

TITLE PAGE

The Effectiveness of Restorative Justice Practices: How to Restore Justice for At-Risk Youth

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ABSTRACT

The current juvenile justice system in the United States faces many problems. For example, according to the U.S. Criminal Justice Statistics (2007), the cost of maintaining juvenile correctional facilities is expensive for state governments and its taxpayers to support. The conventional way of dealing with youth crimes in society is to punish the offender. The punishment of convicted juvenile offenders is seen to serve justice through deterrence. However, youth offenders often return from jail with limited opportunities for further education and often with a hardened criminal identity. Furthermore, both conventionally and historically, many victims of crime feel left out of the justice process and are not able to experience healing and humanizing lessons. More importantly, restorative justice programs decrease the recidivism of youth offenders. As a result, researchers and scholars have been inspired to find other alternatives to the traditional juvenile court process. This review of literature focuses primarily on one such alternative – restorative justice.

One of the restorative justice programs that this research project will focus on is Youth Court, also known as teen court, peer jury, or student court, which is an alternative program to the traditional juvenile justice system and school disciplinary proceedings that empower youth and communities to take an active role in addressing the early stages of youth delinquency. Over the last several years, Youth Court has become very popular across the United States. It exists as a student forum for juvenile offenders, holding youth accountable for their conduct and teaching them community accountability, while helping them change negative patterns into more appropriate and productive forms of behavior. The program also provides youth a meaningful volunteer opportunity.

DEFINITION OF TERMS

**Victim** – The term victim will refer generally to victims of crime, including crimes of intimate violence.

**Offender** – Convicted juvenile who causes harm to the victim.

**Restorative Justice** – A voluntary, community-based response to criminal behavior that attempts to bring together the victim, the offender and the community in an effort to address the harm caused by the criminal behavior.

**Victim-offender-mediation** – A model that allows for the victim to engage in a safe dialogue with the person who caused the harm.

**Community reparative boards** – A model that involves members of a community who are trained to conduct face-to-face meetings with offenders.

**Family group conferencing** – A model that involves the community of people most affected by the crime that decides the resolution of a criminal or delinquent incident.

**Circle sentencing** – A model that considers the needs of victims, families, and communities.

## INTRODUCTION

The theory of restorative justice has proliferated across the United States and other parts of the world. This alternative approach to dealing with youth crimes is favorable because it seeks to involve victims and the community in a process that holds the offender accountable for repairing the harms he or she committed. In many restorative justice programs, victims and often community members meet with the offender to understand why the crime occurred and discuss how to make things right. These meetings often result in efforts by the offender to make amends to those that were harmed through some form of restitution or community service. How effective these efforts are in reducing further harmful behavior from the offender is of growing interest to researchers and criminal justice agencies. As such, one of the tasks of this literature review is to examine the effectiveness of restorative justice by investigating how it reduces crimes or lowers rate of recidivism so that youth are able to have more access to educational opportunities.

Many of the literature reviews on programs of restorative justice emphasize a singular or main theme in its methodology. Most scholars in this field such as Abrams, Umbreit and Gordon (2006) argue that restorative justice offers a fundamentally different framework for understanding and responding to crime, victimization and justice. They describe that restorative justice emphasizes the importance of elevating the role of crime victims and community members. They also assert that restorative justice holds offenders directly accountable to the people they violate by restoring the emotional and material losses of victims. Restorative justice also provides a range of opportunities for dialogue, negotiation, and problem solving to take place so that it can lead to a greater sense of

community safety. All of which emphasize educational process. While most of the scholarships narrates and describes restorative justice processes and programs, there seem to be very few if any that analyze the scope and impact of restorative justice programs.

This review of literature, on the other hand, will point out the number of unresolved issues in the juvenile criminal justice system, present the underlying principles of restorative justice, and then review the growing amount of empirical data on youth programs that practices restorative justice. There has been little evaluation of the full range of restorative justice policies and practices. However, the developments of many restorative justice programs (such as youth court and victim-offender-mediation which represent a very clear expression of restorative justice values) provide a rich source of empirical data. Also, a number of implications for practice will be offered, along with identifying needs for further research into this important movement.

Having volunteered in the Marin County Youth Court program, I have witnessed what this method can do for troubled youth. I am inspired by its vision because it makes a strong commitment to youth and the community at large by providing greater educational opportunities for all the young people who are at-risk of failure in our society. I will focus the attention of this literature review on examining the impact of restorative justice programs in United States.

Essentially, I believe in what Youth Court is doing for our children as opposed to what the traditional juvenile justice system is doing for them. The traditional juvenile justice system punishes youth offenders, whereas Youth Court holds them accountable for their conduct and teaches them community accountability in which they are expected to participate in group activities, perform scenarios in court, and learn the process of peer

mediation. The program also helps them change negative patterns into more appropriate and productive forms of behavior. For example, they learn social skills such as listening, understanding another person's point of view, giving positive feedback to someone, and offering a sense of encouragement to members of the program. Unlike the traditional juvenile justice system, Youth Court allows for first-time youth offenders to be sentenced by a jury of their peers. More importantly, Youth Court provides young people a meaningful volunteer opportunity, making them become productive members of society.

Above all, Youth Court is advantageous because it can be used as a measure to prevent school violence. By this I mean, it can ultimately raise awareness and educate not only students, but teachers, school administrators, counselors, school resource officers, school staff, parents, as well as the public, on implementing effective ways to prevent or reduce youth crimes. This paper will discuss the methodology behind Youth Court and evaluate the positive benefits of such program, and at the same time, explore conflicting perspective about the program in research literature with the hope of demonstrating that Youth Court is overall more effective in preventing youth crimes and reducing repeat offenses.

I begin by stating the problem of youth who have been arrested in California since 2005, by evaluating the percentage of youth who were diverted to a restorative justice program. I will then explain the purpose of this literature review and discuss pressing questions about the restorative justice approach in dealing with youths who have committed an offense. Afterwards, I will describe the theoretical rationale behind this literature review and illustrate the main assumptions about restorative justice. Finally, I

will review research literatures from major scholars about this topic to draw my own unique literature review.

### Statement of Problem

California's juvenile justice system faces many problems. One of the main problems is that the juvenile detention facilities are over crowded with offenders, including those who have only committed a misdemeanor crime. According to the California Criminal Justice Statistics Center, of the juveniles arrested in 2005, two-thirds were arrested for a misdemeanor offence (60 percent), another quarter were arrested for a felony offense (26.5 percent), and eight out of ten arrested juveniles (80.3 percent) were referred to county juvenile probation departments for appropriate handling. Less than 10 percent of arrested juveniles were referred to diversion programs or other public or private agencies.

With this in mind, according to many literature reviews, holding juveniles accountable for acts that have harmed others must be approached in a developmental context because young people think differently than adults, are emotionally immature, and do not have fully formed moral values. Young offenders must be taught to view their victims as people and to view themselves as being more in control of their choices. They must also become successful at something other than crime. Neither treatment nor punishment repairs the damage done to victims and the community by delinquent acts. Juvenile accountability requires a combination of skills building, reparation to victims, and citizen protection in an approach that encourages the development of young people so they become contributors to the community.

### Purpose

The purpose of this literature review is to use restorative justice model as an alternative to punishment and incarceration by understanding its process, such as – what restorative justice means, how it works, how it benefits delinquents, and how it contributes to the overall success of preventing youth crimes? The goal is to evaluate different restorative justice programs in the United States that deals with youth delinquents by determining the success of each program and how it directly impacts youth, and whether or not such approach plays a role in education. In addition, this literature review will analyze how recent studies determine the success of restorative justice in promoting victim and offender satisfaction and perceptions of fairness in the justice process and outcome. Furthermore, the purpose is to evaluate how advocates for restorative justice claim that this form of justice is able to both decrease recidivism and increase victim satisfaction relative to the traditional court system.

### Research Questions

There are several research questions that are important to address in order to fully understand the purpose and theoretical rationale of this literature review. For instance, what programs currently exist in the United States that uses the restorative justice model? In California, for example, there are currently ninety youth court programs and additional twenty restorative justice programs. Specific examples of restorative justice programs are: crime repair crews, victim intervention programs, family group conferencing, victim-offender mediation and dialogue, peacemaking circles, victim panels that address offenders, victim empathy classes for offenders, and victim-directed and citizen-involved

community service by the offenders. Currently, there are forty-five states that use restorative justice model.

What is the number of youth participation? Out of the 226,000 youths who were arrested for misdemeanor crimes in 2005, only less than six-percent of them actually participated in restorative justice programs.

What are the benefits of using restorative justice as an alternative to punishments and incarceration? The restorative justice model takes the whole child into consideration and creates a solution where the youth is able to reevaluate his or her behaviors by understanding the impact it had on the community, as well as their families, and them personally. Other benefits include improved accountability in minor offense cases that are unlikely to result in sanctions from the traditional juvenile justice system, more timely handling of cases, cost savings (programs rely heavily on volunteers), and enhanced community-court relationships

What is the cost of the programs that uses the restorative justice model? In California, for example, according to the California's Legislative Analyst's Office, the state government provides about five million dollars for restorative programs. Most programs are privately funded and many of them rely heavily on community volunteers.

Finally, what is the impact of education for youth? One of the most important impacts is that restorative justice programs forces youth to work with others and in small groups which most public schools often lack, enhances students' abilities to communicate, investigate, analyze, synthesize, experiment, and reflect. Students also forge positive relationships with adults, learn the joy of productive work, and are recognized as contributors to their communities.

## THEORETICAL RATIONALE

According to Marshall (1999), restorative justice was first used to refer to certain “principles arising out of early experiments in America using mediation between victims and offenders” (p. 9). Marshall (1999) further explains that “restorative justice is not a single academic theory of crime or justice, but represents, in a more or less eclectic way, the accretion of actual experience in working successfully with particular crime problems.” Moreover, restorative justice practices “have been extremely varied (including victim-support, mediation, conferencing, problem-oriented policing and both community and institution-based rehabilitation programs), all these innovations were based on recognition of the need for engagement between two or more of the various parties” (p. 10). In addition, according to Balahur (2007), the concept of restorative justice theory has a diversity of meanings. She writes, “It is, many times, used as an umbrella to designate a variety of alternative practices for conflict resolution” (p. 2). Restorative justice theory was practiced as a traditional conflict resolution by “Maori in New Zealand and Navajo in the United States of America” (Balahur, 2007, p. 3).

With this theoretical rationale in mind, this literature review seeks to understand the scope and magnitude of previous literatures done on restorative justice. In doing so, the analysis of this research will provide a unique viewpoint about restorative justice. As result, this research will go beyond the narratives and descriptions about restorative justice, but actually determine how such approach to criminal justice attempts to achieve restoration in three different, but interrelated, domains: victim, offender, and community. For instance, how does restorative justice aims to restore victims, materially and psychologically, to where they were before the crime occurred? Second, how does

restorative justice restore the offenders to a law-abiding life style, by making them realize the harm that they caused the victim and by treating offenders with more respect than in the traditional court system? Lastly, how does restorative justice attempts to repair the harms that have been caused to the community by the offense, as well as involve the community in the reintegration of the offender?

### Assumptions

In order to practice restorative justice, an assumption must be made that crime originates in social conditions and relationships in the community. Marshall (1999) also points out that restorative justice assumes “crime prevention is dependent on communities taking some responsibility (along with local and central governments’ responsibility for general social policy) for remedying those conditions that cause crime” (p. 9). Moreover, crime cannot be resolved unless all parties are involved. The involvement and partnership of all party members are crucial to achieving the goals of restorative justice. Therefore, restorative justice consists of a balance approach in which a single objective is not allowed to dominate the others.

### Background and Need

Scholars who write about restorative justice practices believe that restorative justice is on the rise because its principles or values are effective in dealing with youth delinquents as well as with victims and communities. In a recent national survey, Abrams, Umbreti & Bazemore (2006) state in their article that “virtually every US state is in the process of developing or operating restorative justice policies and/or related practices for juveniles.” They have also found that as of 2001, there were more than “300 victim-offender-mediation programs in the US and more than 1,400 in 17 countries

internationally, and the numbers continue to rise” (p. 243-244). The theory and practice of restorative justice is clearly becoming more visible and influential in communities. To date, there are more than “40 empirical evaluative studies that have examined outcomes of victim-offender-mediation programs involving young people, using such indicators as victim and offender satisfaction, the fulfillment of restitution agreements, and recidivism rates” (Abrams, Umbreit & Gordon, 2006, p. 244). Many of the studies show that the overall satisfaction of offenders, victims and communities are excellent. The studies indicate that all three stakeholders are pleased with the restorative justice process.

## REVIEW OF THE LITERATURE

In reviewing the literatures about restorative justice and its programs, I looked for current information found starting from year 1990 to the present time. I also used literature review that focuses on restorative justice process, programs, reports, development or implementation of programs, and its impact and/or benefits. I then looked for different organizations or programs in the United States that practices restorative justice theory. Further, I reviewed other programs overseas to find similarities and differences. .

In addition, I used the *Juvenile Justice in the United States: Facts and Issues* as a source to find statistical data on juvenile crimes. I found that as the United States continues to face many challenges in the traditional juvenile justice system, a greater need to search for alternative programs becomes even more important. According to Presser and Hamilton (2006):

Currently the United States has the highest per capita incarceration rate in the world. In midyear 2004, more than 2.1 million people were in prison or jail in the United States, with nearly 6.5 million Americans under correctional supervision generally. More than half of those in prison in the United States are there for nonviolent offenses. We have been 'getting tougher' with both adults and juvenile offenders (p. 317).

The question here then becomes how best to deal with those who have committed an offense, especially if it is only a misdemeanor incident. With regards to juvenile delinquents in California, for instance, of the juveniles arrested in 2005, two-thirds were arrested for a misdemeanor offence (60 percent), another quarter were arrested for a felony offense (26.5 percent), and eight out of ten arrested juveniles (80.3 percent) were referred to county juvenile probation departments for appropriate handling. Only less

than 10 percent of arrested juveniles were referred to diversion programs or other public or private agencies (California Criminal Justice Statistics Center, 2007-2008). Many scholars such as Bazemore & Umbreit (2001) and Presser & Hamilton (2006) who have written articles about restorative justice argue that if more juvenile delinquents are referred to other diversion programs that practice restorative justice principles, then an intervention will take place to repair the harm and actively involve all stakeholders, not just the offender.

### Models of Restorative Justice

In regards to examining specific restorative justice programs, there are four well known models. Bazemore and Umbreit (2001) issued an extensive review of the four models, which are victim-offender-mediation, community reparative boards, family group conferencing, and circle sentencing.

#### Victim-Offender Mediation:

In a victim-offender mediation, which is a model that allows for the victim to engage in a safe dialogue with the person who caused the harm, studies show that “95 percent of mediation sessions resulted in a successfully negotiated restitution agreement to restore the victim’s financial losses” (Bazemore & Umbreit, 2001, p. 4). The authors have also found that victims are much more satisfied with the results of restorative justice process than the standard court process – 79 percent of victims are satisfied with the restorative justice process. They have also gathered that the likelihood of offenders to complete their restitution obligation is high, about 81 percent are successful than those who do not participate in the restorative justice process. Recidivism rates were also lower among offenders who participated in mediation than among offenders who did not

participate, 18 percent versus 27 percent (Bazemore and Umbreit, 2001, p. 4).

Additionally, Presser and Hamilton (2006) investigated 14 sessions of victim-offender-mediation programs operated by a juvenile court. They found that these victim-offender-mediations were “persuasive but not coercive” and that “victims did not seem to contain anger and frustration” (p. 337). Also, Umbreit (1998) points out that “victim offender mediation, which began in the late 1970’s, is now occurring in more than 290 communities throughout the United States” (p. 7). Overall, scholars find that this type of restorative justice model has been successful for both the victim and the offender, and in turn for the community.

#### Community Reparative Boards:

On the other hand, in community reparative boards, which involve members of a community who are trained to conduct face-to-face meetings with offenders, Bazemore and Umbreit (2001) state that there are limited quantitative data out there that evaluates the effectiveness of this model. The authors express that “there is growing concern that evaluations of reparative board programs should consider measures beyond the standard offender-focused measure of recidivism” and that “additional measures should include responsiveness to victim and community needs, victim and community satisfaction, and impact on the community” (p. 5). At best, experiential and anecdotal information indicates that reparative boards show much promise as an effective response to nonviolent crimes.

#### Family Group Conferencing:

Meanwhile, in a family group conferencing, which involves the community of people most affected by the crime that decides the resolution of a criminal or delinquent

incident, two studies have been conducted to assess its impact with young offender.

According to Bazemore and Umbreit (2001), one study shows that “families of offenders in conferencing programs are more frequently and actively involved in the justice process than are families of offenders whose cases are handled by standard procedures” (p. 7).

The authors also add that, “preliminary evaluations of conferencing programs in the United States indicate high levels of victim satisfaction with the conference process and high rates of offender compliance with agreements reached during conferences (Bazemore & Umbreit, 2001, p. 7). In general, families are satisfied with this type of model because they are involved and considered as part of the process.

Circle Sentencing:

Lastly, in circle sentencing, which considers the needs of victims, families, and communities, Bazemore and Umbreit (2001) admits that there are minimal research out there that looks into the effectiveness of circle sentencing. However, one study conducted in Canada in 1996, “indicated that recidivism was less likely among offenders who had participated in circles than among offenders who were processed traditionally.”

Furthermore, “those who have been involved with circles report that circles empower participants to resolve conflict in a manner that promotes sharing of responsibility for outcomes, generates constructive relationships, enhances respect and understanding among all involved, and fosters enduring innovative solutions” (Bazemore and Umbreit, 2001, p. 8). At this point, in order to evaluate the success rate of circle sentencing, more research about this model must be conducted. Nevertheless, the research done about different restorative justice models have been positive and its findings portray effective outcomes for all stakeholders.

### Paradigm

To this end, restorative justice models represent a different paradigm than the traditional criminal justice process for youth delinquents. Umbreit (1998) explains that the difference is that restorative justice is “far more concerned about restoration of the victim and victimized community than costly punishment of the offender” (p. 4). This provides an opportunity for the victims to be seen as an important part of the criminal justice process, because they are involved and their inputs are considered. In addition, Umbreit (1998) writes that restorative justice process:

Requires that offenders be held directly accountable to the person and/or community that they victimized; encourages the entire community to be involved in holding the offender accountable and promoting a healing response to the needs of victim and offenders; places greater emphasis on the offender accepting responsibility for their behavior and making amends, whenever possible, rather than on the severity of punishment; recognizes a community responsibility for social conditions which contribute to offender behavior” (p. 4).

As a result, restorative justice increases the probability of preventing youth violence in the communities.

Accordingly, studies show that public opinions believe that restorative justice is worth an investment. For example, in a statewide public opinion survey in Minnesota, most people are satisfied with the restorative justice process. Umbreit (1998) notes that a “probability sample of 825 Minnesota adults, demographically and geographically balanced to reflect the state’s total population,” were asked important questions about the impact of restorative justice (p. 14). About 75 percent of the survey participants prefer the restorative justice process over the standard court process. Also, 80 percent of the survey participants believe that the government should spend more money on alternative programs to reduce crime than on prisons. Even though this study is just a reflection of

one state, there is a high probability that most communities are satisfied with the restorative justice process as well.

#### How Restorative Justice Prevents Youth Crimes

To date, scholars such as Beyer (2003) and Souza and Dhimi (2008) find different reasons as to how restorative justice prevents youth crimes. One example is that “young people behave better when their strengths are appreciated and they become involved in programs that build their competencies rather than punish them for their deficits” (Beyer, 2003, p. 26). Studies show that restorative justice works best in accomplishing this. According to Souza and Dhimi (2008), “Crime is traditionally regarded as a violation of the law, and the traditional aims of deterrence and rehabilitation often involve the use of imprisonment” (p. 32). Studies show that punishing youth without acknowledging the harm that they have done and without keeping them accountable for their actions do not completely deter them from committing further crimes. However, Souza and Dhimi (2008) have found that restorative justice “focuses on healing interpersonal relationships that have been violated by crime, by creating opportunities to right a wrong through support and reconciliation” (p. 32). Because of this, they believe that this is more effective in preventing youth crimes.

Perhaps the main theme in many of the literatures about restorative justice is that this alternative process of dealing with juvenile delinquents restores all parties affected by the crime. For instance, victims are often marginalized in traditional justice proceedings, but restorative justice affords them a voice to express their feelings about the harm they experienced, and they are also “included in decisions on how the harm can be repaired” (Souza and Dhimi, 2008, 33). In addition, restorative justice is a “forward-

looking solution to crime in that the problem rather than the person becomes the focal point of justice” (Souza and Dhimi, 2008, 33). Through face-to-face meetings, offenders are given the opportunity to be held directly accountable to their victims and so can learn about the impact of their actions and take responsibility for making amends. Finally, restorative justice recognizes the community as an important stakeholder in justice, such that it situates crime in a social context to enable community members to provide solutions to crime.

#### Arguments against Restorative Justice

Meanwhile, it is important to note some scholars do disagree with the philosophy behind restorative justice. For instance, Daly (2000) states some problems she finds behind its definition. She writes:

Restorative justice is not easily defined because it encompasses a variety of practices at different stages of the criminal process, including diversion from court prosecution, actions taken in parallel with court decisions and meetings between victims and offenders at any stage of criminal process...restorative justice process have only been applied to those offenders who have admitted to an offense; as such it deals with the penalty phase of the criminal process for admitted offenders, not the fact-finding phase (p. 57).

In addition, Daly disputes the claim that restorative justice produces major changes in people. She argues that “there is no real evidence that restorative justice of itself can be expected to produce major changes in people.” She further asserts that “while people and social transformation undoubtedly occurs some of the time, and is likely to be rare in a courtroom proceeding, advocates lead us to think that it is typical in a restorative justice program” (2000, p. 67). These arguments should be considered in the evaluation of restorative justice process.

#### Arguments for Restorative Justice

However, there is real evidence that restorative justice produces major changes in people. For example, the American Youth Policy Forum (2005) interviewed several different participants and volunteers of Youth Court programs, which practice restorative justice values, from across the country. According to one interview from Pottstown, PA:

The youth participating in our program, both respondents and volunteers agree that the youth court program encourages positive peer pressure. Youth learn from their mistakes and learn about the law that affects juveniles daily. Public speaking skills, court procedures, and preparation are skills that are stressed in the program. Many young participants have expressed their interest in furthering their education in the law field (American Youth Policy Forum, 2005, p. 20).

This one example shows that major changes in young people's lives are happening through the restorative justice process. The fact that youth are learning from their mistakes is a major change. And the fact that youth are interested in furthering their education is also a major change.

Furthermore, Varnham (2005) finds that restorative justice is a valuable alternative to punishment or incarceration. She argues that conflict and safety issues in schools should be dealt with by the "school community as a whole [and should be based on] restoration of relationships rather than punishment" (p. 87). Her article illustrates the progression of restorative justice in today's society. She explains eloquently the definition, process/procedure, and benefits of such method to dealing with youth delinquents. Varnham's (2005) main theme in her article is that restorative justice is an effective tool to prevent youth crimes and to provide a safer school environment. She tackles important questions such as: "How should schools respond to behavior that threatens school safety? Why do young people behave badly in school? Should schools be moving toward more meaningful involvement of students not only in building the

school community but also in solving problems within that community?” (p. 87). These are kind of questions that are relevant and important to analyze and evaluate.

In general, literatures about restorative justice suggests that such approach offers youth a chance to see conflict as a positive opportunity to learn more about others. It also provides a structure for students to handle conflicts, while teaching them acceptance and responsibility. In addition, restorative justice develops life skills that enable youth to treat others with more respect and communicate more effectively. It also promotes understanding and sensitivity to the needs of others, while increasing youth interest in the justice and legal system. Moreover, restorative justice helps build a better school environment, reduces discipline referrals, and increases teaching time in schools.

#### Review of the Previous Research

##### Youth Court as a Restorative Justice Program:

Since the existence of Youth Court, which was established in Naperville, Illinois, founded in 1972, and Oneida, New York, founded in 1974, most youth offenders have been referred to the program as opposed to the traditional juvenile justice system. The American Youth Policy Forum (2005) estimated that 110,000 to 125,000 youth offenders served in youth court programs each year and that on average, nine percent of juvenile arrests are diverted from the formal juvenile justice system to youth courts. As a result, Youth Court has been increasingly popular, “with more than 875 programs nationwide in 2002” (Dick et al., 2004, p. 1448). Dick et al. claim that even though many advocates of Youth Court believe the program is successful, there are negative aspects that the program brings. Their essential claim is that “labeling proponents contend that the

juvenile court may produce more delinquent careers than they prevent” (Dick et al., 2004, p. 1449). For instance, they believe:

Youth referred to juvenile court may begin to see themselves as delinquents, begin to develop and reinforce delinquent self-concepts, and embark on future criminal careers. In this regard, the stigma attached to contact with justice agencies may act as a self-fulfilling prophecy in which individual’s behavior conforms to the label that has been assigned to him or her (p. 1449).

Another essential argument made in this article is the importance of using theory in order to evaluate Youth Courts. Dick et al. (2004) claim:

Theory will help define and frame programmatic purposes and goals. Theory will guide the development of research questions, data interpretation, and policy recommendations. Theory will lend great insights for understanding offenders’ characteristics, their success or failure with the peer court process, and whether they recidivate (p. 1453).

In countering the authors’ arguments about the labeling perspective, Youth Court in Marin County does not label the offender as a delinquent. The offender is often times seen as a victim, not a delinquent. Because of this, youths feel respected since they are not judged or seen as a “bad guy.” I do agree, however, that theories are helpful in evaluating Youth Court programs. The theory used in Youth Court is restorative justice, which focuses largely on the victim, offender, and community.

Likewise, Rasmussen (2004) also addresses the same issue about labeling in Youth Courts. He states that “as sentencing involves public judgment of offenders, there may be a risk of inadvertently labeling these youths delinquent when such a label is inappropriate (p. 616).” Again, youth offenders who participate in Youth Court in Marin County, California, are not labeled as delinquents. They are treated with respect by their peers. Rasmussen also argues that recidivism should not be the most important measure of success. Perhaps the reason for this is due to how Youth Court often prides itself on the fact that it achieves low recidivism. Instead, Rasmussen (2004) believes that “the

value of teaching local youths about the law supercedes unimpressive recidivism findings” (p. 617). His argument here is not entirely true. As a matter of fact, according to the American Youth Policy Forum (2005), “a number of Youth Court coordinators indicated recidivism rates of 10%” [in 2002-2003] (p. 15). A study also shows that “a total of 34,083 youth had completed the peer-imposed sanction successfully within the previous year, for an average completion of 89%” (p. 15). In addition, the purpose of Youth Court is surely not about recidivism, but more about helping youth understand the consequences of committing a crime and to hopefully guide them along the way to change negative patterns into more appropriate and productive forms of behavior.

On the other hand, Weisz et al. (2002) boldly assert that Youth Court is ineffective and does not reduce re-offense rates. They argue that “the growth in the development of teen courts has not been accompanied by careful evaluations of their effectiveness or impact.” They further claim, “There are numerous anecdotal reports from teen courts about the effectiveness of their program in reducing recidivism rates” (Weisz et al., 2002, p. 382). In their findings, “neither the defendants, nor their parents, thought that the teen court experience was especially beneficial to their school grades, family and friend relationships, or substance use” (Weisz et al., 2002, p. 388). They also found that “the teen court experience did not appear to impact meaningfully on the studied attitudes and beliefs of the defendants and the volunteers...Also contrary to expectations, teen court defendants and volunteers did not increase their respect for institutional authority” (Weisz et al., 2002, p. 389). They assessed the participants by using several standardized measures as well as a satisfaction survey developed for their project. One important thing to understand here is that not all Youth Courts work the same. The goals and purpose are

most likely similar from each other, but they all work differently when dealing with certain circumstances. The research study done by Weisz et al. is important to consider and actions should take place to improve each and every Youth Court programs in the nation. However, for the most part, Youth Court has been very successful. According to the American Youth Policy Forum (2005), everyone benefits from Youth Court: “The program offers opportunities for youth, both offenders and volunteers, to learn about the law, the juvenile justice system, and the responsibilities of a citizen in a democratic society, while developing skills in public speaking, leadership, and mediation” (p. 18). With this in mind, the benefits of Youth Court out way the study findings from Weisz et al.

Even though some scholars may not completely support the philosophy that Youth Court purports, there are several other scholars who are passionate about the program. For example, Skotnicki (2006) is a strong supporter of restorative justice. His article, “How Justice is Restored?,” explains the theory and arguments for restorative justice. He defines restorative justice as a theory that “seeks to restore the harm caused by crime” (Skotnicki, 2006, p. 188). He explains that restorative process “culminates in forgiveness or at least in a sense of closure for the participants, each having expressed themselves and having determined a mutually satisfactory solution to the infraction” (Skotnicki, 2006, p. 189). This claim is important to capture because, as it relates to forgiveness, a person must give up what he or she does not want in order to make room for what he or she wants. By this I mean, we must all give up pain, anger, resentment, and fear in order to experience goodness, joy, peace, and love. We must understand that most of us do make mistakes in our own personal choices. Mistakes are a way of human

life. In this case, restorative justice allows young people to recognize their mistakes and to develop acts of reparation.

Furthermore, Varnham (2005) also believes in restorative justice. She argues that conflict and safety issues in schools should be dealt with by the “school community as a whole [and should be based on] restoration of relationships rather than punishment” (p. 87). Her article illustrates the progression of restorative justice in today’s society.

Varnham (2005) explains eloquently the definition, process/procedure, and benefits of what she calls “peer mediation.” Peer mediation is very similar to Youth Court in many ways. In fact, she uses an example of New Zealand’s actual Youth Court. Varnham’s (2005) essential claim is that restorative justice is an effective tool to prevent youth crimes and to provide a safer school environment. She tackles important questions such as “How should schools respond to behavior that threatens school safety? Why do young people behave badly in school? Should schools be moving towards more meaningful involvement of students not only in building the school community but also in solving problems within that community?” (p. 87). These are the kind of questions that are relevant and important to analyze and evaluate.

Varnham (2005) uncovers that “research into school exclusion, particularly in relation to zero tolerance practices in the US, suggests that if students are disengaged from school there is a strong likelihood of their going down the path which has been referred to by researchers as the schoolhouse to jailhouse track.” As a result, Varnham asserts that “the present system fails to hold students who misbehave truly accountable for their actions, there is a high risk of their repeating the behavior to the detriment of the community” (p. 88). This is one of the main reasons Youth Court should be used as a

strategy to prevent youth crimes. Youth Court holds offenders truly accountable for their actions. Varnham (2005) postulates:

Peer mediation [like Youth Court] is seen to offer a positive approach to problems of conflict between students in schools. The rationale behind peer mediation is that it empowers students to work out differences constructively and to work towards solutions on their own rather than through school disciplinary mechanisms (p. 89).

With this postulation in mind, restorative justice offers youth a chance to see conflict as a positive opportunity to learn more about others. It also provides a structure for students to handle conflicts, while teaching them acceptance and responsibility. In addition, restorative justice develops life skills that enable youth to treat others with more respect and communicate more effectively. It also promotes understanding and sensitivity to the needs of others, while increasing youth interest in the justice and legal system. Moreover, restorative justice helps build a better school environment, reduces discipline referrals, and increases teaching time in schools.

In addition, Forgays and DeMilio (2005) believe that Youth Court is an effective alternative for many youth offenders. In their research study, Forgays and DeMilio (2005) have found that:

The key components of the Teen Court experience are admission of guilt publicly before peers, acceptance of a sentence from one's peers, and positive reengagement with a peer group. All of these tasks are socially and personally challenging for the offender but once achieved, can empower the youth to engage in positive social behavior (p. 108).

Along with personal empowerment, Forgays and DeMilio (2005) believe that it is also necessary for youth offender to “internalize prosocial community values and avoid future crimes against that community” (p. 108). This can be done through community voluntarism. Most sentences in Youth Court require certain hours of community service that the offender must complete. In addition, youths are required to report their

experiences in a form of an essay and share with the rest of the group what he or she has learned. This allows youths to realize community values as they become active members of their own community. In doing so, they will likely avoid committing future crimes against their community.

Finally, Bradshaw and Roseborough (2005) both agree that restorative justice is the best approach to reducing youth crimes. They evaluate three theories that the United States government uses in response to juvenile offenses and how restorative justice theory, in particular, reduces recidivism. The two traditional theories that have been used in the U.S. are "retributive" and "rehabilitation." Bradshaw and Roseborough (2005) assert that these traditional methods do not focus on the major stakeholders: "victim, offender, and community." On the other hand, restorative justice:

Offers a process by which those most directly affected by crime...have an opportunity to be involved directly in responding to the offense, holding the offender accountable, offering emotional and material assistance to the victim, and working toward the development of a safe and caring community for victim and offender (p. 15).

Bradshaw and Roseborough use "mediation" and "conferencing" as specific programs to describe restorative justice dialogue. To prove why restorative justice is the best alternative, their study sampled 1,298 juvenile offenders (619 participated in a mediation program and 679 did not). Those who participated in a mediation program recidivated significantly lower than those who did not participate in the program (2005, p. 16). With this result in mind, a restorative justice approach does work and should therefore be used as a strategy to prevent and reduce youth crimes.

### Summary of Major Themes

The major themes of the research literature evaluated here are: (1) Restorative justice program such as Youth Court might produce negative impacts like labeling youth offenders as a delinquent; (2) there are not enough research done to conclude that restorative justice is as effective as what most advocates would say; and (3) there are no significant changes that youth acquire from participating in restorative justice programs. On the other hand, other major themes include: (1) restorative justice is a good alternative for youth offenders; (2) Restorative justice theory is an effective strategy to reduce youth crimes; (3) through a restorative approach, youth recidivate at a lower rate than through a retributive approach; and (4) Restorative justice programs overall, provides positive benefits.

### How Present Study Will Extend the Literature

It is imperative to consider the arguments made by scholars who expressed that restorative justice is not as effective as one would think. One way of extending discussions in literature about this topic is to review the findings from Weisz et al (2002). Why does their study show that restorative justice program like Youth Court was not as beneficial? And why does their research show Youth Court is ineffective? When most studies find that Youth Court is in fact an effective approach in reducing youth crimes. There seems to be a contradiction here. It is also necessary to consider Varnham's (2005) queries with regards to how schools should respond to bad behaviors? Clearly, restorative justice programs are not the only way to improve school safety. What other ways should schools and communities move towards building safety measures?

## METHODOLOGY

This project is a meta-analysis on topics relevant to the effectiveness of restorative justice programs for youth offenders. I looked at primary documentation of significant case studies done on restorative justice programs and other literature reviews on the effectiveness of restorative justice models. Additionally, I looked at secondary sources for varying interpretation of the mentioned case studies in application to the usefulness of restorative justice approach.

The overall questions this meta-analysis address are:

- What is known about the current use of restorative justice approaches for youth who have committed an offense?
- What is known about the use and/or effectiveness of the models of restorative justice being used for youth delinquents?

Information on the use and effectiveness of restorative justice models are obtained from the following sources:

- A review of available literature (including library and internet searches in the social science journals, governmental, and non-governmental reports).
- The sources on the restorative justice literature considered are from the year 1990 through 2008.

A number of electronic databases and other resources are searched to determine the extent and range of published information on the use of restorative justice within juvenile delinquents. Search of databases stem primarily from Dominican University of California's library databases which includes journal articles and statistics from the following:

- **EBSCOhost: Academic Search Premier** which is a multi-disciplinary database that provides full text articles for nearly 4,500 journals, including full text for more than 3,600 peer-reviewed titles.
- **ERIC** which covers scholarly research and information relating to all areas of education. The topics cover all levels of education from early childhood to higher education, and all educational specialties.
- **JSTOR** which provides full text articles of over 700 scholarly journals.
- **USA.gov** which is gateway to government agencies at the local, state, federal and tribal levels.

The following key search terms are used in combination with each other to capture relevant materials:

- Restorative justice/restorative justice programs/restorative justice models
- Reparation/reparation model
- Mediation
- Group conferencing
- Victim-offender-mediation
- Community reparative boards
- Family group conferencing
- Circle sentencing
- Effectiveness of restorative justice model/program
- Outcome of restorative justice model/program
- Recidivism
- Youth offender/juvenile delinquents

- Educational opportunities for juvenile delinquents

In addition, internet searches are used through Google to try and locate relevant documents, including information available on local authority and other websites. Due to the high numbers of materials available on Google, strict limits are set on these searches by using combinations of key words and viewing the first 25 hits or hits with relevance rating of between 90-100 percent, this way the search is refined. The “Restorative Justice Online” website is also used as a resource because it provides comprehensive sources of information that is authoritative, credible, and non-partisan on restorative justice and programs.

Within the research, appropriate outcomes are identified which might be measurable and linked directly to the goals of restorative justice. The outcome measures used are victim and offender satisfaction, restitution compliance, and recidivism. The reason these outcome measure are used is because they are suitable, clear and quantifiable in determining the effectiveness or success of restorative justice programs.

## DISCUSSION

### Summary of Major Findings

Most of the research literatures examined here do agree that restorative justice produces lower recidivism (re-offence). Part of the reason is that in a restorative justice system youth offenders are held accountable for their conduct and teaches them community accountability. It also helps at-risk youth change negative patterns into more appropriate and productive forms behavior, as well as provides them meaningful volunteer opportunity. On the other hand, the traditional juvenile justice system, which uses a retributive approach, does not do this. As discussed in Bradshaw and Roseborough's (2005) article, the retributive model "creates situations that increase the likelihood of further delinquent activity" (p. 15). Most of the research literature also agree that the benefits of restorative justice programs include positive opportunities such as teaching youth acceptance and responsibility, promoting active memberships in communities, and helping build safer school environment. The overall finding is that youth offenders who participate in restorative justice programs become very successful once he or she completes a program.

### Limitations/Gaps in the Literature

One of the limitations of restorative justice practices is that it rely in large part upon voluntary cooperation. Marshall (1999) points out that "if one party is not willing to participate, the range of options is reduced." Furthermore, "If neither party is willing, there is no option but to let formal justice take its usual course. There is therefore no prospect of justice being wholly restorative and of formal justice being wholly replaced" (p. 11). As a result, traditional justice forms will have to solve cases where restorative

justice is inapplicable of doing because of the circumstances. Restorative justice could fail due to lack of cooperation from party members. It could also fail if party members are just not able to come to a mutually acceptable resolution.

This might seem a major drawback to restorative justice. However, research studies show that most individuals who are offered a chance to participate in a restorative justice model are willing to do so. The rate of agreements between party members is also high. According to Marshall (1999), “Failures to carry out agreements are much lower than failures to pay fines or compensations ordered by the court” (p. 11). With this in mind, restorative justice is more accessible and attractive to individuals because it provides them with flexibility. Restorative justice theory is also more easily understood than the legal procedures.

Another limitation involves having a certain level of resources and skills for the community. In order for a restorative justice program to work and to be successful, it must assure that individual privacy and autonomy is emphasized. Each community is different, but some communities often face major social divides between cultures and age groups. Greater community involvement would inevitably mean increased education, training and practical resources.

Similarly, Marshall (1999) points out that social injustice and inequality in and between communities exist everywhere. He writes, “While problems such as these continue the degree to which communities can be supportive, caring and controlling is restricted. Social divisions also make voluntary participation less effective” (p. 12). Therefore, if restorative justice involves the community as one of the major players, there needs to be a community.

### Implications for Future Research

It would be in the best interest of restorative justice programs to research the reasons other scholars believe that the program produces negative impacts like labeling youth offenders as a delinquent. If this is such a big issue for scholars in the field, then it is necessary that future research on this particular matter should be examined more closely. Also, if there is not enough research done to assess the effectiveness of restorative justice, then it might be beneficial to gather more information to prove why a restorative approach works. Finally, if there are no significant changes that youth acquire from participating in restorative justice programs, then changes in the program might be necessary in order make it more meaningful for everyone who participates.

### Overall Significance of the Literature

The researchers articulated important claims about restorative justice programs. For example, they claim that the restorative justice theory produces lower recidivism and that, more importantly, it helps troubled youths change negative patterns into more appropriate and productive forms behavior. Literature expands one's knowledge about theories used in the juvenile justice system. Evaluating the literature allows for careful review of the effectiveness of what is being studied. The research literature helps to generate future research questions, by establishing relationships between constructs and variables, and refining and directing the type of research I am doing. Lastly, the literature review is significant because it provides an understanding of how restorative justice programs should function in order to influence offenders in a positive and meaningful ways.

## The Impact of Restorative Programs on Education

Restorative justice programs play an important role in education. Students who partake in different types of restorative justice program activities are forced to work with others and in small teams, which most schools often lack. Restorative justice programs also enhance students' abilities to communicate, investigate, analyze, synthesize, experiment, and reflect. Students are more apt to explore new fields, use new technology, meet real-world challenges, and develop mastery. Moreover, students create a new civic space in which they can forge positive relationships with adults, learn the joys of productive work, and be recognized as contributors to their communities.

According to Schwartz and Stolow (2006) restorative justice programs “offers more of what we all want from education: discovery, small learning teams, real-world skills, character development, and wonder” (p. 9). Students are able to operate in small groups that require teamwork. This is well suited for project-based learning and offer superb opportunities for students to develop mastery. Restorative justice programs also offer real-world learning that is meaningful to students because it engages the broader community. Schwartz and Stolow (2006) states, “From John Dewey forward, progressive educational theorists and practitioners have believed that students learn best when they learn by doing” (p. 13). Students need to be engaged in relevant activities where they can test alternative approaches and see the results of their efforts. Restorative justice programs can allow students to learn interactively and stick with a skill so that they get really good at it.

In addition, restorative justice programs also have a special capacity to forge relationships between young people and adults from diverse backgrounds. Through

restorative justice programs, students will gain twenty-first century skills, experiences of mastery, and expand college and career opportunities. Parents will be confident that their children are not only safe but also growing and learning during the after-school hours. As a result schools will have more competent, more motivated, and more responsible students. In all, communities will have citizens of all ages who are connected to each other and know how to solve problems together.

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