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CHALLENGES IN IMPLEMENTING RESTORATIVE JUSTICE PRACTICES IN THE UNITED STATES

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CHALLENGES IN IMPLEMENTING RESTORATIVE JUSTICE PRACTICES IN THE
UNITED STATES

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PIM72

Capstone Paper submitted in partial fulfillment of the requirements for a Master of Conflict
Transformation at SIT Graduate Institute in Brattleboro, Vermont, USA.

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Abstract

The purpose of this study was to research the challenges that restorative justice practices come across in their institutional and implementation phases within the United States. The modern concept or philosophy of Restorative Justice has been around for about four decades since the 1970s or 80s. There have been multiple studies made to prove that restorative justice practices might reduce recidivism incarceration costs, while also creating a more fulfilling experience for all parties involved, including minimizing feelings of revenge from the victim. So why has the United States criminal justice system not made more advancements to incorporate more restorative justice practices? Many people who are stakeholders in or are affected by the criminal justice system recognize that the current practices are unfulfilling in various ways.

The organization I was volunteering with wants to move its practices toward a complete restorative justice practice model, and has been coming across difficulties in the process. It was in my interest to conduct this research to pinpoint the challenges that current or future restorative justice programs might come across to prevent further conflict in their movement. Using semi-structured interviews and convenience sampling, I spoke to program managers, directors, and restorative justice advocates across the United States who share similar frustrations.

The research findings conclude many reasons creating these barriers. Of them include but are not limited to, a lack of resources, time commitment, lack of education, and the paradigm shift that contradicts the adversarial power system we currently have.

My hope for this research study is to help future and current organizations that are interested in implementing restorative justice practices for their own communities.

Introduction

The development and implementation of innovative, sustainable, and relational strategies for community peacebuilding is vital to a stable democracy. Unfortunately, the negative effects of our modern criminal justice system prove the need for change. In 2013, the National Association of State Budget Officers reported that “State spending for corrections reached \$52.4 billion in fiscal 2012 and has been higher than 7.0 percent of overall general fund expenditures every year since fiscal 2008.” Policy makers have noticed these large costs and have been trying to lower these rates and provide alternative means of improving outcomes; though, attempts such as implementing drug treatment programs have not proved successful in regard to lowering costs due to incarceration. It is also not a secret that the United States has 5% of the world population, but 23% of the world’s prisoners. As a country at our level of international influence and leadership, these numbers are not sustainable.

Few policy makers seemed to have considered restorative justice as a tool to move criminal justice forward into a new direction. Having similarities that had actually been included in early justice systems, restorative justice has slowly been introduced into some communities around the United States since the 70s and have proven successful in various ways. However, it is important to note that this research is not intended to provide a solution to recidivism or high incarceration costs. As Howard Zehr very eloquently puts it:

“Reduced recidivism is an expected byproduct, but restorative justice is done first of all because it is the right thing to do: victims' needs should be addressed, offenders should be encouraged to take responsibility, those affected by an offense should be involved in the process, regardless of whether offenders “get it” and reduce their offending.” (p.8).

For six months I volunteered with a program that worked with youth who were referred by Florida’s Department of Juvenile Justice. These youth had committed felonies,

and were referred my program to learn Non-Violent Communication, empathy, and connection. The program is very young, and has more limited resources than the director would like for it to be called a holistically “restorative justice” program. However the director and staff members would love for the program to have the resources available to carry out their goals effectively and to be proud to call themselves a restorative justice program.

Restorative justice is “a process to involve, to the extent possible, those who have a stake, in a specific offense to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible.” – Howard Zehr

*The International Institute for Restorative Practices “view **restorative justice** practices as a subset of **restorative practices**. Restorative justice practices are reactive, consisting of formal or informal responses to crime and other wrongdoing after it occurs. The IIRP’s definition of restorative practices also includes the use of informal and formal processes that precede wrongdoing, those that proactively build relationships and a sense of community to prevent conflict and wrongdoing.”*

Literature Review

Introduction

Researching challenges through the experiences of others is a sensitive issue. Unfortunately, there was not any literature I could find on this particular subject, of challenges and obstacles that restorative justice programs may face. As a result, it was thought best to analyze data from people currently in the field to best seek the most organic and up-to-date information. In doing so, the literature chosen to begin this study came from the need to find the conceptual origins from which restorative justice began, and why criminal justice has led to so many problems. Therefore, this study began with the attempt to understand the philosophy and historical background of restorative justice, the history and structure of the United States' current criminal justice system, and tools for implementing restorative justice internationally at home and in other countries.

On Restorative Justice

The modern restorative justice theory developed initially from victim-encounter experiences in several Mennonite communities in the 1970s. However, Howard Zehr, with co-author Ali Gohar, explain in *The Little Book of Restorative Justice*, that restorative justice theory “is not a new or North American development,” (p.9). He continues to write that the restorative justice movement owes “special debt to the Native peoples of North America and New Zealand,” (p10).

Zehr also makes the point that restorative justice “is neither a panacea nor necessarily a replacement for the legal system,” (p.10). This point is highlighted because there are some studies available online that actually argue whether restorative justice can reduce recidivism or not. This study is not to argue or show findings on whether it can, nor is it making a point that the whole justice system should change into a completely new model right now. However, restorative justice does aim to enable stakeholders affected during a crime to

experience justice in a more holistic way. Though the current criminal justice system mandates the state and federal government's involvement publically in a societal manner, it takes away the healing experience of all parties affected, their involvement, and their accountability. The current criminal justice model does not incorporate these deeper, "private dimensions" of crime on a personal level.

On Criminal Justice

The United States' criminal justice system is deeply rooted in its history and cultural background to favor punitive and adversarial punishment. The authors of *Criminal Justice in America* documented the vast evolution of criminal justice models that we have implemented in our history. Our correctional era has seen and tried seven different models since the 1600s, and has developed as a response to culture and policy. The most recent to which we have today, is considered the "crime control model." It is based on "the assumption that criminal behavior can be controlled by more use of incarceration and other forms of strict supervision," (Cole, p.329).

According to the crime trends that these authors have accumulated, there is no proof as to whether the crime control model itself has helped reduce crime. Crime rates have shown that there has actually been a reduction in both violent and property crime in the past decade, but analysts reason that this is due to "the aging of the baby boom population, the increased use of security systems, aggressive police efforts to keep handguns off the streets, and the dramatic decline in the use of crack cocaine," (p.56).

On Restorative Justice Programming

Restorative Justice theory is a very flexible concept that can materialize differently depending on the community. One of the most useful resources that can help a restorative justice programmer is the United Nations' *Handbook on Restorative Justice Programmes*. Its objective is to provide an overview of the key issues involved in the design and

implementation of restorative justice programs. It gives clear, concise points about the values, underlying assumptions, objectives, use of restorative approaches, principles and safeguards, strategic approaches to implementing restorative practices, leadership structure, obtaining legislative support, and more. The key features of restorative justice programs are listed as follows:

- *A flexible response to the circumstances of the crime, the offender and the victim, one that allows each case to be considered individually;*
- *A response to crime that respects the dignity and equality of each person, builds understanding and promotes social harmony through the healing of victims, offenders and communities;*
- *A viable alternative in many cases to the formal criminal justice system and its stigmatizing effects on offenders;*
- *An approach that can be used in conjunction with traditional criminal justice processes and sanctions;*
- *An approach that incorporates problem solving and addressing the underlying causes of conflict;*
- *An approach that addresses the harms and needs of victims;*
- *An approach which encourages an offender to gain insight into the causes and effects of his or her behaviour and take responsibility in a meaningful way;*
- *A flexible and variable approach which can be adapted to the circumstances, legal tradition, principles and underlying philosophies of established national criminal justice systems;*
- *An approach that is suitable for dealing with many different kinds of offences and offenders, including many very serious offences;*

- *A response to crime which is particularly suitable for situations where juvenile offenders are involved and in which an important objective of the intervention is to teach the offenders some new values and skills;*
- *A response that recognizes the role of the community as a prime site of preventing and responding to crime and social disorder. (p.7-8).*

Restorative Justice in Conflict Transformation

Peace-Building is defined as “undertaking programmes designed to address the cause of conflict and the grievances of the past and to promote long-term stability and justice,” (Fischer, p.14). Restorative justice is part of “The 5 R’s of Post Conflict Peacebuilding,” exemplified in Paula Green’s *Peacebuilding in Divided Communities: Karuna Center’s Approach to Training*. The 5 R’s tool is important in promoting and implementing transforming conflict because it re-humanizes ‘the other,’ and recognizes common needs and bonds for all parties affected (p.110). The 5 R’s include reconstruction, rehabilitation, reintegration, reconciliation, and restorative justice. The topic of this research is therefore a primary feature in promoting and keeping stability and governance.

Methodology

Introduction

This research involved a qualitative approach following inquiry to uncover the deeper meanings of diverse responses. Rossman and Rallis (1998) tell us, qualitative research “seeks to learn about some aspect of the social world and to generate new understandings that can be used by the social world,” (p.5). The goal of this research is to use the lived experiences of others to assess, learn, and create opportunities to overcome challenges; therefore the qualitative approach was considered the best avenue to facilitate this study.

To obtain a large spectrum of information throughout the United States, the decision was made to conduct semi-structured interviews from different types of stakeholders in restorative justice. The information gathered was then assessed, transcribed, identified into categories, and arranged into patterns through the use of coding.

Sample

Originally, one method of sampling was chosen – convenience sampling. Hesse-Biber & Leavy discuss the ways that having access to informants for data sometimes is specific to who is available, or convenient, stating; “...researchers find the selection of informants boils down to who is available, who has some specialized knowledge of the setting, and who is willing to serve in that role” (2006, p. 46). However, this process was proved difficult as there are a plethora of program managers, directors, lawyers, and other stakeholders throughout the United States that might know about, or have experience in the research topic. In a number of cases, people who were open to participation, and those who encouraged the research topic, additionally led the researcher to others who might also have been interested in participating. In this way, “snowball sampling” took place (2006, p. 47). Therefore, a dual method of convenience sampling and snowball sampling was used to gather information.

The researcher began by sending out 15 recruitment letters to program directors and managers after researching their organizations online. Restorative justice programs were found by use of word-search processes through Google, using keywords such as “restorative justice programs,” or simply “restorative justice.” Some of the recruits referred the researcher to other program directors or restorative justice advocates. Demographics such as race, ethnicity, specific age, or gender were not a determining factor in recruiting for participation.

In the end, there were seven participants that were interviewed for the completion of this study - four of them women, three of them, men.

Participant #1: Former sheriff and judge, and currently chairman to a collaborative public policy research laboratory.

Participant #2: Executive Director of a Restorative Justice Practice program in Florida.

Participant #3: Program Manager of a different Restorative Justice Practice program in Florida.

Participant #4: Executive Director of a restorative coalition in New Hampshire

Participant #5: National Field Director of a policy advocating organization in Washington D.C.

Participant #6: Restorative Justice Professor and consultant in Minnesota.

Participant #7: Executive Director of a Restorative Justice program in Wisconsin

Data Collection Instrument

In-Depth Interview

Semistructured interviewing was viewed as the most appropriate form of in-depth interview type, due to the freedom it allowed for a participant to share their own stories comfortably, while also keeping the focus of the conversation on the research question at

hand. Hesse-Biber & Leavy state that semistructured interviews “allow individual responses some latitude and freedom to talk about what is of interest or importance to them.” However, at the same time a semistructured interview relies on a certain set of questions and allow for the researcher to “guide the conversation to remain, more loosely, on those questions, (p.102). Questions that were used during these interviews are listed in Appendix A.

Method of Presentation

Recruitment letters were sent via email. Interview set-up was dependent on location. For the participants in Tallahassee, Florida, where the researcher was located, interviews were conducted in person at the location of the participants choosing. For the participants that were in another city or state, interviews were conducted via Skype or by phone. All interviews were recorded through the researcher’s cellphone for the purposes of transcription.

Ethical Considerations

The researcher took action to abide by all means possible to make sure that the interview inquiry was completed in a way that respects the confidentiality, vulnerability and sensitivity of the participants involved. According to Hesse-Biber & Leavy (2006);

“Integrating ethics into the research process, starting with the selection of the research problem, to carrying out research goals, to the interpretation and reporting of research findings, is critical to ensuring that the research process is guided by ethical principles beyond informed consent” (p. 107).

The participants for this study were advised that the results will be confidential but not anonymous. Participants’ information would be identified by use of coding. Participants were also informed before beginning that they have the right to stop participating at any point if they feel uncomfortable and can ask to have their responses removed from the research. The

information will not be shared or utilized for any reasons beyond the purpose of the research paper.

In the case of any ethical dilemmas, including the use of information that could damage the reputation of peoples involved in the data collection process, research participants were ensured that they had full power in deciding to incorporate what information may or may not be included in the publicly shared work. In order to inform all participants of their rights, and to receive permission, the researcher presented a waiver (see Appendix B). This was used in addition to undergoing an IRB process. For future ethical issues that may arise, the researcher would work with her advisor to decide the most appropriate response which will ensure the reliability of the research and the protection of any participants involved.

Limitations

There are a few limitations that should be taken into account in this research study. First of all, due to the relationships with some participants already in place before the study, in comparison to other participants, there may be some bias in interpreting the data. Second, due to the nature of convenience sampling, and the nature of how some interviews may be performed, there may be a lack of standardization in recording any markers of behavioral changes, and changes of any answers during an interview. Also due to convenience sampling, and to a lack of information about restorative justice initiatives in the United States, the research may have a disproportionate amount of information concentrated in few geographical areas to represent a nationwide study. Finally, due to my own partiality towards the support for restorative justice philosophy, there may be distractions in my biases.

Data Analysis

After transcribing the interviews, the researcher used an inductive approach to categorize and code the data. In this approach, code categories are created during the analysis and interpretation process, and are constructed using the language of the text itself. Major points were then translated into an outline/summary form as follows in Interview Results.

Interview Results

1. How do you interpret Restorative Justice to be or look like?

I asked this to get an idea of who I was speaking with, and how their actions and choice may have evolved because of how they interpreted RJ to be. Because of the vague structure that I myself was able to find in defining and in visualizing RJ, I was interested to see how others incorporated their interpretations into being.

The variety of answers from this question surprised me. Each participant had something both different and similar to say about envisioning what RJ looks like. It is

possible that because of the benefits largely promoted and experienced within restorative justice practices, and also due to the complexities of the RJ concept and design, the variety of answers were expansive. Their answers were categorized as follows:

- RJ is a parallel system to our own justice system.
 - i. It is the future.
 - ii. It is true justice.
- RJ provides an opportunity for, and attempts to promote healing.
- RJ is a process that addresses harm, prevents future harm, and provides an opportunity to restore the harm and bring relationships and individuals back to wholeness.
- RJ provides a space for all parties to be heard and to hear each other.
- RJ attempts to bring together the victim, the offender, and others who are immediately affected by the situation.
- RJ promotes mutual accountability among all stakeholders.

Some organizations state their own, official definitions of Restorative Justice on their online websites. One interviewee, who has been having trouble designing an RJ or RP program to be implemented, was unsure of what theirs would or should look like due to the broad and raw nature of the restorative justice concept.

However, the largest similarities of a restorative justice vision were all interpreted to include concepts of healing, preventing and restoring harm, providing accountability, and promoting a sense of communal connection. Many of these answers are also a reflection of the key concepts considered by the United Nations' *Handbook on Restorative Justice Programmes* as described earlier.

In regards to how Restorative Justice can be viewed, two participants brought up very helpful visuals. The first can be used to visualize practices available, and the latter can be used to visualize the conceptual benefits of restorative justice.

Participant #6 promoted the RJ concept as an archery target.

“...There’s fixed circles of practices and as you go outward toward the edges of the target, you’re going more towards these restorative dynamics, and so the very center is what I’d like to call the full merger of healing and accountability for both victims and offenders. As you go outward concentrically, you might still involve aspects of healing, aspects of accountability – but they really might not be brought together.... The best programming for RJ has dialogue as its central practice feature.”

Participant #5 promoted a visual which involved that of a three-layer pyramid.

“It can be integrated into the community norms, to where it filters into the way people treat each other in general, even if there is not a major incident... The top part would be like major incidents that require like a community conference that would address some major trauma or issue. The middle layer would be sort of ordinary, day-to-day conflicts where people have differences of opinions, misunderstandings, or hurt feelings. The lower part, the base of the pyramid, is more about how people treat each other, moment to moment.”

2. How much general interest do you think there is for restorative justice practices?

- Huge
- A lot of people are not aware, or have much knowledge of RJ, but once they hear about or experienced it, there is a lot of interest and excitement.
- It is gaining positive momentum.
- It is not diminishing.
- On reservations:

- i. People who have reservations are generally concentrated in the worst adult scenario. Passing laws about RJ in the juvenile context is easier.
- ii. People who are resistant still think that punishment works, and that RJ is soft on crime.
- iii. No resistance.

All participants were very positive on the subject of general interest. The consensus is that once somebody hears about it and has an understanding, then they become zealous about the idea, or simply believes that it makes sense. At the moment however, there needs to be more education about the topic, as many people are still lacking knowledge about the existence of restorative justice.

Responses regarding resistance against restorative justice practices had to be pursued with a follow-up question by the researcher. After the question regarding general interest, I had to ask them about whether they had received resistance or experienced people with reservations. For the most part, participants have not received any resistance. Those who did experience resistance, found it to be limited. Participant #2 has come across no resistance at all, referred to a recent lawyer's speech, which persuaded policy in Colorado, saying that,

“If it's handled properly, nobody would have resistance to it, as it appeals to everybody. On the left, it's appealing to people because of the healing to the harm, fairness with regard to social injustices, etc. On the right, there is a cost-benefit factor, because it has been proven to save money in the long run and keep people from reoffending... and for the people that are more libertarian types, it's about giving voice back to the people.”

3. How do you think restorative justice practices could or could not benefit our society short and long term?

This question was included in the interview structure design for a two-fold purpose. First, the researcher did not know yet what kind of people or stakeholders in justice work

would be participating. There was a need to know if anyone within justice work had opinions about the limitations of restorative practices. The second purpose of this question was to understand the types of goals that restorative practitioners had in the designing of their programs.

- Short term:
 - i. It helps repair harm between individuals.
 - ii. It grows respect, community, ability to have harmony, and for various people to have needs met.
 - iii. It stabilizes safety and emotional health.
 1. It prevents alienation, hostility, defensiveness, negative thinking.
 - iv. It can divert people from criminal justice punitive measures.
- Long term:
 - i. It can change people to prevent future harm.
 - ii. It helps people process “affect.”
 - iii. It reduces effects of trauma to minimize further trauma.
 - iv. It can lead to economic sustainability.
 - v. It can produce a tremendous positive shift for a person as well as a culture.
 1. It can lead to major social transformation.

It was interesting to note from this question that all answers focused on how RJ *could* benefit our society, rather than how it could *not*. It is very possible that this is due to bias and faith in their efforts, as all the participants chosen happen to be working very hard to encourage the growth of restorative practices. Differing opinions in the effectiveness of some restorative practices are however documented under question 5, regarding their concerns.

4. What concerns do you as a stakeholder, or community member, hold today in regard to our current criminal justice system verse the concerns for a restorative justice system?

- Criminal Justice concerns:
 - i. Criminalization of trauma
 - ii. Criminalization of addiction
 - iii. Disproportionate number of people of color in the system
 - iv. Privatization of prisons becoming a money-making venture
 - v. Externalization as a bad economic concept
 - 1. Money and energy are creating or exacerbating problems
 - vi. People who repeat offend, how that the system is not changing behavior, and rather maybe enforcing behavior.
 - 1. Prisons are still viewed as meritorious, or having a benefit.
 - vii. Separation of offenders processing and taking accountability for what they did, and how it deeply affects themselves and others.
 - 1. Obstacles in promoting connection and healing
 - viii. Non-accountability from all stakeholders.
 - ix. Rehab and reintegration lack good support.
 - x. Sidelining victims
- Restorative Justice concerns:
 - i. Facilitators not being fully trained or cross-trained.
 - 1. Bias toward a single model limits adaptation needed with high quality casework.

- ii. People who rush to do the process without regard to ethical concerns or proper resources.
- iii. People are not aware of, or do not adhere to the core fundamental philosophies, techniques, and approaches to do it well.
- iv. Sidelining victims

Participant #6 mentioned that his concern for sidelining victims adhere to both our current criminal justice system and the restorative justice system. He promotes the term as being “offender-centric,” meaning that victims are not treated as equal clients. In both systems, most programming revolved around offender referral processes, which are then followed by efforts made to reach out to the victim.

Included in the criminal justice concern for “non-accountability from all stakeholders” is the presence of community interest, and that there has been a significant change and lack of it in the current system’s search for truth. This participant, #1, stated that earlier before the 70s, even in the current adversarial process “the juries were usually interested parties, not disinterested parties. They were the people who knew.” In his interview, he has recalled that need for communal accountability and interest is lost in the current criminal justice system. Though there is no “jury” in restorative justice, that sense for community involvement and all parties affected, is prevalent in its design.

5. From your perspective, why has it taken/why does it take so long for holistic restorative justice practices to have become integrated into our criminal justice system?

- It is a paradigm shift threat.
 - i. It threatens the entire economy of the regular conventional systems.

- ii. It would force people to process, and be proactive in paying attention to the source of crimes happening, causing the need for more resources.
- It is a reformist growth.
 - i. It is a different way of doing business after decades of doing it one way.
- There is a need for a lot of resources up front.
 - i. People who have the time to organize and implement action and obtain funding.
- RJ's organic and community based nature leads to a lack of structure when the government mandates something.
- It is just the pace of social change.
- It is not actually viewed as being "slow."

There seems to be a general consensus that a large movement such as RP is not actually taking that long as the question is posed to assume. A large social movement that is both broad in concept and design, which also is fundamentally different from our conventional systematic structures, is actually moving forward in a positive and efficient manner. However, the RJ movement, like any business or system, continues to need lots of resources – including but not limited to people, training, money, time, energy, and support to further its cause.

6. What challenges have you seen or experienced, that have kept your program or other programs from moving forward as a holistic restorative justice practice?

- Sustainability
 - i. Need to be sustainable

1. Funding
 2. Time component
 3. The number of people working or available for services needed
- ii. Concern for burnout among restorative workers and practitioners
- Structure
 - i. The current justice system is not designed to work well with RJ.
 1. Difficulties in getting the victim and offender together for dialogue and connection.
 2. The origins of the current system were designed to be a test for truth, rather than to hold people accountable and heal from harm.
 - ii. Need for standardization of models and facilitation design.
 - iii. Need for more collaboration of the national archive resources for easy access.
 - iv. Coalition activities:
 1. Difficulties in designing a policy that will meet the needs of all stakeholders.
 2. Due to the openness and need to hear the opinions of all stakeholders, some programs will not be susceptible to shortcuts to making a policy change quickly.
 3. Concerns that the law or policy must not be too limiting.
 - v. Restorative LITE: programming that does not really see depth work (Participant #6).
 1. Quick and easy models that do not have the patience to let clients truly listen to one another, express themselves, find

universal needs, empathize, and connect, to create internal change.

- vi. Learning how to transition programs without hurting the feelings of older stakeholders.
 - vii. Obstacles in school systems that are not conducive to helping youth thrive after trauma can affect how they succeed in restorative practices.
- Education
 - i. Proper marketing and education needed
 - 1. –to break down stereotypes and assumptions of RJ practices and programs.
 - 2. –to make more people aware of RJ to promote buy-in.

I categorized these main points felt by the participants in three larger groups: Sustainability, Structure, and Education. I noticed that because of the “paradigm shift” factor, the newness of the RJ concept resulted in a copious amount of challenges experienced by everyone. Unfortunately, these challenges all seem to triangulate in an interconnected manner in which each category can feed into the next. For instance, the sustainability category is heavily affected by education to promote the awareness for buy-in, which would promote resources for the program. The diverse factors within the Structure category shows how the ambiguity of the RJ concept can make it difficult to even design a program to implement, while also creating difficulties within existing programs to work with our current justice system. For some people, it is easier to envision a future program as they probably have the tools necessary to guide them. For others, it is very difficult to find an archive that holds a compilation of these tools.

Participant #5 mentioned that restorative practitioners “are inherently doing science fiction,” because they have to reach into the future, while at the same time, working with a system that is very different.

7. What best practices have you come across that you would like to share with others?

- Regarding Restorative Practices
 - i. IIRP – International Institute of Restorative Practices and their continuum of restorative practices.
 - ii. Creating restorative practices by building “with” into systems’ processes.
 - iii. Learning explicit Non-Violent Communication “empathy.”
 - iv. Experiential learning within a classroom setting – using the live context of someone’s trigger moment to understand underlying needs by using NVC and empathy.
 - v. Developing a “trauma-responsive environment.”
- Regarding Restorative Practices and Restorative Justice
 - i. Include better preparation of parties before a joint meeting: never bring victims and offenders together without meeting with them separate.
 - ii. Mediators, facilitators, and circle keepers should undergo cross-training.
 - iii. Mediators, facilitators, circle keepers should keep from being overly directive and they should honor the conversational space and needs of the parties involved.

- iv. To have a variety of ‘case development variables,’ so a program can work with any case without turning them back, and preventing frustration by their referral source.
- v. Encourage people to develop relationships with their policy makers and news media professional; be in contact with their members of Congress, and editors of their newspapers to inform of RJ shift.
- vi. To make sure that Alternative Dispute Resolution mediation standards are respected. Ethical standards of mediation include but are not limited to:
 1. Confidentiality
 2. Voluntary consent
 3. Self-determination of outcome
 4. Protection of essential decision making, and non-legal implications of the conversation.
- vii. To adhere to the core elements of the intentions behind the RJ peace making circles, and adhere to the Seven Core Assumption system as described in *The Heart of Hope*, by Carolyn Boyes-Watson & Kay Pranis. (See Appendices C).
- viii. Preference for programs that make linguistical shifts, for example:
 1. Replacing “Offender” with “Participant” in a restorative practice class
 2. Replacing “Offender” with “Respondant,” and “Victim” to “Complainant”

3. These linguistic shifts help to look at a situation without assuming someone to blame, or assuming someone to take responsibility to make things right.
- ix. To obtain sustainable funding, every program should have at least 50/50 community money and government money to reflect balanced support.

Recommendations

A large consideration for future organizations is to utilize the answers discovered by the last question in the interview findings, regarding best practices. It may also help to simply be aware of the one's own patience and limitations in designing and implementing restorative practices, especially if you are to involve and listen to all stakeholders and their concerns in policy. During this process, it is also recommended to include your own system for a balanced and healthy lifestyle for emotional stability, as much of this work is dealing with people that have been involved with trauma or heavy-burdened situations.

Conclusion

Presented in this study are vital characteristics in defining Restorative Justice, its history, how it can be interpreted, and challenges that have prevented programs from moving forward. Also included are tips from people who have seen successful programs, and have a mutual need to see more restorative practice advancements.

Within the challenges in implementing restorative justice practices in the United States, a copious amount of factors arose that were categorized into three distinctive parts: Sustainability, Structure, and Education. Because of its nature as some like to phrase it as a "paradigm shift," designing and implementing a restorative justice program or restorative practice involves an intense amount of resources up-front that may be daunting and difficult to maintain. It is important that within designing and implementation procedures, ethical

standards are adhered to and facilitators conducting mediation processes are thoroughly cross-trained. It is good to be aware of intricate details in program planning such as the time commitment that should be taken into consideration per person, or the need to have back-up models in case a vital party cannot be present for dialogue. It is also helpful to be aware of the current constraints that are set in place due to our current criminal justice system, as well as other systematic obstacles such as those involving education and the effects of adversarial discipline.

Despite such challenges, all those who participated in the study have exemplified a sense of passion or urgency in their work. Restorative justice is a movement that is vital to conflict transformation in our country. In the long run, it can change the mentality of our entire culture, as well as help our country become more sustainable. Interpersonally, learning to empathize with ourselves and to others is a gift. As Participant #1 put it, "If we can't forgive, then we're just building prisons for ourselves."

Section VIII: Appendices

Appendix A

Semistructured Interview Questions

1. How do you interpret Restorative Justice to be or look like?
2. How much general interest do you think there is for restorative justice practices?
3. How do you think restorative justice practices could or could not benefit our society short and long term?
4. From your perspective, why has it taken/why does it take so long for holistic restorative justice practices to have become integrated into our criminal justice system?
5. What concerns do you as a stakeholder, or community member, hold today in regard to our current criminal justice system verse the concerns for a restorative justice system?
6. What challenges have you seen or experienced, that have kept your program or other programs from moving forward as a holistic restorative justice practice?
7. What best practices have you come across that you would like to share with others?

Appendix B

CONSENT TO PARTICIPATE IN RESEARCH

Restorative Justice Implementation Study

You are invited to participate in a research study conducted by Erin Roaza, who is a master's student from the School for International Training in Brattleboro, Vermont. Ms. Roaza is conducting this study for her master's capstone thesis. Dr. Paula Green is her faculty sponsor for this project.

Your participation in this study is entirely voluntary. You should read the information below and ask questions about anything you do not understand, before deciding whether or not to participate. You are being asked to participate in this study because you are an advocate for, director, or staff member of a restorative justice program.

PURPOSE OF THE STUDY

The purpose of this study is to provide clarity about the challenges in implementing restorative justice programs. We hope to use what we learn from the study to inform restorative justice supporters of the obstacles they may face in implementing programs. We hope the research might also bring to light answers to questions about restorative justice to both supporters, non-supporters, stakeholders, and others who may be curious.

PROCEDURES

If you volunteer to participate in this study, we will ask you to do the following:

1. We will ask you to take part in 1 informal interview sometime in the next 3 weeks to be scheduled at your convenience.
2. The interview will be a semi-structured format, in which you will answer questions and discuss your professional opinions about your efforts to implement restorative justice programs.
3. Your interview will be audio-recorded through the researcher's cell phone. The phone will be placed next to the researcher.
4. We will provide you a summary of the research findings. You may ask to receive a draft of the research paper for review prior to publication.

POTENTIAL RISKS AND DISCOMFORTS

We expect that any risks, discomforts, or inconveniences will be minor and we believe that they are not likely to happen. If discomforts become a problem, you may request to participate anonymously, or discontinue your participation.

POTENTIAL BENEFITS TO SUBJECTS AND/OR TO SOCIETY

We hope the research will help us learn how to improve the implementation and facilitation of restorative justice program services. We will share the results of the study with you to help your efforts in implementing restorative justice programs.

COMPENSATION FOR PARTICIPATION

You will not receive any payment or other compensation for participation in this study. There is also no cost to you for participation.

CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission or as required by law.

Confidentiality will be maintained by means of a code number to let Ms. Roaza and Dr. Paula know who you are. We will not use your name in any of the information we get from this study or in any of the research reports. When the study is finished, we will destroy the list that shows which code number goes with your name.

Information that can identify you individually will not be released to anyone outside the study. Ms. Roaza will, however, use the information collected in her research paper and other publications. We also may use any information that we get from this study in any way we think is best for publication or education. Any information we use for publication will not identify you individually.

No one outside the study will listen to the recordings that we make during the interviews unless we have you sign a separate permission form allowing us to use them. The recordings will be destroyed one year after the end of the study.

PARTICIPATION AND WITHDRAWAL

You can choose whether or not to be in this study. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you do not want to answer. There is no penalty if you withdraw from the study and you will not lose any benefits to which you are otherwise entitled.

IDENTIFICATION OF INVESTIGATORS

If you have any questions or concerns about the research, please feel free to contact:

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- **RIGHTS OF RESEARCH SUBJECTS**

The SIT Review Board has reviewed my request to conduct this project. If you have any concerns about your rights in this study, please contact: Deborah Alexa (deborah.alex@sit.edu).

I understand the procedures described above. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

Printed Name of Subject

Signature of Subject

Date

Signature of Witness

Date

Appendices C

Seven Core Assumptions as described in *The Heart of Hope*

by Carolyn Boyes-Watson & Kay

- 1) The True Self in Everyone Is Good, Wise, and Powerful
- 2) The World is profoundly Interconnected
- 3) All Human Beings have a Deep Desire to be in a Good Relationship
- 4) All Humans Have Gifts & Everyone Is Needed for What They Bring
- 5) Everything We Need to Make Positive Change Is Already Here
- 6) Human Beings are Holistic
- 7) We Need Practices to Build Habits of Living from the Core Self

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