Aspects of Successful Restorative Justice Implementation: an Analysis of Lookout Mountain Youth Services Center’s Restorative Justice Implementation Process

Ben Cairns
School of Public Affairs
University of Colorado at Denver
Introduction

Restorative justice is an approach to wrongdoing that seeks to involve victims, offenders and communities in problem-solving process aimed at repairing harm (Zehr, 2002). The basic principle of involving stakeholders in the justice process is gaining traction in diverse contexts around the world. There are many studies indicating that restorative justice is a promising and effective practice (Braithwaite 2002; Rodriguez, 2005; Umbriet et al, 1992, 2002, 2004), especially within juvenile justice. This study focuses on learning about the implementation process by focusing on one youth facility in Colorado.

In 2007, the Colorado State Legislature through HB-07-1129 (Colorado Revised Statutes, 2008) established the Restorative justice Coordinating Council. The Council’s legislative mandate is to support the development of restorative justice programs, serve as a central repository for information, assist in the development of related education and training, and provide technical assistance for those wishing to develop restorative justice programs. The purpose of this process evaluation will be to further the mission of this council by exploring the particular practices that make restorative justice processes successful. By highlighting successful implementation practices, this study will help in the development of future restorative justice programs and practices.

The Colorado Division of Youth Corrections (DYC) is seen as a leader in using Restorative justice Practices within its facilities and programs since 1992 with the passage of SB-1992-94 (Colorado Revised Statues, 2008). While the original intent of SB-1992-94 was to divert youth away from incarceration through Restorative justice Programming, DYC began to use Restorative justice within its facilities as well. This study will look specifically at the restorative justice practices that are being used in one DYC facility: Lookout Mountain Youth
Services Center (LMYSC). The goal of this study is to understand what factors contribute to the successful implementation of Restorative justice Practices. In unpacking these key practices, the study will seek to understand how restorative justice is conceptualized in LMYSC. Subsequently, the study will look at why these practices are considered successful as well as what key aspects of implementation that enable this facility to practice restorative justice.

**Literature Review**

Restorative justice has often been characterized by what it is not (Zehr, 2002; Johnston, 2002). Restorative justice Practitioners often define Restorative justice by contrasting it with Retributive Justice, which is primarily concerned with punishment. Rather than looking at crime and wrongdoing as an offense against the state, Restorative justice looks at crime and wrongdoing as an offense against another person. The goal is to define who has been affected by this wrongdoing, and to help the perpetrator find ways to repair that harm. Restorative justice asserts its uniqueness amongst contemporary approaches to wrongdoing in its attention to the victims (Morris and Young, 2000). Whereas normal court proceedings in most Western systems do not give victims a substantial role to play, Restorative justice insists that the victim must play a central role in any attempt to address wrongdoing.

Restorative justice has been defined as “a process whereby all the parties with a stake in a particular offence come together to resolve collectively to resolve how to deal with the aftermath of the offense and its implications for the future” (Braithwaite, 2002, pg. 11). The United Nations has also defined restorative justice practices as those which involve a victim, offender and (when appropriate) other community members, in a problem solving process (2006).
There is some debate in the literature concerning whether restorative justice should be conceptualized in terms of processes or programs (Bazemore, 2001; McCold, 1996). The chief principles of restorative justice, which function as the normative theory in the literature, include three main emphases (Schwartz et al., 2003). Restorative justice is primarily concerned with the principle of repair. Repair is broadly construed and consists of repair to relationships, victims, offenders and communities. Secondly, there is a key principle of stakeholder participation. To the extent possible, restorative justice argues that all those affected by crime and wrongdoing should be involved in a non-adversarial process that addresses what must be done to repair harm. Lastly, restorative justice changes the traditional roles of community, victims and government in the process of doing justice. Criminal justice professionals must learn the new roles of mediators and facilitators, and communities must increase their capabilities to address and learn from crime and wrongdoing.

In addition to focusing on key normative principles in restorative justice, others have argued that certain values are an indicator of restorative justice (Braithwaite, 2002). Braithwaite suggests restoration of human dignity, damaged human relationships, communities, freedom, compassion and a sense of citizenry among others (Braithwaite, 2002). The United Nations Office on Crime and Drug Use acknowledges that several values must be present in order achieve fidelity to Restorative justice. These values include: participation of victims and offenders, respect, consensual outcomes and community empowerment (UN, 2006). Mika and Zehr (2004), suggest that there are two types of values that epitomize restorative justice. First, there are those values which must be present, such as respectful listening. They suggest that without this aspect, Restorative justice has not been achieved. On the other hand, there are
values which may be desirable, such as forgiveness, but a lack of these values does not dictate that a given activity or process has not been restorative.

The literature does not present a clear and concise conception of restorative justice, but Bazemore (2001) argues that this can be a strength of restorative justice as it continues to develop and unfold. Attention to both principles, values and process will ensure that restorative justice will be used to creatively address the effects of wrongdoing in various social contexts. This study will allow the term “restorative justice” to apply to those practices which incorporate the principles advocated in the literature, as well as practices which are broadly understood to be restorative in nature.

There is a growing body of research that suggests restorative justice interventions are more successful than traditional criminal justice approaches to crime. The literature on restorative justice evaluation suggests that in addition to looking to normal criminal justice indicators of success, such as reduced recidivism, that restorative justice must also be evaluated based on the values that it advocates (Braithwaite, 2002; Rodriguez, 2005; Shapland et. al, 2008; Umbriet, Coats and Vos 2002;). Chief amongst these values are victim satisfaction, alternatives to incarceration and community input/empowerment. The same literature suggests that restorative justice practices are able to deliver on these variables. For example, Umbriet, Coats and Vos defined restorative justice practices as those which used victim-offender mediation, family group conferencing and peace circles. They looked at several of the unique restorative justice variables in addition to traditional criminal justice variables, namely: client satisfaction, fairness, restitution, fairness, recidivism and cost. They looked at 63 different studies in 5 countries and found the participants, both victims and offenders, reported generally positive results. The vast majority of participants reported that the experiences were satisfying, fair and
helpful. Rates of restitution climbed in most jurisdictions and offenders who have gone through these diverse restorative justice programs have lower levels of re-offending compared to control groups.

Shapland (Shapland et. al, 2008) conducted a longitudinal study for three different restorative justice programs in the UK. Two of these cases used carefully selected control groups, and the third used an experimental design. Two of the programs served juveniles and the other served adult offenders. All three programs used a combination of mediation and conferencing with victims, offenders and their supporters. The study found that those who participated in the restorative justice programs experienced statistically fewer reconvictions than those in the control groups. The study also found no significant differences in effectiveness based on demographic indicators such as race or class. It was also found that the victims’ view of the conference did not have an impact on reconviction. For example, whether a victim thought the conference was effective or a failure had no effect on the likelihood of reconviction. There were connections between an offenders experience of the conference and likelihood of re-conviction. This government funded study acknowledged some limitations, but suggested greater implementation of these promising practices.

Several other studies provide evidence suggesting the positive effects of restorative justice practices. Rodriguez (2005) used court data from Maricopa County AZ from 1999-2001 in order to look at juvenile recidivism rates and community-based characteristics. While she was chiefly concerned with the selection process into restorative justice programs, which is further discussed below, she did find that individuals who had been involved in a restorative justice program were less likely to recidivate than participants in a comparison group. Additionally, an oft cited meta-analysis, looking at eight conferencing and twenty seven victim offender programs
found that restorative justice programs were far more effective at reducing crime and recidivism than traditional criminal justice programs (Latimer et al., 2001). Another meta-analysis found that restorative interventions were effective in reducing recidivism, but that the effects could not overcome a self-selection bias. For example, while the participants in restorative justice oriented programs had reduced recidivism, the finding was not strong enough to rule out that those who opted into these programs were not somehow less likely to recidivate with or without the program (Umbriet et al., 2002).

A 2002 (Bonta et al., 2002) evaluation in Manitoba looked at a community based program that functions as an alternative to incarceration for adult offenders. This program was a demonstration project and did not deal with sexual assault, drug offences, gang violence or domestic violence. Offenders also had to pass through a risk assessment before being diverted into the program from incarceration. The evaluation found that a restorative justice program preformed very well on the uniquely restorative justice indicators such as victim satisfaction and community empowerment. Restorative justice did indeed divert participants from incarceration, and had a high degree of satisfaction in 24 of the 25 cases where face-to-face meetings occurred. In terms of recidivism, the rate was significantly lower for program participants in contrast to the control group. However, the results of the restorative processes often included outcomes that were similar to what the court would mandate, such as community service or counseling. It was therefore difficult to isolate the particular aspect of the restorative justice practice that accounted for the reduced recidivism in cases where the control group and program participants had similar follow up programming. The authors hypothesized that the reduced recidivism in these cases may have resulted in a greater personal investment in the outcomes when they were arrived out through a restorative process rather than a court mandate.
Yet, there is very little in the literature to guide policy makers and practitioners in terms of the best practices around implementation. Rodriguez (2005) used court data to explore community based characteristics in cases referred to restorative justice in Maricopa County, AZ. The study looked at two key variables. First, it tried to isolate the community characteristics of individuals referred by the courts into the restorative justice program. Secondly, it examined if community characteristics functioned as a significant variable effecting restorative justice outcomes. Rodriguez found that community based factors, chiefly race and ethnicity, played a key role in participant’s selection into the restorative justice programs offered in Maricopa County. For example, African Americans and Latinos were less likely to be referred to the program than white juveniles were. This finding suggested that juvenile court personnel accounted, knowingly or not, for community factors when making restorative justice referrals. Yet, restorative justice participants’ likelihood of recidivism did not vary across communities. Rodriguez suggests that the bias amongst court officials in selecting individuals into the program are not reflected the community factors and their influence on restorative justice participants recidivating.

Another study that looked at implementation issues looked at a restorative justice program in the San Francisco Sheriff’s office. The program, Resolve to Stop Violence, was designed to deal with violent offenders that would be released into the community in less than one year. The program includes male role re-education, victim-impact panels, drug and alcohol programming and a release plan that includes restitution to the victims and the community. The last piece seeks to involve victims and communities in the planning process through various restorative practices. The study utilized a descriptive approach to chronicle implementation issues. The study found that the greatest obstacles to implementation were psychological and
emotional in nature (Schwartz et al., 2003). The staff in the sheriff’s facility did not want to engage the violent offenders in the aforementioned programming, especially the direct work with victims. Overcoming these obstacles was achieved by focusing on the restorative justice principle of stakeholder involvement. As the staff learned about the community’s desire to be involved with the offender, they were able to embrace the new program. The short sentences of these offenders and their imminent reintegration to the communities where they had offended, further helped the staff embrace the restorative justice program.

The literature around restorative justice suggests that it is best understood through balancing important principles, values and process, and that programs and practices that utilize restorative justice tend to have positive results across a variety of variables. However, there is a lack of literature concerning implementing these types of programs and practices. This study will seek to explore these questions by looking into the implementation of restorative justice practices at one youth facility in Colorado.

**Methodology**

This study is chiefly concerned with learning lessons about the implementation of restorative justice practices. The study looks specifically at Lookout Mountain Youth Services Center’s use of restorative justice. LMYCS, located in Golden, CO, is DYC’s main long-term maximum facility for boys. It holds between 200-250 residents at a time. The youth in the facility mainly range from 15-20 years old and are serving juvenile sentences for a variety of crimes. The use of restorative justice at LMYSC provides an opportunity to further explore implementation issues through evaluating the implementation process that was used to bring restorative justice to the facility. LMYSC uses restorative justice principles to guide all
responses to wrongdoing, or community norm violations, within its fences. While the exact application of restorative justice is further explored in the Findings, they are worth summarizing here. LMYCS addresses problems within the facility by referring to the three R’s: Repair Harm, Reduce Risk and Re-build Community. These goals are achieved through the use of mediation and problem solving circles (peace circles) as the main responses to wrongdoing. Additionally, LMYCS looks to use restorative principles in helping youth to process their crimes and sentences. While there has been some direct victim work, and the staff hopes to increase this aspect of programming, the chief use of restorative justice at LMYSC concerns wrong doing that occurs within the facility.

Several research questions seek to learn about the implementation process. First, what characterizes the restorative justice practices at LMYCS? Second what specific implementation strategies enabled LMYSC to implement restorative justice? Third, what were the principle implementation challenges and what lessons can be learned from the these challenges?

This study employs a qualitative research methodology for several reasons. First, there is a good deal of literature that employs quantitative research methodology to look at recidivism rates and victim satisfaction indicators. This literature indicates that restorative justice shows promising results in these areas. However, these same studies are often unable to isolate what it is about these restorative justice practices that actually contribute to these results (Bonta et. al., 2002). While a qualitative study will not be able to answer this question definitively, it will at least help formalize practitioner perspectives that could contribute to understanding why restorative justice may have these positive outcomes.

This study is concerned with effective implementation of restorative justice practices. This study is concerned with the subjective experiences of those implementing these practices in
order to understand what practitioners think makes for effective aspects of restorative justice implementation. In order to gain access to this type of information, an open-ended interviewing format is the most appropriate (Maxfield and Babbie, 2005).

These subjective practitioner perspectives are important for the richness and detail they can offer to policy makers and other practitioners who seek to implement restorative justice practices (Fitzpatrick et al., 2004). This study uses interviews and focus groups carried out between February and April, 2009. Three DYC officials and one parole board member were interviewed, and four staff from LMYSC participated in a focus group. Additionally, email correspondence followed the focus group with two LMYSC staff in order to further clarify a few issues. These interviewees were selected based on their intimate knowledge of the implementation process of restorative justice at LMYSC. The interview instrument was designed to unpack the research questions both directly and indirectly. In addition to directly asking the principle research questions, the interview instrument included questions about initial impressions, training, first steps, specific restorative justice practices, current feelings about the program and other strategic considerations. The interview instrument is available for review in Appendix A and the participants’ information is available in Appendix B.

After gathering the data, it was analyzed looking for key themes and issues that came up multiple times. There were no themes that were mentioned by only one interviewee, and all the principle findings below are a compilation of all participants’ thoughts. There was virtually no disagreement within the data concerning keys to implementation or challenges. The principles of restorative justice were operationalized by looking for the use of restorative justice practices. Additionally, the principles were operationalized by looking at other traditional functions of the facility’s programming that was adjusted after the restorative justice implementation phase. The
main variables considered, were the behaviors of the staff that effected the success of the implementation of restorative justice. The impact of these variables were measured through the subjective experiences of the interview participants.

**Findings**

LMYSC has creatively applied the principles of restorative justice within throughout the programming within their facility. Before reporting on the findings concerning implementation practices, the study explains the nature of restorative justice application.

**How Restorative justice is Implemented at LMYSC**

The staff at LMYSC all alluded to the fact that direct victim work was difficult inside the facility because of the lack of easy access to victims. The way the staff dealt with and continues to deal with this particular challenge has a direct bearing on how restorative justice is practiced at LMYSC. Restorative justice practices largely exist within the secure facility, rather than with the direct victims of crime. For example, when two juveniles fight within the facility, the staff seeks to use restorative justice practices, mainly mediation, in order to problem solve and process what happened. While this may not be what is traditionally conceptualized in terms of restorative justice, i.e. primary victim, it does accurately incorporate key restorative principles.

The main restorative justice principles that are emphasized at LMYSC are Repairing Harm, Reducing risk and Re-building Community (See Appendix E).

By emphasizing the restorative principle of repairing harm, staff at LMYSC are asking youth to take ownership of their behavior, realize the effects of their actions, and rebuilding the relationships damaged by wrong doing. Examples of how the youth repair harm are apologies, mediation and community service. Reducing Risk exists as part of an effort to create a safe community at LMYSC. As youth own their behavior and realize the effects of their actions on
victims and the community, they become resources in helping reduce risk and unsafe behaviors within the facility. Reducing risk also requires open communication and education of the offender. An emphasis on re-building community increases safety, pride and relationships. Offenders are given a realistic opportunity of being reinstated into the community with support, and the community monitors how the offender is doing once back in the mainstream setting. Finally, the staff are continually asked to frame all behavior in its relation to effects on the victim, community and the offender. This study found these principles to be common language amongst the staff as well as part of the official policy of LMYSC.

Additionally, by involving victims, offenders and the community, such as other juveniles and staff, the staff is able to create a restorative, and non-punitive, culture within the correctional facility. This is not to say that the staff are not looking to incorporate traditional restorative practices that involve primary victims and communities; rather it suggests that they are seeking to creatively apply restorative principles despite the challenges involving victim access.

There have been strong efforts to help the youth engage in restorative processes with surrogate or representative victims, and while this may not be a victim-oriented process, it has many restorative elements for the youth and communities in the metro area. For example, a group from LMYSC groomed the cemetery for Memorial Day weekend as an effort to give back to the community. There was positive interaction with the community, and it was able to show another side of young offenders to those who worked with them and who came to the cemetery during the weekend. Another powerful example involved the actions of one victim impact group. This particular group learned about the victims of sexual assault, and as a group decided to raise money for the Wings Foundation in order to support victims of sexual crime. Many
other efforts have been made to create a restorative context within the facility, and to begin addressing issues of harm to victims of harm outside of the facility.

While this study is not an outcome analysis, it is interesting to note that the staff feel that restorative justice is having positive effects. This indicates both the perception of its successful implementation and the staff’s commitment to restorative justice with LMYSC. For example, Anders Jacobson, the current director of LMYSC, “dashboard” indicators are data collected by the staff on certain behavioral variables. These data are drawn from regular reporting and incident reports that staff carry out as part of their duties. Jacobson reported that disciplinary actions are down 65%, police filings reduced by 80%, a 30% reduction in incident reports and restraint reduced by 85% during the last 10 quarters. Additionally, the staff saw a dramatic reduction in fights. Bob Anderson, a former principle at the school at LMYSC recalled an 8-month period without a single fight, whereas previously there were often several fights in one day. Many staff indicated that job satisfaction increases when they are not seen as the enemy in a restorative justice context.

Keys for Effective Implementation

Several other key findings emerged that seemed to have positively contributed to implementation of restorative justice in LMYSC. These include the need for a broad based culture shift, training and developing restorative leadership. Additionally, work with primary victims and communities, the challenge of not equating restorative justice with community service and making it accessible to all youth at LMYCS proved to be some ongoing implementation challenges.

When the idea of introducing restorative justice practices to LMYSC was first introduced by Bob Anderson, then principle of the high school located at LMYSC, and Carel Leaf, director
of LMYSC at the time, they originally began talking about a culture shift (Wachtel, 2008). They thought that if the youth were going to be able to participate in restorative practices within the fences of the facility, then they needed to start thinking of LMYSC as a community that they had a stake in. The staff began to use the language of community within the complex. The staff began to emphasize partnership with the youth as well as mutual accountability. This shift reflected the restorative principle that people respond better to forms of social control when authorities do things with them rather than to them (Wachtel and Mcold, 2004). For example, if youth were put in isolation after a fight, they feel partially victimized because something has been done to them. However, mediation between the youth who have fought is a process that they participate in. They are asked to take responsibility for their part in the wrongdoing, and given a chance to appropriately repair harm. The staff and youth work together to respond to wrong doing, rather than the youth having things done to them as a result.

The staff wrestled through the shift from punishment to partnership. While some within the facility saw their role as punishing the youth for their crimes against society, the restorative culture shift asked the staff to see the youth as resources and partners in the task of creating community. The youth became resources for problem solving, and the restorative paradigm asked the staff to empower the youth with the skills they would need when they left the community of LMYSC in the future. While learning about specific restorative practices like mediation and circles, which are called “problem-solving groups” at LMYSC, was an important part of restorative justice implementation, this study found that the culture shift from facility to community put those practices in a context where they made sense. As the youth thought of themselves as a community, it made sense to mediate in order to repair harm and fix problems. Since it is difficult at LMYSC to engage in restorative practice with primary victims and
communities, the creation of community at LMYSC and the subsequent restorative practices that facilitate the continuation of that community when wrong doing has occurred, allow the youth to practice what it is like to participate in society in a constructive manner.

This study found that training the entire staff and developing leadership were a key aspect of successful restorative justice implementation. Anders Jacobson, director of LMYCS recounts that the Colorado Department of Human Services, DYC and LMYSC developed the training curriculum. The training took into account both Cognitive Behavioral Theory and the principles of restorative justice. The curriculum places a high degree of importance on developing victim empathy. The training is then carried out by the LMYSC training group who have a strong background in restorative justice, cognitive behavioral theory, crimmongenic factors, skill development and social learning theory. LMYSC trains the entire staff in the use of restorative justice practices. As the concept was originally introduced, the entire staff was trained, and some were immediately supportive of using restorative justice practices. These staff were given leadership roles within the implementation process. They have been sent to further trainings, and tasked with leading trainings within the staff based on what they have learned. These staff members currently train new hires as well as receive further trainings which they are tasked with bringing to the rest of the staff. Staff were encouraged to try restorative practices within their various rolls. An attitude of openness was encouraged as staff tried out mediation or problem solving groups. The training is further reinforced by incorporating restorative justice indicators as part of the formal professional review process. Staff are evaluated based on the number of mediations they undertake and the creativity and initiative they show in implementing restorative justice programming in their program area. There is also a strong emphasis on training around restorative justice practices in the continuing education track for employees.
The training that new hires and continuing education employees receive focuses on particular restorative justice practices and techniques, as well as the general context. The leadership believes that if you do not educate the staff well up front in terms of what a restorative institution can look like and where these practices are leading, then any given practice will not achieve its desired results. These practices must make sense within the broader goals and culture of LMYSC so that the staff being trained understand why these practices are important. By training everyone, expecting everyone to use restorative justice practices, and allowing those with passion for restorative justice to take on leadership rolls, LMYSC was able to create buy-in for restorative justice. Those who showed interest were able to get further training, and participated in other restorative justice processes within the community, such as those associated with the Jefferson County Courts.

LMYSC has a formal Restorative justice Coordinator, who responds to general audits and answers questions about restorative justice when asked by others within DYC or state agencies; however, a conscious effort has been made to insure that this person is not seen as the sole proprietor of restorative justice within the facility. There is a Restorative Community Justice committee which exists to discuss different aspects of programming are implementing restorative principles as well as to look at areas where the use of restorative practices can be expanded. This broad-based approach to developing leadership around restorative justice implementation is one factor that accounts for the success LMYSC has had in its goal of institutional implementation of restorative justice.

Implementation Challenges

There have also been several challenges that have arisen with the implementation of restorative justice. The principle challenge has already been mentioned, which is difficulty in
applying restorative justice practices and approaches with primary victims and communities. This access is made challenging for several reasons, including geographic distance, the severity of the crime, and the proper policy framework for such encounters. While the study clearly found a desire within both DYC and LMYSC to increase the use of restorative justice with these directly impacted groups, it was widely acknowledged that this is an area that needs improvement. Often the first encounter between victims and the youth occurs at the parole hearing. This encounter is rarely restorative in nature because that is not the nature of this meeting and it is not set up to utilize restorative justice processes. While LMYSC has adapted admirably by finding ways to incorporate the values of restorative justice where feasible, it is clear that this aspect of implementation will continue to develop with time.

Additionally, some purists in the field of restorative justice argue that the process must always be voluntary and entered into non-coercively. While this ideal is pursued in the restorative justice process at LMYSC, this study found that the nature of a fenced-in facility often “forced” or “coerced” youth into participation. Sometimes a mediation and resolution was pushed because of the close proximity and volatile nature of certain youth and at other times tasks that needed to occur felt forced. The staff is conscious of this limitation and often try to find ways to encourage youth to participate voluntarily. Choice is emphasized over compliance, but with the type of population that is served by LMYSC compliance is often necessary.

This same tension exists around community service. While there has been an effort to help the youth understand that community service can be a way to give back to their victims, mandated community service appears punitive and does not seem to embody the main principles of restorative justice. While the work done in victim empathy classes and other kinds of
restorative venues helps to create the obligation and sense of duty that can make community service meaningful, the coercive way it is often implemented removes the restorative element from the acts.

Lastly, there is some concern that restorative justice practices are not made universally accessible at LMYCS. The youth who have earned the highest level of privileges are called Eagles, and there is a danger that these youth are offered restorative justice practices more often than the rest. This is partially due to the fact that the higher level of privileges allows these youth more access to the community to participate in restorative community service and other aspects of repairing the harm. However, study participants indicated that they did not want restorative justice to be perceived as something for only the Eagles. The challenge is finding ways for other students who have lower level security clearance to participate in projects that give back to the community.

**Findings Summary**

In summary, this study found that LMYSC has implemented an interesting model of restorative justice that primarily uses the values, principles and practices within the facility when wrong doing occurs. This implementation has primarily been achieved through a conscious effort to create a community that serves as the context and driving force behind the particular restorative justice practices that are used. Additionally, the training and leadership development approach was broad based and capitalized on those who were already working with LMYSC who showed interest in restorative justice practices. While there have been challenges surrounding implementation, they have remained manageable and, with the continued attention, may broaden the scope and application of restorative justice within LMYSC.
Conclusion: Recommendations for Restorative Justice Implementation

This study set out to learn from the implementation process of restorative justice at LMYSC in order to distill recommendations for other communities and institutions seeking to incorporate restorative justice into their principles and processes. While many interesting points emerged, three principle conclusions can be drawn. First, the application of restorative justice within a facility will require creativity and going beyond the norms of traditional restorative practice involving primary victims and communities. Secondly, restorative justice seems to succeed well when the institution where it is being applied exists as a community. Third, implementation thrives when existing staff members adopt the philosophy of restorative justice. These staff, as a group, are then able to creatively apply the principles in a setting they know, as well as train their colleagues in the newly learned practices of restorative justice.

Additionally, the principle challenges LMYCS has encountered represent difficulties that institutions and communities should keep in mind. Careful framing and context are necessary so that community service remains restorative and does not become purely punitive. Care must also be taken to insure that restorative justice is fairly and equitably offered to various types of offenders.

The debate between purist and maximalists is evidenced in the restorative justice literature (Bazemore, 2001; McCold, 1996). While it is not necessary to explore that debate here, it does seem that as restorative justice grows and is applied in more diverse settings, its essential nature will be challenged and stretched. If restorative justice had been implemented at LMYSC in a strictly traditional model involving primary victims and communities, then it would have failed due to sheer logistical constraint. Fewer youth would have the opportunity to experience restorative justice practices due to the inaccessibility of victims for various reasons.
Additionally, the high stakes nature of these “would-be encounters” would require very experienced restorative justice practitioners and would have precluded broad based staff involvement. Not involving the staff would have eliminated a strong element of the implementation process at LMYSC, i.e. broad stakeholder investment in the program amongst the staff.

While some would argue that some of what happens at LMYCS is not restorative justice because it does not involve primary participants, such thinking would have eliminated the very positive shifts that took place within the facility through a creative application of restorative justice. There are two further applications that can be learned from this creative application. First, LMYSC started the implementation process with an achievable goal. They instituted the program over the part of the system where they did have control. It would have been easy to lament the difficult nature of implementing Victim-Offender Mediation, and never really gotten started. It is important that institutions and communities start to use restorative justice within the programming they have control over, and make their initial goals achievable.

Additionally, it is important to focus on the principles and look for creative applications based on context. LMYSC made generous use of treatment groups to help the youth deal with the impacts of their crimes. While there were rarely opportunities for direct reparation of harm, the youth found other ways to give back to the community. Some of these stories were recounted in the Findings section and seemed to contain meaningful elements of restoration. It seems that all institutions looking to apply restorative justice are well served to look to apply the principles broadly in addition to using the traditional restorative justice practices.

By initially applying the principles of restorative justice within the facility, the staff were able to experience firsthand the positive outcomes of restorative justice. The facility is now well
placed to expand into more direct victim work because the staff are invested in the process and possibilities of restorative justice. This creative interpretation of restorative principles and the phased in implementation process may be a key aspect of successful restorative justice implementation.

The second aspect of the implementation process that worked well was the establishment of a community at LMYSC. In order for restorative justice to make sense, offenders must be restored to something. If this restoration is going to occur, then they need to understand the effects of their actions on victims and the community. By understanding these fundamental relationships, offenders can own their actions and take the steps necessary to be reintegrated into the mainstream group. By treating LMYSC as a community, the staff created the context where youth and staff have shared interests and are able to view one another as problem solving resources. This type of background makes mediation and problem solving circles necessary in the process of maintaining the health of the community.

Institutions and communities that want to employ the principles of restorative justice need to be cognizant of the context. In many ways, restorative justice functions best when there is a community that is harmed, and the offender feels somehow connected to that community. This principle can function in both institutions and communities. In institutional settings, it is important to consciously create a shared community of mutual accountability. The leadership, staff and clients of the institution need to feel some ownership over the community. Without this shared ownership, there is little motivation for repairing harm and rebuilding relationships when wrong doing has occurred. LMYSC employs diverse means to affirm the shared ownership of the institution (community) that exists within its fences, and other institutions would do well to augment their restorative justice implementation through similar community building efforts.
Shared sports, celebrations and opportunities for a legitimate participation in decision making are all examples of how this sense of community can be built.

Institutions and communities should pay special attention to insuring that the training process has broad stakeholder buy-in. Restorative justice was introduced to the staff at LMYSC in a top down manner. Top management promoted and introduced the concept to the staff, but they allowed the staff to adopt the program in a bottom-up manner. Staff that showed the most interest were given further training and were encouraged to creatively apply the principles in their own roles within the facility. This accomplished several key aspects of the implementation. First, it allowed those individuals with the greatest firsthand knowledge of the facility to apply the practices in a contextually sensitive way that increased the likelihood of initial success. Secondly, it legitimized the concept for the staff and youth in a way that may not have been readily apparent if an outside person or group were tasked with implementation. Third, by involving several different individuals to be involved, restorative justice was not associated with an individual, but became part of the job description of the entire staff. This ensured that restorative practices were widely introduced and given the greatest possibility for success, rather than if one person had instituted a handful of interventions.

LMYCS’s experience shows that it is necessary to be careful about the use of community service, and it is necessary to be cognizant of participant selection. Community service can and should be an important component in restorative justice application, but is must be continually framed as a way of repairing harms, even if the reparation does not benefit the direct victim or community. LMYCS learned that forced community service feels punitive to youth, whereas projects that they chose allow them to take ownership and responsibility. In addition, the LMYCS experience suggests that it is easy for restorative justice to simply be an option for
youth who have obtained privileges within the facility. However, restricting access to restorative options not only removes proven interventions from those most in need, but it also weakens the concept of shared community which overall restorative justice implementation depends upon. Institutions and communities seeking to implement restorative justice must find ways to apply the principles and programming options as universally and equitably as possible.

LMYCS has successfully implemented restorative justice as evidence by broad-based staff buy-in, wide spread use of restorative practices and programmatic commitment to restorative principles. These lessons are applicable for other institutions and communities seeking to utilize the promising practices of restorative justice. Creative application of restorative principles, awareness and creation of community and broad-based staff support and training helped make LMYCS’s implementation process successful. While the forced (or punitive) nature of some restorative practices and the difficulty in making restorative practices equitably accessible exist as primary challenges, they can be overcome through conscientious framing and planning. Lastly, the difficulty of implementing primary work with victims and communities should not discourage institutions from starting with more modest restorative justice practices, since these practices will create the context and staff commitment to make higher stakes restorative justice practices possible.
References


Appendix A: Interview Instrument

1. Name, Title, length of time in position?
2. How did you come to learn about restorative justice?
3. What kind of training did you receive concerning restorative justice?
4. What do you think are the main principles of restorative justice?
5. What did you initially think of the concept?
6. Did you think it would be easy to implement at LMYSC?
7. What were the initial steps that were taken in order to implement restorative justice at LMYSC?
8. What are the main restorative justice practices that you use here at LMYSC?
9. What are the goals of these practices and do you think they are successful?
10. Do you think/How is LMYSC unique amongst DYC facilities in its implementation of restorative justice practices?
11. What have been the main challenges in implementing restorative justice at LMYSC?
12. What do you think has gone well in implementing restorative justice at LMYSC?
13. What lessons did you learn in implementation that you wish other institutions would know as they seek to implement restorative justice principles?
14. What was the most effective/least effective strategy you used in implementing restorative justice at LMYSC?
Appendix B: Interview Participants

Spiro Koinis (Victims Advocate Coordinator for Colorado Division of Youth Corrections) interview with the author March 20, 2009

Anders Jacobson (Director Lookout Mountain Youth Services Center) focus group participant March 27, 2009

Anders Jacobson (Director Lookout Mountain Youth Services Center) email correspondence with the author April 19, 2009.

Mike Caires (Activities and Recreation Specialist Lookout Mountain Youth Services Center) focus group participant March 27, 2009

Josh Brinkman (Day Program and Treatment Specialist Lookout Mountain Youth Services Center) focus group participant March 27, 2009

Sara Blumberg (Assistant Clinical Director at Lookout Mountain Youth Services Center) focus group participant March 27, 2009

Martin Friedman (Department of Youth Corrections Client Manager) interview with author April 2, 2009

Bob Anderson (Director of Prevention and Intervention Services at Denver Public Schools and former principle of the high school as LMYSC) interview with the author April 3, 2009

Michael Ramirez (Colorado Department of Education Student Support Services and Parole Board Member) interview with the author February 13, 2009
Appendix C: Social Control Model

Watchell and McCold, 2004