# Stepping Home Elements – Restorative Justice

## EXECUTIVE SUMMARY

**Background:** Restorative justice (RJ) aims to promote accountability and healing and to repair harm done to people and communities, often by bringing together impacted parties to determine collectively how amends can best be made (Rossner & Taylor, 2023). RJ may be used to refer to a number of different practices, such as conferencing, mediation, restitution, or community service. It has been implemented as a formal process through the court system and in school settings, and informally in communities around the world (Wood & Suzuki, 2016). RJ is a popular approach for youth involved in the juvenile legal system, and may be appealing as a non-punitive component of promoting accountability. This brief provides an overview of the RJ model and reviews the empirical evidence base on RJ with youth in the juvenile legal system, including critiques and concerns from researchers. Best practice findings regarding RJ and its impacts are also provided for counties to consider.

**Search Strategy:** We searched the keywords "restorative justice," "restorative justice juvenile," "restorative justice youth," and "restorative justice facility" in the following databases and resources: Google Scholar; Proquest Social Service Abstracts; National Criminal Justice Reference Service; Crime Solutions Program Profiles; and Criminal Justice Abstracts. Articles were included for consideration if they focused on restorative justice theory or practice with youth in the juvenile legal system.

**Results and Conclusion:** There is an extensive body of quantitative and qualitative research evaluating various restorative justice practices. The two most extensive synthesis studies (one quantitative and one qualitative) are reviewed in detail to summarize the state of the research. Quantitative findings provide the strongest support for the RJ practice of victim-offender mediation, especially when used in cases of violent crime and with older youth who have longer histories of offending. Evidence regarding victim-offender mediation also indicates higher levels of victim and offender satisfaction with RJ compared to traditional legal system models.

Quantitative results examining other forms of restorative justice practices are mixed, and it appears less effective with younger youth and lower-level cases. Qualitative findings describe how RJ effectively provides opportunities for different parties impacted by a conflict to communicate, to humanize and empathize with others, and to grow and heal in the process.

Overall, research appears to support RJ over traditional court approaches. However, there are some gaps in the current evidence base and important limitations to consider with the model's developmental and cultural sensitivity. Based on the current state of the evidence, **we recommend counties explore RJ practices in line with best practice standards found in the literature.**

## Overview of the Restorative Justice Model

**Restorative justice (RJ):** There is no standard or universal definition for RJ (Daly, 2016), but three principles (Kimbrell et al., 2023) generally characterize most of the RJ umbrella:

1) RJ aims to repair harm by taking steps to rectify wrongdoing and restore relationships;

2) RJ is grounded in stakeholder involvement, meaning that the parties impacted by a harm are involved throughout the process; and

3) RJ aims to center community members as experts and leaders in the process of making amends.

RJ aims to promote accountability by denouncing certain behaviors, rather than individuals. The model also aims to collectively facilitate a learning process that helps individuals understand why an act occurred to better prevent it in the future and to address its impacts in ways that are responsive to that specific situation and those involved (Bazemore et al., 2005). *RJ is not the "opposite" of traditional justice;* it is another type of justice process that may or may not operate alongside conventional approaches (Daly, 2016). However, *RJ is not compatible with punitive or retributive practices and* may be undermined if implemented in these contexts (Bazemore et al., 2005).

**RJ history and current context:** Since the 1980s, the restorative justice movement has expanded around the world, and some form of RJ exists in almost every state in the United States today (Rossner & Taylor, 2023). Public opinion on RJ is largely favorable, especially with youth, as it may offer a less punitive and more learning-oriented approach to accountability.

In practice, RJ may be used at the point of arrest, diversion, sentencing, in probation, or in facilities (Kimbrell et al., 2023). RJ is mostly practiced in the community, but it may also be utilized in custodial settings to resolve conflicts or to help re-integrate youth back into the community during the re-entry process (Bazemore et al., 2005; Wallace & Wylie, 2013).

Jurisdictions or organizations may utilize specific RJ interventions or promote a "restorative" culture that broadly applies RJ values and principles (Bazemore et al., 2005). Specific interventions include:

- Victim-offender mediation: brings together willing, impacted individuals in facilitated dialogue to discuss the harm done and its effects and to provide an opportunity to take accountability for behavior and determine how to make

amends. This is the most common RJ practice, and is also called conferencing, or dialogue (M. Umbreit & Armour, 2010).

- Family-group conferencing or peacemaking circles: similar to mediation, but often bring larger groups into dialogue.

- Other practices: victim-impact panels, reparative boards, community service, or restitution (Kimbrell et al., 2023).

## The Restorative Justice Evidence Base

There is a large body of research evaluating RJ, including studies with youth who committed serious offenses. This includes syntheses of rigorous quantitative and qualitative studies, which are summarized below, as well as a comprehensive literature review conducted by The Office of Juvenile Justice and Delinquency Prevention (OJJDP). Overall, there is mixed but largely positive quantitative and qualitative evidence supporting RJ. However, most studies were conducted with youth in community-based settings (rather than those in facilities) and include samples of younger youth or adults with lower-level offenses. Thus, the research may not be entirely generalizable to the secure youth treatment facility (SYTF) population specifically. Below, we detail the two most extensive syntheses of quantitative and qualitative research evaluating RJ.

**Quantitative Findings**: Multiple meta-analyses and systematic reviews have been conducted to summarize quantitative research on restorative justice with youth (Lipsey, 2009; Livingstone et al., 2013; Nugent et al., 2003; Strang et al., 2013; Wilson et al., 2018; Wong et al., 2016), with the most recent and comprehensive meta-analysis (Kimbrell et al., 2023) summarized below. **Metanalyses** and **systematic reviews** offer important tools for drawing conclusions about research evidence. These techniques use rigorous methods to compare the results of multiple similar research studies on a topic, which provides stronger and more robust takeaways such as whether a result has been replicated in multiple locations, groups, or periods in time (Ahn & Kang, 2018).

*Kimbrell et al., 2023*

This study synthesizes the results of 79 high quality evaluations (experimental or quasi-experimental designs with comparison groups). Studies were included if they focused on youth ages 18 and under in the juvenile legal system (formally adjudicated or diverted). Results examine differences in outcomes among youth in programs with an RJ component compared to those in traditional juvenile legal system programs. Outcomes examined include delinquency (any measure of criminal behavior like arrest or police contact, including both official and self- reported) and non-delinquency outcomes like rates of participant satisfaction, perception of fairness, restitution compliance, and reparation of harm.

**Results:**

- Results for non-delinquency outcomes were the strongest, with large and statistically significant effect sizes for victim and youth ratings of fairness for RJ programs compared to traditional programs.

- Findings also indicated greater participant satisfaction with RJ programs, with large and significant effect sizes for victims, and smaller and non-significant effects for youth offenders.

- Outcomes comparing changes in youth attitudes about delinquency and completion of restitution between RJ and traditional programs were not significant.

- Results for delinquency outcomes were promising, but more inconclusive. Evidence favored RJ programs as more effective in reducing future offending, but effect sizes were smaller in the studies that used more rigorous designs.

- Victim-offender conferencing and hybrid RJ programs (which combined multiple RJ practices) showed the largest effects in reducing delinquency, while other RJ approaches had very small or negligible effect sizes.

- The study also compared different components of RJ programs, and found that including community service or restitution had small, but positive effects. However, having family present or making an apology did not significantly impact outcomes, counter to the authors' hypotheses.

**Research on RJ in Transition Age Youth:** a major limitation of current RJ research is that it does not examine RJ programs specifically for transition age youth (TAY: ages 18-25). TAY comprise an important demographic in the juvenile system, with distinct needs and experiences compared to younger youth or adults (Farrington et al., 2012). RJ research to date seems to focus either on youth under age 18, or adults (generally defined as 18 and over). Thus, despite some researchers calls to examine RJ specifically in the TAY population (Horan, 2015), and support for RJ with individuals over 18, there is not research to date providing evidence on RJ specifically for the 18-25 population.

For example, a Campbell Systematic Review of 10 randomized trials examined the effectiveness of RJ conferencing on recidivism (defined as reconviction within two years of completing the program) and cost savings in the United Kingdom (Sherman et al., 2015). The review classifies participants by offense type (violent, property, robbery, burglary, or assault) charges, and age bracket at time of offense (under age 14, under age 18, over age 18, or under age 30). Results showed that on average across studies, conferences were associated with a modest reduction in recidivism, and a notable improvement in cost savings compared to the

jurisdictions' treatment as usual. However, results were not separated out by offense type or with more specific information on age, limiting the ability to draw conclusions about generalizability to specific groups.

**Takeaways:** Overall, evidence supports RJ programs over traditional juvenile justice approaches on several measures, including participant satisfaction, perceived fairness, and delinquency. However, there were several limits to the findings, including differing definitions of delinquency across studies. Continued research using more rigorous designs and examining potential demographic (e.g.., age, race, gender) and case-related (e.g., charge type and severity, disposition) differences is necessary to understand how the results may generalize to the SYTF population, which is comprised of older youth with more severe charges than those of most of the studies in this meta-analysis.

**Qualitative Findings:** There are also a number of qualitative studies examining participants' experiences with RJ programs for youth. One extensive meta-synthesis of qualitative research on RJ is detailed below.

*Suzuki & Yuan, 2021*

This review synthesizes the body of qualitative research on RJ. The authors report findings from 27 studies, 11 of which focused on youth, and 18 of which included cases involving serious and violent crimes. Studies were included if they conducted in-depth interviews with victims or youth who committed crimes about their experiences in RJ, and were rated as quality qualitative studies using standardized criteria.

**Results:** The synthesis produced three overarching themes illuminating how RJ works.

1.  The authors describe that RJ provides "opportunities for humanization, learning, and putting emotions of individuals who committed a crime (offenders) and victims at the center of conflict solving."

    a.  Participants across studies expressed appreciation for the high-quality interactions they had in the RJ process.

    b.  For offenders, these interactions helped them to better understand the impact of their behavior and grapple with emotions of shame and guilt.

    c.  For victims, these interactions helped them reframe offenders as individuals who made mistakes and better understand the reasons for their crimes, which also alleviated selfblame for some victims.

2.  The authors describe how RJ promotes: "support networks and mechanisms for communication between individuals who committed a crime and victims."

a. Participants described how the sense of community and relationship building in the RJ process helped them set appropriate expectations, fostered a greater sense of fairness and safety, and provided support for each party throughout the process.

3. The authors describe how RJ facilitates "a life changing journey enshrined in healing."

   a. Across studies, both victims and offenders described RJ as impactful in changing their lives.

   b. For those who committed a crime, RJ helped advance their process of desistance by expanding their understanding of the impacts of their behavior to further emphasize reasons for change.

   c. For victims, RJ helped provide a sense of closure to move forward from the crime, and helped demonstrate the community's support for them.

Research on RJ and Serious Offenses: one of the limitations of this meta-synthesis is that it does not distinguish results for serious and less serious offenses, which limits ability to make inferences about how the process of RJ may affect youth with different kinds of charges. However, a few of the individual studies examined in this meta-synthesis focused specifically on violent and serious charges only, and thus may offer some potential insight into RJ for serious cases. These results should be taken in context as individual studies and not compared to each other directly though, since they are not being compared through a formal meta-synthesis process.

Five studies (Claes & Shapland, 2016; M. S. Umbreit & Vos, 2000; Van Camp & Wemmers, 2013; Walters, 2015; Walters & Hoyle, 2012) examined in Suzuki et. al., conducted qualitative research on RJ for serious offenses, defined as homicide, violent crime, hate crimes, or serious (but unspecified) charges. Four of these five studies were conducted in Europe and Canada, and one in the United States. Age was not specified in most studies; studies seem to have been set in an adult criminal court context. Each study looked at different processes including the potential to promote desistance, experiences of those participating in the RJ process, factors contributing to victim satisfaction, therapeutic benefits, and potential of RJ to respond to hate crimes. From these studies, it does seem that individuals engaging in or impacted by serious crimes benefitted from the RJ process. For example, some offenders realized the impact of offending and felt increased motivation not to re-offend (Claes & Shapland, 2016), other participants appreciated the structure of the RJ process and encounter (Umbreit & Vos, 2000), and some participants felt that the experience helped them heal (Van Camp & Wemmers, 2013; Walters, 2015; Walters & Hoyle, 2011).

**Takeaways:** Overall, the authors conclude that RJ helps promote transformation in those impacted by a crime through a relational process supported by community. However, there are some limitations to this meta-analysis. First, though the authors did not find systematic differences in results focused on youth or adult offenders, they believe that additional research explicitly examining differences in the process of RJ between these groups is important.

Additionally, some studies included were ambiguous or vague in methods or results, which constrained the author's efforts to synthesize findings. Finally, several studies focused on lower- level offenses, or did not differentiate results for lesser and more severe offenses, which may limit the generalizability to the SYTF population.

## Critiques and Additional Considerations for RJ

Overall, there is a well-established, international body of quantitative and qualitative evidence supporting RJ, especially compared to traditional justice processes. However, there are some important gaps in research on the model's developmental and cultural sensitivity that should be considered. Additionally, RJ has also been widely critiqued, and these concerns should be weighed alongside empirical evidence on RJ. More research is needed examining how developmental processes and cultural differences influence RJ to better understand how the approach works with diverse youth.

**Developmental appropriateness of RJ:** RJ is often viewed as a promising, non-punitive approach to help youth learn to take accountability for their behavior. The public is often especially supportive of RJ with youth, recognizing the research on adolescent brain development which demonstrates that young people's brains are not fully developed, providing them with greater plasticity and capacity for change as well as greater susceptibility to peer influence. However, scholars have raised concerns about the developmental appropriateness of RJ with youth. Through this same developmental neuroscience research, some of the core mechanisms through which RJ operates may not be as effective.

In their comprehensive analysis of the developmental appropriateness of RJ with youth, Suzuki and Wood (2018) elaborate on a number of unanswered questions and concerns that are particularly important when considering implementing RJ with youth, and which merit further research:

- Effective RJ depends on voluntary participation to prevent re-victimization and promote buy-in. However, youth may struggle more with understanding their rights and the differences between voluntary and mandated programs. Youth may be more likely to feel coerced into participation or view the alternative as worse, rather than participate out of a genuine desire to restore the effects of their actions.

- Effective RJ conferencing depends on productive communication and dialogue. However, youth, and especially youth in the juvenile legal system, may struggle more with expressing themselves as a result of factors including nervousness, immaturity, learning disabilities, or lack of recall. If young people's communication difficulties are perceived as rude or insincere, the RJ process could be detrimental.

- Effective RJ facilitates empathy, where both victims and offenders express how they feel and gain greater understanding of each other. However, research indicates

that youth may not have the emotional and cognitive maturity to process how the effects of their actions unfolded on others over time.

- Effective RJ requires inclusive and collaborative dynamics. However, there is an inherent power imbalance between youth and adults involved in RJ practices, which may lead youth to shut down and defer to adults, or feel coerced to accept adults' solutions.

- Even if RJ is effective in the moment, youth are especially susceptible to peer influence and impulsivity, and may resort to prior behaviors when they return to their community or peers.

**Cultural sensitivity of RJ:** Some proponents of RJ argue that the elevated role of community members in RJ allows this approach to be more culturally responsive and adaptive to local values and beliefs than traditional processes of juvenile legal system. However, others argue that RJ may project inappropriate or insensitive expectations onto participants, and that there is not sufficient research examining how the model engages different cultural competencies.

These concerns are summarized below:

- RJ may be overly influenced by white and Eurocentric views of justice. The types of harms addressed through RJ are often those determined by stakeholders of the traditional juvenile and criminal legal systems and are defined by the state. RJ programs institutionalized through the state also may simply perpetuate dominant traditional values and approaches in different forms (Wood & Suzuki, 2016).

- There is minimal research examining how RJ intersects with or respects other cultural values or beliefs around accountability, collective efficacy (beliefs about how the larger

- Group comes together to influence behavior), or communication norms. There is also insufficient research examining how RJ may differ among individuals with varying social capital, or its differential effects on those facing greater social marginalization (Wood & Suzuki, 2016)

- RJ can promote blame and hold individuals accountable for crime, often without addressing the larger structural conditions that influenced their actions. Victims or offenders may feel stigmatized or threatened by the other parties and their supporters, without recognition of the larger context (Wallace & Wylie, 2013; Wood & Suzuki, 2016)

**Other relevant critiques of RJ:** Finally, there are a number of additional conceptual, practical, and ethical critiques of RJ which are relevant when determining whether to pursue this model:

- The term RJ is somewhat vague, often used indeterminately as a catch-all for practices that aim to be less retributive or punitive. Practices described as RJ should be evaluated thoroughly as they may not reflect the components of the

model's approaches that have been empirically tested (Johnstone, 2013; Wood & Suzuki, 2016).

- RJ often perpetuates an artificial distinction between victim and offender, labeling individuals and groups as one or the other. In reality, this line is often gray, and some people impacted by harm have both experienced and perpetrated it (Cunneen & Goldson, 2015; Johnstone, 2013).

- RJ goals may be aspirational in that not every victim will empathize with offenders or accept apologies, and not every offender will recognize their impact or apologize (Cunneen & Goldson, 2015).

- RJ may contribute to net-widening, bringing more young people to the attention of the legal system when the model used for lesser offenses where there is no identifiable victim, harms are negligible, and youth are unlikely to reoffend (Cunneen & Goldson, 2015; Wood & Suzuki, 2016)

- RJ elevates community members and individuals in decisions about how to make amends, but there is limited research examining whether these community-driven suggestions are actually less punitive than those determined by a court, or how "Due Process" protections such as representation or presumption of innocence fit into RJ (Cunneen & Goldson, 2015).

- RJ is sometimes added as an alternative approach within juvenile and criminal legal systems that remain otherwise punitive. This may undermine the model's restorative efforts and does not transform the systems (Rossner & Taylor, 2023)

- Repairing harm often requires a long and intentional process of relationship and trust building, which is difficult to accomplish in the single-session conference form that RJ often takes (Wood & Suzuki, 2016)

## Best Practice Takeaways

In light of the empirical evidence supporting RJ as well as the valid concerns surrounding the model, counties should incorporate the following best practices where research indicates that RJ is most impactful:

RJ seems to be most impactful with older youth, and with serious and/or violent offenses (Wood & Suzuki, 2016).

Facilitation is key in RJ, so it is important to invest in appropriate training and support for facilitators and to ensure they have the capacity and time to fully prepare and support participants (Bolitho & Bruce, 2017).

Counties should be mindful of how RJ fits into the larger context and climate of programs and services currently provided and strive to ensure compatibility of RJ throughout their jurisdictions.

Counties should be mindful of developmental and cultural considerations, and possible limits of RJ in meeting these needs.

## References

Ahn, E., & Kang, H. (2018). Introduction to systematic review and meta-analysis. *Korean Journal of Anesthesiology,* 71(2), 103–112. https://doi.org/10.4097/kjae.2018.71.2.103

Bazemore, G., Jay G Zaslaw, & Riester, D. (2005). Behind the walls and beyond: Restorative justice, instrumental communities, and effective residential treatment. *Juvenile and Family Court Journal,* 56(1), 53–73.

Bolitho, J., & Bruce, J. (2017). Science, art and alchemy: Best practice in facilitating restorative justice. *Contemporary Justice Review,* 20(3), 336–362.

Claes, B., & Shapland, J. (2016). Desistance from crime and restorative justice. *Restorative Justice,* 4(3), 302–322.

Cunneen, C., & Goldson, B. (2015). Restorative justice? A critical analysis. In Goldson, Barry & Muncie, John (Eds.), *Youth, Crime and Justice* (2nd ed., pp. 137–156). Sage.

Daly, K. (2016). What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders,* 11(1), 9–29.

Farrington, D. P., Loeber, R., & Howell, J. C. (2012). Young adult offenders: The need for more effective legislative options and justice processing. *Criminology & Public Policy,* 11(4),

729–750.

Horan, R. N. (2015). Restorative justice: The relevance of desistance and psychology. *Safer Communities,* 14(3), 147–155.

Johnstone, G. (2013). Critical perspectives on restorative justice. *Handbook of Restorative Justice,* 598–614.

Kimbrell, C. S., Wilson, D. B., & Olaghere, A. (2023). Restorative justice programs and practices in juvenile justice: An updated systematic review and meta-analysis for effectiveness. *Criminology & Public Policy,* 22(1), 161–195.

Lipsey, M. W. (2009). The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview. *Victims and Offenders,* 4(2), 124–147.

Livingstone, N., Macdonald, G., & Carr, N. (2013). Restorative justice conferencing for reducing recidivism in young offenders (aged 7 to 21). *Cochrane Database of Systematic Reviews, 2.*

Nugent, W. R., Williams, M., & Umbreit, M. S. (2003). Participation in Victim-Offender Mediation and the prevalence and severity of subsequent delinquent behavior: A meta-analysis. *Utah L. Rev., 137.*

Rossner, M., & Taylor, H. (2023). The Transformative Potential of Restorative Justice: What the Mainstream Can Learn from the Margins. *Annual Review of Criminology, 7.*

Sherman, L. W., Strang, H., Mayo-Wilson, E., Woods, D. J., & Ariel, B. (2015). Are restorative

justice conferences effective in reducing repeat offending? Findings from a Campbell systematic review. *Journal of Quantitative Criminology, 31,* 1–24.

Strang, H., Sherman, L. W., Mayo-Wilson, E., Woods, D., & Ariel, B. (2013). Restorative justice conferencing (RJC) using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. A systematic review. *Campbell Systematic Reviews,* 9(1), 1–59.

Suzuki, M., & Yuan, X. (2021). How does restorative justice work? A qualitative metasynthesis. *Criminal Justice and Behavior, 48(10), 1347–1365.*

Umbreit, M., & Armour, M. P. (2010). Restorative justice dialogue: An essential guide for research and practice. Springer publishing company.

Umbreit, M. S., & Vos, B. (2000). Homicide survivors meet the offender prior to execution: Restorative justice through dialogue. *Homicide Studies, 4*(1), 63–87.

Van Camp, T., & Wemmers, J.-A. (2013). Victim satisfaction with restorative justice: More than simply procedural justice. International Review of Victimology, 19(2), 117–143.

Wallace, R. M., & Wylie, K. (2013). Changing on the inside: Restorative justice in prisons: A literature review. International Journal of Bahamian Studies, 19(1), 57–69.

Walters, M. A. (2015). 'I Thought "He's a Monster"...[But] He Was Just... Normal' Examining the Therapeutic Benefits of Restorative Justice for Homicide. *British Journal of*

*Criminology, 55(6)*, 1207–1225.

Walters, M. A., & Hoyle, C. (2012). Exploring the everyday world of hate victimization through community mediation. *International Review of Victimology,* 18(1), 7–24.

Wilson, D. B., Olaghere, A., & Kimbrell, C. S. (2018). *Effectiveness of restorative justice principles in juvenile justice: A meta-analysis.* Inter-university Consortium for Political and Social Research.

Wong, J. S., Bouchard, J., Gravel, J., Bouchard, M., & Morselli, C. (2016). Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs. *Criminal Justice and Behavior,* 43(10), 1310–1329.

Wood, W. R., & Suzuki, M. (2016). Four challenges in the future of restorative justice. *Victims & Offenders, 11*(1), 149–172.