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Instituting Restoration: Establishing and Sustaining a Restorative Model of Justice

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INSTITUTING RESTORATION: ESTABLISHING AND SUSTAINING A
RESTORATIVE MODEL OF JUSTICE

A Dissertation

Submitted to the School of Graduate Studies and Research

in Partial Fulfillment of the

Requirements for the Degree

Doctor of Philosophy

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August 2015

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The restorative justice movement in Pennsylvania continues to be defined following the passing of the Juvenile Act in 1995. As implementation strategies are discussed, and policies altered, the need to examine well established restorative programs becomes important. Very few restorative programs in the Commonwealth, and across the country, can claim twenty years of existence and success. The Center for Community Peacemaking (CCP) in Lancaster, Pennsylvania has implemented and sustained a restorative victim offender conferencing (VOC) program that has been serving the local community for two decades. This dissertation examined the organizational and communal relationships that have helped produce a long-lasting model of restorative justice. Utilizing interviews of community volunteer facilitators, former program Directors, and juvenile probation officers, this study sought to develop a qualitative understanding of the pitfalls and success in program development and implementation. Results showed that development of a VOC program needs to be highly supported by both community-based, and justice-based agencies. While this can be difficult, especially when looking for avenues of funding, faith-based communities can help produce a strong volunteer facilitator base that becomes one of the links in a strong chain of restorative justice support.

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CHAPTER I

INTRODUCTION

Since the Juvenile Court's inception juvenile justice policy has mirrored political and public sentiments surrounding delinquent offenders. While many have argued that juvenile offenders should be handled exactly like their adult counterparts, others support a more rehabilitative ideology that tries to limit a youth's involvement in a lifetime of criminality. Currently, juvenile justice policy is attempting to recover from the inaccurate fear of the juvenile predator that perpetuated more punitive punishments for adjudicated delinquents. The need for more rehabilitative models has led some to look for alternative models for dealing with delinquent youth. The model of restorative justice has been presented as providing a rehabilitative ideal while still holding youth accountable for their behavior.

Previous studies have tested restorative justice programs using survey methodology that is quantified into rates of completion and satisfaction (McGarrell & Hipple, 2007; Niemeyer & Schicor, 1996; Nugent & Paddock, 1996; Sherman, Strang, & Woods, 2000; Strang, 2002; Strang et al., 2006; Strang, Sherman, Woods, & Barnes, 2011; Umbreit, 1994; Urban & Riggs, 2009; Winnimaki, 1997). While the results have been favorable, this approach has limited the understanding of how restorative justice programs actually provide youth offenders and their victims, as well as the community, with resources and knowledge to repair the harm that has been done. With this consideration, further research which can address these limitations is needed. This research tries to address the issues of implementation and sustainability in restorative

justice programming through an exploratory case study of a Victim Offender Conferencing program (VOC).

The study focuses on several limitations that are present within restorative justice research. The first is the lack of qualitative analysis of restorative justice programs. The second is establishing a narrative about the implementation and development process. As evidence-based programming becomes increasingly utilized, the research about programs that already have established themselves as effective under the evidenced-based umbrella will have to shift toward identifying implementation and sustainability strategies.

The present study examines four primary research questions (discussed fully in Chapter III) that were developed to assess important components of the VOC program. While some of these areas have been identified by the Juvenile Justice and Delinquency Prevention Committee of the Pennsylvania Commission on Crime and Delinquency (PCCD), the rest were developed following a review of restorative programming literature. The first components were outlined by PCCD and include accountability, competency development, and community protection. These have all been identified as goals that restorative justice programs throughout Pennsylvania should strive to achieve (Bender, King, & Torbet, 2006; Torbet, 2008; Torbet & Thomas, 2005).

The second component this study assesses is the way in which various stakeholders have come together to establish and push the VOC program forward. The extensiveness of the VOC program is clear even from a passing glance at the Center for Community Peacemaking's website. Thus, it becomes necessary to establish how the relationships between stakeholders such as the courts, the board of CCP, juvenile

probation, youth aid panels, and community volunteers, are responsible for the continued success of the VOC program.

The third, and most unique, component to this entire program is its volunteer base. This communal response to criminality or social deviance is a cornerstone of restorative justice practices. The CCP has established a network of volunteers who are providing restorative justice outreach to youth, both victim(s) and offender, their families, and the community. This relationship is examined for its potential in creating a model of volunteerism that is sustainable throughout other counties in the Commonwealth.

Finally, the fourth component of the research is to identify the continued development of stakeholder relationships. Cooperation among agencies often can be responsible for the continued success or rapid descent of a non-profit organization such as CCP (Dhami & Joy, 2007). Additionally, restorative justice research often is linked with the outcomes of recidivism and satisfaction, with very limited focus on the maintenance of professional and restoratively-based relationships. However, these relationships and the continued support from all facets of the justice system are just as, if not more, important than the outcome measures used to assess success in previous research.

Chapter II documents the development of both the juvenile justice and restorative justice movements. It is necessary to recognize the progression of these two separate but similar models of justice that have come together to establish policy initiatives. The chapter begins with a discussion of the development of the Juvenile Court system in the United States, with a focus on its development in Pennsylvania. Restorative justice then is defined through its conceptualization internationally and the types of programs that are

given the restorative justice label. The chapter also includes an assessment of the previous analysis surrounding restorative programs including summary tables of the major findings. Finally, the chapter concludes with a discussion of implementation and organizational issues that define a restorative justice program.

Chapter III describes the methodology employed for this study. The four principal research questions, as well as the research setting, and the victim offender conference design, are discussed. Included within the data collection procedures are descriptions of the access and sampling process, the human subject protections involved, and the use of semi-structured interviews as the primary qualitative methodology. The chapter concludes with a discussion regarding the use of artifacts and archival records.

Chapter IV addresses the analysis of the current study including the coding procedures and their importance to analytical interpretation. Also, the use of a second reader, and methods of triangulation are discussed as part of the analysis process. The chapter concludes with an analysis of the primary research questions with regard to the data that were collected.

Chapter V draws on the analysis of the research questions to discuss the importance of these findings for CCP and the VOC program. This includes a discussion of these findings and the relationship to other restorative justice programs in the state, and across the country. The chapter discusses the strengths and limitations of the current study, the implications for future research, and the potential policy implications. The chapter concludes by addressing the imperativeness of meaningful institutional change within juvenile justice.

CHAPTER II

LITERATURE REVIEW

Juvenile Justice in the U.S

The United States has gone through what can be considered a revolving door of response in relation to youth criminality within the youth population. The juvenile justice system was originally framed using the *parens patriae* perspective in which the civil court and the juvenile institutions took control of youth who could no longer be controlled by the parents and by the larger social system (Benekos & Merlo, 2009; Mears, 2002). However, Theodore Ferdinand (1991) notes that an understandable lack of foresight throughout the development and evolution of the juvenile system has led to entire systems becoming much more punitive than originally intended. In order to understand how this is possible, it is first necessary to recognize the progression of juvenile justice in terms of ideology and policy.

Parens patriae was an ideology of custodial intervention which evolved with the growing number of vagabond youths who began dotting the landscape during the industrial revolution (Ferdinand, 1991; Stafford, & Kyckelhahn, 2002). What becomes noticeable in the early discussions of the *parens patriae* ideology is that youths could become a part of “the system” without ever committing a criminal act. Thus, youth justice took a two pronged approach throughout the 1800s. One side of the justice system that dealt with only wayward youths who had not committed any type of criminal act other than being poor or defiant within the educational system or at home. These youths were institutionalized within youth reformatories. The other side came with a common law form of justice where youth, age 14 and over, if found mentally culpable, as well as

guilty of a serious crime, were handled within an adult system of justice. These traditions lead some youth into an adult criminal justice system which, in some cases, became a gateway for a lifetime of criminality (Stafford & Kyckelhahn, 2002). While some may see this system of separation as appropriate in keeping non-delinquent youth from suffering any type of punitive measures for simply being displaced within society, their placement within “houses of refuge” did little to protect and nurture youth, as the *parens patriae* ideology intended.

The reformation of the juvenile system focused on developing a model that relied on the state to take over parental responsibilities for delinquent and incorrigible youth. While their intentions were good, these refuges and reformatories increasingly were punitive. Early court cases like that of *Ex Parte Crouse* (1838) began to question the constitutionality of the *parens patriae* ideology and the institutionalization of non-criminal youth (Stafford & Kyckelhahn, 2002; Tanenhaus, 2004). Mary Anne Crouse’s father questioned the legality of the institutionalization of his daughter under Pennsylvania State law without a formal jury trial. The Pennsylvania Supreme Court decided that houses of refuge were schools and not criminal institutions; therefore, the same rights provided to adults in the criminal court, did not apply to youth civil court. Up to this point, all juvenile cases were handled within civil court unless they were considered particularly serious in which case they were waived to adult criminal court (Stafford & Kyckelhahn, 2002). The decision also enhanced the legitimacy of the *parens patriae* ideology. Throughout the next half-century, it became evident that houses of refuge and reformatories, once considered educational in nature, had become nothing short of juvenile prisons (Fox, 1996).

The prison structure of youth institutions, along with the ever increasing number of juvenile cases entering the civil court system, paved the way for a new breed of reformers known as “child savers” (Stafford & Kyckelhahn, 2002; Tanenhaus, 2004). The late 1800s saw individuals such as Lucy Flower and Julia Lathrop, both residents of Chicago, the former a well-known philanthropist, the latter a college-educated social worker/reformer, push for the creation of an entirely separate Juvenile Court system (Tanenhaus, 2004). Armed with wealthy networks and knowledge of social justice, the two helped create the nation’s first Juvenile Court system. With the passing of the Illinois Juvenile Court Act of 1899, Illinois became the first state to provide a unified court system for youthful offenders (Snyder & Sickmund, 2006).

The court was hailed as a milestone in the recognition of delinquency issues and for its projected ability to rehabilitate youth offenders. As McCarthy (1984) discusses, the development of Juvenile Courts across the country came “almost simultaneously...in virtually every state” and, in 1901, Pennsylvania passed its own Juvenile Court Act (p.1). However, Pennsylvania’s roots in juvenile justice reform began with the House of Refuge movement (McCarthy, 1984). While, New York was the first to implement the House of Refuge ideology, Pennsylvania quickly gained the national spotlight with the opening of the Philadelphia House of Refuge in 1826 and the subsequent case of *Ex Parte Crouse* (1838) (McCarthy, 1984; PAJCJ, 2008). As discussed above, the case of *Ex Parte Crouse* would be the first to challenge Pennsylvania’s refuge efforts. The court’s decision affirmed that juveniles were without rights in the system of justice.

While every state had a Juvenile Court by 1945, the juvenile justice system as a whole, still was an assorted collection of local and state developed programs and still

dominated by the *parens patriae* ideology (Ferdinand, 1991). Without a central administration of justice, and very few, if any, checks and balances, the only characteristic that kept juvenile institutions from becoming youth prisons during the court's early period, were the judges who showed a "deep sympathy for young delinquents" (Ferdinand, 1991, p. 210). Little coordination across jurisdictions as well as a decreasing empathy for the youth offender lead to the juvenile system's next reform: attempting to resolve the juxtaposition of a juveniles personal rights and the court's intrusion as parent.

Pennsylvania's Juvenile Court system also helped to define the direction of juvenile justice nationally with the decisions of *Commonwealth v. Fisher* (1905), *In re Holmes* (1954), and *McKeiver v. Pennsylvania* (1971) (McCarthy, 1984). In 1905, Pennsylvania defined the purpose of the Juvenile Court as an institution of treatment and not punishment in *Commonwealth v. Fisher* (1905). Therefore, youth were not guaranteed many of the same constitutional rights as those afforded to adult offenders. This model of justice was used throughout the 1900s and was reaffirmed with the court's decision *In re Holmes* (1954). The Pennsylvania Supreme Court upheld the ruling that youth cases were civil and not criminal in nature. Thus, juveniles had no right to examine the evidence against them, no right against hearsay, and no right against self-incrimination. The rights of juveniles would be further diminished in one of the rare Pennsylvania cases that made its way to the Supreme Court of the United States. The Court affirmed the lower court which denied the right of a juvenile to a jury trial in the case of *McKeiver v Pennsylvania* (1971). While Pennsylvania was limiting the rights of

juveniles, other cases that made it to the Supreme Court's docket were expanding those rights (McCarthy, 1984).

The cases of *Kent v. U.S.* (1966), *In Re Gault* (1967) and *In Re Winship* (1970) were significant in recognizing the rights of juveniles as individuals. In the case of *Kent v. U.S.* (1966), the opinion of the court reflected the shortcomings of the Juvenile Court's ability to protect the rights of youth through due process, as well as the inability of the juvenile system to provide adequate rehabilitative services. Kent's case, which involved a charge of rape, was waived to the adult system. The rights of juveniles as citizens, protected by the Constitution, were furthered in the case of *In re Gault* (1967).

Gerald Gault was taken into custody at age 15 for suspicion of making lewd phone calls to a neighbor. Already on probation for another minor offense, Gault was taken into custody without notice to his parents. This case was later formally petitioned to the juvenile court; but Gerald Gault was never informed of this petition. At his hearing, no record of the proceedings was kept, no attorney was consulted, and the key complainant was not present. Gerald Gault was committed to a juvenile institution until he was 21. Upon appeal, the Supreme Court overturned the ruling and determined that juveniles be afforded some of the same due process rights as adults receive under the Constitution. These rights included the right to counsel, right to adequate notification of charges, the right to cross-examination, and the right against self-incrimination (387 U.S. 1 [1967]). The decision of *In Re Winship* (1970) reaffirmed the right to have the youth's delinquency determined beyond a reasonable doubt. Up to this point, youth offenders were only adjudicated using a preponderance of the evidence which was the standard applied in civil courts for juvenile cases.

While these cases have been considered milestones in juvenile justice, youth crime in the 1980s and 1990s was on the rise, and the pendulum of justice was swinging away from rehabilitation toward more retributive punishments (Stafford & Kyckelhahn, 2002). As due-process rights for youth began to expand, so did the belief that the punishments for juvenile offenders should be similar to their adult counterparts. With the publishing of his report “*What works? Questions and Answers about Prison Reform*” Martinson (1974) inadvertently helped to solidify the shift in the adult court and also within the juvenile court from rehabilitation to retribution. With the conclusion that nothing worked in adult rehabilitation, youth offenders now were seen more like adult offenders, and they were susceptible to the loss of faith in rehabilitation as well.

While attempts at youth rehabilitation still were made throughout the 1970s, the 1980s and 1990s ushered in an era of increased punitiveness (Griffin, 2006; Mears, 2002; Mears et al., 2010; Snyder & Sickmund, 2006). The fear of the juvenile predator nearly turned into hysteria with the introduction of the teenage “Super-predator” by John DiIulio in 1995. DiIulio (1995) encouraged fear and the resulting panic with images of teenage murderers and rapists with no remorse and no parental guidance. With the misconception that youth violence was inevitable and would become uncontrollable, coupled with a brief but dramatic increase in juvenile violent crime, states began enacting penalties for youth criminality that were more comparable to adult punishments (Mears, 2002; Mears et al., 2010; Piquero, Cullen, Unnever, Piquero, & Gordon, 2010; Snyder & Sickmund, 2006). A turn toward punitiveness was apparent within the dominant political philosophies of the time (Moon, Sundt, Cullen, & Wright, 2000). On one side of the aisle, liberals saw the rehabilitative system as being taken advantage of, while conservatives

saw the juvenile justice system as increasingly being lenient under its current rehabilitative model and feared for the safety of the public (Moon et al., 2000). This politically charged issue led to political candidates taking a more stringent approach to crime and punishment.

These campaigns would eventually unfold into justice policy and lead to incarceration rates for juveniles increasing almost 50% during the 1990s (Muncie, 2008). The shift in punitiveness was no more evident than in the transfer of juveniles to the adult criminal court (Benekos & Merlo; 2009; Griffin et al., 2011; Mears, 2002; Mears et al., 2006; Snyder & Sickmund, 2006). By the end of the 1990s, the juvenile and adult system had become almost one and the same and over a quarter of all states allowed juveniles to be sentenced to life in prison without the possibility of parole (Muncie, 2008). While Pennsylvania has been a leader in juvenile reform, the state also is credited with having the largest number of juveniles serving life without the possibility of parole in prison (The Pennsylvania Prison Society, 2009).

Current Trends in Juvenile Justice

As mentioned, when examining early reformers of the juvenile system and current directions within the system, there always have been those who have empathized with delinquent and struggling youth. This empathy has allowed for rehabilitation to play some role, however small or large it has been, in driving programming and policy. Moon et al. (2000) report on several surveys administered during the “get tough” decade to determine how engrained society was with punishing and invoking an adult form of justice for youth offenders. The surveys, administered by Gallup and the Roper Center for Public Opinion Research, provided a view of public opinion toward juvenile

offending. They found that several of the surveys in the mid-to-late 1990s showed public support for treating youth more like adults in terms of sentencing. Longer sentences and increased punishment saw overwhelming support, again, driven by a misconstrued fear that juvenile violent crime was on the rise.

Moon et al. (2000) noted that although it seemed as if public sentiment called for retribution over rehabilitation, others surveys administered during this time showed that when asked about what the goals of juvenile justice should be, over 75% of participants included rehabilitation. Additionally, individuals were more willing to attempt to rehabilitate youth than they were adults. The authors point out that while many realized the need for rehabilitation the fear of youth violence still was cause for concern (Moon et al, 2000).

For the past fifteen years the juvenile system attempted to try and balance this combination of rehabilitation and punishment or retribution. This balanced approach can be seen in states that continue to support juvenile waiver yet, also promote a more rehabilitative approach toward justice (Griffin et al., 2011; Merlo & Benekos, 2010). In a recent survey by Piquero et al. (2010), a random digit dial system was used to contact households for a phone interview regarding their “attitudes toward juvenile punishment and rehabilitation (Piquero et al., 2010, p. 193). A final sample of 1,502 households was collected. Results indicated that a majority of Pennsylvanians believed that rehabilitation is a valid option for changing youth behavior. They found that although variables such as gender and parenthood change the degree of belief in rehabilitation slightly, nearly all respondents believed in it to some degree (Piquero et al., 2010). Thus, managing the relationship of punishment and rehabilitation will continue to be a focal point of juvenile

justice. In addition, these various public opinion survey results indicate that the public recognizes characteristics in the development of a youth that should be considered during processing (Allen, Trzcinski, & Kubiak, 2012; Piquero et al., 2010)

Allen et al. (2012) tested whether variables such as prior victimization, psychological development, and cognitive recognition of actions and consequences were more influential than environmental factors in citizens' decisions to punish youth. Using data collected from a state-wide survey of Michigan residents, the authors sampled 1,390 households. The surveys were administered to individuals over the age of 18 during the summers of 2005 and 2006. The authors found that the age in which respondents believed a youth was responsible for his/her actions determined what types of punishment they believed the youth should receive. Individuals who saw youth as being responsible at a younger age were more likely to choose more punitive punishments. However, many recognized the correlation between age and cognitive development, which may limit the culpability of the juvenile offender. This correlation is what essentially continues to support a strong belief in the rehabilitative ideology (Allen et al., 2012; Piquero et al., 2010). Currently, juvenile justice tries to find a balance between retribution and rehabilitation. Still very much at the mercy of public opinion for the foreseeable future, lawmakers will continue to punish violent juvenile offenders through the adult criminal courts while less serious youth offenders are given a variety of rehabilitative services including restorative justice.

The Role of the Victim

As youth and adult justice turned away from rehabilitation during the 1970s, there was another movement gaining recognition as an important part of defining any type of

justice: the role of the victim. Historical reference documents the 1960s as a period of social and civil change. As the public became more punitive in its approach to the offender in his/her rehabilitation, citizens began to look toward what the future held for the victims of what the public perceived as ever increasingly violent crime (Wallace & Roberson, 2011). The “Victims’ Rights Movement” had its first big push with the development of the National Crime Survey (1973) and the Law Enforcement Assistance Administration (LEAA) (1968). The survey, now called the National Crime Victimization Survey (NCVS), continues to shed some light on the “dark figure” that surrounds the actual number of victimizations that occur each year. With the creation of LEAA, law enforcement officials now had the ability to develop and implement victim focused programming (Jerin & Moriarty, 2010; Wallace & Roberson, 2011). Since this time, the emphasis on victims has been inconsistent at the federal level. What should be noted at this point is that the Constitution remains without a provision that includes the rights of victims of crime. However, many states have passed their own versions of victim’s rights amendments within their constitutions.

Over the last 25 to 30 years, concern by some criminologists and criminal justice professionals has led to an increase in victim-centered research as well as victim related governmental commissions and policies (Jerin & Moriarty, 2010). Victories came with the creation of the Office for Victims of Crime as well as the Omnibus Victim Witness Protection Act (1982) which defined a Bill of Rights for victims of crime (Jerin & Moriarty, 2010). One of the most comprehensive acts to be passed by congress regarding victims’ rights was the Violence Against Women Act (VAWA) (1994) which “federalized certain rights for women” (Jerin & Moriarty, 2010, p.13). This was followed

in 2000 by the amended Crime Victims Act which allowed the fundamental rights for victims of juvenile crime to be recognized (Bender, King, & Torbet, 2006). Advocates for advances of victims' rights are prevalent in grassroots organizations that continue to lobby state governments to include victims' rights within their constitutions. One of the areas where victims' rights always have been a concern is within restorative models of justice. Restorative justice programs take a much more victim-centered approach than the traditional justice model.

The Theory and Conceptualization of Restorative Justice

Even though American criminal justice systems may view restorative justice as a new phenomenon, this form of alternative dispute resolution has been around for centuries (Dorne, 2008; Zehr, 2002). What makes restorative justice a new and exciting practice within the U.S. is its tendency toward less punitive measures. As state-budgets begin to tighten, programs that can divert youth from the juvenile system while reducing recidivism, increase victim satisfaction, and remain cost effective, are being considered. This section examines restorative justice concepts and their use within dispute resolution.

Before recognizing programming that has come to define the restorative justice movement, it is necessary to first define its processes and purpose. Although programs that promote community restoration (service) often are defined under the restorative justice heading, restorative justice encompasses much more than a youth's community. More importantly, restorative justice sees the community as one of three major stakeholders that are necessary to repair the relationships that are damaged by criminal activity (Bazemore & Umbreit, 2001). Thus, restorative justice implies that persons who commit crime do not just violate the law, but they also violate a social bond or contract

that is supposed to be inherent between individuals and their community. More specifically, offenders not only wrong a victim(s) when a crime is committed, but they also wrong themselves and the community at large (Latimer, Dowden, & Muise, 2005). Therefore, a restorative model attempts to mend the bonds between community and offenders, while helping the victims gain recognition and understanding (Rodriguez, 2007).

These concepts of restorative justice have been adopted by the U.N in its *Handbook on Restorative Justice Programmes* (2006):

Restorative justice refers to a process for resolving crime by focusing on redressing the harm done to the victims, holding offenders accountable for their actions and, often also, engaging the community in the resolution of that conflict. Participation of the parties is an essential part of the process that emphasizes relationship building, reconciliation and the development of agreements around a desired outcome between victims and offender. Restorative justice processes can be adapted to various cultural contexts and the needs of different communities. Through them, the victim, the offender and the community regain some control over the process. Furthermore, the process itself can often transform the relationships between the community and the justice system as a whole. (p. 6)

In a recent symposium for higher education the “father of restorative justice” in the United States, Howard Zehr (2011), noted that definitions of restorative justice, such as the one given by the United Nations, could lead someone to believe that restorative justice has little to do with retribution, a founding principle of criminal justice in the United States. However, Zehr believes he and others have made a mistake by limiting the

retributive terminology within definitions of restorative justice. We must then recognize that retribution refers to “punishment that is considered to be morally right and fully deserved” (Zehr, 2011). Thus, within a civilized society the recompense for criminality is decided by its citizens, and restorative justice can be viewed as a more humane and appropriate form of retribution.

A more recent analysis of the conceptualization of restorative justice within the literature revealed two separate conceptions. The first sees restorative justice as a process concept whereby the justice process is defined by the meeting of all stakeholders, in a restorative setting, where they determine the course of restoring or repairing the harm. The other is a values concept which attempts to differentiate traditional forms of justice from restorative practices. The authors see restorative justice as a process of healing and restoration where traditional justice simply defines the punishments sanctioned by an authoritative state (Morrison & Ahmed, 2006). Conceptualizing restorative justice can be difficult, but what can be noted from these various definitions is that three core groups, the victim, offender, and the community are all needed to reach the main goal of any form of restorative justice; repair of the harm. These concepts have been defined further by the Pennsylvania legislature within the Balanced and Restorative Justice (BARJ) model.

This study used Pennsylvania’s conceptualization of the BARJ model that identifies offender accountability, competency development, and community protection, as the core areas of treatment. All three of these concepts were stipulated in Act 33 and further defined by what are referred to as the “*White Papers*”. Developed by the Juvenile Justice and Delinquency Prevention Committee of the Pennsylvania Commission on

Crime and Delinquency, these papers outline what Pennsylvania expects from programs within the state that define themselves under the BARJ heading. In order to understand the breadth of the BARJ model, all three of these concepts are defined separately.

Accountability, often defined as being “responsible for one’s actions” (“Accountability,” n.d.) is much more than a simple responsibility. Howard Zehr (2011), as previously noted, sees crime as defining obligations between persons not responsibilities. Therefore, while responsibility implies a choice, an obligation implies a response, with no question of choice. This is how accountability has been defined within the BARJ model. Pennsylvania defines accountability within the system as “ensuring offenders meet their obligations and to honor and protect crime victims’ rights” (Bender, King, & Torbet, 2006, p. 2). Accountability is further explained by offenders’ ability to “understand and acknowledge the wrongfulness of their actions, their responsibility for causing harm, and the impact of the crime on the crime victim and the community” (Bender, King, & Torbet, 2006, p. 5).

One way that accountability is managed is through the use of a victim-impact-statement (VIS). Although VISs have been deemed ineffective in sentencing outcomes, Pennsylvania has found that allowing victims to express the harm that has been brought upon them is a part of letting offenders become accountable for their actions (Arrigo & Williams, 2003; Bender, King, & Torbet, 2006). However, the leading movement toward accountability comes before any statements are read or any programming takes place. Offenders are required to admit guilt prior to entering any restorative justice or BARJ related program, an admission that never has been placed on offenders within traditional responses to crime (Bender, King, & Torbet, 2006). While building accountability,

Pennsylvania sees competency development as a staple in furthering an offender's recognition of the obligations they have created, and will continue to create, with their deviant behavior (Bender, King, & Torbet, 2006).

Competency development is defined as “the process by which juvenile offenders acquire the knowledge and skills that make it possible for them to become productive, connected, and law abiding member of their communities” (Bender, King, & Torbet, 2006, p. 3). In addition to the conceptualization of competency development, the committee also defined five “core competency domains” that could help youth lead a more productive and pro-social lifestyle. The areas include pro-social skills, moral reasoning skills, academic skills, workforce development skills, and independent living skills. Along with the development of these skills, the committee believes that BARJ related programs must give offenders the opportunity to practice these skills and develop relationships that can further these skills upon completion of programming. An example given by the committee and an ideology that many restorative justice programs also have incorporated, utilizes community service or “service-learning” initiatives that provide both the opportunity and the lessons needed to further the competency of misguided youth. This activity allows youth to also give back to the community they have affected, which also furthers the third goal of juvenile and restorative justice within Pennsylvania: community protection.

The BARJ model takes a three-pronged approach of aiding victims, offenders, and their communities in restoring normality. Thus far, offenders and victims have been examined in the context of accountability and competency development. This is also the point where some restorative justice programs falter; they recognize the importance of the

offender and victim while limiting directions for the community to take. However, Pennsylvania has begun to recognize the importance of allowing youth to continue treatment within a community of caregivers rather than simply a community of “closed doors”.

As the *White Papers* committee recognizes, some may simply see incarceration as being a way to protect the community from juvenile offenders. They also recognize that juveniles often are nonviolent offenders who can be hindered in their long term development through a period of incarceration. They note that the case load ideology of juvenile officers which enhances “one-to-one or one-to-many contact-based relationships” does nothing to further community protection (Torbet, 2008). But, the juvenile system can work with the community to help hold juveniles accountable and build their competency within that community, thus reducing recidivism and giving youthful offenders a more formal and informal stake in seeing the community remains safe. The committee believes that a three step process of identifying the risk level of the youth, managing a plan for that risk (incarceration-community programming), and minimizing that risk (identifying and correcting criminogenic needs, such as those listed as areas of competency development), is the most effective way of reducing recidivism. The last area, minimizing risk, shows that community protection cannot be developed without accountability and competency development in place. These are not mutually exclusive categories, and all three are needed for treatment to be successful. A sense of how these concepts have developed into large scale practices of justice can be gained from looking at the development of restorative dispute resolution.

The Development of Restorative Justice

One recurring theme that has affected both the juvenile justice movement as well as the victims' rights movement is the retributive stance that we have continued to take over the last 40 years. As sentencing decisions became harsher, victims increasingly were asked to be responsible for describing the severity of the harm done. The victim-impact statement often is used in the pre-sentence stage to elicit a more retributive response. Fortunately, this desire for retribution gives the victim a forum to express his/her hurt and needs. While these methods have been met with both praise and criticism, they have led some to try and identify models of justice that can, once again, balance retribution and rehabilitation in the handling of juvenile offenders and their victims (Bazemore & Umbreit, 1995). One of the newer movements to be defined as an alternative to current juvenile punishments is the restorative justice movement.

The development of restorative justice programs throughout the country has been aided by its focus on repairing the victim. Criminal justice in the U.S has historically tried to balance offender accountability through retribution with various degrees of rehabilitation. As discussed, the victim has not always been a central concern in American criminal justice. Victims often are seen as individuals who would clearly want retribution for the crime committed against them. Little attention is given to the prolonged harm that victims often feel (Wallace & Roberson, 2011). Restorative justice, on the other hand, always has had a clear mission of righting the wrongs and addressing the obligations of all stakeholders involved, especially the victim. This consistent goal orientation is a tribute to the indigenous cultures throughout the world including those of

Canada, Australia, and New Zealand which have perpetuated a more inclusive form of justice (Dorne, 2008).

These cultures also have brought restorative justice one of their core elements, diversity. Native American cultures throughout the U.S and the First Nations of Canada provided the beginnings of what have become known as peacemaking or sentencing circles (Dorne, 2008). Aboriginal tribal cultures of Australia and New Zealand provided the background for family-group conferencing (Dorne, 2008,). Bringing restorative justice closer to the practices established in some areas of the U. S, it is important to briefly summarize the influence of the Christian Mennonites.

Howard Zehr, a Mennonite and one of the founders of the restorative justice movement, points to Mennonite traditions of justice that are manifested in the restorative justice model (Zehr, 2002). Shunning, forgiveness and apology, conditional mercy, communitarianism, and victim empowerment are just some of the ways in which Mennonites have handled deviance within their own communities. With these ideas, the Mennonites were the first to establish victim-offender mediation in the U.S (Dorne, 2008). These concepts along with the concepts of pacifism/peacemaking, humanism, social justice, free will/accountability, limited positivism, proportionate coercion, reintegrative shaming, and utilitarianism are part of the restorative justice ideology (Zehr, 2002). Limited positivism includes the importance of recognizing social experiences while maintaining spiritual traditions in response to criminality. These concepts helped to shape restorative responses by defining goals and boundaries within the restorative process. For example, proportionate coercion refers to the pressure on the offender to be

held accountable, while concepts like social justice, reintegrative shaming, and utilitarianism help to shape the desired outcomes of the restorative process (Zehr, 2002).

When one is reviewing the literature regarding restorative justice, it becomes apparent that many types of programming fall under this category. One of the ways in which this spectrum has been defined is on a continuum from less restorative to more restorative (Zehr, 2011). However, for the purposes of this study, the focus is on the three main types of restorative justice programming, circles, victim-offender mediations, and conferences (Latimer et al., 2005). In their work for the Office of Juvenile Justice and Delinquency Prevention, Bazemore & Umbreit (2001) outline these three separate restorative justice processes.

The first type of program is called a circle. Circles developed around traditional forms of justice within Native American tribes and the First Nations of Canada (Bazemore & Umbreit, 2001; Dorne, 2008; Zehr, 2002). Circles often are referred to as sentencing circles or peacemaking circles. This designation shows the strong tribal influence present within restorative justice, and the circles are conducted much like they would be within the tribal setting. Offenders are brought together with their victim(s), along with their support groups, as well as any community members who have been harmed by the crime or wish to contribute to the healing (Bazemore & Umbreit, 2001). The goals of the circle process are to promote healing for all affected parties, and to give offenders the chance to make amends, while giving victims and community members a shared responsibility of addressing and resolving the harm. While circles are labor intensive, their use has provided many communities with a forum for addressing minor and serious offenses at both the adult and juvenile level.

The second type of restorative justice programming is that of victim-offender mediation. Bazemore and Umbreit (2001) note that although it is not considered “mainstream” within either the adult or juvenile systems, victim-offender mediation (VOM) has been in use for over 25 years in the U.S. They also believe there to be upward of 320 VOM programs throughout Canada and the U.S. with several hundred more located in Europe. Traditionally used for less serious crimes, VOM is becoming a part of serious adult and juvenile crime reconciliations as well (Bazemore & Griffiths, 1997). VOMs are a unique justice process unlike any other that our traditional form of justice subscribes. VOMs begin much like all restorative processes, with both parties (victim and offender) agreeing to meet with a third-party mediator. For this to actually occur however, an offender must admit his/her guilt in the crime, something that often is not asked of an offender with our current justice system. Where a plea of guilty would likely lead to a bargain of some sort, within restorative justice, admitting guilt is only the first step toward repairing the harm. The goals of the VOM process include:

- Supporting the healing process of victims by providing a safe, controlled setting for them to meet and speak with offenders on a strictly voluntary basis.
- Allowing offenders to learn about the impact of their crimes on the victims and take direct responsibility for their behavior.
- Providing an opportunity for the victim and offender to develop a mutually acceptable plan that addresses the harm caused by the crime. (Bazemore & Umbreit, 2001, p. 2)

Even though VOM can be a stand-alone program, circles and conferencing often rely on some form of mediation between the victim and the offender.

The third and arguably the most widely used form of restorative justice programming is that of conferences. In 1989, New Zealand made restorative conferencing part of its national legislation, making it “one of the most systematically institutionalized” forms of restorative justice (Bazemore & Umbreit, 2001, p. 5). Conferencing, unlike VOM, brings together all affected parties, including the victim and offender, their support groups, and any community members who are identified as either being harmed or simply willing to help in the process. Usually facilitated by a trained mediator, the offender is forced to face the harm through his/her own narration of the crime (Hayes, 2006).

Most models of conferencing have been based on the Maori traditions that became a part of the national legislation of New Zealand in 1989 (Bazemore and Umbreit, 2001). However, Zehr (2002) recognized that the U.S. has modeled conferencing after the Wagga Wagga police diversionary program in Australia. This model differs from the traditional Maori model in that there is no scripted mode of facilitation within the Maori culture. They also differ in that conferencing in the U.S. often is a result of police or school related actions, where in traditional Maori culture, and what has been adapted by New Zealand nationally, are familial or social patterns of response to anti-social behavior (Berryman, Macfarlane, & Cavanagh, 2009).

Restorative conferences often end with the signing of a resolution or contract which outlines specific tasks and a timeline for completion. Should the offender not follow through on the restorative contract within the allotted time, he/she can face further penalties through the formal justice system (Bazemore & Umbreit, 2001; Hayes, 2006; McGarrell & Hipple, 2007). The goals of a restorative conference are to allow the

offender a voice in describing the crime so that he/she recognizes the harm while taking responsibility for it and, to allow the offender and his/her support system to develop a plan to repair the harm that has been done to the victims and the communities (Bazemore & Umbreit, 2001). Circles, VOMs, and restorative conferencing continue to be used in new and innovative ways such as business conflict, disaster management, discipline in athletics, and more importantly, in grade schools across the country addressing the needs of student populations (Dussich & Schellenberg, 2010). The broad scope of restorative justice practices easily can be traced to its development as a form of interpersonal and communal dispute resolution which has been used for centuries throughout the world (Bazemore & Umbreit, 2001; Dorne, 2008; Zehr, 2002). These three models, family – group conferencing, sentencing circles, and victim-offender mediation, which have evolved separately throughout the world, have been instrumental in the development of restorative justice within the United States.

Despite the fact that a majority of states now have some form of restorative justice language within their juvenile codes or statutes, little empirical research has been done on restorative programs (O'Brien, 1999; Pavelka, 2008:). While public opinion polls show a tendency toward rehabilitation for youth who commit delinquent acts, the public relatively is unaware of methods for dealing with juvenile offenders outside the Juvenile Court even exist. However, some states are taking strides to expand the implementation of restorative justice. In particular, three states have been defined as “models of restorative justice reform, Alaska, South Carolina and Pennsylvania” (Pavelka, 2008, p. 121). Pennsylvania’s reform is discussed later in greater detail as it is the state involved in this study.

Restorative Justice in Alaska closely links its aboriginal origin with a modern philosophy of offender accountability, competency development, and community safety (Pavelka, 2008). Alaska is one of the only states that works with tribes to handle youth (often Native American youth) diverted from formal justice system processing. The state allows tribes to handle justice as they have done for centuries through the use of peacemaking circles provide a more complete healing and retributive process. The more modern traditions of restorative justice are evaluated in Alaska by the Department of Health and Social Services (2008) with the Juvenile Justice Report Card which outlines the youth's progress in the areas of accountability, victim restitution, and recidivism. In South Carolina, the Balanced and Restorative Justice Approach has been adopted through legislation and the state is working closely with a local university to operate a restorative justice program specifically for female offenders. The state also has developed a community engagement initiative called the "charrette concept" (Pavelka, 2008, p. 109). This concept brings community members together to discuss the challenges that they face and has provided the groundwork for what will be a community based holistic-therapeutic environment.

Restorative Justice Abroad

With many countries recognizing the value of restorative justice, the international scope of restorative justice continues to grow. The international tradition is undeniable, and countries such as Canada, New Zealand, and Australia continue to define what restorative justice is and what it can become. Canada recently has made restorative justice an institutional priority. In 1984, the Young Offenders Act (YOA) was written into Canada's legislation in an attempt to reconcile the fact that previous juvenile policies

were doing more harm than good (Basso, 1989). The YOA was enacted in order to create more offender specific responses to youth criminality by explaining the networks of treatment available to the youthful offender (Basso, 1989). Under the YOA, judges were seen as having far too much discretion with little in the way of guideline sentencing for various types of juvenile criminality (Roberts, 2003). Although it may be pointed out that Canada's juvenile legislation did not develop along the same punitive lines as that of the American system of juvenile justice, political pressure during the 1990s to become tougher on juvenile criminals was evident there as well (Roberts, 2003). Through public opinion polls during this time period, the Canadian system was seen as being increasingly lenient on youth offenders, and elected officials responded to the cries for more stringent strategies (Roberts, 2003).

The political pressure that would mount surrounding the YOA ultimately lead to its removal, and a completely new system was developed with the enactment of the Youth Criminal Justice Act (YCJA) in 2002 (Hogeveen, 2005; Roberts, 2003). The YCJA is presented as both more punitive and more rehabilitative in nature (Hogeveen, 2005; Roberts, 2003). The Act represents the commitment to restorative justice through offender accountability, increased sanctioning for violent offenders, and the increased use of reintegrative and rehabilitative measures (Roberts, 2003). As one author put it, "the YCJA promises a new ethic of punishment that purports to protect the public, while at the same time holding this deviant population more accountable for their contraventions" (Hogeveen, p. 75, 2005).

This new legislation incorporates both the punitive and rehabilitative restorative-based approach. Restorative justice in Canada is not a new concept; restorative justice has

grounding in many of the Aboriginal communities that still are very much a part of both Canada and its juvenile justice system (Cormier, 2002). The origin of what can be considered modern restorative justice in Canada dates back as early as 1974 with the introduction of victim-offender mediation (Cormier, 2002). Throughout the 1980s and into the 1990s, during the same time period that more punitive measures were being sought by the public and echoed by government officials, restorative justice-based programs began to take shape within the Canadian juvenile system of justice (Cormier, 2002). With the argument surrounding the handling of juvenile delinquents gaining strength, the YCJA attempted to cater to both parties. During this period of reformation in Canada's laws, the first time offender and the serious, repeat, offender often were examined through separate lenses (Hogeveen, 2005). These two offender types would essentially be divided by the YCJA requiring more punitive measures for serious offenders, while maintaining that first time offenders could be handled using diversionary services including restorative justice-based programs.

Other parts of the world have gone through similar transformations with respect to their juvenile justice policies. The U.N (2006) reported that countries such as South Africa, the Czech Republic, New Zealand, and the Philippines, have developed a form of restorative justice legislation or practice. One country in particular that continues to push restorative justice policy and practice forward is Australia. While indigenous use has gone on for years, it was not until the 1990s that a "police-initiated" restorative conferencing program diverted youth from the formal system in South Australia (Bazemore & Umbreit, 2001; Strang, 2002). Currently, restorative justice is in all States and Territories, and Australia's conferencing model eventually was adopted and adapted

for use within the U.S. (Strang, 2002). As mentioned above, Alaska and South Carolina have been at the forefront of the restorative justice movement in the United States. While these states have made significant strides in implementing restorative justice practices, the state-wide approach is no more evident than in Pennsylvania where the Balance and Restorative Justice (BARJ) approach, has been in place since 1995.

Restorative Justice in Pennsylvania

In 1993, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) began to develop a model of Balanced and Restorative Justice (BARJ). The BARJ model attempts to link the balanced approach of community safety, offender accountability, and competency development, with the concepts of restorative justice in one model of crime prevention and control (Bender, King, & Torbet, 2006; DeVore & Gentilcore, 1999; Torbet, 2008; Torbet & Thomas, 2005). With Act 33, Pennsylvania became one of the first states to implement the BARJ approach state-wide (Torbet, 2008). By 1997, 17 states followed suit and enacted legislation that tied more closely into what could be considered a restorative justice model (Moon et al., 2000). Pennsylvania later specified the restoration of the victim as a concept of the BARJ model, and in 2000, the state amended its legislation to give victims of juvenile offenders the same rights as those of criminal offenders (Pavelka, 2008). Additionally, the state began appropriating larger amounts of money “to promote state-wide BARJ conferences, training, technical assistance and evaluation components” (Pavelka, 2008, p. 104).

In 1998, the OJJDP evaluated Pennsylvania’s model and drafted a national report of what the components of a BARJ model should look like. They defined the three main ideas of the model as: reconciliation with the victim, elevating the level of competency of

the offender, and restoring safety and security to the community. *The Guide*, as it is referred to by OJJDP, was developed to give criminal justice practitioners a model of the staff processes, program implementation and program goals, and methods to accurately evaluate the implementation and success of their own BARJ model.

The main emphasis in these guidelines is that balanced and restorative models of justice are very difficult to implement. *The Guide* also provided several key components of what a restorative model should include, such as, utilizing the victim's reaction to the crime in determining what repairs need to be made by an offender. Also, *The Guide* points out that the community is responsible for their members including the victim and the offender; therefore it is the community's duty to ensure cohesion and be a part of the restorative process. The two most central points of the BARJ model are that crime control is not possible without community assistance, and that success should not be based on the amount of punishment applied, but rather the quality of the restoration. In summation, offenders "through understanding the impact of their behavior, accepting responsibility, expressing remorse, taking action to repair the damage, and developing their own capacities... will become fully integrated, respected members of the community" (OJJDP, 1998, p.5). This balanced approach to justice does not mean implementing one restorative justice program across the board; it means developing and implementing restorative and balanced practices based on the needs of the population. These goals have developed over the last ten years into what Pennsylvania describes as achieving BARJ through evidence-based practice and policy (PAJCJC, 2012).

In a joint collaboration between the Pennsylvania Juvenile Court Judges Commission, the Pennsylvania Commission on Crime and Delinquency, and the

Pennsylvania Council of Chief Juvenile Probation Officers, a report was developed outlining how to achieve full BARJ implementation through the use of evidence-based policy and practice. The monograph outlines what is referred to as the Juvenile Justice System Enhancement Strategy (JJSES). The strategy was developed as a tool for use by programs throughout Pennsylvania and defines how they can better implement restorative policy and practice that has been proven through evidenced-based testing. The monograph was developed to “provide these stakeholders with practical information on how daily practices can be improved to achieve better juvenile justice outcomes” (PAJCJC, 2012, p. 1). Included within the monograph are four stages toward the proper implementation of evidenced-based practices (EBP) (PAJCJC, 2012).

Initiatives such as this continue to push Pennsylvania to the forefront of both evidence-based practice and restorative justice. However, often what is not addressed within the literature regarding Pennsylvania is that many counties have not fully bought in to the BARJ model of justice. A simple internet search for programs in Pennsylvania revealed that, while the state places emphasis on evidence-based practices and enhancing the strategy for juvenile justice, finding an actual restorative program that is well developed and widely used is much more difficult. This has led to an important question for restorative justice and Pennsylvania in particular; how does a community or justice agency define and execute an implementation plan that can lead to a stable and effective restorative response to crime in their community. Thus, a need has developed within criminological research to address how restorative justice programs which have been proven to be effective at limiting recidivism, develop and sustain a relationship with the

community and criminal justice agencies. It is first necessary to show the efficacy of restorative programs as a whole.

Evaluating Restorative Justice Programs

It is increasingly apparent that restorative justice is unlike any typical intervention that seeks to correct only the offender (Presser & Van Voorhis, 2002). With restorative justice, outcome variables can range from recidivism to restitution which could be considered typical justice outcomes. However, when victim and community related outcome variables are included, one begins to look beyond what traditional criminal justice program evaluations have done. Additionally, when conceptual definitions of restorative justice are categorized along a spectrum from less restorative to more restorative as Zehr (2002) has suggested, defining “what works” through evaluation comparison becomes much more difficult (Presser & Van Voorhis, 2002). However difficult it may be, attempts to both evaluate and compare the effectiveness of restorative programming using both meta- and individual level analysis have been undertaken.

Meta-Analyses

There have been several meta-analyses done in the field of restorative justice. Latimer, Dowden, and Muise in 2001, then again in 2005, completed a meta-analysis of restorative justice programming. In 2005, the authors reported on eight conferences and 27 VOMs. Their goal was to determine how much of an effect restorative practices were having on areas of victim satisfaction, offender satisfaction, restitution compliance, and recidivism. The authors found that while there is minimal satisfaction for offenders, victims participating in restorative practices were more satisfied than those using traditional justice responses. Additionally, they noted that offenders participating in

restorative programs were more likely to comply with restitution and also less likely to recidivate. These results correlate closely with other types of meta-analysis on restorative programming.

Umbreit, Coates, & Vos (2002) reported on the evaluations of 63 separate restorative programs that span five countries including the U.S, Canada, England, Australia, and New Zealand. Forty-Six of the 63 studies were on VOM while 13 were based around the family-group conferencing model. Four of the evaluations were of peacemaking circles. The authors examined outcome variables such as offender and victim satisfaction, fairness, restitution compliance, diversion, recidivism, and cost (Umbreit et al., 2002). Results from both the VOMs and conferencing programs suggested that while offenders may not be as satisfied with the restorative process as victims, offenders' attitudes toward the criminal justice system became increasingly positive as restorative processes were completed. Additional analysis showed that restorative practices were seen as fair, led offenders to comply with restitution, and in most cases, reduced the amount of recidivism when compared with traditional criminal justice responses (Umbreit et al., 2002). Their concern however, is with the way satisfaction is measured and how recidivism alone often determines the fate of programming. This research suggests that more qualitative analysis of satisfaction is needed, as well as determining which factors contribute to less reoffending rather than simply a dichotomous measure of recidivism.

In a more recent meta-analysis, Bradshaw & Roseborough (2005) examined the effect sizes across 19 studies of restorative practices. Criteria for inclusion within this analysis are important especially because the authors limited their parameters to studies

that looked at restorative interventions' effects on recidivism and included both a treatment and comparison group. The total sample size across the 19 studies was 11,950 juveniles. The authors note one reoccurring problem with any type of recidivism research is the operationalization of "re-offense" or "recidivism". Within this analysis two definitions emerged, further contact with the system, and an additional adjudication within one year of program completion. The authors also looked at several moderating variables and their impact on the effect sizes of each study including quality of the research design, sample and source of the sample, among others. Results of this analysis show moderate effects of restorative programs above "normal" justice responses. In particular, VOM, the most well-established of the restorative practices, has much more of an effect than conferencing; however, both were effective in producing lower levels of recidivism. The authors also point to the need for more qualitative based data that explore what aspects of these restorative practices lend themselves to reducing rates of recidivism. Additionally, if effectiveness can be shown in other areas, such as the victim and community, then recidivism data should not be such a central focus (Bradshaw & Roseborough, 2005).

While meta-analyses of restorative programming are important, looking at the individual details of studies regarding several types of restorative programming better lends itself to the development of the current study. Because there is so little data concerning peacemaking and sentencing circles, these reviews focus on the two most widely used forms of restorative justice within the United States, victim-offender mediation (VOM) and conferencing.

Victim-Offender Mediations (VOMs)

In 2001, Nugent, Umbreit, Wiinamaki, & Paddock, examined whether four previous studies of VOMs and re-offense were successful replications of one another which would suggest validity in restorative programming. The authors combined the data on items such as average age, race, and household makeup and used a logistic regression model to determine if the differences in the studies were significant. They found the differences between the studies to be statistically insignificant meaning the studies were replications of one another. Not only did this increase the generalizability of the results, it also allowed the researchers to examine a combined rate of the effectiveness of VOM on re-offense. The results indicated that VOM participants reoffended at almost one third the rate of nonparticipants (Nugent et al., 2001). While these findings are significant, it is important to look at each of these studies individually for items that could lend themselves to this study; therefore all four of the studies were examined separately.

The first study was done by Umbreit (1994). The author employed two separate comparison groups to test the viability of VOM in a sample of 10-18 year old youth from a Minneapolis mediation program. Using an experimental group consisting of 81 offenders and 96 victims, the author tested the effects of VOM on outcomes such as victim and offender satisfaction and whether offenders complied with their restitution agreements. Umbreit (1994) notes that this was the first study to also include criminal propensity measures such as willingness or ability to pay restitution to the victim.

The pre- and post-test assessment survey allowed the author to examine two control groups along with the meditation group. The first control group consisted of 51 victims and 40 juvenile offenders. This group was offered the mediation services, but

never received them. The second comparison group was comprised of 71 victims and 72 offenders who never received a referral to the mediation program. The most significant findings from pre- to post-test were the victims' fear toward the offender (i.e., being victimized again and their feelings about the crime). Victims felt more at ease with the crime once the mediation process had occurred. Other significant findings include victims' satisfaction with the justice system's handling of their case, significance was not found in the offenders' satisfaction however. In terms of restitution, 77% of offenders in mediation completed their restitution as compared to 55% in the comparison group.

Nugent & Paddock (1996) conducted a retrospective study of a VOM program in Anderson County, Tennessee. The authors examined a victim offender reconciliation program or VORP. This was at its core a VOM program for juvenile property offenders. However, unlike the previous study where youth were self-selected, this study used a retrospective simple random sample of 100 VORP participants. Using the same court data, the authors then took a simple random sample of 100 non-VORP youth. They did this a second time to reach a final sample of 125 VORP youth and 175 non-VORP youth. Once attrition occurred, the authors had a total population sample of 243 youth. This original sample consisted of 177 youth with 89 completing traditional justice processes and 88 participating in the VORP program. The results of logistic regression on the original sample were then used to try and predict re-offense within a cross-analysis group of 66 youth. This was repeated using several variations of the overall sample.

While this was a test of a VOM, the true goal of this study was to examine the "relationships" of antisocial behavior on reoffending. Where many studies utilize a measure of recidivism as an independent variable, these authors made a recorded re-

offense within one year of program completion the lone dependent variable. Rather than simply looking at recidivism data, the authors do what many have suggested, they tested the factors relating to reoffending, and determined whether VORP participants, when controlling for predictors of anti-social behavior, were better suited for maintaining pro-social behavior. Results suggest that participation in the VORP program mediates the effects of larger family size, something that the authors note greatly increased the likelihood of re-offense within the comparison group. Within their implications, the authors discuss the practicality of using VOM as a tool against re-offense and note that this study was highly limited to manipulated quantitative methodology that does little to define characteristics of those “amenable to treatment...[or] identify those likely to gain nothing or experience more negative outcomes” (Nugent & Paddock, 1996, p. 176).

The third study examined by Nugent et al. (2001) was done by Wiinamaki (1997). This study was a replication of the previous study in that all juveniles were selected retrospectively from county level VORP and non-VORP data. Four hundred and twenty youth were selected for “participation” in the study, 203 VORP participants and 217 non-VOM participants. Youth and their victims were selected from county-level data spanning three counties in the state of Tennessee. Again these groups were both comprised of juveniles adjudicated for property-level offenses as opposed to violent offenses. After a one year follow up period, the author indicated that there was a 38.4% reduction in re-offending for youth who completed the VORP program. Additionally, youth who completed the program were 54% less likely to commit a minor offense and 16% less likely to commit a property or violent offense.

In the final study, Niemeyer & Schichor (1996) examined one of the largest VOM programs in the country in Orange County, California. Initially, the study indicated results for the entire population of offenders referred to the Orange County VOM program. However, because of this large sample, the authors decided to take a systematic random sample of every fifth youth who had completed mediation which totaled 131 juvenile offenders. Additionally, a comparison group was comprised of youth who had been referred to the program but had chosen not to participate in mediation. There was a total random sample of 152 youth in the comparison group. The authors included any official contact with any Orange County law enforcement agency as a measure of recidivism during the one year follow-up. The results of the analysis show that 28% of VOM participants recidivated compared to just 23% of non-VOM participants', however, the results were not significant.

As mentioned, Nugent et al. (2001) examined these programs as replications of one another and attempted to determine the degree to which sampling played a part in the variability of programming effectiveness. The authors found that the studies were successful replications and determined that the entire combined sample size (N= 1,298) reoffended at a rate 32% less than non-VOM participants. However, these results should be viewed cautiously because of the nature in which each study operationalized re-offending. It is difficult to say if re-offending in one county in Tennessee is equivalent to a county in California. At any rate, the results seem sufficient enough to suggest that VOM is a working form of crime prevention.

In a more recent study of a VOM, Urban & Riggs (2009), look at the outcomes regarding a Victim-Offender Dialogue program (VOD - VOD has become another

popular term for VOM). This research was a comparison study of two separate VOD programs, each of which previously had been evaluated separately. This approach is unique because the authors can test similar programs that incorporate the VOD or VOM processes differently. While Site A uses a BARJ based model (*See* Juvenile and Restorative Justice in Pennsylvania), Site B used a family-court oriented VOM process that allowed victims access to court proceedings and increased participation within court and decision-making processes. The use of a BARJ model is particularly relevant to the current study due to Site A's measurements of accountability, competency development, and community safety. Along with recidivism and completion data, the authors also looked at the satisfaction level of victims using a Likert-scale survey analysis. Results of the analysis were mixed. Site A recidivism results were deemed statistically insignificant meaning there was little difference between the control and treatment group (however, they did show survival analysis of 150 days as compared to 45 for the control group). Site B showed significantly less recidivism in the VOD participants over the other two comparison groups (VOD =27.1%; Staff Meeting Only = 34.6%; No VOD contact = 41.1%) (Urban & Riggs, 2009). Table 1 outlines the results of the VOM studies.

Table 1

VOM Studies and Results

Author(s)	Results
VOM	
Umbreit (1994)	(-) in recidivism, fear of victimization, and fear toward offender. (+) in victim satisfaction and rest. compliance
Nugent & Paddock (1996)	(-) in recidivism
Niemeyer & Schichor (1996)	(+) in recidivism
Wiinamaki (1997)	(-) in recidivism Less likely to commit minor/property/violent crimes
Urban and Riggs (2009)	Site A- No significant decrease in recidivism Site B- (-) in recidivism Both Sites- (+) victim satisfaction

Conferencing

The goals of conferencing echo many of the same goals of restorative justice. Some specifics include allowing the victims to openly discuss the impact of the crime and their opinions about punishment (very similar to VOM), allowing the offender to recognize harms and to take responsibility, and utilizing the offender's network to make amends and reduce the likelihood of further criminality (Bazemore & Umbreit, 2001, p. 4). As will be seen, the conceptualization of the research surrounding conferences has been all but uniform. Evaluations range from international program comparison to small town police-based initiatives, and variables can be everything from recidivism and satisfaction to community safety. The most consistent aspect of these studies is that they show a trend toward producing effective results when utilizing a conferencing model.

Over the past decade and a half Heather Strang and other researchers have examined the effects of four separate conferencing programs in different parts of the UK

and in Australia over various stages of implementation and completion, including collecting recidivism data up to year 15. Since its inception in 1994, the Canberra Reintegrative Shaming Experiments (RISE) (Named for the Australian Federal Police located in Canberra, Australia) have produced numerous journal articles, and results were recently included in Heather Strang's seminal work (Sherman, Strang, & Woods, 2000; Strang, 2002; Strang et al., 2006; Strang et al., 2011). Conceptually speaking, the experiments were all different yet similar at the same time.

The four experiments that will be examined differ in that they all targeted separate crimes in separate jurisdictions. Within each of the studies offenders randomly were assigned to either a conferencing program or traditional Juvenile Court processes meaning each experiment had its own treatment and control group. The four studies spanned drunken driving, shoplifting, property crime involving a personal victim, and violent crime. Age ranges for these experiments were, all ages for drunk driving, offenders under 18 for shoplifting and property crime, and finally, offenders under age 30 for committing violent crimes (Strang, 2002). This sample population clearly is unique as a whole because of the variation in ages and offense types.

While progress reports consistently were written regarding RISE, one of the first major studies was commissioned to examine recidivism data from the initial experiments (almost all cases had at least 1 year of follow-up data to this point) (Sherman, Strang, & Woods, 2000). As a whole, it should be noted, that program moderators were trained very similarly in order to ensure that a more standardized form of conferencing would take place throughout all four sites. Total offender sample population sizes for the youth violence, drunk driving, shoplifting, and property crime experiments were, $n = 110$, $n =$

900, n = 135, and n = 249 respectively. Results for the recidivism data were mixed and limited in their significance. The only significant results were found with the youth violence group. Offenders within the treatment group repeated offenses at a rate of 38 fewer violent offenses per 100 offenders per year. With the results of the other three experiments showing limited differences in the conference (treatment) and court (control) groups, it is clear that further evaluation on non-violent delinquency is needed.

In her book, *“Repair or Revenge: Victims and Restorative Justice”* Heather Strang (2002) explained the victim side of restorative conferencing. Using data from only two of the experiments (property and violent crimes), the author explored victim responses (n = 232) to the restorative conferencing process. Using an interview/survey methodology, the author quantified everything from victim satisfaction to levels of anxiety and shame. Within this study, victims were found to have decreased levels of fear of re-offense compared to court participants and decreased levels of anger and anxiety following the conference as compared to before. The author also found that sympathy for the offender increased in the pre and post assessment of the treatment group, and that a distinct feeling of procedural justice was felt by victims utilizing the conferencing process. This work was furthered by two more recent reports of the Canberra RISE.

Strang et al. (2006) examined victims’ responses to questions regarding fear, anger, and sympathy (some of the reoccurring variables of this research). Within this research, surveys were given to the victims who retrospectively explored their feelings both before and after the conference had taken place. Table 2 shows the breakdown of the sample population and victim responses throughout the four sites.

Table 2

RISE Descriptive Statistics

	Australia	London	Northumbria	Thames Valley
N = Victim Responses	80	35	62	33
# of victims attending a conference per Offense Type	Property – 51 Violent – 38	Burglary – 22 Robbery – 7 Assault/Prop. – 6 Property – 6	Assault and Property – 24 Final Warnings ^a – 24 Assault cautions ^b – 14	Violent (Prison) – 11 Violent (Probation) – 22
Age of offender	Property Offense < 18 Violent Offense < 30	Adult (18+)	All ages	Adult (18+)
<p><i>Note.</i> ^a Final Warnings are given as a last resort before entering youth into the court system. Because of the cold, shallow nature of the final warning process the authors attempted to test a more restorative version of the Final Warning stage (Strang et al, 2006).</p> <p>^b In these cases, the adult victim and offender often had an ongoing interpersonal dispute such as a conflict between neighbors. The offender is typically difficult to identify and therefore both adults were given a warning. In all other assault and property cases, there is not an ongoing dispute and a clear offender was established.</p>				

In all four sites, victims decreased their fear of the offender and anger toward him/her. Also, victims saw significant increases in sympathy for the offender. In the London and Northumbria sites, victims were highly satisfied with the process of VOM. Some may question these measures as outcome variables but the idea still remains that individuals who see legitimacy in the system are more likely to report victimization (their own and others) and also be more cognizant of the system's ability to handle criminality

(Strang et al. 2006). The most recent and final analysis of these four randomized experiments came in 2011.

Strang et al. (2011) completed the final official report on RISE. However, as these experiments continue, it is likely that additional journal articles will be produced using this data. The researchers reiterate many of the facts that were consistent with the previous studies that have been done on RISE. Offenders often felt that there was more “procedural fairness” with their restorative conference than did those who were given traditional court responses. Additionally, victims had a great sense of “procedural fairness”, and often saw their sympathy toward the offender increase, while decreasing levels of anxiety and anger.

One addition to this research that has not been discussed previously is the attitudes of the Australian Federal Police officers who participated in RISE. Officers who helped determine if cases were eligible for conferencing often were satisfied with both processes (court & conference) once they were complete. Additionally, specially trained officers who became facilitators of the conferences believed they were satisfied with the process and that it was fair to everyone involved (Strang et al., 2011). What is unique to this report, outside of the other half dozen or so that have been done on RISE, is that the authors collected two years of post-treatment data. Offenders in both groups had very similar life experiences across all four experiments (education, health, and job). Increased feelings of repayment and forgiveness were seen in conferencing victims over their court counterparts. The RISE studies have been some of the most consistent and methodologically sound studies to date, however, the authors note that increased analysis on more specific offense types is needed (Sherman et al., 2000).

Paul McCold (2003) produced a study that utilized a restorative conferencing program initiated and run by the Bethlehem Police Department in Bethlehem, Pennsylvania. The goal was to examine the ways in which various stakeholders including the community, police officers, victims, and offenders, responded to a police-based family group conferencing initiative. The author wanted to look at comparisons between formal adjudication and conferencing, while focusing on the ability of officers to deliver appropriate restorative programming and the willingness of the community, victims, and offenders, to accept a police-based restorative initiative. The researcher randomly assigned cases or “incidents” to either a comparison group, which were given traditional punishment methods, or a treatment group which consisted of family group conferencing. After the offenders and victims agreed to participate, the sample offenses included 140 property crimes and 75 violent crimes. When an agreement to participate was subsequently not followed through by either the offender or the victim, their case was then placed into a third “decline group” (p. 381). The total response sample, following this attrition, accounted for 292 juveniles with the majority of cases representing either retail theft (property) or harassment/disorderly conduct (violent).

After having 56 police run conferences observed by trained professionals, the researcher administered surveys to police officers, victims, offenders, and the offenders’ parents. The survey of officers was done both pre- and post- intervention (18 months). It tested the officers’ views toward the program, their role, the community’s role, and work activities. Victim and offender surveys also were sent following the completion of either the restorative justice diversion or the disposal of the case in court (McCold, 2003).

The analysis showed that victim offender agreement for punishment was very high and that much of the time this resulted in a less punitive form of punishment. Also, officers who participated in conferencing saw a decline in their own crime control approach including an increase in their perceptions of community cooperation. The overwhelming response of victims, offenders, and offenders' parents was that family group conferencing was a satisfying process that they would recommend to others. The last note of importance is that 94% of offenders complied with the agreements reached during conferencing. Unfortunately, in terms of the comparison between conferencing and formal adjudication, the analysis yielded no statistically significant results. This is one of the only studies to examine the role of the facilitators in a conferencing program. While police officers are not community volunteers, this study shows the need to examine the impact of conferencing programs on "attitudes, organizational culture, and role perception" (McCold, p. 385, 2003).

The next conferencing study selected was by Hayes & Daly (2004). This study is relevant because of its view of the Australian model of conferencing which the U.S. has replicated as its model of conferencing. The authors did a retrospective analysis of offense data from 1997-1999 on (N=200) 10-16 year olds. Offense information was collected from two jurisdictions within Queensland in 2002, which represented a 3-5 year follow-up period. It should be noted that all cases were referred to conferencing by the magistrate of that jurisdiction. Offense categories included all violent; all drug-related; all property; and variations of all three (p. 171). Surveys were conducted routinely that allowed the authors to examine the impact restorative conferences were having on the offender. Recidivism in this study was defined as any officially reported incident. This

study is unique in that it reports on both male and female participants. All other studies discussed to this point have either disregarded gender as a variable due to low sample sizes, have controlled for it, or have simply failed to report on it.

The authors note that different types of conferencing including one-on-one sessions (essentially VOM) and also variations of group conferencing were utilized. Conferences mainly involved property offenders, and sessions could last anywhere from 30 minutes to 4 hours. In terms of recidivism, 44% of conference participants had not recidivated at the 3-5 year follow-up. The authors report that these results are similar to results in two earlier studies of similar conferencing. They also noted that “re-offending is more likely among male offenders, offenders moving into middle adolescence (13-16 years) at the time of their conference, offenders who begin offending at an early age, and offenders with a prior history of offending” (p. 187). The authors note a need to look away from structured interview measures to more qualitative assessments of youth and their conferencing experiences. Essentially, they believe that offenders and victims alike should not be confined to “detailing” their experiences through rigid survey designs (Hayes & Daly, 2004).

The final study examined on conferencing was undertaken by McGarrell & Hipple (2007). The study was conducted on youth from Marion County, Indiana. Youth who were first-time offenders, age 14 or less, who admitted their offense and had either committed criminal mischief; disorderly conduct; shoplifting; theft; or battery, were used in this study (p. 229). Youth were assigned randomly to either a control or a family group conferencing group. The major types of control group programs included a shoplifting program, teen court, community service, or a VOM. Of the initial 782 youth, 400 in the

experimental and 382 in the control, a total of 555 “successfully completed” their programming (322 and 233 respectively) (p. 230). This was one of the most representative programs used for analysis; the authors report that 57% of the population was minority and 36.8% was female.

Utilizing a 24-month follow-up, the authors examined the recidivism of youth through a survival analysis model. Although the results were not significant, 49.0% of the control group survived to 24-months compared to 51.8% for the experimental group. One significant finding was that youth in the control group began failing at a faster rate between weeks 14-32; this suggests that conferencing programs can lengthen the time before recidivism occurs. However, other positive findings indicated that youth completed conferencing at a higher rate (81% for the conferencing youth compared to 61% for the control group), and that the number of subsequent criminal incidences for youth participating in conferences was significantly lower than that of the control group. Table 3 outlines the results of the conferencing programs.

Table 3

Conferencing Studies and Results

Author(s)	Results
	V = Victim Outcome O = Offender Outcome
Sherman, Strang, & Woods (2000)	O: Comparative decrease in offenders incidence rate following completion (38 less per 100 offenders)
Strang (2002)	V: Decreased levels of, fear of re-offense, anger toward the offender, and anxiety/increased sympathy toward the offender/Gave feelings of closure
Strang et al. (2006)	V: Decrease in fear of the offender and anger toward them/Increased levels of sympathy toward the offender and satisfaction with the program
Strang et al. (2011)	O: Increase in procedural fairness/at 2 years, increase in payment to the victim and forgiveness by the victim/Similar life experiences b/w control and treatment groups V: Increase in procedural fairness and sympathy toward offender/decrease levels of anxiety and anger Officers: Satisfied with process, believed in its' fairness
McCold (2003)	V & O: Agreement on punishment Officers: Decreased their crime-control ideology while increasing belief in community cooperation All Parties: Increased satisfaction O: 94% compliance rate with resolutions
Hayes & Daly (2004)	O: Factors Related to Higher Rates of Re-offense – Males, 13-16 years old, with an early onset and prior history of offense
McGarrell & Hipple (2007)	O: Increase in completion/Decrease in number of criminal incidences

What the literature has shown thus far is that restorative justice is becoming a sustained alternative to classical forms of delinquency intervention. Victims are often seen as being more satisfied with the outcomes of the restorative response and they also feel less shame, are less angry, and can even become more sympathetic toward their offenders. Offenders feel a sense of procedural justice and regularly comply with their restorative resolution. Offenders in most instances recidivate at a level less than those receiving more traditional justice measures. However, much of this quantitative research demonstrates the need for more qualitative measurement of restorative justice programs.

As Katz (2001) points out, the efficacy of an organization often is determined by the organizations ability to fall in line with the institutional standards that have been set forth by stakeholders within that environment. In applying this ideology to restorative justice programs, there is a unique juxtaposition of community and institutional standards that other justice-based programs do not have to deal with. Specifically, restorative justice programs must balance the needs and resources of the community while maintaining active and working relationships with multiple criminal justice and service agencies (Gilbert & Settles, 2007). Thus, as Faget (2008) suggests, evaluating a program for its ability to reduce recidivism, while important, fails to address the underlying narrative that has developed surrounding a program.

Developing Buy-In

What has pushed the development of many restorative programs forward is the need to respond to juvenile crime without the use of formal justice processes wherever possible. Whether one believes this is to avoid the labeling of formal adjudication or to simply ease the caseload of the Juvenile Courts, establishing an effective program that is

accepted by a community and its criminal justice professionals can become extremely difficult. This is even more apparent when looking at restorative justice programs. Not only do these programs have to be defined under the restorative heading, but they also must produce the outcomes that are acceptable within juvenile justice as a whole, such as limiting recidivism and gaining restitution for the victim. For restorative justice, many of the concerns are compounded by the need to operate using limited resources and a large community volunteer base (Dhami & Joy, 2007).

As mentioned (*See The Theory and Conceptualization of Restorative Justice*), there is considerable argument surrounding the definition of restorative justice. As Gavrielides (2008) points out, this can prove detrimental to the future development and continued use of restorative programming if researchers, practitioners, and policy makers do not see the multidimensionality of the concept. However, even with a detailed conceptualization of the components of a restorative program, establishing a model of restoration within Pennsylvania particularly, that can produce the desired outcomes of accountability, competency development, and community protection, has been a task that many counties are unwilling to undertake. Without additional research about how these programs can develop and remain within a community we will likely continue to pour money into “feel-good” initiatives rather than sustainable, evidence-based justice policy.

Much of the literature surrounding the implementation of justice programs, both under and outside the heading of restorative justice, focuses on organizational dynamics and the multitudes of organizational relationships that can sustain or counteract a program (D’Angelo, Brown, & Strozewski, 2012; Shapland, 2014; Urban & Johnson, 2010). While this often is the major issue in many organizations, restorative programs

that typically are community-based particularly are susceptible to a number of issues that can prove detrimental to sustainability. Placing this in the context of restorative justice non-profit organizations such as CCP, not only are organizational relationships a barrier to implementation but there also are issues of community willingness/education, sustainability in volunteering, obtaining the necessary funding, and dealing with the unique issues that often are associated with the label of a “faith-based” organization (Dhami & Joy, 2007; Urban & Johnson, 2010).

Dhami & Joy (2007) discuss the many challenges in developing a program that relies on a community volunteer base as its core providers, as many restorative justice programs do. The authors identify a multitude of issues that include “defining and educating the community; creating partnerships with funding and referral agencies; recruiting and training volunteers, and obtaining financial support” (Dhami & Joy, 2007, p. 10). By defining the community, the authors are referring to the determination of whether geographic boundaries will characterize the community that a restorative program will represent, or if the program can reach into multiple communities and lend support. Once this occurs, it becomes the responsibility of the program coordinators to develop a rapport within those communities that translates into support for the continued success of the program itself.

As with many justice-based programs, establishing relationships between other justice system agencies, as well as funding agencies, is necessary for a program’s survival (Gilbert & Settles, 2007). This can prove difficult on many different levels. As Dhami & Joy (2007) point out, there can be concerns from community representatives who do not think this type of program is an appropriate punishment or that it limits the

accountability of offenders. There are also issues that can arise with police officers who become territorial and see a restorative justice program and its volunteer base as being inadequately suited to handle, in this case, youth criminality. Additionally, the restorative program that Dhimi & Joy (2007) have identified in the City of Victoria, British Columbia, has dealt with school districts which often handle youth deviance internally rather than turning to an outside agency.

While there are concerns about who will buy-in to the program from a formal justice standpoint, it equally is important to develop and maintain of an eager and appropriately qualified community volunteer base (Dhimi & Joy, 2007). This means recruiting, screening, training, and retaining a group of volunteers that are willing to be unpaid providers of juvenile justice intervention. Confidentiality, sensitivity to the victim, and having appropriate communication skills, are just some of the problems that can arise. It is an unfortunate part of the process, but limiting volunteers to those who adequately are suited for the restorative process means turning some helpful and willing people away. Once a program has its initial qualified volunteers, who understand their responsibility in upholding the values of the community, the hope is that they become tools for the recruitment and development of future volunteers (Dhimi & Joy, 2007; Dzur & Wertheimer, 2002).

Even though restorative programs have proven to be more cost effective, gaining the necessary funding from governmental agencies can be difficult (Dhimi & Joy, 2007). Thus, the burden often falls to program coordinators and volunteers to establish other avenues. The hope is that many of those relationships are developed early on through the community. However, funding can be a constant struggle. As program volunteers and

coordinators are attempting to serve their community in dispute resolution, a considerable portion of their time and efforts are diverted to creating a steady revenue stream.

Although this is a constant struggle, the hope is that restorative programs can find support in those who value alternatives to strict retribution (Dhami & Joy, 2007). Fortunately, the much needed public support for restorative responses to youth criminality remains strong (Roberts & Stalans, 2004).

Another important group that needs to buy-in to a restorative model are justice agencies and other entities that work with juveniles accused with, or adjudicated of a crime (Bazemore & Griffiths, 2003). In some cases, such as the current study, this means focusing in on the structure and ideology of a juvenile probation agency. In other cases, this may mean developing a restorative mentality with a policing agency that is making the decision to arrest. In any case, the role that these agencies play in the justice process shifts away from the crime control ideology that has dominated throughout much of the last two decades.

Bazemore & Griffiths (2003) identify the importance of community- and problem-oriented methods of justice that reflect restorative values. The authors outline the various adaptations that have to be made at the legislative, organizational, individual, and communal levels (Bazemore & Griffiths, 2003). This is consistent with other research that has examined the change from a highly bureaucratic organizational structure to one that is much more restorative at its core (Mcleod, 2003). This transition obviously requires shifts of nearly everything that justice agencies have known including the realization that punishment of the offender is situated much differently within the structure of restorative justice. In traditional justice, arrest and removal of an offender are

paramount, but in the restorative process it becomes the duty of the police to “focus significant attention on ‘community building’ aimed at mobilizing and enhancing citizen and community groups’ skills and confidence in informal responses to crime, harm, and conflict” (Bazemore & Griffiths, 2003, p. 337). While the need for a community to represent itself in the justice process has become evident, the reality is that even in states like Pennsylvania, where the BARJ model has been in place for nearly two decades, strong communal responses to crime are lacking. There is a need within social science research to address the issues of implementation and sustainability in restorative programming. This study seeks to identify how one program has managed to continuously mobilize its’ community against juvenile criminality.

CHAPTER III

RESEARCH METHODS

This chapter details the case study methodology that was used to develop an understanding of the movement towards a sustainable and effective restorative justice model in Lancaster County. Included are the primary research questions, a description of the research setting, the victim offender conferencing design, and a detailed description of the data collection procedures.

The methodology used in this study is entirely qualitative. After a review of the literature, it became apparent that a qualitative design would lend itself better to developing a narrative of the implementation and success of the Center for Community Peacemaking (CCP). Qualitative methods allowed the researcher to develop a detailed narrative of how the VOC program came to fruition as well as how it established a volunteer base, and how it has sustained itself as a viable justice alternative. The purpose of this study was to examine the underpinnings of what has given this particular VOC program its support and relevance within the community it serves. Specifically, through the utilization of volunteer facilitators, program developers, and coordinators as interview participants, a more complete picture of the potential of restorative justice programs emerged.

Research Questions

Four core research questions have been identified through a review of the empirical literature and were used to guide this study. The initial research question focuses on how the VOC program identifies the three major components of restorative

programming that have been outlined by juvenile system in Pennsylvania (Bender, King, & Torbet, 2006; Torbet, 2008; Torbet & Thomas, 2005).

1. *How does the VOC program ensure that the ideas of accountability, competency development and community protection become a part of the conference process?*

The second research question was developed with the understanding that very few, if any, restorative justice programs in Pennsylvania have had CCP's success and longevity. Trying to determine what makes the VOC program different means looking at the primary stages of development that created the foundation for the program, as well as the factors leading to the programs preservation. This question addresses the initial buy-in that was necessary in developing and implementing the VOC program.

2. *What stakeholders played, and still play the biggest role in the VOC program?*

The third research question focuses on one of more neglected groups within restorative justice; the community volunteer base. As discussed, there is a three-pronged approach to restorative justice involving the victim, the offender, and the community. Research to this point has identified the need for community members to play an increasing role in the development and the sustainability of restorative programs (Dhami & Joy, 2007; Dzur & Wertheimer, 2002; Rodriguez, 2005). The goal of this question was to explore and understand how the VOC has utilized community volunteers.

3. *What role do community volunteers have in the establishment and development of restorative programming?*

The final research question is necessary to bring the understanding of the restorative program implementation process full circle. Organizational relationships are of particular importance in trying to maintain a strong programmatic presence within a county (Dhami & Joy, 2007). Specifically, this question was used to examine the pitfalls and successes in trying to maintain effective relationships between stakeholders including CCP, Juvenile Probation, the Juvenile Courts, Youth Aid Panels, and the community.

4. *How have the relationships and interactions between stakeholders contributed to the successes or setbacks that have occurred while trying to maintain an effective VOC program?*

Research Setting

Located in Lancaster, Pennsylvania, the Center for Community Peacemaking is a non-profit organization that has provided restorative services to youth and their victims for the last 20 years. The early efforts of Barbara Toews, a prominent researcher and advocate within the restorative community, during her time with what was initially referred to as the Lancaster Area Victim Reconciliation Program or LAVORP is what brought the VOC program to the center of the juvenile justice system in Lancaster, County. CCP now offers a variety of restorative services to the surrounding communities including Victim-Offender Conferencing (VOC), Circles of Support, Peacemaking Circles, and a Making Peace program. Each of the programs caters to various offender and offense types but it is the VOC that stands as the flagship program.

The center is situated close to a number of criminal justice agencies within the county. The county courthouse is located directly across the street from the offices of CCP. The court house also holds the offices of the county's juvenile probation officers.

CCP itself is set in a modest three room office where all operations are run by the three person staff. VOCs are held at off-site locations that are deemed to be neutral to both the offender and the victim. In most cases, the meeting place is a church or public space that provides some level of privacy to meeting participants. The initial hope for the researcher was to sit in on a number of VOCs that would lend themselves to the analysis process.

There were several issues related to the observation of conferences. The primary concern was that it would have been extremely difficult to gain both informed consent as well as assent from offenders, parents, and victims. While there is concern for all of these groups, gaining the initial agreement from victims to be a part of this process can be particularly challenging. Asking them to then participate in a research study would have added unnecessary stress to an already stressful situation. There may have been some benefits to observing conferences. However, given the current research questions, detailed descriptions of specific conferences from experienced facilitators allowed for the development of a complete picture of BARJ implementation, conferencing processes and outcomes, and for the research questions to be answered.

Victim Offender Conferencing Design

For the purposes of this study, the focus rests solely on the VOC program. From a quantitative standpoint, victim offender conferences are some of the most widely researched types of restorative programs (Sherman et al., 2015). Victim offender conferencing is CCP's primary delivery system for restorative practices and emphasizes the bringing together of delinquent youth with those they have victimized. Additionally, support groups are asked to take part in the conference process. This often includes parents and members of other community-based organizations. The VOC provides all

parties involved with a platform to express their own personal experiences within the crime situation. The ultimate goal of a VOC is to repair the harm that has been done and to develop a collectively agreed upon restorative contract.

The VOC program is designed to give equal importance to three core individuals or groups, the victim(s), the offender, and the community. The VOC program is initiated through a referral from either juvenile probation, the Juvenile Court, youth aid panels, one of the area school districts, or in some cases, directly from a member of the community. Youth Aid Panels (YAP) are community-based panels that address first time summary and misdemeanor juvenile offenders on behalf of the juvenile and district courts (“Youth Aid Panel”, n.d.). While the YAPs handle similar cases, the ability of CCP’s VOC program to address the totality of victim needs is what sets it apart.

Because of the flexibility of the VOC program, it can be initiated at any point in the adjudication process. Thus, whether a youth offender is left with a formal juvenile record depends on the point at which the VOC program is recommended. If a youth is referred as a diversion from formal adjudication, he/she may not end up with the record that a youth referred post-adjudication may have. Once the referral form is completed, CCP staff begins the process of preparing for and setting up the conference.

What is unique to the restorative process is that to participate in the program youth offenders must admit their guilt, which becomes one of the first steps toward accountability for their actions. This is contrary to the criminal justice system where, in many cases, defendants proclaim their innocence. If an offender chooses to participate in the VOC, it then becomes the choice of the victim to either participate or refuse to be a part of the process. The offender is asked to agree to the conference first in order to

ensure that a victim is not put in a position that could cause additional harm. If the victim was given the option to participate first, by having an offender then reject that victim's offer of reconciliation, the offender would again be gaining power over their victim. This type of secondary victimization is something CCP tries to avoid. Both parties have the right to deny the VOC and if a victim or an offender is not willing to participate, the case is then given back to the referring agency. While some VOC programs utilize surrogate victims in cases where the actual victim chooses not to participate in the process, CCP does not use surrogate victims.

A number of pre-conference meetings are then held between the facilitators and each of the participants (victim, offender, families, and community members). Initial meetings of offenders and victims are held within the homes of those participants. This provides for a unique experience for facilitators to meet participants on their terms. It is within these meetings that participants are given information regarding their role within the restorative process. These meetings also allow the facilitator to lay down the ground rules for the conference as well as outline the entire process for the participants. Once conference participants have been prepped by the facilitator, a joint meeting place is identified and the parties are all required to meet at the designated time and place.

In order for the VOC to be complete, a contract is developed and agreed upon. This contract becomes a binding restorative agreement. Many restorative contracts include a payment plan for restitution. The amount of restitution is typically applied to the case by the Juvenile Court prior to the conference. CCP is unique in that it is authorized by the Juvenile Court to give the victims a voice in what their restitution should include. While a victim cannot increase the amount of restitution beyond the cost

of his/her loss, compromises can be made where less restitution is paid, a payment plan is developed, and in some cases, restitution is forgiven all together. CCP also has the ability to collect restitution from offenders. However, restitution becomes secondary to the reparation of harm for the victim and effected members of the community.

Data Collection

The methodology for this research is a case study approach. The data collection method was chosen because of the nature of the research material itself and the primary research questions. Creswell (2007) would refer to this as a *within-site study* of a single program. While the phenomenon of restorative justice is relatively new to the United States, the research that has been done to date on restorative conferencing has primarily focused on quantifying recidivism and satisfaction rates (McGarrell & Hipple, 2007; Niemeyer & Schicor, 1996; Nugent & Paddock, 1996; Sherman, Strang, & Woods, 2000; Strang, 2002; Strang et al., 2006; Strang, Sherman, Woods, & Barnes, 2011; Umbreit, 1994; Urban & Riggs, 2009; Winnimaki, 1997). Additionally, research surrounding the implementation and progress of restorative programs is lacking. Therefore, case study methodology allows the researcher to explore, in depth, this distinctive phenomenon (Yin, 1989).

In many instances, case study methodology utilizes multiple types of data collection for gaining a more complete picture of the case itself (Creswell, 2007; Yin, 1989). Direct observation was used during the time spent in both CCP headquarters and the offices of Juvenile Probation. Detailed notes were taken about the setting of each of the office buildings. Aside from direct observation, semi-structured interviews were used as the primary method of data collection. Interviews are considered an integral part of the

sociological research process (Esterberg, 2002). Semi-structured interviews in particular offer research participants the ability to open up and inform the researcher from their viewpoint, without the rigidity of a structured interview (Esterberg, 2002). Allowing the interviewee's own perception to help guide the interview provides a level of understanding into a phenomenon that may not be achieved with a structure, linear interview process (Esterberg, 2002).

Additionally, archival records, and artifacts were utilized as data collection methods (Yin, 1989). Studying the "physical traces" of people can be used to "...make inferences about them" (Esterberg, 2002, p. 16). Utilizing multiple data collection methods allowed the researcher to examine the perceptions and experiences of all those tasked with running the VOC, or what Creswell (2007) would call "multiple realities". This section describes the methodology that was utilized within this study, as well as the reliability and validity involved with this type of methodology. It is important to first describe the population that the study encompasses.

Access and Sampling

Gaining access to a program of this nature was difficult. As mentioned, even though Pennsylvania's juvenile justice legislation utilizes the BARJ concept, finding a successful and long-standing program within the Commonwealth that utilized restorative justice, and particularly BARJ principles, proved challenging. After the researcher's first attempt to utilize a restorative program dissipated because of extremely low referral rates, the researcher's faculty advisor was able to establish a connection with CCP through a relationship with one of the program's original directors. Upon contacting the now former Director of CCP, a meeting was organized to discuss the parameters of

the research. The researcher, along with his advisor, discussed the research possibilities with CCP. From there a plan was established to recruit volunteers to participate in this research project, which included CCP staff members, program developers, facilitators, and members of the Department of Juvenile Probation in Lancaster County.

Due to the nature of the VOC program, it was not possible, nor necessary, or desirable to use a random sampling technique. Further, random sampling often is not an approach utilized in this type of qualitative research (Creswell, 2007). The nature of this case study led to a sample that is essentially a criterion sample. A criterion sample simply means that the participant fits the criteria for inclusion outlined by the researcher (Merken, 2004; Miles & Huberman, 1994). Criteria for inclusion within the sample were limited to active volunteers within CCP, current and previous administrators, and any juvenile probation officer within the county who issues referrals to the VOC program. There was no time limit for how long an individual had to be a volunteer before being interviewed. This allowed for a sample of volunteers that spanned “new recruits” to veteran VOC facilitators.

Human Subject Protection

While there were no protected populations that participated in this research, the nature of politics within the county is very apparent. During the interview process, participants were asked about the relationships between various stakeholders in the juvenile system. This made it particularly important for the researcher to guarantee confidentiality to all participants. Therefore, all participants signed a voluntary consent form prior to their interview (*see Appendix A*).

The informed consent form served several purposes and was developed as a contract between the researcher and the participant (Berg, 2007). The first purpose was to give participants a brief but complete overview of why they were being asked to participate in this research. The second was the assurance that their participation in the research completely was voluntary and that they could opt out at any time. Thirdly, it provided them a guarantee that anything they divulged would remain confidential and their names would never be used for any purposes outside of gathering consent, unless further permission was given. The fourth and final purpose was to inform participants of the minimal amount of risk that they would be subject to through their participation.

It should be noted that concern may arise that personal information or even the recordings of interviews potentially could be traced to participants. During the interview, the researcher refrained from using any participant's name. Additionally, in any subsequent research, presentations or publications, names will not be used, unless permission is granted, and direct quotations only will be allowed if the researcher could guarantee that they would not identify a participant. The coding process helped to eliminate any identifying characteristics within subsequent transcriptions. Should any concerns arise, all participants in the study were provided with contact information for the primary researcher as well as his advisor. This research was approved by the Institutional Review Board at Indiana University of Pennsylvania and all human subject protections outlined by the IRB have been followed.

Semi-structured Interviews

One of the key qualitative methodologies employed within this study are semi-structured interviews. Looking at either an unstructured or structured approach, it became

clear that standardized surveys were not appropriate for this research (Maxfield and Babbie, 2008; Maxwell, 2005). A total of twenty four interviews were conducted with various participants. This included seventeen interviews with facilitators, four interviews with juvenile probation officers, including the Director. Interviews also were conducted with the current director of CCP, and the current Case Manager, as well as one of the program's developers and early directors. These interviews were used to examine a multitude of variables including program development and buy-in, program implementation, offender accountability and competency development, the level of community protection, the facilitators' background, and views of the conferencing process. The focus of these interviews was two-fold: Addressing the nature of development and implementation, and identifying the factors that lead to the sustainability of the VOC program.

Semi-structured interviews were recorded with the permission of participants using a standard SONY voice recorder that facilitated easy transition to electronically transcribed documents providing a verbatim reading of the participants' answers. There were no interview participants who declined to be recorded. Interviews were conducted primarily over a four day period. The reason semi-structured interviews were chosen was to provide the researcher with the leeway to develop questions as the interview progressed. Semi-structured interviews allowed the researcher to focus on important concepts, such as accountability and competency development, while leaving room for the development of unique follow-up questions. As the interviews progressed, this allowed for spontaneous questions that were based on the nuances of each participant, widening the depth and scope of developing themes (Creswell, 2007; Maxwell, 2005).

Thus, the semi-structured interview guides (Appendices B & C) were more a list of initial or “jumping-off” points. Each interview was, in some ways, unique to its respondent, allowing for a more complete examination of the restorative process.

A problem that can face qualitative researchers is identifying which participant made a particular statement; therefore, as mentioned, uniform procedures were used for identifying and keeping the confidentiality of each participant throughout the process. For organizational purposes, each semi-structure interview was coded based on the order of completion. Facilitator interviews were coded with an “F”. Interviews were then coded by their order of completion. Thus, the first interview of a facilitator was coded “F1” and interviews of the Juvenile Probation Officers were coded “JPO 1, 2, 3” this helped to ensure confidentiality and consistency in reporting. This also allowed for quick reference during the analysis process.

An additional concern with this type of personal data is who will have access to it. All original data is stored in a secure location and will be maintained for the period of time required by the IRB. All transcriptions will be kept on a flash drive that will only be accessible to the researcher and the faculty advisor. These materials, along with all voluntary consent forms, will be kept in a secure location for three years per Institutional Review Board Guidelines.

Facilitator interviews. Facilitator interviews were used to examine the ways in which CCP implements the VOC program, their views on how offenders are held accountable, and their views on how competency development is promoted. Facilitator interviews also spanned a variety of topics including training, preparation,

implementation of conferences, and personal belief systems. Some of the questions for the facilitator interview included: (For a complete list see Appendix B)

Can you describe your role within the program?

What made you want to be a part of this program?

Can you describe the process of preparing and implementing a conference?

What do you want to see accomplished following the completion of a conference?

Do you see this as a type of punishment for the offenders?

How often do victims/offenders refuse to participate?

How does the CCP attempt to incorporate the ideas of accountability, competency development, and community protection into the VOC program?

How does the program ensure that the victims' rights and the obligations toward the victim become a central focus of the conference process?

What role does faith play in the VOC program?

Juvenile probation officer interviews. Juvenile probation officer interviews were conducted with several Lancaster County juvenile probations officers. These interviews served multiple purposes. The first was to understand how juvenile probation, as a stakeholder, has been employed as part of the restorative model. Secondly, the researcher attempted to establish why juvenile probation has continued utilizing CCP as part of its own restorative model. The third purpose of the probation officer interviews was to understand how their own faith and belief in restorative justice affects their willingness to refer to CCP. While some questions were developed as the interviews progressed, an initial set was developed prior to the interview. Some of the questions for probation officers included: (For a complete list see Appendix C)

How did you come to find out about the Victim Offender Conferencing program that is run by the CCP?

Did you know about the restorative justice process prior to your introduction to the VOC program?

If so, how?

What are your criteria for deciding who gets referred to the program?

What does the referral process entail from your end?

Why do you believe restorative justice is a viable alternative to traditional juvenile punishment?

Do you see this as a type of punishment for the offender(s)?

What role does faith play in the referral of offenders to the program?

Does your faith play a role in the decision to refer?

Interview settings. As stated above, the researcher conducted twenty-four interviews. A total of twenty interviews took place at CCP headquarters in downtown Lancaster. This includes the interviews of fifteen VOC facilitators as well as three juvenile probation officers, the former director of CCP, and the case manager for the organization. The offices of Juvenile Probation are located in the courthouse directly across the street and provided the setting for an interview of the Chief Juvenile Probation Officer in the county. Additionally, three interviews were conducted via telephone which included the interview of one of the first directors of CCP as well as two VOC facilitators who could not make it to the office. Interviews typically lasted between 30 and 45 minutes with the shortest interview being 17:30 and the longest being 1:28:00. The researcher kept a detailed record of the interview settings during the days spent at CCP offices. This included descriptions of CCPs office as well as the Juvenile Probation office. Additionally, notes were kept on the everyday business operations of CCP. These

records were then transcribed into computerized format for easier access and used during the analysis process.

Artifacts and Archival Records

Yin (1989) outlines several data collection techniques that can add to both the validity and reliability of a case study. Aside from direct observation and interviews, examining artifacts and archival records are considered useful case study techniques. The information garnered from these methods is paired with the more complex interview and observation data to use in data triangulation and to increase the validity of claims made within the study (Esterberg, 2002; Silverman, 2000). Archival records were used to help study the exposure of CCP and the VOC program with the idea that positive public publicity, in newspapers and on websites, can play a role in program longevity.

More specifically, the researcher explored multiple search engines to try and collect data that would lend itself to an understanding of how the local community views the CCP program as well as crime and punishment in general. Records were collected by the researcher during interviews and also by using the Nvivo NCapture add-on for Internet Explorer. This tool allowed the researcher to capture and code CCP's website, articles from Lancaster Online, a local print and digital news organization, as well as numerous external links that contain everything from public financial forms (due to CCP's non-profit status) to mentions of CCP on various restorative justice websites and blogs. In addition to archival records, the researcher was given what would be considered an artifact of CCP (Esterberg, 2002). The researcher generously was provided with the training manual used to assist in the training of incoming volunteers to the VOC program.

While Esterberg (2002) talks about the difficulty analyzing material artifacts, the training manual had a clear audience and purpose and helped to define all of the VOC processes.

A total of 39 archival records are included in the final analysis. Archival records include websites (8), online and print articles/reports (21), blog postings (2), CCP Case and Volunteer Reports (2), CCP quarterly newsletters (4), the CCP brochure (1), and a VOC Referral Form (1). Archival records were included if there was any mention of CCP. These items all were used in the triangulation of data and add depth to the understanding of CCP's reach within the local and restorative justice communities. The next chapter presents the qualitative analysis of the collected data.

CHAPTER IV

ANALYSIS

This chapter describes the procedures used to analyze the data collected from interviews, direct observations, archival records, and artifacts. The chapter first addresses the coding procedures that were used to begin the analysis process. The chapter then discusses the utilization of triangulation and a second reader to address the breadth of qualitative materials as well as the researcher's coding procedures. The second reader and methods of triangulation are discussed in relationship to increasing the validity of these results. The chapter concludes with an analysis of the primary research questions.

Coding

Creswell (2007) describes the need to form an analysis plan that funnels the vast amount of qualitative data into a clear and concise set of reported results, which can be difficult. One of the most traditional methods for beginning to break down the data is transcription and initial theme identification. Silverman (2000) suggest that the process of transcription is important to recognize within the analysis of qualitative material because of the role it plays in developing initial thematic patterns. During the process of transcription, the researcher looked for patterns that were closely related to the primary research questions. Because the researcher has studied the restorative justice field so closely, and with the goal of this research being the creation of a narrative of the VOC program, transcription allowed for an early generalization of what types of themes may develop.

Once the transcription was completed a method known as open coding was used for each interview (Esterberg, 2002). This required a line-by-line analysis of the

transcribed data that developed into an initial coding scheme (Esterberg, 2002).

Following the initial coding procedures a second review was done to categorize patterns among the themes. Additionally, the researcher used a qualitative data analysis software known as Nvivo to organize, code, and analyze the data. It has been discussed that while computer programs are beneficial in funneling the data into a manageable system, it is still the researcher's responsibility to determine what data is important to the research (Creswell, 2007; Esterberg, 2002).

While the information gathered from the data is all important, the use of Nvivo allowed the researcher the ability to recognize more prominent thematic patterns. While several of the themes were anticipated due to the nature of the research questions, there were several thematic categories that developed unexpectedly. The anticipated themes include the discussions of BARJ principles, the role of faith-based organizations, and the positive relationship with the Juvenile Court and Juvenile Probation. Some of the unanticipated themes include the lack of referral from other community organizations, addressing the minority community, the regimented training approach, and the lack of follow-up with the offender. Each one of these themes are discussed in detail below.

Second Reader/ Triangulation

Typically, qualitative researchers only recognize their coding procedures and outcomes within their analysis (Berg, 2007; Maxwell, 2005). However, the entire process of data collection can be considered a part of the analysis because of the variability it can add to the findings (Lewis, 2009; Maxwell, 2005). Lewis (2009) suggests transparency in the way data are collected, utilizing a method called an "audit trail." An Assistant Professor of Criminal Justice was utilized as a second reader to examine the audit trail

including both the coding procedures and the data collection procedures of the study. Compared to an audit in financial terms, this allowed an outside source to verify the research decisions and how the primary researcher came to recognize thematic concepts throughout the data collection process and subsequent analysis (Lewis, 2009).

The second reader was then asked to examine a random selection of ten transcriptions. She also was given access to all artifacts and archival records and was asked to determine her own coding patterns. Once she established her coding outcomes using the Nvivo software, both researchers discussed the results. While initially there was disagreement between wording and meaning of thematic codes, after some discussion, the researchers were able to categorize all 33 of the second readers' codes within the primary researcher's coding structure.

Triangulation of data was also important for this research. Triangulation comes from the coalition of multiple sources of data collection surrounding a central topic (Creswell, 2007; Silverman, 2000). The purpose of triangulation is to establish correlations of themes between several qualitative methodologies. The current research gathered data from semi-structured interviews, as well as archival records, direct observations, and artifacts. The use of a second reader also can be considered a part of data triangulation process and is known as analyst triangulation (Patton, 1999). Thus, thematic content was examined from a variety of viewpoints and themes that were similar across multiple points of data. This process, of utilizing several methods of qualitative data collection and analysis, proved invaluable for gaining a more complete understanding of the VOC program. Using a second reader and an audit trail provided an

additional element of validity to the findings through verification of data collection procedures.

The remainder of this chapter presents the analysis of the data. It paints a picture of the development and establishment of a restorative justice program that has been in existence for over 20 years. Some of its unique characteristics are delineated, including the dedication of the facilitators, the buy-in of the juvenile court, and the ways in which CCP has incorporated the BARJ model. The chapter concludes by discussing not only the successes of this program, but also some of the shortfalls.

The Stakeholders' Role in Developing and Sustaining the VOC Program

As discussed in the literature review, in 1995, a shift toward restorative justice was taking place within the juvenile justice system in Pennsylvania. For LAVORP, the Lancaster Area Victim Offender Reconciliation Program, the process of establishing a restoratively driven program within the county already had begun. Prior to 1995, a group predominantly made up of local Mennonites was beginning the arduous process of developing what was to become a faith-based restorative justice program. While CCP does not currently identify itself as a faith-based organization as one former Director of LAVORP discusses:

...they were definitely starting a faith based program and the people that were on, were definitely driven by their faith but it wasn't like, when Mennonites do things for their faith it's pretty quiet, it's not like a big evangelistic type of thing. I mean some are, but the group that this came from, wasn't that way. And so, there was an intention for building relationships with county churches for funding for that sort of thing and really tapping into how this works, it really fits in with many

spiritual tenants. That's still the case today; they are still a faith based organization and still do a lot of work with the churches.

While CCP uses volunteers no matter their religious beliefs it is apparent that the main backers of the restorative movement in Lancaster County always have been, and continue to be, those affiliated with the Mennonite faith. With the landscape of juvenile justice changing in Pennsylvania, the movement toward restorative programming in Lancaster was driven by some of the most widely known restorative advocates and members of the Mennonite Central Committee. As the former Director mentions,

...it was just that, here we were in Lancaster County, strong Mennonite presence, Mennonite Central Committee was here, Howard Zehr and Lorraine Stutzman-Amhurst were in the area, who were longtime RJ people, and the area didn't have a program. And they really felt that it was something that the community could benefit from.

Establishing a connection between the religiosity of the local population and the principles of restorative justice easily was accomplished. A search on mennoniteusa.org shows 50 Mennonite congregations within a ten and a half mile radius of the CCP office in downtown Lancaster. In 2010, Lancaster County was listed by the Association of Statisticians of American Religious Bodies (ASARB) as having the highest concentration of adherents in the nation for the religious bodies of Maranatha Amish – Mennonites (409), Mennonite Church USA (15,225), Beachy-Amish Mennonite Churches (1,014), Reformed Mennonite Church (84), (Grammich et al., 2012). While these congregations represent several sects of the Mennonite faith, differences are primarily within the use, or

lack thereof, of modern technological advances as well as how strict each congregation is in its expectation of religious devotion (Anderson, 2013).

For Mennonites, the principles of shunning, forgiveness and apology, conditional mercy, communitarianism, and victim empowerment can be traced to the larger Anabaptist Movement of the 1500's (Christian Light Education, 2014; Zehr, 2002). During this movement Anabaptists were split into multiple congregations, each with varying degrees of religious belief. The most recognizable, especially in Pennsylvania, are the Amish and the Mennonites. Mennonites within Pennsylvania brought their religious practices into the realm of justice with their formation of victim-offender mediation programs (Zehr, 2002). As the former director of CCP states:

The restorative justice movement started in the Mennonite Church with the idea that there has to be a different way in looking at crime and as a faith we believe in the biblical concept of restorative justice or not necessarily that formally by that name, that came later on after they started these programs, is the reconciliation and healing that can come from people working with one another. The biblical concepts of reconciliation bring people together where there can be a unity between themselves, the community, and their God. That is the basis for being faith based as opposed to religious. We don't go out and we don't evangelize. I know there are a couple of businesses that don't support us because we don't evangelize. Not because they don't want to but because they want to put their money in to programs that do evangelize. So, we are faith based in that we believe in the faith that can come from the bible of people coming together and reconciling and healing and making things right between themselves, as opposed

to being a religious organization. Even though this program got started by the Mennonite community, we have Lutherans, Methodists, and Catholic churches supporting us, and we just broaden our approach to congregations.

CCP utilizes community facilitators from multiple denominations but, their particular religion is not necessarily the primary factor in becoming a volunteer. CCP volunteers, while self-identifying as mostly Mennonite and Christian, do not necessarily reference their structurally defined faith when it comes to determining their motivation to support and ultimately participate in this program. More specifically, when facilitators were asked about the role faith played for them in being a part of the CCP program, they were quick to reference individual concepts within each of their religions that pushed them toward a life of volunteering. Several facilitators referenced the value and importance of human life and understanding, no matter the wrong that was committed. As one facilitator suggested,

I am a Christian so I believe in every person having validity and value, I just want every person to realize that and be treated like a human being. That has something to do with it. I have prayed with people but only because they have been interested in that. I think it also gives you sort of a peace that sometimes comes through in these people's lives. So it's important to me. I don't think you have to be a God follower necessarily to do this because we can just believe in the way it works. (Facilitator 6)

Other facilitators discussed the idea that even though they do not consider themselves to be "of a faith", many of the conceptual and philosophical underpinnings of religious institutions helped to motivate them to be a part of this program. The current Case

Manager/Facilitator for CCP described her belief that narrowly defining religion and religiosity was a mistake.

I could ask you, what do you mean by faith? It is not any particular denomination or religious affiliation; we have people from all aspects and some who would say they don't even have a denominational connection. So, for me, my faith in something bigger than what one individual can do. I am actually on my own journey about how I conceive of God and even using the word God, puts my faith in a box. I am a Mennonite by choice, I wasn't raised Mennonite. As I have been part of Mennonite congregations, my whole commitment to peace, even Mennonites wouldn't say this, conflict resolution, not conflict avoidance, has just grown. I am also a trained spiritual director. That says something about how I value people and my belief that people have within them the capacity to choose good. We can get sidetracked by a whole lot of things. But when we can find that goodness within us and allow that part to, to kind of, be the center out of which we function, then I think we treat people right, we admit our mistakes, we look for the best in others, some of the things you'll see in the bible, but you see in other religions too.

Several facilitators did exactly what the Case Manager suggested, and made it clear that they had no religious denomination that they specifically identified with.

I am not currently involved in any formal faith, but basically human dignity, equity, justice, those types of principals that I try to, that sort of thing is important out there in the world. You know treating everyone like you would like to be

treated and again understanding that mistakes are made, there is a way of rectifying, healing, making those mistakes right, so that is my faith. (Facilitator 9)

Even though CCP does not identify as a faith-based program, the relationship with local congregations, has seemingly been one of the strongest components in forming and sustaining CCP as a non-profit organization. Churches within Lancaster County often are used as a neutral and safe meeting place where facilitators can hold the VOCs.

Facilitator 1 described the relationship he had with churches throughout the community:

I guess the biggest component is the conferences are always held in churches. The local churches have been fantastic in providing us with a meeting place, a room, a table and some chairs is all we need. We always want to have it on neutral ground so the churches in the Lancaster Community have been very cooperative with supplying us with a location.

Churches in the area have not only been vital in establishing secure VOC meeting locations, they also have played the role of referral agent and victim. A former Director of CCP described how one church recognized the ability of the restorative justice program to limit the stigma placed on two juvenile offenders who had vandalized their church:

Last year there was a church on the East part of the city who knew about me and RJ. Two boys vandalized their church, so the pastor called me and wanted to know if we would get involved. She was trying to convince the officer that was called, not to prosecute, so there was a little selling job to the officer, not to prosecute, and let her follow through. So, we did handle it informally, without him filing charges, successfully.

Unfortunately, one church became the victim of a separate case of vandalism and thus had to balance its religious ideology with a practical resolution. While this case did not work out for the best, it shows the delicate juxtaposition of being a victim and still trying to maintain its religious philosophy.

Seven young guys vandalized an unoccupied house owned by a church. We got I think all seven of the parents and the guys to meet with the church board to talk about this, how to fix it up, make things right. The idea was, this house had cats that lived in it, it had stinky urine and these kids vandalized. But, the parents were willing and the kids were willing. And one of the parents was some kind of construction person. The kids' were willing to work at this house to almost remodel it. But the church, and this is so sad, the church people didn't want to do it. They said, "well what about insurance, what if they don't do things right?" We met together, we came up with this proposal, we let them work it back and forth, and I think 6 of the 7 families were there, and they came up with this idea. The church board said give us a chance to talk about it, they went to another room. We waited and waited, I don't know if they called us in or finally we decided we would go knock and see what's happening. We went in and they wouldn't do it... it was such a wonderful opportunity, the church should have seen this. We just couldn't believe it. It is unfortunate. I guess they wanted to get paid for it. I think that is what happened. But the air went out of the balloon. The parents especially were saying we can do this, the church said there are too many questions about this, how could we schedule, all sorts of questions, but that's what churches are for! (Facilitator 14)

The county's strong religious presence has contributed greatly to the sustainability of the VOC program. Aside from providing stable conferencing sites, churches have been one of the most important tools in recruiting new volunteer facilitators. Several facilitators identified church bulletins and announcements, as well as other church members, which provided them with the information on volunteering for CCP. With the strong community built by the Mennonites and others, the next step in providing the area with a restorative justice program was establishing a working relationship with the Juvenile Court and juvenile probation.

The thought of establishing a program built on restoration during the height of the "get tough on crime" era, would be met arguably with criticism for straying from the retributive ideology. However, even the juvenile justice system within Lancaster County was progressive enough to see the value in a restorative program. A former Director described the development of the juvenile justice system's involvement in the VOC program:

As far as juvenile probation I had to go through the President Judge, to get the approval, and I had prepared this whole crazy presentation/documentation about all the programs stats and I didn't even really need it in the conversation with him. So I would say it was relatively easy. I'd have to go back and look at case records. I don't know if we immediately had a full case load right away. You know I never had trouble filling trainings, keeping volunteers busy. If anything we probably had more cases than we had people for... So he [President Judge for the Juvenile Court] was the one where nothing was going to happen in probation unless he gave his go ahead. He was the one I met with and had the stuff prepared, and he

said yea sure we will get you juvenile cases. And then after that it would have been, I didn't have any relationship with him, except to always give him kudos whenever I could so he would never change his mind. And then after that it was always dealing with the head of probation on down to the front line probation officers.

One of the biggest contributors to the restorative justice movement in Lancaster County was the adoption of the B.A.R.J. model within Pennsylvania. One juvenile probation officer described the concurrent development of LAVORP and BARJ:

In juvenile justice at the exact same time that LAVORP was being pitched to us, juvenile justice in PA was going through a reformation. The whole mission and philosophy of juvenile justice was changed, the Juvenile Act was changed to incorporate BARJ. In 1996 is when all these things were happening and we began writing out a work plan to incorporate BARJ into everything we do.

The intent of adopting BARJ was to employ restorative justice principles holistically throughout the Commonwealth. Unfortunately, very few counties have maneuvered their Juvenile Court systems to incorporate the entire BARJ model. As Zehr (2002) describes, the restorative justice continuum houses those programs and practices that fall somewhere between less restorative and completely restorative. A limited number of programs can be considered fully restorative. CCP's former director recognized the programs unique position within the county and the state:

The BARJ concept, that's the thing I always tell the commissioners as well, I say we help our juvenile probation department fulfill the BARJ concept. There are very few departments in the state that do, because there aren't programs like ours.

Now they can have victim empathy classes, and make them give restitution, but that doesn't give the victim an opportunity to meet with their offender or perpetrator in a face to face meeting.

The relationship between CCP and the Juvenile Court system has now become the norm, as any juvenile offender, who has an identified victim, is referred to the VOC program. The Director of Juvenile probation makes sustaining this relationship easier by his personal views about criminal offending aligning with CCP's mission.

I think our relationship is excellent. Accountability to repair the harm to the victim has always been near and dear to my heart. So has the mission of LAVORP and now CCP. We try to ensure that every referral with a victim other than certain sex offenders is referred to CCP....Anybody who goes to court, we order the restitution as determined by the office of victim/witness services, but we don't actually put it in to effect until CCP has either been successful or failed. If they are successful then it never gets ordered here at the Court of Common Pleas, the victim is satisfied through the agreement there. We have worked with them over the years to educate our probation officers so that we can best educate our juveniles because we want every juvenile to have a chance to have a conference...I think they have a great success rate, a great track record, their hearts in the right place and I really appreciate all that they offer to our clients because it is a phenomenal experience for kids to be able to do that.

Juvenile probation officers who were interviewed described why they believe restorative justice is a viable option within the Juvenile Court system. Whether the officer was school-based or located in the County's municipal building, their feelings of the

restorative model, and CCP's approach, were positive. One probation officer described the second nature of making referrals to the VOC program:

I have to say, our relationship with, what used to be called LAVORP, and I think because it has been here for so long, it is hard for me to transition to the new name. We have always had a solid foundation of working with them, so when I started in 98, I would say we, we definitely had a relationship with them, but through the years of me being there, through the course of time, we now, it's almost just, it's just so second nature for us to make referrals, it just goes hand in hand with any scheduling court. There is no thought process involved, we just know that any time there is a victim involved, you make that referral. (JPO3)

He went on to discuss the efficacy and importance of the program to the county:

I think too we know how important it is and we value it, it is not like some of the paperwork we do, just to do it. We know the true value in this so we certainly wouldn't want to not make the referral or what have you. I would say that we definitely, the relationship is such now that it is probably, if you ask the probation officers, you know when kids go to court, what is the one thing that is almost always in every court order, I think most people would say CCP. Because it is just so, just such a given with what we do. When we look at BARJ and community protection and accountability, and victim restoration, without this, I don't know how we would fully accomplish that. (JPO3)

Unfortunately, the relationship between CCP and other diversionary programs within the county, specifically the Youth Aid Panels, is not as well developed. YAPs in Lancaster County are developed and maintained through the County Districts Attorney's

Office but report directly to local police departments (“Youth Aid Panel”, n.d.). For CCP there is a clear and undeniable difference in the approach of the YAP versus that of the VOC program:

One of the challenges we have in this county... The D.A. who administers, not controls, but administers the YAP, has no control of them. All 25 YAPs are independently formed either by the police or the community and all rely on referrals by the police. There is no consistency between them. The D.A.’s office who administers it, it used to be JP, prepared a manual, so everybody is on the same wavelength. Some threw it away, some quit, and said “You aren’t going to tell me what to do”. So, what’s happened is, the victims are not being served, because a lot of the YAPs don’t believe in referring to us, or don’t know about us, although they should. But, they feel as if, I think sometimes we are invading their jurisdiction, their little community. They don’t realize that they are dealing strictly with the offender and that there’s a victim out there that they are supposed to be referred to us. So we don’t always get referrals we should from YAPs... Out of the 25 panels, the data that I got, 10 of them didn’t refer to us in that year. The others were not very prolific in making referrals to us. (Director of CCP)

The reason for the lack of integration between the two programs was explained further by a juvenile probation officer:

In some counties, different programs are in place where it is sort of like, they have certain diversionary programs in place. It’s a YAP but at the same time it is a component of CCP and they will kind of mesh together. In Lancaster County, those things are separate. From probation in Lancaster County we don’t work

directly with YAPs, the police will make the referral to the YAP instead of us.

That will be sort of a diversion for making a referral from the police to juvenile probation. The YAP is not required to refer to CCP. Each county is different, each county has sort of their own sort of programs in place, different models, we are all supposed to follow the Juvenile Act and BARJ is the model in place, each county will sort of do something different. Different programs to run, different community based things.

Attempts have been made to try and rectify the limited number of referrals received from YAPs. Within the past two years, a pilot program has been in development that would require both YAPs and magisterial district judges to refer cases to the VOC program if there is a victim involved. Although the pilot referral program has not yet been implemented, the movement toward open lines of referral is imperative for the continued growth and validation of victim offender conferencing within the county.

Maintaining collaborative relationships with various religious and justice-based organizations has been a benefit for not only the VOC, but all of CCP's restorative initiatives. Those formal relationships have been natural and expected given the mission of each organization. However, the relationship with the community, arguably one of the most influential stakeholders in the restorative process, has developed much more organically. As with many programs there was some initial apprehension between the ideology of the LAVORP program and the much-needed community support network. One former Director explained the initial trepidation from the minority community:

There was a certain undercurrent in interacting with the minority communities.

Was this just another rich, white, way to deal with crime that people are really

going to, that African American and Hispanic communities will be hurt by? How is this different? To what degree are you making this a cross cultural kind of thing? That's where I think the biggest buy-in issues came. And my case is that is still a struggle today. I went and met with the key leaders in our minority communities here. I was in my mid-20s at that time and I didn't necessarily have a good grasp on what the issues were, and how to deal with them. And so, it was always this mix and this tension of how can we move forward while we are still having this conversation and still figuring it out recognizing as we move forward we might be falling into the pitfalls they were worried we were going to fall into. I think now, in retrospect, we didn't really handle that, we didn't deal with it. If I was doing it now, I would go back and do it way differently but, that is also just because I have a better sense of what the issues are and how I would address them and how I would even make the program look very different than the traditional VOC model.

The idea that the minority community was somehow not represented in the development of the initial LAVORP program was disconcerting. Because of the numerous cultures that have provided the foundation for restorative justice one of the main components in the development of restorative programs is the inclusion of the community as a whole in the decision making process (Dorne, 2008). A key component of restorative programs must be their sensitivity to the culture of the community which they serve (Dorne, 2008). Unfortunately, the process of discussing and ultimately structuring the program to include the needs of the minority community was not completed during the planning and development stages of LAVORP. To conclude that

the program does not currently meet the needs of the minority community is beyond the scope of this research. However, it is important to point out for the purpose of future research.

Lancaster County has become a hub for restorative justice within Pennsylvania because of the community of stakeholders within the county. Prior to Pennsylvania becoming a restorative state with regard to juvenile delinquency, Lancaster had the infrastructure, and collective mindset, to support the move forward. This included, and continues to include, support from the broad range of religious organizations within the county, the Juvenile Court, juvenile probation, CCP's volunteer facilitators, the victims, community members, and offenders who agree to take part in the program. Without the cooperation of all stakeholders, it is clear that the program would not be entering its 20th year.

The Role of Community Volunteers

Community volunteers act as the catalyst behind the longevity of CCP and the VOC program. Their purpose is two-fold: formally, volunteers act as facilitators in the discussion and resolution of delinquent crimes, less formally, facilitators advocate for the program to other members of the community. At the time of this research CCP utilized 56 volunteer facilitators. For the 17 volunteer facilitators that were interviewed the number of completed conferences ranged from zero to over fifty. While some volunteers complete one or two conferences a year, others may take on eight or ten cases. Because this is a volunteer position CCP allows facilitators to take on as much or as little as they feel comfortable with.

Facilitators become the point of contact for victims, juvenile offenders, parents, and community organizations. Facilitators do not impose sanctions upon juvenile offenders, but they do have the capacity to finalize an agreement of a restorative contract that often includes restitution. The contract has the institutional support of juvenile probation and the judges within the Juvenile Court. If a resolution is unable to be agreed upon, or if the juvenile fails to follow through with his or her obligations, the case is sent back to the Juvenile Court for a formal adjudication. Aside from being the point of contact for conference participants, facilitators are solely responsible for the handling of cases from start to finish.

After receiving a case from the case manager, the facilitator contacts both the victim and the offender, and schedules an in-home visit. Although this may seem like one of the easiest parts of the process to complete, simply reaching all relevant parties, and coordinating their schedules, can prove to be extremely difficult.

My biggest challenge in this process is playing a lot of phone tag. You can play a lot of phone tag, trying to hook up with people. We were taught during our training that, if I am calling the offender, I don't leave any messages at first. Two or three calls or whatever, don't leave any messages, because as soon as the offender hears who I am and why I am calling, and I will call back several times a night, most of the time they aren't going to pick up the phone, because they already know who you are. (Facilitator 11)

Scheduling meetings was deemed the most difficult part of the process by a number of conference facilitators. For these juvenile offenders and their victims, life did not stop

after a crime was committed. This means the facilitator must now begin working around several schedules, including his/her own, to establish meeting times and locations

Following the first contact, it is the responsibility of the facilitator to meet individually with both the victim and the offender. This typically occurs in their homes and as discussed, this tends to be the point where the facilitator starts to separate offender from offense and person from victim. Thus, facilitators start to frame the offense within the context of the offense as restorative justice suggests, while also establishing an understanding of the person behind the veil of the victim label. This can be a difficult process for all parties involved:

With the person who had been the victim, I met with that person at his place of business. It was very pleasant, friendly. When we began to talk about the situation that got a little tense, because obviously he was very affected by what happened to him and his family, which was fine, that was good process and be able to get that out too. That particular meeting, I was very positive. The meeting with the offender, was a little bit more, for myself anyway, I am a single female going in to an apartment building with a young man. So I did, to be honest with you, have a few moments of concern where I thought, is this smart. But that passed, very quickly. Once I met with him, and saw him, it was fine. We were able to sit down and talk, and process the information that needed to be processed. (Facilitator 2)

Once the home visits are complete, the next step is to have the actual VOC. While no two conferences are the same, the process through which they are run is established long before a conference ever takes place;

We start off talking again about RJ, about confidentiality, about the rules the guidelines for the meeting. No interruptions, let me lead, the process, no swearing, or shouting, tell me the truth. We are pretty clear with them, at least I am, with the notion that we are facilitating a meeting, we are not making decisions, and we are opening the dialogue. Some are in need of more support in getting that dialogue started, but it is really between them. Then we have the offender say what was going on that day, how were you feeling, what did you do. So, giving them a chance to say what they did. So try and get the story out of the offender. So ask the victim can you summarize what you've heard, to make sure they've heard it, see if they have questions they want to ask. Then we ask the victim to talk about the impact. How did this impact you? What were your concerns? What were you feeling then, now? Then we ask the offender to summarize what you heard. Usually offenders don't have questions, but sometimes they do. Then if there are parents, for the offenders there is always parents or guardians we ask if they have anything they want to say.

Then when they finish the story piece, I'd turn to the victim and say, you know, what were your losses in this? How would you like to see them met? Then just let the dialogue happen. So they talk about it and we plead the agreement and step by step through the agreement, have them sign it and read it again. Explain what's going to happen to that agreement and thank everyone for being there.

(Case Manager/Facilitator)

What this facilitator has described is the CCP process developed specifically for the VOC program. Volunteer facilitators are required to complete CCP's rigorous VOC

training program prior to contacting their first case participants. For several facilitators, this was their first introduction to the concepts of restorative justice. Training is an intensive 30+ hour process that takes the volunteers from the framework of restorative justice all the way through to role playing actual conferences.

Every facilitator interviewed described nearly identical processes of VOC preparation and implementation. The training facilitators go through before taking full responsibility for an active case is what leads to this regimented approach. The training manual that was provided to the researcher showed exactly why CCP facilitators are so disciplined, and confident, in the VOC process.

Aside from the training schedule that outlines the multi-day sessions, the training manual includes 200+ pages of material. Broken down into five sections, the manual starts with an introduction to the job of facilitator, and descriptions of CCP's mission, vision, motto, policies, code of ethics, and confidentiality of communication. Section 2 introduces volunteers to the concepts of restorative justice. This includes discussions of individual justice needs, retributive versus restorative justice, why conferencing works, and the risks and benefits associated with VOCs.

Section 3 is where the training process starts to build empathy and understanding for the victim, and adolescent offender experience. This section of the training manual helps to explain why so many volunteer facilitators show compassion and understanding to all parties involved in a criminal event. The section describes the victim experience in crime and in mediation. It also provides information on the development of the adolescent brain, the assets an offender brings with him/her, and what does not work with adolescents. After addressing the victim and offender experiences, the training process

shifts toward developing communication and listening skills within their, soon to be, facilitators. Section 5 brings puts the entire VOC process at the facilitators fingertips. Every step, from the initial referral source, to the initial meetings with participants, preparing the conference, and post conference responsibilities, is detailed.

The amount of information that is presented to these volunteers is initially shocking but, it is clear that the training has played a major role in the success of the individual facilitators, as well as CCP. As one facilitator describes it:

The training was outstanding, in fact my wife just retired and she is a professor. I showed her the training and she said, “This is really world class”. They [CCP] prepared us. I am just so impressed. When you went out there, you hit the road running; I have gotten better at it. You would be disappointed if you didn’t have a case (right at graduation). I was really prepared. Again, you have to make up your own style and adapt it a little bit, but you don’t really want to go much outside the framework. (Facilitator 9)

Nationally, volunteer rates are at an all-time low and offering comprehensive training can be a huge draw for individuals wanting to volunteer in their community but; who might feel as if they do not have a skill to offer a service organization (Goldberg, 2014). Any lay person can come in, learn the process, and be successful in resolving cases of delinquency. Facilitators showed confidence in their ability to run a conference following their training programs.

It was a big chunk of time, we had homework and a full binder of materials, we had two videos to watch, we did a lot of role playing, a lot of guest speakers, professor of communication, a parole officer, a person who specializes in the

point of view of the victim. So it was a pretty thorough training I believe. I was really surprised at the age, the experience, the educational background; all walks of life. I think you need that to meet the diversity of the clientele. After that training, I jumped right in. They offered if we wanted someone to help out with the case, I felt pretty confident just jumping in, it's been so far so good.

(Facilitator 8)

Part of the “graduation” of a facilitator from VOC training is receiving the first juvenile delinquency case. From that point on, CCP is there as a support for facilitators throughout their conferencing processes but, the success of each case relies on the ability of the facilitator to manage the difficulties that come along with restorative justice conferencing. While much of this ability is established within training, the personal backgrounds of CCPs volunteers play a large role in the success of the VOC program.

Training can give a facilitator the formal programming avenues to address criminal disputes, but drawing on one's own experiences and understanding of interpersonal conflict is almost inevitable during the conferencing process. Facilitators were asked specifically about their views toward crime and offenders. Whether it was the restorative training or the inherent belief within this sample of facilitators, their thoughts on crime and offenders unsurprisingly mirror that of restorative justice advocates.

Like I said I have been involved in social justice work since I was small, when I saw an injustice, someone was being mistreated, I felt like they needed to be held accountable for that. It has been a part of me because my faith has been a part of me since I was very, very, young. I just feel there is a better way to resolve things than through legal actions. (Facilitator 3)

I want the world to be a better, safer place. I want relationships to be healthy in the community. I have studied and worked a lot in the area of trauma and I feel like this is a way to heal a lot of woundedness that we experience in our society, not to convert people to a certain way of thinking, but to help people become more self-aware. To be able to move own from a woundedness that they experience. (Facilitator 10)

...the idea that I might be able to make a small difference in someone's life and that that small difference would help two people process a very bad or negative situation and hopefully move assertively toward a more conducive and positive end. So that was very appealing to me, the idea of social justice and individual justice and people getting what they deserve, but also having that level of mercy that we all so desperately need. (Facilitator 12)

This line of questioning also precipitated a discussion about the personal backgrounds and motivations that informed their decision to donate their time to CCP. Backgrounds included a victim who became a facilitator, a recent college graduate, a pastor, and an individual with a master's in conflict resolution among others. Volunteers also were often heavily involved in their local churches. Additionally, this cross-section of volunteers, which accounted for approximately 30% of the facilitator base, had a wide array of volunteer and professional experience. Facilitators often split their time between, and had various connections to, other volunteer organizations within the county.

Addressing the motivational factors that led volunteers toward the program included the recognition of a void, either internally within their own lives, or externally within their community, that needed to be filled.

I started looking because both my kids are grown. I started looking for something that I could do that might make a small difference in somebody else's life for good. So, I started looking around for something and this came up and I found it to be very interesting. I loved the concept of it because of how restorative it is and how it is very nurturing to those who have done wrong, and who have been hurt. It helps bring a human element to that. (Facilitator 12).

Doing what I do I watched for years, that there is nothing for the youth, it is just schools, and more harm done than any kind of peace, justice, or fear, that is resolved. So, I read an article in the paper, and said that is how I can help the youth. (Facilitator 2).

Facilitators also had varying degrees of understanding about the restorative process prior to their volunteering with CCP. Some facilitators had an extensive understanding of restorative justice, while others had taken a college course that involved the discussion of restorative justice principals and felt compelled to pursue it further. Looking for some way to contribute, several facilitators simply came across CCP by chance. Others recognized failures of the criminal justice system that directly affected their own communities and saw CCP as a chance to address those issues.

There is a clear recognition by volunteer facilitators that the criminal justice system and the restorative system are two distinct entities, each with its own ideas of what is justice. For academics and practitioners alike, a point of conflict exists between those who believe the criminal and restorative systems should be mutually exclusive and those who believe the two systems can exist concurrently. Facilitators tended to view restorative justice as separate, and more complete, than criminal processes. One of the

most widely cited reasons for favoring a restorative model of addressing criminal behavior is the inclusion/treatment of victims.

Traditional justice is the easy way out. It is easy to give a slap on the wrist or to go to jail. If you never face the victim, and the victim doesn't have a chance to participate kind of in this whole process, it is hard. I think it's hard in a way for these kids to do it, but once they do it, it shows that they have a sense of integrity, a level of courage, that they don't have to have if they are just punished in the traditional justice way of things. (Facilitator 10)

Again, the victim doesn't have a voice. He doesn't have the opportunity to tell the offender what this has done to me. They need that voice in the matter.

Again, the offender would never hear that, and say I just broke a law. There is no face in this, and they need that personal contact. (Facilitator 11)

Facilitators often spoke of the change they see within conference participants, especially victims and offenders, whose initial responses to a potential conference are often anger or fear. The transformative power of a restorative conference was a point of emphasis for many facilitators.

The difference of course is that they never get to interact with the victim and they don't really get a sense of making it right and making it personal. They might have community service and it's just so shallow, and hollow. They are doing time for something they have not felt, it never gets to an understanding level, or a feeling level. I see these kids transformed when they look in the eyes of victims and the victims will cry. And they say you know what I don't feel safe anymore since you shot that bb-gun through my window. I don't feel safe anymore, I have

to keep my lights on at night. And their crime is no longer a bb, and they were just joyriding, that is a person. I think that the traditional system doesn't let the kids feel that, that this is a person who was harmed, it wasn't just that night, this is an ongoing, reoccurring feeling that these victims have, and once they [offenders] feel that, there is a sense of empathy and remorse. What I have experienced in my limited time, the kids I talked to, it changed them forever. (Facilitator 13)

This is shared by juvenile probation officers within the county as well.

The "traditional" way of handling victims and victims services, I don't think is nearly as effective as actually allowing people to get together and talk about it, at all levels. I mean I have seen documentaries on victim l offender conferencing when a murder had taken place, and the powerful impact that [conference] had on the offender and the victim. I like to also think that if we can get a kid to agree to talk to the victim and the victim is willing to do it, the victim really has an opportunity to have some closure. To have questions answered that \$100 [simple restitution] doesn't answer. Most victims do want to know, why me. They take some degree of satisfaction in the fact that "I wasn't a target." (JPO Director)

For facilitators and juvenile probation officers, the goals of both systems of justice are what inherently separate the two.

I think in the traditional system it is all about what was the crime that was committed, or what was the consequence. So, you deal with the consequences of that. This is really about bringing the human side to it and bringing a sense of, we are human beings, and we are more than just something that was stolen, letting the whole inner person come out and speak about it. So, it is very different to me in

that it's all about being heard and understood and then the allowing for forgiveness to happen. (Facilitator 7)

I think it is radically different and I think it is a significantly better process. Having said that, I am not too familiar with the juvenile process, but I do know that the traditional CJS looks at crime as a violation to the State or to the law. So what happens is, basically what it says is, "Hey who broke the law, what were they guilty of and what do they deserve?" That doesn't do anything to address the very real harm that individuals in the community have experienced. On the one hand, while "justice might have been served" from a legal perspective, it does not address the justice that society deserves and needs to address the harm and actually repair some of that harm. (Facilitator 17)

Juvenile Probation officers' opinions of traditional versus restorative justice processes centered on the ability of the VOC program to address the needs of the offending population within the county.

But that is why a conference is so important, it is a lot more relaxed, it can be facilitated, so everyone can be sort of put at ease. But, I definitely think that restorative justice almost has to be the way that, especially in juvenile probation, that we work with these offenders, because we know what we know about kids, their brains are still developing, they are still learning a moral code, so if we don't have this [face to face conferencing] and it is just a name and not a face, I don't know how much they're getting out of that. (JPO 3)

It is important to identify the common thought patterns between facilitators and juvenile probation officers. As mentioned, the pseudo-social worker role that facilitators

fill is highly reminiscent of probationary procedures. Working around schedules, assessing the risks of the youth through direct home observation, keeping a youth's best interests in mind, are all important in establishing a suitable response to youth criminality from the perspectives of both groups. This speaks to the collaborative effort that Lancaster County has established for their juvenile system.

While juvenile probation and CCP have maintained a symbiotic relationship for nearly two decades, facilitators feel as if the program is lacking in its ability to follow-up with conference participants. Previously, there was a small scale estimation done by the Director of CCP on the level of recidivism for offenders going through the VOC.

I did a study I think in 2004 on recidivism, and it showed the recidivism rate was only about 14-16% something like. If I recall, I took from the time they went through our program, out 18 months or two years, and tracked whether they did not reoffend, using the info Juvenile Probation gave me. Then, I followed up two years later with another study, that would have been 2006, and the recidivism rate was a little higher than the first. I combined the two and came up with a combined rate of 17%. I have not tracked it since.

However, relationships between CCP and the juvenile offenders are not maintained, limiting the ability to collect long-term recidivism data. Additionally, once a youth completes his/her restorative agreement and fulfills their obligation of restitution, he/she is no longer under the jurisdiction of the court. For facilitators, this is also the end their involvement; often there is very little to no communication with juvenile offenders or their victims following the completion of the contract. While some facilitators would like their relationships with conference participants to continue, others like to move on, with

the understanding that this conflict is resolved.

I am very relational as an individual, so for me, you come in, you have this prep meeting and then you have like a one hour joint meeting. I sometimes wonder how effective it is, and I guess that is because there is never, ever, a connection later. When it's done it's done. Where in a work setting, when I would use this kind of thing [restorative practices], I am still relating to these people so I get to see how it impacts and changes them versus this is just once and done and it's over. (Facilitator 7)

Asking volunteer facilitators to take on the additional task of tracking down conference participants who participated previously at six months, or even a year, may not be a feasible option. As discussed, when facilitators are not preparing or running conferences, they are working their full/part time jobs, maintaining families, volunteering with other organizations, and advocating for the advancement of restorative justice throughout the community.

Establishing an active community volunteer base has given CCP the longevity that often is non-existent within non-profit, justice-based programs. Along with the robust religious core of Lancaster County, CCPs volunteers act as the medium through which the ideas of restorative justice are spread. Their experiences during conferences often are shared with friends, family, and colleagues. These stories of success help draw in others who are looking to give back to their community. Facilitators were asked to describe how they would “pitch” this program to other communities and juvenile justice systems. The idea of publicizing or sharing information about the program was something that facilitators had no trouble doing. Their pitches addressed the purpose and

success of the VOC process.

Again this may sound a little grandiose, this is an opportunity to change our world, I really deeply believe that. We can effect a change in people's lives in a way that is transformative. In a way, not to do it as an opportunity that will be lost forever, we have a situation where we have an offender that has done something wrong and we can help them understand how they had wronged somebody else, and how we collectively as a community, and world, can heal from that. It is just so much better than traditional justice. I think we can really change the world, in our own world, in our communities. I think the people coming out of this, victims, are going to see goodness where they didn't see goodness before. You're going to have an offender see that I have another chance, I really hurt somebody, I am sorry for that, at a level that I don't think you can get without this face to face contact and accountability. At the same time it is just not a feel good thing.

(Facilitator 9)

What becomes overwhelmingly apparent when speaking with these volunteers is their dedication to the process and its outcomes. There was a strong sense of pride among facilitators who had seen the results of their hard work first hand. This was evident in their pitches and in the way they address the work of one another. During several of the interviews, facilitators would discuss the success of a conference in which they did not participate. The community CCP has built between their volunteer facilitators has undoubtedly contributed to CCP's longevity.

The role of volunteer facilitator is anything but singular. Volunteers act as equal parts social worker, probation officer, community/victim advocate, parent, and facilitator.

The responsibility within this role is enormous. Facilitators essentially are asked to take the place of the entire juvenile justice system and organically manufacture a collective and holistic response to juvenile criminal activity. All of this is combined with the goal that facilitators produce transformational and sustainable change within numerous conference participants.

Training and conference preparation allow facilitators to manage the multitude of roles they assume. Their experiences within CCPs training program has given them the tools to handle the difficulties that present themselves with participants and processes. The well-defined structure of the VOC program helps these community members find their niche within restorative justice. What is apparent, through their discussions of transformation and change, is that these volunteers need CCP as much as CCP needs them. Within Pennsylvania, the foundation of the restorative justice movement was the introduction of the BARJ model. Juvenile justice programs have an important task of ensuring that BARJ principles are incorporated into their processes.

Ensuring Accountability, Competency Development, and Community Protection

Establishing a truly restorative program in Pennsylvania means adhering to the model of BARJ that has developed following Act 33 of the Juvenile Act in 1995 (Griffin, 2006). This act outlined the restorative requirements that juvenile justice professionals would have to employ in the sentencing and subsequent rehabilitation of youth offenders (Griffin, 2006). Included within these requirements were three core concepts of accountability, competency development, and community protection. These concepts would become the basis for a set of White Papers commissioned by the Pennsylvania Commission on Crime and Delinquency (Torbet & Thomas, 2005; Torbet, 2006; 2008).

They also have become the primary elements of the Juvenile Justice System Enhancement Strategy (JJSES) which, in recent years, has sought to streamline evidence based training and program implementation into the BARJ model (PAJCJC, 2012). Therefore, programs that wish to maintain credibility within the state must be cognizant of the ability to deliver in these particular areas.

Accountability

There were several levels of accountability addressed during interviews but, what emerged from the interviews was that the very act of having an offender sit down in the same room with the person they victimized was a major step toward being accountable for the harm they have caused. As one facilitator describes it:

...having them meet with their victim is the biggest step I think and then respond to what the victims needs are. Holding them accountable by meeting their victim, that is a big thing, and then going from there, whatever the requirements are to make things right, so there are a couple of steps. But the first part, being willing to meet with the victim is holding them accountable in a good way. (Facilitator 14)

While getting to the point where an offender is willing to sit down with his/her victim may be the biggest step toward accountability, there are numerous steps that must be taken before this can happen. With any restorative justice program, having an offender admit that they committed a crime is the first step toward accountability. CCP adheres to this by stating that any offender wishing to participate in a VOC must first admit their guilt in the criminal situation. Once this has occurred, the process of holding the offender accountable continues with the initial visit to his/her home.

As part of the restorative process, CCP facilitators are asked to enter the homes of both the offender and the victim prior to the actual VOC. For the offender, this relatively informal home meeting serves dual purposes: the first of which is to gauge his/her willingness to be a part of the VOC. Many families and offenders initially agree to the VOC without any real understanding of how the restorative process will benefit them outside of their diversion from a formal sentence. However, facilitators often expressed that the home visit is the point where they get the most resistance from offenders and their families. This is where the skills of the facilitator are tested as it becomes their job to describe the importance of VOC in repairing the harm that has been done to the victim and the community.

The second purpose the home visits serve is to give the offender and the family an understanding of what they can expect, and what is expected from them, during the actual conference. Accountability continues to be a central focus as offenders now are provided with behavioral guidelines to follow during the conference. This shows the offender that he/she has wronged his/her victim, and his/her community, and that there are strict rules that must be followed to address their obligations. Thus, once an offender has accepted the VOC process as a part of his/her restoration, and he/she has been informed about his/her role, he/she is accountable not only to the victim(s) but also to the VOC program, and the community.

Offender accountability is next addressed in the actual conference. During the conference offenders are asked to describe the criminal incident, which is again an admittance of guilt. This time however, as the conference begins, the admission of guilt is made in front of the victim. As one facilitator described it “I see these kids transformed

when they look in the eyes of victims and the victims will cry” (Facilitator 13). This is a level of accountability that is unmatched within the traditional system of justice where the offender often is as far removed from the victim as possible during the entire justice process.

The next step in the conferencing process is giving victims the opportunity to describe the harm that has been done to them. This forces offenders to be accountable to the range of damage that they have caused. Where in the traditional system of justice accountability may simply be paying a fine or restitution, the VOC helps the offenders to be accountable for the emotional, psychological, physical, and economic harm they have done to their victims.

It holds them accountable by having them address the person that they hurt, listen to the impact that it had on the other person’s life. It holds them accountable, it’s not saying look you know, you poor thing, look what your nasty life led you to do, or look at your parents. It’s basically saying that is what you did, it’s wrong, that’s why you are in the court system, but let’s really look at it on a human level, on an individual level and lets really address what you did and see if you can make a better choice, and not just now, in the future as well. (Facilitator 12)

For many interview participants the idea of accountability was simple to explain and it shows how much the restorative mentality has been cultivated within Lancaster County. Accountability and responsibility are perceived as being one and the same. For an offender to be held accountable, this means taking responsibility for the harm that was caused to the victim. This is again unique to the restorative system of justice where a criminal situation is not just a violation against the state as a collective but rather a

violation against a human being and the community in which one lives. Taking responsibility is then seen by facilitators and juvenile probation officers as being paramount in the restoration of a criminal incident. As one facilitator discusses, the main goal for the VOC is...

... for the offender to accept the responsibility, honestly, genuinely. For them to be able to understand that what they did is not right. And that they have a role in restoring, kind of the relationship, or the sense of safety. But they have a role to play. And that through understanding that, and also understanding respect of the victim, that perhaps they won't repeat that crime or a crime after that. (Facilitator 10)

Competency Development

The PAJCJC describes competency development from the developmental and delinquency prevention standpoints. For developmental purposes, juveniles should be competent for their age in areas such as social, emotional, and cognitive behavior (Torbet, 2005). In terms of delinquency prevention, youth should understand the “standards for behavior and opportunities to form pro-social bonds and attachments” (Torbet, p. 2, 2005). Restorative programs within the Commonwealth are expected to have the goal of developing offender competencies by focusing on key areas including: Pro-Social, Moral Reasoning, Academic, Workforce Development, and Independent Living skills (Torbet, 2005).

CCP develops the youth in two major areas within the VOC program, Pro-Social skills, and Moral Reasoning skills, but these are not direct focuses of the conferencing process. Workforce and Independent Living skills are not included within this analysis

because the majority of offenders that CCP services are not of age for either the workforce or independent living. Additionally, academic skills are not a primary focus of the VOC program. However, several juvenile probation officers are located within area high schools and it could be argued that there is a correlation between handling disputes within the school system and academic performance. This may be an area of future research but, for the purposes of this research the predominant areas of pro-social, and moral reasoning skills are examined.

Unfortunately, there is no standard delivery system for developing competencies within the VOC and this because of the variability in the juvenile population. Juveniles who get referred to CCP come from very diverse backgrounds. There is variation in their age, socio-economic status, cognitive development, and their home lives. Facilitators discussed this issue in their descriptions of the homes that they visited. One facilitator mentioned that...

... going into people's houses, you get a sense of who they are, where they are coming from, you get a sense of there is more involved, than just a particular crime. There is maybe a lot of the homes seem to be single parent or single guardian households. There seems to be a lot of chaos in the homes. That helps you to realize that maybe this particular offender has experienced abuse or neglect. You don't know but, you get a sense that it is not quite a normal setting for a child to live in. (Facilitator 10)

Facilitators' experiences with home visits ranged from discomfort to personal transformation. As one facilitator described:

It is just eye opening. It is just incredible to me the difficult situations people are in; poverty. And it's just really interesting and heart breaking and you can kind of understand why kids do things. I don't bring any of that in to the conference. I think that is really being vulnerable when they let you walk into their house. It probably changes me more than anything else. (Facilitator 6)

Most facilitators saw competency development as a secondary piece of the VOC, others did not believe the program was geared toward development within these areas. After speaking with all the interview participants, the prevailing idea is that the VOC provides an arena for juveniles to grow and mature through the restorative process. While facilitators do not operate with a goal of developing these skills within the youth, holding offenders accountable by getting them to take responsibility, facing their victim, apologizing, and following through on their restorative contract, are all ways in which competencies can develop through the VOC process.

Let me just say the process that we go through benefits offenders in those ways, but, it is sort of a byproduct of the process, it is not the deliberate intent to sit down to teach, test, and see if they have actually gained the skills. (Facilitator 17)

The training manual gives a great deal of insight into why competency development is not an explicit goal of the VOC process. Noticeably absent from the training manual is a definitive description of the BARJ model. While the manual explicitly addresses issues of accountability, both community protection and competency development, are described in more indirect terms. This is undoubtedly one of the reasons why competency development is not a prominent concept that facilitators discussed.

While accountability and community protection become an almost inherent consequence of a successful VOC, there may be a need to systematically focus on the BARJ model, and competency development in particular, to give facilitators the opportunity to address needs that cannot be handled within conferences. This could include helping facilitators recognize when juvenile offenders lack cognitive and academic skills. Furthermore, giving the facilitator the ability to refer that youth to additional, community-based programs can ensure that these issues are addressed more directly.

Offenders who are given the opportunity to be a part of the restorative process are immediately tasked with a choice, continue through the traditional juvenile system and face an uncertain punishment or, choose to be a part of the VOC and face the individual(s) they victimized. This is the first point where their moral reasoning skills informally are tested. As Torbet (2005) describes:

Moral Reasoning Skills help adolescents recognize thought processes that rationalize negative behaviors and understand how their thinking, value, and choices affect their behavior. This domain refers to a more complex set of concepts than those related to basic pro-social skills, in effect teaching young people principles to live by and guidelines for making good choices. The goal is making the right decisions for the right reasons. (p. 4)

The hope is that offenders recognize the value in choosing the restorative route. This includes making the decision not because it benefits them in some way, but because it is what is necessary in addressing the harm that has been caused. It is then the duty of the

facilitators, typically during the visit to the offender's home, to determine the level of motivation for the offender.

The last one I had it went really quick. The offender was highly motivated to get this done. That one was kind of not typical, they are usually not that motivated.

This particular person was really interested, they realized in order for them, there was monetary restitution involved, they realized in order to get off probation they would have to pay off the restitution. They were highly motivated to getting off probation and they realized this was a stepping stone in that process. (Facilitator 1).

The motivation that offenders have to complete the VOC process can play a major role in the effectiveness of the program. For one facilitator there was a distinct difference in the outcomes between offenders who were willing to embrace the process and those who remained somewhat uncooperative.

It's funny because, a couple of the offenders that I had, just didn't cooperate, or there was just problems, are ones that were kind of referred to me a second time, they just didn't get it. The ones that cooperated and really got the process and understood it, and understood how they hurt that person, I never see again, so they got it. (Facilitator 11)

For this facilitator, offenders who embraced the process were never referred a second time to the program. However, offenders who approached the VOC with a closed mind, and who were unwilling to be fully engaged, would eventually find themselves back in the juvenile system. Other interview participants provided a description of the growth and transformation an offender goes through if the VOC process is successful:

For example when I first started I was handed over a case that was sort of already in the works here. I had, it was LAVORP then. The two offenders were, one of them was 11 years old, and the other was 12, really young. What they had done, they had gone tire slashing. They went down the street one day and they starting slashing tires, they had like 25 victims, a ton of restitution. We referred all the victims to CCP and a majority of them chose not to go through with the process; that was unfortunate. They actually, as part of their agreement that they came to with the victims, what the victims wanted was for the juveniles to wash their cars, in return they would forgive the restitution that was owed to them. I mean it was several hundred dollars per victim so to them, that was pretty significant.

So, the juveniles followed up, they washed these victims cars, they learned what it is like to take care of the car, and the value of the car toward, that the people had for it. For a lot of them it is more than just monetary value, it is their livelihood; it is how they get around. I think for those juveniles they finally understood that what for them might have just been some mischief, they fully didn't understand the repercussions of what they did, when they washed the victims cars they got to see, wow I did something really stupid here, and I am not going to do this again, because these cars actually meant something to these people. (JPO 1)

As one facilitator describes, growth in an offender's moral reasoning skills can happen unexpectedly during any point of the conference.

The largest [conference] we had was eleven victims three offenders with their parents, we used a circle process. It was a really dramatic meeting. One older

gentlemen came in, his attitude when we did the prep meetings as victims, he was furious. He had no good to say. Old school punishment mentality, and when we got to the circle, he was the first person in the circle on the victims side. And, he started out with some of that, he wasn't disrespectful to them, but really strong language. He showed he was very upset by what had happened. As we went around the circle, some were much more gracious from the beginning, the boys got overwhelmed. In fact, I was sitting beside one of the boys, he got so offended by something that was said, he got up and left.

I got up and walked out with him, and I was disturbed by what the person said also. I said you can choose to believe what that person said about you, or you can show that you are not that person, it is a choice to believe what he says, or to hear everything else that all the others are saying, which was, yea you did wrong, but we want to see you make a right turn. I let him know it was his choice to come back, but I highly recommended that he did, and he came back in and sat down. At the end of the meeting, that one man, he only had one of the offenders that had ruined his piece, and I was working for that offender and his agreements, and this man had flipped. He was so concerned about the boy, I am so appreciative that you apologized...So that's the kind of thing where I think everybody won in that sense. (Case Manager/Facilitator)

The PAJCJC describes pro-social skills as skills that "...help adolescents increase their chances of navigating their interactions with others in pro-social ways" (Torbet, p. 4, 2005). Lancaster County addressed this, with the help of CCP, and the county's victim's services, by developing a template for youth offenders to use in writing an

apology that is eventually sent or read to their victim(s).

The competency development is a great piece especially for the juvenile offenders because we teach kids so many things today, but one thing we don't teach kids, is how to give an apology, a meaningful apology. I mean who goes through this life and never makes a mistake and never has to apologize. I think it's uh, I don't want to sound like I'm like, it is a skill and an art to give a sincere apology from the heart, not some memorized little rote saying some words. So, I think that is a good thing to for competency development. (Facilitator 1)

One of the major areas for the development of pro-social skills is the apology letter that CCP has recently implemented within the VOC process. The apology letter can be done in lieu of a conference or in addition to the conference process. According to CCPs Case and Volunteer Report between 2008 and 2012 there were nearly 300 apology letters written by offenders. If a victim is unwilling to participate in the VOC, he/she is asked if he/she would be willing to receive an apology letter from the offender.

I have had several cases where the victim, I couldn't reach the victim or they were not interested, they felt it was over and done and wanted to move on. The least then what would happen, is writing a letter of apology. And then sometimes I hand deliver those to the victims, or the victims' families or sat down with the families. Which, we didn't have in the beginning to when started this process. The apology part of the letter was there but it was more with the parole system. And many of the parole officers mandate that they [offenders] do that as part of their sentencing or conditions of parole whether they are informal or formal parole. (Facilitator 3).

Juvenile probation officers in Lancaster are required to develop the apology letter with the offender. The letter can then be used by CCP during the preparation for the conference, or during the conference itself. Developing these apology letters helps juvenile probation officers and CCP facilitators address some of the deficiencies in the interactive and cognitive skills that make up a juvenile offenders' ability to have productive pro-social interaction.

As soon as we know there is a juvenile with a victim and they are in the court process or on informal, we will have the juvenile sort of construct an apology letter to prepare themselves for this meeting. What I like to do, and I don't know if other POs do this, but I like to do this. I will sit down with the juvenile and give them some focused questions to reflect on, give them a template. They will go home, think about what they want to write, bring it back to me once they have a draft. I will review it and see if there are some suggestions I have for them, or maybe it is not worded the correct way, I will sort of go over it with them.

The reason I do that, I think it really helps prep them for the VOC and some juveniles, especially younger kids who are shy, they will sort of clam up when they meet new people, this is a good way for them to keep their head in the game. They have something written that they can read from. Or if they don't feel comfortable reading they can just hand it to the victim. We have a victim advocate. If CCP, if the victim doesn't want an apology letter, they don't have to get it, but we will have an offender write one anyway sort of like a competency development type, and if the victim doesn't want it, we will just hold onto it for the case. I mean it is still a good process for the juveniles to reflect on what they

did. I think it sort of helps if the victim does want to go through and they do want to receive it, I think it is good if the juvenile writes one beforehand. (JPO 1)

The idea of having an offender apologize for his/her offense serves both the purposes of holding the offender accountable and developing their competencies in the area of social interaction. The apology letter is particularly salient for those offenders who have yet to make a connection between their actions and the harm that was done. The apology letter, whether it is the only communication between victim and offender or if it is supplemental to the VOC, helps to bridge that gap so offenders recognize the “cause and effect” relationship within the criminal situation. Victims who are eventually provided with an apology recognize the growth that has to occur within a child to go from committing a crime to admitting they were wrong and sincerely apologizing for that harm. As one facilitator discussed

Sometimes just showing up and offering an apology is enough, the victim doesn't want any money. I have had numerous cases like that, where, because it is voluntary, he/she doesn't have to show up. They give them a lot of credit for just coming to the table, I am sorry for what I did, a lot of times it is a sincere apology, you can tell when it is sincere or not. A lot of the times they will say, that is what I wanted to hear, stay out of trouble and that is it. (Facilitator 11)

The ability of a juvenile to apologize for the crime can be the “make it or break it point” within the VOC. More specifically, much of the power is in the hands of the victim and his/her level of satisfaction with an apology/VOC often is reflected in the restorative contract. Throughout the interviews and searches of archival records, numerous case examples were provided that showed reductions or complete forgiveness

for restitution owed to victims if they are satisfied with the restorative process. In one example, monetary compensation was forgiven in lieu of service to the victim:

People become friends through this. I remember one I did where I left and the two sides didn't hardly even see me go. They got chatting, it was a case where a kid scratched alongside a street and damaged two cars of this family, and didn't have the money. His dad said he might be able to work out these scratches himself because he had some kind of skills. The victim didn't want him to do it because he didn't know what kind of a job he would do. The penalty this kid was going to have pay [through the restorative agreement] was to trim a whole long line of hedges for the family. They were outside talking about how to do it and I left.
(Facilitator 14)

Another example published in Lancaster's local paper, describes the process of forgiveness by a local grocery store chain (Amelia's) that was set on fire by two local teenagers. Following a VOC and an apology from the offenders, the COO for the local chain discussed with the local newspaper the unique process of determining how restitution would be paid:

We were disappointed and confused as to why two students who supposedly were in good grade-standing would do something like this," Good said. "But young people make mistakes. We all do."

Good recognized it wouldn't be easy for the teens to each pay \$750.

Amelia's president Mike Mitchell suggested a sympathetic approach to restitution. He decided the boys could pay the money but then get it back for expenses related to higher education.

Working irregular hours at a Nike outlet and borrowing \$500 from his mother, Rosado paid his debt to Amelia's by the summer of 2005. Amelia's in turn honored its pledge after Rosado entered Lock Haven, where he plans to major in criminal justice. (Hawkes, 2005)

The pro-social skills of an offender are developed further through the actual completion of the restorative contract. The restorative contract is what the entire VOC process builds up to. "The contract we are dealing with is what comes out of the conferences, restitution or community service hours and how that will be done, number of months, hours, weeks, who, where, who will supervise" (Facilitator 3). The contract is developed with the cooperation of all parties and is only signed off on by CCP facilitators when all parties, especially the victim, agree to the contracts terms and conditions. There also is the understanding that once the terms of the restorative contract are fulfilled, the offender will have completed the VOC program and the record of the crime is erased.

An initial level of restitution is established by the Juvenile Court system; however, it is the victim who ultimately designates what the restitution will be.

Usually what we are dealing with is pretty orthodox, there are some pretty unorthodox things that come up in some of the agreements or the court may have come up with a figure of money and this is what the person is to be paying back, but when they get to the conference the victim is no longer interested in the money or replacing anything, they are just interested in some kind of justice for themselves, and being heard, and wanting to hear the remorse, that they were not a targeted person. (Facilitator 3)

The contract “forces” juvenile offenders to make a plan related to the compensation of their victims. This can mean developing a payment schedule that allows an offender to pay the restitution over a period of time or determining how he/she can resolve the debt in someone’s home or place of business. These are all skills that may have eluded the juvenile up to this point. Throughout the entire VOC process, the offender’s interaction, cognitive, and self-control skills are tested and enhanced. As the PAJCJC suggests, offenders who develop skills in these areas are considered less likely to commit future acts of criminality (Torbet, 2005). Reducing the level of criminal recidivism is essential to the third and final element of a successful restorative program: community protection.

Community Protection

The idea that a community can be protected from criminal activity is antiquated at best. The question now has turned from prevention to minimization. Thus, as the criminal justice system has recognized that a large amount of criminal activity is perpetrated by the same individuals, there is a belief that limiting recidivism can have a huge impact on the subsequent safety of a community (Pew Center on the States, 2011). It is typical of restorative justice research to operationalize community protection the same way, decreases in offender recidivism means increases in community safety. However, this places the sole responsibility for keeping a community safe on the juvenile offender’s shoulders. The PAJCJC conversely places the responsibility on all the stakeholders involved in the juvenile justice system. The responsibilities of juvenile justice professionals that ensure community protection are outlined in the final installment of the PAJCJC’s “White Paper(s) for Pennsylvania.” Included are descriptions of the responsibilities for Judges, Juvenile Probation, Law Enforcement, Prosecutors, Defense

Attorney's, Public & Private Facilities, Public Agencies, Communities, and Families (Torbet, 2008).

CCP facilitators were asked about the ability of the VOC program to ensure the safety of Lancaster County. Facilitator's responses ranged from recognition of the need to limit the recidivism of offenders, to eliminating the fear of victims of being reoffended. As one facilitator describes:

There is proven statistics that show, kids who go through our RJ program, in Lancaster County, are 50% less likely to repeat the crime than if they just go through juvenile probation. So, that makes safer communities. I think for young people, to help them, I was a young person, I didn't do anything I shouldn't have done, but I didn't have a sense of community. I didn't think about, if I did this, how it would impact my community. I may have thought about my family, which was a deterrent enough for me, but to help kids realize they are part of a community. Particularly the vandalism kinds of things that happen, you know that impacts the community, people get nervous, wonder what kind of community do we live in, I thought this was a safe community, to realize they are part of that community, and they have something to say. The fact that they are less likely to do the crime is a huge safety issue. (Case Manager/Facilitator)

Victims who agree to become a part of the VOC process, often do so to gain a level of understanding as to why the crime was perpetrated against them specifically.

The community protection thing, bringing two parties together and have that conversation, it kind of eliminates a lot of fears and a lot of prejudice and a lot of assumptions that you know, victims have, for offenders this is some evil person,

and of course the consistent question that every victim has is why did you pick on me. What did I do to you to justify this treatment? So I think that kind of makes the community a little safer. We kind of dispel those myths and assumptions and fears, we are all human, we all make mistakes. (Facilitator 1)

Many of the CCP facilitators and administrators commended the willingness of victims to participate in the VOC in order to build a stronger community.

Generally from what I have found, most of the victims that choose to participate are very compassionate, very understanding, and almost want to participate because they want to help. (Facilitator 1)

A lot of times you can tell the victim is forgiving of these youth and want them to go back into the community. It is surprising at times how victims forgive restitution, they don't want anything, and they just want these kids to go back into the community and to be safe and not offend again. (CCP Director)

Another area that was referenced in increasing community safety was the idea of building community through the restorative process. One facilitator recognized the role that facilitators have in developing a sense of community support.

...for the volunteers I think it helps too because they are more a part of the community and they are more interested and active in it. I think I have actually been pretty impressed by the parents of the juvenile, they know I am a volunteer, so even if they get frustrated, the next time I talk to them, late in the conversation, [the parents are] like I know you are a volunteer. They try and actually be good about that. They appreciate that the community is trying to help their child. I think that makes a big difference. (Facilitator 8)

Family involvement in the VOC process also can play an important role in community protection by increasing the potential for the juvenile offender to succeed. Because of their status as a minor, offenders are addressed throughout the process within the presence of their parent or legal guardian.

As the PAJCJC outlines.

“Families can play a critical role in increasing public safety. The juvenile justice system must engage families as informal systems of social control. It is through persons closest to the offender that probation officers often learn valuable information about their clients and forge partnerships that can bring about permanent change” (Torbet, p. 23, 2008).

As described, convincing parents to let their son or daughter take part in the VOC can be difficult. Once the parents are involved, the process can have a profound impact on them as well.

That is one of things I think that I realized I said early on, one of the first ones, when dealing with juveniles, saying to a mother, and I looked into her eyes, and I said I have three teenage sons, I don't judge you, I could very well be in your shoes. When I said that she broke down and started crying, that was what she was holding, that she was like a bad mother. As soon as I said that, she just felt so comfortable with me from then on. (Facilitator 13)

One facilitator discussed the shame that a father felt, and the impact that had on his son:

One of the other things our process does, I recall vividly, one of the cases where I gave the offender, this young man, an opportunity for his father to talk and this father broke down in tears because of what his child did and how it made the

family look bad and how disappointed he was. I think those things tend to speak to the internal mechanisms of the offender. So, it may help to keep the community safe because now the offender has a much better understanding of what crime does to the individual, how it hurt them. They may be less likely to then go forward and hurt other people. (Facilitator 17)

Another aspect of community protection that often is overlooked is the idea that the community also can be considered a victim within a criminal situation. The responsibility of the offender includes accountability and making amends with not only those directly affected by the crime, but also those who are a part of the community and have indirectly experienced that victimization through conversation or news reporting. As one facilitator described, “As far as the victim is concerned, the victim doesn’t always have to be the individual who was victimized, it could be the community as whole, because crime effects the community, not just the individual” (Facilitator 17).

One of the crimes that CCP handles frequently is vandalism. Although this sometimes is referred to as minor crime, offenders, through the restorative process, must realize that the home, business, or public property that they vandalized is of major importance to victims and the community. The VOC program tries to show offenders both the direct and indirect impacts of criminal behavior on their community. One juvenile probation officer discussed his experience with a young offender:

I had this one kid write on a, use a marker to tag up a playground, a jungle gym.

He’s like “these are little kids who can’t even read, who cares?” [I said] Well you know it is ugly now, and who wants to deal with that. Would you want to be on

this one, or this nice looking one? So things like that help, you can see changes in their mindset, so when they come over [to CCP], it has been beneficial. (JPO 2)

It is evident that CCP has put itself squarely in line with many of the ideas and practices of effective restorative justice programming. Accountability and community protection are key elements in the VOC model as facilitators help juvenile offenders recognize how detrimental their actions are to their victims, the community, and themselves. As offenders begin to take responsibility for their crimes, victims and communities can begin to reestablish the safety they felt prior to the crime.

Unfortunately, CCP only focuses on competency development as a secondary element of the VOC program. While accountability and community protection are clear goals of the VOC, competency development skills are not directly assessed and/or addressed.

Organizational Relationships and Obtaining Buy-in

One of the hardest parts to maintaining any type of justice programming is garnering and keeping the support of numerous individuals and agencies that will help to extend the life of the program. There is a balance that must be established, between advocating for the program in various arenas, and preserving a functional and effective response to criminal offenses. While the importance of justice agencies and community volunteers in the development of restorative programs has been discussed previously, the current research question addresses how those relationships, and others, affect the sustainability of the program as it continues to grow and mold to ever-changing juvenile justice policy.

Funding

Federal and local funding for all of CCP's programs has been on the decline. For one former Director of CCP, this has meant a shift in focus from overseeing their multiple, restoratively-based programs, to finding new avenues for funding. They described how this has strained his direct supervision of the VOC and CCPs other restorative programs:

We have been around for 19 years and it's just hard to get people to understand what restorative justice is and how they can participate. But, have I done the best job? I don't know. It's been since I came here [constantly] trying to keep the revenue coming in, to keep the volunteers coming in, to keep up with the cases we get.

They also went on to describe how federal money, which is funneled through the Pennsylvania Commission on Crime and Delinquency (PCCD), is difficult to obtain. The major issue rested on CCPs classification by PCCD as a victim's services organization (VSO). Being classified as a victim's services organization forces CCP to meet victims service related benchmarks that are required to receive PCCD funding. The former Director makes it clear that while the VOC is victim-centered, the idea is to repair all parties involved, including the offender. Therefore, they are not solely a victims' service organization. Additionally, the standards placed on CCP to continue federal Victims of Crime Act (VOCA) funding was too much for the small program to handle.

We got VOCA funding out of the federal government but, it comes down through PCCD. Their requirements were so strict we would have only gained \$10,000 a year. I figured I could raise that money somewhere else, because A., the reporting

structure there is horrendous and B., the way they identify direct services to victims, they won't even let us include restitution collections as victim's services, it's dumb. So, just the activity of just meeting with them and having the conference may have been about 15% of our activity, as far as serving our victims, and we only got \$10,000. They were treating us like a full blown victims services like Victim Witness Service across the street, Domestic Violence, Shelter for Homeless Women, who do nothing but serve victims 40 hours a week. They insisted that we must have the same 40 hours of training that they required for other agencies. So, we had to take our training from 27 [hours] to plug some other stuff in there to get to 40 hours. So, eventually as we grew, I just said to the board that we have to get rid of this VOCA funding.

There was a hope that funding would come in from other agencies within the county. However, the program again is classified as a victim's services organization, a clear problem for restorative programming.

What we do here in the county is the child welfare fund (CWF), which is made up of CYS, Youth Intervention Center (Detention Center) and juvenile probation. That's the three components that the CWF covers. And I talked to them about Allegheny County and said that's where they get their money. He said I don't know if that kind of money can come through on victim's service; that is the first time I've ever heard to us referred to us a victims services. Now we are victims' services, but do we totally help victims, no. We help offenders and the family, not recidivate by the face to face meeting. Whatever you want to call us to give us money, I don't care.

These concerns ultimately led to the creation of a funding coordinator position within CCP. The coordinator was asked to develop fundraising activities that could produce larger streams of funding. The coordinator devoted time to two, potentially large-scale charity events, each of which would need the support of CCP board members who had connections with celebrity talent. Unfortunately, in both instances, there was an unwillingness to utilize those connections for possible appearances.

It got to the point that I told the board, that I spend too much time fundraising and not enough getting RJ out there (in the community), we need to bring in somebody to do fundraisings, I've been preaching that for 3 years. I said look I'd be willing to drop back to 4 days a week to get someone else in to do some major fundraising for special events where we get in 15, 25K. We've been needing to do that for quite a while. So we brought this person in to get some special events going, some big ones. We had a brief meeting, "Look, we need people to come in and talk about a big fundraiser, major event for CCP". Couple board members, only one volunteer from the whole organization showed up to talk about this. So we are in with three small fundraisers. And the fundraiser person didn't even pay for herself, which is unfortunate because she was brought in to get some big fundraisers going. But when she sees attitudes like that from board people... So we have ended up with four small fundraisers, and I say small compared to the 25K. (CCP Director)

All parties involved in CCP as an organization report that they want to see it succeed; however, maintaining the momentum necessary for organizational sustainability is extremely challenging, especially in times of financial instability. Thus, finding

funding is a consistent struggle with non-profit organizations and CCP is no exception. Without federal and state funding streams, the burden is placed on the organization to produce in-kind donations from other community organizations, for-profit companies, and community members.

Although CCP has had its share of funding issues, community support for this organization and their mission remains high. This is evident in the fundraising dinner that is held by CCP each year. Community members, facilitators, and juvenile justice officials come together to discuss various success stories from the VOC program while honoring their volunteer base. Facilitators and community members are kept aware of the annual dinner, as well as current news and events involving CCP, through CCPs quarterly periodical *Making Things Right*. As part of CCP's archival records, the researcher received several newsletters from 2012 and 2013.

The newsletters provide a forum for recruiting new volunteers, discussing success stories, and most importantly, alerting the readership of fundraisers in which they can participate. The newsletters also show the regularity with which the religious communities in Lancaster support one another. Several of the newsletters outlined fundraisers that were being held by local churches to generate donations that would benefit the work of CCP. While securing funding often is difficult, CCP manages to consistently produce exposure, and in turn donations, through its public relations profile.

Community Visibility

After a thorough review and synthesis of the archival records that were gathered by the researcher, it is evident that CCP has mobilized several methods of generating support and belief in their system of justice. Word of the VOC program is spread through

social media, print media, community-based events and organizations, and possibly the most important, its volunteer facilitators. Specifically, CCP utilizes Facebook, quarterly newsletters, and its program participants for delivering information about successful conferences, upcoming events, and donation opportunities. Additionally, understanding the nature and draw of criminal events, as well as the duality of criminal offending and restoration, the local media have consistently picked-up the success stories coming out of the VOC program.

The local paper has printed ten articles that could be located by the researcher, and it is likely that others exist that could not be identified through the archival search process. One article entitled “LAVORP gets National Point of Light Award” addressed CCPs (formerly LAVORP) reception of the nationally recognized service award. The award itself is given to “...individuals and organizations that connect Americans through services to help meet critical needs in their communities and in the nation, especially those focused on goals for children and youth set by the President’s Summit for America’s Future.” (Intelligencer Journal, 2002). The article explained the growth of CCPs volunteer core and discussed the reach of the program within the community. Other articles addressed the relationships that are built between victims and their offenders.

Social and print media allow the community to be aware of CCPs successes and may help to attract additional volunteers. There also are numerous websites that permit the curious volunteer to find CCP and identify it as a potential volunteer organization. CCP is listed on websites such as restorativejustice.org, volunteermatch.com, and craigslist.com. These sites give provide prospective volunteers a description of the organization and their work with victims and offenders. To judge the reach of CCP

within the community and online, facilitators were asked how they learned about the non-profit organization.

I think the program is fairly well known within the community it had been called LAVORP, before that I had done some study and training in the area of trauma awareness and resilience and that was at Eastern Mennonite University STAR Program. Part of that is kind of looking at issues of RJ and when I heard about this program, I thought that this would be as good way to understand more about trauma and the effects of trauma and how people act in and act out whether it is from a victim perspective or an offender perspective. (Facilitator 10)

I found out about it in the newspaper. They were doing training, and it explained a little bit about it. I went online and I had never heard of RJ before. As I read through it, I was like wow that is really great, it just transcends in everything, not just in crimes, in communication and relationship. (Facilitator 13)

I was on craigslist one day looking for a volunteer opportunity to take up some time, I was only taking two classes at the time, and I was like I'm going to do something else...this was the first thing on the list, and it seemed perfect for me, and I said I'm going to get involved in that and work with juvenile offenders. (Facilitator 4)

The visibility of CCPs volunteer facilitators increases exponentially when one looks outside their role as a VOC facilitator. Their diverse backgrounds are not only what drew them into volunteer mediation, but also what directly affects their ability to advocate for the VOC program, and restorative justice as a whole. Their teachings, sermons, and blogs, allow for those outside of the restorative justice “circle”, to know the

experiences of the volunteer facilitator.

I am a teacher and it was part of course on conflict resolution I have taught for quite a few years. Lancaster Mennonite High School. I did go to another school to present this restorative justice program at the school, and they said “o by the way, would you do a case for us?” And a couple of faculty sit in and observed. I actually did that in the school and it was pretty impressive for them to see what happened and the interaction between victims and offenders. (Facilitator 16)

I have always been interested [in RJ], I am a people person, I have been a pastor, I ran a refuge settlement for a year, and I have lived in a couple other countries. I just have certain gifts, or a personality type or style that lends itself, I enjoy this sort of interaction. I think restorative justice is a very important concept and helpful for a lot of conflicts, it just works. I find myself stimulated by the work I am doing. I find it very, very rewarding. (Facilitator 14)

Many of the facilitators had similar amounts of adulation toward their experiences with mediation. It is within these experiences that facilitators find the desire to advocate for restorative approaches. The facilitators themselves have become as important for maintaining a restorative mentality within Lancaster County as CCP has. Facilitators are CCPs constant connection to the community of potential volunteers as well as their connection to other justice based agencies.

Maintaining Organizational and Communal Relationships

Part of the reason CCP has been successful in maintaining a restorative program can be explained by the relationships facilitators have with numerous community/justice-based organizations.

I had worked in juvenile justice for 28 years, I've been around the offenders a lot. I was last at the detention center. I had a lot of contact with offenders, very little contact with victims. I thought this is something I could still do, and I felt I had something to contribute, but you know I have some free time, so I'd do this. I have known about this program for a long time, just being in the community.

(Facilitator 1)

I have been heavily involved with social justice work for years. I ran a support group for 12 years and as part of that I was a liaison on a lot of different boards. We had what we called the Youth Violence Counsel and then it later became Youth Peace Counsel, because we didn't want people to think we were violent. As part of that I worked with a lot of programs, this program was just getting started with the first executive director and I worked with her. She and I have known each other way back because she was trying to get this program off the ground and then I was working with the other program and working with some of the legal entities here in town. I think we both worked on some of the same committees too with the Bills, and gun violence and, things like that. So, when they started offering this I had worked at that point in time too as a volunteer with the YAP which has changed a little bit. We work with youth also, but it is in a different capacity, then we referred you to this program, as part of this covenant. (Facilitator 3)

These relationships are what CCP currently is trying to build upon. One of their main concerns is developing different streams of referrals from other organizations including YAPs, the police, local schools, and even adult probation. This is seemingly the

natural progression of a non-profit agency such as CCP. The justification for the state/county putting money into the program is directly related to the amount of criminal cases CCP handles. Thus, even after nearly twenty years of existence, CCP still is trying to convince the appropriate stakeholders that restorative justice is a viable alternative to retributive punishment.

Even with these struggles, CCP has maintained an active relationship with the community it they serves. This is due in large part to the fact that the participants of victim-offender mediations are community members themselves. As conflicts are resolved, participants can share their stories with other community members. Facilitators and probation officers keenly are aware of the benefits the VOC program can have on their community.

It is a good program. I haven't seen personally, faith be a part of this, I think it is more just good will. It is a program that restores harm, restores livelihood to the community, whatever you would define that as. I think it is a good program that benefits the community at large for victims to meet with the offender, for the offenders to apologize for what they did, I think that is just, something positive that the community can benefit from. I think CCP is doing a great thing here. I think other counties might be able to implement themselves or build upon it.

(JPO 1)

It works. I mean it's obviously something that works. And in a sense, it takes time to go through this whole process, but aren't human beings worth it? It is easy to punish people and lock them away, why can't we restore them to a proper place in society? We should be about healthy relationships, healthy

communities, and safe communities. I think when we focus on traditional justice, it is more fear based. I think that then we base a lot of what happens in our society on fear rather than trust and faith that we can be safe as a community together.

(Facilitator 10)

Additionally, relationships that are built during conferences can forge into relationships that exist outside of CCPs “control” and within the community.

People become friends through this. I remember one I did where I left and the two sides didn’t hardly even see me go. They got chatting, it was a case where a kid scratched alongside a street and damaged two cars of this family, and didn’t have the money. His dad said he might be able to work out these scratches himself because he had some kind of skills. The victim didn’t want him to do it because he didn’t know what kind of a job he would do. The penalty this kid was going to have pay, was trim a whole long line of hedges for the family. They were outside talking about how to do it, and I left. (Facilitator 14)

I had this church that was vandalized. It was one case but, it has turned into three cases because there were two kids and another kid, then another kid. So the first two it was this Methodist church, and this guy, is the most wonderful guy, he was the victim. He brought in his youth pastor, he understood what this whole thing about, and his whole approach was we don’t want restitution. We want to get to know you; we want to get to know YOU, to the kids. Because we don’t know you, obviously if you would do this to a Church, there is something wrong here, you are in trouble somehow. He said, “I am not saying you have to join our church.” So, the restitution was simply this, three one hour sessions with an

appropriate church member. They were going to do coffee one time, meet for breakfast, and the church is paying for it. I did get some feedback on that that, two of them have stayed in touch with their mentors [church members]. This is what is happening. “We want to know you, when you walk by this building; we want you to know who is in here”. (Facilitator 9)

Stories of success help build both relationships within the community, and a strong volunteer base. Many of the archival records retrieved from searches were local newspaper articles that described the transformative processes of the VOC. Out of the 39 records, 21 were online or print articles that primarily dealt with the description of the restoration that takes place within a conference. These articles help link those in the community who do not know about restorative justice with CCPs mission and positive outcomes. They can be the turning point for a community member to decide to donate CCP, or possibly, to take steps to become a volunteer facilitator. While several of these stories have been presented previously, there is one in particular that demonstrates how even the most “minor” crime can have far reaching effects within the community. This particular crime was discussed in both a print article from the local newspaper, and on a blog from Melanie G. Snyder a prominent author/public speaker.

Three young boys ages 12, 13, and 14 are arrested for the intentional arson of a “seemingly abandoned bus” (Coole, p. B1, 2003). The boys had lit their notebooks on fire in the back of the bus in celebration of the upcoming summer vacation and the fire would spread to the entire bus. Luckily, none of the boys were injured. However, the bus was not abandoned.

That bus they thought was headed for the scrap yard was actually headed to a poor community in Honduras. Care Force, a local charitable group that aids Central American Countries, was going to fill it with medical supplies and drive it to Honduras. In another month, the bus would have been on its way. Instead Vincent Ramos, the head of the Care Force, had to call the church in Honduras and tell them the bad news. (Coole, p. B6, 2003)

After a referral from a YAP, the VOC program was offered to Mr. Ramos and the boys as a resolution. A restorative contract was developed that had the boys working side by side with Care Force volunteers to provide the following year's aid shipment to Honduras. Additionally, the parents of one of the offenders were so compelled by the VOC process that they became volunteer facilitators themselves.

Many of the articles that were found follow similar patterns of defining the crime that took place, showing the harm that was done to all those involved, and then addressing the VOC process and how it helps overcome those harms. This comes as no surprise as everything CCP does from training to implementation, is developed in a similar fashion. Thus, the message of CCP, whether it is being delivered through the volunteer facilitators, the staff, the newsletters and fundraisers, or the local media, is consistent and direct; the restorative justice process works and the more people who buy-in, both communally and institutionally, the more widespread these positive outcomes can become.

It is within all of these relationships that CCP has established and continued to grow a model, and an attitude, of restorative justice within their community. Aside from literal buy-in from donations and governmental funding streams, CCP utilizes its network

of community volunteers and a strong public relations campaign to garner the support of local schools, community members, juvenile justice organizations, and policy makers.

These relationships will help foster the success of CCP as an organization, as well as the success of all VOC program participants.

CHAPTER V

DISCUSSION & CONCLUSION

This chapter reflects upon the major themes developed within the analysis regarding the four primary research questions: 1) How does the VOC program ensure that the ideas of accountability, competency development, and community protection become a part of the conference process? 2) Which stakeholders played, and still play the biggest role in the VOC program? 3) What role do community volunteers have in the establishment and development of restorative programming? 4) How have the relationships and interactions between stakeholders contributed to the successes or setbacks that have occurred while trying to maintain an effective VOC program?

Next, the major strengths and limitations of the current study are discussed. The chapter also includes a discussion of the implications for future restorative justice and criminological research. The chapter concludes with a discussion of the policy implications of the current research in both restorative justice, and juvenile justice contexts.

Primary Research Questions

How does the VOC program ensure that the ideas of accountability, competency development and community protection become a part of the conference process?

Within the BARJ model, developing a balance between accountability, competency development, and community protection is vital to the success of individuals involved in crime situations. Of these three major concepts, CCP primarily focuses on accountability. The only direct mention of any of these concepts, was that of accountability. Facilitators, Juvenile Probation Officers, and the training manual all

acknowledge the importance of accountability, and they do so frequently. This is the most prominent of the three BARJ concepts within the VOC program because it is one of the most fundamental aspects of restorative justice (Zehr, 2002). Where community protection and competency development are perceived as “extra” concepts within Pennsylvania’s model, accountability is seen as paramount to the success of any restorative program.

The concept of community protection becomes a positive consequence of the VOC process. Because community members play a large role in the process, and because it is seen by CCP facilitators as being largely successful, there is an underlying ideology that completed conferences equal community protection. Thus, if an offender completes the restorative contract, his/her likelihood to recidivate decreases. This thought is not without foundation; there is considerable support for the idea that restorative conferences reduce instances of recidivism (Sherman et al., 2015). Unfortunately, there is only anecdotal evidence to suggest that this actually is the case with the VOC program. There is the very real possibility that offenders commit additional crime following a completed contract, but that they are not referred to CCP for a multitude of reasons. Additionally, CCP makes it clear that once a restorative contract is completed, which includes paying off any restitution, the juvenile offender is no longer under the supervision of the juvenile court. Thus, for fear of casting a wider net around juvenile offenders by extending their time under court/program supervision, there is the loss of the follow-up process which would allow for the tracking of recidivism.

Competency development is again an outcome-based concept, rather than one that is explicitly outlined in training and implementation. CCP aids both victims and

offenders in building a resolution to crime, however, the group that takes precedent are victims. This is noticeable in CCP procedures which require victim cooperation in order for an offender to go through the program. If the program were balanced between victim, offender, and community needs, there would be competency development procedures in place that would provide an offender with the opportunity to build their skills even without victim cooperation. While this does not mean that the VOC process is inadequate, it does show that CCP, while instituting a highly restorative model of victim offender conferencing, has yet to establish a model that is inclusive of all BARJ principles.

CCP's former Director discussed the concurrent development of BARJ and the VOC program as a reason why they have developed a holistic BARJ approach. The training manual, and the VOC procedures suggest that a full BARJ implementation has yet to take place. More interesting, is that it may actually be the simultaneous development of the two which has limited CCP's ability to adopt the model completely.

The limited focus on BARJ principles may stem from the developmental timing of CCP as an organization, particularly the VOC program in 1993. The process to build a restorative program in Lancaster began prior to the reworking of the Juvenile Act of 1995. Additionally, with BARJ representing a new paradigm in Pennsylvania, there was a lack of clear conceptualization, which was not developed until over ten years later with the publishing of the *White Pages*. This is not something that is singular to this program, the vagueness of restorative justice concepts, and legislation as a whole, have contributed to restorative justice's slow development (Lemley & Russell, 2002). Couple this with the various other difficulties in establishing a community-based restorative justice, and this

helps show why the VOC has developed without fully incorporating the BARJ concepts (Dhami & Joy, 2007).

What stakeholders played, and still play the biggest role in the VOC program?

It is without question that one of the biggest contributors to the continued success of CCP and the VOC program, is the faith-based community. While CCP is not formally defined as a faith-based program, the principles of the Mennonite faith are what helped guide and inform the entire development of the VOC process, from training to restorative contract completion. One reason CCP may not define itself as a faith-based program however, is that it would limit its ability to receive federal funding based on the separation of church and state (Urban & Johnson, 2010).

The faith-based community also has played an important role in developing the landscape of restorative justice in Lancaster County. This is evident in several facets of CCP. When it comes to community volunteers, the faith-based community is represented well by various faiths. The role of faith in promoting volunteering in both religious arenas, and secular arenas has been examined (Taniguchi & Thomas, 2011). Unfortunately, there is very little research about what role faith has in the decision to be a part of a restorative program. The current research suggests that a belief in humanity and the core concepts of forgiveness are what help drive community members to become a volunteer. This idea was expressed both by those who identified with a particular religion, as well as those who did not. Thus, restorative programs that want to have a steady stream of volunteer facilitation may need to appeal more to the humanity that exists within individuals, rather than their religiosity.

Aside from developing a pipeline for volunteer facilitators, the faith-based community, specifically the local churches, provide the space for dozens of conferences each year and serve as an advertising, fundraising, and recruitment tool for CCP. This supports recent research that discusses the increasing importance of faith-based programs in spreading the principles of restorative justice (Urban & Johnson, 2010).

The significance of the relationship with the Juvenile Court cannot be overstated. What is particularly interesting about this relationship, especially in Pennsylvania, is that both groups are in need of each other's services. The Juvenile Court, under the BARJ model, is required to consider restorative principles in deciding the diversion and sentencing of juvenile offenders. Restorative organizations, like CCP, need the Juvenile Court to consistently apply a restorative punishment in juvenile cases involving a victim. This process can work fluidly as long as both sides represent the same interests, and anticipated outcomes.

Even though some may consider these governmental agencies "secondary stakeholders" in the process, they are nonetheless important to a holistic adoption of restorative programming (McCold, 2000). Within Lancaster County, the buy-in from the Juvenile Court, which includes Juvenile Probation, has been tremendous. The continued referrals to CCP by Juvenile Probation show that the restorative process has become institutionalized. This is due to the common understanding between the two organizations of what the restorative model entails. Equally important, this relationship sets the precedent for victims, offenders, and the community. As Dhami & Joy (2007) suggest

Partnerships with referral agencies can serve to encourage victims and offenders to engage in the restorative process, encourage community members to attend

family-group conferences and peacemaking circles, and encourage them to act as mentors for offenders reintegrating into the community and for victims who are going through the healing process. At this level of partnership, it is anticipated that the RJ program and its partners jointly develop and implement common goals. (p. 15)

This level of cooperation between organizations is needed to sustain any type of restorative justice program. Unfortunately, not all of the agencies that serve juvenile offenders within Lancaster County have this reciprocal relationship with CCP.

One may think that after twenty years of relationship building, a well-established program such as the VOC would have overcome many of the barriers to effective restorative programming that were discussed by Dhami & Joy (2007). There is, at some level, contention between CCP and the local Youth Aid Panels. There is the belief that the local YAPs are not as readily referring juvenile offenders who have identifiable victims to the VOC program. One reason this may be occurring, is that both programs serve the same population of youth. Yet, the YAPs, while being restorative in nature, are not restorative justice programs, as they do not adequately handle the needs of victims. With the YAPs being developed by the policing agencies and over seen by the District Attorney, it seems as if the enforcement arm of the county is attempting to implement a restorative, or community-based policing model (Mcleod, 2003). There is some concern by CCP that this a fundamental conflict in value systems; however, as Mcleod (2003) suggests, this could be more of an implementation problem rather than one of “value conflict” (p. 361). This is not a major issue within the county but there is concern that if

referrals to CCP are limited, there could be victims who are not receiving the help they need, and deserve.

What role do community volunteers have in the establishment and development of restorative programming?

The base of community volunteers within Lancaster has been integral to the development and maintenance of the VOC program. The VOC program was developed with the idea that community volunteers would be the catalyst for restorative change. This meant convincing county officials that utilizing their own community members in addressing juvenile delinquency was the most appropriate approach to take. Since the early development of the program, volunteer facilitators helped keep the VOC from stumbling over many of the pitfalls, or challenges that are faced when trying to sustain a restorative program.

With great power, comes great responsibility. With the Juvenile Court essentially granting CCP and these volunteer facilitators jurisdiction in the handling of juvenile crime, the responsibility of those facilitators is tremendous. It is without question that the training received by volunteers is what makes them good facilitators. This is consistent with what Dhimi & Souza (2007) found in their study of volunteer facilitators. They point out that it often is the external factors, such as being prepared, and having the appropriate skills, which define a good facilitator (Souza & Dhimi, 2007). The training received by facilitators seemingly is enough to turn any lay person into someone who can handle the complex personal and interpersonal issues that come with the conferencing process.

Training alone cannot make a good facilitator. In terms of the current group of volunteer facilitators, there is a clear belief system that contributes to their choice in becoming and remaining a part of the organization. Volunteer facilitators participate in restorative justice because they have the belief that it is the right course of action to take. They have the sense that the restorative system does things that current system of criminal justice cannot. While this may seem simplistic, their views toward criminal offenders, and criminal justice system processes, are contrary to nearly everything we as a society have come to believe about crime and justice. This belief system is important for facilitators to have in order for a program to be successful because they are the walking, talking, advertisements for the effectiveness of restorative programs.

With the need to educate the community on restorative practices, facilitators are the individuals who become the teachers (Dhami & Joy, 2007). They are often times the only ones who can speak to the transformative powers of the VOC program. Victims and offenders are not as readily accepting of going out into the community and discussing their offenses or their victimization. This leads to yet another responsibility for facilitators, to spread the word to their communities of the power of the restorative process. Thus, facilitators often take on the major role of empowering others to challenge the “dominant ideologies, and repressive structures” that have come to define criminal justice within their communities (White, 2000, p. 61). Because CCP volunteers also are members in the communities they serve, they have the unique opportunity to “create and strengthen the sense of connectedness and common concern and responsibility for crime and victimization” (Dhami & Joy, 2007, p. 13).

How have the relationships and interactions between stakeholders contributed to the successes or setbacks that have occurred while trying to maintain an effective VOC program?

Aside from limited referrals by other justice agencies, one of CCPs major issues comes in the form of finding enough funding to sustain their progress and growth as an organization. In some instances, programs are funded by the organizations they serve (Dhami & Joy, 2007). For CCP, because they are an independent, non-profit organization, Juvenile Probation does not pay for any of their services. This leaves CCP to fend for itself in both the federal and local funding streams. In terms of federal funding, CCP finds itself situated somewhere between a victim's service and an offender-based program. Requirements for federal Victim of Crime Act funding, which included a 40 hour training session for facilitators, became too stringent for CCP to follow. So, while they have a substantial impact on victim support and recovery, the federal stream of funding refused to recognize their unique position as more than a victim's service. Additionally, state funds are a limited option because much of the money that flows through the Pennsylvania Commission on Crime and Delinquency is federally subsidized, and CCP would again be required to adhere to federal guidelines. This was not its only problem with being defined as something it is not.

In an unusual turn of events, CCP tried to obtain local funding from the Child Welfare Fund in Lancaster County. However, when contacted, CCP was directly referred to as a victim's service, and therefore, was not acknowledged as supporting offenders as well. So, at the federal level, funding could not be received because their services were not completely victim-oriented, and at the local level, funding could not be received

because their services were not completely offender-oriented. This odd juxtaposition has left CCP in a middle ground of uncertainty, where funding often is limited to in-kind donations from community fundraisers, and community-based organizations. Most unsettling about this fact is that CCP, in doing what many other organizations cannot, actually has pigeonholed itself into a funding purgatory. One would think that an increased capacity to handle the needs of offenders, victims, and the community within one organization, would lead to additional funding options, unfortunately, this is not the case.

Another problem CCP undoubtedly will encounter with obtaining funding is the lack of empirical research about the program. This can be problematic, especially when applying for grants at both the federal and state levels. Funding agencies expect to see recidivism outcomes in order to make a funding agreement. A program as well-established as CCP, should have little, to no, issue with gaining the proper funding. Without the proper data to support the argument, this issue becomes much more serious. Gaining the necessary research in this area may be the next step in CCPs sustainability.

Fortunately, CCP has found solace in its ability to maintain an active public relations profile that lends itself to both increased organizational participation, and increased funding opportunities. Aside from the typical social media outlets, CCPs quarterly publication, annual dinner, and presence in the local media, help to gain support from community members, and organizational leaders. Volunteers discussed the multitudes of ways in which they came to know of CCP including finding out from a friend who was involved, a church program, and even craigslist. This speaks to the ability

of CCP, and restorative justice programs, to build community through their social, and restorative justice mission (White, 2000).

The interconnectedness of all parts of CCPs organization is helping to build a holistic restorative culture within the county. In particular, the connections that volunteer facilitators have with other justice-based, and community-based agencies, allows the restorative mentality to permeate those organizations as well. With each completed conference, these facilitators gain additional experience, and an understanding of the scope of individuals that the VOC program can impact. As these relationships continue to grow, the potential for a complete institutional shift to restorative justice becomes more likely to be realized.

Strengths

One of the areas of strength with the current research is that it uses a qualitative methodology. The researcher's initial thoughts of restorative evaluation research yielded almost a completely quantitative viewpoint. However, it became apparent through a review of the literature that a qualitative analysis of restorative conferencing participants was the next step in assessing restorative programming. Qualitative methodology, like any other methodology, has some strengths and weaknesses.

Utilizing several types of qualitative methodologies adds to the strength of the research. Direct observation of both the participants and settings during interviews gives the researcher a viewpoint that cannot be captured without being present and immersed within the research setting (Maxfield & Babbie, 2008). Mannerisms and participant expressions become as important as the verbal data, and helped to provide a depth of analysis that otherwise could not be achieved. Interviews also permit participants to

define what concepts and areas they believe best contribute to both the program's success, and their own personal reconciliation. Other strengths of the research include the use of a second reader, and triangulation. .

With the use of triangulation, during analysis, the data became a check on itself. Themes were compared and contrasted across a variety of collection methods, increasing the validity of the results (Maxwell, 2005). Those results were further clarified by a second reader. Silverman (2000) suggest that triangulation does not render a study or any of its findings valid. These are simply additional methods to check claims made in response to findings in other parts of the data (Maxwell, 2005). It was thus, the responsibility of the researcher to appropriately use these methodologies to examine possible alternative explanations for the finding. (Maxwell, 2005; Silverman, 2000).

While the thematic content analysis is important to the current study, eliminating bias, and being open and clear with research procedures and data collection are equally important. The only way to eliminate bias is by addressing it early on and discussing how it can be managed (Maxwell, 2005). The researcher has spent the last five years researching the concept and implementation of restorative justice. Additionally, the researcher is a proponent of the restorative approach to youth offending which can lead to a level of reactivity in the interview setting (Maxwell, 2005). One way this bias was handled was in the development of interview questions that were not leading. However, Maxwell (2005) makes it clear that the only way to handle reactivity is to “understand *how* you are influencing what the informant says, and how this affects the validity of the inferences you can draw from the interview” (p. 109). By using a semi-structured

interview guide, the researcher refrained from asking leading questions; and by providing confidentiality, the hope is that participants were honest in their answers.

Limitations

This research methodology has limitations. One of the most apparent limitations was the researcher's inability to gain access, or limited access, to several populations. This included offenders, victims, and juvenile probation officers. While three juvenile probation officers were interviewed, juvenile probation is the primary source of referrals for CCP. Speaking with additional probation officers would have presented a more complete picture of how well restorative principles have been adopted within that institution. Additionally, because of the protected nature of the populations, victims and offenders were not included in this research project. Their views could add to the results that are presented here.

Another limitation of the current study is the researcher's inability to observe a conference proceeding. This would have facilitated a level of understanding that cannot be attained by simply hearing about the conferencing process. This would also have given the researcher an opportunity to see the facilitator in the conference setting and to compare their interview answers to the actual procedures one utilizes in implementing and maintaining a restorative conference. However, the effect of not directly observing a conference was mitigated by the numerous case study examples provided from the facilitators and various media outlets.

Implications for Future Research

The results of the study have implications for several areas of future research. This research also adds a much needed qualitative element to the examination of youth

programs. However, because this is a case study, it is difficult to generalize these findings to other areas. Considering the cultural specificity of restorative justice, there is a need to replicate this research on other volunteer-based, restorative justice conferencing programs. Continued examination of the organizational and communal elements of program development and implementation will give future restorative programs an advantage in addressing these issues early.

In order to deepen the understanding of restorative programs, future research should focus on the role of minority communities in restorative program development. This means looking at predominantly minority communities that have established restorative processes, as well as the role of minorities in the development of programs within predominantly white communities. The current research addressed the undercurrent of racial tension that initially was present during the programs development this however, should be the primary focus of future studies.

As Howard Zehr (2011) recently pointed out, restorative justice can be just as retributive as any other form of justice; the discrepancy is in the definition. Where traditional justice sees retribution through punishment, restorative justice sees retribution through repair. For criminological research, this implies that what often is seen as a propensity toward punishment because of the loud and collective voice of retribution, may actually be an even louder cry for repair of the harm that has been done. This would require additional research on the mobilization of communities toward restorative practices in order to fully understand their motivations.

Policy Implications

The focus for policy decisions on juvenile justice programming is typically on the number of youth who recidivate following treatment. Whether temporary or long term placement, probation, or boot camp, a policy maker or program's success relies on the number of youth who complete a program and go on to avoid committing further crime. There is little recognition of the factors that actually lead to the success or failure of that juvenile. Researchers have even found themselves tracking survival rates, anticipating the failure of that youth, as if an additional post-treatment adjudication is inevitable (McGarrell & Hipple, 2007; Urban & Riggs, 2009).

Juvenile justice policy too often is shaped by quick, reactive responses to the latest cover story or survey data. While this may be appropriate for the development of a policy direction, developing a complete knowledge base of the many stakeholders that play a role in a juvenile's success should be the primary concern in policy decisions. This study allowed those who deal directly with the youth to speak to the youth's rehabilitative needs, and the factors that can lead to satisfaction, and completion of a restorative program.

Finally, the development and implementation of restorative programming has been sparse and piecemeal, especially in a state like Pennsylvania, where the primary juvenile justice directive is to utilize restorative justice principles and programs. This was evident in the researcher's first attempt at restorative justice program evaluation. The program's infancy, and lack of coordinated purpose, shows the difficulty in developing and sustaining these types of restorative programs. As the depth of restorative justice research increases, there is the hope that a sustained movement toward restorative policy

and programming, instead of a lackadaisical attempt at statewide restorative implementation will take hold.

Conclusion

While the literature surrounding the outcomes of restorative programs continues to grow, there has been less focus on how successful programs develop and are implemented. The current study shows CCP as a preeminent restorative program within Pennsylvania. This is not to say that CCPs model is the best, or even the most complete. What cannot be denied is that there are very few programs that can boast the level of volunteerism that CCP has developed, and even fewer can match their 20 years of existence and success.

This study shows that real institutional transformation can occur when a community is willing to take a stake in the success of others within that community. The collective conscience that is lacking in other areas of the state is pushing the restorative movement forward in Lancaster County. The success of the program does not come without setbacks however, in funding, in communal and justice agency support, and in victim/offender cooperation among others. This means, that in the spirit of restorative practices, all stakeholders need to establish open and honest lines of communication, and develop a collective decision making process that continues to affect meaningful institutional change.

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APPENDIX A
INFORMED CONSENT FORM

[IUP letterhead]

You are invited to participate in this research study. I am asking you to participate in this interview because of your role with the Center for Community Peacemaking's Victim-Offender Conferencing (VOC) program. The following information is provided in order to help you make an informed decision on whether or not to participate. If you have any questions do not hesitate to ask.

The purpose of this study is to gain an understanding of the development and sustainability of the VOC program. We are looking at how conference participants view the program as a whole. Of particular concern are the ways in which the program has developed and been implemented. Participants are asked to answer questions honestly throughout the interview process which will last approximately 25-30 minutes.

Your participation in this interview is completely voluntary. You are free to not participate or to withdraw at any time. If you choose to participate, you may withdraw at any time by notifying the interviewer. If you choose to participate, all information will be held in strict confidence. Your responses will be considered only in combination with those from other participants.

Information you provide may be used in combination with others to develop journal articles or academic presentations, however none of your identifying information will ever be given out. Information you share will be audio recorded should you agree to it. There are no known risks for your participation in this research.

If you are willing to participate in this study, please sign the statement on the next page.

Timothy J. Holler, Ph.D. Student and Principal Investigator
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This project has been approved by the Indiana University of Pennsylvania Institutional Review Board for the Protection of Human Subjects (Phone: 724-357-7730)

[IUP letterhead]

Voluntary Consent Form:

I have read and understand the information on the form and I consent to volunteer to be a participant in this study. I understand that my responses are completely confidential and that I have the right to withdraw at any time. I have received an unsigned copy of this Informed Consent Form to keep in my possession.

Name (PLEASE PRINT): _____

Signature: _____

Date: _____

Phone number or location where you can be reached: _____

I certify that I have explained to the above individual the nature and purpose, the potential benefits, and possible risks associated with participating in this research study, have answered any questions that have been asked, and have witnessed the above signature.

Date: _____ Investigator's Signature: _____

APPENDIX B

SEMI-STRUCTURED INTERVIEW GUIDE (DIRECTOR/FACILITATOR)

Can you describe your role within the program?

What made you want to be a part of this program?

- *Were you referred by anyone else or an article in the paper?*

What did your training for this program entail?

Can you explain the referral process?

Can you describe the process of preparing and implementing a conference?

What is accomplished during the conference?

Do you see this as a type of punishment for the offenders?

- *Is this program a complete diversion from adjudication?*

How often do victims refuse to participate?

How often do eligible offenders refuse to participate?

- *What about an offender having more than one victim is this ever the case and if so what happens if one chooses not to participate?*

How does the CCP attempt to incorporate the ideas of accountability, competency development, and community protection into the VOC program?

How does the program ensure that the victims' rights and the obligations toward the victim become a central focus of the conference process?

Are youth referred to other CCP programs or even programs outside of the CCP?

What long-term follow-up measures are in place? Recidivism tracking etc...?

How does the RCGC help keep the community safe?

What role does faith play in the VOC program?

APPENDIX C

SEMI-STRUCTURED INTERVIEW GUIDE (JUVENILE PROBATION)

How did you come to find out about the Victim Offender Conferencing program that is run by the CCP?

Did you know about the restorative justice process prior to your introduction to the VOC program?

- *If so, how?*

Can you describe your initial involvement with the CCP?

- *What was this process like in comparison to referring a youth to the Juvenile Court etc...*

What are your criteria for deciding who gets referred to the program?

- *What is your agencies policy regarding this program, is it solely your decision to send someone to the program?*

What does the referral process entail from your end?

Why do you believe restorative justice is a viable alternative to traditional juvenile punishment?

- *Do you think members of the community see this as a legitimate, crime reducing program?*

Do you see this as a type of punishment for the offender(s)?

What role does faith play in the referral of offenders to the program?

- *Does your faith play a role in the decision to refer?*