



# OJJDP

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## JUVENILE JUSTICE BULLETIN

# Restorative Justice Conferences as an Early Response to Young Offenders

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A number of highly publicized and disturbing school shootings and homicides in several communities across the United States have focused the attention of the public and policymakers on the issues of youth violence and school safety. Although important, these issues tend to divert juvenile justice officials' attention from a separate problem: delinquency committed by very young children. In 1999, U.S. police departments reported 218,300 arrests of persons younger than age 13.<sup>1</sup> The most recent juvenile court statistics available indicate that offenders under the age of 13 account for about 16 percent of all individuals referred to juvenile courts (Puzzanchera et al., 2000). Earlier research has shown that children entering juvenile court at such a young age have a very high risk of continued offending. For example, approximately 60 percent of youth ages 10–12 who are referred to juvenile court subsequently return to court. For youth referred to juvenile court a second time, the odds of returning to court again increase to more than 80 percent (Snyder and Sickmund, 1995). However, because these youth typically have not committed a particularly serious or violent offense, and because children this young usually have not accumulated a long record, they do not generally receive a great deal of attention from juvenile justice officials (Snyder and Sickmund, 1999).

Recently reported findings of the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Study Group on Very Young Offenders confirm the seriousness of early offending behavior. Study Group researchers report, for example, that the risk of becoming a more serious offender is two to three times higher for child delinquents (those ages 7–12) than for later onset offenders (Loeber, Farrington, and Petechuk, in press).<sup>2</sup> Child delinquents also account for a relatively high proportion of some types of offenses. They represent 1 in 3 juvenile arrests for arson, 1 in 5 juvenile arrests for vandalism, and 1 in 12 juvenile arrests for violent crime (Loeber and Farrington, 2000). For some young offenders, early involvement in status offenses and delinquency is a stepping stone in a pathway to serious, violent, and chronic offending. Communities should not ignore the delinquent acts and problem behaviors of young offenders in the hope that they will "grow out of it" (Loeber, Farrington, and Petechuk, in press). Because such young offenders have a high likelihood of reoffending, communities should develop and implement effective early interventions for very young offenders.

One form of early intervention involves the use of restorative justice conferences. Such conferences, sometimes referred to as "family group conferences," have

### A Message From OJJDP

Youth who become involved in the juvenile justice system at an early age are significantly more likely to continue offending than their older counterparts. Indeed, it is estimated that 6 out of every 10 children ages 10 to 12 referred to juvenile court will return.

The findings of OJJDP's Study Group on Very Young Offenders confirm the significant implications of early offending. The risk of becoming a serious offender, for example, is two to three times higher for child delinquents ages 7 to 12 than for youth whose onset of delinquency is later.

Because very young offenders are more likely to reoffend and to progress to serious delinquency, effective early intervention is crucial. This Bulletin features a promising form of such early intervention: restorative justice conferencing.

Early offenders pose special challenges, but restorative justice offers unique benefits, as the Indianapolis Restorative Justice Conferencing Experiment is demonstrating. Not only does restorative justice hold youth accountable for their actions, it also affords them the opportunity to repair the harm they have caused—involving their families and victims in the process.

Those seeking to deter young offenders from further delinquency will benefit from the information provided in these pages.

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become common in Australia and New Zealand and are being used increasingly throughout the world (Thames Valley Police, 1999). Although some jurisdictions use restorative justice conferences for a variety of offenses, including criminal offenses, restorative justice conferences may be particularly appropriate for very young offenders. Advocates argue that the conferences offer a meaningful response to youthful offending without consuming significant court resources.

In 1996, OJJDP provided funds to the Hudson Institute, a public policy research organization in Indianapolis, IN, to evaluate the use of restorative justice conferences for young offenders. This funding was awarded through OJJDP's Field-Initiated Research and Evaluation Program. This Bulletin describes the findings of the Hudson Institute's evaluation.

## Challenges Posed by Very Young Offenders

More than 30 years ago, a Presidential Commission Report (Lemert, 1967) criticized the Nation's juvenile courts for what it labeled the "1-minute hour." According to the report, a heavy volume of cases allowed courts to spend only approximately 1 minute on juvenile cases and prevented them from taking the time needed to carefully assess cases and link juveniles with necessary services (as the juvenile courts were intended to do). Since that time, the volume of juvenile cases has increased dramatically without a corresponding increase in resources. The rising tide of juvenile arrests that began in the mid-1980s and continued until 1994 (Snyder and Sickmund, 1999) has forced courts into what Lawrence Sherman describes as a "triage" system of conserving scarce resources for the most serious cases.<sup>3</sup> Minor juvenile offenders are often given several "bites of the apple," meaning that juvenile cases may be dismissed or juveniles may be placed on probation supervision with overworked probation officers until the offenders have accumulated a long history of arrests or have committed a particularly heinous offense (Bernard, 1992). Advocates of both system reform and youth warn that the current system fails to hold youth accountable for offenses and sends the message that offenses are "no big deal."

Additional challenges facing the system are the largely passive roles that offenders and their parents often play and the fact that victims are typically excluded

from the process. An individual's reasons for committing an offense are regarded as unimportant, and restitution to victims and the community affected by the crime is not typically a primary concern (Van Ness, 1996). Offenders are sometimes required to perform community service as reparation, but often the service is performed for someone not directly affected by the offense (Van Ness, 1996).

Restorative justice conferences attempt to address these shortcomings in the current system. As part of a balanced and restorative justice model (Bazemore and Umbreit, 1994; Office of Juvenile Justice and Delinquency Prevention, 1998), restorative justice conferences are designed to hold youth accountable, involve and meet the needs of victims, and build a community of support around the offending youth.

## Restorative Justice Conferencing

In a restorative justice conference, an offending youth, his or her victim, and supporters of both the offender and victim are brought together with a trained facilitator to discuss the incident and the harm it has brought to the victim and the group of supporters. The conference provides an opportunity for victims to explain how they have been harmed and to question offending youth. Supporters also have an opportunity to describe how they have been affected by the incident. At the end of the conference, the participants reach an agreement on how the youth can make amends to the victim and they sign a reparation agreement. The agreement typically includes an apology,<sup>4</sup> and it often includes a requirement that some type of restitution be made to the victim. Sometimes agreements require youth to perform community service or call for other actions such as improving school attendance, completing homework, or performing chores at home or school.

Advocates of restorative justice conferencing point to its many potential benefits. Conferences, for example, are expected to address the emotional needs and tangible losses of victims and hold youth accountable for misdeeds more effectively than the traditional juvenile court system. Conferences also allow youth to learn how their offending has negatively affected others. Finally, conferences create a supportive community for offending youth.

In theory, the effectiveness of restorative justice conferences is based on the principles of control, deterrence, and "reintegrative shaming." From a control perspective, conferences "control" youth's involvement in delinquency by encouraging them through socialization to believe in the moral legitimacy of the law. The control effect depends on youth's having strong bonds to family and/or conventional institutions such as school or church (Hirschi, 1969). If, as advocates contend, restorative justice conferences provide a learning opportunity in which the harm caused by offending is directly communicated to youth and youth's bonds to family members and community institutions are strengthened, conferences become part of the socialization process through which youth learn to conform to society's norms. From a deterrence perspective, if conferences hold youth accountable and impose consequences more effectively than the traditional juvenile justice system, then the conferences raise the costs of offending relative to the benefits and therefore may deter youth from committing offenses.

John Braithwaite's (1989) theory of reintegrative shaming builds on the principles of control and deterrence. Braithwaite argues that people are generally deterred from committing crime by two informal forms of social control: fear of social disapproval and conscience. He contends that punishments or reparation agreements imposed by family members, friends, or other individuals important to an offender are more effective than those imposed by a legal institution. For most people, he argues, fear of being shamed by those they care about is the major deterrent to committing crime because the opinions of family and friends mean more than those of an unknown criminal justice authority.

Braithwaite also predicts that restorative justice conferences may be more effective than traditional courts because conferences include the direct participation of supporters of both victims and youthful offenders. By including supporters, conferences allow youth to be held responsible in the context of a community of care. In such a setting, youth can be held accountable for their acts without being condemned as people (Sherman, 1993). According to reintegrative shaming theorists, this combination of accountability and respect is key to keeping an offender within the community (Braithwaite, 1993).

Although too limited to provide definitive answers, research to date supports the positive effects of restorative justice conferences. The first of two formal experiments that have been conducted involved police-run conferences in Bethlehem, PA. That experiment found high levels of victim satisfaction and some evidence of reduced reoffending for person offenses but not property offenses (McCold and Wachtel, 1998). The second, the Reintegrative Shaming Experiments (RISE), also reported high levels of victim satisfaction and showed positive changes in the attitudes of offenders (Strang et al., 1999). The impact of restorative justice conferences on future offending remains under investigation.<sup>5</sup>

The promise of the initial findings from research on restorative justice conferences, coupled with frustration over then-existing interventions for very young offenders, led Indianapolis juvenile justice officials to consider an experimental pilot project.

## The Indianapolis Restorative Justice Experiment

In 1996, the Hudson Institute, a public policy research organization in Indianapolis, IN, began working with the Indianapolis police department, sheriff's department, juvenile court, prosecutor's office, and mayor on a project involving the use of Australian-style restorative justice conferences as an alternative response to juvenile offending. Encouraged by research from other jurisdictions—yet seeking clearer answers about the effects of conferences—Juvenile Court Judge James Payne and Marion County Prosecutor Scott Newman agreed to work with the Hudson Institute's research team to implement an experimental design. The experiment was initiated in September 1997, and this Bulletin presents what the research team refers to as the "Stage One" results of the ongoing experiment.

## Method

**Program eligibility.** Indianapolis justice officials decided to begin using restorative justice conferences with young, first-time offenders. This population was considered the most appropriate both because such youth were not seen as posing an immediate risk to the community and because officials recognized the need to identify more effective early interventions for these youth. The research team hoped that conferences might provide a more effective tool to prevent young, first-time offenders from becoming deeply entrenched in delinquent behaviors.

Consequently, to be eligible for the first phase of the Indianapolis experiment, an offender had to meet the following criteria:

- ◆ Be no older than 14 years of age.
- ◆ Be a first-time offender (i.e., have no prior adjudications).
- ◆ Have committed a nonserious, non-violent offense.
- ◆ Have no other pending charges.
- ◆ Admit responsibility for the offense.<sup>6</sup>

With the exception of the age criterion, these requirements are essentially the same as those that apply to juvenile court diversion programs. If deemed eligible for such a program, an offender is diverted from court and charges are not filed, pending his or her successful completion of the assigned diversion program.

**Random assignment procedure.** Formal implementation of the Restorative Justice Conferencing Experiment began on September 1, 1997. Court intake officers screened youth for eligibility. Eligible youth were selected for the program through a random assignment procedure. Specifically, when the intake officer determined that a juvenile offender met the program's eligibility criteria, he or she drew an envelope from a stack prepared by the research team. Each envelope in the stack contained one of two possible responses: "yes" or "no." If the intake officer selected a "yes," the youth was assigned to the restorative justice program and the case was turned over to the county coordinator. A "no" selection indicated normal processing, and the youth was assigned to 1 of 23 other diversion programs.

**Sample characteristics.** From September 1, 1997, to September 30, 1999, 458 youthful offenders participated in the Indianapolis Restorative Justice Conferencing Experiment. Of these, 232 were assigned to the

### Case Study: Clearing Up an Offender's Misunderstanding

David had been arrested for vandalizing a school bathroom and causing considerable damage. During the restorative justice conference, David was quiet and seemed unrepentant. The conference dragged on without much progress. Finally, David spoke up. He explained that the reason he had been so mad on the day of the incident was that his teacher not only had taken away his bag of potato chips but had then eaten the chips in front of the class, which David interpreted as an attempt to humiliate him. One of the conference participants was the teacher who had been involved in the classroom incident. The teacher said that David was wrong—the chips she had eaten were from her own lunch, and David's chips remained unopened in her desk. She explained to David that while it was appropriate for her to take the chips away from a student during class, she would never open the bag and eat them herself. With this information, David's demeanor changed immediately, the atmosphere in the conference shifted significantly, and the group was then able to move forward and reach a successful reparation

agreement. The conference ended with David apologizing to the teacher and with David, his mother, and the school officials agreeing that David would attend counseling. As a final condition to the agreement, David agreed to be responsible for carrying notes back and forth between his mother and his teacher to ensure ongoing communication.

Without the active involvement of David's teacher in the conference, it seems unlikely that the reason for his anger would have been discovered. Although a forum other than a restorative justice conference might have held David accountable for his actions, he probably would have remained bitter and continued to feel that he had been treated unfairly—first by the teacher in the classroom and then by those who held him responsible for the damage he had caused. Including David and his teacher in the conference and providing an opportunity for dialog had several benefits: David gained insight into the teacher's actions, the group came to understand David's behavior, and David had the opportunity to make amends to those harmed by his actions.

restorative justice treatment group and the remaining 226 to the “control group.” Tables 1 through 3 provide descriptive characteristics of both groups.

Table 1, which reports the racial composition of the two groups, shows that the control group included slightly more nonwhite youth (63 percent) than the restorative justice group (58 percent), though the difference was not statistically significant. These percentages are consistent with the racial composition of the general population of Indianapolis youth adjudicated delinquent in 1998—62 percent of whom were nonwhite (Marion Superior Court Probation Department, 1999).

The percentages of male and female offenders in the two groups also indicate that the sample was representative of the general population of juveniles adjudicated delinquent in Indianapolis. For example, approximately 65 percent of adjudicated juveniles in Marion County in 1998 were male, compared with 63 percent of those in the experimental sample (conference and control group combined) (see table 2). The restorative justice group, however, included more males (68 percent) than the control group (57 percent). Although in early analyses researchers were concerned about overrepresentation of males in the restorative justice group, the relative distribution became more even between the two groups as the sample size increased, suggesting that the randomization process is “smoothing out” the initially uneven distribution.

The median age of youth in both groups was 13.0 years. The age distributions of youth in the restorative justice and control groups were also quite similar. Approximately 32 percent were age 14, just over 26 percent were age 13, and approximately 40 percent were age 12 or younger. Previous research has suggested that these young age groups have high rates of reoffending (Snyder and Sickmund, 1995).

Table 3 reports the frequency of primary offenses committed by youth in the restorative justice and control groups. As indicated in the table, conversion (shoplifting) was the most common offense, followed by battery, theft, and criminal mischief. The control group included slightly more youth whose primary offense was conversion, whereas the restorative justice group included more youth charged with theft. Percentages of youth in the two categories combined,

**Table 1: Racial Composition of the Restorative Justice and Control Groups**

Race	Restorative Justice Group (n=232)		Control Group (n=226)		Both Groups (n=458)	
	Number	Percent	Number	Percent	Number	Percent
Nonwhite*	135	58	143	63	278	61
White	97	42	83	37	180	39

Note: The chi-square comparison was not significant, meaning that the observed difference between the treatment and control groups was likely produced by chance.

\* Because the groups included only three Hispanics and one “other” categorized respondent, these four respondents were grouped in the nonwhite category. The remaining respondents in the nonwhite category are African American.

**Table 2: Gender of Youth in the Restorative Justice and Control Groups**

Gender	Restorative Justice Group (n=232)		Control Group (n=226)		Both Groups (n=458)	
	Number	Percent	Number	Percent	Number	Percent
Male	159	68	129	57	288	63
Female	73	32	97	43	170	37

Note: Chi-square significant at  $\leq 0.05$ , meaning that the difference between the treatment and control groups was greater than that expected to be produced by chance.

**Table 3: Primary Offenses Committed by Restorative Justice and Control Group Participants**

Primary Offense	Restorative Justice Group (n=232)		Control Group (n=226)		Both Groups (n=458)	
	Number	Percent	Number	Percent	Number	Percent
Conversion (shoplifting)	84	36	105	46	189	41
Battery	59	25	56	25	115	25
Theft	36	16	22	10	58	13
Criminal mischief	26	11	17	8	43	9
Disorderly conduct	14	6	18	8	32	7
Trespass	7	3	5	2	12	3
Other	5	2	3	1	8	2
Intimidation	1	0.4	0	0	1	0.2

however, are almost equivalent for the two groups. Battery (assault) charges accounted for one-quarter of youth in both groups.

**Measures.** The study had process and outcome measures, including conference observations conducted by trained

researchers using an observational checklist; interviews of offending youth, their parents or guardians, and victims; and checks of court records to determine whether participating youth had been rearrested for subsequent offenses.

## Case Study: A New Approach to Juvenile Offending

### An Opportunity To Speak

Thirteen-year-old Jason's face was grim as he looked around at those attending the restorative justice conference and struggled to answer the coordinator's question. "How were you involved in this incident?" Quietly, Jason began his story. He and his friend Michael were on their way to Jason's house that afternoon and cut across the shopping center's parking lot. The car was there. They could see the speakers, and with Michael as lookout, Jason crawled in the car and began pulling out wires. The owner of the car (Rhonda) came out of her office and yelled at them to stop. Jason dropped the speaker, and he and Michael began running. Later that day, Jason heard the sheriff's officer knock on his door and talk to Jason's mother. After the officer questioned Jason and his friend, the boys were handcuffed and taken to the juvenile detention center.

When asked what he was thinking at the time of the incident, Jason replied, "Nothing, just that I saw the speakers and wanted them." Jason struggled when asked who had been affected by his actions, telling the group that *he* had been affected—by being taken to "juvenile." "What about the owner of the car?" asked the coordinator. "Well, I guess because she got her speakers messed up, she was affected." Pausing for a moment, Jason looked at his mother and whispered that she too had been affected by his behavior.

Jason's friend Michael gave his account of what happened, admitting that he wasn't thinking at the time and now knows he made a big mistake. The person most disappointed in Michael, he explained, was his

younger brother, and that was the worst part of all this—losing his brother's trust.

Rhonda next described the incident, explaining that she heard the two boys in the parking lot and ran out to see what was happening. "I saw the one boy in my car holding the speaker—I yelled at him to stop and he dropped it and ran." When asked what she wanted to receive from the conference, Rhonda said she wanted to know why the boys had attempted to steal her speakers. She also wanted the boys to understand how she felt and asked them how they would feel if someone took their possessions.

Moving around the circle, the conference coordinator asked the boys' mothers how the incident had affected them. Jason's mother said that at first she was shocked and had a hard time believing her son would be involved in something like this. Jason, she explained, has money from an allowance and doesn't need to steal anything. Michael's mother told the group how disappointed she was that her son had participated in the incident. She had always tried to raise her boys to know the difference between right and wrong, and it would take a while to restore her trust in Michael.

### Drafting a Contract

After each participant had an opportunity to speak, the contract drafting phase of the conference began. The participants discussed and outlined steps the boys needed to take to make things right. The coordinator asked the boys if they had anything they wanted to say to the victim. Each made a sincere apology for trying to steal Rhonda's speakers. Rhonda said that she

believed the boys were remorseful and thought they had learned from their mistake.

When asked if there was anything else she wanted to add to the contract, Rhonda explained that because the speakers were replaced and her car had no permanent damage, restitution was not necessary. She suggested, however, that the boys perform community service work. Following Rhonda's suggestion, the conference participants joined in and traded ideas on what type of work would be appropriate and how many hours would be fair. The boys were asked whether they would agree to community service and whether they knew of any work that was needed around their neighborhood. Finally, the participants agreed that Jason and Michael would perform 20 hours of service at a community center to earn money to pay their court fees. The coordinator wrote up the contract, and all of the participants signed it, putting a formal end to the incident.

### Benefits of the Process

As the conference participants rose to leave, Jason and Michael shook hands with everyone in the group. Although the boys had been held accountable for their behavior, they knew that people still cared about them and had worked to help them learn from their mistakes. Having received an apology and learned why the boys did what they did, Rhonda felt that she could put the incident behind her. The boys' parents had a chance to express how they felt about their sons' actions, they received support from the group, and they helped point their children back in the right direction.

## Results

**Observations of conferences.** In observing restorative justice conferences, researchers examined the length of the proceeding; the role of the conference coordinator; the involvement of the offender, youth supporter(s), victim(s), and victim supporter(s); expressions of shame, apology, and acceptance of responsibility by the offender; and elements included in the reparation agreement.

Between September 1, 1997, and September 30, 1999, 182 conferences were conducted. Of these, 157 conferences (86 percent) were observed by 1 of 15 trained observers.

**Length of proceeding.** Restorative justice conferences lasted an average of 43 minutes. The reintegration ceremony, during which conference participants mingled informally and shared refreshments, averaged 10 minutes from the close of the conference.

**Role of conference coordinator.** Generally, conference coordinators followed the principles of restorative justice conferencing. Observers noted that coordinators maintained a distinction between the offending youth and his or her behavior (i.e., treating him or her as a valued member of the community while condemning the act). Coordinators also focused the discussion on the incident and rarely lectured the offending youth. Coordinators

were seen as doing an effective job of eliciting the involvement of all conference participants.

*Involvement of offender, victim, and supporters.* Observers reported that all conference participants tended to display respect toward the offending youth. In a large majority of conferences, the offending youth also was seen as conveying respect toward the victim. In approximately 22 percent of conferences, observers did not believe the offending youth had been respectful of the victim.

In nearly all conferences, group participants expressed disapproval of the offense. In more than 80 percent of the conferences, observers reported that the youth had apologized to his or her victim, and in half of the conferences, the youth apologized to his or her own supporters. Observers also noted that most offending youth expressed remorse (76 percent) and understood the injury or harm they had caused (66 percent). Although observers could not tell with certainty whether a victim and other group participants had forgiven an offender, observers reported that more than 80 percent of the conferences appeared to include the victim and the group forgiving the offending youth. In three-quarters of the conferences, the observer reported a strong sense of reintegration at the conference close.

In all of the conferences, every participant signed the reparation agreement. Victims appeared satisfied in more than 80 percent of the conferences, and observers described 77 percent of the conferences as positive. Observers also reported that in more than 80 percent of the conferences, a volunteer was appointed to hold the youth accountable to the terms of the reparation agreement. That is, rather than have a court official monitor the agreement, the group designated someone from the community of support to hold the youth accountable. This person was then contacted by the Marion County Restorative Justice Coordinator to verify the youth's completion of the agreement.

*Elements of reparation agreement.* Apology was the most common element included in reparation agreements (62 percent). To some extent, however, this percentage underrepresents the frequency of apologies. Because many conferences had already included an apology, it may not have been written into the formal agreement. Other common elements included monetary restitution, personal service,

and community service. More than half of the reparation agreements included still other elements (typically activities that the group had tailored to the specific circumstances involved). Examples included imposing a nightly curfew and requiring that the youth improve his or her grades and school attendance or participate in afterschool programs.

**Interviews of conference participants.**

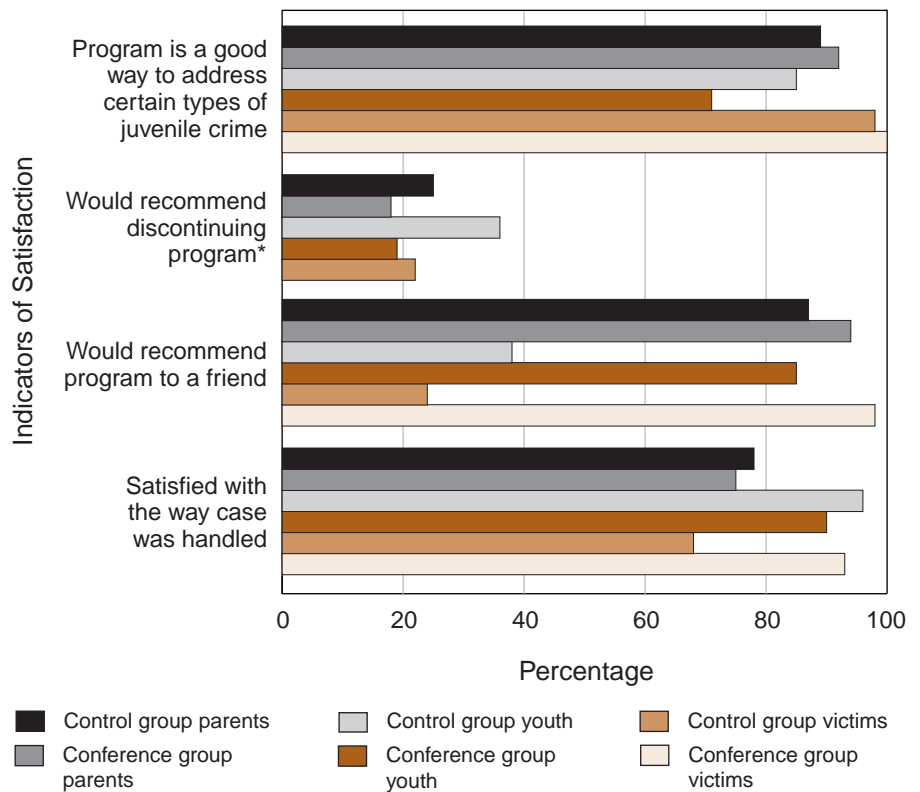
A significant part of the Indianapolis restorative justice study was assessing how victims, offenders, and supporters felt about restorative justice conferencing as an alternative to traditional court-ordered programs. The goal was to collect data on participants' attitudes and beliefs about how their cases were handled and on their sense of justice.

Initially, the Hudson Institute encountered delays in implementing the interview procedures. Consequently, the sample size for the interviews is smaller than that of

the total sample of conference and control group cases.<sup>7</sup> Thus, the results from the interviews come principally from cases occurring during late 1998 and 1999. Given the small sample sizes, the researchers report descriptive findings without assessing the statistical significance of the findings. More detailed assessments will be included in the second stage of the project.

*Satisfaction.* When respondents were asked how satisfied they were with the way their cases were handled, a significant difference emerged between victims in the control group and victims in the conference group. More than 90 percent of victims in the conference group "strongly agreed" or "agreed" that they were satisfied, compared with 68 percent of victims in the control group (see figure 1). Satisfaction levels of youth and parents in both groups were similar. Overall, both groups expressed high levels of satisfaction, but youth and parents in the

**Figure 1: Reported Levels of Satisfaction**



Note: For the first, second, and fourth indicators, the figure reflects the percentage of respondents who "agreed" or "strongly agreed" with the statement. For the third, the figure shows the percentage who responded "yes."

\* No conference group victims recommended discontinuing the program.

control group were slightly more likely to express satisfaction. This difference may reflect the extra demands (e.g., time, accountability) that conferences place on youth and parents.

In measuring participant satisfaction, the study also examined whether participants would recommend the program to a friend involved in a similar situation. Again, the greatest difference between the control and conference groups was for victims. Nearly all victims involved in conferences (98 percent) said that they would recommend the approach, compared with 24 percent of victims in the control group. Offending youth in the conference group were also more likely to recommend the approach (85 percent, compared with 38 percent of youth in the control group). The study found no significant difference between parents in the two groups for this item (see figure 1).

Another indication of participants' satisfaction is whether they would recommend discontinuing the program. Most participants did not recommend stopping the conferences or the control group programs. Conference participants, however, were most likely to endorse continuation of the conferencing program. For example, no victims in the conference group recommended discontinuation. Just over one-fifth of victims in the control group, however, agreed that the program should be stopped. Similarly, 19 percent of youth in the conference group recommended discontinuing the program (compared with 36 percent of those in the control group), and 17 percent of conference parents recommended discontinuation (compared with 25 percent of control group parents) (see figure 1).

The final indicator of participant satisfaction examined was whether participants believed the program was a "good" way to address certain kinds of juvenile crime. Here, both conferences and other court programs received strong endorsements. For victims and parents, the study found little difference between conference and control group participants. Youth in the control group were more likely than those in the conference group (85 percent versus 71 percent) to agree that the program they participated in was a good one (see figure 1).

*Perceptions of respect and involvement.*

Participants in both conference and control group programs felt they had been treated with respect. The study found no significant differences between

participants (victims, youth, and parents) in the treatment and control groups in terms of perceptions of respect (see figure 2).

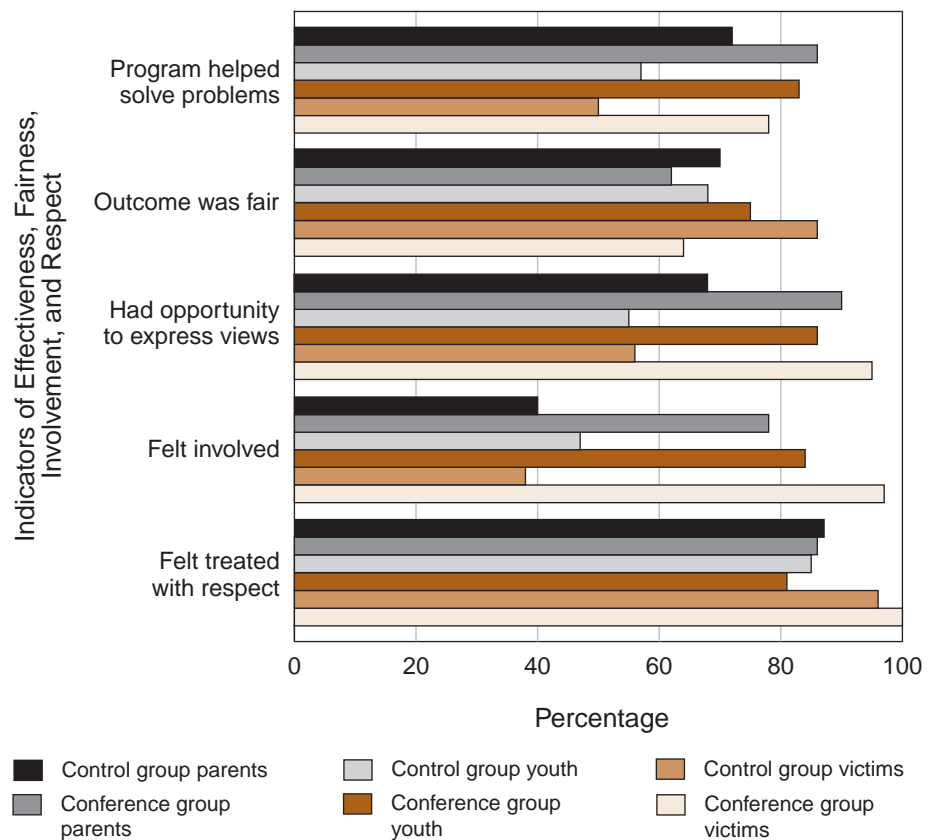
None of the victims in the conference group reported feeling pushed around. However, approximately 20 percent of youth and 15 percent of parents in the conference group felt they had been pushed around. These percentages are lower than those reported by youth and parents in the control group (44 and 38 percent, respectively).<sup>8</sup>

The study found differences in the two groups' feelings of having been involved in the process. Restorative justice conferences are built on the principle that affected parties should participate in the process, and results indicate that this principle is being achieved in the Indianapolis experiment. Nearly all victims in

the conference group (97 percent) agreed they had been involved, compared with 38 percent of victims in the control group. Offending youth in the conference group were also much more likely than those in the control group to feel they had been involved (84 percent versus 47 percent). Nearly 80 percent of parents in the conference group agreed they had been involved, compared with 40 percent of parents in the control group (see figure 2).

Participants in the conference group were also more likely to report having had an opportunity to express their views. For example, 95 percent of victims in the conference group agreed they had such an opportunity, compared with 56 percent of victims in the control group. Similarly, 86 percent of offending youth and 90 percent of parents in the conference group agreed they had the opportunity to express their views, compared with 55

**Figure 2: Reported Perceptions of Effectiveness, Fairness, Involvement, and Respect**



Note: For the third, fourth, and fifth indicators, the figure reflects the percentage of respondents who "agreed" or "strongly agreed" with the statement. For the first, the figure shows the percentage who "definitely" or "somewhat" agreed with the statement. For the second, the figure indicates the percentage who responded "yes."

percent of youth and 68 percent of parents in the control group (see figure 2).

*Perception of outcomes.* A large majority of participants in both the conference group and the control group believed the outcome of their case was fair (see figure 2). Victims in the conference group were more likely than their control group counterparts to describe the outcome as lenient (36 percent and 14 percent, respectively). Conference group youth were slightly less likely than control group youth to describe the outcome as lenient, whereas conference group parents were somewhat more likely than control group parents to describe the outcome as lenient.

Participants in the conference group were more likely than those in the control group to report that the program had helped to solve problems. More than three-quarters of victims in the conference group reported this benefit, compared with one-half of those in the control group. More than 80 percent of conference group youth and

parents reported that the program had helped to solve problems, compared with 57 percent of control group youth and 72 percent of control group parents (see figure 2).

**Analysis of program completion data and rearrest records.** The results described thus far indicate that restorative conferences were implemented in a fashion consistent with the philosophy and principles of restorative justice, that they were more effective than many other court programs in addressing victim needs, and that both parents and offending youth felt very much involved in the process. For many policymakers, however, the fundamental issue is the program's impact on future offending. To address this issue, the study compared program completion data and recidivism rates of restorative justice conference participants with those of youth in the control group.<sup>9</sup> (Recidivism was defined as a rearrest after the initial arrest that brought the youth to the juvenile justice system, and recidivism

analysis was conducted for both groups at 6- and 12-month intervals.)

*Program completion.* Youth participating in restorative justice conferences demonstrated a significantly higher completion rate (82.6 percent) than youth in the control group, who were assigned to other diversion programs (57.7 percent). The majority of the 29 youth in the conference group who failed to complete the program were rearrested before attending the conference. In contrast, most of the 71 control group youth who failed to complete their assigned programs failed because of juvenile waiver from the program. In such cases, juvenile court staff closed the case without requiring the youth to complete the assigned program.

*Six-month rearrest rates.* Table 4 shows 6-month rearrest rates for all youth who have reached the 6-month stage. As the rates for the full sample reflect, the restorative conference group included fewer recidivists than the control group by a margin of 13.5 percent. This statistically significant difference represents a 40-percent reduction in rates of rearrest.<sup>10</sup> (The reduction was calculated by dividing the difference between the control and the treatment group rates by the control group rate:  $(33.9-20.4)/33.9=39.8$ .)

Researchers also conducted an analysis limited to youth who had successfully completed a treatment (either the restorative conference program or one of the control group diversion programs). Because, as noted above, youth in the conference group were significantly more likely to complete their program than youth in the control group (many of whom were waived out of their programs), the portion of high-risk youth remaining among program completers presumably was higher for the conference group than the control group. In other words, the higher dropout rate for youth in the control group likely resulted in a group of lower risk youth among those who actually completed the program. Thus, limiting the recidivism analysis to program completers provides a conservative estimate of the conference program's effectiveness. This analysis also found a significant difference in rearrest rates for conference and control groups: 12.3 percent and 22.7 percent, respectively. This statistically significant difference represents a 46-percent reduction in rates of rearrest.<sup>11</sup>

*Twelve-month rearrest rates.* Table 4 shows 12-month rearrest rates for all youth who

### Case Study: Better Addressing the Needs of Victims

When setting up the restorative justice conference, the coordinator talked with 17-year-old Richard about the purpose of the meeting. Richard admitted that he had broken into his neighbor Sue's car and taken her tape player and several other items. Richard agreed to participate in the conference and indicated a willingness to make amends.

On the day of the conference, however, Richard's attitude seemed to walk into the room in front of him, and the other participants sensed that the conference might not go as expected. Sue, the car's owner, nonetheless wanted to proceed.

When the coordinator questioned Richard about the incident, Richard skirted the issue of his responsibility and did not appreciate that so many people had attended the conference to help give him a second chance. When it was Sue's turn to speak, she described how she had felt when she discovered someone had broken into her car and stolen her personal property. Looking directly at Richard, Sue asked him why he had chosen her car. After all, she thought they had been friends.

After Richard and Sue described the incident, other participants had an opportunity to speak. Gary, a friend of Sue's attending the conference as a victim supporter, explained how Richard's behavior had affected Sue. One of Richard's neighbors told the group that she had always trusted Richard (e.g., allowing him to work in her yard), but now her trust in him had been broken and she wasn't sure how she felt about Richard. Richard's mom told the group that she hadn't raised her son to steal from others but didn't know how to help him change.

Once each participant had spoken, a contract was written. Under the terms of the contract, Richard agreed to pay for damage to Sue's car and replace her personal items. After Richard left the conference, Sue commented that she didn't know if she would ever see the restitution payment. She assured her friends and the conference coordinator, however, that the conference had been worth it to her. The most important part, she explained, was the opportunity to tell Richard face-to-face how he had hurt her—that he had destroyed the trust that she had in him, disrupted her sense of safety, and generally made her life miserable for a while.



**Table 4: Rearrest Rates at 6 and 12 Months**

Followup Interval	Total Number of Youth in Sample		Youth Who Were Rearrested (%)		p Value
	Restorative Conference	Control	Restorative Conference	Control	
<b>6 months</b>					
Full sample*	167	168	20.4	33.9	0.005
Participants who completed program	138	97	12.3	22.7	0.036
<b>12 months</b>					
Full sample*	156	156	30.1	42.3	0.025
Participants who completed program	125	93	23.2	29.0	0.330

Note: A *p* value of ≤ 0.05 indicates that chi-square is statistically significant, meaning that the difference between the treatment and control groups was greater than that expected to be produced by chance.

\* The smaller sample sizes reported in this table reflect the fact that at the time of the analysis, not all of the study group youth had reached the 6- and 12-month followup stages. These cases are being tracked in the ongoing study.

have reached the 12-month stage. Of the full sample of youth participating in the restorative conference program, 30.1 percent had been rearrested within 12 months, compared with 42.3 percent of youth in the control group. This statistically significant difference represents a 29-percent reduction in recidivism.<sup>12</sup>

When researchers examined rearrest rates at 12 months for only those youth who had successfully completed a program, they found a pattern that was consistent with their other results, but the difference in rearrest rates for the conference and control groups did not achieve statistical significance. Specifically, 23.2 percent of youth who successfully completed the restorative conference program had been rearrested at 12 months, compared with 29 percent of youth who successfully completed another diversion program. This represents a 20-percent reduction in rearrest rates, which is not statistically significant.

The lack of statistical significance probably is attributable to two factors: (1) implementation problems in the earliest phase of the experiment, which frequently caused delays in scheduling conferences; and (2) the small number of program completers, particularly in the control group, included in the 12-month analysis. The Hudson Institute continues to monitor these findings to determine whether 12-month rearrest differences for program completers reach statistical significance when the sample size is larger.<sup>13</sup>

*Rearrest rates by offense, sex, and race.* Researchers conducted limited analyses of 6-month rearrest rates for selected subgroups of offenders.<sup>14</sup> Youth who committed offenses against property had lower rearrest rates than youth who committed offenses against persons, and this difference was comparable for conference and control group youth. Both males and females in the conference group experienced lower rearrest rates than their counterparts in the control groups; the difference was greater for females than for males. There were no racial differences in rearrest rates for conference and control group youth, and the overall reduction in rearrest rates found for conference group youth was the same for whites and nonwhites. These findings, although preliminary, suggest that the effects of conferences appear consistent for youth across groups based on offense, sex, and race. These results should be considered preliminary, however, until further analyses based on larger sample sizes can verify findings.

### Conclusion

Recent years have witnessed considerable interest in restorative justice approaches in general and conferences in particular. The current study and earlier research provide support for continued development of the restorative justice conference approach and experimentation with its use.

One of the basic findings of the experiment described in this Bulletin is that restorative justice conferences can be successfully implemented in an urban U.S. setting. More than 80 percent of youth who were referred to a conference attended the conference and completed the terms of their reparation agreement. For Indianapolis, this rate compares very favorably with that of other court-related diversion programs.

Trained observers reported that conferences in Indianapolis appeared to incorporate restorative justice principles such as inclusion of affected parties, respect for all participants, and emphasis on problem solving. Victims received apologies, and reparation agreements included other mutually agreed-upon actions. These characteristics translated into high levels of satisfaction among victims.

Interesting patterns emerge in this study's interview data. Overall, the data indicate reasonably high levels of satisfaction among participants in both conferences and other court-ordered diversion programs (i.e., control group programs). Thus, the Indianapolis experiment does not involve a comparison of restorative justice programs and court-ordered programs that are perceived as failing.

The interview data suggest that the conference approach makes a positive difference for victims. When compared with victims participating in other diversion programs, victims in the conference program were more satisfied with how their

cases were handled and much more likely to recommend the program to a friend. Victims in the conference program also felt they were treated with respect. Consistent with the principles of restorative justice, victims participating in conferences were much more likely than those participating in other programs to report that they were involved in the process and that they had the opportunity to express their views.

The conference approach also appears to make a difference for parents and youth. Although responses to some interview questions revealed no differences between those who participated in conferences and those who participated in other diversion programs, responses to questions relating to the core principles of restorative justice revealed significant differences. For example, youth and parents who participated in conferences were more likely than control group participants to feel they were involved, had a "say in the matter," and had problems solved.

Study results relating to reoffending are similarly promising. In comparisons for the total sample and for youth who successfully completed their diversion program, youth who attended conferences were significantly less likely than youth who attended other diversion programs to be rearrested during the 6 months after the incident that initially brought them to the attention of the court. Similar findings were observed at 12 months for the total sample; 12-month findings for program completers were limited by small sample sizes and were less conclusive.

In subsequent stages of this project, researchers will seek to confirm initial results with larger samples. Larger samples will also allow researchers to address theoretical questions by relating findings from reoffending rates to interviews of youth, parents, and victims. For example, such questions may address whether it is the deterrent effect of increased accountability, the reduced stigmatization, or a combination of the two that is generating decreases in offending (Braithwaite, 1989). In addition, larger samples will allow a more thorough examination of results for various subgroups of offenders (e.g., those based on sex, race, age, and offense type). Researchers plan to address the issue of the role of police as conference facilitators, including the related question of whether it makes a difference for victims or offenders if the

facilitator is a uniformed police officer or a civilian. Finally, the Hudson Institute hopes to extend its experiment to a broader range of offenses and to youth with prior court experience, thereby allowing the Institute to measure the extent to which these promising initial results apply to more serious offenders. The Institute also perceives a clear need to extend the research to the use of conferences with older youth.

Consistent with earlier research, the findings of the Indianapolis study suggest that restorative justice conferences successfully address the needs of many victims of offenses committed by youth. In addition, findings show that conferences are a promising early intervention for young, first-time juvenile offenders. Given the high rate of reoffending among very young children who enter juvenile court, these findings are encouraging and support the need for continued experimentation with and assessment of the restorative justice conference approach.

## Endnotes

1. (H.N. Snyder, personal communication, 2000.) Dr. Snyder provided these statistics, based on his analysis of 1999 arrest data from the Federal Bureau of Investigation, to the Office of Juvenile Justice and Delinquency Prevention.
2. As used in this Bulletin, the term "child delinquents" refers to juveniles between the ages of 7 and 12 who have committed delinquent acts, as defined by criminal law. This group of juveniles is the focus of OJJDP's Study Group on Very Young Offenders.
3. (L.W. Sherman, personal communication, 1996.) The author and Professor Sherman collaborated on a grant proposal in the early stages of this project, and Sherman's thinking is reflected in this Bulletin.
4. A restorative justice program, however, should not force an offender to apologize to his or her victim. Nor should the victim be forced to accept an apology. An offender's apology should be sincere; it should not be viewed as a "quick fix" for the offender.
5. Research other than these two formal studies has reported declines in reoffending and high levels of victim satisfaction. This research, however, was not based on rigorous research designs. See Thames

Valley Police, 1999; Braithwaite, 1999; Moore and O'Connell, 1994.

6. Restorative justice conferences are not fact-finding hearings. If a youth challenges the allegations, the matter should proceed to court. This criterion seeks to prevent the "revictimization" of a victim that could occur if the alleged offender failed to take responsibility for the act.
7. The sample size for the interviews was as follows: victims in conference group,  $n=42$ ; victims in control group,  $n=50$ ; youth in conference group,  $n=52$ ; youth in control group,  $n=47$ ; parents in conference group,  $n=52$ ; and parents in control group,  $n=47$ .
8. Because control group victims were not asked if they felt they had been pushed around, this measure of perceived involvement and respect is not included in figure 2.
9. At the time of the comparison, program completion data were available for only 167 youth in the restorative conference group and 168 youth in the control group.
10. Chi-square statistically significant at  $\leq 0.01$ . This level of significance indicates that a difference of the observed magnitude would only be expected to occur in 1 out of 100 samples.
11. Chi-square statistically significant at  $\leq 0.05$ .
12. Chi-square statistically significant at  $\leq 0.025$ .
13. Additionally, in later stages of the project, researchers will consider issues such as the length of time elapsing between program completion and rearrest and the seriousness of subsequent offending.
14. Analyses by subgroup at this stage of the study are limited because sample sizes at this stage become very small when conference and control groups are further divided by characteristics such as offense, sex, and race. In the second stage of the project, when sample sizes are larger, researchers will carefully consider whether the restorative conference approach has different effects on different categories of youth.

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