among educators to abandon traditional school discipline policies for new restorative justice interventions to address behavioral issues. They are hoping to work with In-school Suspension Teachers and students to train them to be expert circle keepers.

Additionally, DCPS would like to expand their work in the surrounding communities. They noted that many of the problems and issues that arise in school originate from unresolved matters in the communities where their students live. DCPS is currently working on revising restorative justice policies. At this time, it is uncertain when restorative justice practices will be incorporated into Title 5, Chapter 25 of D.C. Municipal Regulations (DCMR). In anticipation, DCPS will be preparing to create policies that will adhere to the final language in the DCMR and develop responses to comments submitted to the DC Register. Eventually, DCPS would like to create a restorative justice decision matrix and best practice guide. The decision matrix guide would offer educators options for the application of various restorative justice interventions.

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<sup>23</sup> DCPS (2017). DCPS FY18 Performance Oversight Hearing: Restorative Justice Initiative. Office of Equity.

## Department of Human Services

The Department of Human Services (DHS) administers social services to District residents. The Youth Services Division specifically provides support for minors who are “at-risk of court-involvement, school disengagement, homelessness and repeat teen pregnancy.”<sup>24</sup>

### DHS Guiding Values

DHS identified the following values as most relevant for their programming:

- 1) Accountability
- 2) Empowerment
- 3) Healing
- 4) Safety
- 5) Inclusion

DHS holds itself accountable for helping youth and expects youth to hold themselves accountable for their actions. DHS programming is designed to offer an integrated and sustainable diversion system that provides clinically appropriate behavioral health services and/or other support services to youth formally diverted from arrest and prosecution through a supportive, rather than punitive, approach. These methods and techniques are designed to help youth discover the root cause of their delinquency and to prevent future crime or inflict harm to others. Lastly, the program is designed to keep the youth, victims, and community safe. The program aims to be inclusive, allowing any person who desires to be a part of the healing of harm caused to become an active participant on the youth’s journey.

### DHS’ Restorative Justice Origins

DHS initiated the Alternatives to the Court Experience (ACE) program in 2014, which is a diversion program for youth who become involved in the justice system. Youth offenders are referred to the ACE diversion program from justice agencies either by the Metropolitan Police Department (MPD) prior to arrest, or post arrest by OAG in collaboration with CSSD.<sup>25</sup> MPD provides a significant number of referrals to the ACE program. To participate in ACE, youth must admit to being guilty of wrongdoing. However, DHS strongly urges youth who assert that they are not guilty to dispute their charges in court instead of admitting guilt to enroll in the ACE program. While ACE prioritizes delinquency cases, such as vandalism or shoplifting, the staff also help youth with truancy charges when resources are available. Completion of the ACE program can result in the dismissal of eligible charges. The goal of the program is to link all youth who are diverted to ACE to individually tailored support and behavioral health services. DHS’s restorative justice efforts are a key component of the ACE program.

### DHS’ Restorative Justice Practices

Once the youth is admitted to the ACE program, the youth is assessed by an ACE Social Worker and Case

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<sup>24</sup> [DHS \(N.D.\)](https://dhs.dc.gov/page/youth-services-division) Department of Human Services. Youth Services Division. Retrieved From: <https://dhs.dc.gov/page/youth-services-division>

<sup>25</sup> [Coulter, T. \(2017\)](https://www.streetsensemedia.org/article/diversion-program-youth-homelessness/#.W-Wx-tJKhQI) “Diversion program keeps kids out of prison and off the streets”. Street Sense Media. June 28, 2017. Retrieved From <https://www.streetsensemedia.org/article/diversion-program-youth-homelessness/#.W-Wx-tJKhQI>

Manager. The ACE Social Workers and Case Managers use a variety of tools to develop a customized program of wrap-around services designed to help each child achieve success and avoid new criminal offenses. The tools include a comprehensive intake process and assessments using the Adverse Childhood Experiences (ACE) Tool and the Child and Adolescent Functional Assessment Scale (CAFAS), in addition to a review of school records. Participation in restorative justice activities may or may not be part of the customized services identified for the youth. ACE Social Workers and Case Managers then recommend the case to one of its contracted service providers, formerly Access Youth, but now either Restorative DC/SchoolTalk or Collaborative Solutions for Communities (CSC) programs.<sup>26</sup> Restorative Justice referrals are made for several reasons, which include an opportunity to repair a relationship with an identified harmed party (i.e. domestic violence, peer fight, police interaction, etc.), an opportunity for reflection when there is no identified harmed party, or to provide support if the youth has challenges with respect to disorganization or dysfunction. DHS also highly suggests RJ or BARJ for repeat diversions. Restorative DC/SchoolTalk has trained some DHS employees on best practices for integrating restorative practices in their internal efforts.

DHS staff members actively participate in their clients' treatment plans. ACE Social Workers and Case Managers from DHS are required to attend circles and conferences and be a part of the identified support team for the youth. ACE Social Workers and Case Managers follow up with the youth after the circle or conference is conducted. Anyone who identifies themselves as part of the youth's support team is generally involved in the circles or conferences. The contracted providers can also schedule a follow-up circle, if necessary. Completion of the ACE program results in the removal of the arrest from the youth's record. The youth also receives other incentives (i.e. gift cards, or invitations to outings) for the completion of specific tasks (i.e., participation in a circle/conference or completing community service). For unsuccessful cases, youth can be terminated early resulting in their case returning to the court for prosecution.

### DHS' Measurable Outcomes

DHS is working to ensure that all youth referred to the ACE diversion program complete the process and have their arrest dismissed from their records. At this time, DHS has not conducted a full evaluation of its restorative justice interventions. Based on Access Youth estimations, 75% of first-time-offender youth have avoided re-arrest.<sup>27</sup> Additionally, 88% of the participants who complete the program show improved scores on a behavioral and mental health assessments taken upon entering and leaving the program, and 62% of the participants who complete the program have improved school attendance.<sup>28</sup>

### Next Steps for DHS

DHS is looking towards continuing their program and desires to leverage additional providers to offer more services and increase its program capacity to service the growing Spanish speaking population in the District. DHS would like to expand its efforts to capture feedback on its programming and follow up with participants. DHS has expressed that in the future it hopes to see more professionals in the juvenile

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<sup>26</sup> OAG (N.D.). "How Juvenile Diversion Benefits the District" Webpage. Public Safety. Juvenile Diversion Program. OAG DC 2018. Retrieved From <https://oag.dc.gov/public-safety/juvenile-diversion-program>

<sup>27</sup> Access Youth (N.D.) Reducing Juvenile Arrests. Access Youth Retrieved From: <http://accessyouthinc.org/what-we-do/reducing-juvenile-arrests/>

<sup>28</sup> OAG (N.D.) Office of Attorney General. Juvenile Diversion Program. Retrieved From: <https://oag.dc.gov/public-safety/juvenile-diversion-program>

justice field fully embrace restorative justice philosophies and practices. DHS is also interested in providing services for youth before their introduction to the justice system. Lastly, DHS wants to work with its providers to create culturally appropriate models of restorative programming designed to match the unique needs of the communities it serves.

## Department of Youth Rehabilitation Services

The Department of Youth Rehabilitation Services (DYRS) is responsible for the supervision, custody, and care of young people charged with a status offense or delinquent act in the District. Although pre-adjudicated youth are under the supervision of CSSD, those who have a court order to stay in a non-secure shelter house or a secure detention facility will reside in a facility that is either operated or contracted by DYRS. Post-adjudicated youth who are committed to DYRS are primarily supervised in the community, whereas others reside in Group Homes, and a small number are in secure confinement. The agency is actively involved in several innovative programming models, partnering with locally and nationally recognized juvenile justice centers in the following types of programs: juvenile justice, a continuum of care, alternative sentencing, supervised citation release and supportive living.

### DYRS' Guiding Values

The core of DYRS's Restorative Justice work and outcomes is accountability. Program inputs are designed to hold youth, staff, and leadership accountable to discipline policies. Safety for youth and facility staff is also a focus of the restorative work at DYRS. Youth and DYRS staff experience continuous training and competency development opportunities. DYRS identified restitution as an additional value that it has incorporated in its training and programming. Restitution for DYRS focuses on transformation and growth and is closely aligned with DYRS's core principle of accountability. DYRS intentionally works with families, the community and other partners to be as inclusive as possible in restorative programming. In addition to the principles identified by the Restorative Justice Workgroup, DYRS also identified reintegration as a value in its work.

### DYRS' Restorative Beginnings

DYRS initiated its Restorative Justice efforts in 2016, and views Restorative Justice as an essential part of the agency's holistic approach to aid in the rehabilitation of youth. DYRS has redeveloped its strategic plan and policies to be more aligned with Balanced and Restorative Justice principles. The Director of DYRS has had a strategic role in incorporating Restorative Justice throughout the agency to inform the agency's long-term outcomes. DYRS has been reviewing its existing youth programs to assess and make Restorative Justice enhancements where applicable.

### DYRS' Restorative Justice Practices

All pre-adjudicated or committed youth within DYRS facilities or under DYRS supervision are eligible to participate in Restorative Justice activities. Based on DYRS' Restorative Justice Logic Model, the agency aims to address incidents of negative behaviors (conflicts) in the facilities, conflicts within families and the community, and challenges in reentry/transitioning to the home/community. At each facility, DYRS is developing Restorative Justice practices to deal with youth behavioral issues. For each adverse incident or event, DYRS has created guidance to assist its staff by applying restorative practices fairly and equitably to all parties involved. DYRS has a BARJ team which is led by the Restorative Justice Coordinator who oversees all restorative programming. DYRS's Restorative Justice programs take place in both the detention and the community setting.

At the Youth Services Center facilities and New Beginnings, DYRS's secure residential facilities, DYRS, DCPS and Maya Angelou Academy (MAA) staff located on-site are required to draft a report of any incident that may occur. MAA provides onsite educational programming at New Beginnings and is operated by the See Forever Foundation, a nonprofit organization that manages the Maya Angelou Public Charter schools in the District. DYRS staff will note the incident in the shift book or other logbooks, in addition to reporting the incident to an immediate supervisor. Simultaneously, MAA staff submit their reports to the MAA administration, who will also forward the report to a DYRS supervisor. Once a supervisor is made aware of the incident or report, they complete a "Restorative Justice Referral Form" and inform a member of the BARJ team. Within 24 hours, a member of the BARJ team will follow up with all persons involved in the incident and start preparing for the appropriate response. The BARJ team uses a variety of interventions to address the reported issues and works with the parties involved to facilitate the intervention. The interventions range from circles (responsive, community building, restorative conversations, classroom reentry check-ins, and informal circle-ups), to victim/offender mediations, restitution, and social skills workshops/competency building. At the end of the intervention, the participants reach an agreement regarding their next steps. Within 30 days of the agreement, a member from the BARJ team will follow up with all participants and address any remaining issues as appropriate.

#### DYRS' Measurable Outcomes

The goal of DYRS's Restorative Justice approach is to improve relationships between youth and their community support systems (facility staff, school staff, parents, families, peers, mentors, coaches, and neighbors). DYRS currently has process measures in place to monitor the extent to which restorative practices are being used by the agency. For example, both within its facilities and for its community supervision efforts, DYRS tracks the frequency with which Restorative Justice Circles are used and the number and frequency of Restorative Justice trainings for new and current staff and restorative justice facilitators. DYRS has also taken steps to determine the impact that its Restorative Justice efforts are having on youth and the community. Currently, DYRS examines changes in behavior and whether there are any repeat incidents for youth who participate in a Restorative Justice practice. In the long term, DYRS hopes to decrease disruption in classrooms, physical altercations, and recidivism rates for DYRS. In addition, DYRS hopes that its restorative approach will reduce threats of violence against staff and other youth in the facilities and increase the number of youth who are supervised in their own homes and community placements.

#### Next steps for DYRS

DYRS has begun to ensure that all staff members are trained in Restorative Justice practices through a combination of 1-day foundational or 5-day certification training. DYRS is working to integrate Restorative Justice principles into all aspects of its work, including policies and practice to handle staff disciplinary issues and providing training to families of DYRS youth. DYRS has created a system to measure its restorative justice programs properly and objectively evaluate its work. DYRS also plans to revisit existing policies, work more closely with providers such as group homes and shelter homes, and maintain training for facility staff on Restorative Justice principles and practices.

#### Office of the Attorney General

The Office of the Attorney General for the District of Columbia (OAG) "enforces the laws of the District, defends and provides legal advice to the District's government agencies and protects the interests of the



District's citizens."<sup>29</sup> The Public Safety Division is responsible for the prosecution of local crimes, including almost all offenses committed by juveniles, as well as certain adult misdemeanor cases.<sup>30</sup> The Public Safety Division is organized into five sections, including the Juvenile Section, Criminal Section, Domestic Violence Section, Mental Health Section, and the Restorative Justice and Victim Services Section. The Restorative Justice and Victim Services Section was created in 2016, to realign staff to aid in OAG's efforts to reform juvenile justice in the District, better serve crime victims, and lessen the depth to which youth offenders penetrate the juvenile justice system.<sup>31</sup> The Victim Services Program assists and supports victims of and witnesses to serious and violent crimes by juvenile and adult offenders.

### OAG's Guiding Values

OAG believes that restorative justice is the best practice for accountability and healing. The program empowers "harmed parties" or victims to be a part of the process and is a catalyst for transforming relationships between various community stakeholders. Such "community centered" practices allow the victim, community, and offender to achieve healing, restoration and competency building. OAG believes that restorative justice is a philosophy, and the agency has shaped its programs to incorporate such elements as an approach to seek justice and healing for all participants of the conference.

OAG understands that restorative justice practices are not typically associated with a prosecutor's office. However, OAG has found that there are ancillary benefits to having a program located within a prosecutor's office, co-located with prosecuting attorneys. The rate of victim interest in participating in restorative justice is over 83%, which is high for most programs. That may be because Restorative Justice Facilitators often meet with victims along with prosecutors and are part of the office, thereby increasing legitimacy and trust. Additionally, prosecutors have grown to trust the program and the value of restorative justice over time, now sending more serious matters for resolution, which may be because OAG prosecutors work with and interact with restorative justice facilitators daily, likely increasing their faith in the program.

### OAG's Restorative Justice Origins

OAG started its restorative justice work in 2015, under the leadership of the District's first independent, elected Attorney General. OAG offers two diversion opportunities to juveniles charged with an offense that incorporate restorative justice practices. First, instead of petitioning the juvenile's case in court, the prosecutor (in consultation with CSSD) may decide instead to refer the youth to the Alternatives to the Court Experience program, which is operated by the Department of Human Services. Juveniles eligible for diversion – typically those with a low-level offense and minimal prior contact with the justice system – have their cases no-papered contingent upon their engagement with the ACE program. Once referred, ACE social workers and case managers identify what interventions will be sought for the youth based on a full assessment; one possible ACE intervention for the youth is being referred to a restorative justice nonprofit organization. (See the section on DHS's restorative justice efforts for a description of ACE.) Second, the prosecutor may decide to offer the juvenile an opportunity to participate in the Restorative

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<sup>29</sup> OAG (N.D.) Office of Attorney General. About OAG. Retrieved From: <https://oag.dc.gov/about-oag>

<sup>30</sup> OAG (N.D.) Office of Attorney General. About Public Safety Division. Retrieved From: <https://oag.dc.gov/about-oag/our-structure-divisions/about-public-safety-division>

Racine, K. (2018) OAG Responses for FY 2016-2017 Performance Oversight Hearing-March 1, 2018. Retrieved From: <http://dccouncil.us/wp-content/uploads/2018/10/oag.pdf>

<sup>31</sup> Ibid.

Justice and Victim Services Section restorative justice process; this happens if the youth is not eligible for pre-petition diversion with the ACE program. As such, the cohort of youth eligible for the restorative justice program is of a higher risk category. The case is assigned a line prosecutor, who engages with law enforcement and the victim(s) of the offense. The perpetrator's opportunity to participate in a restorative justice conference is dependent on the amenability of the victim of the crime. The prosecutor may decide to defer prosecution, such that if the juvenile completes the restorative justice program, the juvenile's case will not be petitioned in court. Or, the prosecutor may petition the case, but defer sentencing, such that successful completion of the program could result in the juvenile not having to be sentenced. Youth charged with offenses involving a gun, intimate partner domestic violence, and certain sexual harms are precluded from restorative justice eligibility. OAG guidelines provide individual prosecutors a great deal of discretion in referring cases for restorative justice.

### OAG's Restorative Justice and Victim Services Section Process and Practices

The goal of the program is to bring perpetrators and victims together to empower victims, hold offenders accountable, and repair the harm caused by crime. The program offers victims of crime an opportunity to take part in a facilitated dialogue with the offender and his or her family to come up with mutually agreed upon tasks to resolve the matter for the victim.

Youth eligible for the program must enter into a preparatory stage that involves (1) the assignment of a restorative justice facilitator to the case, (2) the facilitator studying the facts of the case, (3) the facilitator establishing contact with and educating all parties about the conferencing processes, and (4) the facilitator ensuring the victim's willingness and readiness to cooperate. If all parties agree, then the case will enter the pre-conference stage. At this stage, all parties are prepared and are invited to a restorative justice conference. The purpose of this conference is to hold offenders accountable, empower victims, build empathy and consequential thinking in those who caused harm, and repair the harm caused by crime. These restorative justice conferences typically occur at the OAG office or in the community. Based on the outcomes of this stage, the group reaches a consensus on the specific conditions that the juvenile must follow to address any harm and to be eligible for successful completion of the program. The case then advances to the monitoring stage, where the facilitator monitors completion of the terms of the agreement reached during the restorative justice conference. If the youth fails to meet the agreed-upon conditions specified during the conferencing stage, then the case will be returned to the prosecutor for court processing.

OAG restorative justice facilitators lead the restorative justice conferences. The staff has varied experience and educational backgrounds including a civil rights attorney and mental health counselor. No restorative justice background is required upon hiring. All OAG facilitators have been trained and certified by restorative justice practitioners from both Restorative DC/SchoolTalk and Youth and Families in Crisis. Facilitators receive on-going technical assistance from both groups to be able to conduct restorative justice conferences properly.

For victims, conferencing is voluntary, and if they do choose to participate, OAG encourages them to invite persons who will support them throughout the process. For juveniles, they do not have to admit legal guilt to participate in this program, but at a minimum, they must acknowledge their responsibility for harm caused. Additionally, neither the prosecutor nor defense attorney is allowed in the conference,

as OAG wants to ensure youth feel safe when discussing the crime, offense, or harm that occurred.

### OAG's Measurable Outcomes

OAG is working to ensure that all youth referred to its restorative justice program complete the process successfully. The program is still considered new, and for most participants, it has still been less than a year since they completed the program, making rigorous evaluation difficult. After each restorative justice conference, participants are asked to provide feedback. OAG continues to collect data and plans to measure outcomes using various metrics in the coming months.

### Next Steps for OAG

OAG is hoping to expand its restorative justice practices to more young adult cases from the ages 18 to 24. Young adult cases are low-level misdemeanor cases that are referred to OAG from the U.S. Attorney's Office (USAO) under the partnership that has been created through the Department of Justice Smart Prosecution grant. OAG prosecutors and program staff are also working to build partnerships with schools, police, the community, and other criminal justice and local agencies to find alternative solutions to prosecution in the District. OAG envisions a future for the District with a seamless distribution of restorative justice.

## Office of the State Superintendent of Education

The Office of the State Superintendent of Education (OSSE) is the state agency responsible for organizing educational matters for traditional public schools and public charter schools in the District. Traditional public schools account for about half of OSSE's portfolio. OSSE supports schools by providing resources, such as training opportunities and funding for education programs.

### OSSE's Guiding Values

OSSE empowers schools to implement restorative practices. Though there is no one school-based restorative justice framework to which all schools subscribe, there are some overarching themes that all educators receive through training from School Talk DC and Youth and Families in Crisis. OSSE has identified healing, redemption, inclusion, and transformation as values that guide their restorative work.

### OSSE's Restorative Justice Origins

Restorative Justice in the school setting is used as an alternative to traditional discipline, like suspension and expulsion, and to improve the student's social and emotional development. A series of recent laws capped the number of days a student can be suspended and requires schools to use restorative justice as an alternative to traditional school discipline.<sup>32</sup> Prior to these recent legislative requirements, OSSE had already been exploring restorative justice practices.

OSSE awarded funding to organizations that could establish restorative justice programs in traditional public or public charter schools that were interested in using this practice as an alternative to their

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<sup>32</sup> NOTE: Recent Legislation- (1) the School Attendance Clarification Amendment Act; (2) the D.C. Public Schools Alternatives to Suspension Amendment Act of 2017; (3) the Student Fair Access to Schools Act of 2017

current school discipline policies. OSSE began its partnership with Restorative DC/SchoolTalk in the 2015-16 school year working with five schools (Ballou HS, Hart MS, Columbia Heights Educational Campus, Luke C. Moore HS, and Maya Angelou PCS). For SY15-16, the majority of the funding was provided by the Agency of Education (AOE) Foundation, with supplemental amounts provided by OSSE and DCPS. In SY16-17, the number of schools increased to ten and funding was split between the AOE Foundation and OSSE.

As of School Year 2017-18, Restorative DC/SchoolTalk was mostly funded by OSSE and is supported by a diverse collection of local restorative justice practitioners who provide direct technical assistance to DC schools. OSSE's team has a deep knowledge base representing multiple restorative justice models and practices, as well as complementary expertise in social work, drama therapy, non-violent communication, positive discipline, coaching, trauma-informed practices, special education, and more. In addition to Restorative DC/SchoolTalk staff, the team includes Youth and Families in Crisis, Connecting and Growing, Core to Core, and Dramatic Solutions. Each of these organizations also provides services to DC schools and other organizations and clinics independently of Restorative DC/SchoolTalk.

OSSE's restorative justice programs take place in the school setting. OSSE and Restorative DC/SchoolTalk work collaboratively with individual traditional public and public charter schools to implement restorative justice practices and culture change. OSSE requires interested schools to complete a readiness assessment before receiving funding for restorative justice training through Restorative DC/SchoolTalk. OSSE, DCPS Central Office, Youth and Families in Crisis, Access Youth, and Restorative DC/SchoolTalk meet regularly to collaborate and coordinate restorative justice efforts.

Schools interested in restorative justice must complete a readiness assessment to be interviewed by a Restorative DC/SchoolTalk consultant and OSSE. If a school was not able to demonstrate its school preparedness and readiness to enter into such a partnership, then Restorative DC/SchoolTalk refers them to receive pre-technical assistance. The goal of pre-technical assistance is to prepare the entire school to reapply for implementation of the restorative justice model at a future date. During the pre-technical assistance phase, the school explores whole-school restorative change and helps school leaders develop a plan to prepare for reevaluation. Additionally, throughout the school year, DCPS and OSSE offer restorative justice professional development opportunities via Restorative DC/SchoolTalk for school leaders, including workshops, support circle training, trauma awareness, resilience training, restorative discipline information sessions, and webinars. In addition, OSSE facilitates a restorative justice community of practice for interested staff that meets monthly.

Based on their readiness score and subsequent interview, selected schools will enter into a partnership with Restorative DC/SchoolTalk and begin their 3- to 5-year participation in the "Restorative DC/SchoolTalk Support Model for Whole-School Implementation." The implementation phase typically lasts at least 3 years. During the first year of implementation of the model, schools work very closely with their own Restorative DC/SchoolTalk restorative justice coordinator to develop initial plans and prepare for roll out at the beginning of the upcoming school year. In spring 2018, Restorative DC/SchoolTalk also began providing a Supplemental Technical Assistance Program for additional schools with smaller, targeted technical assistance packages.

In addition to direct technical assistance for schools, Restorative DC/SchoolTalk is funded by OSSE to

provide monthly professional development workshops throughout the school year, as well as a monthly Restorative Justice Community of Practice. The schedule for SY18-19 can be found at this link: <https://osse.dc.gov/page/restorative-justice-trainings-and-resources>.

Professional development funded by OSSE is also provided throughout the summer both for individuals and for school teams. Restorative DC/SchoolTalk provides a restorative justice professional development series for individuals who support DC Local Education Agencies (LEAs) in topics including Restorative Justice Overview, Restorative Communication, Circle Facilitation, and Restorative Justice and Trauma-informed Practices. During Summer 2019, Restorative DC/SchoolTalk will provide a Restorative Justice Summer Intensive for School Teams, which will be offered multiple times. The Summer Intensive for School Teams will include school personnel at multiple levels such as principals, administrators, teachers, and behavioral technicians. The boot camp provides some targeted professional development for key staff to set goals at the beginning of the school year. Typical initial priorities include tasks like securing funding, capacity building and obtaining buy-in from school personnel.

The next step during the first year of implementation is “Getting Started.” The school begins restorative implementation with professional development and on-site technical assistance. Restorative DC/SchoolTalk provides close, hands-on training and guidance to school staff as they build their competence skill level and review systems and policies from a restorative lens. At the beginning of the process, staff habitually use real-world application of these newly learned restorative techniques at the staff and administration levels to resolve conflicts. After a year and a half, schools typically have a solid foundation in restorative justice. Staff then regularly become “circle keepers” and can organize the logistics and facilitate circles among students, staff, and relevant community members (e.g., parents, guidance counselor, etc.). Simultaneously, the school works to expand these practices into individual classrooms for classroom management and instruction, until restorative practices are integrated into the entire school.

The next step during the second or third year of the implementation phase is referred to as “Expanding Whole School Efforts.” During this phase, the goal is to expand the model to the entire school. The school continues to expand restorative implementation with training and on-site technical assistance. This final step lasts for approximately 1 to 2 years. Once the implementation phase is achieved, the school will spend an additional 1 to 2 years in the “Sustainability and Maintenance” phase. By this phase, Restorative DC/SchoolTalk will have decreased the frequency and level of onsite technical assistance. The school will be capable of consolidating whole school restorative implementation that is self-sustaining.<sup>33</sup>

### OSSE’s Measurable Outcomes

OSSE has not conducted any formal evaluation of its restorative justice interventions. Like DCPS, they believe there is a correlation between schools that practice restorative justice and a lower rate of suspension. However, OSSE and Restorative DC/SchoolTalk continue to measure success using key

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<sup>33</sup> RestorativeDC (N.D.) A Restorative School. Implementation Guide. Retrieved From: <http://www.restoratedc.org/wp-content/uploads/2018/08/RDC-Implementation-Guide-FINAL.pdf>

NOTE: Originally taken from Appendix B: Restorative DC/SchoolTalk Support Model for Whole-School Implementation (3-5 years) p. 38 of undisclosed report provided during OSSE agency interview.

objectives of the Restorative DC/SchoolTalk Support Model for Whole-School Implementation program. Particularly, the desired outcomes consist of (1) restorative justice infused school policies and an increase in budget items related to discipline and staffing that reflect the whole school restorative process; (2) all staff receiving regular restorative school training, which should be primarily provided in-house; (3) at least 75% of staff using restorative conversations and questions when dealing with disciplinary matters; (4) at least 75% of classrooms having regular circle practices, co-led by students; (5) at least 75% of disciplinary cases using restorative alternatives instead of traditional approaches; (6) that 50% of families become familiar with restorative practices and have experienced a circle; and (7) the implementation phase of the model be evaluated and any necessary adjustments have been made to the plan.

#### Next steps for OSSE

Despite the recent alternative to school discipline reforms, many individual schools have not implemented restorative justice practices or established mechanisms to evaluate their restorative justice interventions. OSSE plans to increase restorative justice training and technical assistance opportunities for schools districtwide. OSSE will continue to figure out the best way to gain buy-in from educators regarding the implementation of restorative practices for their school.

Table 1. Summary of Youth Serving Agencies’ Restorative Justice Programming

	Setting	Direct Service Provider(s)	Training and Technical Assistance Provider(s)	Program(s) Name	Guiding Values and Principles
CSSD	Community	CSSD Employees and other Tutoring, Mentoring & Life Skills Contract Providers	Youth and Families in Crisis	BARJ Drop-In Centers	<ul style="list-style-type: none"> <li>· Accountability</li> <li>· Community Inclusion</li> <li>· Competency Awareness/ Development</li> <li>· Community safety</li> <li>· Healing</li> <li>· Inclusion</li> </ul>
DCPS	School	<ul style="list-style-type: none"> <li>· Restorative DC/SchoolTalk</li> <li>· Youth and Families in Crisis</li> </ul>	<ul style="list-style-type: none"> <li>· Restorative DC/SchoolTalk</li> <li>· Youth and Families in Crisis</li> </ul>		<ul style="list-style-type: none"> <li>· Accountability</li> <li>· Community Safety</li> <li>· Competency building</li> <li>· Empowerment</li> </ul>
DHS	Community	<ul style="list-style-type: none"> <li>· Restorative DC/SchoolTalk</li> <li>· Collaborative Solutions for Communities</li> <li>· MPD Referrals</li> </ul>	<ul style="list-style-type: none"> <li>· Restorative DC/SchoolTalk</li> <li>· Access Youth (formerly)</li> </ul>	Alternative to the Court Experience (ACE)	<ul style="list-style-type: none"> <li>· Accountability</li> <li>· Empowerment</li> <li>· Healing</li> <li>· Safety</li> <li>· Inclusion</li> </ul>
DYRS	<ul style="list-style-type: none"> <li>· Detention Facility</li> <li>· Community</li> </ul>	DYRS	<ul style="list-style-type: none"> <li>· Youth and Families in Crisis</li> </ul>	<ul style="list-style-type: none"> <li>· General Policies</li> <li>· Facility Practices</li> <li>· Credible Messengers</li> </ul>	<ul style="list-style-type: none"> <li>· Accountability</li> <li>· Safety</li> <li>· Competency Development</li> <li>· Restoration/ Transformation</li> <li>· Inclusion</li> </ul>
OAG	<ul style="list-style-type: none"> <li>· Community</li> </ul>	<ul style="list-style-type: none"> <li>· OAG Restorative Justice Program</li> </ul>	<ul style="list-style-type: none"> <li>· Restorative DC/SchoolTalk</li> <li>· Youth and Families in Crisis</li> <li>· Baltimore Community Conferencing Center</li> </ul>	<ul style="list-style-type: none"> <li>· OAG’s Restorative Justice Program</li> </ul>	<ul style="list-style-type: none"> <li>· Accountability</li> <li>· Empowerment</li> <li>· Transformation</li> </ul>
OSSE	School	<ul style="list-style-type: none"> <li>· Restorative DC/SchoolTalk</li> <li>· Youth and Families in Crisis</li> </ul>	<ul style="list-style-type: none"> <li>· Restorative DC/SchoolTalk</li> <li>· Youth and Families in Crisis</li> </ul>	The Restorative DC/ SchoolTalk Support Model for Whole-School Implementation	<ul style="list-style-type: none"> <li>· Empowerment</li> <li>· Redemption</li> <li>· Inclusion</li> <li>· Transformation</li> <li>· Healing</li> </ul>

## CONCLUSION

The District has embraced the application of restorative justice as an alternative to traditional school disciplinary and juvenile justice interventions. Within each of the agencies profiled in this report, leadership is working to create buy-in for this new philosophy and approach. Currently, the District focuses its restorative efforts mainly on juveniles and has limited programming for adults.<sup>34</sup> Criminal justice agencies that deal with adult offenders, like OAG and the Court Services and Offender Supervision Agency (CSOSA), have begun to also explore how restorative justice interventions can work with the adult population. CSOSA is currently undergoing training from several organizations and expanding its new Behavior Intervention Division to align its existing programs with a restorative focus.<sup>35</sup> Multiple agencies in the District have begun utilizing restorative practices, which makes it imperative to find synergy and the ability to standardize some aspects of practice for this movement to be successful.

Each agency that participates in the Restorative Justice Workgroup has adopted an RJ or BARJ process because they want to see positive outcomes for the youth they serve. Whether it is RJ or BARJ, the impetus for this new approach was the understanding that the traditional juvenile justice system had gaps that only an alternative solution could address. Each of the agencies ensures that its staff is properly trained in theories and principles related to RJ or BARJ. Additionally, each of the agencies recognizes at least four values of RJ, in particular: (1) Accountability, (2) Inclusion (3) Empowerment, and (4) Safety. Most of the agencies have identified specific outcomes they would like to observe as a result of their RJ or BARJ efforts; however, agencies generally have not identified specific performance measures, or evaluated the efficacy of their restorative justice practices. One challenge has been that many of the agencies' data systems, or business needs specification for data collection, to assess such performance were already well-established before the implementation of their current restorative efforts. Therefore, there are very few standard forms (such as applications or service requests), internal policies or procedures, and guidance documents that provide a roadmap for the agency to evaluate its restorative practices.

Agencies have not yet determined how to evaluate whether RJ or BARJ programs are effective, and limited documentation is available that describes the agencies' RJ or BARJ processes, which led to the development of this report. Restorative Justice in the District is in its infancy. The District has been engaged in this work for less than a decade, and the community of RJ or BARJ practitioners in the District is emerging. Each agency is moving towards establishing metrics to evaluate their programs effectiveness.

## Recommendations

Youth-serving agencies in the District are very supportive of exploring alternatives to traditional criminal

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<sup>34</sup> NOTE: In the District, all felonies and some serious misdemeanors are prosecuted by the U.S. attorney's office. This has been the case since the establishment of the capital city and was reinforced by the 1973 Home Rule Act and reinforced by the National Capital Revitalization and Self-Government Improvement Act of 1997.

<sup>35</sup> NOTE: CSOSA has received training from International Institute for Restorative Practices, Joint Training with USAO, Dr. Ivy and Saleem Hylton, Restorative Baltimore, and O.A.R. NOVA's restorative program in Loudoun County, VA. They are currently adapting several of their programs (i.e. Victim Service Program, Community Service, Faith Based Mentoring, and staff training) to incorporate restorative justice practices.



justice sanctions. The various agencies and partners are working towards being able to deepen their relationship, offer opportunities for cross-training and sharing best practices and policies. Given that the agencies that participate in the Restorative Justice Workgroup implement their restorative justice efforts under different circumstances and in different contexts and locations, it may not be feasible or necessary for agencies to standardize their specific Restorative Justice and Balanced and Restorative Justice practices. However, the agencies and partners have committed to developing a common set of guiding principles, standards and values to help ensure the various restorative justice efforts in the District are operating with fidelity. Below are recommendations to help workgroup members achieve this goal.

- **Finalize the Guiding Values and Principles Document (completed: 9/2019)**

The CJCC recommends the Guiding Values and Principles Document created by the Restorative Justice Workgroup include values that have applicability across agencies. Based on interviews, agencies identified four clear values:

- 1) Accountability
- 2) Inclusion
- 3) Empowerment
- 4) Safety

Each agency has successfully implemented some aspects of restorative justice into their programs. However, many programs are unique to the mission of their agency, utilize different terminology, and utilize varied methods to achieve their desired outcomes. To avoid a situation that could cause confusion and decrease the efficacy of this alternative to traditional juvenile justice system involvement or school disciplinary practices, it would be valuable for the Restorative Justice Workgroup to develop a commonly accepted understanding of restorative justice in the District by finalizing and accepting a guiding values and principle document as the foundation of their restorative justice work.

- **Creation of A Restorative Justice Logic Model**

The CJCC recommends Restorative Justice Workgroup establish a logic model which could serve as a starting point for District agencies to become better aware of restorative interventions that have been effective in addressing behavioral issue in specific settings (i.e., school, detention or community settings) instead of creating a decision matrix. Since RJ and BARJ are evolving concepts for the District, there is a shortage of evaluation to label any tool as an evidence-based practice.<sup>36</sup> The development of a logic model would be a starting point to provide a basis for future evaluations and to offer a new practitioner an introduction to the numerous restorative tools and their general purposes. The logic model could also be used to generate buy-in as it will provide detailed descriptions of processes and outline graduated approaches to remove the uncertainty of next steps and the agency's responsibility.<sup>37</sup> CJCC is aware that each agency does not provide direct restorative programming to its clients. However, those agencies could still benefit if they establish award conditions that would require their contractors to

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<sup>36</sup> Mullen E., and Streiner, D. (2004). "Evidence For and Against Evidence Best Practices". Brief Treatment and Crisis Intervention. 4:2 Summer 2004.

<sup>37</sup> Triantaphyllou E. (2000) Multi-Criteria Decision-Making Methods. In: Multi-criteria Decision-Making Methods: A Comparative Study. Applied Optimization, vol 44. Springer, Boston, MA

implement their program based on a restorative logic model. At a later point, after each agency has collected data and established measures, an evaluation of all restorative tools should be conducted, and an evidence-based best practice guide or a decision matrix could result.

- **Development of Agency-wide Metrics Related to Restorative Justice Programming**

Since many of the agencies are currently working on establishing their metrics, CJCC recommends that they continue to define metrics with the appropriate internal staff (program staff, evaluators, IT team, and management) to understand their data capabilities and limitations. The metrics will help each agency to develop measurable outcomes. Many of the agencies can verbally identify clear inputs of their programming but have not formalized their processes or worked with their business intelligence leads to develop data collection methods or standardized forms that can capture useful information to evaluate their restorative justice efforts. The CJCC stands ready to assist agencies with establishing metrics. Once each agency has developed their metrics, it would be beneficial to compare with other agencies and document similarities. The CJCC can assist in creating and standardizing simple inputs such as recording the number of circles facilitated, the number of victims that participated in the program, a ratio of successful cases compared to unsuccessful or early terminated cases referred back to the court, and other program inputs that the agency may be interested in using to assess performance.

- **Interagency Collaboration via Competency Development Programming**

The District utilizes a variety of restorative tools such as circles, conferencing, and victim-offender mediations. Many agencies could enhance their program offerings by providing a focus on competency development. Competency Development, a principle of Balanced and Restorative Justice, is defined as the process by which a juvenile acquires the knowledge and skills that make it possible for them to become productive, connected, and law-abiding members of their communities.<sup>38</sup> Since there is not an abundance of programming in this area, each agency has an opportunity to develop a program. The program should equip the youth to leave the system capable of being productive and responsible in the community. Common programs include allowing the youth to gain work experience or inspire active learning. This could be achieved by encouraging service providers to work together to develop opportunities for youth to develop skills, interact positively with adults, earn money, and demonstrate publicly that they are capable of productive, competent behavior.

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<sup>38</sup> Juvenile Court Judges' Commission. (N.D.) Competency Development. Pennsylvania Government. Retrieved from <https://www.jcjc.pa.gov/Balanced-Restorative-Mission/Pages/CompetencyDevelopment.aspx>

## Appendix 1: Restorative Tools Deployed by Youth-Serving District Agencies

<u>Practice Models</u>	<u>Activity</u>	<u>Description</u>	<u>Practicing Agency/Partner</u>
<p><b>Conferences:</b> Conferencing programs involve the individuals who authored, received, and were affected by the harm, and their supporters, in a facilitated, structured dialogue about the harm and its impact. Conferencing programs may include the participation of families, community support groups, police, social welfare officials and attorneys in addition to those directly involved.</p>			
	Classroom Reentry Check-Ins	Reflection outside of the classroom	DYRS, OSSE, CSSD
	Family Group Conferences	Family Group Conferences help strengthen the family unit by having them come together to discuss solutions.	OSSE, DCPS, DHS, OSSE, DYRS, CSSD
	Restorative Conversations	Conversation skills focused on communicating feelings, needs, and actions in the spirit of curiosity, care, and compassion. Drawing on Nonviolent Communication and conflict management techniques, these approaches to difficult conversations are guided by reflective listening and avoiding blame language. Active listening techniques encourage reflective listening, self-awareness, and honoring multiple perspectives.	DYRS, DHS, OSSE, CSSD, DCPS, DHS
	Restorative Justice Conference	A conference that includes the youthful offender, victim, and their families. A facilitator individually prepares those involved and affected by an incident of harm (as well as anyone invited to provide support and resources) and then convenes a conference for them to share what happened, how they have been affected, and what is needed to repair the harm and prevent it from reoccurring.	DHS, OSSE, DYRS, CSSD
	Social Skills Workshops/ Competency Building	Social Skills Workshops and Competency Building is the capacity to do something well that others value.	DYRS, OSSE, CSSD
	Proxy or Reflective Conference	A Proxy Conference involves the referred youth, their supporters, and, if possible, someone who has experienced similar harm as the harmed individual(s).	DCPS, OSSE, DHS

<u>Practice Models</u>	<u>Activity</u>	<u>Description</u>	<u>Practicing Agency/Partner</u>
	Community Service	Community service is productive work performed by juvenile offenders. Restorative community service provides an opportunity for the juvenile offender to make amends to the community in a way that is valued by the community.	CSSD
<p><b>Circles:</b> Circles usually occur after a conviction has been recorded and are used in a sentencing context rather than as an alternative to the justice system (i.e., diversion). In the District, circles have a wide variety of use. Circles can be reflective or supportive or neither, depending on the objective of the conversation.</p>			
	Healing Circles	Healing circles provide a safe and supportive space for individual youth to make amends, [listen, understand] the harm experienced by others, and to establish shared paths towards success.	OSSE, DCPS, OAG, OSSE, CSSD
	Reflective	A reflective circle is used when the victim does not want to participate in discussion with their offender or if the victim cannot be found or identified. To participate in this circle, youth must admit legal guilt to the harm done.	OAG, DHS, OSSE, DYRS, CSSD, DCPS
	Responsive	A dialogue process that uses the same circle process structure described for pro-active circles to resolve incidents of harm. Restorative circles provide a safe and structured space for participants to understand what happened, express how they have been affected, and create a written agreement to repair the harm and prevent the incident from happening again.	DYRS, DHS, OAG, OSSE, CSSD, DCPS
	Supportive	Support circles are used to help youth meet a goal and involves the youth's family and relevant community members (e.g., classroom teacher, the school janitor, a best friend, therapist, etc.). This type of circle addresses family dysfunction and the tasks each participant can take to aid the juvenile to repair harm. The youth does not need to admit legal guilt to participate in this type of circle.	OAG, DHS, OAG, OSSE, DYRS, CSSD, DCPS
	IEP Support Circles	Intensive Support Circles are a kind of circle process that weaves struggling individuals or families together with community members, youth workers, and others into a web of	OSSE, DCPS, DHS

<u>Practice Models</u>	<u>Activity</u>	<u>Description</u>	<u>Practicing Agency/Partner</u>
		support characterized by strong relationships, joint decision making, and shared responsibility.	
	Grief Circle	Grief circles explore and allow participants express grief, or other feelings.	DYRS, OSSE, DCPS, DHS
	Reintegration Circles	Reintegration circles are a form of support circle for those who have been excluded from the school or neighborhood community due to suspension, arrest, incarceration, illness, etc. Reintegration Circle provides an opportunity to welcome the individual back, reaffirm their importance in the community, and provide support their successful reintegration.	OSSE, DCPS, DHS
	Complex Family Dynamics Circles	A series of structured meetings designed to collaboratively address complex family dynamics through shared values and guidelines, relationship building, storytelling, deep conversation, and joint problem solving. The caseworker monitors any resulting family reconciliation agreement and ensures follow-through. Like Support Circles, this process uses a talking piece, centerpiece, and opening/closing ceremonies.	OSSE, DCPS, DHS
	Community Building Circles	The community assumes an active role in responding to issues of crime and conflict and, in so doing, the problem solving and informal social control capacities as well as the social cohesion of that community are strengthened.	DYRS, OAG, OSSE, CSSD
<p><b>Victim-Offender Mediations:</b> VOM involve a meeting between the victim and offender facilitated by a trained mediator. With the assistance of the mediator, the victim and offender begin to resolve the conflict and to construct their own approach to achieving justice in the face of their crime. Both are given the opportunity to express their feelings and perceptions of the offense (which often dispels misconceptions they may have had of one another before entering mediation). The meetings conclude with an attempt to reach agreement on steps the offender will take to repair the harm suffered by the victim and in other ways to "make things right". This family of processes is similar to other responsive processes but does not take place in circle with the involvement of a larger group of participants.</p>			
	Restitution	Restitution has been defined as "a monetary payment by the offender to the victim for the harm reasonably resulting from the offense". Restitution can embody both monetary payments and in-kind services to the victim.	DYRS, OAG, CSSD

<u>Practice Models</u>	<u>Activity</u>	<u>Description</u>	<u>Practicing Agency/Partner</u>
	Victim/Offender Mediations	In victim-offender mediation, the community has a less significant role, as the mediator is typically the only community member present. Participants meet and discuss the crime, its effects on their lives and possible steps towards restoration. The community is provided with an enhanced role in conferencing, which is essentially an extension of mediation to include a wider range of participants.	OAG, DYRS, CSSD

## Appendix 2: Core Restorative Justice Values in the District of Columbia

This document was created by members of the Restorative Justice Workgroup to establish common values and principles across the District of Columbia’s Restorative Justice programs and efforts. It is essential that all six values are infused with practices and policies developed through a trauma-informed lens (recognizing/acknowledging and addressing the impact of traumatic events) to ensure that all individuals participating in restorative justice practices/processes in the District are provided the opportunity to be accountable, feel/be empowered, heal and be restored, develop skills, and feel safe. Ultimately, adherence to these values and related practices will result in a decrease on societal costs (medical, behavioral health, community, systems—justice, education, child welfare, health, behavioral health) on District residents and the communities in which they live and the agencies that serve them.

- **Accountability**
  - Creating a culture and spaces for all individuals, organizations, and agencies to be accountable for their actions
  - Holding practitioners accountable for biases, awareness of power dynamics and structural racism
  - Being partial to all participants
  - Increasing awareness of inequities
- **Empowerment**
  - Respect for all individuals and their story
  - Validating and believing individual’s truth
  - Empowering people to be able to resolve their own problems
  - Empowering those harmed (victim) by crime and injustice with voice, agency, and contribution
  - Caring for the needs of all participants
- **Healing**
  - Creating an environment that is supportive, inclusive, and both sensitive to and aware of trauma
  - Multi-generational, family, and community
  - Holistic healing / needs-focused
  - Repairing harm and building relationships
  - Patience with clients and selves and trusting the process
  - Intentional self-care for practitioners in order to maintain objectivity and integrity
  - Recognition that criminalization, incarceration, and detention cause harm to individuals, communities, and our city
  - Approach interactions with a primary concern for trauma and mental health
  - Building trust between clients, RJ practitioners, and government agencies
- **Restoration**
  - Affirming that an individual is more than the worst thing he or she has done, and more than his or her prior contacts with the system
  - Restoring those responsible for harm, and supporting reintegration into communities

- Restoring those harmed by crime
- Restoring fissures in family and community
- Providing a path for restoration by addressing the harm
- Allowing for forgiveness on all sides
- **Competency Development**
  - Building capacity in all parties – those harmed, the harmers (offenders), and communities
  - Changing community norms (e.g., anti-snitch culture)
  - Building problem solving and de-escalation capacity in individuals and communities
  - Increasing investment in the community (education and capacity building around RJ)
  - Building empathy and self-esteem
  - Ensuring that government agencies are culturally competent
- **Safety**
  - In home, school, and community
  - Reducing violence / preventing future harm
  - Safety of individuals, including those harmed, and community
  - The emotional and psychological safety of knowing you matter and belong in your community