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# An Initiative to Develop a Sustainable Restorative Juvenile Justice System

Final Report To Maine's Juvenile Justice Advisory Group



Juvenile Justice Advisory Group

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John Gorczyk led the development of restorative justice in Vermont. Between 1991 and 2003 he served as Commissioner of the Department of Corrections and promoted intermediate sanctions, restorative justice programs, and the application of evidence-based practices. John has advised CJNVT on amending laws and policies to deepen restorative justice practices in Vermont and develop accreditation standards.

George Shaler is the Director of the Maine Statistical Analysis Center (SAC) and has been employed at the Muskie School since 1999. He serves as Managing Director of the Children, Youth and Families-Justice Policy program. In his role as SAC Director he provides program evaluation and consultation services to state and local government agencies as well as community-based organizations in criminal justice, public health, and health policy issues. In 2015, one of these reports—*Disproportionate Contact: Youth of Color in Maine's Juvenile Justice System*—received JRSA's Douglas Yearwood National Publication Award.

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## 1.0 Executive Summary

This report is based on a comprehensive review of practices, innovations, and an assessment of the potential for system-wide rollout of restorative justice (RJ) programs and services for youth in Maine. The report outlines findings from a project conducted by the Community Justice Network of Vermont (CJNVT) between April and October 2016, based on a specific series of questions posed by the Juvenile Justice Advisory Group (JJAG). The report describes the methods, resources, and approaches CJNVT used to accomplish the tasks associated with the requested services. It outlines and develops recommendations to inform a “blueprint” describing in concrete terms what the JJAG can do to expand and improve restorative justice practices in Maine.

Examining the experience of other jurisdictions can be a useful means to identify options to advance and further develop restorative justice. However, the knowledge, experience, and expertise that currently exists in Maine is substantial. This document reports best practice based on regional, national, and international models, policies, and implementation strategies. Presently, the best indicators of success about “what is working” come from a wide range of tests of small-scale applications and are based on learning between programs and practitioners. Based on this literature, this report identifies and offers insights about impediments and key challenges to the sustainable integration of restorative justice into youth justice systems. As part of an overall Blue Print, this report considers initial training and supervision requirements and capacities to ensure those who work with youth in conflict with the law are educated about the value(s) of restorative programs for youth.

The report is organized into the following sections: 1) project methodology; 2) significant activities undertaken during the project; and 3) key findings and recommendations. The final section of the report offers some specific steps for JJAG to consider based on the specific questions posed to key stakeholders and survey respondents throughout the project. The project design and delivery we have proposed is grounded in the language of stakeholders surveyed and interviewed through the project. **Appendix A** outlines the specific questions and our responses based on the original Request for Proposal (RFP). Overall recommendations are outlined below.

## 1.1 Key Findings and Recommendations

- A variety of organizations in Maine are delivering restorative justice programming for youth around the state. **Appendix B** presents a map of existing programming. Programming tends to be concentrated in Region 1 and Region 2. CJNVT has identified key data about existing restorative justice programs in Maine. This includes office, locations, types of RJ services, system contact points, addresses, and information for key personnel. **Appendix C** offers a full and most detailed to date compendium of restorative youth programs in Maine. *We recommend expanding access to existing programs, increasing the number of programs across the state, and considering how existing stakeholders can work together to develop RJ programs, especially in Region 3.*
- While some assessments and evaluations of existing programs have been completed to date, in general there is a lack of consistent data collection that would allow for the sort of rigorous analysis required to know whether existing programs are “working.” **Appendix D** provides a detailed overview on understanding evidence-based programs and practices for youth, and key considerations and options about how to assess system-wide reforms, using consistent and valid measures. *We recommend that future funding include agreed-upon outcomes, clear and consistent criteria for data collection, and regular reporting based on a graduated model of evaluation so as not to overwhelm fledging programs.*
- Australia, Canada, New Zealand, and the United Kingdom have developed various models of relevant restorative justice legislation or practice. In the US, Alaska, Colorado, Pennsylvania, South Carolina, and Vermont offer important examples of the use of restorative programs for youth. The literature review presented in **Appendix E** offers some insights from other jurisdictions based on a detailed examination of national and international models/approaches. Research supports the development of “home grown” vs. “imported” models so long as principles associated with evidence-informed processes and outcomes are clearly identified and used to drive the design, implementation, and quality adherence. *We recommend the experience in other jurisdictions be reviewed but caution against abandoning existing RJ programs.*
- Recent analysis suggests best practice involves investing in a whole system approach based on cross-sectoral engagement. This includes ensuring restorative programs and services exist for youth at a variety of contact points. **Appendix F** offers one view of a system-wide approach. *We recommend Maine consider a hybrid of the “dual track” and “safety net” models in which restorative programs are prioritized at every point of entry or contact point for youth in conflict with the law, with opportunities for victims to participate throughout.*

- A variety of challenges and barriers to the implementation of restorative justice programs exist in Maine and elsewhere. These include, but are not limited to, legislative authority, fidelity to practices associated with the benefits of restorative justice for youth, local and cultural adaptations, ensuring consistent referrals to community-based programs, state and non-state interactions, and the multitudes of organizational relationships that can sustain or complicate restorative programs. **Appendix G** offers a list of impediments and specific responses. *We recommend JJAG consider which of the listed impediments are particularly relevant for Maine and which mitigation strategies could be integrated into existing program management.*
- Most organizations offering RJ programs struggle to finance their operations. While few studies have carefully examined relative costs and benefits of RJ programs, promising findings report a high return in terms of crimes prevented, and lower costs of delivering RJ compared with traditional “interventions.” **Appendix H** outlines some sustainability issues and specific responses, including a methodological starting point to compare costs and provide financial data for all stakeholders. *We recommend JJAG consider a cost comparison study to build on a more consistent approach to data collection and allow for an average costs per case comparison to be calculated.*
- To promote a sustainable RJ system, a number of existing actors must work together. This includes those connected to JJAG, DOC (JCCOs, Long Creek), and community-service providers. Specific recommendations include:
  - We recommend that JJAG convene a RJ Council or Consortium to collaboratively design a strategic plan through an inclusive process involving key state and non-state actors. This will require building on existing community-based capacity, the interest among other state agencies, and the motivation among Juvenile Community Corrections Officers (JCCOs). **Appendix I** offers some considerations for Maine in moving toward a state-wide/whole system.
  - We recommend that JJAG consider the value of existing restorative programs to assess the extent to which they can activate communities, increase volunteerism, and expand an understanding of the limitations of punitive responses to crime and harm for youth. Part of this assessment must include a common way to understand how existing programs embrace evidenced-informed processes and outcomes. **Appendix J** offers some elements for local service providers to consider.
  - We recommend that prioritizing the development and promotion of restorative justice “services” in the community does not result in abandoning restorative “approaches” within state agencies. **Appendix K** offers recommendations for expanding programming at Long Creek and defining the role of JCCOs, consistent with a community-first focus.

## 2.0 Project Methodology

The project was organized between April and October 2016 through three interrelated phases: 1) Identification, Verification, Legislation, and Evaluability; 2) Literature Review of RJ: Models, Mechanisms, and Sustainability; and 3) Recommendations for how Maine can Expand and Improve RJ Services for Youth. A key part of the report focuses on addressing the following questions.

### 2.1 Key Questions

What youth-serving restorative justice services currently exist throughout Maine?

- Where do those services exist?
- What models/programs are being implemented?
- How do we know whether these programs are “working”?

What youth-serving restorative justice models show promise for the state of Maine?

- What other national and international models of restorative justice have proven to be effective in addressing juvenile delinquency?
- What other youth-serving systems could benefit from adopting a restorative approach or restorative justice services?
- How have other states or countries addressed potential barriers to implementation of restorative justice practices (e.g., confidentiality laws that prohibit sharing of information)?
- How are successful restorative justice practices/services both in and out of state sustaining themselves?

What can the JJAG do to promote restorative justice practices throughout Maine?

- Is development of a statewide model possible and/or preferable?
- Is development of a variety of services based on local needs and resources possible and/or preferable?
- How does the development and promotion of restorative justice “services” differ from the development and promotion of restorative justice as an “approach” to existing practices?
- Should the JJAG promote both restorative justice services and restorative justice as an approach throughout Maine or limit its initiatives to one or the other?

## 2.2 Approach and Assumptions

CJNVT employed a multistage, mixed methods approach to data collection and analysis.<sup>1</sup> Data collection included a survey designed to capture both quantitative and qualitative responses on key questions around existing practices, implementation challenges, and aspirations for Maine. Based on these responses, focus group questions were designed to delve deeper into the themes that emerged from the survey. Themes were identified by the project team through a process of identifying common responses and comparing the depth and detail of the open-ended questions. Detail is related to the number of unique concepts that emerged throughout all data collection. By contrast depth is connected to the nature of the responses, especially in the open-ended survey responses. This included the length of responses, the complexity of connections made, and specific examples provided.

CJNVT's approach involved identifying, verifying, and assessing existing programs in Maine based on initial meetings with JJAG. This included meetings with Barry Stoodley, retired Department of Corrections (DOC) Associate Commissioner; Colin O'Neil, DOC Associate Commissioner; Anna Black, DOC grants manager; Tracey Horton, Associate Professor of Forensic Psychology and Criminal Justice, Thomas College; Nate Gagnon, JJAG Compliance Monitor; Jason Carey, JJAG Associate; Roy Curtis, Belfast DOC Regional Manager; Sergeant Jonathon Shapiro, State Police Department; and Mary Lucia, DOC Policy Manager.

Subsequent interviews were conducted with Patti Kimball, Ryun Anderson, and Chris Jones of Restorative Justice Institute of Maine (RJIM), and Lorraine Brown and Sarah Mattox of the Restorative Justice Project of the Midcoast (RJPM). Both organizations offered insights into their hopes for restorative justice in Maine and the role

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<sup>1</sup> For more on a multistage mixed methods design see Wheeldon, J. & Ahlberg, M. (2012) *Visualizing Social Science Research: Maps, Methods, and Meaning*. Thousand Oaks, CA: Sage Publications; Wheeldon, J. (2010) Mapping Mixed Methods Research: Methods, Measures, and Meaning. *Journal of Mixed Methods Research*, 4(2): 87-102; Wheeldon, J. (2011) Is a Picture Worth a Thousand Words? Using Mind Maps to Facilitate Participant Recall in Qualitative Research. *The Qualitative Report*, 16(2): 509-522

this project could play. Through these initial meetings in stage 1 CJNVT identified key strengths and challenges in Maine (See **Appendix L**).

Stage 2 involved the development of a survey of key individuals in Maine identified by JJAG, DOC, RJIM, RJPM, and George Shaler of the University of Southern Maine. The survey is attached as **Appendix M**. In addition to collecting data on participants in terms of their employment, years in role, knowledge of RJ, and interest in moving toward a more comprehensive RJ system in Maine, the CJNVT adapted the Stages of Concern (SoC) questionnaire. Used in situations where new practices, policies, and programs are being introduced, the SoC questionnaire is based on the belief that change efforts more often succeed when people feel they can raise questions and concerns and express their ideas in a climate of safety, respect, and thoughtful discussion. Efforts were made to adapt this approach based on key areas identified from existing literature and previous experience from around the world.<sup>2</sup>

Over 110 participants were identified by CJNVT, JJAG, RJIM, and RJPM, and contacted by email. Results are included as **Appendix N**. Based on the survey results (n=77), CJNVT designed a workshop for July 21, 2016 to bring together a smaller group of participants at the forefront of restorative justice programs for youth in Maine. Through a series of focus groups, 32 key RJ stakeholders participated in a full day meeting. Conversation circles focused on a variety of topics and CJNVT team members worked with each group, asked groups to put the questions in order of importance, posed the questions, and ensured each member had an opportunity to speak. CJNVT team members recorded the discussion for integration into a summary report. The questions are included as **Appendix O**. The results of the conversations were compiled and sent to all participants on July 28, 2016, to allow the opportunity to reflect on the day, clarify any comments they made, or add additional feedback as appropriate. The final compilations are included in **Appendix P**. In Stage 3, this data was compiled and integrated with a detailed literature review organized to answer specific questions presented by JJAG. This involved a determination of how to define key terms used both in the RFP and in the literature.

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<sup>2</sup> See Archie A., George, A.A.; Hall, G.E. & Stiegelbauer, S.M. (2013). *The Stages Of Concern Questionnaire*. SEDL. <http://www.sedl.org/pubs/catalog/items/cbam17.html>. Adapted with permission

Restorative justice is known for definitional confusion. In general, it can be seen as a mechanism to address crime, disputes, and community conflict through one or more meetings involving the affected individuals including the victim(s), offender(s), and representatives of the community. One or more trained and impartial individuals should facilitate restorative justice programs and focus on identifying the harm, attempting to make amends, and promoting reintegration. Specific RJ processes and individual outcomes may vary depending on the context, but RJ programs focus on facilitating personal development by improving cognitive skills, modeling prosocial relationships, and supporting emotive insights. Additional definitions, as agreed by the project team are as follows:

*A Restorative Justice Approach* can be defined as a philosophical orientation that informs all aspects of process and practice;<sup>3</sup>

*A Restorative Model* can be understood as how restorative justice programs and services are available as part of a system-wide framework of restorative justice in any jurisdiction;

*A Restorative Justice Program* is a defined set of replicable services designed to address a specific problem or set of needs.

*A Restorative Justice Service* is a specific unit of a program or the provision of a supportive activity related to a RJ program.

*Restorative Justice Principles* refer to key elements of a program or service, the adherence to which makes it more or less “restorative.”

The result of Stage 3 was a draft report sent to JJAG members and key stakeholders for comment. These comments were integrated into the final report where possible. To further ensure the co-construction of this report, **Appendix Q** provides international ground rules and legal safeguards for the use of restorative justice in criminal matters, **Appendix R** offers a list of research consulted and cited throughout this report.

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<sup>3</sup> We distinguish here between a restorative justice approach that is designed to respond to harm or crime, and “restorative practices” as defined by the IIRP, which suggests restorative justice is a subset of restorative principles that can be applied anywhere and to any situation. See <http://www.iirp.edu/what-is-restorative-practices.php>

### **3.0 Project Activities and Outcomes**

While data collection and analysis occurred in three distinct stages, project activities were organized through three interrelated phases. Each phase included a face-to-face meeting with JJAG to provide project updates, answer questions, and ensure project implementation was proceeding in ways that were consistent with JJAG goals and included the input of key stakeholders. Each phase operated independently of the others, but the results of each informed the development of subsequent phases.

#### **3.1 Identification, Verification, Legislation, and Evaluation History**

CJNVT first worked to identify programs for youth that employ RJ principles in their programs. Given the definitional complexity that spans jurisdictions, any program that said they employed RJ was initially included. In addition, based on federal guidelines, programs serving individuals up to 22 years of age were included. After further research, CJNVT identified those programs specifically providing RJ services in the juvenile justice context, those in a preplanning stage, and those that could promote RJ in their work. These were reorganized to prioritize programs explicitly engaging in RJ programs. This included mapping these programs, listing the contact name, info, and various RJ programs, the contact point for each, and whether these programs have been evaluated to date.

During this phase, CJNVT also conducted an analysis of existing provisions that give legislative basis for restorative justice in Maine. This involved listing possible amendments to better root restorative justice in Maine law, reviewing existing practices, and suggesting new policies that could better integrate existing RJ programs into the youth justice system. Finally this phase included conducting a survey of state/non-state practitioners on the value, implementation, challenges, and benefits of restorative justice. The results of this survey were used to develop questions for focus groups to guide the “Blueprint” section of the final report.

### **3.2 Literature Review: Models, Mechanisms, and Sustainability**

This phase focused on reviewing literature drawn from regional, national, and international examples of juvenile justice systems that have integrated restorative justice programs. This review focused on the wider literature about restorative justice for youth while organizing the review to prioritize the questions posed by JJAG. Overall Literature Reviews/Synthesis involved identifying, assessing, reflecting, and synthesizing the persistent, and sometimes conflicting, findings. This includes scientific literature: program descriptions, and other sources such as: advocacy and rights literature, administrative monitoring, and best practice guidance, including materials from Maine.<sup>4</sup>

During this phase, CJNVT also considered promising models to inform JJAG and the state of Maine, and compiled common impediments, challenges, and lessons for the sustainable integration of restorative justice into juvenile justice systems. While defining specific training areas for community agencies and DOC staff is beyond the purview of this project, this phase also involved initial assessment of research, training, and quality assurance considerations.

### **3.3 Developing Findings and Recommendations**

The third phase of project delivery involved reviewing and assessing the specific questions posed by JJAG, the data collected in phases one and two, and the organization of a Blue print with specific suggestions about where JJAG can go from here to expand and improve restorative justice services for youth. These recommendations were guided both by the initial questions posed by JJAG and by the comments provided and specific questions raised by stakeholders over the life of the project.

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<sup>4</sup> It is important to acknowledge that this work has benefited from collaboration with John and Valerie Braithwaite (AU), Marie Connolly (AU), Kate Morris (UK), Joan Pennell (USA), Lisa Merkel Holguin, and staff at Kempe Center, University of Colorado.

## 4.0 Findings and Recommendations

### 4.1 Identification, Verification, Legislation, and Evaluability

i. What and where do youth-serving restorative justice services currently exist throughout Maine?

Organizations in Maine are delivering restorative justice programming for youth around the state. **Appendix B** presents a map of existing programming. Programming tends to be concentrated in DOC regions 1 and 2 (southern and central Maine) as outlined in table 1. We recommend expanding access to existing programs, expanding the number of programs across the state, and considering how existing stakeholders can work together to develop RJ programs in DOC Region 3.

Table 1: RJ Programs: Programs and Locations

Program	Main Location	Serves
Bates College	Lewiston, ME	Bates college students in and around Lewiston
Portland Center for Restorative Justice	Portland, ME	Gorham High School Prison groups in Windham and Madison Cumberland County
Restorative Justice Institute of Maine	Brunswick, ME	Augusta, Berwick, Biddeford, Bangor, Brunswick, Kennebunk, Lewiston, Portland, Oxford Hills, and Waterville
Restorative Justice Project of the Midcoast	Belfast, ME	Waldo, Knox, Lincoln, and Sagadahoc counties
Restorative Practices Collaborative of ME	Orono, ME	Bath Middle School Boothbay Middle School Hall Dale Middle School Windham Middle School Marancook Middle School Mt. Jefferson Junior High School Ridge View Community School
Thrive: Maine Youth Court	Portland, ME	Portland, Yarmouth, and Bath
York County Juvenile Community Review Board	Old Orchard Beach, ME	York County

ii. What models/programs are being implemented?

Table 2 outlines types of RJ programs by program and contact point

Table 2: Program, RJ Programs, and Contact Point(s).

<b>Name of Program</b>	<b>Type of RJ Programs(s)</b>	<b>Contact Point(s)</b>
Bates College	Restorative Justice Conferences Student Conduct Committee	Conflict resolution Precharge
Portland Center for Restorative Justice	Peacemaking Circles Victim Offender Dialogues	School Community Diversion Postadjudication
Restorative Justice Institute of Maine	Circles Dialogue Conferences	School Presummons Postsummons Precharge Postcharge
Restorative Justice Project of the Midcoast	RJ in Schools Community Conferences Community Re-entry programs Long Creek Programs	Schools Postcharge Incarceration Postconviction
Restorative Practices Collaborative of Maine	School based programs (circles, mediation, panels)	Schools
Thrive: Maine Youth Court	Youth court informed by restorative justice principles	School Preadjudication Postadjudication
York County Juvenile Community Review Board	Community review board model/program (JCRB)	School Community Postarrest Pre- and postadjudication

**Appendix C** offers a full and detailed compendium of restorative youth programs in Maine.

iii. How do we know whether these programs are “working”?

Through the surveys and in discussions with stakeholders, apprehension about the current and future quality of RJ delivery in Maine emerged. Indeed, the concerns about the quality of some existing programs are among the highest revealed in the survey. Some expressed concern about specific RJ practices in the state among a variety of programs.

*Lack of follow up, lack of communication, adversarial relationships with stakeholders, sending different reparative agreements to different conference participants and getting caught, and a general unwillingness to work with others, just to name a few.*

Others identified issues between programs.

*To my thinking, the main impediment to developing a comprehensive continuum of restorative services lies in a messy group of interpersonal interactions over the course of the past four years between the boards/leadership of RJI and RJPM. These two organizations have struggled to come to clarity on whether they're competing or collaborating... and over time, some both inadvertent and some seemingly intentional undermining has taken place. Communication has been poor throughout...*

Some of the practices described by those surveyed are not consistent with any reading of the literature about what works to deliver and sustain an effective restorative justice system for youth. However, it would be premature to suggest specific programs in Maine are not “working.” While some assessments and evaluations of existing programs have been completed to date, in general there is a lack of a consistent approach to data collection that would allow for the sort of rigorous analysis required to make such a determination.

To date, two programs, the Restorative Justice Project of the Midcoast and Thrive Youth Court, have taken steps that would allow for subsequent and more rigorous evaluation. We recommend that future funding include agreed-upon outcomes, clear and consistent criteria for data collection, and regular reporting based on a graduated model of evaluation so as not to overwhelm fledgling programs. **Appendix D** provides some specific examples.

## 4.2 Literature Review: Models, Mechanisms, and Sustainability

What youth-serving restorative justice models show promise for the state of Maine?

Restorative justice models are distinct from specific approaches, programs, or processes. A variety of organizations and individuals have attempted to categorize these models.<sup>5</sup> One accessible approach offers at least four models. The first views RJ as an add-on to the existing system and exists simply as a means to augment existing practice. The second, called the dual track model, allows for RJ processes to be infused at every point of entry or contact point. In this model, the victim is offered the opportunity to be involved at every stage. A third model prioritizes restorative justice as the default approach but allows that the traditional criminal justice system serves as a safety net when restorative programs are unable to bring about a resolution. Fourth and finally, the unitary model assumes restorative processes are the only viable means to address conflict.

Maine's best strategic use of their strengths and resources involves positioning the youth justice system to involve youth and their families and to hold to core principles of keeping kids tied, or reconnected, with family, school, community, or culture. It means working to keep kids out of the system whenever possible. This can best be achieved through approaches that promote victim participation and engage youth in repair, restoration, or reduction of harm they have caused. These processes can simultaneously allow for the identification of additional services needed to get at underlying causes that get in the way of them turning their lives around.

Based on surveys, interviews, and focus groups in Maine, it is clear stakeholders are generally committed to developing an approach that is firmly rooted in and owned by the "community." For example:

*I've had several experiences in which a larger RJ entity moves into an area where smaller RJ movements are occurring and they are unable to work together to support larger progress within that community. These local folks end up alienated and ultimately don't continue the good work they were doing. You need local community members who know the culture and the people within that community to build the support needed to sustain this movement...we need to really invest the time in these communities to have THEM create the program that best meets their needs and involves them.*

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<sup>5</sup> See Van Ness, D. & Strong, K. (2015). *Restoring Justice: An Introduction*. New York: Taylor & Francis.

According to another participant:

*...a circle allowed these boys [who had damaged a local community spot] the opportunity to re-connect with people, share their stories, be seen differently, and have a way forward which would repair harm and shift the way they are seen in the community. The plan involved working with the group that they had harmed...this process was great because it allowed members of the community to participate in a meaningful way.*

In addition, RJ advocates and programs have infused their way into a surprisingly wide range of practice sites (e.g., Long Creek) and entry points, especially in schools, in juvenile probation, and youth development activities. As is clear in the review of the literature, and in the survey in Maine, there are important differences in the way people understand community and how they translate this into roles for themselves and others. We recommend that Maine consider a hybrid of the “dual track” and “safety net” models in which restorative programs are prioritized at every point of entry or intercept for youth in conflict with the law, with opportunities for victims to participate throughout.

i. What other national and international models of restorative justice have proven to be effective in addressing juvenile delinquency?

The literature review in **Appendix E** offers some insights from other jurisdictions based on a detailed examination of national and international models/approaches. These are summarized in the tables 3 and 4 below.

Table 3: International Jurisdictions: RJ Programs and Lessons

<b>International Jurisdiction</b>	<b>Primary RJ Application</b>	<b>Lessons for Maine</b>
Australia	Conferencing Wagga Wagga Family Group Conferencing	Police-led RJ programs allow for large-scale diversions; options for victim participation is essential
Canada	Victim Offender Mediation Peacemaking Circles Circles of Support and Accountability	Investing in RJ for youth can lead to other community-based programs; can create innovative responses but need support and facilitation from state actors
New Zealand	Family Group Conferencing	Benefits to institutionalizing RJ practices within state institutions, but need meaningful participation from the community to be sustainable
United Kingdom	Conferencing Victim Offender Mediation Restorative schools/cities	Restorative schools and cities suggest need for cross-sectoral engagement to assist youth whenever/wherever conflict occurs

In the US, Alaska, Colorado, Pennsylvania, South Carolina, and Vermont offer important examples of the use of restorative programs for youth.

Table 4: National Jurisdictions: Programs and Lessons

National Jurisdiction	Primary Programs	Lessons for Maine
Alaska	BARJ Tribal RJ programs	Agreements with tribal villages, the Division of Juvenile Justice, and the Department of Law can authorize direct referrals back to the tribe for resolution through indigenous RJ programs
Colorado	BARJ RJ in correctional settings	Restorative Justice Coordinating Council can support the development of restorative justice programs; RJ programming can be used in youth detention facilities with some success
Pennsylvania	BARJ	RJ can drive broader juvenile justice reform in law and policy and can be used alongside evidence-based metrics and methodologies
South Carolina	BARJ	RJ can be a vehicle for developing a framework for broader community-based reform; an Annual Report to Citizens on RJ practices can make clear the benefits
Vermont	RJ Panels Restorative reentry COSA	Significant value realized by investing in the community infrastructure to manage and deliver RJ programs such as defined community; collaborations with other youth serving systems; site to recruit and train volunteers and innovate

We recommend the experience in other jurisdictions be reviewed but caution against attempting to abandon existing RJ programs. Research supports the development of “homegrown” vs. “imported” models so long as principles associated with evidence-informed processes and outcomes are clearly identified and used to drive the design, implementation, and quality adherence of homegrown approaches.

ii. What other youth-serving systems could benefit from adopting a restorative approach or restorative justice services?

Data sources indicate that grounding RJ in partnerships between state and non-state actors is essential. We note some disagreement in Maine about what “community” means, who gets included, and how best to ensure that crime victims, young people, and other voices of constituents are included in meaningful ways. It is clear that stakeholders appreciate restorative justice as a shift in philosophy first and then a set of programs or services second. The program becomes limited if the shift in philosophy does not happen. For example:

*Significant effort is necessary for people and local communities to understand the distinction between provision of restorative practices and a kinder criminal justice process.... The criminal justice system looks at crime as an offense against the state. Restorative Justice begins with recognition of harm to a person and a community. Restoring and healing that harm for both the offender and victim is paramount, as opposed to "paying your price to society". Beginning application of restorative practices with juveniles is likely to be the most palpable evidence in a community witnessing the restoration of harm and the renewal of community.*

Best practice involves investing in a whole system approach to support children and young people in a multiagency, multidiscipline basis to take early action at the first signs of any difficulty—rather than only getting involved when a situation has already reached crisis point. This includes ensuring that restorative programs exist for youth at a variety of contact points. **Appendix F** offers one view of a system-wide approach. The value of this approach was recognized among some Maine stakeholders. This means the justice system is but one means to engage youth. As one stakeholder stated:

*We must always be mindful of the need for differential services and programs for youth, families and communities with an eye towards best practice and measurable outcomes. Despite that, there is no reason why the principles of RJ cannot be integrated into diverse and necessary approaches at all levels from first contact to reintegration from confinement.*

As Leone, Quinn, & Osher (2002) have observed, what is required is a reorientation of services offered by the variety of agencies, organizations, and communities to ensure youth are served based on an agreed framework. This requires engaging partners from the education sector, police, prosecuting attorneys, courts, other juvenile justice actors, as well as mental health, child welfare, and recreation services.

iii. How have other states or countries addressed potential barriers to implementation of restorative justice practices—e.g., confidentiality laws that prohibit sharing of information?

Challenges to the implementation of RJ programs are numerous. These include, but are not limited to, legislative basis, fidelity to practices associated with the benefits of restorative justice for youth, local and cultural adaptations, and ensuring consistent referrals to community-based programs. While not all respondents believe the lack of a specific legislative basis is a barrier, a common understanding among key players does seem to be a concern. For example:

*We find it most useful that the DOC and the prosecutor's office are supportive. Their interpretation of legislation is what is most important for us at this time....It would be helpful to the restorative justice processes in Maine if judges and prosecutors were allowed a legislatively mandated option of restorative practice in all criminal cases at a certain level of crime.*

The surveys suggested that a great deal of concern exists about access and quality of RJ delivery in the state. We understand these concerns to involve a number of issues including definition and preparation with people to engage in honest deliberations at all levels. This means exploring how to create hospitable climates in service organizations, develop media and educational strategies, and establish mechanisms of quality assurance and governance that are consistent with the principles of RJ. For example:

*When a RJ plan is created during a restorative process and that plan is not completed by the offender, the process isn't complete. It re-harms the victims and doesn't bring closure. Because of this we need to make sure that we are holding youth accountable, but in addition providing them with the proper amount of support to complete the entire process.*

*I think another challenge is that we would need to identify a number of new or existing local organizations that would need to be trained in this model in order to provide RJ. In other words we lack a lot of infrastructure, especially in rural and northern ME.*

*The main thing I'd like to see improve is that there is some way of determining that a program has solid training, supervision, policies, and process fidelity supports in place.*

Some responses in the survey are concerning in their suggestion that some practitioners may be using threats or punishment in the guise of restorative practice.

*I am cautious about RJ programming in Maine being less than restorative as new programs strive to meet quotas for numbers served for contracts/funding purposes. I also worry about adults sitting around and making decisions for, as opposed to with, a young person... dressing it up and calling it “restorative” when it is just sitting in a circle and doling out punishments.*

We acknowledge that the literature is rife with concerns about how to get beyond tokenistic involvement of victims and young people and especially to ensure cultural representation. We have learned that tackling the issues of disproportionality in Maine is a top priority. It is clear from the literature that simply introducing restorative decision-making processes cannot solve this broader issue. This requires thinking about cultural variations and promoting the participation of victims. For example:

*Staying true to the principles and values of RP. Teaching young people the principles and values. Ensuring the facilitation of the program is culturally appropriate and feels accessible.*

*The victims' perspective is crucial. At the end of the day, if victims feel that the process was a waste of time, or worse, re-victimizing to them, then the programs simply won't be successful.*

*When it comes to youth who are involved in juvenile justice at the court level (juvenile petition has been filed), attorneys and judges want to be certain that the RJ program being utilized is professional and will benefit victims as well as the offender.*

The question of how to approach confidentiality varies by jurisdiction. Some programs offer full confidentiality, while others offer none. The solution to this question must be worked out on the ground between state and non-state actors. One middle ground has been to make clear that confidentiality will be breached to protect people from a disclosure made during a RJ process that indicates an imminent danger. However, a disclosure that is made in these circumstances would be used to trigger an investigation to search for other evidence that might result in taking further action, and not as evidence in a legal proceeding.

A specific concern that emerged was around confidentiality.

*An employee... angered the sheriff's department by not reporting a domestic incident that was likely criminal. She was told to report it, she said she would, and she didn't. The sheriff's department said they could no longer trust her...*

*We went into a RJ process last year thinking that we were an alternative to the justice system and held information confidential about new criminal activity that was disclosed.*

The largest impediment identified by participants is concern about how the two leading RJ service providers can find common ground.

*There are many RJ groups in the state, each with distinctions in their philosophies and practices. I think that there is benefit in these programs coming together for conversation to further the RJ field.*

*We need to do a better job working together to support this movement in all communities. It's very frustrating to see folks who are considered experts in RJ not being able to resolve conflict amongst themselves. We need a clear process for moving forward that allows all voices to be heard and respected. There needs to be an ability to come together and work together, which isn't happening now.*

It is clear that part of the solution is about working together to define common ways to assess programmatic quality, ensure fidelity, and gather data in ways that will allow for best practice to emerge. This requires a broad-based effort. In the words of one participant:

*I am wondering how we can hold one another accountable to our work, how can we support one another in becoming a restorative state? I don't think one model or one agency can do this we need everyone and all the resources and expertise here. We need administrators, practitioners, board members, clients, students and policy makers to be on board.*

We recommend JJAG consider which of the impediments listed in the table below are particularly relevant for Maine and which mitigation strategies could be integrated into existing program management.

Table 5: Implementation Impediments, Issues, and Mitigation Strategies

<b>Impediment</b>	<b>Issue(s)</b>	<b>Mitigation Strategy</b>
Community Relationships	Competition for funding, recognition, and prestige complicate the needed relationships among community stakeholders	Acknowledge that these issues are driven by perverse incentives inconsistent with RJ principles. Community agencies need to find new ways to coordinate/collaborate
Credibility	Programs at the intersection of the justice system will be held to a high standard around practice (access to information, consistent agreements, confidentiality)	Create space for honest conversations about roles/responsibilities and expectations, and follow up
Fidelity to Best Practices	RJ can be used as a moniker to gain funding but it won't be successful without continually assessing quality assurance and fidelity to best practices	Engage in organizational self-assessments to ensure programmatic assumptions are consistent with what works in RJ programs
Predictable Funding	Programs cannot develop the necessary infrastructure to sustain RJ programs without predictable funding arrangements	Ensure public funds are awarded through a fair and transparent process; diversify funding sources for community agencies
Referrals	Statutory workers including correctional workers and child and youth social workers and probation workers too often do not refer eligible youth to RJ programs	Those who make referrals should be informed by youth-centered goals that are clearly defined by their agencies and are used to inform their work through policy and practice guidance
Legislation	RJ is more difficult to sustain without language referencing the needs of responsible parties, and the interests of the victim, identifying the importance of community partnership and engagement	In Maine, authority is granted to juvenile community corrections officers to “make whatever informal adjustment is practicable without a petition.” This opens the door for referrals to alternative restorative processes
Local Adaptations	Ensuring programs meet local needs makes measuring outcomes difficult	Have stakeholders collaborate to define a core set of measures that can be applied to funded programs
State Non-state collaboration	Restorative justice practices and programs are not immune to being coopted for coercive or punitive ends including net-widening and defaulting to a dominant offender orientation	State actors must allow community organizations to play an essential role in co-constructing the terms of state/non-state collaboration

**Appendix G** offers a detailed examination of impediments and specific responses.

iv. How are successful restorative justice practices/services both in and out of state sustaining themselves?

The issue of sustainability is one that clearly emerged from interviews, surveys, and focus groups. More than 60% of those surveyed do not believe that there is adequate funding to support RJ programs for youth. This issue is clearly about more than funding. For example:

*The key to make ME an RJ state is to figure out sustainability. How can we insure that the various programs succeeding in implementing RJ continue? And how do we coordinate all of the programs so we work toward the same goal? So we don't duplicate services? So we don't undermine one another?*

*I think that as we build capacity in various areas, the emerging leaders in those areas can be mobilized to continue to grow the practices, but we need a solid plan in place for where specific programs will live and how they will be a part of a restorative community of practice. This is the stage we are at in many communities, and while we have ideas of how it could be sustained in a community, there's been little conversation about this with the state, and we are wondering if RJ will be adequately funded to be sustained.*

This included concerns about the need for regular communication and to create space for greater coordination.

*We really would benefit from regular communication with DOC administration at the Associate Commissioner level. Direct communication would help us be accountable, and also to understand DOC's vision so that we can strategically plan to support it. This could be quarterly check-in's or a broader forum, but this would be a great help in sustainability planning.*

*...we have learned that not everyone views RJ as a parallel community based justice option. It was a critical moment in working with DOC to develop a shared understanding of our role. The lesson is that we need to make sure we are clear about our roles in the system, and that that takes really intentional dialogue— the work is not yet clearly defined and we need the kind of space that this situation afforded us to listen to understand and respond accordingly.*

*I am not clear on what a "comprehensive continuum of restorative youth services" means. My concern would be who is deciding what this means? I think that RJ organizations should be active participants in that conversation.*

We recommend JJAG consider which of the sustainability challenges listed in the table below are particularly relevant for Maine and which mitigation strategies could be integrated into existing program management.

Table 6: Sustainability Challenges, Issues, and Mitigation Strategies

<b>Sustainability Challenge</b>	<b>Issue(s)</b>	<b>Mitigation Strategy</b>
Ideological Divides	Justice agencies struggle to move from an offender-focused punishment-centric view of justice with the structures associated with RJ	State actors must focus on “community building” aimed at mobilizing and enhancing citizen and community groups
Community Ownership	While restorative programs cannot be sustained without state funding and facilitation, these programs cannot succeed without significant community buy-in	Community organizations must take ownership of defining and educating the community; creating partnerships with funding and referral agencies; recruiting and training volunteers, and obtaining diverse financial support
Cost savings and reinvestment	Few appreciate that restorative approaches to crime save the state money by preventing individuals from becoming part of the criminal justice system for offenses that can be resolved at the local level with community and victim participation.	Cost comparison studies determine the costs of the juvenile justice system with RJ programs
Coordination and Communication	Sustainability is unlikely without a mechanism for and commitment to regular communication and to create space for greater coordination between funders and community providers	Coordination and communication can be improved through regular meetings based on shared expectations, and clear roles and responsibilities among state and non-state actors

**Appendix H** offers detailed examination of sustainability challenges and specific responses.

### 4.3 Recommendations on how Maine can expand and improve RJ services for youth

What can the JJAG do to promote restorative justice practices throughout Maine?

We recommend JJAG promote a statewide model of RJ. This means confronting a persistent concern expressed to us that an “integrated” RJ juvenile justice system could result in a system that is driven by state interests. This concern could start to be addressed if JJAG convened a RJ Council or Consortium and hired an independent facilitator with specific and transparent terms of reference to collaboratively design a strategic plan through an inclusive process involving key state and non-state actors. This could practically build on existing community-based capacity and begin to engage other state actors who are essential parts of a cross-sectoral system for youth. **Appendix I** offers some considerations. Some in Maine described what is needed in this way:

*1) Structure for how to integrate RJ services along a continuum. 2) Plan for how to avoid competition for funding. 3) Plan for future collaboration and ongoing support of defined best practices... I have put a great deal of thought into this and am inclined towards founding a new organization whose purpose is to do what the Institute initially claimed they would do: be the hub for restorative entities across the state, leading legislative efforts, ensuring allegiance to best practice, gathering data and organizing major joint funding initiatives, and conducting trainings...*

While longer term we believe a hybrid of the “dual track” and “safety net” models would be the best strategic use of Maine’s capacity and experience, there is significant work to do to ensure equitable access to restorative programs at every point of entry or intercept for youth in conflict with the law. In the meantime, we recommend that JJAG consider the value of existing restorative programs and restorative programming based on the extent to which they can activate communities, increase volunteerism, and include a common way to understand how existing programs embrace principles associated with evidenced-informed processes and outcomes associated with RJ. **Appendix J** offers some elements for local service providers to consider as part of an organizational self-assessment.

In the medium term, we recommend that programming at Long Creek continue. Lessons from other jurisdictions, including Colorado, could be reviewed and policies and procedures revisited based on this experience. The work to date involving RJPM provides a solid basis for continued training and program development that can be meaningful for staff and youth.

In the short term, we recommend that JJAG build on the interest and capacity among JCCOs to consider how to prioritize the development and promotion of restorative justice services in the community consistent with a community-first focus. **Appendix K** offers detailed suggestions.

## **5.0 Maine’s Blueprint for a Restorative State: Work Plan and Recommendations**

### **5.1 Summary**

The blueprint provided below is based on the full report “An Initiative to Develop a Sustainable Restorative Juvenile Justice System: Final Report To Maine’s Juvenile Justice Advisory Group,” including the appendices. It was developed to serve as a concise foundational document for the advancement of restorative justice for youth in Maine. It includes key recommendations and next steps, as well as additional recommendations related to legislation, policy, and by organization. Finally, this document offers some essential organizing principles to guide this work and a proposed timeline.

#### **5.1.1 Overall Organizing Principles and Key Considerations**

- Value for investment across the spectrum of youth services and youth engagement
- Outcomes that matter: Improving life chances for young people who are involved with or at risk of involvement with youth justice
- Aligning restorative approaches and principles with court and other justice processes, service provision, business processes
- Fostering a hospitable climate for organizational and workforce development and culture in support of restorative/relational approaches
- Keeping the experiences of youth, their families, and crime victims who experience restorative approaches in the foreground of planning, implementation, and evaluation activities
- Developing and sustaining restorative approaches to ongoing quality assurance and evaluation
- Cultivating local initiatives, leadership, and governance and meshing with systems and processes across the state
- Developing user-friendly data systems that have practical value at the local level and for statewide tracking and planning
- Tracking state, national, and international trends including research and evaluation
- Developing clear and consistent incentives and mechanisms for innovation, experimentation, and replication of successful new approaches and positive outcomes
- Training and mentoring at all levels: Awareness, intensive/indepth, and train the trainers
- Supporting RJ work through a system of public awareness and education
- Involve police, victims, families, schools, tribal programs, and other relevant state agencies and community partners

## 5.2 Recommendations and Next Steps

### 5.2.1. Restorative Justice Council

5.2.1.1 We recommend that JJAG convene a RJ Council to collaboratively design a strategic plan through an inclusive process involving key state and non-state partners or stakeholders.

5. 2.1.2 We recommend devoting resources to hire a RJ Coordinator (state employee, contractor, grant funded) with the responsibility to administer, support, and facilitate the operations of a Council to implement this report’s recommendations. This should include:

- Developing a strategic plan to outline a vision for Maine with specific outcomes, impacts, and indicators of success
- Assessing existing RJ programs to ensure fidelity to RJ practices and principles including activating communities, involving victims, increasing volunteerism, and expanding an understanding of the limitations of punitive responses to crime and harm for youth and the value of RJ
- Exploring how to link restorative justice programs in the community with restorative approaches within state agencies, non-state and private sector beneficiaries of the state’s restorative justice efforts

### 5.2.2 RJ Typology

5.2.2.1 We recommend that JJAG convene RJ stakeholders to review and select a model to guide the collective vision of Maine as a restorative state. We suggest a hybrid of the “dual track” and “safety net” models in which RJ programs are prioritized at every point of contact for youth in conflict with the law, with opportunities for victims to participate throughout. This includes:

- Engaging with RJ stakeholders to collectively define what RJ programs would look like at each contact point of the formal youth justice system
- Working with RJ stakeholders and victim advocates and people who have experienced the harm to collectively define opportunities for victim participation

### 5.2.3 RJ Programming

5.2.3.1 We recommend expanding access to existing programs, increasing the number of programs across the state, and considering how existing stakeholders can work together to develop RJ programs, especially in Region 3. This involves:

- Extending confidentiality provisions for use immunity in cases referred by law enforcement
- Examining and expanding eligibility criteria for JCCOs to refer to existing RJ programs
- Exploring how JCCOs, RCAs, and RCMs can strengthen community partnerships and enhance RJ programs through regional restorative justice councils tasked with developing, supporting, and promoting new restorative programs

5.2.3.2 We recommend that DOC continue to train staff at LCYDC on key principles of restorative justice and benefits for youth.

5.2.3.3 We recommend that future JJAG funding include agreed-upon outcomes, clear and consistent criteria for data collection, and regular reporting based on a graduated model of evaluation so as not to overwhelm fledgling programs.

### 5.2.4 RJ Self-Assessment

5. 2.4.1 We recommend encouraging RJ providers to review this report's self-assessment checklist.

5. 2.4.2 We recommend convening RJ stakeholders to select and adapt an evaluation model for inclusion in future JJAG RFPs.

5. 2.4.3 We recommend contracting to train RJ providers on data collection and compilation.

### 5.2.5 RJ Implementation

5.2.5.1 We recommend JJAG consider which of the listed impediments are particularly relevant for Maine and adopt potential mitigation strategies as a part of future project management.

5.2.5.2 We recommend convening stakeholders to review this report and define key implementation challenges relevant for Maine and adopt mitigation strategies as a part of future service delivery.

5.2.5.3 JJAG should commission a cost comparison study to compare average cost per case between RJ programs and traditional CJS.

## **5.3 Legislative and Policy Recommendations**

### **5.3.1 Legislative Recommendations**

We acknowledge that Federal law prohibits JJAG from "lobbying" for specific legislative changes or proposing new legislation. Likewise, the political climate may not at this time be conducive to achieving the recommendations we have outlined. As we have noted, the basic statutory elements are in place to provide the necessary authority to enable restorative justice processes to be employed at the front end of the juvenile justice system. Over the next 24 months additional steps could be taken to investigate what changes in legislation could better root restorative justice in the Maine juvenile justice system. While this should be done incrementally, the following are recommendations for consideration.

5.3.1.1 Develop specific language that references the principles and values of restorative justice in Title 15 Part 6 section 3002 Purposes and Construction. In this regard, specific language referencing the interests of the victim would be desirable, as would language that identifies the importance of community partnership and engagement.

5.3.1.2 Remove or revise references to punishment in Title 15 Part 6 section 3002 Purposes and Construction.

5.3.1.3. Develop amended language in section 3301 that more specifically and clearly describes the elements of an informal adjustment that is specifically designed to be restorative in nature.

5.3.1.4 Adopt specific language referencing the principles and values of restorative justice in Title 15 Part 6 section 3002 Purposes and Construction. This might include the following language: 3002 1. G. To preserve and strengthen ties to the community through the use of restorative principles and processes.

5.3.1.5 Establish a foundation for restorative practices in the Criminal Code by adding the following language to Title 17 Part 3 Chapter 47 section 1151 Purposes: 7. To promote the development of correctional programs which elicit the cooperation of convicted persons and engage the community as a partner in the criminal justice process.

5.3.1.6 Add language referencing the use of restorative processes to Title 15 Part 6 Chapter 507 section 3301. Preliminary investigation, informal adjustment and petition initiation. Specifically, 3301. 5. B: Make whatever informal adjustment is practicable without a petition. The Juvenile community corrections officer may effect whatever informal adjustment is agreed to by the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated, including engagement in a restorative process, a restitution contract with the victim of the crime and the performance of community service.

5.3.1.7 Amend Title 15 Part 6 Chapter 505 section 3204 be amended as follows: Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a juvenile community corrections officer during the course of a preliminary investigation or made to a police officer or other individuals as part of a restorative process meant to divert the juvenile from more formal involvement in the juvenile justice system are not admissible as evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed.

5.3.1.8 As, Title 17 Part 3: Chapter 48 Victims Rights currently has no specific reference to restorative process. We recommend that section 1172 1 should have an additional item entered as follows: G. The right to participate in a restorative process when one is employed.

5.3.1.9 As there is currently some considerable concern over the establishment of a permanent criminal record once a juvenile is referred to a juvenile community corrections officer we recommend that Maine consider how to establish a provision in law with criteria that allows for the expungement of the record upon successful completion of a restorative contract and/or agreement.

5.3.1.10 Finally, to address concerns that restorative justice is not fully defined, it may be advisable to consider to what extent restorative justice can be defined in Maine. We recommend the following principles guide any definition:

- Restorative justice is a mechanism to address crime, disputes, and community conflict through one or more meetings involving the affected individuals including the victim(s), offender(s), and representatives of the community
- Restorative justice programs should be facilitated by one or more trained and impartial individuals
- A central focus in any RJ program is on identifying the harm, attempting to make amends, and promoting reintegration
- Specific RJ processes and individual outcomes may vary depending on the context, but RJ programs focus on facilitating personal development by improving cognitive skills, modeling prosocial relationships, and supporting emotive insights
- RJ programs combine disapproval for criminal behavior with respect for the individual, forgiveness, and acceptance back into the community

### 5.3.2 Policy Recommendations

#### 5.3.2.1. Recommendations related to the role of JCCOs:

- Develop new policy about restorative justice and include in the Juvenile Community section of the policy manual
- *Policy 9.1 Case Management* should include a statement about RJ in the III. Policy section
- Risk and needs assessment used by JCCOs and referenced in the policy should be reviewed for alignment with RJ principles
- Strengthen Procedure F. Conducting Preliminary Investigations in *Policy 9.3 Pre-Adjudication Functions*
- Section 5 addresses victim contact and should include more detail on victims' rights and restorative questions to ask victims
- Develop training program for JCCOs and Regional Managers focused on the particular roles and tasks they are asked to perform
- Consider how RJ training for JCCOs meshes with Motivational Interviewing

### 5.3.2.2 Recommendations to expand RJ at Long Creek Youth Development Center

- Recruit a Restorative Practices Leadership Team from interested staff at various levels of the institution to help lead restorative justice implementation
- Review the culture, routines, and policies guiding Long Creek for opportunities to build proactive and restorative practice into the fabric of the institution
- Adjust *Policy 15.1 Behavior Reinforcement, Redirection, and Modification* by adding restorative practices to both the staff training list and the Behavior and Skill Training and Reinforcement list for residents
- Add informal restorative practices such as affective statements, affective questions, and informal circles to the Procedure E: Interventions
- Revise language in *Policy 15.3 Resident Discipline System* to encourage consistent application of restorative practices
- *Policy 18.3 Case Plan* should incorporate restorative community conferencing (as available) to the Planning for Reintegration section
- Ongoing training for staff and policy adjustments should include RJ approaches in the lives of residents, and a restorative and reparative approach to address harms that occur

## **5.4 Recommendations by Organization**

### **5.4.1 Juvenile Justice Advisory Group**

JJAG should first refine and clarify the intended outcomes and specify the resources it is ready to invest, in consultation with other statewide players. This should include hiring a facilitator (state employee, contractor, grant funded) with responsibility to administer, support, and facilitate the operations of a group to implement this report's recommendations. JJAG can convene a group (called Council or Consortium in other jurisdictions) to support the coordinated advancement of restorative programs in Maine. A goal for this group could be to design a strategic plan through an inclusive process involving key state and non-state actors.

#### **Key Areas of Focus**

- Explicit statement of vision, values, and expectations
- Use of fair process throughout
- Transparent decision making
- Use of restorative language
- Modeling of expected behavior

#### **Specific Steps**

- Define best investment by contact point
- Strategically determine resources for this initiative
- Convene key stakeholders and work collaboratively to establish a shared vision
- Outline decision-making processes
- Agree on programmatic necessities
- Define the nature of state/non-state collaboration
- Clarify referral procedures and share best practices
- Collaboratively define evaluation criteria
- Redefine RFPs to focus on RJ fidelity and evaluability
- Review JJAG funding protocols
- Consider how conflict will be resolved
- Develop a communication strategy
- Work together to widen the circle and tell RJ stories

## 5.4.2 Department of Corrections

In addition to this work between and among JJAG, community-based RJ providers, and other stakeholders, DOC's Division of Juvenile Services has myriad opportunities to integrate restorative principles and practices both in community corrections and at Long Creek. It is crucial for representatives from Juvenile Corrections to participate in the collaborative processes discussed above as well as to design an internal collaboration process to determine departmental roles and priorities.

### **Key Areas of Focus**

- Outcomes that matter: Improving life chances for young people who are involved with or at risk of involvement with youth justice
- Keeping the experiences of youth, their families, and crime victims who experience restorative approaches in the foreground of planning, implementation, and evaluation activities
- Aligning policy and training with restorative principles and practices
- Fostering a hospitable climate for organizational and workforce development and culture in support of restorative/relational approaches

### **Specific Steps**

- Recruit a planning group that is representative of various roles within the division
- Develop a strategic plan for integration of RJ within existing structures, roles, and budgets
- Adjust policy and procedures to support strategic plan implementation
- Deliver extensive restorative practices training to personnel
- Consider guidelines for staff participation in RJ processes and referral to external processes
- Review and enhance communication patterns to support development of a restorative, relational culture within juvenile corrections
- Consider how to support all employees in transitioning successfully while still valuing their previous work
- Commit to an approach to consistent data collection for program management and outcome evaluations

### 5.4.3 Community-Based RJ Providers

It is clear that for state agencies to invest significant funds into community-based restorative justice programs, these programs need to specify the key elements of their “restorative” application, the expected responses from participants involved, and the expected outcomes. Without clear statements about the nature of the intervention, evaluations are unlikely to be useful. We recommend existing RJ programs in Maine engage in a self-assessment and consider the questions outlined below. Additional questions should be considered.

#### **Recommended Organizational Elements to Consider**

1. How do we define our purpose and direction?
2. What values and principles guide our organization?
3. What are our core functions and operations?
4. How do our governance structures and decision-making procedures assist our work?
5. What can we do to improve our victim services?
6. What are we doing to expand community education and dialogue?
7. What personnel policies, training resources, and support systems exist for staff?
8. How can we diversify our funding arrangements?
9. How often do we review our financial policies and management practices?
10. How can we recruit, train, and engage more community volunteers?

#### **Recommended Programmatic Elements to Consider**

11. What principles/theory of change/values do we say are important?
12. How do we know these principles are being implemented?
13. Under what sponsorship and authoritative arrangements are referrals being made?
14. How can we build on our relationships with referring agencies?
15. How can we improve the way we administer our cases?
16. Who gets access to our programs, who gets excluded, and who gets overlooked?
17. What is the general frequency of the program/intervention and how many hours or days per week do participants attend our program/intervention?
18. What are the credentials of the person(s) delivering the programs/interventions?
19. How are people attending to “fidelity” and responsiveness?
20. How are we learning from others in the state and beyond?

## Data Collection and Evaluation Considerations

21. How can our data collection and evaluation procedures benefit both our external funders and our internal operations?
22. Do we link the programs/interventions we offer with goals and target populations?
23. Are our programs/interventions based on a national model, use nationally recognized curricula, or are homegrown based on defined RJ principles?
24. What measures of progress/success are being applied? Who is applying them? How are they being applied?
25. In addition to decreasing recidivism, what other intermediate outcomes is the program(s) intended to address, if any? Some examples might include improving school performance, improving family relationships, and improving victim satisfaction.
26. Have our program(s)/intervention(s) ever been evaluated for their outcomes? How were the results disseminated?
27. How many people did our programs serve last year?
28. How many participants can our program/intervention serve per year at current staffing levels?
29. What data are we currently collecting on our participants?

- Name
- Address
- Age/Date of Birth
- Gender
- Ethnicity
- Issue(s) to be addressed
- Name of program(s) referred to
- Referral source
- Successful or unsuccessful outcomes
- Results or outcomes of successful program participation

30. What data are we currently collecting on our programs?

- Number of people referred
- Number of people served
- Number of victims contacted
- Number of victims who participated
- Number of community volunteers
- Number of volunteer hours
- Number and types of interventions provided
- Percentage of participants who were successful
- Percentage of unsuccessful participants
- Additional positive outcomes for those that we serve

## Budget and Cost Considerations

- What was the total annual budget for our programs/interventions last year?
- How are our programs/interventions funded (e.g., participant fees, state funding, federal grants)?
- How many participants can our program/intervention serve per year at current staffing levels?
- Approximately how many clients were eligible but could not be served by the program/intervention last year?
- How should we calculate the participant cost for our program/intervention (e.g., annual budget divided by number of participants, contract cost, other)?
- What is the participant cost for our program/intervention?
- What does this cost calculation miss about our work (training staff, mileage, space, operations)?

## 5.5 Phases and Timeline

Phase 1: Establish RJ Council and nominate a leadership team (3-6 months)

Phase 2: Assess resources, hire a coordinator, identify partners, clarify expectations and roles, assess readiness, putting out RFPs as needed, get buy-in, create evaluation matrix and logic model of change (6-12 months)

Phase 3: Finalize detailed strategic plan based on this report's recommendations and include steps for reviewing existing policies and legislation for needed changes, draft and distribute new polices, and educate partners (12-18 months)

Phase 4: Realign business and finance processes based on the strategic plan and set in place data and feedback systems relative to change indicators (18-24 months)

Phase 5: Draft initial report on evaluation and realignment based on the established evaluation matrix and logic model of change (24 months)

