

2022

# Restorative Justice Guidebook



A Guidebook developed for  
Restorative Justice Program Providers

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## Section 1 – Introduction of the RYCNC



Restoring Youth Coalition of North Carolina (RYCNC) is a coalition of community-based youth-serving organizations who will guide, build capacity, encourage, and provide structure for restorative justice programs, processes, trainings, and practitioners within the Juvenile Justice scope of services in North Carolina. The coalition has partnered with Z. Smith Reynolds and the Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention, Community Programs Section, to overcome past barriers for North Carolina youth who have been historically marginalized resulting in criminal charges, excessive and unnecessary school suspensions and expulsions, traumatic experiences, and community dysfunctional struggles, to achieve lasting systemic change through new resources, opportunities, and restorative processes.

Our Mission is to prepare, present, and adopt infrastructure for evidence-based restorative justice practices in the community-based youth-serving organizations providing services to North Carolina’s Juvenile Justice System, in order to more effectively address youthful wrongdoing and mental health and behavioral issues associated with such wrongdoing.

### Our Values:

We envision a North Carolina juvenile justice system that is enriched by the state-wide use of restorative practices which emphasize repairing the harm caused by youthful wrongdoing while reducing the social and financial costs of our present system.

We envision widespread use of restorative practices which collaboratively engage victims, youth, families, and communities in addressing the harms created by wrongdoing in ways that focus equally on victim needs, community safety, as well as youth accountability and growth.

We envision common infrastructure of restorative principles and practices throughout our juvenile justice system and community-based organizations serving these youth.

We envision a juvenile justice system, through its community-based services, addressing the wrongdoings of youth restoratively, not punitively, so as to ensure each youth's worth and dignity, assures just and fair processes, and assists them in overcoming barriers of discrimination and marginalization with expanded restorative justice programming options.

#### Our Partners:

- Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention, Community Programs Section
- Z. Smith Reynolds Foundation, Winston Salem, North Carolina  
North Carolina Juvenile Services Association, Conference 2020 & 2022

#### Our Coalition Members:

- Piedmont Mediation Center – Susan Smith, Youth Director, Terri Masiello, RYCNC Coordinator
- Mediation and Restorative Justice Center, Boone – Marisa Cornell, Ph.D., Executive Director
- Conflict Resolution Center, Hickory – Cathy Starnes, Executive Director (Coalition Guidebook)
- Mediation Center of Eastern Carolina, Greenville – April Young & Candice Mathis
- Cumberland County DRC, Fayetteville – Tina Estle, Executive Director
- Mediation Center of the Southern Piedmont, Gastonia – Beth Fox, Executive Director
- Mountain Mediation Center – Gabby Grant, Ph.D., Executive Director (2020-2021)
- RJ Triad, Winston-Salem – Valerie Glass, MA, Executive Director
- Orange County DRC, Chapel Hill – Lia Kaz & Valoree Hanson
- Elna Spaulding Center, Durham – Raquel Dominguez, ED
- Youth Services Bureau, Rowan – Karen South Jones (2020)
- Roots & Wings, Person – Ronnie Dunevant (2022)

## **Section 2 - Overview of Restorative Justice:**

### Definitions, Basic Principles & Values

#### Definitions:

**“Restorative Justice”** is a process that seeks primarily to address or repair the harm caused by an incident or offense, and involves (to the extent possible), those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations.

**“Restorative Practice”** this term encompasses not only restorative justice, but also a range of other processes, including mediation, conflict resolution, problem-solving, circle-time, emotional literacy, active listening, and so on.

#### **Guiding Questions:**

- Who has been hurt?
- What are their needs?
- Whose obligations are these?
- Who has a stake in this situation?
- What is the appropriate process to involve stakeholders in an effort to put things right?
- What is needed to repair the harms and address the underlying needs of the those who are most affected?
- What is needed to address the needs of the person(s) who caused harm to prevent future harm?
- What is the role of the larger community in repairing harms and addressing needs which promote safer communities?

#### Basic Principles:

- All human beings have dignity and worth.
- Offenses that create harm are injury.
- Offenses hurt individuals affected, communities, and those who cause harm, and creates an obligation to make things right.
- All involved parties should be a part of the response to the offense, including those who are most affected if he or she wishes, the community, and the person(s) who caused harm; participation is always voluntary.
- The perspective of those who are most affected is central to deciding how to repair the harm caused by the offense; where the most-harmed do not

participate, they are encouraged to participate at a level that they feel comfortable, including using a surrogate.

- Focus on the harms of the offense rather than the rules or laws that have been broken.
- Show equal concern and commitment to those who are most affected and those who cause harm, involving both in the process of justice.
- Work toward the restoration of those who are most affected, empowering them, and responding to their needs as they see them.
- Accountability for those who caused harm means accepting responsibility and acting to repair the harm done.
- Support those who cause harm, while encouraging them to understand, accept and carry out their obligations to right the wrongs they have caused.
- Recognize that while obligations for repair may be difficult for those who cause harm, those obligations should not be used as harms (i.e. punishments), and their obligations must be achievable.
- Find meaningful ways to involve the community and respond to the community bases of offenses.
- Encourage collaboration and reintegration of both those who were most affected and those who cause harm, rather than coercion and isolation.
- Accessibility to conventional methods of dispute/case resolution should remain available.
- The community is responsible for the well-being of all its members, including both those who were most affected and those who cause harm.
- Community safety is encouraged by measures to bring about prevention of harm and harm reduction.
- Restoration – repairing the harm and rebuilding relationships in the community – is the primary goal of restorative justice.
- Results are measured by how much repair was done rather than by how much punishment was inflicted; agreements should be proportionate and realistic.
- The restorative justice process is respectful of age, abilities, sexual orientation, family status, and diverse cultures and backgrounds – whether racial, ethnic, geographic, religious, economic, gender identity or other – and all are given equal protection and due process.
- Show respect for all parties – those who were most affected, those who cause harm, justice officials and other stakeholders.

- Give attention to the unintended consequences of the restorative practices used.

### Values:

- Accountability. When an individual(s) commits an offense, the person(s) who caused harm incurs an obligation to individuals affected and the community.
- Youth Competency Development. Those who cause harm and enter the juvenile justice system should be more capable when they leave than when they entered.
- Community safety. Juvenile justice has a responsibility to protect the public from juveniles in the system.

### Goals:

Restorative Justice and Restorative Practices aim to put decisions into the hands of those most affected by the offense, make justice more healing, and ideally more transformative, and reduce the likelihood of future offenses.

### Outcomes:

Achieving these goals include:

- Those most affected (when there are identifiable affected parties who want to participate) are involved in the process and mostly come out of it satisfied with a sense of healing.
- Person(s) who caused harm to understand how their actions have affected others and take Responsibility for those actions.
- Outcomes help to repair the harms done and address the reasons for the offense (specific plans are tailored to the specific needs of both those who are most affected and those who caused harm).
- Those most affected and those who caused harm both gain a sense of “closure” and both are reintegrated into the community.

### **Links for Evidence Based Acknowledgement for RJ:**

<https://ojdp.ojp.gov/library/publications/effectiveness-restorative-justice-principles-juvenile-justice-meta-analysis>

[http://www.cehd.umn.edu/ssw/rjp/PDFs/RJ\\_Dialogue\\_Evidence-based\\_Practice\\_1-06.pdf](http://www.cehd.umn.edu/ssw/rjp/PDFs/RJ_Dialogue_Evidence-based_Practice_1-06.pdf)

[http://www.smith-institute.org.uk/pdfs/RJ\\_full\\_report.pdf](http://www.smith-institute.org.uk/pdfs/RJ_full_report.pdf)



These agencies identify restorative justice programs for juveniles as a Promising Practice:

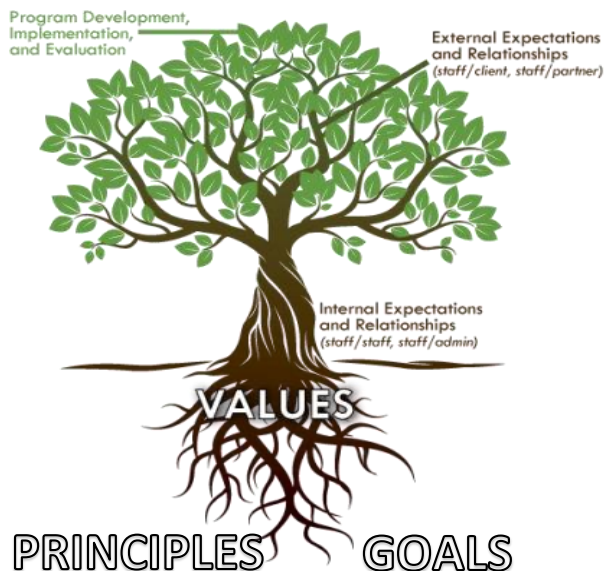
- U.S. Department of Justice (DOJ),
- National Institute of Justice (NIJ) and
- Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Now in registries of evidence-based programs:

- NIJ's CrimeSolutions.Gov
- OJJDP's Model Programs Guide

### **Section 3: Restorative Justice & Leadership:**

#### **A Framework for Juvenile Justice Programs**



Adapted for RYCNC from: Just Outcomes Principals

There is a growing movement within North Carolina to establish an equitable and dignified juvenile justice system that aligns with human needs and values. Restorative justice is a budding area of research and practice that offers a compelling framework for this exploration.

- Juvenile justice agencies are uniquely

situated to play a leadership role in the application of restorative justice in North Carolina, but accessing this potential requires a considered strategy, an attitude of humility, and plenty of creativity.

- Restorative justice principles can be given expression in programs that convene dialogue and communication among those harmed by an offense, youth who cause harm, and family or community members. However, these important dialogue programs represent just one aspect of the potential of restorative justice. Accessing the full impact of restorative justice within juvenile justice depends on a holistic view and application of this paradigm.

In our work with juvenile justice organizations, we have adopted the common metaphor of a “tree” to represent this broader vision. Most lasting and successful change processes within Juvenile Justice include simultaneous or consecutive efforts at various levels, which we describe here as the tree’s roots, trunk, branches, and leaves.

### The Roots: Restorative Justice Goals, Principles, and Values

Restorative justice signals a return to what many of us would already articulate as among our own core goals, principles, and values: the importance of treating others with respect and dignity, taking responsibility for our actions (or inactions), striving for the healing of emotional wounds, and listening even to those with whom we differ, for example.

- **Relationship Building or Informal Restorative Processes**

Many practitioners use the skills and knowledge that underpin formal restorative processes informally, using restorative practice as part of their day-to-day work, managing relationships with youth, in facilities and community norms enforcement. This use is varied and expanding, from the use of restorative skills in schools to manage relationships in the classroom, with parents and between staff, to use by law enforcement in dealing with incidents of anti-social behavior and as a part of resolving neighborhood disputes, from use in custodial settings to manage internal conflicts, to use in workplaces to deal with grievances.

- relationship building restorative processes are used proactively to prevent harm, as well as in response to an incident of harm that may be addressed without involvement of formal law enforcement
- they are used by practitioners integrated into their daily work, rather than as a discrete, separate process

- restorative skills are used on the spot to deal with conflict as it occurs, rather than after the event and following a time of preparation
- relationship building restorative processes can involve work with just one individual, with two people, or as a group process
- they can involve training children and young people to use the skills themselves, for example as peer mediators, rather than bringing in an adult or outside professional

A key feature of relationship-building restorative processes is that they are used to build relationships within a group or community, to prevent or minimize the likelihood of conflict or harm occurring, rather than solely in response to an incident of harm. The use of relationship building restorative processes to maintain and strengthen relationships, and even build them where they do not exist, leads to safer and stronger communities where the incidence of harm occurring is reduced. This leaves groups or communities much better placed, through strong relationships and embedded skills, to deal with harm or conflict when it does occur.

- **Juvenile Justice and Law Enforcement**

Juvenile justice agencies move towards restorative justice when such goals, principles and values are given voice and expression, both in the workplace and in the communities they serve.

Change always comes with a certain amount of struggle, even when shifting toward a more explicit alignment with these values.

Re-Examination of Power: In the case of juvenile justice services or any other agency with designated authority, a fundamental implication of authentic steps toward restorative justice is the re-examining of power. For example, by using the principles of the School Justice Partnerships that can stop the school to prison pipeline and divert youth from entering the juvenile justice system.

This shift demands that the agency and its individual personnel consciously and critically reflect on the following:

- their use of authority,

- identify hidden assumptions and power dynamics driving leadership and staff behaviors,
- critically self-examine implicit and explicit biases,
- critically examine their communication styles.

If power and authority remain unconscious, attempts to integrate restorative justice values may become co-opted into existing norms, even resulting in unintended harmful outcomes for the clients served. Self-examination plays a key role in this process, keeping checks on the view of power in the individual level and implicit and explicit assumptions are very important to ensure restorative justice is the center focus.

### The Trunk: Internal Expectations and Relationships

What is it like coming to work in the morning? What is the tone of working relationships among your agency or department's staff, and what processes take shape when those relationships break down? The answers to these questions often have a stronger effect on service delivery than we might assume.

Making changes in individual and organizational practice requires some risk. A staff culture based upon mutual respect, trust and inclusion allows us to push toward the limits of our capacity and creativity while feeling supported and encouraged. Working in isolation, worrying about the judgment of others, feeling ashamed or disconnected are (all too common) detractors from innovation.

Characteristics of a strong "trunk," (i.e. internal processes conducive to a shift toward restorative justice implementation), include:

- frequent opportunities for staff community-building and relational awareness beyond one another's "role;"
- modeling and communication of restorative justice values from all leadership involved;
- robust organizational conflict resolution processes; and,
- workplace discipline and grievance processes that are congruent with restorative justice values and principles;
- working to encourage the long-term retention of personnel;
- training and time dedicated to self-awareness and self-examination of individual internal bias and privilege.

One example of a practice that can help to foster a strong “trunk” is to make simple adjustments to the way that staff/team meetings are conducted. What if these meetings were a time for honest and transparent communication among staff, both personally and professionally? A simple and adaptable facilitation tool, emerging from the indigenous roots of the restorative justice field, is the use of “talking circles.” For a highly accessible introduction to this methodology, we recommend Kay Pranis’ *The Little Book of Circle Processes*.

### The Branches: External Expectations and Relationships

This level of implementation refers to your agency’s existing interface with clients, community partners, or the public. These relationships can be profoundly strengthened – with lasting results on the outcomes of justice – when Juvenile Justice professionals draw upon the principles of restorative justice. Some examples include:

- seek the involvement of your youth clients in the decisions affecting their lives;
- reach out to those who were harmed in order to understand and address their needs to the greatest extent possible;
- foster youth accountability toward those harmed, as opposed to mainly toward the justice system norms;
- develop a language of engagement toward clients that builds empathy and intrinsic motivation rather than eliciting shame and the fear of punishment;
- involve the client’s extended family/support networks in decision-making;
- reach out to community partners to involve them in agency initiatives and service delivery; and,
- use your agency’s reach and networks to identify gaps in service delivery, and work towards more resilient and equitable communities.

### The Leaves: Program Development, Implementation, and Evaluation

The most visible level of restorative justice implementation is the creation of new or adapted programs designed explicitly to facilitate dialogue and communication between youth, those who were harmed, and their communities of care. There are various models of restorative justice dialogue (**victim-offender conferencing and peacemaking circles** are among the most common), each of which brings its

own unique strengths. Those implementing facilitated dialogue programs within juvenile justice are encouraged to:

- **partner** with community-based non-profit agencies for program delivery to minimize risks of co-optation and maximize efficiencies.
- ensure that all cases include careful **case-preparation and follow up** in addition to various options for interpersonal dialogue; and,
- include **monitoring and evaluation** expectations within any program contract to ensure service integrity.

For some juvenile justice agencies, restorative justice is put into practice through programs aimed at enhancing services for a specific stakeholder group or one aspect of justice. Examples of these restorative justice-informed programs include:

- **Family Group Conferencing**
- **Restorative Conferencing (Victim-Youth Conferencing)**
- **Peer Accountability Circles (Sentencing Circles)**
- **Responsive Circles**
- **Youth Mediation**
- **Truancy Mediation**
- **Teen Court**
- **Community Service & Restitution**
- **Competency Development**

A fundamental principle of quality restorative justice practice is to design programs in such a way as to be maximally flexible and responsive to the individuals and communities they are intended to serve.

### **Five Priority Strategies for Implementation**

Keeping in mind the “tree” metaphor for holistic restorative justice implementation, here are five primary considerations for moving forward.

1. **Change How Power is Distributed:** Re-examine the use of power and authority in organizational hierarchies, with clients and families, and with community partners – aim towards power-with others, rather than power-over others.

2. **Strengthen the Trunk:** Start restorative justice implementation internally through attention to organizational culture, relationships, conflict and grievance policies and procedures.
3. **Strengthen Service to Those Who Were Harmed:** Strengthen service to victim/survivors through program development, attentive youth case management, and collaboration with victim services/advocates.
4. **Actively Engage Community:** Reach out, listen to, educate, and empower community members and organizations as primary partners in the administration of healing from harmful offenses.
5. **Reallocate Funding:** Costs are always a factor in decisions about organizational change. While finding new sources of outside revenue may be necessary for some restorative justice initiatives, try re-allocating funding within your existing budget to align with restorative justice priorities.

Above all, the shift toward a restorative vision for your agency or department may begin with you. In the simplest form, this shift is characterized by a willingness and commitment to view all aspects of one's work – whether with co-workers, partners, clients, those who were harmed or other stakeholders – through a lens of respect and right relationships.

## **Section 4 – Restorative Practices**

### **A. FAMILY GROUP CONFERENCING**

The following is a definition for Family Group Conferencing. This program falls under the “Conferencing” delineation of RJ programs.

Family Group Conference: A private structured meeting between the person(s) who caused harm, those most affected (usually family) and there may be select support people like friends and counselors. FGC is about building partnerships within and around families to protect and support child and adult family members and advance their well-being. This means that programs adopt a posture of working with families, that the involved agencies and community groups collaborate around particular family issues, and that the family and their relatives and other close supports cooperatively develop a plan for resolving the concerns. The FGC process is designed to create a forum in which families can have a meaningful voice over their affairs. Thus, emphasis is given to preparing family

group members and professionals, weighting conference participation toward the family, respecting the culture of the family, and ensuring timely approval and implementation of plans.

- Neither counseling nor a mediation process, conferencing is a “sensitive to those most affected, straightforward problem-solving method” that demonstrates how people can resolve their own problems when provided with a constructive forum to do so. Conferences provide those most affected and others with an opportunity to address or confront the person(s) who caused harm, express their feelings, ask questions and have a say in the outcome. The person(s) who caused harm hears firsthand how their behavior has affected others. Conferences hold person(s) who cause harm accountable while providing them with an opportunity to discard the “offender” label and be reintegrated into their family.

Participation in conferences is voluntary. A person(s) who causes harm qualifies for a restorative process by taking responsibility for their part of an incident. After it is determined that a conference is appropriate and the person(s) who caused harm and those most affected have agreed to attend, the conference facilitators invite others affected by the incident – the family and friends of those most affected and the person(s) who caused harm.

A restorative conference can be used in lieu of traditional disciplinary or justice processes, or where that is not appropriate, as a supplement to those processes.

**Sample Case:** Sara stole her mother's debit card out of her purse and used it to withdraw \$500. By the time her mother discovered the card was gone Sara had spent the \$500 on clothes and goofing around with her friends. Her mother was very upset and called the police. Sara, who lived with her grandmother until recently, has been ignoring her mother’s rules, such as curfew.

- **Key identifying words:** family, private, protective, culture, problem-solving, collaborative plan of action.



## Benefits/Purposes

Family Group Conferences focuses on:

- What relationships need to be built?
- What relationships need to be restored?

<b>Punitive</b>	<b>Restorative</b>
Staff comments that shame or belittle	Staff comments that inspire
Focus on punishment	Focus on accountability and goals
Focus on the past	Focus on the future
Youth motivated by external control	Youth motivated by human needs
Focus on compliance	Focus on connection
Focus on problem behavior	Focus on problem solving

## Implementation

- All interventions should have engagement of the child and the family as the priority. When we work with the child and family:
  - We increase the likeliness of a positive outcome.
  - We will increase cooperation and collaboration.
  - We will increase the probability of change.
- Plan of Action should contain:
  - Clear and specific goals
  - Clearly defined shared responsibilities
  - Timelines
  - Explanations of positive and negative consequences
  - Follow-up

Theme: “nothing about me without me”

## Pitfalls

In institutions, family group conferencing faces significant challenges to keep fidelity to its core principles and processes. Institutions tend to pull this process toward their systemic goals of maintaining control, meeting regulations, containing costs, and avoiding litigation.

## Maintaining a Restorative Vision

Restorative Practices believes:

- Children are precious members of the community, and we have an obligation to support them in reaching their potential.
- Every child, family and environment is unique and must be treated as such.
- Families are doing the best that they can.
- Families possess the answers to their problems and may need support in uncovering those answers.

[https://www.iirp.edu/images/pdf/2007\\_FGC\\_Scotland\\_Research.pdf](https://www.iirp.edu/images/pdf/2007_FGC_Scotland_Research.pdf)

<https://www.un.org/ruleoflaw/files/Handbook%20on%20Restorative%20Justice%20Programmes.pdf>

<https://grantome.com/grant/NIH/R34-DA031910-01>

## **B. RESTORATIVE CONFERENCING (VICTIM-YOUTH CONFERENCING)**

The following is a definition for Restorative Conferencing (Victim-Youth Conferencing). This program falls under the “Conferencing” delineation of RJ programs. For reference, this restorative process has been called Victim-Offender Mediation in the past, however, when the youth takes responsibility for the offense, it is under the conferencing model (see below “Conferencing differs from Mediation in several ways”).

- **Restorative Conferencing (Victim-Youth Conferencing)** is a structured meeting between those that caused the harm, those harmed, (and sometimes) family, friends, and community members in which they deal with the consequences of the offense and decide how best to repair the harm.
- Neither counseling nor a mediation process, conferencing is a “sensitive to those most affected, straightforward problem-solving method” that demonstrates how people can resolve their own problems when provided with a constructive forum to do so. Conferences provide those most affected and others with an opportunity to address or confront the person(s) who caused harm, express their feelings, ask questions, and have a say in the outcome. The person(s) who caused harm hear firsthand how their behavior has affected others. Conferences hold person(s) who caused

harm accountable while providing them with an opportunity to discard the “offender” label and be reintegrated into their community.

- Participation in conferences is voluntary. A person(s) who caused harm qualifies for a restorative process by taking responsibility for their part of an incident. After it is determined that a conference is appropriate and the person(s) who caused harm and those most affected have agreed to attend, the conference facilitators invite others affected by the incident – the family and friends and often the community of those most affected and the person(s) who caused harm.
- A Restorative Conference can be used in lieu of traditional disciplinary or justice processes, or as a supplement to those processes.
- Conferencing differs from Mediation in several ways:

<b>Mediation</b>	<b>Conferencing</b>
Mediation is often approached with an assumption of relative “moral balance” between parties.	Conferencing, on the other hand, is approached with the assumption of moral imbalance that has been created by a harmful act and seeks to re-balance relationships through dialogue and reparation. The premise is that individual(s) causing harm have offended against a victim or target and have obligations toward personal accountability, whereas the victim has no such obligations.
Mediation depends on the negotiability of issues.	However, conferencing generally assumes the premise that one or more parties are responsible for an offense or violation of the rules or norms of the organization. In cases where there is clear violation of societal norms, rules or laws, the act of such violation is non-negotiable – even if the particulars of how the situation will be satisfactorily resolved can be subject to discussion.
Mediation there can sometimes be just one pre-meet and then the mediation sessions.	Whereas a conference may take months of preparation and pre-conferences, and the final conference can be relatively short.
Mediation, it's not always the case for the harm caused to be acknowledged	Whereas there needs to be an acknowledgment of the harm caused for a conference to take place.
The mediator has more of a role in ‘summarizing’ and ‘re-framing’ and using different techniques to those used by facilitators in conferencing.	In both spaces the facilitator is impartial, neutral and non-directive and the participants work to create their own outcomes, but in conferences these outcomes have been managed beforehand.

Ultimately, the whole premise for entering the room in conferencing is different because it is underpinned by the overriding need not to re-victimize. We will have done all we can in the preparation to minimize the risk of that happening and if the meeting was not going to have fruitful outcomes, we would not bring them together.

**Sample Case:** Mrs. Olson arrived home from vacation and found that her house had been broken into and both cars were stolen. Other items eventually found to be missing were some jewelry, her debit card, and items of her son's. Also damaged was the door jam. The vehicles were both found but not damaged and no restitution is required for them. Her biggest issue was the debit card because it was used at three or four different businesses like Dominos and McDonalds, and she has had a miserable time getting it straightened out. Tom is one of two people charged with the burglary. The second person, Andy, has denied the charges. Only Tom will participate in the conference. Tom is a friend of her son and used to eat dinner at their house and go the lake with them.

- **Key identifying words:** identifiable harm done, acknowledgment and responsibility, inclusion of those harmed, collaborative plan of action.

## **Benefits/Purposes**

Restorative Conference (Victim/Youth Conference) focuses on:

Those most affected (and others) have the opportunity to:

- Directly and constructively express to the person(s) who caused harm the current and repressed feelings such as fear, anger, anxiety, loss, pain, helplessness, hopelessness...
- Ask questions and receive answers and insights, which only the person(s) who caused harm can provide.
- Have their voices be heard.
- Gain insight from the youth and parents regarding the factors that contributed to the incident and strategies to help improve future behavior.

The person(s) who caused harm has the opportunity to:

- Face the full human impact of the harm done by hearing first-hand the depth of the impact experienced by those most affected.
- Express sincere remorse related to the harm done and resulting impact.
- Answer questions posed by those most affected.
- Reach greater accountability by cooperating with those most affected and communities.
- Restore to whatever extent possible, what has been wronged within those most affected physically, emotionally, spiritually, financially within social dimensions of their everyday life.

<b>Punitive</b>	<b>Restorative</b>
Staff comments that shame or belittle	Staff comments that inspire
Focus on punishment	Focus on accountability and goals
Focus on the past	Focus on the future
Youth motivated by external control	Youth motivated by human needs
Focus on compliance	Focus on connection
Focus on problem behavior	Focus on problem solving

## **Implementation**

Restorative Conferencing (Victim-Youth Conferencing) is a unique form of problem-solving which focuses specifically on the victim-youth conflict. The thought of victims (those harmed) and offenders (the youth who caused harm) sitting together to discuss the harm committed is not a natural concept for many of us. Our criminal justice system is designed to keep victims and offenders separate. It is a system organized around what should happen to and for the offender, not the victim, and consequently, focuses more on the offender than the victim. It encourages non-communication and removes each of them from participation in the determination of needs as well as possible solutions.

Those harmed have many questions about the incident: Why did this happen to me? Why did the person pick my house? Was I being watched? They are questions that can often only be answered by the person who caused the harm, yet those harmed are often discouraged from asking those questions and the youth who caused the harm are discouraged from providing any answers, especially by defense attorneys. Restorative Conferencing (Victim-Youth

Conferencing) assumes that all persons involved in the incident, and their community must be involved in the process of addressing the harm insofar as that is possible. While they may or may not be the final authority, they must be engaged participants, not bystanders or passive recipients of the process.

### **Advantages of a Community-based program:**

- It is easier for such programs to maintain independence and integrity; they have the power to set criteria, to refuse cases and to retain certain information as confidential.
- Community-based programs may have more credibility with the public and with the people concerned. Both those harmed and those who caused the harm are often alienated by the criminal justice process and a community organization may avoid such identification. Because the agency holds no real power over the life of those involved, it can represent itself as more truly neutral.
- It is more likely that such programs will involve the community in a fundamental way.

### **Pitfalls**

#### **Disadvantages of a Community-based program:**

- Unless established organizations can be used, the problems of organizing, establishing bookkeeping and not-for-profit status, developing administrative policy and fundraising, as well as other organizational duties, can be formidable.
- Criminal justice personnel may be skeptical initially; depending on the community, it may be difficult to obtain referrals.

#### **What happens when agreements are unfulfilled?**

- A first step is to determine why the agreement is not being fulfilled.
- It may mean a second meeting or at least a phone contact with those harmed to renegotiate the terms of the agreement.
- If the youth who caused the harm is unwilling to fulfill the agreement, it may be necessary to return the case to the referral source for determination of next steps. In any case, those harmed need to be kept

apprised of the situation and be able to participate in each step of the process.

## **Maintaining a Restorative Vision**

**HARM-FOCUSED:** Restorative Conferencing (Victim-Youth Conferencing) is concerned first and foremost with the harm involved in wrongdoing. The key principles of restorative justice flow from this emphasis on harm. What is important in crime is less that laws have been broken than that people have been harmed. This leads to several central principles:

- As the primary ones harmed, *those harmed*, and their needs become central to the process of justice.
- Harm results in *obligations*, so accountability is defined as understanding the harm and taking responsibility to make it right as much as possible.
- *Reparation* of harm is a central concern of this process.
- Both harm and obligations have *community* dimensions as well, so the community role is also important.

[https://www.ncjrs.gov/ovc\\_archives/reports/restorative\\_justice/restorative\\_justice\\_ascii\\_pdf/ncj176350.pdf](https://www.ncjrs.gov/ovc_archives/reports/restorative_justice/restorative_justice_ascii_pdf/ncj176350.pdf)

<https://www.un.org/ruleoflaw/files/Handbook%20on%20Restorative%20Justice%20Programmes.pdf>

<http://www.courts.ca.gov/documents/vorp.pdf>

## **C. PEER ACCOUNTABILITY CIRCLES (aka Sentencing Circles)**

This program falls under the “Circle” delineation of RJ programs. - A peer justice process to develop a plan of action that addresses concerns of interested parties to prevent future crimes and address underlying causes of anti-social behavior while building a sense of community and its capacity for resolving conflict and promoting and sharing common values. This program falls under the “Circle” delineation of RJ programs.

**Circle:** A versatile restorative justice practice that fosters cooperation and responsibility in group situations with mutual responsibilities identified. The circle is a process that brings together individuals who wish to engage in conflict resolution, and other activities in which honest communications, relationship

development, and community building are core desired outcomes. Circles offer an alternative to contemporary meeting processes that often rely on hierarchy, win-lose positioning, and those most affected/rescuer approaches to relationships and problem solving.

In a restorative circle, one person speaks at a time: The opportunity to speak moves around the circle, and people wait to speak until the person before them has finished speaking. With Peer Accountability Circles there is a script which is managed by an Elder and a Facilitator. The chance to speak continues moving around the circle as many times as necessary, until everyone has said what they need to say. A “talking piece” is often used to facilitate this process: Whoever is holding the talking piece has the “floor.” Both the restorative circle and the talking piece have roots in ancient and indigenous practices and continued today.

Each person is encouraged to take responsibility for their part in what happened and co-create what will happen next (Note: the process should not imply that those most affected have responsibility in the offense committed against them. “Victim blaming” must be avoided at all costs.)

**Sample case:** Maya was arrested for damage to property. She has past incidents including truancy and school suspensions for behavioral issues this year. She was witnessed throwing rocks at a 1965 Buick Skylark vehicle parked on the grass in her neighborhood. The witness was Joe Neighbor, who lives next door to the address. She ran when confronted by the witness, who called the police. She was apprehended by officers a few blocks from site and identified by the witness. She confessed and took responsibility for the rock throwing. Damage was done to the rear windshield and left rear passenger window, along with paint damage to the rear panel, estimated at \$300. (note: if the owner of the car had wanted to participate, this could have been a restorative conference)

- **Key identifying words:** identifiable harm done, acknowledgement and responsibility, collaborative plan of action, peer justice, script.



## Benefits/Purposes

Peer Accountability Circles came to North Carolina in 2020 as part of the Raise-the-Age movement. They enjoy broad community and juvenile justice system support.

Peer Accountability Circles provide an opportunity for the youth who caused harm to see first-hand the direct and indirect injuries caused by his/her offense.

- In this way, the youth who caused harm may see the reasons for the limits of social tolerance.
- Moreover, the youth who caused harm is provided with a constructive, proactive means of repairing the injuries caused by his/her offense, with the potential to improve the overall sense of self-worth of the youth who caused the harm. This can be an effective means of promoting the well-being of the youth who caused harm.

The emphasis of Peer Accountability Circles is not on punishment nor on rehabilitation; rather, it is on accountability.

- It focuses not on youth who caused harms' needs but their strengths;
- not on their lack of insight but their capacity for responsibility;
- not on their vulnerability to social and psychological factors but their capacity to choose.

Peer Accountability Circles offer at least four potential benefits:

**1) Accountability.** Peer Accountability Circles may help to ensure that youth who caused harm are held accountable for their behavior, even when their offenses are relatively minor and would not likely result in sanctions from the traditional juvenile justice system.

**2) Timeliness.** An effective Peer Accountability Circle program can move youth who cause harm from arrest to sanctions within a matter of days rather than the months that may pass with traditional juvenile courts. This rapid response may increase the positive impact of court sanctions, regardless of their severity.

**3) Cost savings.** Peer Accountability Circles usually depend heavily on youth and adult volunteers. If managed properly, they may handle a substantial number of youths at relatively little cost to the community.

**4) Community cohesion.** A well-structured Peer Accountability Circle program builds a sense of community and its capacity for resolving conflict while promoting and sharing common values.

**These differentiate a punitive response from a restorative response to offense.**

<b>Punitive</b>	<b>Restorative</b>
Staff comments that shame or belittle	Staff comments that inspire and empower
Work that is demeaning	Work that encourages skill-building
Focus on punishment	Focus on accountability and goals
Focus on the past	Focus on the future
Work that evokes anger	Work that evokes amends
Youth motivated by external control	Youth motivated by human needs and self-discipline
Focus on compliance	Focus on connection
Focus on problem behavior	Focus on problem solving
<b>Goal of the Message to the Offender:</b> You chose to commit an offense and we will sanction you to deter you from future offending. We will do this through approved processes and programs, peer accountability, and supervision.	<b>Goal of the Message to the Youth who caused harm:</b> Your actions impact others; you have caused harm to another person and/or the community through your actions in this incident. You are responsible for your actions and capable of repairing the harm and making amends.
<b>Goal of the Message to the Victim:</b> Our first concern is to make offenders face the consequences of their crime. You will benefit because the offender will be punished.	<b>Goal of the Message to those Harmed:</b> The juvenile justice system and our community believes you are important and will do its best to ensure that the youth who harmed you takes steps to repair that harm, to the extent possible.
<b>Goal of the Message to the Community:</b> We will do our best to protect you by identifying offenders and sending a message through punishment to would-be offenders that crime will not be tolerated.	<b>Goal of the Message to the Community:</b> Holding youth accountable to repair the harm they have caused receives the highest priority in our juvenile justice system. We need the help of the community as a key stakeholder in holding the youth accountable through their efforts to make amends, and also in supporting their restoration as a valuable community member.

## **Implementation**

Peer Accountability Circles are a peer directed process that often partners with the Justice System. The primary goal is to develop an appropriate plan to address the concerns of the interested parties (or community), and to prevent future offenses. This is best done by addressing the underlying causes of the offensive behavior. A circle is a whole-child holistic approach that includes addressing the competency development of an individual youth. With this program both the youth offender and their parent(s) have a voice in the process and the outcome.

## **Pitfalls**

The operational problem reported most often by Peer Accountability Circles is funding. Other problems that presented significant challenges for Peer Accountability Circles include retaining youth volunteers and maintaining an adequate flow of referrals. Several other issues are cases in which too much time elapsed between a youth's offense and his or her referral to Peer Accountability Circles, difficulties in coordinating the efforts of Peer Accountability Circles with other agencies in the community, and problems recruiting youth and adult volunteers.

## **Maintaining a Restorative Vision**

For Peer Accountability Circles to maintain a restorative vision, their restorative purposes must be clearly delineated in the training of staff and volunteers, in marketing materials, in program management, and with all funding sources and referral bases.

With the Restorative Justice model, youth who do harm respond better to a process that draws upon the community rather than the court system to express social condemnation of the offense, encourages these youth to feel ashamed of their behavior without stigmatizing them, elicits their repentance, and provides a means for them to repair any damages they caused.

## **Recommendations:**

- Consider naming your program using more neutral or positive titles, such as Impact Circle or Accountability Circle. The terminology "sentencing circle"

is a name given many years before more restorative wording of restorative justice programs was deemed important.

<https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/evaluationofcirclesentencing-report.c5df9cd3f29cc7fcd709205b9ab27727.pdf>

<https://www.un.org/ruleoflaw/files/Handbook%20on%20Restorative%20Justice%20Programmes.pdf>

#### **D. RESPONSIVE CIRCLES**

This program falls under the “Circle” delineation of RJ programs.

**Responsive Circle:** A versatile restorative justice practice that fosters cooperation and responsibility in group situations with mutual responsibilities identified. The circle is a process that brings together individuals who wish to engage in proactive relationship building or conflict resolution, and other activities in which honest communications, relationship development, and community building are core desired outcomes. Circles offer an alternative to contemporary meeting processes that often rely on hierarchy, win-lose positioning, and those most affected/rescuer approaches to relationships and problem solving.

Rather than merely impose a consequence to the wrongdoer, or engage in assertive discipline, Responsive Circles provide everyone with a turn to speak, and facilitate a deeper understanding of the hurt or incident, what happened, and greater satisfaction among all people in the circle.

**Sample case:** Six elementary students engaged in extreme horseplay behavior at the school bus stop. Racial slurs, epithets, and name calling routinely continued while they were on the bus and even spilled over into the school day. The bus driver, teachers and playground monitors were not able to get these students to change their behavior. They attempted: discussion of appropriate and inappropriate behavior, race relations education, letters to parents, restricted playground time, even suspensions. Nothing worked. The school had to do something. The principal agreed to hold a responsive circle and will participate and suggested the bus driver also be included.

- **Key identifying words:** group, mutual responsibilities, relationship, community-building.

### **Benefits/Purposes**

- Improved relationships – Responsive circles can restore relationships to how they were before the conflict.
- Less destructive conflict – Responsive Circles can teach new skills/tools to address and negotiate conflict by talking it out, for example, by using reflection when listening.
- Meaningful dialog – Responsive Circles encourage a) understanding and connecting, b) reducing rumors/peer pressure, and 3) getting to the actual cause of the issue.
- Community – Responsive Circles teach positive messages relating to Character, Culture, and Community by increasing respectful listening and healthy self-expression.
- Deeper benefits – Responsive Circles provide excellent strategies for incorporating Cognitive, Developmental, Social, and Emotional benefits
- The ability to tailor the circle to the specific developmental stages and needs of the youth
- The ability to be heard is often very therapeutic as well, which can increase youth learning and involvement
- Building strong working alliances in the classroom, community, or family
- Building reflection, and metacognition skills into the youth’s environment
- Building social relationships by increasing participation and interactions among youth and between youth

**These differentiate a punitive response from a restorative response to offense.**

<b>Punitive</b>	<b>Restorative</b>
Staff comments that shame or belittle	Staff comments that inspire and empower
Focus on punishment	Focus on accountability and goals
Focus on the past	Focus on the future
Youth motivated by external control	Youth motivated by human needs and self-discipline
Focus on compliance	Focus on connection
Focus on problem behavior	Focus on problem solving

## **Implementation**

Responsive Circle “keepers” need to be cognizant of the skills necessary to effectively manage circles. Such skills may include the ability to provide explicit feedback, positive reinforcement, effective acknowledgement of all participants, and ensuring consistency, good modeling skills, positive feedback, and allowing for adequate ‘Pause Times’ between responses and sharing.

In a responsive circle, one person speaks at a time: The opportunity to speak moves around the circle, and people wait to speak until the person before them has finished speaking. A “talking piece” is often used to facilitate this process: Whoever is holding the talking piece has the “floor.” Each person is encouraged to take responsibility for their part in what happened and co-create what will happen next.

Let us not dismiss the importance of circles as important ways to honor the cultures of our First Nations peoples.

## **Pitfalls**

The operational problem reported most often by Responsive Circles is funding.

The biggest myth about Responsive Circles is that they are a high vulnerability, “feelings” activity, where adults and youth (in the mist of challenging moments) sit in a peace circle singing kumbaya while asking each other, “how did that make you feel?” Responsive conversations are tough and have highly structured questions that focus on what needs to change. Responsive circles are not meant to be emotionally intrusive, nor is it an activity where we stick our noses where they do not belong. This myth derives from poor training.

There is sometimes a misunderstanding that Responsive Circles replace discipline. This is far from the truth. Proper restorative training explicitly teaches restorative interventions are used in collaboration with consequences to make sure that conflict has been properly discussed, and afterwards youth return to school or their community with a safe reintegration.

## **Maintaining a Restorative Vision**

For Responsive Circles to maintain a restorative vision, their restorative purposes must be clearly delineated in the training of staff and volunteers, in marketing materials, in program management, and with all funding sources and referral bases.

With the Restorative Justice model, youth who do harm respond better to a process that draws upon the community rather than the court system to express social condemnation of the incident, encourages these youth to feel ashamed of their behavior without stigmatizing them, elicits their repentance, and provides a means for them to repair any damages they caused.

<https://journals.sagepub.com/doi/10.1177/1098300718793428>

<https://www.ousd.org/cms/lib07/CA01001176/Centricity/Domain/97/PeacemakingCircles.pdf>

## **E. MEDIATION**

Mediation falls under the “Dialogue” delineation of RJ programs.

- Mediation: A private and (usually) face-to-face meeting between those most affected by an incident to allow for a “meeting of the minds” to offer solutions to the dispute. Mediation offers an opportunity for youth to understand their behaviors and (as appropriate or if needed) receive consequences for their actions without having their charges formalized. It is also an opportunity for youth to express concern for their actions and choices with others involved and explore better decision making for the future. Mediation does not always lead to consequences as sometimes only a facilitated conversation and agreement are enough.
- Dialogue is only one option for people to respond to harm. This is an individual journey for those most affected and the person(s) who caused harm. Their reasons for dialogue are personal. Expectations, level of support, level of honesty and openness determine what can be accomplished during the dialogue. The process is mutually voluntary. It can be stopped by either party or when deemed appropriate by the mediator.

Confidentiality is based on a mutual agreement of who can be told of the dialogue.

- Mediation differs from Conferencing in several ways.
- Mediation is often approached with an assumption of relative “moral balance” between parties. Conferencing, on the other hand, is approached with the assumption of moral imbalance that has been created by a harmful act and seeks to re-balance relationships through dialogue and reparation. The premise is that an individual(s) causing harm has offended against a victim or target and has obligations toward personal accountability, whereas the victim has no such obligations.
- Mediation depends on the negotiability of issues. However, conferencing generally assumes the premise that one or more parties are responsible for an incident or violation of the rules or norms of the organization. In cases where there is clear violation of societal norms, rules or laws, the act of such violation is non-negotiable – even if the particulars of how the situation will be satisfactorily resolved can be subject to negotiation.
- Less preparation time. A conference may take months of preparation and the final conference can be relatively short. Whereas in mediation there can sometimes be just one pre-meet and then the mediation sessions.
- There needs to be an acknowledgement of the harm caused for a conference to take place. This is not always the case in mediation.
- In both spaces the facilitator is impartial and neutral and non-directive, and the participants work to create their own outcomes, but in conferences these outcomes have been managed beforehand. The facilitator in mediation has more of a role in ‘summarizing’ and ‘re-framing’ and using different techniques to those used by facilitators in conferencing.

**Sample case:** A 15-year-old boy assaulted a former friend after being mocked and excluded from playing on a sports team. The father of the youth who was harmed



was particularly worried that his son might be goaded to retaliate physically, which could lead to a criminal record. The parents agreed that some form of mediation could be useful. They felt that a meeting between the boys could establish ground rules for future behavior and take the sting out of neighborhood rumors. They also felt that showing each boy the other's true state of mind would be useful.

- **Key identifying words:** dispute, dialog, negotiability of issues, agreement, impartial facilitator.

### **Benefits/Purposes**

The goals of Mediation are to provide an opportunity for youth to offer solutions to the dispute, put in place a resolution to the dispute, teach skills that will improve communication in the future, and provide skills that will enable them to be successful in school and in life.

Those most affected (and others) have the opportunity to:

- Directly and constructively express to the person(s) who caused harm the current and repressed feelings such as fear, anger, anxiety, loss, pain, helplessness, hopelessness...
- Ask questions and receive answers and insights, which only the person(s) who caused harm can provide.
- Have their voices be heard.
- Gain insight from the youth and parents regarding the factors that contributed to the dispute and strategies to help improve future behavior.

The person(s) who caused harm has the opportunity to:

- Face the full human impact of the incident by hearing first-hand the depth of the impact experienced by those most affected.
- Express sincere remorse related to their role in the incident and resulting impact.
- Answer questions posed by those most affected.
- Reach greater accountability by restoring themselves to those most affected and communities.

- Restore to whatever extent possible, what has been wronged within those most affected that may encompass physical, emotional, spiritual, financial, and social dimensions of their everyday life.

With Mediation, Juvenile Court or District Criminal Court can be avoided, minimized, or included in a collaborative approach.

<b>Punitive</b>	<b>Restorative</b>
Staff comments that shame or belittle	Staff comments that inspire
Focus on punishment	Focus on accountability and goals
Focus on the past	Focus on the future
Youth motivated by external control	Youth motivated by human needs
Focus on compliance	Focus on connection
Focus on problem behavior	Focus on problem solving

### **Mediation Basics:**

**The mediator works with both parties to help them reach a mutually agreeable solution to their differences.** Mediation proceedings are confidential and informal. The mediator cannot force the parties to resolve their differences. But the mediator can assist the parties reach a solution agreeable to both.

### **Mediation Concepts:**

- Self-Determination
- Empowerment
- Confidentiality
- Facilitation
- Impartiality
- Neutrality
- Voluntary

### **Implementation**

- All interventions should have engagement of the child and the family as the priority. When we work with the child and family:
  - We increase the likeliness of a positive outcome.
  - We will increase cooperation and collaboration.
  - We will increase the probability of change.

- Plan of Action should contain:
  - Clear and specific goals
  - Clearly defined shared responsibilities
  - Timelines
  - Explanations of positive and negative consequences
  - Follow-up

## **Pitfalls**

Not all issues can be resolved in mediation, as it is a voluntary process that sometimes leads to an impasse. Parties to the mediation must be advised of the next step should the mediation fail.

## **Maintaining a Restorative Vision**

### **Restorative Practices believes:**

Each mediation should encompass the 5 R's of Restorative Practices:

**Relationship**

**Respect**

**Responsibility**

**Repair**

**Reintegration**

<https://experts.umn.edu/en/publications/mediation-of-youth-conflict-a-multi-system-perspective>

<https://link.springer.com/article/10.1007/BF00757555>

<https://www.mediate.com/articles/olsonJ1.cfm>

## **F. TRUANCY MEDIATION**

Truancy Mediation falls under the “Dialogue” delineation of RJ programs.

- Truancy Mediation: A private and (usually) face-to-face meeting between those most affected by an offense (the school, youth and family) and the person(s) who committed truancy (the truant youth or a parent) with the facilitation of a trained mediator. The basic dialogue between the person(s) who caused harm and those most affected may explore what happened,

who was affected, and how and gives voice to the most directly involved parties.

- Dialogue is only one option for people to respond to truancy. This is an individual journey for those most affected. Their reasons for dialogue are personal. The needs of those most affected, expectations, level of support, level of honesty and openness determine what can be accomplished during the dialogue. The process is mutually voluntary. It can be stopped by either party or when deemed appropriate by the mediator. Confidentiality is based on a mutual agreement of who can be told of the dialogue.

**Sample case:** Gale has been truant 10 times in the last few months. Gale's grades are still adequate, but they are not as good as they have been in the past. He is creating no other discipline problems in the school or the community, but his home life is rapidly deteriorating. Gale once had a goal of college and career but seems more and more disinterested lately.

- **Key identifying words:** excessive absenteeism and/or tardies, family, school, dialog, negotiability of issues, agreement, impartial facilitator.

### **Benefits/Purposes**

The goals of the Truancy Mediation program are to promote improved school attendance and decreased absenteeism, return habitually truant students to a regular schedule of school attendance, increase students' academic performance by improving attendance, teach skills that will improve family communication and provide skills that will enable students to be successful in school and in life. The program should also work to improve graduation from high school and reduction in the number of court filings by determining the reasons for the lack of attendance and providing education, intervention and accountability to the juveniles and their parents.

Those most affected (and others) have the opportunity to:

- Directly and constructively express to the person(s) the current and repressed feelings such as fear, anger, anxiety, loss, pain, helplessness, hopelessness...
- Ask questions and receive answers and insights, which only those most involved can provide.

- Have their voices be heard.
- Gain insight from the student and parents regarding the factors that contribute to truancy and strategies to help improve school attendance.

The youth and/or the parent has the opportunity to:

- Face the full human impact of their offense by hearing first-hand the depth of the impact experienced by those affected.
- Express sincere remorse related to their truancy and resulting impact.
- Answer questions posed by those affected.
- Reach greater accountability by obligating themselves to those affected.
- Restore to whatever extent possible, what has been wronged within those affected physically, emotionally, spiritually, financially within social dimensions of their everyday life.

Truancy Court or District Criminal Court can be avoided.

Truancy Mediation helps to build a collaborative relationship between families and schools so that students attach to the school environment and achieve in school and beyond.

<b>Punitive</b>	<b>Restorative</b>
Staff comments that shame or belittle	Staff comments that inspire
Focus on punishment	Focus on accountability and goals
Focus on the past	Focus on the future
Youth motivated by external control	Youth motivated by human needs
Focus on compliance	Focus on connection
Focus on problem behavior	Focus on problem solving

### **Mediation Basics:**

**The mediator works with both parties to help them reach a mutually agreeable solution to their differences.** Mediation proceedings are confidential and

informal. The mediator cannot force the parties to resolve their differences. But the mediator can help the parties reach a solution agreeable to both.

### **Mediation Concepts:**

- Self-Determination
- Empowerment
- Confidentiality
- Facilitation
- Impartiality
- Neutrality
- Voluntary

### **Implementation**

- All interventions should have engagement of the child and the family as the priority. When we work with the child and family:
  - We increase the likeliness of a positive outcome.
  - We will increase cooperation and collaboration.
  - We will increase the probability of change.
- Plan of Action should contain:
  - Clear and specific goals
  - Clearly defined shared responsibilities
  - Timelines
  - Explanations of positive and negative consequences

### **Follow-up**

#### **Pitfalls**

Not all issues can be resolved in mediation, as it is a voluntary process that sometimes leads to an impasse. Parties to the mediation must be advised of the next step should the mediation process fail (usually court).

Not all students do well in a traditional structured school environment, and mediators must stay educated on all available alternatives, as the school representative in the Truancy Mediation may be hesitant to discuss or even unaware of these options.

### **Maintaining a Restorative Vision**

## **Restorative Practices believes:**

- Children are precious members of the community and we have an obligation to support them in reaching their potential.
- Every child, family and environment is unique and must be treated as such.
- Families are doing the best that they can.
- Families possess the answers to their problems and may need support in uncovering those answers.
- Building and restoring relationships are key in helping to get and keep children attending school.

<https://www.jdsupra.com/post/fileServer.aspx?fName=96dd5bab-948d-4913-921f-669a2fd74854.pdf>

[https://creducation.net/key\\_social\\_issues/truancy\\_mediation/](https://creducation.net/key_social_issues/truancy_mediation/)

## **G. TEEN COURT**

Teen Court falls under the “Panel/Board” delineation of RJ programs.

**Panel/Board:** A meeting where representatives of those most affected and/or members of the community (Teen Court Members, Youth Court Participants, and Adult Volunteers) sit on a panel and speak to person(s) who caused harm about the impacts of offenses on the community. Boards/Panels are typically composed of a small group of community members, prepared for this function by intensive training, who conduct face-to-face meetings with the person(s) who caused harm who have been referred or sentenced to participate in the process. Those most affected by the person(s) who caused harm are invited to participate in the process by meeting with the panel/board and the person(s) who caused harm, or by submitting a written statement that is shared with the person(s) who caused harm and the panel/board. During a meeting (For Teen Court, this would be a court session), panel/board members discuss with the one who caused harm, the nature of the offense, impact of the behavior, and negative consequences. Then panel/board members discuss a set of actions with (about) the person(s) who caused harm, until they reach agreement on the specific actions the person(s) who caused harm will take within a given time period to make reparation for the offense. Subsequently, the person(s) who caused harm must document their

progress in fulfilling the terms of the agreement. After the stipulated period of time has passed, the panel/board submits a report to the court on the person(s) who caused harm's compliance or a written documentation to the referral source, with the agreed upon sanctions. At this point, the panel/board's involvement with the person(s) who caused harm is ended.

**Sample case:** Three 15-year-old females have a party at one of the girls homes, while her parents are away. The older brother who is 17 is upstairs online gaming with a friend. He went downstairs and found the 3 females drinking. Not wanting to be a spoiler for his sister, he returned to his room. Later in the evening, police are called along with EMS when one of the females becomes visibly impaired. When he gets downstairs, he encounters law enforcement who begin to question him about the drinking. He gets an attitude with the officer because he didn't provide the alcohol to the girls. Law enforcement charges him with providing alcohol to underage youth. He is referred by juvenile justice to Teen Court. His parents are included in this process.

- **Key identifying words:** group, panel, accountability, repairs, volunteers, impact, relationship, community-building.

### **Benefits/Purposes**

Teen Courts enjoy broad community support. Their popularity appears to stem from favorable media coverage and the high levels of satisfaction reported by parents, teachers, and youth involved in Teen Court programs. Recent studies have found that Teen Court participation may be associated with low recidivism rates, improved youth attitudes toward authority, and increased knowledge of the justice system among youth.

Teen Court provides an opportunity for the youth who caused harm to see first-hand the direct and indirect injuries caused by his/her offense.

- In this way, the youth who caused harm may see the reasons for the limits of social tolerance.
- Moreover, the youth who caused harm is provided with a constructive, proactive means of repairing the injuries caused by his/her offense, with the potential to improve the overall sense of self-worth of the youth who caused the harm. This can be an effective means of promoting the well-being of the youth who caused harm.



The emphasis of Teen Court is not on punishment nor on rehabilitation; rather, it is on accountability.

- It focuses not on the needs of the youth who caused harm, but their strengths;
- not on their lack of insight but their capacity for responsibility;
- not on their vulnerability to social and psychological factors but their capacity to choose.

Teen Court offers at least four potential benefits:

- 1. Accountability.** Teen courts may help to ensure that youth who caused harm are held accountable for their behavior, even when their offenses are relatively minor and would not likely result in sanctions from the traditional juvenile justice system.
- 2. Timeliness.** An effective Teen Court can move youth who cause harm from arrest to sanctions within a matter of days rather than the months that may pass with traditional juvenile courts. This rapid response may increase the positive impact of court sanctions, regardless of their severity.
- 3. Cost savings.** Teen Courts usually depend heavily on youth and adult volunteers. If managed properly, they may handle a substantial number of youths at relatively little cost to the community.
- 4. Community cohesion.** A well-structured and expansive Teen Court program may affect the entire community by increasing public appreciation of the legal system, enhancing community-court relationships, encouraging greater respect for the law among youth, and promoting volunteerism among both adults and youth.

**These differentiate a punitive response from a restorative response to offense.**

<b>Punitive</b>	<b>Restorative</b>
Staff comments that shame or belittle	Staff comments that inspire and empower
Work that is demeaning	Work that encourages skill-building
Focus on punishment	Focus on accountability and goals
Focus on the past	Focus on the future
Work that evokes anger	Work that evokes amends
Youth motivated by external control	Youth motivated by human needs and self-discipline
Focus on compliance	Focus on connection
Focus on problem behavior	Focus on problem solving

<b>Punitive Teen Court</b>	<b>Restorative Teen Court</b>
Focus is on law-breaking; crime is an act against the state, a violation of a law	Focus is on the harm done to victim and community; crime is an act against another person and the community
Offender accountability is defined as taking punishment; the focus is on sanctions, treatment, and acknowledgement of the crime committed	Accountability is defined as assuming responsibility and taking action to repair the harm; the focus is on acknowledgment of the harm caused, addressing the issues, and repairing the harm done
Accountability is to the system (Teen Court)	Accountability is to the victims and community
Emphasis in hearings is focused on testimony, procedure and evidence	Emphasis includes an increased focus on dialogue, understanding, and empathy
Punishment is effective, and: <ul style="list-style-type: none"> <li>a. Threat of punishment deters crime</li> <li>b. Punishment changes behavior</li> </ul>	Punishment alone is not effective in changing behavior and may be disruptive to community harmony and good relationships
Youthful offender is the main client to be tracked, punished, treated, and restrained	Youth, victim, and community receive balanced attention as client/customers of the system who benefit by the

	intervention and are partners in the response to crime
Options for victim’s involvement are limited and constrained; victims are peripheral to the process	Options for victim involvement are varied and respect the victims’ choice; victims are central to the process of resolving a crime.
Service options for offenders are prescribed by the program and focus on completion of tasks assigned by Teen Court	Service options for offenders are varied and related to their strengths, benefit the community, and address the concerns of the victim and community whenever possible.
Outcomes work towards offenders completing assignments	Outcomes work to strengthen the relationship between offenders and the community.
Program is based on procedure and policy	Program is based on principles and flexibility.
Teen court officials play an active role; the role is passive for victims, offenders, and community	Everyone plays an active role; offenders, victims, community, and juvenile justice professionals.
Training of youth teen court participants are focused on teen court operations and courtroom procedures.	Training of adult facilitators includes broader issues related to conflict resolution, community involvement, and problem-solving skills.
Offenders recognize their crime.	Offenders recognize the harm they caused to the victim and the community; gain empathy for the victim and the community.
Offenders are ordered to behave appropriately to make the community safer.	Victims and communities directly confront the offender’s actions to address safety issues in the process of a “meeting of the minds” and relationship building; public safety increases when offenders develop internal controls, community members resolve conflict, community justice is solution-focused and community justice partnerships are developed.

<p>Offenders move past the offense through punishment and community service.</p>	<p>Offenders, victims, and communities move past the offense through a process of dialog, commitment to repair the harm, competency development, and commitment to future behavior.</p>
<p>Goal is to reduce recidivism of offenders through peer pressure from pro-social peers, adherence to sentence, completion of tasks, influencing their perceived fairness of the system, and bonding with the jury they serve on.</p>	<p>Goal is to reduce recidivism of offenders through youth exiting the system being more capable of being responsible and productive in the community; needs and strengths of the offender are addressed.</p>
<p>Competency development leaves youth stronger in character and develops transferable skills.</p>	<p>Competency development leaves youth stronger in character, more connected to community, remorseful, empathetic, recognizes their potential and builds on it, and develop transferable skills.</p>
<p><b>Goal of the Message to the Offender:</b> You chose to commit an offense and we will sanction you to deter you from future offending. We will do this through approved processes and programs, peer accountability, and supervision.</p>	<p><b>Goal of the Message to the Youth who caused harm:</b> Your actions impact others; you have caused harm to another person and/or the community through your actions in this incident. You are responsible for your actions and capable of repairing the harm and making amends.</p>
<p><b>Goal of the Message to the Victim:</b> Our first concern is to make offenders face the consequences of their crime. You will benefit because the offender will be punished.</p>	<p><b>Goal of the Message to those Harmed:</b> The juvenile justice system and our community believes you are important and will do its best to ensure that the youth who harmed you takes steps to repair that harm, to the extent possible.</p>
<p><b>Goal of the Message to the Community:</b> We will do our best to protect you by identifying offenders</p>	<p><b>Goal of the Message to the Community:</b> Holding youth accountable to repair the harm they</p>

<p>and sending a message through punishment to would-be offenders that crime will not be tolerated.</p>	<p>have caused receives the highest priority in our juvenile justice system. We need the help of the community as a key stakeholder in holding the youth accountable through their efforts to make amends, and also in supporting their restoration as a valuable community member.</p>
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## Implementation

Examples of Teen Court programs run by both non-profit organizations and by government agencies exist. Teen Courts are generally used for juveniles (ages 10 to 17), those with no significant prior arrest records, and those charged with less serious law violations. Typically, youth are offered Teen Court as a voluntary alternative to a more formal handling by the traditional juvenile justice system.

Teen Courts differ from other juvenile justice programs because young people rather than adults determine the disposition, given a broad array of sanctions made available by the program. Teen Court defendants go through an intake process, a preliminary review of charges, a court hearing, and sanctioning, similar to juvenile court. In a Teen Court, however, their peers are responsible for much of the process.

Proponents of Teen Court argue that the program takes advantage of one of the most powerful forces in the life of an adolescent—the desire for peer approval and the reaction to peer pressure. According to this argument, youth respond better to prosocial peers than to adult authority figures. Thus, Teen Courts are seen as a potentially effective alternative to traditional juvenile courts staffed with paid professionals such as lawyers, judges, district attorneys, clerks and juvenile court counselors.

## Pitfalls

The operational problem reported most often by Teen Courts is funding. Other problems that presented significant challenges for Teen Courts include retaining and recruiting volunteers (i.e., attorneys, judges, and jurors) and maintaining an adequate flow of referrals. Several other issues are cases in which too much time

elapsed between a youth's offense and his or her referral to Teen Court, and difficulties in coordinating the efforts of Teen Courts with other agencies in the community.

### **Maintaining a Restorative Vision**

If Teen Courts are to maintain a restorative vision, their restorative purposes must be clearly delineated in the training of staff and volunteers, in marketing materials, in program management, and with all funding sources and referral bases.

With the Restorative Justice model, youth who do harm respond better to a process that draws upon the community rather than the court system to express social condemnation of the offense, encourages these youth to feel ashamed of their behavior without stigmatizing them, elicits their repentance, and provides a means for them to repair any damages they caused. The most effective Restorative Teen Courts will refrain from adversarial contests between prosecution and defense and focus instead on facilitating and creating ways for youth to repair the harm they caused, either to specific persons or to the community in general.

**Alter the Focus:** By the American Probation and Parole Association, focus group including OJJDP, Juvenile Accountability Incentive Block Grant Program, National Youth Court Center, and four Teen Court programs.

- **Making Teen Court more restorative:**
  - OJJDP – the majority of Teen Court programs have not implemented the elements inherent in this (balanced and restorative justice) promising approach to their full potential.
  - OJJDP – The balanced approach, a new mission, requires that juvenile justice systems devote attention to making amends to victims and the community, increasing offender competencies, and protecting the public through processes in which offenders, victims and the community are all active participants.
  
- Accountability will not be totally achieved unless the respondent gains an increased awareness and understanding of his or her actions and takes an active role in repairing the harm caused. Punishment alone does not

facilitate increased awareness and offers little opportunity for the respondent to make amends to the victim or the community in a meaningful way. (Punishment v. Restoration)

- Youth volunteers are also exposed to a new way of thinking about justice, thus increasing the educational experience that Teen Courts can provide to them by raising their awareness of the effects of crime and facilitating the development of their empathy toward others.

<https://ojidp.ojp.gov/library/publications/role-restorative-justice-teen-courts-preliminary-look>

[https://www.researchgate.net/publication/299999497 Restorative justice programming in teen court A path to improved interpersonal relationships and psychological functioning of high-risk rural youth](https://www.researchgate.net/publication/299999497_Restorative_justice_programming_in_teen_court_A_path_to_improved_interpersonal_relationships_and_psychological_functioning_of_high-risk_rural_youth)

## **H. COMMUNITY SERVICE AND RESTITUTION**

The following is a definition for reparation: "action by the youth who caused harm to make good the loss suffered by those harmed".

Here, a meaningful distinction may help maintain the reparative purposes of both **restitution** and **community service**:

- Restitution repairs the harm to the individual victim(s); restitution affirms the youth that caused the harm's self-worth, giving him/her the opportunity to be "accountable for their actions."
- Community service repairs the harm to the community.
  - The community is a secondary "victim" that is indirectly injured by offense. For example, the community suffers psychological injury from the fear of offense, and more tangible injuries, such as rising insurance costs.

Distinguishing community service from restitution in this way helps prevent community service from being used as a punitive sanction:

- if it is simply added on to the youth who caused harm's sentence, it is used as a means of punishment.

- If instead, community service is used to repair the harm to the community, the risk of it being used as a punishment is reduced.

Therefore, community service should be clarified by the nature and extent of the harm done to the community. This requires identifying clearly:

- the relevant community injured,
- the particular harm inflicted,

and service to be ordered which will specifically and directly repair the harm inflicted by the offense.

### **Benefits/Purposes**

Community service can be:

- a reparative sanction that links the nature of the service to the offense;
- it can be a positive sanction that evokes responsibility from the youth who caused harm for his/her actions;
- it can reduce the burden on the juvenile system.

Community service provides an opportunity for the youth who caused harm to see first-hand the indirect injuries caused by his/her offense.

- In this way, the youth who caused harm may see the reasons for the limits of social tolerance.
- Moreover, the youth who caused harm is provided with a constructive, proactive means of repairing the injuries caused by his/her offense, with the potential to improve the youth who caused harm's overall sense of self-worth. This can be an effective means of promoting the youth who caused harm's legitimacy.
- Finally, youth who caused harms' services can be a tremendous resource to governmental, for-profit and non-profit organizations.

The emphasis of community service is not on punishment nor on rehabilitation; rather, it is on accountability.

- It focuses “not on youth who caused harms' needs but their strengths;
- not on their lack of insight but their capacity for responsibility;



- not on their vulnerability to social and psychological factors but their capacity to choose".

These differentiate a punishment or rehabilitative response from a restorative/community service response to offense.

<b>Punitive</b>	<b>Restorative</b>
Staff comments that shame or belittle	Staff comments that inspire
Work that is demeaning	Work that encourages skill-building
Focus on punishment	Focus on accountability and goals
Focus on the past	Focus on the future
Work that evokes anger	Work that evokes amends
Youth motivated by external control	Youth motivated by human needs
Focus on compliance	Focus on connection
Focus on problem behavior	Focus on problem solving

## **Implementation**

Examples of community service programs run by both non-profit/for-profit organizations and by the government agencies exist.

Many programs consist of the following. The judge will “order” community service as a condition of probation, specifying the number of hours to be worked and the time within which to complete the order. Then, the case is referred to a restitution/community service program that assigns the youth to an appropriate placement to complete the community service hours. Youth work in small groups, supervised by program staff, or assigned to an individual placement where worksite staff supervise their work. If for some reason the court ordered hours are not completed, the youth who caused harm, their parent/guardian, the program coordinator and the referring agency discuss the reasons therefore, and any alternative means of facilitating the hours being completed. Sometimes alterations in the order need to be made; or the youth who caused harm must reappear for alternative sentencing.

Other programs within communities include restitution and community service as a part of a diversionary option, without court intervention.

## **Pitfalls**

Since the service order meted out often is tailored to the youth who caused harm (their goals or identified needs) and not the offense, community service then becomes primarily used to rehabilitate the youth who caused harm; its reparative motivations become secondary. Recommendation: stay focused on “repairing the harm done.”

## **Maintaining a Restorative Vision**

If community service orders are to maintain a restorative vision, their restorative purposes must be clearly delineated.

### **Ideas to Link the Offense to the Reparation:**

Restitution: repairs the harm to the individual victim; restitution can embody both monetary payments and in-kind services to the victim when appropriate.

Samples: repair of damage to personal or real property, service to those harmed, working in the community to earn funds to repay the monetary cost of the harm.

Community Service: repairs the harm to the community.

#### 1. identify:

- the relevant community injured,
- the particular harm inflicted,
- and service to be ordered which will specifically and directly repair the harm inflicted by the offense.

#### 2. select:

- a reparative sanction that links the nature of the service to the offense to be sanctioned
- a positive sanction that evokes responsibility from the youth who caused harm for his/her actions

Sample: a food fight in the school cafeteria could be addressed by staying after school to assist in the cafeteria by cleaning, stocking, moving furniture, etc.

Sample: to evoke empathy from a youth that harmed another, have him write letters to servicemen far from home.

Sample: for a selfish act, build service to others through daily routines, and accountability, such as have the youth complete and document 30 days of “acts of kindness.”

*Adapted from: Centre for Justice and Reconciliation, a program of Prison Fellowship International, a Restorative Justice Practice*

## **I. COMPETENCY DEVELOPMENT**

**Competency development is the process by which youth acquire the knowledge and skills that make it possible for them to become productive, connected, and law-abiding members of their communities.**

Research tells us that most offenders outgrow their offending behaviors because they acquire skills, get a job, develop close, caring personal relationships, and form attachments and ties to pro-social groups and institutions. The most effective interventions for reducing recidivism actively engage youth in structured and specific skill-training approaches and provide opportunities for them to practice and demonstrate new skills. **From a balanced and restorative justice perspective, the best opportunities are ones that engage youth who caused harm with pro-social young people and adults in experiential, productive activities, such as work or community service.** Helping youth apply their strengths or resources toward solutions to troublesome behavior is a strength-based approach that also builds competencies.

Although skill training is the primary activity used to advance competency development, there’s more to competency development than that. The research is clear. Interventions that do not ultimately build stronger relationships or bonds to pro-social entities and positive roles for offenders in the community are unlikely to have long-term impact. In order to advance competency development, juveniles who caused harm—whether through a diversion, on probation, in placement, or on aftercare—need:

- a. Opportunities to practice and demonstrate new skills
- b. Opportunities to engage in experiential, productive activities

- c. Opportunities to establish positive relationships with law-abiding adults and peers
- d. Opportunities to form ties with pro-social community groups and institutions
- e. Services and supports that advance competency development.

Skill training will not lead to competency or change real life behavior if training is stopped immediately after the youth learns to produce the skill in counseling, classroom, or roleplay sessions.

Community service (or other service-learning or helping activity) can be one of the best vehicles for providing opportunities to advance competency development. Typically, community service has been used to address the accountability goal—youth are required to give something meaningful back to the community. But good community service should also engage youth in productive, hands-on experiences with opportunities to learn or practice skills, strengthen relationships with pro-social adults in the community, and increase bonds to positive groups/institutions. Effective community service programs also demonstrate to the community that these youth are assets who have something to contribute to society rather than liabilities and provide potential for youth to view themselves as contributors and stewards.

For these things to occur, community service must be meaningful to the community and worthwhile for the juvenile. In addition to learning new skills, youth also need opportunities to establish positive relationships and form new bonds. Relationships are key to adolescent well-being: parent-child interactions and bonding greatly influence adolescents' choices and attitudes; peer relationships—particularly positive ties among teens—are important; and siblings, teachers, and mentors can provide additional support to young people.

Youth should also be encouraged to participate in clubs and other organized positive youth development opportunities where pro-social activities prevail.

Finally, some youth may need services and supports available in the community, such as educational remediation, tutoring, or job training. Other youth could benefit from family-based services that teach techniques focused on problem solving, communication, limit setting, supervision, and discipline.

The Five Core Competency Domains—areas in which one could reasonably expect young people in trouble with the law or social norms to build and demonstrate competencies depending on their age and stage of development. These domains are:

### **1. Pro-Social Skills**

**Pro-Social Skills** help adolescents increase their chances of navigating their interactions with others in pro-social ways. This domain includes a set of interaction, problem solving, and impulse control skills. Research has shown that an effective comprehensive social skills training program arguably has the greatest positive single influence for reducing recidivism. In particular, combined cognitive (social problem solving) and self-control skill training is an approach that has been shown to reduce recidivism in youth with learning, behavioral, attention and emotional disabilities. Goals for this domain include better social interactions, problem solving, and impulse control.

### **2. Moral Reasoning Skills**

**Moral Reasoning Skills** help adolescents recognize thought processes that rationalize negative behaviors and understand how their thinking, values, and choices affect their behavior. This domain refers to a more complex set of concepts than those related to basic pro-social skills, in effect teaching young people principles to live by and guidelines for making good choices. The goal is making the right decisions for the right reasons.

### **3. Academic Skills**

**Academic Skills** help adolescents improve their chances of having a successful educational experience. This domain includes a set of study and learning skills and basic reading, writing, and math skills. Although the juvenile justice system is not responsible for fixing the problem of failing students or failing schools, court counselors have a responsibility to advocate on behalf of offenders so that their educational gaps can be addressed. Youth with learning, attention, and behavioral disabilities need academic remediation and can be successful in mainstream classrooms if a variety of accommodations are provided. Goals for this domain include catching up in school and advancing in school to the highest possible level of academic achievement.

#### **4. Workforce Development Skills**

**Workforce Development Skills and Job Training** help older teens improve their chances of being economically self-sufficient after high school. This domain includes a set of workforce development skills for getting a job, keeping a job, and achieving promotion as well as specific computer and other technological skills or job training programs. Effective workforce development skill training programs that promote economic self-sufficiency are comprehensive, sustained, grounded in principles of youth development, and connected to further education and long-term career opportunities. The goal for this domain is economic self-sufficiency.

#### **5. Independent Living Skills**

**Independent Living Skills** help older teens, particularly those coming out of placement/foster care who are unable to return home, improve their chances of living sufficiently on their own. This domain includes a set of skills related to daily living, such as money management and budgeting, career and educational planning, and acquiring financial aid, housing assistance, and medical insurance. The goal for this domain is self-sufficient living.

Adapted from OJJDP – Balanced and Restorative Justice

## **Appendix 2 – The 5 R’s of Restorative Justice** (Beverly B. Title, Ph.D.)

### **Relationship**

Restorative practices recognize that when a wrong occurs, individuals and communities feel violated. It is the damage to these relationships that is primarily important and is the central focus of what restorative practices seek to address. When relationships are strong people experience more fulfilling lives, and communities become places where we want to live. Relationships may be mended through the willingness to be accountable for one’s actions and to make repair of harms done.

### **Respect**

Respect is the key ingredient that holds the container for all restorative practices, and it is what keeps the process safe. It is essential that all persons in a restorative process be treated with respect. One way we acknowledge respect is that participation in a restorative process is always optional. Every person is expected to show respect for others and for themselves. Restorative processes require deep listening, done in a way that does not presume we know what the speaker is going to say, but that we honor the importance of the other’s point of view. Our focus for listening is to understand other people, so, even if we disagree with their thinking, we can be respectful and try hard to comprehend how it seems to them.

### **Responsibility**

For restorative practices to be effective, personal responsibility must be taken. Each person needs to take responsibility for any harm that was caused to another, admitting any wrong that was done, even if it was unintentional. Taking responsibility also includes a willingness to give an explanation of the harmful behavior. All persons in the circle are asked to search deeply in their hearts and minds to discover if there is any part of the matter at hand for which they have some responsibility. Everyone needs to be willing to accept responsibility for his or her own behavior and the impacts it has on other individuals and the community as a whole.

## **Repair**

The restorative approach is to repair the harm that was done, and the underlying causes, to the fullest extent possible, recognizing that harm may extend beyond anyone's capacity for repair. Once the persons involved have accepted responsibility for their behavior and they have heard in the restorative process about how others were harmed by their action, they are expected to make repair. This allows us to set aside thoughts of revenge and punishment. It is essential that all stakeholders in the event be involved in identifying the harm and having a voice in how it will be repaired. It is through taking responsibility for one's own behavior and making repair that persons may regain or strengthen their self-respect and the respect of others.

## **Reintegration**

For the restorative process to be complete, persons who may have felt alienated must be accepted into the community. Reintegration is realized when all persons have put the hurt behind them and moved into a new role in the community. This new role recognizes their worth and the importance of the new learning that has been accomplished. The person having shown him or herself to be an honorable person through acceptance of responsibility and repair of harm has transformed the hurtful act. At the reintegration point, all parties are back in right relationship with each other and with the community. This reintegration process is the final step in achieving wholeness.



### **Appendix 3 – Underlying Assumptions – Restorative Justice Objectives**

Restorative Justice is both a philosophy and a practice. Restorative Justice has three central assumptions (Zehr, 2015):

- When people and relationships are harmed, needs are created.
- The needs created by harms lead to obligations.
- The obligation is to heal and “put right” the harms; this is a just response.

The following are guidelines for practitioners and programs to “hold dear” as they work with individuals in any aspect of Restorative Justice.

- Restore community peace and repair damaged relationships
- Recognize harmful behavior as unacceptable, even behavior of others that has led to a restorative process, and reaffirm community values
- Support those most affected by harmful behavior, give them a voice, enable their participation, and address their needs, including those who caused the harm
- Encouraging all concerned parties to take responsibility, particularly by the one who caused harm
- Identify restorative, forward-looking outcomes
- Prevent recidivism by encouraging change in the one who caused harm and facilitating their reintegration into the community

## **Appendix 4 – Common Attributes of Restorative Justice Programs**

**Those most affected by an offense are provided with an opportunity but not an obligation to:**

- Be directly involved in resolving the situation and addressing the consequences of the harm done
- Receive answers to their questions about the harm done and the one who caused harm
- Express themselves about the impact of the harm done
- Receive restitution or reparation
- Receive an apology if offered by the one who caused harm
- Restore, when appropriate, a relationship with the one who caused harm
- Reach closure when appropriate

**Those who caused harm are provided with an opportunity but not an obligation to:**

- Acknowledge responsibility for the harm done and understand the effects of the harm on those most affected
- Express emotions (even remorse) about the harm done
- Receive support to repair harm caused to those most affected or oneself and family
- Make amends or restitution/reparation
- Apologize to those most affected
- Restore their relationship with those most affected, when appropriate
- Reach closure

## Appendix 5 – Suitability for Restorative Justice Cases

Determining whether a case is suitable for a restorative justice program requires a screening and assessment process for referred youth. Risk and needs assessment data from the *Youth Assessment Screening Inventory* (YASI), which is completed by Juvenile Court Services, is submitted to providers when youth are referred to programming. In addition to YASI, providers conduct a screening and assessment process by utilizing the *North Carolina Assessment of Risks* (NCAR). Both of these instruments assist providers with determining the appropriateness of the referral for services and the needs of the youth.

Questions that might be asked include:

- Is the program appropriate for youth and/or adults?
- How serious was the harm done?
- Were there aggravating factors involved in the commission of the harm done?
- What is the person who caused the harm's prior record of offending?
- Is the person who caused the harm amenable to participating in the process? (likely to consent to participate?)
- What is the person who caused the harm's mental and emotional state and what is their cognitive ability?
- Have there been any recent threats (or other forms of intimidation)?
- Is the person who caused the harm a part of a criminal organization?
- Is the person who caused the harm related to those most harmed and, if so, how?
- Are those most harmed an individual?