

An Institute on Public Safety and Social Justice  
White Paper

# **Restorative Justice:** A Primer and Exploration of Practice Across Two North American Cities



**ADLER SCHOOL**

Institute on Public Safety & Social Justice

## ***Restorative Justice: A Primer and Exploration of Practice Across Two North American Cities***

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**The Adler School Institute on Public Safety and Social Justice (IPSSJ)** is dedicated to providing socially just solutions to public safety challenges. Through creative collaboration with community groups, peer institutions, and systems partners to address public safety challenges, the IPSSJ and its partners devise empirically sound methods beyond mere suppression to create environments enabling a more lasting and meaningful sense of peace and wellness can prevail. IPSSJ believes that through collaboration, human potential and community wellness can be enhanced, and urban safety outcomes can be improved.

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## INTRODUCTION

Restorative justice is a philosophy of justice that seeks to address offenses by understanding the harm that was caused, understanding who was harmed, and deciding what can be done to repair the harm. Within this model, repairing broken relationships caused by crime is paramount. This philosophy can be contrasted with retributive justice, the predominant practice in most western societies. Retributive justice views an offense as a crime against the state rather than the victim and community, and seeks to deliver punishment thought to be proportionate to the crime. Here, less importance is placed on repairing harm and restoring the offender and victim to their highest level of functioning and potential. In fact, the harsh punishment aspect of retributive justice, particularly in the United States, has created an epidemic of incarceration for the most disadvantaged communities.

In 1980, approximately 200,000 people in the United States were under some form of correctional supervision. Today that number is close to seven million.<sup>1</sup> This increase has disproportionately affected poor urban communities of color, where large percentages of the population have been incarcerated. Since most who are incarcerated are eventually released, poor urban communities experience a virtual revolving door from neighborhood to prison and back. This cycle of incarceration and re-entry provides further challenges to the stability of neighborhoods already struggling with poverty, violence, and disinvestment. We believe that the United States justice system is overly reliant on harsh incarceration that has questionable effectiveness. The three-year reconviction rate for prisoners in the U.S. is approximately 43%.<sup>2</sup> Approximately two thirds are re-arrested within three years.<sup>3</sup> Correctional supervision is a costly public expense that deserves further scrutiny. In an era of fiscal austerity, government budgets are shrinking and violence remains a key challenge in many urban areas. There has never been a greater need to seek out evidence-based and cost-effective alternatives to more punishment and incarceration. This paper promotes ways in which restorative justice can reach its full potential as a place-based method of reducing violence and strengthening our most disadvantaged communities.

Although restorative justice is more than just a strategy to reduce recidivism—it is a philosophical orientation, a set of principles and practices, a communication and learning tool, and more—this white paper explores how restorative practices can be more formally implemented. We believe that strong alignment with formal justice systems is necessary to provide a robust alternative to current sentencing procedures and incarceration as a public safety strategy. We believe that restorative justice has promise to increase safety, reduce the prison pipeline in poor communities of color and lower costs to society.

The purpose of this paper is threefold. First, it provides a brief overview of the philosophy of restorative justice, the range of practice, and the evidence base behind the practices. Second, it provides an overview of how restorative practices are currently being used in two very different metropolitan contexts, Chicago, IL and Vancouver, B.C., Canada. This case study approach is used to draw out the different ways that formal systems and policies encourage or limit the potential of restorative practices. Third, it recommends expanded research, policy, and practice agendas that could further mainstream and align restorative justice in more formal ways. Ultimately, we hope this paper will be a useful primer and tool for practitioners, researchers, advocates, lawmakers, lay people and justice professionals alike. We highlight the core elements and philosophies of the practice, provide an initial analysis of how those characteristics and philosophies are currently being implemented, and discuss ways in which they can be expanded.

## WHAT IS RESTORATIVE JUSTICE?

### Overview and History

Restorative justice is as much a philosophy as it is set of practices. Thus, it is important to understand its philosophical underpinnings and its range of applications in practice. Restorative justice is a unique response to crime that is clearly distinguished from retributive and rehabilitative responses.<sup>4</sup> The retributive response to crime lies within the state's power, and focuses almost entirely on attempting to appropriately punish an offense. The victim in such cases is largely absent from the process. In the rehabilitative response, the state seeks to cure or treat the offender—through a combination of punishment and programs and services—to ensure a re-offense does not occur. Again, the victim is largely absent in this approach. The United States is heavily reliant on incarceration as a primary means of both retribution and “rehabilitation.” However, given the extremely high recidivism rate, the effectiveness of incarceration as a rehabilitation strategy must be called into question. Canada's reconviction rate is comparable to that of the U.S., yet it is much less reliant on incarceration.

The restorative justice response, on the other hand, focuses on the harm and loss associated with an offense, works to repair the harm, and is ultimately centered on the victim. Furthermore, the victim is often not just one person, but may include family and community members as well. These three forms of justice do not necessarily have to be mutually exclusive or completely at odds with one another. However, many cases present opportunities to incorporate restorative practices into traditional justice systems and practices (provided that participants willingly consent to participate). And, later we will ground this point in the empirical evidence of its effectiveness.

Restorative justice is not a new practice, as it is rooted in the philosophies of many early indigenous societies that were non-hierarchically structured. Due to the strong collectivist paradigms of such societies, incidents were resolved without formal justice systems. Instead, an emphasis was placed on correcting the imbalance the offender had caused the victim and by extension the collective society. The restorative philosophies of indigenous societies have remained durable over time among indigenous and aboriginal communities. Countries with large indigenous populations such as Australia, New Zealand, and Canada, are more likely to integrate aboriginal custom with Western legal traditions, and thus more formally embrace restorative justice.<sup>5</sup>

The concept of restitution in early Western justice systems was applied more to property offenses, yet left out these concepts when it came to personal offenses. As early as the 12th century, most crimes were considered crimes against the state or against individual rights, but not against the individuals themselves. Justice systems stopped viewing crimes as having human victims, and instead, the state became the victim. This shift changed the process and purpose of punishment, as the focus was no longer on restoring community equilibrium but on repaying to the state what was taken away through the criminal act. Because the state had ultimate power over the individual, restoring equality or balance between the offending individual and the state was no longer considered integral for community functioning. Thus, restorative methods of conflict resolution became useless within the system. Though the concept of restitution has played various roles in formal Western justice systems throughout history, it is currently mostly sought through separate civil structures that pursue monetary restitution, as opposed to the predominantly retributive criminal justice system.<sup>6</sup>

## Definition, Philosophy, and Critical Elements of Practice

So, what exactly is restorative justice and how does it work? There is no one definition or practice so it is useful to examine a few different conceptualizations. According to Simon Fraser University's Centre for Restorative Justice in Vancouver, B.C., "Restorative justice is a philosophy that views harm and crime as violations of people and relationships. It is a holistic process that addresses the repercussions and obligations created by harm, with a view to putting things as right as possible." Although this definition provides one overview, there are myriad ways of understanding restorative justice. For some, restorative justice is a practice, while for others it is neither program, process, nor project, but a philosophy. However, below we provide some succinct frameworks for understanding restorative justice based on the work of some leading scholars. Howard Zehr (2002), who has provided some of the most influential conceptualizations of restorative justice, summarizes the core elements of practice as a series of "threes:"<sup>7</sup>

### **3 assumptions underlie restorative justice:**

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

### **3 principles: A just response...**

- Acknowledges repairs the harm caused by, and revealed by, wrongdoing (restoration)
- Encourages appropriate responsibility for addressing needs and repairing the harm (accountability)
- Involves those impacted, including the community, in the resolution (engagement)

### **3 underlying values provide the foundation:**

- Respect
- Responsibility
- Relationship

### **3 questions central to restorative justice:**

- Who has been hurt?
- What are their needs?
- Who has the obligation to address the needs, right the harms, restore the relationships? (As opposed to: What rules were broken? Who did it? What punishment do they deserve?)

### **3 key stakeholder groups to be involved:**

- Those who have been harmed; their support systems
- Those who have caused harm; their family
- The community

Zehr's core principles provide some general guidelines about philosophy and practice, though they are not prescriptive, and not the only way of conceptualizing restorative justice practices. Hopkins (2002) conceptualizes restorative justice as a set of *values* (i.e. principles such as respect, equality, non-judgment, collaboration, openness, etc.), *skills* (i.e. counseling skills such as empathetic listening, reflecting, summarizing, etc.), and *processes* (i.e. interventions- the modalities or 'vehicles' of practice- such as peace circles, victim-offender conferences, dialogues, and more).<sup>8</sup> Using Hopkins' (2002) model as a way of describing the critical elements of restorative justice, we will briefly explore the critical elements of restorative action.

## VALUES

Values and ethos of restorative work provide the backbone for practice. Toews (2006) identified some core beliefs that are inherent within restorative processes across different models:<sup>9</sup>

- The importance and equality of every participant
- An emphasis on respectful dialogue and treatment
- The notion that when needs are met, change is possible
- The necessity of accountability in healing
- The collaborative effort required of all participants when partaking in this process

This crucial theme of collaboration was further emphasized by the Centre for Criminological Research (2006), who suggested that the participants themselves are inextricably linked to the process of restorative justice.<sup>10</sup> The participants should ultimately decide the parameters and outcomes of a process. From this perspective, each restorative process is unique, as it is directly dependent on the uniqueness of the individuals who are involved. Although the uniqueness of each process allows for tremendous growth and opportunity for healing, having no prepackaged set of roles, goals, or acts to attribute to the process may also present potential difficulties for the facilitators and participants. For many, the process of restorative justice is equally as important as the outcomes. The way in which each participant *experiences* the process can provide important insight into the mechanisms of change that can occur as a result. A process built on flexibility creates a tension between restorative values and evaluating and discussing restorative justice as an evidence-based practice, a theme we will return to momentarily.

## SKILLS

The skills associated with restorative practices are in many ways similar to counseling. Some of these core skills identified by the Victorian Association for Restorative Justice, who created a Best Practice Standards guide<sup>11</sup> for restorative justice facilitators, include demonstrating effective communication skills, creating a safe place for participants, treating people fairly, maintaining confidentiality, demonstrating self-awareness, demonstrating the ability to work well with others, and demonstrating an ability to facilitate a process using best-practice standards. Additional skills include:

- Active listening
- The ability to summarize and reflect back
- Giving and receiving feedback
- Showing sensitivity to diversity and difference
- Being able to manage conflict
- Being able to follow a clear process
- Problem-solve and manage complexity

Though this is not an exhaustive list of skills, it nonetheless underscores the degree to which standards are necessary in restorative practices.

## PROCESSES

Restorative justice processes can be thought of as the specific ways in which restorative justice is practiced. The different styles and modes of restorative justice interventions are many and multi-faceted. As mentioned above, the process is as important as outcome in restorative justice, and a satisfactory outcome is dependent on a process that builds on the values and skills noted above. Thus, processes rather than “program” is a more appropriate way of describing how restorative justice is practiced. Restorative justice processes seek to involve broad participation from a range of those involved (either directly or indirectly) in an offense. Restorative processes include seemingly distant or remote individuals and enable nearly all parties to voice their perspective and experience. In doing so, individuals often come to mutual understandings between all who were impacted by a conflict. The following is a very brief (and non-exhaustive) overview of some of the most common processes used.

1. **(Peacemaking) Circles:** Circles are methods of dialogue, which serve to discuss particular issues, facilitate understanding, and heal broken relationships. Circles are “places of listening—of hearing what it’s like to be someone else. They’re also places for being heard—for expressing what’s on our minds and hearts and having others receive it deeply. . . . The life stories are naturally transforming” (Pranis, Stuart, & Wedge, 2003, p. 3).<sup>12</sup> Circles operate on the principles of respect, equality, and consensus-based decision-making. Circles can be held proactively to discuss upcoming decisions and to receive participant input, or they can occur as an intervention to deal with a wrongdoing that has been committed. Though circles are strongly rooted in aboriginal healing traditions, peacemaking circles are commonly used broadly to deal with crime or wrongdoings and involve various participants. In some cases the victim and the offender are both present, and other circles are centered solely on either the victim or the offender individually. Additional participants are brought in to represent the community, other parties involved or affected by the wrongdoing, and support people for the victim or offender. All parties are given a voice and can speak freely when they have the “talking piece,” a device that ensures deeper listening and non-interruption. A skilled facilitator or keeper guides this process and helps the parties arrive at a reparation agreement that is satisfying to the victim. Although peacemaking circles are commonly used in conflict situations, the principles of the circle can be replicated in any setting as a means of ensuring more equitable and non-hierarchical dialogue.
2. **Victim-Offender Mediation:** This restorative form of mediation is often, though not exclusively, associated with formal justice systems. It is designed to both acknowledge the needs of crime victims and hold the offender accountable for an offense or crime. The mediation could be used prior to a charge, prior to sentencing, or after sentencing. The process could also take place while an offender is incarcerated or as a part of a parole or probation process. Such mediation between victim and offender often take place in person but it is critical to note that it is only used when the victim is willing, desirous of the process, and feels safe in participating. The three basic requirements for a victim-offender mediation, as identified by the United Nations (United Nations Office of Drugs and Crime, 2006),<sup>13</sup> are that the offender must accept and not deny responsibility for the offense, both victim and offender must be willing to participate, and both victim and offender must consider it safe to be involved in the process. This form of mediation also typically includes additional support and assistance for the crime victim, and allows for offender input in shaping a resolution. The mediation process itself, depending on the severity of the offense, may be used as a final resolution, though it may also be simply a factor that is taken into consideration during sentencing.

3. **Community and Family Group Conferencing:** This type of process brings together family, friends, and community members of both the victim and offender, and uses a professional facilitator to discuss the consequences of an offense and identify an outcome satisfactory to all parties. This is a restorative process that has been formally embedded into the criminal justice system of New Zealand, where police and courts handle many cases through conferencing rather than harsh punishment (though it is also used in conjunction with supervision and/or custody). A broad array of stakeholders is used in this process as a means of ensuring the offender is held accountable for offense. In this sense it can be thought of as a way of tapping into the capacity of non-governmental and/or community-based organizations to handle public safety issues. Conferences can be used for cases that have been diverted from police to organizations and community partners, who can play a role in monitoring the offender's compliance with the resolution identified in the conference.
4. **Peer Mediation / Jury:** This approach empowers youth to be leaders in resolving disputes and/or offenses between other youth colleagues, often in a school setting. In this process, students are trained to gather information about the offense and those involved, and decide upon an appropriate disciplinary response. These processes aim to hold the offender accountable in a manner that does not involve a suspension or expulsion. In addition, the peer jurors seek to connect the offender with further support and resources that will address root causes of an offense and decrease the likelihood of a re-offense. Peer mediation/juries are typically not used for serious offenses.

### **Continuum of Practice and Implementation**

By now it should be somewhat clear that restorative justice cannot be conceptualized as a specific type of program or practice. Restorative justice is a philosophy that may inform how individuals and organizations relate to one another. It can also be a specific process used for a specific reason. Thus, it can be argued that restorative justice does not necessarily exist in a pure form. Restorative justice philosophies and practices typically have many moving pieces and variables, which provide challenges for program evaluation and delivering evidence-based practices. Although a one-size-fits-all approach may be somewhat antithetical to individual interventions, we believe it is nonetheless crucial to have a framework for understanding and evaluating restorative processes in order to for more formally embed the philosophy within formal justice systems. This section briefly articulates a construct and measurement of a restorative practice continuum based on the work of Howard Zehr (2002),<sup>14</sup> and a model for understanding restorative interventions at multiple levels.

Zehr (2002)<sup>15</sup> identified a restorative continuum ranging from fully restorative to pseudo or non-restorative based on six questions:

- Does the model / process address harms, needs, and causes?
- Is it adequately victim-oriented?
- Are offenders encouraged to take responsibility?
- Are relevant stakeholders involved?
- Is there an opportunity for dialogue and participatory decision-making?
- Is the model respectful to all parties?

This idea of a continuum lays the backbone for quantifying and assessing whether restorative practices have fidelity to a fully restorative model. This does not imply a judgment of programs, but rather provides an important research tool to more fully understand outcomes and impacts across different restorative interventions. The Illinois Criminal Justice Information Authority (Burke, forthcoming)<sup>16</sup> has developed a

measure based on Zehr's continuum that seeks to reliably determine the degree to which an intervention is restorative. We have collected pilot data using this tool and will discuss it later on in a subsequent section.

Another useful model for understanding varying levels of restorative justice practice was developed by Morrison (2007).<sup>17</sup> She categorizes practices on a spectrum that includes primary interventions, secondary interventions, and tertiary interventions. Primary restorative justice interventions are aimed at transforming the ways in which organizations and systems (e.g. schools, youth detention facilities) approach and address conflict. Such an intervention might be training all school staff on how to communicate, address disputes, and develop a more participatory climate. Secondary interventions seek to develop new structures and processes to more effectively resolve conflicts and offenses (e.g. peer juries). Finally, tertiary interventions are specific processes that are used to address specific incidents after they have occurred (e.g. circle or victim-offender conference). This categorization provides a helpful way of differentiating between different restorative efforts. In the concluding section of this white paper we call for deeper and more widespread primary prevention efforts that further embed restorative justice within formal criminal justice systems and align the efforts of all systems and practitioners.

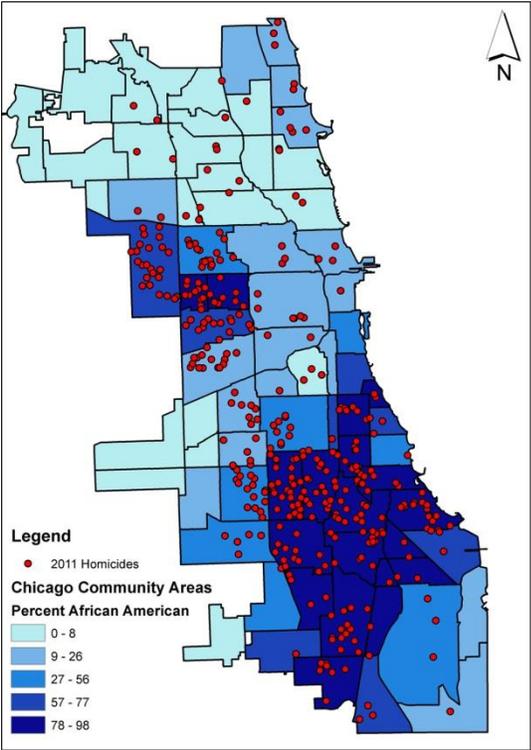
## THE CASE FOR RESTORATIVE JUSTICE

There are many arguments for why restorative justice practices should be expanded and further aligned with formal criminal justice systems. However, we limit our focus here to discussing the evidence showing restorative justice practices to be an efficacious way of addressing crimes and offenses. It is first necessary to acknowledge how our broader criminal justice systems currently operate. In the United States, retributive justice is the dominant philosophy of public safety, as evidenced by the explosion of mass incarceration over the past 30 years. The adult incarceration rate has increased more than threefold since 1980. Currently, 743 adults per 10,000 of the national population are incarcerated, which is by far the highest rate in the world.<sup>18</sup> Canada, by contrast, currently has an incarceration rate of 117 adults per 10,000 people, which has increased only slightly from approximately 100 per 10,000 in 1980.

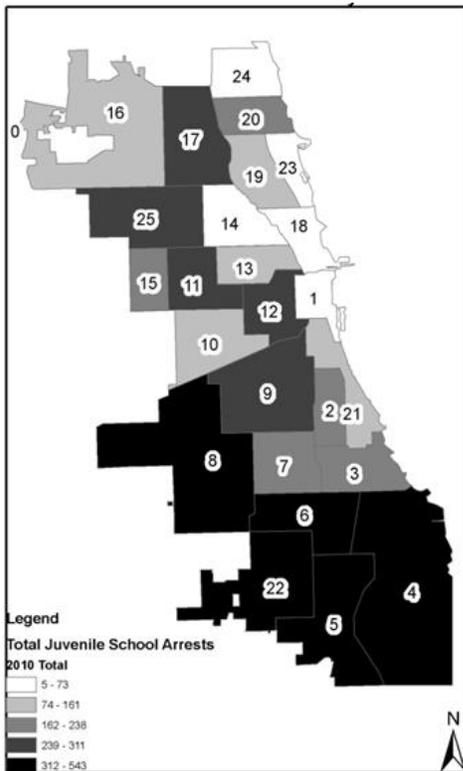
The mass incarceration phenomenon in the United States cannot be explained by increases in crime rates relative to Canada. Although crime rates in the U.S. have been and remain to be much higher than Canada's on an absolute basis, these rates have been falling in both countries in a similar fashion during the same time period. Increased incarceration in the United States has been driven by more punitive justice regimes that have meted out longer sentences for non-violent and drug-related offenses. A recent Pew Research study estimated that increased incarceration accounted for less than one-third of the drop in crime in the United States since 1990. States currently spend approximately \$51 billion per year on corrections. With a national recidivism rate of approximately 50%, it is clear that incarceration is a highly expensive yet highly ineffective means of handling crime.<sup>19</sup>

Further, researchers have shown that mass incarceration in the United States is a phenomenon that almost exclusively affects poor urban communities of color. African Americans are disproportionately represented in the criminal justice system, with many coming from the most segregated and disadvantaged urban communities (Sampson, 2010).<sup>20</sup> These communities suffer from a lack of investment and resources while, ironically, massive government resources are being invested to police and incarcerate. Yet even with heavy policing and incarceration, violence remains rampant in areas like Chicago's west and south sides, which account for the majority of Chicago's 500 yearly homicides.

The prison pipeline begins with youth in schools, as black youth are more likely to be arrested in school for even minor offenses. The figures below illustrate this point. Figure 1 shows that homicides, like other violent crimes, are disproportionately concentrated in communities of color. In response to this, zero-tolerance policies are implemented in neighborhoods and schools, disproportionately removing youth of color from schools, as illustrated in Figure 2.



**Figure 1. Chicago Homicides 2011 by Community Racial Composition (% African American)**



**Figure 2. 2010 Chicago Juvenile Arrests on School Grounds**

Retributive justice treats all offenders as individuals and presumes that actual punishment or the threat of punishment will change individual choices and behaviors. Yet, individuals who are incarcerated nonetheless typically return eventually, and many return to places plagued by violence and lacking supportive social structures. By focusing only on the offending individual, the criminal justice system misses an opportunity to repair the harm caused by an offense and an opportunity to strengthen relationships within struggling communities. Given the revolving door between prison and community, there is much potential for restorative justice to play a role in reducing recidivism.

### REDUCING RECIDIVISM

There is considerable empirical work acknowledging the role that restorative justice processes play in lowering re-offense rates. De Beus and Rodriguez (2007) examined the relationship between completion of a restorative justice program and re-offense in offenders.<sup>21</sup> Offenders in restorative programs were more likely to complete the program and less likely to reoffend compared to a control group. However, it should be noted that outcomes were not as positive for individuals from high poverty areas, pointing for the need to address such structural determinants of incarceration. Bradshaw and Rosenborough (2005) conducted a meta-analysis of victim-offender mediation and family group conferencing studies to examine the effect of these programs on reducing recidivism.<sup>22</sup> Family group conferencing was shown to have twice the effect as traditional justice programs, and victim-offender mediation had an even larger effect on recidivism. Another meta-analysis by Latimer and colleagues (2005) found that restorative processes were associated with reduced recidivism for both youth and adults.<sup>23</sup> Finally, Braithwaite (2005) also demonstrated that restorative processes tend to reduce reoffending.<sup>24</sup>

## VICTIM SATISFACTION

A restorative process is never intended to be a tool just for the offender. Considering just recidivism as an outcome ignores the voice and needs of the victim and community. Thus, several studies have also examined victim satisfaction. Latimer et al. (2005) also found that restorative processes were associated with higher perceptions of fairness by victims and offenders, and better resolution implementation.<sup>25</sup> This meta-analysis of both youth and adult studies also demonstrated restorative processes to be associated with greater victim satisfaction and offender compliance with restitution. Umbreit and Coats (1993) also found victim-offender mediation to have a 90% victim satisfaction rate for less serious offenses such as property crimes.<sup>26</sup> Finally, Strange (2002) and Strange, Sherman, Angel, Woods, Bennett, Newbury-Birch, and Inkpen (2006) also linked restorative justice to higher victim satisfaction compared to traditional court processes.<sup>27 28</sup>

## SCHOOL-BASED OUTCOMES

Restorative processes are also frequently used in school-based settings, ranging from peer jury programs to school-wide disciplinary codes and policies. Outcomes measured in these settings are often the reduction of suspensions and expulsions. In evaluating school-wide restorative practices across 26 schools in the United Kingdom, the Youth Justice Board for England and Wales (YJB, 2004) found that if restorative conferences were used to handle an incident, it typically led to a successful resolution.<sup>29</sup> Teachers also perceived an improvement in student behavior in intervention schools compared to non-restorative intervention schools. There is also preliminary evidence from the Minnesota Department of Children, Families, and Learning (MDCF, 2002) that school-wide restorative interventions lead to reductions in suspensions and expulsions.<sup>30</sup>

## ADDITIONAL EVALUATION CONSIDERATIONS

Though there is a growing body of literature showing restorative justice to be an efficacious approach to addressing different offenses, there are many challenges to rigorous evaluation. Selection bias is always an issue with these studies as it is not possible to conduct a truly experimental design. Although comparison groups are used in the research, it is not possible to randomly assign participants to treatment and control groups since one of the key principles is that victims and offenders have to choose to participate in a restorative justice process. An important critique by Presser and Van Voorhis (2002) acknowledged the difficulty in evaluating and assessing the processes and outcomes of restorative justice programs.<sup>31</sup> The authors noted the challenge in developing a measure for success when there are multiple objectives of restorative justice that do not remain static and are determined by the participants involved in the restorative justice process. These authors suggest program evaluations need to capture the values of healing and social well-being that are intended to guide restorative processes. Evaluations have clearly indicated the potential for restorative justice programs to lower re-offense rates and increase victim satisfaction; however, it is unclear what specific components of the process lead to these outcomes. It is clear that there is much room for advancing the evaluation of restorative justice practices. For example, more rigorous examination of the process itself and qualitative data exploring the experiences of all participants are needed to more fully understand exactly how and when restorative justice is most effective.

## RESTORATIVE JUSTICE IN PRACTICE

This section provides examples of how restorative justice processes are implemented in two very different metropolitan areas. The Institute on Public Safety and Social Justice (IPSSJ), in collaboration with Illinois

Balanced and Restorative Justice Project (IBARJP) conducted a pilot restorative justice inventory of practitioners in both the Chicago area and in the Vancouver, B.C. area (lower mainland B.C.). These two areas were chosen to contrast in a case study comparison precisely because the contexts are very different.

Restorative justice is more common in the Canadian province of British Columbia due to its sizeable First Nation or indigenous population, which has traditions rooted in restorative justice practices. Though the data presented below are descriptive, they have the potential provide information that can help highlight further our thinking about research and practice questions. They can also highlight the ways in which restorative justice can play a more formal role within justice systems to transform communities that are trapped in cycles of detention and incarceration. This project also uses a tool developed by the Illinois Criminal Justice Information Authority to assess practices on a restorative continuum based on Zehr's (2002) theoretical work.<sup>32</sup>

Online and phone survey data were collected from organizations in each area known to implement restorative justice processes. In the case of Vancouver, organizations were identified through a list stemming from an area conference that organized restorative justice practitioners. In Chicago, IBARJP identified practitioners to participate in the inventory process based on an established history of practicing RJ and active involvement in current citywide RJ initiatives. Semi-structured interviews were conducted with Chicago area organizations in addition to some online survey data collection. In total, 33 practitioners in the Vancouver area participated in the survey, while 18 in the Chicago area participated, representing 20 distinct initiatives. The findings below illustrate some descriptive findings about restorative justice practices in each area. This is followed by a discussion of implications, new questions, and recommendations for research, policy, and practice.

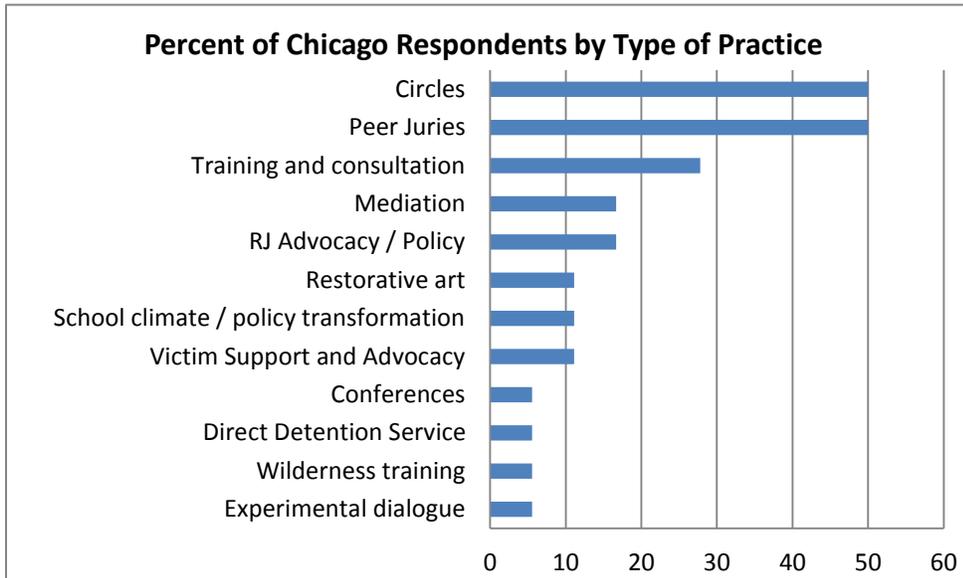
### RESTORATIVE JUSTICE TRAINING

We asked practitioners from both areas what type of training they have had in restorative justice practices. Vancouver area practitioners reported having completed a median of 2.5 different trainings, while Chicago area practitioners completed a median of 2. Of note is that several respondents in the Chicago sample reported not having any formal training in restorative justice practices. Vancouver area respondents identified having been trained by 21 different local trainers or programs, including universities, institutions, and individuals. This is compared to 12 local training options in Chicago. Of note is that Vancouver practitioners report more training options at universities and justice institutions such as the Royal Canadian Mounted Police as opposed to Chicago practitioners who report receiving most trainings through community-based organizations.

### RESTORATIVE JUSTICE PRACTICES

Vancouver area practitioners have a longer history implementing restorative practices, as respondents indicated their organization had been using restorative practices for a median of 11 years, compared to 8 years in Chicago. A major difference between area practices is that Vancouver respondents and their respective organizations were almost entirely focused on restorative practices, as opposed to Chicago, where restorative practices are more likely a small percentage of what the organization does. For example, 85% of Vancouver area respondents reported that 100% of the organization or practitioner's time is focused on restorative justice. By contrast, only 17% of Chicago respondents represented an organization or practice that was solely focused on restorative justice. It is more common for Chicago practitioners to dedicate only a small percentage of their efforts to restorative justice practices (or philosophies). In addition, the efforts of Chicago practitioners were almost entirely focused on using restorative practices with youth. Over 70% of

practitioners in Chicago reported working exclusively with youth, while only 22% reported also working with adults and families. By comparison, over 60% of Vancouver practitioners reported using restorative practices with adults in addition to youth. Additional data were collected from Chicago practitioners to document how they described their practice, which is represented in the graph below.



**Figure 3. Type of Practices Used by Chicago Respondents (%)**

Our survey also used a quantitative measure of restorative practices that was developed by the Illinois Criminal Justice Information Authority (Burke, forthcoming).<sup>33</sup> Although this is a new tool that is still being validated, we use it here only to provide a basic descriptive comparison between practices in the two areas. This 36-item survey measures six core restorative justice components on a six-point scale indicating the frequency that each of these component areas is practiced. Again, although this is only a descriptive comparison, we see initial evidence of stricter adherence to restorative practices in the Vancouver area in each of the six areas. Though this does not necessarily speak to the efficacy of efforts in one area or another, it does highlight how context and culture may be important drivers of restorative justice practices.

<i>Core Restorative Justice Component</i>	<b>Vancouver Area (mean score)</b>	<b>Chicago Area (mean score)</b>
Offender Involvement and Experience of Justice	4.5	3.4
Victim Involvement and Experience of Justice	4.6	3.1
Victim-Offender Relationship	4.4	3.2
Community Involvement and Experience of Justice	3.8	3.0
Future Problem-Solving through Restorative Justice	4.4	3.7

**Figure 4. Vancouver and Chicago Practitioner Score on Restorative Components Scale (%)**

## SUPPORT AND COLLABORATION

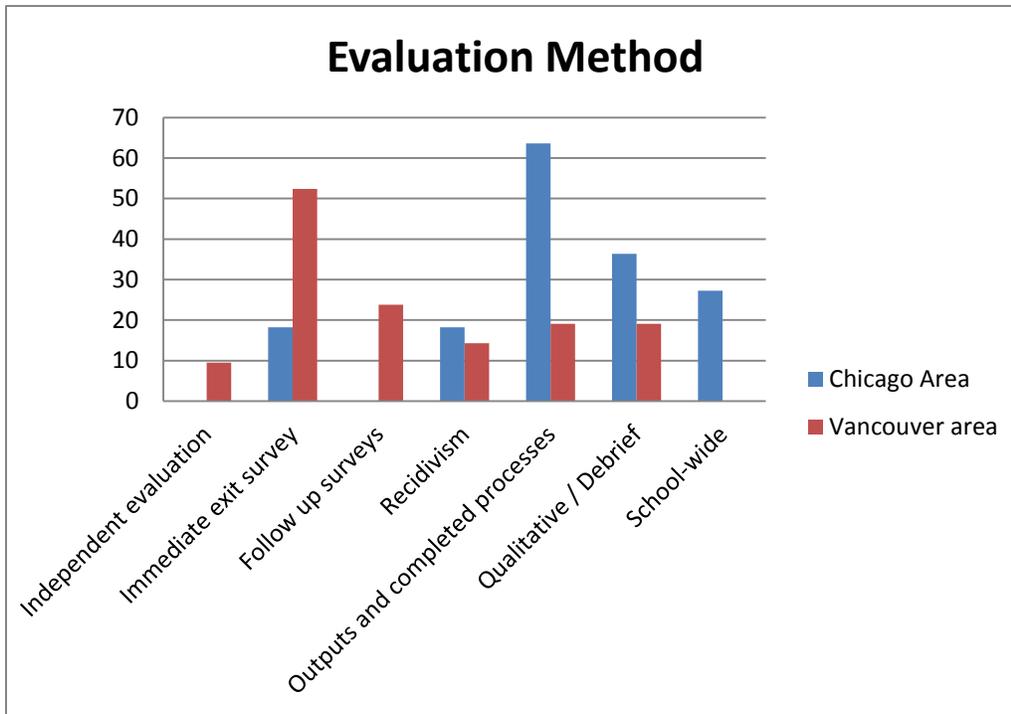
Another major difference between restorative practices in the Chicago and Vancouver areas is that Vancouver practitioners are much more likely to report formal collaboration with criminal justice systems such as courts, police, or corrections. In fact, 100% of respondents reported formal criminal justice system collaboration compared to 66% of Chicago area respondents. Almost all Vancouver area respondents receive referrals from local police, the Royal Canadian Mountain Police, corrections departments, and court systems, in addition to schools and organizations. Chicago, by contrast, appears to have much less formal infrastructure for diverting cases from the criminal justice system to restorative practitioners. For many of the Chicago practitioners surveyed, referrals typically come from within a particular school. Perhaps unsurprisingly, given these findings, is that 71% of Vancouver area respondents reported receiving at least half of their funding from regional, provincial, or federal government sources. This was not the case with Chicago area respondents, whose main government funding was reported to be from school districts. However, there are several restorative justice initiatives housed within police departments or districts, and other criminal justice agencies such as state's attorney's offices. These efforts appear to be somewhat scattered and unsystematic, but do exist in some of Chicago's west and south side districts where public safety challenges are most pressing. There is evidence of stronger integration of restorative practices within a policing practice in several suburban municipalities.

Although these data do not come close to painting a complete picture about restorative practices in either area, they provide preliminary evidence of two very distinct levels of formal integration within criminal justice practices. When it comes to the question of collaboration, the median number of organizations or systems Vancouver practitioners collaborate with is six. This is compared with three for Chicago. This hints at the fact that restorative practices in the Chicago area are somewhat siloed in comparison to the Vancouver area. However, this is also likely due to the fact that many Chicago practitioners are focused on specific schools. These preliminary findings leave us with more systematic questions that need to be asked. Although it appears that the lower mainland British Columbia area has more formal support and collaboration structures, there is strong evidence of informal support and collaboration among Chicago practitioners. For example, a citywide restorative justice meeting is held bi-annually in Chicago, where practitioners, researchers, and advocates convene to share stories and discuss strategies for furthering the practice. Although this is an informal collaboration effort, it has the potential to be a highly effective structure and process for spreading messages about practices, aligning and leveraging efforts, and for training and capacity building. This will be discussed further in the next section.

## DATA COLLECTION AND PROGRAM EVALUATION

A primary goal of this brief survey was to begin to understand how restorative practitioners evaluate their efforts, and what data are collected. Inventorying the range of evaluation can be helpful in developing further strategies for improving and aligning practice, implementing evidence-based practices. Results indicated that 78% of Vancouver area practitioners collect data to evaluate their practice, compared to 50% of Chicago area practitioners. Though we acknowledged in the previous section that restorative justice is as much a philosophy as it is a practice—and thus program evaluation is difficult due to the dynamic nature of the processes—it appears that program evaluation is executed more frequently by Vancouver area practitioners. Although our data is limited, it is apparent that immediate exit surveys, interviews (understanding satisfaction with the processes, perceptions of the efficacy of the process, etc.), and tracking outputs (number of youth involved, number of cases completed) are the most common form of evaluation for Chicago and Vancouver area practitioners who do report doing some evaluation. We readily acknowledge the limitations of our

survey data; however, these results provide an initial sense that the evaluation capacity of practitioners, organizations, and systems could be strengthened.



**Figure 5. Type of Program Evaluation Method Used by Chicago and Vancouver Practitioners (%)**

## NEXT STEPS: TOWARDS INTEGRATED RESTORATIVE PRACTICE

In this concluding section we briefly summarize the key learning points that can be extracted from this preliminary attempt to understand restorative justice practices in two very different contexts. We also highlight questions and recommendations that should be considered in order to further restorative justice research, practice, and policy agendas. Although our sample size is small and limited, it is clear from our initial inventory that Vancouver, B.C. and Chicago differ in many ways in terms of how restorative practices are implemented. Practices in Chicago focus largely on youth and school settings, whereas practices in Vancouver are also used with adults more often. The Vancouver area also shows much stronger evidence of formal structures to support restorative justice practices. For example, nearly all practitioners work with the justice system in formal ways. There are processes in place in many jurisdictions to formally divert youth and adult cases to community-based restorative justice processes. Although there is some evidence of formal alignment between practitioners and justice systems in the Chicago area, it appears that much of this collaboration is informal rather than through policy mandate. Although the Illinois Juvenile code and Chicago Public Schools code of conduct specifically mention balanced and restorative justice, there appears to be little infrastructure and funding to ensure restorative approaches reach their full potential. Formal collaboration structures can be evidenced in Vancouver by the fact that the majority of Vancouver area practices are supported by government funding, thus allowing organizations and practitioners to dedicate the

majority of their efforts toward restorative practices. Consistent and sustainable funding is perhaps crucial to more deeply embedding restorative practices within the criminal justice system.

Although funding and justice system collaboration in the Chicago area may not equal that of Vancouver, there is evidence that Chicago area practitioners have laid a strong foundation for collaboration between each other. For example, a citywide meeting of restorative justice advocates and practitioners is convened regularly for the purpose of information sharing and dialogue. Illinois Balanced and Restorative Justice Project also convenes a quarterly meeting of Illinois practitioners, and its network structure serves as a vehicle for collaboration among practitioners. These two network facilitators have great potential as structures for disseminating information, learning about other practices, and exploring additional collaboration.

Based on the limited data we collected about program evaluation, it appears that there is a range of different methods used in both cities. Those in the Chicago sample frequently report to using outputs (i.e. number of participants, number of processes, whether or not the process led to a successful resolution), indicating that there is much potential for more rigorous exploration of outcomes, including longitudinal studies. Few respondents from either metropolitan area reported collecting data beyond the conclusion of a restorative process.

Also of note is that several Chicago area respondents reported evaluating school-wide outcomes. This is an area of evaluation that is currently underrepresented in the empirical literature, and thus one that could be furthered by the efforts of Chicago practitioners.

## A VISION FOR POLICY AND PRACTICE

In this section we succinctly highlight the crucial questions and ideas that we believe must be explored in order to more fully align restorative justice with criminal justice systems. We would like to see a paradigm shift toward deeper alignment between restorative practices and other systems such as education, criminal justice, and community development. It is important not to ignore the broader context within which restorative justice practices typically operate, especially in the Chicago area. Much of Chicago's violence and public safety challenges occur in highly segregated places with other co-occurring features of concentrated disadvantage. For years Chicago has been disproportionately arresting youth of color in poor segregated areas. Youth of color are more likely to be suspended from school, expelled from school, or arrested on school grounds.<sup>34</sup> Yet, this policing and punishment heavy approach has not brought about a reduction in crime and violence in troubled Chicago areas. Instead it has only facilitated what scholars and activists refer to as the school to prison pipeline for youth of color.

Based on our survey, it is apparent that the majority of restorative practitioners in the Chicago area work in disadvantaged areas. Although their efforts may be successful, they nonetheless operate within a broader context where other systems are working at cross-purposes. Schools rely heavily on zero-tolerance policies while justice systems rely heavily on arrest, detention, and incarceration. Restorative practices do not exist in a vacuum, and these other systems present potential barriers to witnessing the full potential of restorative justice. Yet, restorative practices are often judged—by funders, academics, policymakers, justice systems—as programs that have yet to demonstrate evidence-based practice and results. Although evidenced-based practice is important, restorative justice does not often work to replicate the same process for the every offense or individual. By nature it is dynamic and varied. At the same time, a large structural barrier exists for many restorative practices: Funding sources typically view restorative justice as a one-size-fits-all program. Practitioners must compete with each other for funding by demonstrating the greatest evidence. Yet, at the

same time, other larger systems within neighborhoods actively work against the goals of restorative practices. Recent research has indicated that a positive experience with an institution is associated with as much as a 49% reduction in re-offense in serious adolescent experiences (Mulvey and Schubert, 2012).<sup>35</sup> Restorative justice aims to give each participant a voice, treat each person with respect, and provide a positive pro-social experience. Detention centers and prisons, on the other hand, are often provide a negative experience and potentially reinforce trauma.

Although we are calling for furthering the evidence and evaluation of restorative practices, we believe it is important to develop models that capture the collective influence that organizations, schools, and justice systems all have in restorative processes. Making the greatest possible impact within disadvantaged neighborhoods necessitates systems alignment with restorative solutions at its core. Such a framework would measure the collective impact of all system efforts rather than viewing restorative practices as program-specific. A collective impact framework would require taking a place-based approach to public safety challenges, where institutions and systems are all working toward the same goal and using the same metrics for success. Instead of schools, police, community-based programs, and restorative practices working in silos, we believe all should be working together to reduce arrests, increase graduation rates, repair harm and trauma, and increase youth trust in local institutions. In short, there is much room for expanding restorative justice practices to be more fully aligned with other systems for the purpose of community-wide transformation.

There is perhaps more potential for mainstreaming restorative justice practices now more than ever. In an era of government budget deficits and fiscal austerity, it is less and less feasible to continue relying on detention and incarceration. It is highly costly and its effectiveness at rehabilitation is highly questionable.

#### GETTING THERE: QUESTIONS AND NEXT STEPS FOR RESEARCH

There are some immediate incremental steps that could be very helpful in making this dream of increasing public safety while decreasing incarceration a reality. First, there is much research and learning that is needed in order to fully understand restorative practices and restorative practitioners within specific places. Although we provided a very preliminary examination, we acknowledge that the surface has barely been scratched in terms of understanding the world of restorative practices in the Vancouver and Chicago areas. Much more information needs to be gathered so that practitioners, policymakers, school officials, and justice officials can be aware of the entire universe of restorative practices and capacity in every community. These questions include: What practices exist? What is the capacity for handling diverted offenses? What method of practice and evaluation is used? Which specific practices and scenarios are most successful? Such questions can begin to highlight the latent capacity that exists in each community, and help connect schools, police districts, and courts with restorative practitioners.

Second, there is a great need for stronger program evaluation that explores multiple outcomes in a rigorous and longitudinal manner. As of yet there is little research documenting whether restorative practices facilitate positive psycho-social outcomes in both youth and adults. Aside from recidivism and satisfaction, restorative justice aims to transform the ways in which individuals interact with one another. It seeks to strengthen relationships, trust, and social support. Restorative justice also has the potential to help reduce the negative impacts of trauma. There is much need for rigorous research that explores these outcomes further.

We conclude this paper with an organized and sequential list of questions and steps to further restorative justice research, practice and policy. Each domain is crucial to improving evidence-based practice and pushing for stronger alignment with other systems.

### IMMEDIATE PRACTICE-RELATED RESEARCH QUESTIONS

1. In what contexts are different restorative practices effective and why?
2. What elements of practice produce the strongest evidence of effectiveness?
3. What other individual-level outcomes can restorative practices influence?

### CONTEXTUAL-RELATED RESEARCH QUESTIONS

1. Does the strength of collaboration between restorative practice and other systems impact successful outcomes?
2. To what extent does formal collaboration with school or justice system impact successful outcomes?
3. What are systemic barriers to demonstrating effectiveness?
4. Can restorative practices play a role in strengthening cohesion and trust between local organizations, schools, and justice systems?

### COLLECTIVE IMPACT RELATED QUESTIONS

1. Can stronger collaboration between justice systems, schools, organizations, and restorative practitioners lead to better place-based outcomes, such as increased graduation rates, decreased arrests, and decreased detention and incarceration?

Although we do not believe that a one-size-fits-all approach is appropriate for restorative justice practices, there is nonetheless much work to be done to further understand how it tends to achieve its greatest possible effect. Rigorous research addressing the above questions and using new, innovative methods—including social network analysis, mixed methods studies, longitudinal experimental designs—can be useful in further understanding and aligning best practices. At the same time, restorative justice practices need to be more fully integrated and coordinated with school and justice system strategies to ensure that different systems are not working at cross-purposes, but rather working toward the same outcomes. Finally, formal policies must be created to ensure that all of our systems are accountable to reducing reliance on arrest, detention, and incarceration, and increasing pro-social youth, adult, and community development.

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