



DISTRICT OF COLUMBIA

STATISTICAL ANALYSIS CENTER

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BRIEF: RESTORATIVE JUSTICE

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Restorative Justice is an approach to the administration of justice that focuses on repairing the harm to victims and to the community caused by criminal behavior. Research shows that it can improve both offender outcomes and victim satisfaction, while keeping some low-level offenders from penetrating more deeply into the justice system. This community-oriented model with historical roots has been adopted across the United States, as well as locally in the District of Columbia.

In contrast to the offender-focused responses employed throughout much of the traditional American justice system, Restorative Justice offers a more inclusive process and reorients the goals of justice, centering on victims and requiring offenders to take responsibility for their actions and

for the harm they have caused.¹ The goal of Restorative Justice is to bring together those most affected by the criminal act—the offender, the victim, and oftentimes community members depending on the program being utilized—in a process to encourage offender accountability and to meet the needs of the victims to repair the harms resulting from the crime.² The following are the guiding principles of Restorative Justice:

1. Crime is an offense against human relationships;
2. Victims and the community are central to justice processes;
3. The first priority of justice processes is to assist victims;
4. The second priority is to restore the community, to the degree possible;
5. The offender has personal responsibility to victims and to the community for crimes committed;
6. Stakeholders share responsibilities for Restorative Justice through partnerships for action;
7. The offender will develop improved competency and understanding as a result of the Restorative Justice experience.³

¹ https://www.adler.edu/resources/content/4/1/documents/RJ_WhitePaper_Final_13_04_29.pdf

² Bergseth, K.J., & J.A. Bouffard (2007). The long-term impact of Restorative Justice programming for juvenile offenders. *Journal of Criminal Justice*, 35: 433-451.

³ Created for the National Institute of Corrections Nationwide Videoconference held December 12, 1996.

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Restorative Justice practices date back to early indigenous and aboriginal societies (e.g. the First Nations People of the U.S. and Canada, and the Maori people of New Zealand) where incidents were resolved without formal justice systems. Conflicts were resolved by correcting the imbalance the offender had caused the victim and, by extension, the collective society.⁴ Many recent Restorative Justice practices can be traced to the Maoris, with the passing of the Child, Young Persons, and their Families Act 1989.⁵ This Act aimed to respond with a more culturally sensitive approach to dealing with young offenders and reflect ancient Maori dispute resolution models that focused on Restorative Justice.

Some of the most common processes and practices related to Restorative Justice include: Victim–Offender Mediation, Restorative Circles, Family Group Conferences, and Victim-Impact Panels. It is important to note that most of these are voluntary. Victim Offender Mediation (VOM) programs use trained mediators to bring victims and offenders together in order to discuss the crime, its aftermath, and the steps needed to correct the harm caused by the crime. Restorative Circles are similar to VOM, but differ in that they involve not only the offenders and victims, but also their family members, community members, and government representatives such as judges and mediators. Family Group Conferences (FGC) are structured meetings between offenders, victims, representatives from the community, and both parties’ families and friends, in which they address consequences and restitution. FGCs are also similar to VOM, but the former are explicitly victim-sensitive. Victim Impact Panels (VIPs) bring together groups of unrelated victims and offenders, linked by a common kind of crime. Offenders have the opportunity to listen to the impact their crimes have on victims from those that experienced it at the hands of other offenders, and victims have the opportunity to discuss how their lives were affected without facing their actual perpetrators.

Across the United States and around the world, there have been many studies on the effects of Restorative Justice. Research suggests that Restorative Justice as an overall practice brings positive outcomes in a different range of crime categories, across both adult and juvenile justice systems. While Restorative Justice practice and implementation vary, according to the Virginia Crime Commission, both victim-offender dialogues and mediation appear to be the

most widely practiced and are cited as the most effective in reducing recidivism and providing victim satisfaction.⁶ Approaches also differ between adult and juvenile justice systems.

ADULTS

The Campbell Collaboration conducted a meta-analysis of the ten best randomized Restorative Justice Conferencing (RJC) studies that included a total of 734 victims and 1,879 offenders. The meta-analysis found that, compared to traditional case processing, RJC significantly reduced future offending while increasing victim satisfaction. All ten studies found RJC to be cost effective; overall, the cost of the future crime prevented was at least 8 times higher than the cost of RJC, and in one study the savings from averted offenses was 14 times higher than the cost of RJC.⁷

Participants in Victim Impact Panels (VIPs) for DUI offenders in Clarke County, Georgia, report a 5-year rearrest rate of 15.8%, compared to 33.5% for those who did not participate in the Victim Impact Panels. Since 1994, VIPs have been a requirement for individuals convicted of DUI in Clarke County, and include presentations from victims or their families discussing the impact drunk drivers have had on their lives. Mandatory attendance is enforced and absences are treated like violations of probation.⁸ CrimeSolutions.gov, a national database of evidence-based programs, rates the program as “promising.” VIPs for DUI offenders similar to the Clarke County model can be found in many states.⁹

4 https://www.adler.edu/resources/content/4/1/documents/RJ_WhitePaper_Final_13_04_29.pdf

5 <http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM147088.html>

6 [http://leg2.state.va.us/dls/h&sdocs.nsf/fc86c2b17a1cf388852570f9006f1299/b82a3ac92f1b1fb6852576cb0059a712/\\$FILE/RD48.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/fc86c2b17a1cf388852570f9006f1299/b82a3ac92f1b1fb6852576cb0059a712/$FILE/RD48.pdf)

7 Strang, H., Sherman, L.W., E. Mayo-Wilson, D. Woods, & B. Ariel (2013). Restorative Justice Conferencing using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. Oslo, Norway: Campbell Systematic Reviews. [http://www.crim.cam.ac.uk/people/academic_research/heather_strang/rj_strang_review.pdf]

8 Rojek, D.G., J.E. Coverdill, and S.W. Fors (2003). The effect of Victim Impact Panels on DUI rearrest rates: A five-year follow-up. *Criminology*, 41:1319–40.

9 VIPs for DUI can be found across the country, in states including NY, TN, CT, MI, AL, and AZ. For more information see Madd.org.

In Portland, Oregon, serious offenses and offenders are also addressed in VIPs for domestic violence through a program called Domestic Violence Safe Dialogue.¹⁰ Research on the use of Restorative Justice practices for domestic violence cases reveals mixed results. For example, a study of VIPs for domestic abuse cases in five jurisdictions in Arkansas found higher victim satisfaction, but no difference in repeat offending.¹¹ A study of the Circles of Peace in Arizona for domestic violence cases showed results similar to traditional Batterer Intervention Programming.¹² These findings suggest that Restorative Justice practices are creating outcomes that fare no worse than traditional models, and can in fact be used in domestic violence. However, victim and offender advocates raise concerns over unintended consequences.

There have been other applications of Restorative Justice for certain crimes of violence. In Brooklyn, New York, Common Justice is an alternative to incarceration and victim service program funded by the Robert Wood Johnson Foundation and carried out by the Vera Institute, which has shown promising results. The program engages 16 to 24 year olds, tried for violent felonies in adult courts, and includes the victims. A preliminary evaluation showed a 5% rearrest rate for participants within the first six-months; none of those rearrests were for a violent offense. The evaluation focused on a small cohort of participants. In 2012, Common Justice received the Award for Professional Innovation in Victim Services from the Department of Justice.¹³

John Braithwaite, regarded as one of the researchers responsible for the spread of Restorative Justice to the United States, conducted extensive research which has revealed that Restorative Justice practices are highly effective in reducing recidivism in cases involving violent offenses. However, communities are more willing to institute restorative programming in cases

involving less serious and non-violent offenses.¹⁴ Similarly, Canadian researchers have found that an offender's risk for reoffending is a better predictor of Restorative Justice outcomes than the offense that they committed. High risk offenders, they propose, have less remorse and require more treatment and intervention. They point out that serious crimes are not necessarily committed by the highest risk offenders, so those serious offenses committed by lower risk offenders see successes in using Restorative Justice practices.¹⁵ High risk offenders can benefit from Restorative Justice practices as well, but require specific types of interventions. Different programs and treatments must be tailored to the needs of the offender.

In the interest of customizing programs to meet the needs of specific populations, Sonoma County, California, was granted federal funds to implement several Restorative Justice programs. The Accountability Circle model for young adults aged 18-25, provides participants with support to help them accept responsibility for their crimes and repair the harm caused. Another initiative, the Restorative Re-Entry program, offers a support network to high-risk offenders reentering their communities for up to one year following their release.¹⁶

JUVENILES

In Indianapolis, Indiana, juvenile Family Group Conferencing (FGC) for first-time, non-violent, non-serious offenders under age 15 bring together the offenders, the victims, and victim and offender supporters such as families, teachers, and coaches. In a recent study, McGarrell and Hipple found that youth who completed the program were 23% less likely to be rearrested than those in a control group.¹⁷ The program was also rated by CrimeSolutions.gov as "promising."

10 <http://www.theatlantic.com/health/archive/2015/10/domestic-violence-restorative-justice/408820/>

11 Fulkerson, A. (2001). The use of Victim Impact Panels in domestic violence cases: A Restorative Justice approach. *Contemporary Justice Review*, 4: 355-368.

12 Mills, L. (2013). The next generation of court-mandated domestic violence treatment: A comparisons study of batterer intervention and Restorative Justice programs. *Journal of Experimental Criminology*, 9: 65-90.

13 <http://www.vera.org/project/common-justice>

14 Braithwaite, J. (2014). Evidence for Restorative Justice. *The Vermont Bar Journal*, Summer: 18-22.

15 <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rstjstc-srscrm/index-en.aspx>

16 <http://www.restorativresources.org/court.html>

17 McGarrell, E.F., & N.K. Hipple. (2007). Family Group Conferencing and reoffending among first-time juvenile offenders: The Indianapolis experiment. *Justice Quarterly* 24: 221-46.

Since 1985, Minneapolis and St. Paul, Minnesota, offer a joint juvenile program for Victim Offender Mediation. Youth under 18 years of age arrested for property or minor assault offenses are eligible to participate in the program, which is designed to provide the victims and offenders an opportunity to discuss the offense and culminates with a mutual agreement of restitution and follow-up. Youth who participated had a lower recidivism rate at the one-year mark, and were much more likely to complete restitution. In addition, 85% of victims were satisfied with the handling of their cases – as compared to 64% of those in a comparison group who did not participate in mediation.¹⁸

SCHOOLS

The U.S. Department of Education and the Department of Justice released a “Dear Colleague” letter in 2014 promoting the use of Restorative Justice practices to address school discipline, which would reduce discriminatory practices in the administration of discipline in schools.¹⁹ Models from around the country demonstrate the various ways that Restorative Justice practices can be implemented in school systems. The intention of the letter was to guide schools to use culturally sensitive approaches to improve equity, and thereby reducing school discipline disparities.

Since 2014, Fairfax County, Virginia, has offered the Alternative Accountability Program, which serves youth in three school districts. Schools refer youth for select offenses to engage in facilitation to repair the harms they caused, and address victims’ needs.²⁰ The aim is reducing recidivism, disparities, and the school-to-prison pipeline. Their program was replicated in Montgomery County, Maryland, where nine middle schools and two high schools are engaging in a pilot to implement Restorative

Justice practices when discipline is at issue.²¹ The eleven cohort schools began trainings during the 2014-15 school year, and have continued to receive training during the 2015-2016 school year to implement de-escalation tactics and Restorative Justice practices. An additional fifteen schools will begin implementation during Spring 2017.²² Sonoma County, California, took a similar approach in the Santa Rosa City middle schools and high schools. Since implementation in 2013, there has been a 24% decrease in expulsions, and a 50% decrease in the number of days of suspension per student – from 2.5 to 1.7 days in an academic year. In addition, there have been 53% fewer reported disciplinary incidents, though there has been no change in the number of drug offenses/violations or in the number of arrests.²³

RESTORATIVE JUSTICE IN THE DISTRICT OF COLUMBIA

The concept of Restorative Justice is not new to the District of Columbia (DC). In 2006, the DC Superior Court authorized the Family Court Social Services Division (CSSD) to develop a progressive logic-model for probation supervision, specific to pre- and post-disposition court-involved youth under CSSD.

Through a block grant and appropriated funds, the CSSD developed and implemented the Balanced and Restorative Justice (BARJ) Drop-in Centers as an expansion of its probation model.²⁴ Located strategically across DC, BARJ centers serve as an alternative to detention for medium to high-risk male and female adolescents, aged 12 to 18, needing a higher level of supervision, and also as a graduated sanction for youth on probation who are at risk of having their probation revoked.

18 Umbreit, M.S., & R.B. Coates (1992). *Victim Offender Mediation: An Analysis of Programs in Four States of the U.S.* Minneapolis, Minn.: Citizens Council Mediation Services. <https://www.ncjrs.gov/pdffiles1/Digitization/140263NCJRS.pdf>

19 <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>

20 <https://nvms.us/fairfax-rj/>

21 [http://www.boarddocs.com/mabe/mcpsmd/Board.nsf/files/A9KNVB570BF0/\\$file/Restorative%20Justice.pdf](http://www.boarddocs.com/mabe/mcpsmd/Board.nsf/files/A9KNVB570BF0/$file/Restorative%20Justice.pdf)

22 <http://www.fcps.edu/dss/ips/ssaw/violenceprevention/rj/documents/RJpacket.pdf>

23 <http://www.restorativeresources.org/uploads/8/1/4/4/8144400/pilotevaluationexecutivesummary10.23.14.pdf>

24 BARJ is a broadly utilized addition to the Restorative Justice model, which expands the model to include competency development. <http://www.ojjdp.gov/pubs/implementing/balanced.html>

The three main goals of the BARJ centers are competency development, community safety, and accountability. The BARJ centers offer a variety of programs, led by probation officers, contracted service providers, and community-based providers. Programming is designed to increase public safety and prevent youth from reoffending. Participants also attend FGC and BARJ circles to help youth and families understand how their behavior impacts victims and the community. Community service, which includes service learning, enables youth to restore communities impacted by their crimes. Other services offered include tutoring, mentoring, and various types of therapy.²⁵ The Leaders of Today in Solidarity (LOTS) BARJ Center serves adolescent girls pre- and post-delinquency adjudication, while the Status Offender BARJ serves youth pending truancy adjudication and youth diverted to the Juvenile Behavioral Health Court. The other three BARJ Centers located in Northeast, Southeast, and Southwest serve young men. Youth are required to participate in a comprehensive array of services and support for 60 days (Monday through Saturday), with a possible 30 day extension.

In 2013, the Superior Court entered into an agreement with Youth and Families in Crisis to train all CSSD staff in the philosophy, theory, and principles of Restorative Justice including the history of Restorative Justice, Circle facilitation (healing circles, mediation circles, and resolution circles), and aligning community restoration to community service.

In addition, in August 2015, the Office of the Attorney General (OAG) established a partnership with Ballou High School to respond to cases involving low-level in-school offenses with a Restorative Justice approach, instead of a traditional arrest. Prosecutors at OAG received Restorative Justice training and have since facilitated conferences in cases involving students. Since implementation of various Restorative Justice Practices, Ballou High school has reported fewer conflicts between students, and OAG reports fewer arrests of youth originating from Ballou High School. OAG is pursuing funding from the Department of Justice to expand the practice to other types of juvenile cases.

THE DC SAC

The Statistical Analysis Center for the District of Columbia (DC SAC), the research arm of the CJCC, was established in 2001 by a Mayoral Executive Order to provide a division dedicated to the collection, analysis, and dissemination of criminal justice system information. The work of the DC SAC is guided by the Interagency Research Advisory Committee (IRAC), which consists of researchers and program representatives from justice system agencies. The IRAC serves as the advisory body for the DC SAC and supports its efforts to collect, analyze, and disseminate relevant research and analysis that can impact the District's adult and juvenile justice systems. The DC SAC strives to provide decision-makers and the public at large with an easily accessible and fact-based report on crime and the administration of justice across the District of Columbia.

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²⁵ http://www.dccourts.gov/internet/documents/SWSO_Brochure_Revised_12-17-12.pdf; also information gained from personal communication with CSSD.