

A Review of Restorative Justice in Florida and Other States

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EXECUTIVE SUMMARY

Restorative justice is a victim-centered process that typically includes repairing harm from a crime, holding offenders accountable, and stakeholder participation. In the criminal justice field, the literature supports positive impacts on victims after participation in restorative justice programming. Additionally, despite mixed results, the literature generally supports reduced recidivism among participants of restorative justice programming. There are important limitations to research in this area, including self-selection bias and a lack of randomized controlled trials.

Other states have implemented a variety of programs under the label of restorative justice, but, in general, states started their restorative justice programs with juvenile offenders who committed lower-level crimes. As confidence in the success of these programs was established, programs often expanded to include adult offenders and more serious crimes, with most states having victim-offender dialogue programs for adults in correctional settings. Colorado has the most comprehensive statutes relating to restorative justice, including the creation of a state Restorative Justice Council made up of 19 appointed representatives that provide guidance and technical assistance to restorative justice programs.

In Florida, there are few statutory provisions for restorative justice; however, there are some programs in the criminal justice system. The state has several organizations focused on the field, including the Florida Restorative Justice Association and the Restorative Practices Interagency Workgroup. There is some programming for youth at the local level and in residential services of the Florida Department of Juvenile Justice (DJJ). For adults, the Florida Department of Corrections (FDC) does not have a formal restorative justice program, but has a pilot program and a working group to develop guidelines for the agency. The Legislature could consider creating programs in FDC and DJJ and creating a council to guide and monitor restorative justice. Barriers for the development of restorative justice include a lack of guidelines, limitations on victim and offender contact due to no contact orders, logistical issues for face-to-face meetings when the victim and offender are far apart, funding, and staffing. The programs would also have to abide by Marsy's Law and other victim rights laws, including keeping victims' information confidential. Other states address these barriers through a variety of solutions.

REPORT SCOPE

As directed by the Legislature, OPPAGA examined

- the outcomes of restorative justice programs, including the effect on the victim and recidivism, through a literature review;
- restorative justice programs in Florida and other states; and
- the effect of Marsy's Law or other victims' rights laws on restorative justice.

INTRODUCTION

Restorative practices is a social science that studies how to build a network of relationships and achieve social discipline. Restorative practices have ancient roots in indigenous practices from all over the world, but became more modernized in the 1970s, due in part to multiple separate initiatives seeking to modify punitive justice systems.¹ Restorative justice, a subset of restorative practices, is a theoretical framework that views crimes as a violation of people and relationships. The ultimate goal is to repair the damage to those relationships by having the people directly impacted by a criminal offense (victim, offender, and the affected community) involved in deciding how to address the offense in a way that balances the needs of those involved. Main focal points of the restorative justice approach include remaining victim centered and requiring offenders to have direct confrontation with those harmed by their actions, including their own loved ones. Restorative justice is a state-supported response to criminal matters in Australia, Canada, New Zealand, and many European countries.

Restorative justice is challenging to define. Definitions for restorative justice vary but all contain common themes: the need to repair harm caused by a crime; the idea that offenders must be held accountable for their actions; and stakeholder participation is crucial for healing, reducing the potential for future harm, and restoring offenders back into society. In the literature, restorative justice is commonly defined as a paradigm and a set of practices that promotes, “...process[es] to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.”² As the use of restorative practices has increased, so has the use of the label restorative to describe a wide range of programming, leading to ongoing debate about how to define restorative justice.

The debate has generally been purist versus maximalist. Purists adhere to a narrow definition, arguing that restorative justice is encounter oriented, involving key stakeholders to address the aftermath of crime. This view encompasses practices such as victim-offender mediation, conferencing, and circles. Maximalists argue that restorative justice is outcome oriented and should include any option that attempts to repair harms caused by crime. The primary aim is facilitating the delivery of reparation and making amends, whether to the direct victim or the community at large. Examples of practices under this definition would include reparation orders or community service.

There are many types of restorative programs, which can be found in a variety of settings. Since its inception, the use of restorative justice has become increasingly varied and is found in a wide range of settings. In addition to the criminal justice system, restorative principles are used in disciplinary procedures in schools, neighborhood conflicts, child welfare and protection matters, labor and business regulations, resolution of conflicts involving systemic political violence, social work, counseling, youth services, and faith communities. This report focuses on restorative justice in the criminal justice system in which programming can occur at any time, from pre-arrest to post-conviction. The most common restorative justice programs found in the criminal justice system include the following.

¹ Restorative justice and its principles have been endorsed by several national organizations, including the American Bar Association, National Association of Community and Restorative Justice, National Council for Juvenile and Family Court Judges, National Council of Crime and Delinquency, National Organization for Victim Assistance, and Dignity in Schools. Internationally, the United Nations has encouraged the adoption of restorative justice and the Council of Europe has endorsed restorative justice policies and practices.

² Zehr, H. (2002) as cited in Sliva, S. M., “A tale of two states: How U.S. state legislatures consider restorative justice policies,” *Contemporary Justice Review*, 20 (2), 2017.

- **Victim-offender mediation or victim-offender conferencing:** As the oldest, most widely developed, and empirically grounded practice, this program has the most support and greatest popularity in the United States. In victim-offender mediation, an impartial mediator facilitates dialogue between offenders and victims with the goal of finding appropriate restitution to repair the harm caused by the offense. Both the victim and offender may have family and friends present. There are four distinct phases: referral/intake, preparation for mediation (individual pre-meeting with offender and victim), mediation, and follow-up. The most widespread use of this practice is in property crimes and minor assaults.
- **Victim-offender dialogue:** This confidential, post-conviction facilitated process is initiated only by crime victims and survivors. This practice is not mediation in the dispute-resolution sense or a process for creating any uninvited agreement or reconciliation between parties; it is a process centered on meeting the victim's and survivor's needs, including their desire to express strong feelings and the opportunity to have their questions answered. Although victim-offender dialogue is victim centered, it is also respectful of offenders' emotional needs and concerns.
- **Family group conferencing:** This practice began in New Zealand to address concerns of the native Maori people about the number of children being removed from their homes by the courts. These conferences are facilitated discussions that allow those most affected by a crime (victim, offender, family and friends of both) to discuss the impact of the crime and determine how to hold the offender accountable. After information regarding the case is presented, the family is left alone to come up with a plan for accountability. Plans are reviewed by professionals and monitored by both family members and professionals.
- **Circles:** Referred to as healing, peacemaking, talking, or sentencing circles, this practice originated with American Indians in the United States and aboriginal peoples in Canada. The circle members include crime victims, offenders, family and friends of both, justice and social service personnel (such as police officers, lawyers, judges), and interested community residents. Members take turns discussing the event to understand what happened and collectively identify the steps needed to heal the affected parties and prevent future crimes.
- **Victim-offender panels:** Also referred to as victim-impact panels, these are discussions between a group of victims or family and friends of victims and offenders who did not commit the offense. The victims share their experiences and explain the effects the crime has had in their lives. Offender participation in these panels is typically court ordered.


These examples all include crime victims (though as noted, impact panels do not involve victims and offenders directly involved with one another) and most include community members, placing them under the more narrow definition of restorative justice. Other practices that fall under the more broad definition of restorative justice do not typically involve the victim and focus on reparation. These can be practices such as teen courts, which are typically diversion programs that utilize teen peers in the judicial decision-making process to address the wrongdoing of other teens. They hold juveniles accountable for their actions and reach agreements to restore harms. Youth aid panels are another practice, which typically work with lower level offenders accused of misdemeanors. This process utilizes panels of community volunteers to review a case, question the offender, and come up with a contract for the youth to repair harms. One of the panelists is assigned to monitor the youth's progress towards completing the contract. Upon successful completion, the charges will not appear on their record. Community reparative boards have historically been used with adult offenders convicted of

non-violent and minor offenses, but have been increasingly used with juvenile offenders. Boards consist of a small group of specially trained citizens who conduct public, face-to-face meetings with offenders court-ordered to participate. The board develops a sanction agreement with the offender, monitors compliance, and submits compliance reports to the court.

Some practices within the correctional setting not directly involving victims are still restorative-justice oriented, such as victim impact classes and letter banks. The goals of such programs include offender empathy and remorse. Victim impact classes typically have a curriculum with topics ranging from property crime to homicide, take place over the course of several weeks, and may include the use of victim impact panels at the end of the course. Letter banks allow offenders to write apology letters to victims and victims choose whether to receive the letter and whether to have the offender notified that the victim has received the letter. Some prisons utilize restorative programming to make amends to the community. For example, the United Kingdom has The Inside Out Trust, which organizes projects linking charities and community organizations with specific needs to prisons and prisoners who can meet those needs. Canada has an annual giving back to the community event, during which prisoners perform work in the community, such as repairing wheelchairs or making park benches. Though much less common, prisons may also adopt a restorative philosophy to include restorative practices in the adjudication process, handle complaints or requests, develop anti-bullying strategies, encourage race relations, and handle staff disputes.

As indicated above, the term restorative is used to refer to many different practices occurring at various stages in the criminal process, and in varying locations. Practices viewed as the most restorative in nature involve active participation of all three groups of primary stakeholders. Exhibit 1 provides an overview of restorative practices from least to most restorative based on involvement of victims, offenders, and the community.

Exhibit 1 Types of Restorative Practices in Criminal Justice

	Victim	Offender	Community
Community Service Typically occurs before adjudication during diversion programs	May require the offender to complete work for the victim	X	X
Victim Impact Classes Typically occurs after adjudication	May involve surrogate victim panels or videos, but typically not the direct victim	X	
Letter Banks Typically occurs after adjudication	Victim may decide to receive the letter; typically no direct contact with the offender	X	
Community Boards Typically occurs before adjudication during diversion programs	May involve the victim or victim surrogate	X	X
Victim-Offender Panels Typically occurs after adjudication	Uses surrogate victims who are unrelated to the crime of the participating offender	X	
Circles Can occur before adjudication during diversion programs or after adjudication	X	X	X
Conferencing or Dialogues Can occur before adjudication during diversion programs or programs after adjudication; victim-offender dialogues typically occur after adjudication once the offender is in prison	X	X	May involve community members

Source: OPPAGA analysis of interviews with restorative justice stakeholders and OPPAGA review of literature.

FINDINGS

Literature Review

OPPAGA reviewed several articles, which included juvenile and adult offenders with a broad range of criminal offenses engaged in a variety of restorative justice programming, though most focused on face-to-face meetings between victims and offenders. (See Appendices A and B for additional information on studies.) There are important limitations to research in this area, with the top concern being self-selection bias. Because restorative justice is a voluntary process, the kinds of victims and offenders who choose to participate may be substantially different from those who do not in ways that may predict their likelihood of satisfaction with the process and, for offenders, risk of recidivism regardless of participation in restorative justice programming. It is also difficult to orchestrate randomized controlled trials, as participation in restorative justice programs must be completely voluntary for both victim and offender; therefore, individuals cannot be assigned to a treatment group. Overall, our review found that participation in restorative justice programs generally has positive

results, including higher levels of victim and offender satisfaction with the process specifically and the criminal justice system generally and, in some instances, reduced rates of recidivism.³

The literature supports positive impacts on victims after participation in restorative justice programming. Victims whose cases were processed using restorative justice programs consistently expressed higher levels of satisfaction on a variety of measures than victims whose cases were processed using traditional court proceedings. For example, victims viewed the process as being fairer and felt the outcomes were more just. They were more likely to have improved attitudes toward and to forgive offenders, were less likely to express a desire for revenge against the offender, and had fewer post-traumatic stress symptoms. In addition, victims whose cases went through restorative justice programming were more likely to receive reparations, such as apologies they felt were sincere and higher amounts of monetary restitution.

While most research indicates positive victim impacts, some negative effects have been documented. Factors shown to result in negative outcomes for victims include inadequate preparation prior to face-to-face meetings, feeling pressured by facilitators to behave in a certain manner, and feeling intimidated by offenders and/or their family members. These issues are generally attributed to facilitators' poor adherence to restorative justice principles, namely victim sensitivity, and can be mitigated by adequate facilitator training. In addition, victims who were expecting the use of restorative justice for their cases but who did not ultimately receive the intervention (for reasons such as offender refusal to participate), reported more dissatisfaction with the process.

Despite mixed results, the literature supports reduced recidivism among participants of restorative justice programming. While there is debate regarding whether reduced recidivism is or should be an aim of restorative justice, numerous studies evaluate the impact of programs on recidivism. Results are mixed, but the overall trend is reduced recidivism rates among offenders who participate in restorative justice programs compared to those who do not. Of restorative justice participants who later reoffend, their offenses tend to be less severe. One factor in the variability of results across studies is how recidivism is defined. Some authors adopted a narrow definition, such as a guilty adjudication within one year of the original offense, while others adopted a broad definition, such as any contact with the criminal justice system.

Other factors influencing recidivism rates include the type of crime and offender and the type of restorative justice programming. The literature increasingly shows that restorative justice programming is more effective with adults and violent offenders than non-violent offenders, which is important because many restorative justice programs are aimed at young, first-time, misdemeanor offenders. Face-to-face meetings between victims and offenders appeared to have a greater impact on recidivism than processes that did not directly involve the victim. Among face-to-face type meetings, victim-offender mediation has demonstrated stronger efficacy than family group conferencing. Programs with preparation meetings prior to the main session tended to result in lower recidivism rates than those that did not.

Restorative Justice in Other States

Many other states have restorative justice programs. OPPAGA interviewed 21 organizations in 15 states to learn more about these programs. We selected states with active restorative justice programs run by both state agencies and non-profit organizations. While states reported a wide range of

³ Reductions in recidivism were dependent on how the study defined recidivism, type of crime, and offender characteristics.

restorative justice programming, in general most states started with programs for juvenile offenders who committed lower level crimes. As confidence in the success of these programs was established, programs often expanded to include adult offenders and more serious crimes, with most states having victim-offender dialogue programs for adults in correctional settings. Some common themes from interviews with other states included the following.

- **Screening:** There is a great deal of screening to ensure that both victims and offenders are participating in restorative justice programs for the right reasons. Offenders must take responsibility for their crime and victims must be looking for healing. In Arizona, both victims and offenders must get mental health evaluations before being permitted to participate in victim-offender dialogue programs.
- **Program Standards:** Some states follow or have developed standards for restorative justice programs to ensure consistent, high quality program implementation. These standards address appropriate qualifications, ethical guidelines, and training for program facilitators; strict voluntary participation by victims and offenders who may opt out at any time in the process; and a strong focus on victim needs. The organization JUST Alternatives, a Maine-based nonprofit, in conjunction with several corrections-based victim offender dialogue programs, have developed *The 20 Essential Principles of Victim-Centered Victim Offender Dialogue*, which have also been adopted by the National Association of Victim Assistance in Corrections.⁴ The Colorado Restorative Justice Coordinating Council has published a code of conduct and training standards for restorative justice program trainers and training organizations. However, not all states with restorative justice programs have adopted program standards and even for those who have, the standards are often voluntary rather than mandatory.
- **Training:** Training requirements for program facilitators are not standardized, but they tend to be extensive, with importance increasing in programs serving offenders that have committed more serious crimes. With more serious offenses, training becomes important to ensure that facilitators are able identify any potential triggers that may be used by the offender to harm the victim again during a meeting. Some states have based their program facilitator training on materials developed by Jon Wilson, the founder and director of JUST Alternatives in Maine and by Mark Umbreit at Center for Restorative Justice and Peacemaking.
- **Funding:** Financial support for restorative justice programs comes from a wide variety of sources, including federal Victims of Crime Act (VOCA) grants, state general revenue, court program funding, municipal funds, and private donations. In South Carolina, prisoners who earn a salary for working while they are in prison have part of their salary garnished to fund restorative justice programs.
- **Confidentiality:** States have various ways of providing confidentially protection for victims and offenders who participate in restorative justice programs. In some cases, state statute protects offenders who participate in mediation conferences, with a small number of specific exceptions. For example, mediators may have mandatory reporting requirements if they learn of self-harm, planned harm to others, or child abuse. These confidentially protections for mediation may be expanded to include restorative justice programs.

⁴ The standards workgroup from Just Alternatives and corrections-based victim offender dialogue programs worked under the National Association of Victim Services Professionals in Corrections VOD National Standards Subcommittee.

Exhibit 2 provides a summary of information on restorative justice programs in other states. See Appendix C for more detailed information about these programs, including referral mechanisms and participant eligibility requirements, funding sources, and program standards and training requirements.

Exhibit 2 A Sample of Restorative Justice Programs in Other States

State	Program Overview
Arizona	Arizona Department of Corrections' Office of Victim Services offers a program, which started in 2018, that allows victims of crime to initiate a victim-offender dialogue with offenders who have been in the prison system for at least five years.
Colorado	The Colorado Department of Corrections offers three restorative justice programs, including a victim-initiated victim-offender dialogue, a letter bank that allows offenders to submit letters of apology in a manner that allows victims to decide whether to read the letters, and a 12-week Restorative Justice Education Group in which victims and inmates work together with trained facilitators through a program curriculum. Programs are for inmates not in restricted housing who have been in prison without any disciplinary actions for at least one year.
Kansas	The Kansas Department of Corrections offers three programs as part of their victims' services division. These programs include victim-offender dialogues, a letter bank repository for letters of apology by offenders, and a victim impact course for inmates. All adult inmates are eligible for these programs; however, candidates for victim-offender dialogues are screened based on their mental health and disciplinary records.
Massachusetts	The non-profit Communities for Restorative Justice works with police departments and prosecuting attorneys in the eastern part of the state for cases mainly involving juvenile offenders pre-trial. Their program uses restorative justice practices in lieu of court proceedings to hold offenders accountable for their criminal actions. To be eligible to participate in the program, juvenile offenders must not be accused of domestic violence or charges that include great bodily harm.
Minnesota	The Minnesota Center for Restorative Justice and Peacemaking works with both state agencies and non-profit organizations to provide training on how to accomplish victim-offender restorative dialogue work, including facilitator training and program manager training for restorative justice programs.
Missouri	The Missouri Department of Corrections coordinates restorative justice programs for all 21 state prisons with offerings that include an Impact of Crime on Victims course (often facilitated by former inmates), which provides inmates with an opportunity to learn about how criminal actions affect people and communities. In addition, inmates may participate in other reparative activities, including woodworking, quilt making, and producing coloring books for children. Inmates may also cultivate justice gardens to provide fresh food for needy state residents. All inmates are eligible to participate.
New Hampshire	The New Hampshire Department of Corrections offers a victim-offender dialogue program for victims of violent crimes who initiate procedures for a one-time face-to-face meeting with the offender within the prison facility. The victim-offender dialogue program is only for felons within the state prison system who are convicted of violent crimes.
New York	The New York State Unified Court System has a victim-offender dialogue program that works with prisoners in the state's prisons, in addition to programs in schools and with the state's juvenile justice system. No offender has been denied participation in the program when the victim requests a meeting; however, screening is done to ensure all case appeals have ended and there is not a court order of protection in place.
North Carolina	The non-profit North Carolina Piedmont Mediation Center has restorative justice programs for young offenders (ages 10 to 25). Restorative justice program offerings include victim-offender conferences, family conferences, teen court, and community service programs.
Ohio	The non-profit Franklin County Youth Education and Intervention Services works with youth ages 10 to 17 who are first-time misdemeanor offenders to develop restorative plans in lieu of a criminal sentence.
Oregon	The non-profit Center for Mediation and Dialogue works with the City of Beaverton to provide victim-initiated, victim-led dialogues for juvenile offenders who volunteer to participate in a restorative justice program potentially as an alternative to the criminal justice system.
South Carolina	The South Carolina Department of Corrections' Division of Victims' Services works with incarcerated adults to provide victim-offender dialogues (when requested by the victim) and a victim awareness program that allows offenders to hear the impact of their crimes from a victim's perspective (not the actual victim but speakers who were victims to explain how their lives were affected). All inmates are eligible to participate in the program.
Texas	The Texas Department of Corrections has a victim-offender dialogue program that allows victims to request meetings with offenders held in their facilities. All victims of violent offenses are allowed to request to participate.
Vermont	The Vermont Department of Corrections provides grant funding to community justice centers. These centers train community volunteers to implement restorative justice programs for low-level offenders in lieu of family court. The centers also implement Circles of Support and Accountability where volunteer mentors meet with high-risk released prisoners once per week for at least one year.
Wisconsin	The non-profit Justice Works has established the Volunteers in Probation program for adults who agree to plead guilty or no-contest and are paired with a volunteer mentor for two to six years; upon successful program completion participants do not have a criminal record. Eligible parolees are referred to the program by the Wisconsin Department of Corrections.

Source: OPPAGA interviews of restorative justice programs in other states.

Additionally, many state legislatures have adopted some form of statutory support for restorative justice in their statutes. Support varies from the inclusion of general provisions and intent, inclusions of eligibility criteria for programs, and the creation of restorative justice councils. Colorado has the most comprehensive statutory language for restorative justice across states. The Colorado statute includes several provisions, including definitions for restorative justice, the creation of a restorative justice council, and the creation of a state database of programs. Many entities, including schools, universities, government offices, correctional agencies, and community-based organizations, provide restorative justice programming across the state, with 69 organizations participating as of June 2019. In the criminal justice area, government providers of restorative justice programming include district attorney's offices, probation departments, the Division of Youth Services, and Department of Corrections.

Colorado statute has two definitions of restorative justice, one for adults and one for youth. The adult definition lists the types of programs that can be considered, including victim-offender conferences, circles, and other similar victim-centered activities.⁵ Within the Colorado statute for restorative justice for youth, the definition is slightly different from the adult criminal code. One major difference is language that was added in a 2019 bill that includes confidentiality protections.⁶

Colorado statute also creates and staffs a State Restorative Justice Coordinating Council within the Colorado Office of the State Court Administrator.⁷ The council's mandate is to provide training, technical assistance, and education related to restorative justice in Colorado; support the development of restorative justice programs; and serve as a repository of information for those programs. The council consists of 19 members from many areas of the restorative justice field, including a judge, public defender or designee, a district attorney with juvenile justice experience, a law enforcement representative, three restorative justice practitioners, a victim representative with restorative justice experience from the judicial department, and staff from the department of corrections, department of education, and division of youth services. Statute also requires the council to create a database of existing restorative justice programs in Colorado and to update the database annually.

Massachusetts recently passed restorative justice legislation, which includes a definition, types of offenses that are eligible, confidentiality language, and an advisory committee. The statute defines both community-based restorative justice programs and restorative justice. Community-based programs are voluntary programs that engage parties to develop a plan of repair and can include the victim, offender, supporters, or community members. It defines restorative justice as a voluntary process where the victim, offender, and community collectively identify harms and understand the

⁵ Colorado Revised Statute § 18-1-901 defines restorative justice for adults as restorative justice practices that emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices. Restorative justice practices are facilitated meetings attended voluntarily by the victim or victim's representatives, the victim's supporters, the offender, and the offender's supporters and may include community members. By engaging the parties in voluntary dialogue, restorative justice practices provide an opportunity for the offender to accept responsibility for the harm caused to the victim and community, promote victim healing, and enable the participants to agree on consequences to repair the harm, to the extent possible, including but not limited to apologies, community service, reparation, restoration, and counseling. Restorative justice practices may be used in addition to any other conditions, consequences, or sentence imposed by the court.

⁶ Colorado Revised Statute § 19-1-103 defines restorative justice for youth as practices that emphasize repairing the harm to the victim and the community caused by criminal acts. Restorative justice practices may include victim-offender conferences attended voluntarily by the victim, a victim advocate, the offender, community members, and supporters of the victim or the offender that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the crime and to participate in setting consequences to repair the harm. Consequences recommended by the participants may include, but are not limited to, apologies, community service, restoration, and counseling. The selected consequences are incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Any statements made during the restorative justice process are confidential and shall not be used against the juvenile, or as a basis for charging or prosecuting the juvenile, unless the juvenile commits a chargeable offense during the process.

⁷ Colorado Revised Statute § 13-3-116.

effect of the crime, with the requirement that offenders accept responsibility for their actions.⁸ Massachusetts statute also specifies that a person is not eligible to participate in a community-based restorative justice program prior to conviction or adjudication if the person is charged with certain sexual offenses, certain offenses against family or household members, or offenses resulting in serious bodily injury or death.⁹ In addition, the statute specifies that the information from participation in a restorative justice program is confidential.¹⁰ Finally, like Colorado, Massachusetts created a restorative justice council within statute. The restorative justice advisory committee is made up of 17 members from the fields of criminal justice, health and human services, restorative justice, and others. The committee is charged with monitoring and assisting community-based restorative justice programs, tracking the use of community-based restorative justice programs in conjunction with an educational institution, and making legislative, policy and regulatory recommendations. The committee must submit a report with its findings and recommendations to the governor and legislature by December 31 of each year.¹¹

Restorative Justice in Florida

Florida law provides some guidance related to restorative justice programming for juveniles; programs for adults are limited. In Florida, Ch. 960, *Florida Statutes*, enumerates victims' rights (e.g., right to a speedy trial) and services available to victims; included in this is the right for a victim to make an oral or written victim impact statement at the time a defendant is sentenced. Statute also assigns duties to the Department of Legal Affairs (Office of the Attorney General) to assist victims of crime.¹² In addition, in 2018, Florida voters passed an amendment to the Constitution, commonly known as Marsy's Law. The law is a victims' bill of rights that provides victims or their lawful representative, such as next of kin of homicide victims, the right to be informed, present, and heard when relevant, at all critical stages of criminal proceedings as long as these rights do not interfere with the rights of the accused.

While none of these victims' rights provisions speak specifically to restorative justice, Florida currently has some restorative justice programming across substantive areas, including criminal justice, and some statutory and rule language related to restorative justice programs for juveniles.¹³ Within the criminal justice area, there is some programming available for youth at the local level and in residential services provided by the Florida Department of Juvenile Justice (DJJ). For adults, the Florida Department of Corrections (FDC) does not have restorative justice programming for incarcerated adults, but has participated in a pilot program and currently has a working group to develop guidelines for the agency. Barriers for the development of restorative justice in the state include a lack of guidelines, limitations on victim and offender contact due to no contact orders, logistical issues for face-to-face meetings when the victim and offender are far apart, and funding. Other states address

⁸ Massachusetts Part IV, Title II, Chapter 276B, Section 1.

⁹ Massachusetts Part IV, Title II, Chapter 276B, Section 3.

¹⁰ Massachusetts Part IV, Title II, Chapter 276B, Section 4 specifies that participation in a community-based restorative justice program shall not be used as evidence or as an admission of guilt, delinquency or civil liability in current or subsequent legal proceedings against any participant. Any statement made by a juvenile or adult defendant during the course of an assignment to a community-based restorative justice program shall be confidential and shall not be subject to disclosure in any judicial or administrative proceeding and no information obtained during the course of such assignment shall be used in any stage of a criminal investigation or prosecution or civil or administrative proceeding.

¹¹ Massachusetts Part IV, Title II, Chapter 276B, Section 5.

¹² Section 960.045, *F.S.*

¹³ There are also restorative practice programs within education and social services. For example, educators in Orange County School District received training to lead restorative peer meetings among students. If an issue arises, such as a fight, the students involved may participate in a restorative peer meeting at school. These meetings are used in middle schools and high schools. Additionally, the Department of Children and Families employs a restorative practices specialist who trains foster care and group home staff on using restorative practice.

these barriers through a variety of solutions, which are discussed below. See Appendix C for more details on other states.

Florida also has organizations focused on restorative justice, including the non-profit Florida Restorative Justice Association and the Restorative Practices Interagency Workgroup. The Florida Restorative Justice Association was created in 2013 by restorative justice stakeholders to support and advance restorative justice within the state. Its members include restorative justice facilitators, public administrators, law enforcement, state agency staff, judges, attorneys, educators, and students. The association is currently developing statewide standards for restorative justice programming and practices in Florida. Florida and many other states do not have standards to define and guide restorative justice; however, as mentioned above, Colorado developed standards for training and practice. More recently in Florida, in 2018, staff at the Department of Children and Families created the Restorative Practices Interagency Workgroup to promote education, awareness, and capacity building of restorative practices in Florida government agencies. The working group includes representatives from the FDC, DJJ, Department of Education, Department of Children and Families, and the Office of the Governor.

Florida currently has some restorative justice programs for juvenile justice involved youth in the community. Specifically, s. 985.155, *Florida Statutes*, provides statutory authority for restorative justice boards.¹⁴ The Ninth, Fifteenth, and Twentieth judicial circuits currently operate programs based on this statute.¹⁵ In the Ninth Circuit, the board includes volunteer community members who receive training in the criminal justice system.¹⁶ The program accepts first-time juvenile offenders who are referred to the program through the state attorney. Once a youth is referred, the board holds an accountability conference, which the youth and the victim have the right to attend. Together, the board, youth, and victim find the most effective method of restoring the victim and the community from the youth's offense.¹⁷ The participants discuss how to repair the harm, and solutions include community service, restitution, letters of apology, and work for the victim.¹⁸ Participants create a contract that outlines the requirements and timeline for the juvenile. If the juvenile completes the activities in the contract, then the board will recommend that that the juvenile's charges be dropped. In Fiscal Year 2018-19, 137 youth participated in the Ninth Circuit restorative justice program.

Florida also has other types of restorative justice programs in the community for youth involved in the juvenile justice system. Many of these programs bring the offender and victim together for in-person meetings, although some programs allow for unrelated victims or families of victims. Youth are referred to these programs through a variety of sources, including a DJJ juvenile probation officer, law enforcement, parents, or the state attorney's office. Eligibility for participation also varies, with some programs restricting eligibility based on age and others by type of offense. Many of the local youth restorative justice programs receive county and private funding, with one receiving funding through a

¹⁴ Section 985.155, *F.S.*, also allows for the creation of a neighborhood restorative justice center. The state attorney may establish a center in designated geographical areas of the county for operating a deferred prosecution program for first-time, nonviolent juvenile offenders.

¹⁵ The Ninth Circuit includes Orange and Osceola counties, the Fifteenth includes Palm Beach County, and the Twentieth includes Charlotte, Collier, Glades, Hendry, and Lee counties.

¹⁶ Statute establishes that the board be comprised of five volunteers of which two are appointed by the state attorney, two by the public defender, and one by the chief circuit judge. The board has jurisdiction to hear all matters involving first-time nonviolent juvenile offenders within their geographic area.

¹⁷ Statute specifies that if a juvenile is referred to this program, the board must meet within 15 days and send a notice to the juvenile's parent or guardian, the victim, or the family of the victim. The juvenile offender, victim, and family members have the right to appear at the meeting and the victim, or the person representing the victim, may vote with the board.

¹⁸ Statute also outlines sanctions the board may impose for the juvenile. These include requiring the juvenile to make restitution, perform work for the victim or the community, or other sanctions except for detention.

DJJ grant. Most of the programs have specific training requirements for program staff. (See Appendix D for more information about these programs.)

The Department of Juvenile Justice also provides restorative justice programming for youth who have committed crimes and been placed in a residential setting.¹⁹ Florida administrative code requires that residential commitment programs provide restorative justice activities or instruction intended to increase youths' awareness of and empathy for crime victims and survivors and to increase personal accountability for criminal actions and harm to others.²⁰ Administrative code also allows DJJ's Impact of Crime Curriculum to be used to satisfy the restorative justice requirement. The purpose of the curriculum is to increase youth awareness and empathy for crime victims and survivors and to increase personal accountability for criminal actions and harm to others. While the curriculum does not allow for direct contact between the juvenile offender and the victim, it provides opportunities for victim speakers, videos about victims, victim impact statements, and scenarios. Juveniles are given the opportunity to write apology letters, perform community service, and receive help with any court ordered restitution. This curriculum is funded through general revenue and social services block grants. Finally, administrative code requires that DJJ direct care staff receive restorative justice training and a residential commitment program's mission statement to be consistent with the department's mission and principles of the restorative justice philosophy.²¹

Florida statutes and administrative rules do not have specific guidelines for restorative justice for adults, and existing programming is limited. For adults who are incarcerated with the Florida Department of Corrections, there are no restorative justice programs that bring together the victim and offender. However, FDC's faith and character programs do include a victim impact component.²² In addition, the department recently participated in a restorative justice pilot project in conjunction with the River Phoenix Center for Peacebuilding in the Eighth Judicial Circuit.^{23,24} Since 2018, eight pre-trial felony offenders on probation and victims met with a trained facilitator.²⁵ The meeting's purpose was to address the harm caused by the crime and develop ideas to prevent a similar crime from occurring again. The offender could earn court-ordered community service hours for participating if they were ordered by the court to complete community service.²⁶ Recently, FDC established a working group of department staff to research practices for restorative justice in institutions and community corrections and to develop guidelines and protocols for both areas.

Considerations for Restorative Justice in Florida

The Legislature could consider creating restorative justice programs and entities within Florida. At the time of our review, 34 states had victim-offender dialogue programs within their department of

¹⁹ A youth who has been adjudicated for a violation of the law may be committed to a residential program by a judge. Private providers, under contract with and monitored by the Department of Juvenile Justice, operate all residential programs in Florida.

²⁰ Section 63E-7.105, *F.A.C.*

²¹ Sections 63E-7.108, 63H-2.005, 63H-2.006, and 63H-2.007, *F.A.C.*

²² Faith- and character-based programs are prison rehabilitative programs intended to change inmates' internal motivations and thereby alter their behavior. Section 944.803, *F.S.*, includes guidance for these programs.

²³ The River Phoenix Center for Peacebuilding in Gainesville is an organization that provides programs, trainings, events, and services within a peacebuilding model. The center has worked with police offices, sheriff's departments, state attorneys, public defenders, and victim advocates to provide information and training on restorative practices.

²⁴ The center received a \$3,000 grant from the National Association of Community and Restorative Justice to conduct restorative justice circles in the Eighth Judicial Circuit. Participation in the pilot program was voluntary and could be requested by the victim, offender, or the offender's defense attorney.

²⁵ Pretrial offenders who are in the pilot program entered into a formal agreement with the state attorney and are under FDC's supervision. Pretrial intervention refers to a program that diverts eligible offenders from traditional court to an immediate supervisory program that provides various services appropriate for the person participating in the program. Eligibility criteria are specified in s. 948.08, *F.S.*

²⁶ Community service hours must be ordered by the court and are not a standard condition of probation.

corrections and many states had restorative justice programs for youth in the community. However, there are barriers to implementing restorative justice, including a lack of guidelines, no contact orders between victims and offenders, logistical barriers, funding, staffing, and Marsy's Law compliance. There are options available from other states to overcome these barriers. The Legislature could also consider creating a restorative justice advisory council to monitor restorative justice in the state and offer recommendations for guidelines and training standards.

Restorative justice programs have barriers to implementation, but other states offer solutions that Florida could consider. Staff from both the Department of Corrections and Department of Juvenile Justice discussed potential challenges to further implementation of restorative justice programs. For example, Department of Corrections' staff reported that specific guidelines would be needed to implement a formal restorative justice program. Many other states with restorative justice programs, such as Colorado, address this by creating guidelines in statute or in agency rules. In addition, both FDC and DJJ staff reported that victim and offender contact is another potential barrier. A common court order in criminal cases is a prohibition of contact between offenders and victims.²⁷ In these cases, the court would need to lift the no contact orders before the victim and offender could participate in restorative justice programs. Other states reported that they requested the court lift no contact orders before proceeding with restorative justice programming on a case-by-case basis. For example, the New Hampshire Department of Corrections reported that they work with the state attorney's office to receive authorization for a one-time meeting if there is a no contact order. The Colorado Department of Corrections also requires any criminal protection orders or civil no contact orders issued by the court to be modified or rescinded for the limited purpose of the victim-offender dialogue before a face-to-face dialogue takes place.

Additionally, funding may be a barrier for restorative justice programming, and expansion of restorative justice within Florida may require additional funding resources. Some states, including Arizona, Kansas, New Hampshire, and Texas reported using federal Victims of Crime Act (VOCA) funding for these programs. For example, the New Hampshire Department of Corrections receives funding for its victim-offender dialogue program through a combination of VOCA and state funds. VOCA funding provides direct reimbursements to victims for crime-related expenses, such as medical costs and mental health counseling. The funding is also available for states to make awards to organizations to provide services such as crisis intervention, emergency shelter and transportation, counseling, and criminal justice advocacy to crime victims. Restorative justice is an allowable activity for which VOCA funds may be used. Federal guidelines state that the types of restorative justice that are allowable are those activities that support opportunities for crime victims to meet with perpetrators, if such meeting is requested or voluntarily agreed to by the victim. Guidelines also require that victims must always have the opportunity to withdraw from participation, and there must be a reasonably anticipated beneficial or therapeutic value to the victim. The state agency that administers the funds has the discretion to determine what restorative justice activities it wishes to fund and is responsible for monitoring and overseeing the program. To date, Florida has not used VOCA funding administered by the Florida Office of the Attorney General for restorative justice programs.

²⁷ Section 921.244, *F.S.*, requires the court to establish a no contact order between the victim and offenders convicted of certain violent or sexual offenses. The order prohibits the offender from having any contact with the victim for the duration of the sentence imposed. The court may reconsider the order upon the request of the victim if the victim is at least 18 years of age. Additionally, s. 903.047, *F.S.*, allows the court to order no contact between the victim and offender as a condition of pretrial release. Thus, no contact orders could affect restorative justice programs both before and after adjudication.

Another consideration for restorative justice programs in Florida is program staffing. Other states use paid staff and volunteers to operate their programs. For example, the victim-offender mediation program within the Texas Department of Criminal Justice has seven full-time staff consisting of five mediators, one director, and one administrative assistant; two of these staff members are funded through VOCA funding. The Colorado Department of Corrections victim-offender dialogue program mostly uses volunteers as facilitators; however, they have also used parole officers who have system experience and are effective in working with offenders. Kansas has one staff member devoted to its victim-offender dialogue program. Other staff within the Kansas Victim Services Office are trained to assist and the program also uses volunteers.

In addition, the distance between the victim's location and the offender's incarcerated placement may be a logistical barrier to implementing face-to-face meetings. Other states addressed this by providing funding for victim travel, using technology to conduct the facilitated meeting between the victim and offender, or seeking other options for arranging face-to-face meetings. For example, Texas allows restorative justice program staff to request transfer an inmate to a facility that is closer to the victim for the in-person meeting. Kansas uses VOCA funds to provide up to \$500 for travel reimbursements, such as for hotels and flights, for victims to travel to the prison to complete the in-person meeting with the offender.

Marsy's Law is another important factor when establishing restorative justice programs. Due to a lack of a definition of restorative justice in Florida, it is difficult to determine how Marsy's Law or other victims' rights laws would affect the expansion of restorative justice programming. However, other states that adopted Marsy's Law do have restorative justice programs at the state or local level; these states include California, Georgia, Illinois, and North Dakota. Restorative justice in Florida would need to abide by Marsy's Law and other victims' rights laws. For example, Marsy's Law establishes the right to prevent the disclosure of victims' confidential or privileged information. Thus, the information from any restorative justice programming would need to be confidential.

Several states with restorative justice programming reported that they have policies or confidentiality agreements in place. For example, while Colorado has not adopted Marsy's Law, the state does have confidentiality language in state code and statute. The Colorado Department of Corrections administrative code states that all information shared during the victim-offender dialogue is confidential and not considered public record; the department has no authority to release the information without the expressed written authority of participants, except when it is used for departmental training, and the identities of the participants are not revealed. Colorado also has confidentiality language for restorative justice programs within the statutory definition of restorative justice for youth.

Another state that has not adopted Marsy's Law includes the right for a victim to request to participate in restorative justice in state law. The Texas Crime Victims' Rights includes the right of a victim to request victim-offender dialogue coordinated by the Texas Department of Criminal Justice. Article 56.13 of the Texas Code of Criminal Procedure requires the department's victim services division to train volunteers to act as mediators between victims, guardians of victims, close relatives of deceased victims, and offenders whose criminal conduct caused bodily injury or death to victims. The department must also provide dialogue services through a trained volunteer if the dialogue is requested by the victim, guardian of the victim, or close relative of a deceased victim. According to the Texas Department of Criminal Justice, creative alternatives to dialogue are also an option and typically include a letter written by the victim.

The Legislature could also consider creating a restorative justice advisory council. The council would monitor restorative justice in the state and offer recommendations for guidelines and training standards, similar to the approach used in Colorado and Massachusetts. While many states have restorative justice programs, the states have a wide variety of approaches to program operation and training standards. An advisory council could offer recommendations for program operation and training and take into account restorative justice resources that already exist within Florida, such as the Restorative Practices Interagency Workgroup, the pilot program with FDC, and DJJ's restorative justice curriculum. Moreover, due to the use of restorative justice in other fields (e.g., education and health and human services), an advisory council could incorporate restorative justice practices from these other areas. Like Colorado and Massachusetts, the council could include state agency representatives from FDC, DJJ, Office of the Attorney General, Department of Education, Department of Children and Families, the Office of the Governor, and other entities. The membership could also include law enforcement, judges, state attorneys, public defenders, restorative justice practitioners, and victim advocates

APPENDIX A

Meta-Analyses and Literature Review Summaries

Exhibit A-1 presents an overview of meta-analyses and literature reviews examining outcomes of different types of restorative justice programming, such as victim and offender satisfaction, recidivism, and restitution compliance. Studies are presented in chronological order.

Exhibit A-1

Literature Reviews and Meta-Analyses of Restorative Justice Programming

Study	Studies Evaluated	Program Type	Measured Outcome	Methods	Findings
Jeff Latimer, Craig Dowden, and Danielle Muise, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis," <i>Department of Justice Canada</i>	22 unique studies (published and unpublished) examining the efficacy of 35 individual restorative justice programs	Conferencing (8 studies) and victim-offender mediation (27 studies) Juvenile and adult offenders	Victim and offender satisfaction (13 programs), restitution compliance (8 programs), and recidivism (32 programs)	Meta-analysis	Satisfaction: Victims and offenders reported higher satisfaction with restorative justice processes than traditional methods, though satisfaction was greater among victims than offenders. Satisfaction was lower for victims and offenders participating in a restorative justice program while the offender was incarcerated. Restitution compliance: Offenders who participated in restorative justice programming were significantly more likely to complete restitution agreements. Recidivism: On average, restorative justice programs resulted in reduced recidivism. Offenders who participated in restorative justice programs were significantly more successful during follow-up periods than offenders who did not.
Mark S. Umbreit, Robert B. Coates, and Betty Vos, "The Impact of Victim-Offender Mediation: Two Decades of Research," <i>Federal Probation</i> , Vol. 65, No. 3: 29-35, 2001	38 evaluation reports	Victim-offender mediation (includes studies using the terms victim-offender mediation, victim-offender dialogue, victim-offender conferencing, or victim-offender meetings) Juvenile and adult offenders	Impact of victim-offender mediation programs, including client satisfaction, client perception of fairness, restitution, diversion, recidivism, costs, and victim-offender mediation and crimes of violence	Literature review	Client satisfaction: Satisfaction with the victim-offender mediation process was consistently high for both victims and offenders across sites, cultures, and seriousness of offenses. Victims and offenders going through victim-offender mediation were also more satisfied with the criminal justice system than those going through traditional court prosecution. Fairness: Over 80% of victim-offender mediation participants felt the process was fair to both sides and the resulting agreement was fair, which led to feelings that the overall criminal justice system was fair. Restitution: Across studies reviewing restitution, at least 90% of cases that reached a meeting generated a restitution agreement and approximately 80-90% of the agreements were completed. Diversion: Victim-offender mediation can be an effective tool for diverting juvenile offenders from further entry into the criminal justice system, but it may also be a means for widening the net, resulting in offenders experiencing more severe sanctions than if victim-offender mediation did not exist. Recidivism: Victim-offender mediation is as effective, if not more so, in reducing recidivism as traditional processes. Offenders who go through victim-offender mediation tend to recidivate at lower rates and have less serious offenses than offenders who do not participate in victim-offender mediation. Costs: Studies evaluating comparative costs have shown that victim-offender mediation could reduce or contain costs. Potential areas for cost savings include not just the per case cost but also savings due to

Study	Studies Evaluated	Program Type	Measured Outcome	Methods	Findings
					reductions of trials, incarceration time, and time needed to process cases. Victim-offender mediation and crimes of violence: Victim-offender mediation is often used as a diversionary option for less serious cases, but there is growing interest in using victim-offender mediation to work with victims and offenders involved in severely violent crime.
William R. Nugent, Mona Williams, and Mark S. Umbreit, "Participation in Victim-Offender Mediation and the Prevalence and Severity of Subsequent Delinquent Behavior: A Meta-Analysis," <i>Utah Law Review</i> , Vol. 2003, No. 1: 137-166, 2003	15 studies (6 studies published in peer-reviewed journals and books, 1 unpublished master's thesis, and 8 program evaluations)	Victim-offender mediation Juvenile offenders	Effect of victim-offender mediation on subsequent delinquency among juveniles	Meta-analysis	Recidivism: Participation in victim-offender mediation resulted in lower rates of recidivism as compared to not participating in victim-offender mediation in 11 of the 15 studies; differences were statistically significant in 7 studies. Non-victim-offender mediation groups had lower rates of recidivism in four studies, but only one study demonstrated statistically significant differences. The definition of re-offense used in the studies was an important methodological factor for looking at prevalence outcomes. Definitions ranged from narrow (any offense for which a youth was adjudicated guilty during a one-year period) to broad (any official contact with a law enforcement agency; any subsequent court contact; or any record of re-arrest). Using a narrow definition of re-offense, victim-offender mediation participation may result in reduced recidivism. Among juveniles who reoffended, those who participated in victim-offender mediation tended to commit less serious offenses than those who did not participate in victim-offender mediation.
William Bradshaw and David J. Roseborough, "Restorative Justice Dialogue: The Impact of Mediation and Conferencing on Juvenile Recidivism," <i>Social Work Faculty Publications</i> , Vol. 69, No. 2: 15-21, 2005	19 studies	Victim-offender mediation and family group conferencing Juvenile offenders	Effectiveness of victim-offender mediation and family group conferencing, and intervention effects between victim-offender mediation and family group conferencing on recidivism	Meta-analysis	Recidivism: Victim-offender mediation and family group conferencing contributed to a 26% reduction in recidivism, compared to 10% for traditional justice programs. Victim-offender mediation had a significantly greater effect than family group conferencing. There were no significant moderating effects by offense type, definition of re-offense, source of the study, or sample.
Mark S. Umbreit, Betty Vos, and Robert B. Coates, "Restorative Justice Dialogue: A Review of Evidence-Based Practice," <i>Offender Programs Report</i> , Vol. 9: 49-56, 2005	85 studies (53 mediation studies, 22 group conferencing studies, 5 circle studies, 2 studies of other dialogue programs, and 3 meta-analyses)	Victim-offender mediation, group conferencing, circles, other dialogue programs Juvenile and adult offenders	Participation rates and reasons, participant satisfaction, participant perception of fairness, restitution and repair of harm, diversion, recidivism, and cost	Literature review	Crime victim participation rates and reasons: Participation rates ranged from 40-60%, but up to 90% was reported. Victims participated because they wanted to receive restitution, hold the offender accountable, learn more about why the crime occurred, share their pain with the offender, avoid court processing, help the offender change their behavior, or see the offender adequately punished. Specifically among victims of violent crimes, reasons for participation included seeking information, showing the offender the impact of their actions, and having some form of human contact with the person responsible for the crime. Offender reasons for participation: Offenders chose to participate to pay back the victim, put the experience behind them, impress the court, or apologize to the victim. Offenders of violent crime chose to participate to apologize, help victims heal, and do whatever would benefit victims, but they also hoped to benefit from the experience contributing to their own rehabilitation, changing how the victims viewed them, or having spiritual reasons for wanting to meet. Participant satisfaction: Victims and offenders tended to be highly satisfied with victim-

Study	Studies Evaluated	Program Type	Measured Outcome	Methods	Findings
					<p>offender mediation and group conferencing, and most participants would recommend those programs to others. Two circle studies both indicated positive effects of participation and high levels of satisfaction. Fairness: Participants in victim-offender mediation and group conferencing programs were more likely to view the process and resulting agreement as fair to both sides compared to those participating in traditional justice approaches. Restitution and repair of harm: Participation in restorative justice programming generally resulted in greater compliance with restitution agreements compared to traditional court processes. Victim presence in group conferencing had a positive effect on receiving reparation. Diversion: Victim-offender mediation programs in the United Kingdom were found to increase sanctions on offenders who otherwise would not have received sanctions through traditional processes, but U.S. studies found that victim-offender mediation programs successfully diverted offenders from court. Results were similarly mixed for group conferencing, with one study indicating no effect, one study reducing police interventions and court cases, one study reporting all of its cases were diversion, and one study reporting more sanctions for group conferencing than traditional court processing. Circles have shown diversion from court processing and significantly reduced behavioral referrals in a school system. Recidivism: Results of the impact of victim-offender mediation and group conferencing on recidivism have been mixed. Overall, these programs demonstrate reduced rates of recidivism and re-offenders tended to have less serious offenses in comparison to control groups. Variables affecting recidivism rates include face-to-face mediation, which resulted in lower recidivism than shuttle mediation (the facilitator delivers messages between victims and offenders), and offense type (violent offenders tended to have lower recidivism rates than non-violent offenders). Studies comparing recidivism rates of offenders before and after mediation show a reduction in offense rates after participation. Two circle studies indicated significant reductions in recidivism. Cost: Results are mixed. Studies of victim-offender mediation show it is less costly than other options in some instances but more costly in others. A California study showed significant cost reductions per case for victim-offender mediation. Costs were also reduced in terms of total incarceration time, place/cost of incarceration, reduction of trials, and reduction of time needed to process victim-offender mediation cases compared to non-mediated cases. One cost-benefit analysis of a circle program in Canada demonstrated significant savings to the provincial and federal governments.</p>

Study	Studies Evaluated	Program Type	Measured Outcome	Methods	Findings
Lawrence W. Sherman and Heather Strang, "Restorative Justice: The Evidence," <i>The Smith Institute</i> , 2007	15 studies	Victim-offender mediation, indirect communication through third parties, and restitution or reparation payments ordered by courts or referral panels Juvenile and adult offenders	Impact of restorative justice indicated by repeat offending, effects on victims, and effects of diversion to restorative justice from prosecution on offenses brought to justice	Literature review	As compared to traditional criminal justice, restorative justice programs significantly reduced recidivism for some, but not all, offenders (effects were greater for violent crime); at least doubled the offenses brought to justice as diversion from criminal justice; reduced crime victims' post-traumatic stress symptoms and related health care costs; provided victims and offenders with higher levels of satisfaction; reduced crime victims' desire for revenge against their offenders; reduced the costs of criminal justice when used as diversion from criminal justice; and reduced recidivism more than prison for adults and as well as prison for youths. Restorative justice also resulted in greater compliance with court-ordered outcomes.
Jung Jin Choi, Gordon Bazemore, and Michael J. Gilbert, "Review of Research on Victims' Experiences in Restorative Justice: Implications for Youth Justice," <i>Children and Youth Services Review</i> , Vol. 34, No. 2012: 35-42, 2011	Unspecified; sample of published articles and books from 1989 – 2010	Victim-offender mediation, family group conferencing Implications for juvenile offenders	Identification of commonalities in outlier findings of negative victim experiences in restorative justice	Literature review	Factors leading to negative victim experiences include inconsistencies between restorative justice principles and actual practice, such as when restorative justice programs were more offender-centered and less sensitive to victims' needs. Negative victim outcomes were also attributed to being inadequately prepared, feeling pressured in some way by practitioners or facilitators, or feeling intimidated in some way by offenders and/or their families. The authors suggest practitioner training that emphasizes restorative justice principles and values, thorough preparation for conferencing, and creating mutual empathy through sincere apology to achieve restorative outcomes.
Nuala Livingstone, Geraldine Macdonald, and Nicola Carr, "Restorative Justice Conferencing for Reducing Recidivism in Young Offenders (aged 7 to 21)," <i>Cochrane Database of Systematic Reviews</i> , No. 2, 2013	4 studies	Restorative justice conferencing Juvenile offenders	Effect of restorative justice conferencing on recidivism	Meta-analysis	Results indicated no difference in recidivism rates for youth who participated in restorative justice conferences and youth who went through normal court proceedings. The groups did not differ in terms of sense of remorse, recognition of wrongdoing, self-perception, or satisfaction with their respective justice processes. Results did indicate victims who participated in restorative justice conferences may be more satisfied than victims whose cases went through court proceedings.
Heather Strang, Lawrence W. Sherman, Evan Mayo-Wilson, Daniel Woods, and Barak Ariel, "Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review," <i>Campbell Systematic Reviews</i> , Vol. 2013, No. 12, 2013	10 experiments	Face-to-face restorative justice conference Juvenile and adult offenders	Effects of restorative justice conferences on recidivism and victim impact	Meta-analysis	On average, restorative justice conferences result in a modest but highly cost-effective reduction in recidivism and have substantial benefits for victims. On average, restorative justice conferences appear to be more effective in reducing recidivism among violent offenders and among adults (rather than juveniles) who committed offenses with identifiable victims present for conferencing (personal victims). Restorative justice conferences may also be more effective with serious offenders with long criminal records. Victim satisfaction with the way their case was handled was consistently higher for victims assigned to restorative justice conferences than normal criminal justice processing. Victims assigned to restorative justice conferences felt their offenders' apologies were more sincere than those who were court-ordered to apologize. Participation in restorative justice conferences also reduced victims' desire for revenge and post-traumatic stress symptoms.

Study	Studies Evaluated	Program Type	Measured Outcome	Methods	Findings
Lawrence W. Sherman, Heather Strang, Evan Mayo-Wilson, Daniel J. Woods, and Barak Ariel, "Are Restorative Justice Conferences Effective in Reducing Repeat Offending? Findings from a Campbell Systematic Review," <i>Journal of Quantitative Criminology</i> , Vol. 31, No. 1: 1-24, 2015	10 experiments	Face-to-face restorative justice conferencing Juvenile and adult offenders	Effects of restorative justice conferences on recidivism	Meta-analysis	On average, restorative justice conference appeared to work better for violent crimes than all crime types, but the difference was not statistically significant. Adult offenders with identifiable victims present for conferencing (personal victims) recidivated less than juvenile offenders. The authors suggest restorative justice conference may be more effective as a supplement to traditional justice processes than as a substitute for, or diversion from, traditional court proceedings. Overall, among the kinds of cases in which both offenders and victims were willing to meet, restorative justice conference seemed to reduce recidivism and cost of future crime.
David B. Wilson, Ajima Olaghere, and Catherine S. Kimbrell, "Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis," <i>George Mason University</i> , 2017	60 unique studies	Programs ranged from those with a meeting between offenders and victims/community representatives to teen courts, restitution, cautioning/diversion, and a mix of other programs having an element consistent with restorative justice principles Juvenile offenders	Effectiveness of restorative justice programs and programs with restorative justice elements in reducing delinquency and non-delinquency outcomes of restorative justice programming	Meta-analysis	Victim-offender conferencing and family group conferencing, overall, had positive effects on delinquency, defined as any measure of criminal behavior, including both official and self-reported delinquency. Arbitration/mediation programs had a small overall effect. Circle sentencing programs had a moderate to small effect, but there were only two studies for this type of intervention. Restitution programs, teen courts, impact panels, and reparative boards had minimal effects. Cautioning and diversion programs showed the largest overall effect and may be particularly useful for low-risk and first-time youthful offenders. Programs with meetings before the main conference or mediation session tended to have better outcomes related to delinquent behavior than those that did not. Youth participating in restorative justice programming had greater perceptions of fairness, increased satisfaction with the process, less supportive attitudes towards delinquency, and were more likely to complete reparative actions (i.e., restitution, community service). Victims whose cases were processed through restorative justice programming had greater perceptions of fairness, greater satisfaction, and improved attitudes toward the offender, were more willing to forgive the offender, and were more likely to feel the outcome was just compared to victims whose cases were processed through traditional methods. Restorative justice programming did not result in consistent improvement of emotional well-being of victims or offenders compared to traditional processing.

Source: OPPAGA analysis of literature reviews and meta-analyses pertaining to restorative justice.

APPENDIX B

Program Review Summaries

The following table presents the results of studies evaluating the impact of various restorative justice programming and variables affecting outcomes of restorative justice programming. Studies are presented in chronological order.

Exhibit B-1 Reviews of Restorative Justice Programs

Study	Program Type	Measured Outcome	Sample Size	Methods	Findings
Marilyn Peterson Armour, John Sage, Allen Rubin, and Liliane C. Windsor, "Bridges to Life: Evaluation of an In-Prison Restorative Justice Intervention," <i>Medicine and Law</i> , Vol. 24, No. 4: 831-852, 2005	A combination of victim impact panels, victim impact classes, and conferencing through Bridges to Life (a manualized, pre-release, ecumenical faith-based, three-month in-prison program using a restorative justice approach in Texas)	How the program facilitates change in offender behavior	879 adult offenders, 90 volunteer victims, and 52 facilitators; offenses were categorized as violent crime; drug offenses; burglary, theft, and shoplifting; white collar crime (forgery, credit card); driving while intoxicated; other non-violent offenses; aggravated assault; murder; driving while intoxicated with manslaughter; multiple violent offenses; and multiple non-violent offenses	This study used quantitative and qualitative analyses based on analysis of responses to an anonymous assessment survey (developed by Bridges to Life), administered by the executive director and regional coordinator at the end of each prison project. Four questions had a Likert scale for rating satisfaction level; three open-ended questions asked participants to describe what they received from the program; and two open-ended questions asked participants to suggest program improvements and recommendations for offering the program to other prisons in Texas.	Various change processes take place that impact offender behavior. Victim panels and victim stories minimize offenders' denial, self-centeredness, and ignorance; small groups establish trustworthy and corrective relationships. Offenders frequently commented that seeing the pain in a victim's eyes made them feel the pain they had caused and was a key factor for growth. Offenders also reported their increased awareness of the impact of crime on others made it impossible to continue lives of crime after release due to feelings of guilt, awareness of victims' pain, and increased sense of responsibility. All participants rated victim panels and small group meetings higher than topics and study materials. Victim panels evoked empathy and made an impact on offenders. Small groups helped offenders open up, express their feelings, experience self-acceptance, and feel optimistic.
Kimberly deBeus and Nancy Rodriguez, "Restorative Justice Practice: An Examination of Program Completion and Recidivism," <i>Journal of Criminal Justice</i> , Vol. 35: 337-347, 2007	A blend of family group conferencing and reparative boards known as Community Justice Committees (a diversion program based on restorative justice principles in Arizona)	Factors (diversion program type, offense type, poverty level, juvenile demographics) affecting program completion and recidivism rates	9,255 juvenile referrals eligible for diversion that were processed in either the Community Justice Committees program (N=4,198) or the standard cite-in diversion program (N=5,057) from January 1999 through June 2001	This study used a quasi-experimental design. Juveniles were assigned to Community Justice Committees or the standard diversion program through collaboration between juvenile probation officers and the county attorney's office. The researchers examined all juvenile referrals eligible for diversion that were processed in either Community Justice Committees or the standard diversion program. Individual-level	Overall, juveniles who completed their assigned diversion programs were more likely to be white, in school, have a history of fewer prior offenses, and have current charges related to status and person offenses. Status offenders (charges of running away, truancy, incorrigibility, and curfew violations) and property offenders (charges of burglary, possession of stolen property, theft, and motor vehicle theft) in the restorative justice program were less likely to recidivate than status and property offenders in the standard diversion group. Poverty level at the community level had a significant influence on both program completion and recidivism; juveniles living in poorer communities were less likely to successfully

Study	Program Type	Measured Outcome	Sample Size	Methods	Findings
				<p>data utilized in the analysis came from the Maricopa County Juvenile On-Line Tracking System data base and community-level data came from the 2000 U.S. Census data.</p>	<p>complete the programs. Juveniles from more affluent communities who completed the Community Justice Committees program had the lowest recidivism rates. However, juveniles from poorer communities who completed the Community Justice Committees program were also less likely to re-offend than similar juveniles in the standard diversion program. Although participation in the restorative justice program and completion of either diversion program individually reduced recidivism, there was no interactive relationship between restorative justice and program completion on recidivism.</p>
<p>Nancy Rodriguez, "Restorative Justice at Work: Examining the Impact of Restorative Justice Resolutions on Juvenile Recidivism," <i>Crime & Delinquency</i>, Vol. 53, No. 3: 355-379, 2007</p>	<p>A blend of family group conferencing and reparative boards known as Community Justice Committees (a diversion program based on restorative justice principles in Arizona)</p>	<p>The effect of Community Justice Committees on juvenile recidivism among offenders who complete their disposition, and the effect of the program on recidivism associated with legal (seriousness of offense and number of prior offenses) and extralegal (gender, race, ethnicity, and age) variables</p>	<p>4,970 juvenile offenders processed through the Maricopa County Juvenile Probation Community Justice Committees from January 1999 through June 2001; community justice committee group=1,708, control group=3,262</p>	<p>Descriptive statistics were used to identify differences between the restorative justice group and the control group. Logistic regression was used to predict recidivism, defined as the filing of a new juvenile court petition in a 24-month time period.</p>	<p>Although group composition varied across legal and extralegal factors, both the Community Justice Committees and control group showed similar rates of recidivism (34% and 36%, respectively). When legal and extralegal variables were controlled for, those in the Community Justice Committees group were less likely to recidivate after two years. Boys were more likely to recidivate than girls regardless of program type, though boys who went through the Community Justice Committees program had a lower probability of recidivating. Race was not a significant predictor of recidivism. Juveniles who committed crimes involving property offenses were less likely to recidivate than offenders who committed crimes against other people. Juveniles with a greater number of prior offenses were more likely to recidivate; however, juveniles in the Community Justice Committees program with two or more prior offenses were more likely to recidivate than juveniles in the control group. The county monitored offenders' cases at the court or at a neighborhood satellite center established by the juvenile court. The satellite centers were located throughout the county in schools, churches, social service agencies, and juvenile court community centers. The majority of juveniles in the restorative justice program had their cases processed in the satellite center, compared to about one-third of those in the standard program. Offenders who had their cases processed in neighborhood satellite centers were less likely to recidivate.</p>

Study	Program Type	Measured Outcome	Sample Size	Methods	Findings
<p>Kathleen Bergseth and Jeffrey A. Bouffard, "Examining the Effectiveness of a Restorative Justice Program for Various Types of Juvenile Offenders," <i>International Journal of Offender Therapy and Comparative Criminology</i>, Vol. 57, No. 9: 1054-1075, 2012</p>	<p>Various restorative justice programming, including face-to-face victim offender dialogue, victim or community panels, and indirect mediation</p>	<p>Exploration of the possible moderating effects of age, gender, race/ethnicity, and prior offending behavior on recidivism among youth referred to restorative justice programming and traditional court processing</p>	<p>352 youth referred to a restorative justice program; 353 similar youth referred to traditional juvenile justice system</p>	<p>Cox regression analyses were used to examine the relationship between restorative justice participation and time to re-offense, as well as the potential differential impact of restorative justice referral on youth based on demographic- and offense-related variables. The study used an intention-to-treat design; those who were assigned to treatment (restorative justice) and comparison (traditional juvenile justice) groups remained in those groups based on referral to the groups regardless of whether they received the assigned intervention.</p>	<p>Juveniles referred to the restorative justice program remained offense-free significantly longer than comparable youth who received traditional processing, even when group differences were controlled. Youth age 14 and younger who were referred to the restorative justice program remained offense-free for significantly longer periods of time than similar youth in the control group; this difference was not significant for youth age 15 and older. Although males and females referred to restorative justice programming remained offense-free longer than males and females referred for traditional processing, this difference was only statistically significant for males. Both white and non-white youth referred to the restorative justice program remained offense-free significantly longer than the comparison group, but the difference was greater for white youth. Juveniles with no prior official contact with juvenile justice authorities who were referred for restorative justice processing remained offense-free significantly longer than youth in the control group. Those with one or more prior contacts in the restorative justice group also had longer periods of time offense-free as compared to the traditional court processing group, but the difference was not statistically significant. Offense type also had an effect on recidivism; those in the restorative justice group with property and violent offenses remained offense-free significantly longer than those in the comparison group, but those who were referred to restorative justice programming for other types of offenses, such as curfew violations, alcohol- or tobacco-related charges, drug possession, traffic offense, or disorderly conduct, recidivated more quickly than youth in the comparison group, though the difference was not statistically significant.</p>

Study	Program Type	Measured Outcome	Sample Size	Methods	Findings
Jung Jin Choi, Michael J. Gilbert, and Diane L. Green, "Patterns of Victim Marginalization in Victim-Offender Mediation: Some Lessons Learned," <i>Crime, Law and Social Change</i> , Vol. 59, No. 1: 113-132, 2013	Victim-offender mediation	Identification of factors that may lead to victim marginalization during restorative justice programming	8 juvenile offenders with cases involving misdemeanors and felony charges, unusually high restitution, and 1 violent felony; 8 parents, 8 adult victims, 10 mediators, 3 representatives of referral sources	This study used a naturalistic qualitative design of semi-structured interviews and victim-offender mediation observation.	Patterns of victim marginalization were observed, which were attributable to gaps between the guiding principles of restorative justice and actual practice, particularly victim-centeredness. The study showed that victim dissatisfaction occurred when victims were not appropriately prepared, felt pressured by mediators to behave in certain ways (such as not expressing any negative emotions and accepting apologies), and felt concerned for their safety or intimidated by offenders and/or their family members.
Mary Koss, "The RESTORE Program of Restorative Justice for Sex Crimes: Vision, Process, and Outcomes," <i>Journal of Interpersonal Violence</i> , Vol. 29, No. 9: 1623-1660, 2014	Restorative justice conferencing program, RESTORE (a program for adults with misdemeanor and felony sexual assaults in Arizona)	Examination of the feasibility, fairness, and safety of RESTORE; comparison of participants' experiences with the program vision, review of service delivery to improve program implementation, and outcome evidence analysis to determine whether the program achieved its aims	Participants at intake/post-conference: offenders, n=20/20; victims, n=11/7; surrogate victims, n=11/11; minimal participation victims, n=15/13; offender family & friends, n=23/20; victim family and friends, n=19/18; volunteers, n=10/11	Offenders were referred to the program by county and city prosecutors according to referral criteria from March 2003 through August 2007. After referral, survivor victims were contacted for consent to participate. Data sources included clinical and research files and nonparticipant observation of conferences. Self-report measures were administered at intake and immediately post-conference, except for survivor victims and offenders, which were administered one week post-conference.	Feasibility: The program was feasible; most felony sexual assault survivors wanted to meet with their offenders face-to-face (most were romantic partners), but most misdemeanor sexual assault survivors did not want to meet with their offenders (all were strangers). Among those who accepted responsibility for their offenses, most felony offenders and all misdemeanor offenders were willing to participate in RESTORE. Fairness: Evaluations revealed disturbing racial trends. Caucasian offenders and victims were more likely to be referred to RESTORE than African Americans or Hispanics. Safety: The program appeared safe. There was one documented instance of victim re-abuse, which was addressed at the time of occurrence. Psychometric assessments of victim distress indicated many had symptoms of post-traumatic stress disorder (PTSD) at the beginning of the program, but symptoms did not increase during the program and fewer victims met PTSD criteria three months after the conference. Participant experience compared to program vision: One-third of victims did not elect to participate in order to put the incident behind them, but all indicated taking back their power was a major reason to participate; most also wanted to have input into the consequences for the offender. Service delivery was mostly determined by prosecutorial referral, but authors noted a high rate of police case closures, which was deemed problematic because it reduced the number of individuals referred to RESTORE. Outcome evaluations: 91% of consented cases (cases in which both victim and offender agreed to participate) had a completed conference. Two-thirds of felony and 91% of misdemeanor offenders fulfilled all terms of their re-dress plan and supervision and completed RESTORE successfully. Victims and their supporters who attended their conferences were the most satisfied participant groups.

Study	Program Type	Measured Outcome	Sample Size	Methods	Findings
Alana Saulnier and Diane Sivasubramaniam, "Effects of Victim Presence and Coercion in Restorative Justice: An Experimental Paradigm," <i>Law and Human Behavior</i> , Vol. 39, No. 4: 378-387, 2015	Examination of the restorative practice of apologizing in a conferencing-type of set up	Effects of coercion (coerced, not coerced) and victim presence (direct, surrogate, ambiguous) on offenders' subjective experiences of offering an apology and the quality of the apology	Introductory psychology students (N=101) at a midsized Canadian university (39 male, 62 female)	Participants were engaged in a deceptive, live paradigm designed to elicit a confession and apology for a transgression, in which coercion and victim presence were manipulated. Condition assignment was random. Victim conditions involved an actual victim, a surrogate (victim's representative), or were ambiguous (no victim). In the coercion conditions, participants were told they would receive an academic misconduct violation if they did not write an apology (coerced), or that there were no negative consequences for not writing an apology (not coerced). Participants self-reported the outcomes they experienced after apologizing, which were categorized as personal responsibility, transgression ramifications, accountability, apology impact, transgression finality, value consensus, procedural fairness, and outcome fairness. Twenty independent raters (also introductory psychology students) rated the objective quality of apologies on remorse, acceptance of guilt, and potential for dispute resolution.	Victim presence and coercion had a significant impact on the subjective perceptions of transgressors. Transgressors felt more accountable to direct victims than to ambiguous victims. Victim presence and coercion consistently affected the transgressors' apology quality. Victim presence affected remorse only when apologies were not coerced. Transgressors who were not coerced conveyed significantly more remorse to direct and surrogate victims than to ambiguous victims. Transgressors who were coerced to apologize conveyed less guilt and less potential for dispute resolution. Those in the surrogate condition conveyed more guilt than those in the ambiguous condition. Transgressors in the surrogate condition conveyed more potential for dispute resolution than those in the ambiguous or direct conditions.
Marilyn Armour and Shannon Sliva, "How Does It Work? Mechanisms of Action in an In-Prison Restorative Justice Program," <i>International Journal of Offender Therapy and Comparative Criminology</i> , Vol. 62, No. 3: 1-26, 2016	Surrogate victim-offender dialogue through Bridges to Life (a 12-week manualized faith-based intervention in a minimum security substance abuse therapeutic community	Identification of processes that produce change in an in-prison group substance abuse treatment program and how those processes affect change in offenders' self-concept and behavior	18 adult offenders, 4 victims, 2 facilitators; most crimes were drug related, but there were also property, violent, and other crimes	This study used a multi-method design, including qualitative components of participant observation, participant interviews, and field notes, and quantitative rating scales administered before, during, and after intervention.	Key elements of restorative justice processes and elements of group cohesion (feelings of solidarity with the group) supported offender behavioral changes in the Bridges to Life program, resulting in reduced recidivism. Program components that influenced changes in the offender and group cohesion included: values and beliefs associated with the Bridges to Life philosophy, which is rooted in restorative justice; expectations to attend and participate in group sessions; interacting on a human level and not having expectations about the program; honest

Study	Program Type	Measured Outcome	Sample Size	Methods	Findings
	for male, pre-release offenders in Texas)				sharing of stories and feedback; unearthing hidden truths or feelings of offenders and providing supportive interactions; internal reactions of participants to behaviors of other group members; changing how participants see themselves and finding new ways to act that were consistent with their new self-perception; and synchronicity, a belief in divine intervention or faith in the process of the program.
Michelle Butler and Shadd Maruna, "Rethinking Prison Disciplinary Processes: A Potential Future for Restorative Justice," <i>Victims & Offenders</i> , Vol. 11, No. 1: 1-23, 2015	N/A	Exploration of whether restorative justice interventions could be used inside prisons as part of their disciplinary procedures	34 prisoners and 14 staff members (including prison officers and governor-level members of prison management) across four facilities	This was a mixed-method study of disciplinary practices, involving in-depth, semi-structured interviews with prisoners and staff, and observations of misconduct hearings in four United Kingdom prisons (two adult male prisons, one young offender center, and one female prison). Participants were identified using a stratified, purposeful sampling approach.	Nearly all interviewed inmates viewed disciplinary proceedings inside prisons as lacking legitimacy because they were always found guilty regardless of what was presented during the disciplinary hearing. Prison staff acknowledged the majority of inmates were likely to be found guilty but attributed that to accompanying evidence and also expressed skepticism about inmates' denials and self-exculpations in the hearings. Prison managers felt the amount of paperwork required to go through the hearing process was a sufficient deterrent to keep officers from abusing the system; however the data on types of charges brought against inmates indicated minor infractions were frequent. Both staff and inmates reported feeling dehumanized by those on the other side and trust was very poor. The authors concluded that prisons would greatly benefit from replacing their adjudication process with a restorative procedure in a collective, participatory, problem-solving manner guided by restorative theory.
Johanna B. Folk, Brandy L. Blasko, Rebecca Warden, Karen Schaefer, Patty Ferssizidis, Jeffrey Stuewig, et al., "Feasibility and Acceptability of an Impact of Crime Group Intervention With Jail Inmates," <i>Victims and Offenders</i> , Vol. 11, No. 3: 436-454, 2016	Victim impact class, Impact of Crime (a group intervention program that includes participants reading news stories and personal vignettes on crime and the associated impacts, completing workbook exercises, and listening to victims of crimes discuss how the crime has affected them and those around them)	Feasibility (facilitator adherence to the intervention, ability to recruit victim speakers, participant program retention) and acceptability (satisfaction with various aspects of the intervention) of a victim impact manualized group intervention	108 adult male jail inmates; offense type not specified	Inmates were randomly assigned to receive a one-session motivational interview followed by an eight-week, 16 session Impact of Crime intervention or a one-session motivational interview followed by treatment as usual.	Findings suggested significant participant engagement and overall satisfaction with the intervention. Most, 67.3%, offenders attended at least 75% of sessions and 93.3% of homework assignments were submitted on time. Most offenders reported victim speakers were the most important part of the program. The study showed the Impact of Crime intervention could be delivered with fidelity and it was acceptable to offenders.

Study	Program Type	Measured Outcome	Sample Size	Methods	Findings
Lynn Stewart, Jennie Thompson, Janelle N. Beaudette, Manon Buck, Renee Laframboise, and Tania Petrellis, "The Impact of Participation in Victim-Offender Mediation Sessions on Recidivism of Serious Offenders," <i>International Journal of Offender Therapy and Comparative Criminology</i> , Vol. 62, No. 12: 3910-3927, 2018	Face-to-face restorative justice mediation, The Restorative Opportunities program, implemented by the Correctional Service of Canada (involved facilitated face-to-face meetings between offenders and victims while offenders were still incarcerated or while in the community on conditional release)	Revocation rates of conditional release for adult, federally-sentenced offenders convicted of serious crimes (73% had been convicted of homicide, manslaughter, sexual assault)	122 adult offenders who received a face-to-face meeting with their victims prior to release (n=81) or while in the community (n=41), compared with a matched sample of 122 offenders who did not receive the Restorative Opportunities intervention	From a list of all offenders who had ever participated in Restorative Opportunities face-to-face meetings, only offenders who had been supervised in the community prior to the end of the study period (12/31/14) and who were successfully matched with non-program offenders were included in the study. Survival analyses were utilized to compare rates of revocation for offenders who participated in Restorative Opportunities to offenders who did not.	Restorative Opportunities participants had significantly fewer revocations of conditional release; 25% of participants were returned to custody compared to 46% of non-Restorative Opportunities participants. Reasons for revocation included new offenses and violations of conditional release, but only a few participants were returned to custody due to new charges (n=5 for participants, n=8 for controls). One participant had a violent offense; in the control group, two participants had violent offenses and one participant had a new sexual offense. Although re-offense rates were lower for participants who had the Restorative Opportunities intervention during incarceration and their matched controls, the difference was not statistically significant. However, the difference in revocation rates was statistically significant for participants who had the Restorative Opportunities intervention in the community and their controls; non-Restorative Opportunities offenders were 6 times more likely to have their conditional release revoked.
Joseph L. D. Kennedy, Antover P. Tuliao, KayLee N. Flower, Jessie J. Tibbs, and Dennis E. McChargue, "Long-Term Effectiveness of a Brief Restorative Justice Intervention," <i>International Journal of Offender Therapy and Comparative Criminology</i> , Vol. 63, No. 1: 3-17, 2019	Victim impact class with a single-session, eight-hour restorative justice intervention delivered by trained facilitators to help offenders understand the impact of their crime; primarily used victim impact statements (not derived from the actual victims). Offenders also had to complete three assignments after the class, including writing apology letters to their direct and indirect victims (which were not delivered)	Effectiveness of the intervention, measured by recidivism, and offenders' description of their experiences and what aspects they found valuable	Treatment group: 383 adult probationers who were required to complete the intervention as a supplement to their terms of probation; control group: 130 probationers who underwent standard probation procedures and were not enrolled in the restorative justice intervention	Probationers who completed the restorative justice intervention were compared to probationers receiving treatment as usual over a two- to six-year follow-up period. The study used a simultaneous multi-method design with quantitative (recidivism rates among treatment and control groups) and qualitative (anonymous survey of four questions about the restorative justice intervention class post-intervention) components.	Recidivism was defined as a re-arrest between restorative justice intervention completion and the last follow-up period or treatment as usual entry and the last follow-up. Those who received the intervention recidivated at a lower rate (33%) than those in the control group (68%); these differences were noted at the two-year follow-up and maintained over the six-year period. Among those who recidivated, those in the intervention group did so less frequently. Half of the probationers in the intervention group spontaneously reported an empathic understanding associated with participation.

Source: OPPAGA analysis of peer-reviewed articles pertaining to restorative justice.

APPENDIX C

Restorative Justice Programs in Other States

Many other states have restorative justice programs. OPPAGA interviewed 21 organizations in 15 states to learn more about these programs. We selected states with active restorative justice programs run by both state agencies and nonprofit organizations. Exhibit C-1 presents information from restorative justice programs in other states.

Exhibit C-1

Summary of Interview Responses From Restorative Justice Program Leaders

Arizona Department of Corrections—Office of Victim Services	
Overview	Programs are victim-offender dialogues that occur in prisons. All dialogues are victim-initiated, which allows for face-to-face interaction between victims and adult offenders that would not otherwise be permitted by the state because of no contact orders. Facilitators are all paid staff members who conduct independent preparatory meetings with the victim and the offender to provide a way for a safe and secure environment for the dialogue. The program also has a program coordinator. Program is statewide and operates in all 10 state prisons and 5 private prisons.
Eligibility	Victims—Must initiate dialogue and complete a mental health evaluation to ensure that a face-to-face meeting is appropriate. Offenders—Must have at least five years in prison to ensure that they have fully adapted to the prison environment. They must be willing to admit and acknowledge their part in the crime prior to dialogue taking place and complete a mental health evaluation.
Funding	Federal—100% funded via Victims of Crime Act
Standards/Protocols	No overall program guidelines or standards; each case is unique.
Training Requirements	Facilitators are required to be trained using curriculum developed by an experienced advocate.
Colorado Department of Corrections	
Overview	Legislation in 2011 created restorative justice programs for adult offenders in the Colorado Department of Corrections. The first initiative was a pilot program of victim-offender dialogue. In addition to victim-offender dialogues, the department created a letter bank where offenders may send letters of apology. There is a newer program, called the Restorative Justice Education Group, which is a 12-week class that may become a year-long program beginning in 2020. Victim impact panels also take place; six to eight violent crime survivors created videos sharing the impact of their crimes, which are available on YouTube. Victims also volunteer to speak in prisons. The program operates in all prisons across the state.
Eligibility	Offenders cannot be in restricted housing and must be in prison for at least 12 months without any disciplinary actions within the last 12 months. State law also does not permit victim-offender dialogues for domestic violence, sexual assault, or stalking offenses. Any no contact orders must be rescinded for the victim-offender dialogue to take place.
Funding	State—Funding is used to pay for travel expenses for facilitators and victims to participate in victim-offender dialogues and preparatory meetings. The Colorado Department of Corrections provides staff support.

**Colorado
Department of Corrections (Continued)**

Standards/Protocols	<p>The Colorado Department of Corrections has helped develop the 20 Essential Principals of Victim-Centered Victim Offender Dialogues, which specifies that the process</p> <ul style="list-style-type: none"> ▪ is only initiated by the victim; ▪ is centered on the needs of the victim; ▪ is completely voluntary and may be terminated by either party at any time; ▪ strives to keep all risk of physical and emotional harm to the victim at an absolute minimum; ▪ is conducted by facilitators trained in recognized crime victim issues; ▪ is, from beginning to end, confidential for the victim, the offender, the facilitators, and any support persons; and ▪ complies with all laws, policies, and procedures of the correctional facility or supervisory authority. <p>Colorado also has a Restorative Justice Council that developed additional standards related to training programs and trainer qualifications for restorative justice programs.</p>
Training Requirements	Colorado requires at least 40 hours of facilitator training. Facilitators without training may be co-facilitators with trained facilitators to gain some experience before completing their required training.
Other	Victims are notified about the opportunity to participate in restorative justice programs. The Colorado Department of Corrections lists these programs on their website and the victims services unit may mail information about these programs to victims.

**Colorado
Restorative Justice Council**

Overview	The 2007 Legislature established the Colorado Restorative Justice Council as an advisory body with primary functions to 1) provide training and education on restorative justice in Colorado; 2) provide technical assistance with programs to engage in restorative justice programming; and 3) act as a central repository for all restorative justice programs and resources in Colorado. The council meets for a full day once every two months. The council monitors restorative justice programs for the whole state, which are primarily for juvenile offenders. The council membership is specified in statute (C.R.S. 13-3-116) and includes representatives from the Department of Corrections, the district attorney's office, judges, victim advocates, restorative justice practitioners, and restorative justice advocates.
Eligibility	Per statute (C.R.S. 19-2-907) domestic violence and sex offenders may not participate in restorative justice programs sponsored by state agencies. However, nonprofit organizations can provide restorative justice programs to these offenders.
Funding	State—A \$10 surcharge on court fees statewide provides available funding of approximately \$1 million per year. Funding is used for travel reimbursement for council members as well as approximately \$100,000 for program evaluations.
Standards/Protocols	The Colorado Restorative Justice Council has developed statewide guidelines and standards of practice regarding trainer qualifications and training organizations for restorative justice programs, which are posted on the council's website at https://www.rjcolorado.org/restorative-justice/colorado-standards-of-practice
Training Requirements	The council has a nonprofit organization that is working toward standardized training for restorative justice facilitators. The council is advisory, so they cannot force programs to follow any specific training standards.
Other	The council has a website (https://www.rjcolorado.org/restorative-justice-practitioners/index.html) where restorative justice programs and practitioners may upload directory information.

**Colorado
Longmont Community Justice Partnership**

Overview	The program uses volunteer facilitators for face-to-face meetings between victims and with pre-trial youth (ages 10 and above) and adults referred by the municipal police department. Staff will screen the victims and offenders independently to assess their appropriateness for a face-to-face meeting to make sure they understand appropriate outcomes, and facilitators will then conduct a preparation meeting with each side before the face-to-face meeting. Community representatives are trained volunteers who also meet with offenders and represent how the community was harmed by the offender (breaking the social contract, costs to the community for law enforcement and the judicial system). Most cases are pre-trial, but the program also works with some people on probation who are recommended to the program. Initially piloted as a program for first-time juvenile offenders who had committed low-level crimes, it was expanded to include adults and other judicial stakeholders, including the district attorney's office, courts, and probation offices. In general, cases are resolved within eight weeks to avoid instances where participants move or are not otherwise available.
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**Colorado
Longmont Community Justice Partnership (Continued)**

Eligibility	<p>Offenders—Must have not committed certain crimes (traffic violations, domestic violence, or sexual assault), acknowledge the harm and not minimize their offense, undergo a mental health and substance abuse evaluation to determine if there are any issues that impair offenders’ ability to participate in the process, and not have gone through the restorative justice process for the same crime.</p> <p>Victim—Must give permission for using the restorative justice process and not going to court, and be willing to participate in restorative justice meetings.</p>
Funding	<p>Local—City of Longmont (\$200,000)</p> <p>Other—Program charges a \$125 participation fee with a sliding scale; program also does fundraising events</p>
Standards/Protocols	<p>Program-established facilitator standards of conduct include the following.</p> <ul style="list-style-type: none"> ▪ All participation is voluntary ▪ Pre-meeting assessments are conducted to ensure that there is a very low possibility of re-victimization ▪ Impartiality by the facilitator toward all parties ▪ No conflict of interest by the facilitator relative to any other participant in the process ▪ Competency of facilitators through education and training to ensure a safe and restorative process ▪ Respect for privacy of all participants and information obtained by the facilitator ▪ High quality process standards for repairing the harm, meeting the needs of the victim, creating a safe space for all participants, accountability by the offender, honest and meaningful dialogue, and healing and understanding for all participants
Training Requirements	<p>Colorado requires 40 hours of training for all facilitators. The program has required facilitator training standards, which include a 20-hour training program for new volunteers (2-hour orientation, 2-hour training on how to be a community member representative, and 16 hours of facilitator training). New facilitators are also required to work with experienced facilitators prior to becoming a lead facilitator.</p>
Other	<p>Pre-trial participants who successfully complete the program will not have a criminal record.</p>

**Kansas
Department of Corrections**

Overview	<p>The Kansas Department of Corrections has restorative justice programs under the victim services division. The department operates three separate programs, including victim-offender dialogues, a letter bank of apology letters from offenders (both of which started in 2001), and victim impact classes (which began in 2011). These programs are available to adult offenders in Kansas prisons.</p>
Eligibility	<p>All adult offenders are eligible, but the department tries to ensure the offender is a good candidate for a victim-offender dialogue by having staff review the offender's mental health and disciplinary records. Program staff performs separate reviews of the offender’s disciplinary record to determine eligibility for the victim impact course.</p>
Funding	<p>State—State general revenue funds Department of Corrections staff.</p>
Standards/Protocols	<p>The Kansas Department of Corrections uses the national standards (http://www.navac.website/vod.html) published by the National Association of Victim Assistance in Corrections, which are ethical standards for victim-offender dialogues. Kansas is creating its own restorative justice standards and hopes to have them in place by May 2020.</p>
Training Requirements	<p>The department has a 40-hour initial training for victim-offender dialogue facilitator volunteers, which consists of two days during one week and three days in the following week, with some homework in the interim period. There is also annual refresher training. For the victim impact courses, the coursework for volunteer facilitators is usually one six- to eight-hour training session. The department also uses inmate graduates of the course to co-facilitate future courses. Inmate co-facilitators go through a 20-hour training program over an eight-week period. There are about two to four of these co-facilitators at each state prison.</p>
Other	<p>The apology letter and victim-offender dialogue programs are initiated by the victim. Any contact between the victim and offender is victim-initiated. Victims may learn about the programs through the department’s website and from correctional facilities staff and parole officers. For the victim-offender dialogue, either the victim or the offender may withdraw at any point in the process.</p>

**Kansas
Institute for Peace and Conflict Resolution**

Overview	The Institute for Peace and Conflict Resolution began offering restorative justice training in the late 1990s. The training program is affiliated with Bethel College and much of the training is provided for school systems in Kansas. The organization focuses on providing training in restorative justice programs for school systems and on coalition building. The organization also provides training on teen courts and alternative options for juvenile offenders.
Eligibility	This organization does not implement restorative justice programs; it provides training to school systems. All school systems in the state are eligible to receive this training.
Funding	Local—School systems pay for the training the Institute for Peace and Conflict Resolution provides.
Standards/Protocols	There are no current program standards for school-based restorative justice programs.
Training Requirements	A wide range of training programs are used. There are currently no benchmarks for training, especially in schools. The only official training requirements are related to mediator training.

**Massachusetts
Center for Restorative Justice**

Overview	The Center for Restorative Justice, housed at Suffolk University, provides a combination of public education about restorative justice and professional development training, with a mission of capacity building. The center also works with a variety of programs, including diversion, pre-arraignment, re-entry, and incarceration programs. The center's work has been primarily with the K-12 education system, including handling issues within the school system before cases are referred to the court system, and the higher education system. The center also conducts training with district attorneys and law enforcement organizations (sheriffs' offices and Department of Corrections staff).
Eligibility	Any restorative justice program that needs training and can pay for it is eligible.
Funding	Other—The center's primary source of funding is through research grants; the center also receives fees for providing training and earns revenue from publication sales.
Standards/Protocols	Center staff reported that as restorative justice is an emerging field, they do not necessarily want to put restrictions on what needs to happen in the field by having standards in place that are limiting. The Massachusetts Restorative Justice Advisory Committee is working to create recommendations on criteria for participation in restorative justice programs, training guidelines, and best practices.
Training Requirements	The center provides similar facilitator training for both juvenile and adult case facilitators.
Other	The center is working to produce an inventory of restorative justice programs in Massachusetts. This work is being done to support work by the Massachusetts Restorative Justice Advisory Committee made up of 17 representatives specified in state statute (Part IV, Title II, Chapter 276B, Section 5).

**Massachusetts
Communities for Restorative Justice**

Overview	The Communities for Restorative Justice program receives referrals from two district attorneys and over 25 police departments in eastern Massachusetts. Primarily focused on pre-arraignment diversion cases for juveniles and adults, the programs include opening, interim, and closing meetings to allow offenders to be accountable for their actions and to learn about the impact of their crime on victims and communities. Opening and closing meetings include the police officer and the victim (if the victim agrees). Interim meetings are just between the offender and volunteer facilitators. The program started in 2000 when the Concord Police Chief learned about restorative justice programs and wanted to start them in the area. Most (78%) cases are with juvenile offenders, but the program expects a larger percentage of older offenders in the future. Participants who successfully complete the program do not go to court and will not have a criminal record.
Eligibility	State statute does not allow domestic violence or great bodily harm offenders to participate. Both the referring agency and the offender must agree to participate and there is an intake process to ensure that the case is an appropriate fit. Continued participation is predicated on active participation, such as keeping appointments and completing assigned homework.
Funding	Other—Funding is mainly from individual donations and grants. The program charges a \$250 participation fee with a sliding scale; each participating police department also pays an annual membership fee.
Standards/Protocols	The program does have some best practices and a list of principles that are provided to facilitators. However, most decision making is case-specific as staff members meet with facilitators to problem solve and to find solutions in a collaborative manner.

**Massachusetts
Communities for Restorative Justice (Continued)**

Training Requirements	The program provides training for all volunteer facilitators. The training is about 10 hours in duration and covers an introduction to restorative justice and the specific programs and the logistics of working with a restorative justice team. The program also has a second level of training for volunteers who have some experience and are ready to lead meetings.
Other	In 2010, the program did a recidivism study that examined cases from the first 10 years of the program and found a recidivism rate of 16%. The program is planning an additional study to see if the recidivism rate changes over an even longer period.

**Minnesota
Center for Restorative Justice and Peacemaking at the University of Minnesota Duluth**

Overview	The center defines restorative justice as a community-based approach to justice that aims to hold offenders accountable in meaningful ways, to repair harm, and to engage victims and community members in the process. The center focuses on victim-offender restorative dialogue and works with a mix of state agencies and nonprofit organizations to provide both training and consultation to these groups to help them start and support restorative justice programs.
Eligibility	The center does not actually implement restorative justice programs, it provides training to restorative justice programs. Any restorative justice program that needs victim-offender dialogue training and can pay for it is eligible.
Funding	Other—Funding for the center comes from research grants, training fees, and private donations.
Standards/Protocols	For program standards, the center uses the 10 Sign Posts of Restorative Justice, which include <ul style="list-style-type: none"> ▪ focusing on the harms of the crime rather than the rules that have been broken; ▪ showing equal concern for victims, offenders, and their families; ▪ working toward restoration of victims and their families; ▪ supporting offenders while encouraging them to understand the harm they have done; and ▪ finding meaningful ways to involve the community and to respond to the community bases of crime.
Training Requirements	The center provides two types of training—facilitator training that includes both the initial training (approximately 16 hours) for a new facilitator and a second training for facilitators with at least 1.5 years of experience. The center also provides training in program management on how to build, implement, and sustain a restorative justice program.

**Missouri
Department of Corrections**

Overview	There are 21 Department of Corrections institutions in the state and all have programs with a restorative justice component. All adult offenders may take a class that educates offenders on the impact of their crime on victims and communities. Other programs include justice gardens that allow inmates to cultivate gardens to provide fresh food for needy state residents, quilt making, woodworking, and making coloring books for children.
Eligibility	All inmates are eligible to participate.
Funding	Other—Funding for restorative justice programming comes from donations and offender canteen funds.
Standards/Protocols	Department of Corrections staff reviews curriculum materials for the class.
Training Requirements	The department has a training program in place that trains offenders who have successfully completed the class to become facilitators for future classes.
Other	Inmates may be recommended to take the class as part of their diagnostic evaluation when they first enter the prison system. Inmates receive information about the restorative justice programs as part of facility orientation.

**New Hampshire
Department of Corrections, Office of Victim Services**

Overview	This office within the New Hampshire Department of Corrections provides advocacy services to felony-level survivors of crime. Victims are entitled to restorative justice programs per the victim's bill of rights in state statute (NH Rev Stat Section 21-M:8-k). The department provides a victim-offender dialogue program and an accountability letter bank. Office staff reviews cases and meets with offenders to see if they will volunteer to participate. If there is a no contact order, staff works with the state attorney's office to get authorization for a one-time meeting. Department staff also serves as program facilitators.
Eligibility	All participants are convicted felons held in state Department of Correction's facilities or on parole. Programs are only offered for violent offenders and not for minor crimes; most cases are sexual assault, negligent homicide, or domestic violence.
Funding	Federal and state—Office of Victim Services staff and victim-offender dialogue staff are funded through federal Victim of Crime Act (VOCA) grant awards; staff who support both victim-offender dialogues and the letter bank are funded by both VOCA and state funds.
Standards/Protocols	No program standards are being used at this time.
Training Requirements	The three staff members who are facilitators for victim-offender dialogues are all trained using the 40-hour Just Alternatives training program.
Other	Victims normally learn about the opportunity to participate in victim-offender dialogues when they call the Office of Victim Services, but sometimes referrals come from the prosecuting attorney if they know the victim is interested in participating. The programs are entirely voluntary and the victim or offender may withdraw at any time for any reason. The victim may also choose at any time to re-initiate the dialogue.

**New Hampshire
Grafton County Alternative Sentencing**

Overview	The Grafton County, New Hampshire Alternative Sentencing Program is a county government department that administers restorative justice programs in conjunction with the superior court. All programs use restorative justice practices with either victim involvement or community representative involvement. There are three programs available: drug court, mental health court, and juvenile restorative justice. The drug court program is 18 to 24 months long and is designed for first time felony offenders. The mental health and juvenile restorative justice programs have adult and juvenile diversion programs for first-time offenders. There is also a program for individuals on probation who require additional support services; the program provides mentoring for parolees who are transitioning back into the community. Adult diversion programs require 100 hours of community service as a way to give back to the community they have harmed. Juvenile programs have panels with community representatives to understand the circumstances for each individual and then work to develop a restorative agreement.
Eligibility	Grafton County residents may be referred by the superior court. Participants include first-time felons, adult and juvenile first-time offenders, and individuals on probation. Most are pre-trial, except for the probation reentry program, and the programs receive some mental health cases that are post-conviction. The organization also receives program referrals from school districts.
Funding	Local—Grafton County State—Some additional funding comes from the Bureau of Drug and Alcohol Services and an annual draw down from the New Hampshire Juvenile Court Diversion Network for juvenile screening and data collection
Standards/Protocols	The organization is not currently using any state, national, or international program standards.
Training Requirements	Facilitators provide training that covers ethics and boundaries, motivational interviewing, cognitive behavioral therapy training, and some basic group therapy training to best understand how to manage different behaviors.
Other	Juvenile and adult offenders who successfully complete the programs may have first-time misdemeanor or felony charges dropped so they will not have a criminal record.

**New York
Peace Institute**

Overview	The New York Peace Institute is an organization that provides mediation, community dispute resolution, and restorative justice programs. It is one of several community dispute resolution centers in the state. Available in Brooklyn, the programs are available to juveniles and adults, pre- and post-disposition. For example, one program receives misdemeanor referrals (typically family assault cases) in which the parties involved may want to try a restorative justice conference approach to see if they can meet and reach agreement prior to trial. The judge still makes the final determination, but often cases are dismissed after successful program completion. As a condition of sentencing, the conflict coaching program requires a convicted offender to meet with a coach to address the issues that led to the incident and work to understand its impact on victims and communities. The institute has a new family court program, beginning November 2019, for youth ages 16-17 that will allow family circles.
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**New York
Peace Institute (Continued)**

Eligibility	All participants are referred from the Brooklyn Court Office; eligibility varies by program.
Funding	Local—Mayor’s Office of Criminal Justice and the court system Other—Grants and private donations
Standards/Protocols	International Institute for Restorative Practices for training standards
Training Requirements	Volunteers attend a basic mediation training, approximately 40 hours, followed by a three-month apprenticeship, after which they receive two to three days of more advanced training. They then pair up with a criminal justice mediator before they can work on their own. Each community dispute resolution center can develop their own training curriculum, which is approved by the office of court administration. Trainers from Baltimore, Maryland and the International Institute for Restorative Practices have also provided training.
Other	People usually learn about restorative justice programs from their defense attorneys. In many cases, there is the potential to have their case dismissed if they successfully complete one of the programs. The programs work not just to resolve the case but also to resolve issues surrounding the case.

**New York
Alternative Dispute Resolution, New York State Unified Court System**

Overview	The New York State Unified Court System programs for alternative dispute resolution include community building and restoring relationships, resolving community problems, assisting with classroom management, and resolving disputes involving more serious or more violent harm. The victim-offender dialogue program is for adult Department of Correction inmates statewide and is facilitated by two court staff. Statewide, only one to four victim-offender dialogues are completed each year, but there is a chance this will grow as restorative justice programs become better known. The court also works with schools and juvenile justice programs on restorative justice.
Eligibility	No offender has been denied participation in the victim-offender dialogue program when requested by the victim, unless there is an order of protection in place, the case is still in the appeals process, or the offender does not take responsibility for the crime.
Funding	Local, state, and other—Includes grants and private foundation funding
Standards/Protocols	Given the small number of cases per year and the small number of trained staff, there has not been a need for state-level program standards.
Training Requirements	Victim-offender dialogue facilitators have had extensive training from Concentric Journeys in Texas and Just Alternatives in Maine. One staff member has also received some additional training as a mediator.
Other	People usually learn about the restorative justice programs through the victim services agency in their county. All face-to-face victim-offender dialogue meetings take place within prison facilities, so the victim must be able to travel to a facility for the meeting.

**North Carolina
Piedmont Mediation Center**

Overview	The North Carolina Piedmont Mediation Center is a nonprofit organization that works with young offenders, ages 10 to 25. Restorative justice programs include victim-offender conferences, family conferences, teen court, and community service programs. Most referrals are from the North Carolina Juvenile Justice Department after adjudication, but the center does not work with juvenile offenders who are in detention facilities. The programs are throughout Iredell County, North Carolina, but the center does provide some training in restorative practices to staff in nearby counties. Staff train volunteers who serve as program facilitators.
Eligibility	Young offenders not in detention facilities are eligible for participation.
Funding	State—Contract through the Department of Juvenile Justice Other—Center charges some clients a youth program fee of \$60
Standards/Protocols	Program standards are under development.
Training Requirements	The center uses the International Institute for Restorative Practices training materials as their primary source and two staff members are licensed trainers through the institute. The center has also modified some general mediation training to support the schedule for its volunteer facilitators.
Other	Participants who successfully complete the programs may have their charges dismissed or avoid having charges brought.

**Ohio
Franklin County Youth Education and Intervention Services**

Overview	Franklin County, Ohio has implemented a community restorative justice program that works with juvenile offenders, ages 10 to 17, who have committed a first time, misdemeanor offense and have no felonies in their criminal record; juveniles are primarily referred from the prosecutor’s office. The organization offers programs that include restorative justice circles, teen court, and a traditional diversion program. All programs focus on building relationships with youth and determining the root cause of the problem (e.g., peer pressure rather than need in a shoplifting case). Programs use trained community volunteers to facilitate circles that include the offender, the offender's parents, the victims (when applicable and when the victim agrees), and community representatives. The youth's parents are expected to attend the initial and the final meetings.
Eligibility	State programs are limited to Franklin County, Ohio residents who are juvenile offenders, ages 10 to 17, who have committed a first time, misdemeanor offense.
Funding	State—Staff salary and training is funded by the court system Other—Initial award and on-going support from United Way; initial funding was for volunteer training and staff salary
Standards/Protocols	The program has not developed any written standards; programs are based on other states’ programs.
Training Requirements	Training is provided for community volunteer facilitators.
Other	If the youth successfully completes the program, there is no criminal record. Program data show an 80-82% successful program completion rate, which requires that the program completer has not committed another crime within 16 months of program completion. The organization uses 360-degree satisfaction surveys for all participants and checks for recidivism 9 months, 12 months, and 16 months after program completion.

**Oregon
Center for Mediation and Dialogue**

Overview	The City of Beaverton, Oregon works with county juvenile justice by bringing juvenile offenders and victims together for a victim-offender dialogue. The process is victim-initiated and victim-led. Most work is done pre-sentencing, but there is flexibility to work with some offenders post-sentencing. After being referred to the program from the Department of Juvenile Justice, offenders have an initial meeting, after which they decide whether to participate in the restorative justice programs offered.
Eligibility	Programs are limited to juveniles and almost all are pre-trial; cases involving sexual assault or domestic violence are not accepted.
Funding	Federal, state, and local—Department of Juvenile Justice provides funding on a per case basis.
Standards/Protocols	Oregon is in the process of setting restorative justice program standards using the Colorado standards as a model.
Training Requirements	There is a 40-hour training session for all facilitators. Training materials cover how to conduct a restorative justice circle, restorative justice principles, understanding the needs of crime victims, listening skills, understanding neutrality and impartiality, and how to develop a written dialogue agreement.

**South Carolina
Department of Corrections, Division of Victim Services**

Overview	The South Carolina Division of Victim Services has several programs in place with restorative practices: (1) victim-offender dialogues if requested by the victim; (2) a victim awareness program that uses victim surrogates to learn about the impact of crime on others; and (3) a violence prevention program called Building Healthy Relationships that focuses on cultural differences and how, as a society, we have accepted things that are not acceptable.
Eligibility	Adult incarcerated offenders are eligible; the programs do not necessarily exclude sexual assault or domestic violence cases.
Funding	Other—A portion of proceeds from the department’s prison industries program, in which prisoners earn salaries for their work while in prison, funds some victim services staff.
Standards/Protocols	The victim-offender dialogue program uses guiding principles developed by the National Association of Victim Services Professionals in Corrections.
Training Requirements	The South Carolina training is based on a training program developed by the Center for Restorative Justice and Peacemaking. The five-day facilitator training discusses a variety of case scenarios, all done through videos and a role-play activity.
Other	South Carolina has a Victims Coordinating Council with members appointed by the state legislature to collaborate on victim advocacy issues. South Carolina eventually hopes to have trained volunteer facilitators, which is the model used in Ohio.

**Texas
Department of Corrections**

Overview	The Texas Department of Corrections has a victim-offender dialogue program that started in 1993 and is staffed by five full-time mediators, a supervisor, and an administrative assistant. In Fiscal Year 2019, Texas had 85 cases initiated, 79 cases assigned (6 cases will be assigned in the next fiscal year), and conducted 28 victim-offender dialogues. Paid staff travel to meet with victims and offenders in prisons around the state.
Eligibility	The program is available statewide and is operated from the department's Victim Services Division. All cases are initiated by a victim's request to meet with an offender who is in a Texas Department of Corrections facility.
Funding	Federal—Victims of Crime Act funds State—Part of the state funding is used to meet the state's matching requirements for federal funds
Standards/Protocols	Texas uses the victim-offender dialogue program standards established by the National Association of Victim Services Professionals in Corrections.
Training Requirements	All facilitators are required to attend a week-long training program that includes topics such as victim sensitivity, criminogenic thinking, and the ability to hold an offender accountable. Training also includes talking about offenders' manipulative behaviors so the mediators can help victims meet their goals. The program supervisor is a licensed clinician who meets with mediators to provide clinical oversight. Training also includes a shadowing program where new mediators shadow experienced mediators when they meet with victims and offenders throughout the process. Once new mediators are ready for a case, they have one assigned and they have an experienced mediator shadow them, usually after they have been working for about six months.
Other	Texas has noted the strong impact this program has as a therapeutic process for victims.

**Texas
Institute of Restorative Justice and Restorative Dialogue**

Overview	The Institute of Restorative Justice and Restorative Dialogue started out as part of the University of Texas-Austin but is now its own nonprofit organization. The institute's main function is to provide training and resources for other organizations (mainly K-12 school systems) working to implement restorative justice programs. The institute also depends on volunteers for much of the training.
Eligibility	The institute does not actually implement restorative justice programs; it provides training to restorative justice programs. Any restorative justice program that needs restorative justice training and can pay for it is eligible.
Funding	Other—Private and corporate donations. Groups pay for the institute to provide training. For example, school districts in Texas fund training to establish restorative justice programs in schools.
Standards/Protocols	The institute has developed a list of best practices related to restorative discipline in schools that include <ul style="list-style-type: none"> ▪ emphasizing system-wide interventions that value relationships; ▪ working to change the school climate, not just respond to student behavior; ▪ engaging parents, guardians, and caregivers as integral members of restorative conferences and circles; ▪ emphasizing the harms, needs, and causes of student behavior, not just the breaking of rules; and ▪ using data to analyze trends and inform early intervention.
Training Requirements	The institute has developed its own training programs for restorative justice programs, mainly for use in K-12 schools.
Other	The institute is part of the National Association of Community and Restorative Justice.

**Vermont
Department of Corrections**

Overview	The Vermont Department of Corrections has a portfolio of grants to award to city governments or nonprofit organizations to manage Community Justice Centers throughout the state; programs started in the late 1990s. Law enforcement may send offenders to the Community Justice Centers instead of family courts. Some of these centers have restorative panels with trained volunteers who meet with low-level offenders. The direct victim of the crime may be involved, depending on the victim's preference. The program is about 90 days long. Most of the people who run the programs are volunteers, and paid staff is mainly used for training. For high-risk post-release prisoner reintegration programs, Vermont uses Circles of Support and Accountability to reduce recidivism rates; released prisoners meet with a volunteer once per week for at least one year to help with adjustment to reentry.
Eligibility	Eligibility for program participants is determined locally by the Community Justice Centers. Participants are either low-level offenders who are pre-trial or high-risk parolees who are in the process of reentering the community after completing a prison sentence. Both juveniles and adults may receive services.

**Vermont
Department of Corrections *(Continued)***

Funding	State—Funding is provided by state grant awards. There are separately funded programs for juveniles and adults. The Department of Children and Families manages the programs for juveniles and the Department of Corrections handles the programs for adults.
Training Requirements	The local Community Justice Centers may use grant funding to pay for training of volunteers who facilitate the Circles of Support and Accountability and the restorative justice programs within the community.

**Wisconsin
Justice Works**

Overview	Created in 2009, Justice Works is a small nonprofit organization that runs a program called Volunteers in Probation, a diversion program for offenders who agree to plead guilty or no-contest prior to their trial. Offenders are assigned to the program for two to six years and they are paired with a mentor. Justice Works also has a program for people recently released from prison who have a high likelihood of returning to prison. They also have a bike shop that matches drug court offenders with a shop where they learn to become bike mechanics. Participants are mainly adults, but Justice Works also provides community services options for truants through the Boys and Girls Clubs and through its bike shop.
Eligibility	Eligibility varies by program and can be through referral or court order. Referrals are received from the Wisconsin Department of Corrections and from the state’s attorney general and the district attorney. Most program participants are residents of Portage County, Wisconsin.
Funding	State, local, and other—The program receives municipal funds (\$10,000 annually), as well as grant awards, user fees, and private donations (including support from the local United Way).
Training Requirements	Training is provided internally as on-the-job training, as well as through staff attending and hosting conferences on restorative justice.
Other	Participants in the Volunteers in Probation program who successfully complete their program may have their charges dropped and avoid having a criminal record.

Source: OPPAGA analysis of interviews with other states.

APPENDIX D

Examples of Community-Based Youth Restorative Justice Programs

Florida has different types of restorative justice programs within the criminal justice system. Many restorative justice programs operate at the local level throughout the state. There are also organizations that offer restorative justice training, such as the River Phoenix Center for Peacebuilding in Gainesville. This center has worked with police offices, sheriffs' departments, state attorneys, public defenders, and victim advocates to provide information and training on restorative practices. Exhibit D-1 contains examples of local restorative justice programs for youth involved in the juvenile justice system.

Exhibit D-1

Examples of Community-Based Restorative Justice Programs for Youth Within Florida

Judicial Circuit	Program Name	Counties	Program Type	Victim Interaction Level	Program Start Date	Funding Type	Youth Eligibility Requirements	Referral Source	Program Staff Training Requirements
2	Community Connections	Leon	The program focuses on utilizing the restorative justice circles model to bring juvenile offenders, their victims, and their community members together to dialogue. Prevention and probation youth are eligible for the program.	Offender and related victim, and /or unrelated victim	Organization began in 2010, restorative justice principles added in 2017	Current DJJ contract (Title II Federal Funding) - City of Tallahassee	<ul style="list-style-type: none"> Ages 5-17 Prevention, diversion, and/or probation youth Admit guilt and show accountability 	School system; DJJ juvenile probation officer; Leon County Assistant State Attorney's Office; parents/legal guardians	Bachelor's degree; Non-Violent Communications certification
6	Victim Impact Panel	Pinellas	Youth attend a number of classes centered around the effects of victimization on individuals as well as the community. Guest speakers who were victimized by similar but unrelated crimes deliver messages pertaining to their experiences being victimized.	Offender and unrelated victim	2016	County funded	Program falls under same requirements as civil citation	All law enforcement agencies in the Sixth Judicial Circuit may refer youth	Bachelor's degree; in-house curriculum training
8	River Phoenix Center for Peacebuilding	Alachua	The curriculum is based on the restorative justice circles program. Offenders and their victims are brought together in circles to develop strategies to resolve conflict and educate the offender on victimization and restorative practices.	Offender and related victim	2012	Private funding network	Youth admit guilt and show accountability	Alachua County Assistant State Attorney's DJJ juvenile probation officer	Restorative justice model training via in-house certification

Judicial Circuit	Program Name	Counties	Program Type	Victim Interaction Level	Program Start Date	Funding Type	Youth Eligibility Requirements	Referral Source	Program Staff Training Requirements
9	Neighborhood Restorative Justice	Orange	In this 90-day, multi-step, program youth attend an intake followed by an accountability conference where the victim is able to provide an impact statement as well as input on potential sanctions. The offender signs a juvenile justice contract with all parties (including the victim). The offender is assigned a weekly check-in case manager, typically a law enforcement officer, to manage sanctions and timeframes. Sanctions vary but always involve some form of community service.	Offender and related victim or surrogate	2001	Orange County	<ul style="list-style-type: none"> ▪ Assistant state attorney's office determines eligibility • First-time offenders (not including civil citations) ▪ Takes all case types except gang-related or sexual violence 	Orange County Assistant State Attorney's Office	<p>Volunteers—required to complete in-house training and shadowing prior to working</p> <p>Employees—bachelor's degree required and/or pre-trial program experience (substitute)</p>
11	Juvenile Weapons Offender Program	Dade	Offender may meet their victim, non-related victims, and/or the families of gun crime victims. Youth must complete 44 sessions, which takes an average of six months. Curriculum directly relates to the effects of gun crimes on victims and communities.	Offender and related victim, unrelated victims, or family of victim	1999	Contract via the Youth Crime Taskforce in Dade County	<ul style="list-style-type: none"> ▪ Diversion or probation youth ▪ Weapon-related offense 	Assistant state attorney; DJJ juvenile probation officer	<p>Social workers (bachelor's degree);</p> <p>One licensed mental health professional;</p> <p>Mentors - youth who graduated from the program</p>
	S.O.U.L. Sisters Leadership Collective	Dade	Program involves community building; healing; conflict resolution; and face-to-face dialogue between offenders and victims. The program strictly abides by the Restorative Justice Circles curriculum while also providing (primarily) gender-specific programming for females.	Offender and related victim	Organization began in 2014 and added restorative justice principles in 2017	Open Society Foundation and NOVO Foundation	<ul style="list-style-type: none"> ▪ Youth younger than age 18 ▪ Female or gender non-conforming ▪ Pre- and post-arrest 	Assistant state attorney	<p>Training on circles and restorative community conferencing; in-house core methodology training</p>

Judicial Circuit	Program Name	Counties	Program Type	Victim Interaction Level	Program Start Date	Funding Type	Youth Eligibility Requirements	Referral Source	Program Staff Training Requirements
15	West Palm Beach Neighborhood Accountability Board	Palm Beach	This program was initially developed due to the large number of property crimes in West Palm Beach. Impact of victimization is a large portion of the curriculum. Youth are given sanctions by the board members. Victim-offender dialogue is offered but is rarely utilized due to the types of lower-level crimes for which the youth are referred.	Offender and related victim	2014	West Palm Beach Department of Parks and Recreation	<ul style="list-style-type: none"> Ages 12-18 First time, non-violent misdemeanor 	West Palm Beach Police Juvenile Unit; assistant state attorney	The Neighborhood Accountability Board consists of board members who are all community volunteers from other organizations; no strict training requirements; volunteers must undergo a background screening
	Family Violence Intervention Program	Palm Beach	This program offers family therapy and counseling; offenders and their victims participate in conferencing sessions as well as restorative dialogue.	Offender and related victim or surrogate	1998-99	County	<ul style="list-style-type: none"> Diversion only State attorney's office decides who gets referred 	Assistant state attorney	Bachelor's degree; Certified Mediator
17	Community Justice Program	Broward	The Community Justice Program focuses on utilizing the Restorative Justice Conferencing model to bring victims and offenders together to resolve conflicts. Offenders are assigned case managers who administer the conferencing in addition to other services when required. Offenders are educated on victimization and complete sanctions to restore balance to their victims and community.	Offender and related victim	2003	New Day Grant via the Children's Services Council	<ul style="list-style-type: none"> No sex offenses or violent felonies Offender must be willing to actively participate 	Assistant state attorney; Office of Justice Services (civil citation); The Promise Program	Bachelor's degree in a related field and two years of case management experience Restorative justice conferencing training includes topics such as positive youth development, motivational interviewing, and formal case management and documentation

Judicial Circuit	Program Name	Counties	Program Type	Victim Interaction Level	Program Start Date	Funding Type	Youth Eligibility Requirements	Referral Source	Program Staff Training Requirements
20	Neighborhood Accountability Board	Lee	Offenders appear before the Neighborhood Accountability Board and victim (if they are comfortable doing so) and are asked to admit guilt and be accountable for their crime. The victim has an opportunity to provide a recommendation for sanctions. Case managers supervise offender progress and may also administer Moral Reconciliation Therapy.	Offender and related victim	2004	Board of County Commissioners and Lee County Sheriff's Office	<ul style="list-style-type: none"> ▪ Ages 8-17 ▪ Assistant state attorney initially decides eligibility ▪ Victim must approve ▪ Youth must admit guilt and be accountable ▪ Youth must agree to actively participate 	Assistant state attorney	Bachelor's degree; five to six years of work experience may substitute for the degree; eight-hour in-house and restorative justice training; five-day Moral Reconciliation Therapy training
	Escaping Your Prison	Lee	Case managers conduct conferencing sessions with the offending youth and their victims using Moral Reconciliation Therapy. If the victim chooses not to attend, the case manager is still able to use the therapy to teach the offender about victimization and healing.	Offender and related victim	2012	Lee County Sheriff's Office	<ul style="list-style-type: none"> ▪ Ages 8-17 ▪ Assistant state attorney initially decides eligibility ▪ Victim must approve ▪ Youth must admit guilt and be accountable ▪ Youth must agree to actively participate 	Assistant state attorney	Bachelor's degree; five to six years of work experience may substitute for the degree; eight-hour in-house and restorative justice training; five-day Moral Reconciliation Therapy training

Source: Department of Juvenile Justice.

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