Restorative Justice: Implementation Guidelines

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The following brief explores ways to implement restorative justice. The previous brief An Introduction to Restorative Justice describes restorative justice concepts and practices.

Restorative justice is a centuries-old practice of repairing harm and restoring well-being when an offense has been committed. Originating from American Indian and Alaskan Native (AI/AN) cultures and indigenous cultures in Canada, Australia, and New Zealand, restorative justice practices are being used today in schools in Australia, New Zealand, Europe, and the United States. And in these schools, students, teachers, administrators, and communities are experiencing the transformative powers and life skills that can be gained from restorative justice practices.

Why restorative justice? The bulk of today's schools currently use the disciplinary policies of zero tolerance and punitive measures, and research has shown that these policies do not improve school climate. In fact, such policies can actually hinder academic achievement and increase both disciplinary problems and dropout rates (Graves & Mirsky, 2007). Restorative justice offers an alternative, and this brief provides guidelines on implementing this alternative, as well as resources for more information.

Implementation – An Overview

System-wide implementation of restorative justice practices is a long process and can take three to five years, depending on the size and scope of the school district (Blood & Thorsborne, 2005). One way to make the process manageable is using a staged implementation, such as the following example:

1. Identify a core group of staff and/or community members who show interest in restorative justice and work with them first.

2. With the core group of staff develop a framework and decide (a) which restorative justice model or models to implement and (b) how elaborate the program should be based on the needs of the school district.

3. Work with the core group of staff to create a broad coalition of individuals for participation in the model or models chosen for implementation. Consider members of the juvenile justice and probation departments, members of community organizations, parents, and school leadership.

4. Choose a starting place. For example, a major collaboration could begin by implementing restorative justice practices, such as circles, mediation, and family group conferencing, for a range of incidents. Or a small group of teachers may choose to use restorative practices to reduce time spent on discipline in the classroom.

5. Access the entire community and existing resources whenever possible, no matter what framework or model is chosen.

Here are a few examples of school and community collaboration:

- A local community organization provides space to hold family group conferences

- A nonprofit provides opportunities for youth to do community service as a result of their mediation, conference, or circle agreement

- A crime victims council in the community provides services to victims or victim awareness classes for the youth who caused the harm

- A juvenile justice professional or probation officer receives training in mediation and provides mediation services or helps train school staff in mediation

- Local mental health agencies provide services for youth who are determined to be in need after a circle or conference is conducted

Public Health Model

To ensure successful implementation, schools should be both proactive and reactive in the use of restorative practices. One analogy to examine is the public health model describing the three levels of intervention—universal, targeted, and intensive—using Morrison's Hierarchy of Restorative Responses (Morrison, 2004):

- **Universal level:** Targets all members of the school community so everyone develops social and emotional skills and learns to resolve conflicts in a respectful way. This is the culture change discussed later so that everyone is "walking the walk" and using restorative language and practices.

- **Targeted level:** Addresses any conflict that causes harm to others in the school or community. This often requires a third party to facilitate the model used, which could be anything from an informal circle or individual conference to a small group or classroom conference to repair the affected relationships.

- **Intensive level:** Includes the participation of a larger group from the school or community that have been affected, such as parents, family members, friends, social workers, or juvenile justice and probation officials. A family group conference, a series of circles involving everyone harmed in the community, or a formal victim-offender mediation may be used.

These response levels create a continuum of restorative justice practices for various behavioral issues or other issues and help to ensure that restorative practices and language permeate the school and community and that responses are not primarily reactive (see Figure 1). Using this framework gives the school and community a range of proactive and reactive responses to conflict or behavior issues in the school, which in the end will be more sustainable by institutionalizing the process of restorative practices (Morrison, 2004).
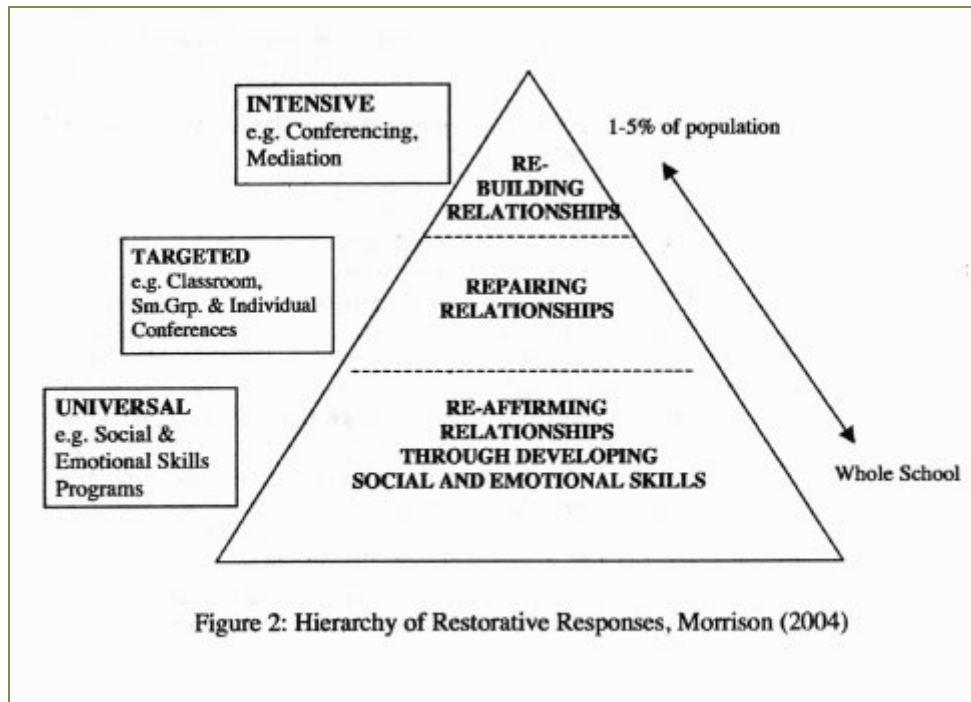
Figure 2: Hierarchy of Restorative Responses, Morrison (2004)

Figure 1. Morrison's Hierarchy of Restorative Responses (Morrison, B., 2004)

Costs

The most significant cost in implementing restorative practices in schools is training costs. Training prices vary, depending on the length, intensity, and location (i.e., whether it's on-site or off-site training) of the course. Training courses are available from introductory sessions on restorative practices, to restorative management and supervision, to specialized trainings on facilitating circles or family group conferences. Organizations providing restorative justice trainings are listed in the Resources section of this brief.

While training costs are an initial monetary investment, implementing restorative justice practices can save schools time in dealing with behavioral issues and conflict, and communities can save money in the long term with reductions in youth crime and fewer youth being processed in the court system. For example:

- As mentioned earlier, tapping into existing school or community resources can make implementation cost-efficient and sustainable. Examples include partnering with a local nonprofit to provide community service opportunities for youth or having a probation officer trained in mediation help train school staff.
- Training teams of school staff not only reduces training costs, but staff can support each other and divide up the work. It is also beneficial to team up new facilitators with more experienced ones, as evaluation and supervision are important in the initial stages of implementation. This also eliminates the need to constantly bring in and pay external trainers to train new staff by using a train-the-trainer approach instead.

- Training students in peer mediation and how to solve smaller conflicts on their own can reduce the time school staff spends on discipline (Minnesota Department of Children, Families and Learning, 1995).

- Once trained, school administrators and staff will be better able to handle disciplinary problems that they may have once passed off to law enforcement. As a result:

    o Juvenile justice officials save time and money in reduced caseloads.

    o Judges and probation officers can use court time for more serious cases, also saving time and money for the court system.

Real-world success stories illustrate the monetary value of restorative justice programs:

- A large-scale restorative justice program for youths who had been referred to state custody found that the yearly cost per case was $48,396 for youth in the restorative program versus $65,866 for youth in the state custody program (Bradbury, 2002).

- A school in Pennsylvania that implemented a school-based probation program for suspended students to perform community service found youth from these cases spent significantly more time in the community without criminal charges and were less likely to be charged with serious new crimes. They estimated the savings projected for every case assigned to school probation at $6,665 per case (DeAngeleo, 2005).

Additionally, after payment for the initial start-up and training of school staff and relevant community partners, a restorative justice program can virtually be a no-cost practice.

Case Study: Hollow Water's Community Holistic Circle Healing Process

One of the most widely known studies of circles and cost-effectiveness is the Hollow Water First Nations Community Holistic Healing Circles (CHCH). Community members began using circles to deal with the issue of alcoholism in Hollow Water. In those circles, many began sharing experiences with sexual abuse. This led to development of healing circles as a way of dealing with the harm created by the offender, healing the victim, and restoring the community. The community did a 10-year study to evaluate the effectiveness of the 13-step program, as well as the costs of CHCH versus the costs of using government-run services in addressing the offences.

Over the 10 years, the federal and provincial governments contributed $2.4 million dollars to the participatory research study, which included 107 individuals who had committed offenses and 400–500 victims. Under the assumption that the

average indigenous offender spends 60 percent of his or her sentence in incarceration and that individuals who participated would have been convicted and given sentences equal to the national average, the study found the government-run services costs would have totaled between $6,212,732 and $15,901,885. (These figures represent the low-end inmate costs and total operational costs of housing inmates.) Based on these totals, the community saved between $3,812,732 and $13,501,885 on inmate housing costs alone, and this did not factor in the value-added benefits to the community that are difficult or impossible to measure. These benefits included increasing the community's capacity to handle these situations, the healing effect of the CHCH process, and the increased signs of health and wellness in community members, as well as the tools and ability to continue tracking data. In addition, at the time of the study, the national average recidivism rate for sexual offenders was 13 percent, and the recidivism rate over the 10-year study was 2% of the participants, or a total of two individuals. (Couture, et al, 2001)

Steps

There are specific steps to implementing a restorative justice program. It requires buy-in at all levels of the school system and community, as well as a commitment to using and working through the restorative practices, not just with students but also among staff, to create a culture that produces results in students' behaviors. And it is an investment in time, staff, and training.

Buy-In

Staff interested in bringing restorative justice practices to their school system must pursue some level of buy-in. If a principal or superintendent, he or she will need to get buy-in from some number of teachers to begin using the practices, that is to develop a core group. If it is a teacher or a group of teachers, they'll need to get buy-in from administrators to get money for training and approval for instituting restorative justice practices in their classrooms. So wherever one is in the system, he or she will need to get some level of buy-in. Following are some ideas for how to get that buy-in from specific groups.

Principals and Superintendents

Principals and superintendents are responsible for the overall success of the school, such as the school climate, quality of education and student learning, welfare and safety of students and staff, and student behavior. To create buy-in, begin by showing how restorative justice practices can help support and improve these areas of responsibility. For example, compile and present survey data on

detention rates and suspension rates, number of students sent to the office, and academic achievement. Show how the school's data compares to that of schools who have successfully integrated restorative justice practices into their school culture. Present case studies and testimonies of restorative justice success stories to administrators, including their before and after data to back up your argument.

Superintendents are more likely to engage with those who have seniority in the district, so consider finding an ally with experience working in the community, such as from the juvenile justice department or a well known community organization, and bring them when presenting your case.

Keep in mind, however, that buy-in doesn't have to start at the administrative level. Change can be initiated with a grassroots leadership, and leaders may be found throughout the school community, for example:

• School staff

• Law enforcement and probation officers

• Parents

• Members of community or faith-based organizations

Once you get senior administration support, be clear how they can support implementation, such as intervening with teachers who are resistant or communicating the benefits of restorative practices to parents and the media.

Teachers

While superintendent and principals often have the power to provide resources or to make decisions on school programs, it is not always necessary to start at the top of the administrative ladder to implement restorative justice practices. Build ground-level support by presenting your case to lead teachers and getting their buy-in. Once they see the benefits of restorative justice, they can get buy-in from their peers and coordinate restorative practices at the school level (National Center for Mental Health Promotion and Youth Violence Prevention, 2007).

Parents

Parents can also be great advocates in schools for programs that work in aiding in their child's learning and solve behavioral problems that are arising at home too. Invite parents to an open house that provides an overview of the school's restorative program and demonstrates how the restorative practices are used with role plays. Or have one of the senior level administrators you have gotten on board send out a press release to parents about the initiative and include data on successes such as fewer detentions and students sent to the principal's office for disciplinary reasons. Once on board, parents can be resources as volunteers if they have experience in mediation for instance, and also as advocates in the school to gain additional buy-in from school staff. Vocal parents often catch the ear of senior level administration and teachers.

Community and Media

Members of the community are an important part of the core group, and superintendents are often connected with leaders in the community as well as media outlets. If the superintendent is onboard, ask him or her to help recruit key stakeholders in the community, such as from law enforcement, juvenile justice, and other organizations that serve youth. As mentioned above restorative practices can help reduce youth crime which is beneficial to local businesses in the community. It also reduces the work load of the courts having fewer youth processed kin the system. Seek to leverage any resources they could offer. A superintendent's press release on the successes of implemented restorative practices can garner media attention. Parents and school staff who are on board can also write letter to the editor of local papers highlighting the successes of the initiative in their school.

Training

Restorative justice practices are a brand new way of looking at resolving conflict, restoring relationships, and problem solving, especially in the school setting. Training therefore becomes an essential and important component to successfully implementing restorative justice in the school system. To begin research into training organizations, see the Resources section at the end of this brief, which provides two training sources.

Once the core group receives training, they can use a train-the-trainers approach by training other colleagues. This approach produces two key benefits: (1) It reduces training costs and makes implementation more sustainable. Less money, or perhaps no money, has to be expended for future staff training. (2) The trained core group becomes a support group for newly trained staff, readily available to answer questions, resolve problems, and provide supervision as well as encouragement—also enhancing sustainability.

Real-Life Success Story

Palisades Middle School started with a small restorative justice pilot program of interested staff working with at-risk students and ended with a transformation of culture and behavior changes in students throughout the district. Restorative practices were implemented over a three-year period.

During implementation, the principal and assistant principal identified staff as falling into one of three groups: "believers," "fence sitters," and "critics" (Mirsky, 2003). Staff who fell into the believers group were first trained to work with a group of students struggling with behavior issues and academics and who had been stigmatized as unreachable. Through restorative justice practices, these students experienced positive behavior changes, catching the attention of the fence sitters. The fence

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sitters then began to work with the believers, becoming believers themselves and receiving training. The believers provided support for the trained fence sitters as well as modeled restorative justice practices. In the third year of implementation, the critics and the Palisades high school began to see the evidence of change, which moved them onto and over "the fence" to adopt restorative justice practices for the high school. (Mirsky, 2003)

Culture Change

To achieve the desired outcomes from implementing restorative practices will take organizational culture change.

Restorative practices focus on relationships among all members of the school community. And as previously mentioned, they will challenge people's beliefs and philosophies concerning punishment. Therefore to begin effecting change, it is important for staff to lead by example and model restorative practices and language, both for those who have not yet "bought-in" and for the students.

One clear means for creating a culture change is for the core group to move away from language that is blaming, shaming, and stigmatizing when talking to or about students, parents, colleagues, and management staff, and to begin to develop a common language that is more relational, focusing on respect and relationships. Another step is for teachers to use restorative justice models in their classrooms to solve problems and resolve conflicts among students, and to actively encourage students to speak and act restoratively with each other. This begins a culture change among students, and as their behaviors positively change, others will see and begin to have their beliefs altered.

To be successful, the core group must become leaders in the process of implementing restorative justice and creating culture change by committing themselves to not only "talk the talk" but to "walk the walk" (Blood & Thorsborne, 2005).

Evaluation

After implementing a restorative justice program, it's important to evaluate the program on an ongoing basis. Collecting data will help determine what is and isn't working and where the most help is needed for staff professional development, as well as what aspects of the restorative justice program are working. As with any evaluation program, the size of the evaluation will depend on the financial and staff resources available. However, to best track progress, it is advisable to include the following elements in the evaluation (Totten, Kelly, & Caputo, 2003; Mccold, 2003):

• Quality of the program

• Agreement completion rate

• Recidivism

- Participant satisfaction

- Sense of security for participants

- Participant behavioral changes

- Impact on the school and community

One way to measure the impact of the restorative justice program on the school and community is to conduct focus groups with key stakeholders asking such questions as the following:

- Are we doing what we said we'd do?

- Are we having the impact we said we would?

- Is the school, community, and local justice system benefiting?

- What have we learned?

And as with any evidence-based practices, it is important to implement your restorative justice program with fidelity. Choosing a continuum of restorative practices will minimize the need to adapt it. If adaptations are made, be sure to carefully track them, which will make it easier to determine why the practices did or didn't work (Harding, 2007). A variety of evaluation toolkits and sample surveys for participants are available in the Resources section at the end of this brief.

Conclusion

Schools are often challenged with a lack of financial and human resources to address behavior problems in their district. Restorative justice practices are a resourceful way to address these issues and create lasting change in a district's or school's climate. By implementing a restorative justice framework, shifting the culture from one of blaming and shaming to building relationships and respect, and getting buy-in at all levels, school personnel and stakeholders in the community will have another tool to use with youth to repair harm and teach problem-solving and relationship-building skills. Evaluating the program will provide data illustrating its effectiveness and aid in recruiting more believers of restorative practices.

The Resources section at the end of this brief provides some materials to help you in implementing restorative justice practices in your school system.

Resources

Implementation

The Challenge of Culture Change: Embedding Restorative Practice in Schools
This paper seeks to broaden the perspectives of senior and middle management and restorative practitioners around what restorative practice in schools can look like; and to present some practical guidelines which represent a strategic approach to the implementation of restorative practices, so that they "stick"— that is, become sustainable. (Quoted from Blood & Thorsborne, 2005) Retrieved from

http://www.betterbehaviourscotland.gov.uk/uploads/The%20Challenge%20of%20Culture%20Change.pdf.

SaferSanerSchools: Transforming School Culture with Restorative Practices
This article describes how restorative practices were implemented in certain southeastern Pennsylvania schools. The culture change that took place is described from the perspective of school staff, students, administrators, and other community stakeholders.
http://www.iirp.org/pdf/ssspilots.pdf

Building Safe and Healthy School Communities: Restorative Justice and Regulation
This article from Corrections Today, looks at how a juvenile probation department in Pennsylvania implemented restorative practices in their community. It examines how they worked with the courts, victim's services organizations, counselors, and other stakeholders in the community to leverage already existing resources in the implementation process.
http://www.iirp.org/pdf/au05_morrison.pdf

Respecting Everyone's Ability to Resolve Problems: Restorative Measures
This booklet applies restorative practices to deal with school-based conflicts and problems. The booklet covers: principles of restorative measures in schools; implementing restorative measures in a school; restorative measures and violence prevention; and examples of restorative measures in Minnesota.
http://education.state.mn.us/MDE/groups/safehealthy/documents/report/002552.pdf

Guide for Implementing the Balanced and Restorative Justice Model
This report's purpose is to assist juvenile justice professionals in implementing balanced and restorative justice practices in their work. It discusses the BARJ model whose mission includes: accountability, competency development, and community safety. For each component, the reportoutlines key characteristics of programmatic approaches. The report also includes practical information and tools to help juvenile justice professionals to implement the BARJ model.
http://ojjdp.ncjrs.org/PUBS/implementing/contents.html

Costs

Restorative Justice Reduces Crime and Saves Money: UK Ministry of Justice Report
This report from a 7 year study by criminologists at the University of Sheffield, UK shows that face-to-face RJ conferences both reduce crime and provide cost savings to the government.
http://www.iirp.org/pdf/ukresearch.pdf

A Cost-Benefit Analysis of Hollow Water's Community Holistic Circle
Healing Process One of the best-known uses of the sentencing circle is the Hollow Water First Nations Community Holistic Healing Circle. This study examines the First Nations Hollow Water communities' use of circles to devise a healing system for sexual abuse. In their cost-benefit analysis, they found circles to be much less costly than if the offenders were sent to the federal system. The study also found the recidivism rate for sexual offenders was significantly lower for those who participated in circles. http://www.eric.ed.gov/ERICWebPortal/contentdelivery/servlet/ERICServlet?accno=ED459018

Training

International Institute for Restorative Practices (IIRP)
IIRP provides restorative practices training, consulting, resources, and materials internationally. The IIRP and its partners have trained thousands of individuals since founding in 1995. They offer core trainings covering an introduction to restorative practices, using circles effectively, and facilitating restorative conferences. They also offer specialized trainings on restorative management and supervision, facilitating groups, family group decision-making, facilitating restorative conferences training of trainers, introduction to restorative practices, using circles effectively, training of trainers, and reducing bullying with restorative practices. The IIRP conducts on-site trainings as well.
http://www.iirp.org/training_n_consulting.php

Center for Restorative Justice and Peacemaking
The center provides training, technical assistance, and lectures throughout the United States as well as internationally. Resources, training and seminar information are available on their Web site.
http://www.cehd.umn.edu/ssw/rjp/default.asp

Evaluation

Program Evaluation Kit: Family Group Conferencing
This toolkit from the Center for Restorative Justice and Peacemaking contains pre-conference surveys for victims and offenders as well as post-conference survey examples for offenders, victims, and support persons who participated. (Quoted from Umbreit, M., Fercello, C., 1997) http://cehd.umn.edu/ssw/rjp/Resources/Program_Development/Program_Eval%20_Kit_FGC.pdf

Program Evaluation Kit: Victim Offender Mediation
This Program Evaluation Kit is designed to be a self-administered system for routinely collecting client satisfaction as part of the ongoing operation of a victim offender mediation program. By "self-administered" we mean that this evaluation kit can be implemented by program staff and volunteers, without the need for a special program evaluation grant or connection with a researcher at a University or related institution.
http://cehd.umn.edu/ssw/rjp/Resources/Program_Development/Program_Eval_Kit_VOM_Programs.pdf

Community Toolkit for a Youth Restorative Justice Project
The purpose of this toolkit is to describe how to plan for, deliver, and evaluate a youth restorative justice program in your community. The toolkit gives an overview of restorative justice and the youth model, strategies for building commitment, ideas for funding, and implementation and evaluation tips.
http://www.cleonet.ca/resource_files/COMMUNITYTOOLKIT.pdf

Community Group Conferencing Evaluation Forms
This document from the International Institute for restorative Practices contains pre-conference surveys for victims and offenders as well as post-conference survey examples for offenders, victims, and support persons who participated. http://fp.enter.net/restorativepractices/CGCforms.pdf

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