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## Healing Lives and Communities: How Can NGOs Support Restorative Justice Involving Youth?

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*Restorative justice is gaining momentum as a more effective and holistic response to delinquent juvenile behavior. Four decades of research relates restorative justice initiatives to positive outcomes including enhanced victim and offender satisfaction and sense of fairness, increased compliance with restitution, and reduced recurrence of offensive behaviors (Hansen & Umbreit, 2018). This paper discusses the benefits of restorative justice, reviews four major restorative justice approaches, and then explores the value and potential roles of community-based, non-governmental organizations (NGOs) in supporting restorative justice policies and practices, particularly involving young people. The authors' experience working with Youth Advocate Programs, Inc. (YAP), a U.S. based nonprofit organization that promotes community-based alternatives to institutionalization for juvenile justice involved youth with complex needs and challenges, informs their perspective. The authors aspire through this paper to cultivate community interest and engagement in restorative justice through presenting several pathways for NGOs to promote its practices and related benefits. Keywords: restorative justice, juvenile justice, recidivism, VOM, NGO*

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### HEALING LIVES AND COMMUNITIES: HOW CAN NGOS SUPPORT RESTORATIVE JUSTICE INVOLVING YOUTH

This paper presents an overview of restorative justice, reviews four restorative justice initiatives, explores the advantageous position of non-governmental organizations (NGOs) as providers and supporters of restorative justice initiatives, and highlights various ways that NGOs can support these programs and their benefits. Though there are decades of research into the effectiveness of restorative justice programs (Hansen & Umbreit, 2018; Umbreit, Coates & Vos, 2004), there has been less attention given to the supportive potential of NGOs. The authors use their experience as practitioners who work with juvenile justice involved youth and develop community-based

programming in the U.S. and internationally, to interpret the literature and inform their discussion of the potential roles of NGOs in promoting restorative justice practices.

There is much debate as to the best approach in handling juvenile offending. Research discredits extracting and isolating young people from their families and communities and placing them in restrictive institutional settings (Fazal, 2014; Mendal, 2011). Traditional legal processes further alienate offenders and fail to heal victims, communities and offenders alike (Zehr, 2015). Punitive approaches create situations that increase the likelihood of further delinquent activity (Bradshaw & Roseborough, 2005 citing Crouch, 1993, Link, 1987, May & Pitts, 1999; Mendal, 2011; Zehr, 1990). Rather than deterring re-offending, juvenile detention is linked to increased recidivism rates (University of Pittsburgh Office of Child Development, 2009). Reports on the condition and circumstances of U.S. incarcerated youth stress additional concerns including disparate treatment of youth of color (Campbell, et al., 2018; Fazal, 2014; Mendel, 2011). The United Nations reports extensively on the ill effects of depriving youth of liberty (United Nations, 2006a).

Many rehabilitation measures also fall short from a restorative perspective. Their focus is on individual behavior rather than on recognizing the more socially constructed nature of justice (Maruna, 2016). Cultivating practical supports, resources and opportunities are needed for offenders to ‘discover their true strengths and demonstrate their intrinsic self-worth’ that precipitate changes in attitudes and behaviors (Maruna, 2016, p. 291). Though there is some evidence that rehabilitative measures such as Cognitive Behavioral Therapy (CBT) have been effective in reducing recidivism (Clark, 2010; Lipsey, 1998), like retribution rehabilitation centers around the offender and typically fails to address the impact of crime on victims and communities (Zehr, 2015). Restorative justice, however, focuses on the needs of those harmed, of those causing harm and of the communities in which these situations arise (Zehr, 2015, p. 27).

Restorative justice is not a new approach. Braithwaite framed it as ‘the dominant model of criminal justice throughout most of human history for all world’s people’ (2000, p. 323). It has roots in a variety of cultural and religious traditions and is regaining traction as an inclusive and collaborative process that balances concern for all (Zehr, 2015).

Restorative justice addresses the challenges of repair, encounter and transform, with transformation identified as its most ambitious goal (Van Ness, 2015). Restorative justice creates powerful reconciliation opportunities for youthful offenders and victims. Research finds enhanced satisfaction among victims participating in restorative justice initiatives compared to conventional judicial involvement (Umbreit, 1998; Umbreit, et al. 2004; Umbreit, Vos & Coates, 2006; Hansen & Umbreit, 2018). There is a growing body of research that restorative justice initiatives prevent juvenile reoffending (Bergseth & Bouffard, 2007; Bouffard, Cooper & Bergseth, 2016). Still, there are formidable challenges to furthering the integration and use of restorative justice initiatives. Program design and implementation, program operation and the mobilization of community assets, and program evaluation issues and findings are key concerns impacting the expansion and success of restorative justice initiatives (United Nations, 2006b). Community involvement is critical to fulfil the promise of restorative justice through fidelity to its core values (Gavrielides, 2016).

## RESTORATIVE JUSTICE

Rehabilitative and retributive approaches have guided the systemic administration of justice in recent decades (Pavelka, 2016). Restorative justice shifts that focus from societal imposition of punishment to ownership of the problem and remedies by those within the sphere of impact - returning justice to victims and communities. ‘Restorative Justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future’ (Marshall, 1999, p. 5).

Restorative justice seeks to balance the needs of the victim, offender and community by repairing the harm caused while holding the offender accountable (Bazemore, 1997; Umbreit, 1998; Zehr, 1990; Zehr, 2015). It addresses the actual harm and impact experienced by victims, communities and even offenders as a whole – fostering healing, reconciliation and shared ownership and allocation of responsibility and restitution (Zehr, 1990). Though the needs of the victim may propel the process, all parties’ needs are addressed. This holistic approach is grounded in the ultimate concern of restorative justice, ‘the restoration and reintegration of those who have been harmed, those who have caused harm and the well-being of the entire community’ (Zehr, 2015, p. 42).

There are potential areas of collaboration within theories of retribution, rehabilitation and restorative justice (Zehr, 2015). This discussion, however, focuses on the most common restorative justice practices’ reported benefits involving youthful offenders and how to effectively promote them. The authors’ emphasis on youthful offenders emanates from their experience working with these system-involved youth, who are oftentimes victimized themselves in varying contexts (Farina, Holzer, DeLisi & Vaughn, 2018; Zehr, 1990).

### Restorative Justice Involving Young People

Two decades after the U.S adopted more severe penalties and policies dealing with juvenile offenses, there is a growing realization that this approach is failing (Mendal, 2011; University of Pittsburgh Office of Child Development, 2009). Detention is expensive and ineffective; institutionalization does not stem offending behaviors (Fazal, 2014; Mendal, 2011). Youth incarcerated in juvenile facilities risk being victimized. Nearly one in ten incarcerated youth reported sexual assault incidents in 2012 (US Department of Justice, n.d.). Furthermore, youth are not like adults in ways important to determining culpability, having an ‘under-developed ability to understand the consequences of their actions’ (University of Pittsburgh Office of Child Development, 2009, para. 3). ‘We now have overwhelming evidence showing that wholesale incarceration of juvenile offenders is a counterproductive public policy’ (Mendal, 2011). This underscores the need for an alternative approach.

Youthful offenders and victims alike report transformative benefits resulting from their participation in restorative justice initiatives (Umbreit, et al., 2004; Hansen & Umbreit, 2018). Restorative justice focuses on problem-solving and reintegration of the offender. Increased isolation and ostracism associated with traditional judicial responses compromise a young person’s family and community relationships. ‘Youth who are not bonded to conventional

community institutions such as school, work, religious and recreational organizations are much more likely to engage in criminal behavior' (Bazemore, 1997, p. 5). There is research connecting restorative justice initiatives to enhanced victim and offender satisfaction and sense of fairness, increased restitution compliance, and reduced recurrence/recidivism of offensive behavior (Hansen & Umbreit, 2018; Umbreit, et al., 2004).

## **TYPES OF RESTORATIVE JUSTICE INITIATIVES**

Though similar in basic outline and underlying principles, the categorizations of restorative justice models vary, particularly in the number and category of participants and style of facilitation (Zehr, 2015, p. 60). The blending of processes, and the use of similar and evolving nomenclature, can be confusing in distinguishing processes overall and particularly challenging to researchers (Hansen & Umbreit, 2018). This paper does not analyze the nuances of these categorizations; rather, it focuses on how to promote the underlying principles common to all juvenile restorative justice initiatives. The restorative juvenile justice approaches explored are mediation, conferencing, circles, and community/reparative panels.

### **Victim offender mediation (VOM)**

Mediation is a conflict resolution process that leaves decision making primarily in the hands of the people in conflict (Moore, 2014, p. 8). A third party or parties help people to voluntarily reach a mutually acceptable settlement of the issues in dispute (Moore, 2014). Gerry Johnstone traced victim-offender mediation to the 1970's, originating in North America and Europe (2004). VOM is considered the most established among restorative justice practices (Umbreit & Armour, 2011; Hansen & Umbreit, 2018), with over 1500 of these programs estimated in existence throughout North America, Europe, Israel, Japan, Russia, South Korea, South Africa, South America and the South Pacific in 2004 (Umbreit, et al. 2004). It has generated the greatest body of research among restorative justice processes (Umbreit et al., 2004; Hansen & Umbreit, 2018).

VOM is also called victim-offender dialogue, victim-offender conferencing, victim-offender reconciliation, or restorative justice dialogue (Victim Offender Mediation Association, 2014) with some indication terminology is shifting from mediation to broader terms like conferencing and dialogue (Hansen & Umbreit, 2018; Zehr, 2015). As the second wave of research moves forward, many of the first wave studies and literature utilized the VOM terminology (Hansen & Umbreit, 2018). Accordingly, that is the term used in this paper for clarity purposes notwithstanding the above noted shifting nomenclature and concerns that the criminology labels of victim and offender may be oversimplified, stereotypical and potentially injurious in perpetrating the labeled behavior (Zehr, 2015, p. 12).

Umbreit describes the VOM process as having four steps: case referral and intake; preparation; mediation session; and follow-up (1998). At the heart of a VOM is a guided face-to-face meeting between a crime victim and the person/s who victimized him or her, along with parents or other support people if desired by the victim or offender (Bradshaw & Roseborough, 2005, p. 16). Victims take part in developing restitution or reparation plans geared at repairing the damages caused. Offenders reassure the victim that they will not reoffend, tell their stories and

‘contribute to the construction of an action plan for repairing the harm they have caused’ (Johnstone, 2004, p. 3). The mediator assures a safe-haven for discourse.

Though programs have different participation parameters, given power imbalance and trauma concerns, the victim may benefit by having a support person present (Office of Justice Programs, n.d.). There are occasions when the mediator separates parties and facilitates discussions through private meetings. In the case of juvenile offenders, parents are usually present (Umbreit, et al. 2006). Family involvement helps ensure restitution agreements have the necessary supports to be implemented. VOM programs usually involve property offenses and minor assaults; however, some VOM program have evolved to include more serious and violent cases (Bradshaw & Roseborough, 2005; Hansen & Umbreit, 2018 Umbreit et. al, 2004; Zehr, 2015) including rape, vehicular, attempted homicide, and murder, all of which are complex crimes requiring rigorous screening and case preparation, as well as, expert mediators (Wellikoff, 2003).

Research on VOMs has focused on ‘specific victim and offender outcomes, satisfaction, fairness and restitution compliance’ (Bradshaw & Roseborough, 2005, p. 16). Umbreit et al. reviewed three decades of VOM research across numerous countries (2004). Among the reports reviewed, 49% studied only juvenile programs and 29% studied programs serving both youth and adults (Umbreit et al. 2004, pp. 283-284). They found high participant assessment of satisfaction and fairness among victims and offenders. The research also supported that the vast majority of mediations produced agreements and these agreements were overwhelmingly honored. Finally, recidivism rates among participating offenders were lower than among the comparison groups (Umbreit et al., 2004).

**Satisfaction.** Umbreit et al.’s (2004) review of research results regarding participant satisfaction levels is compelling, even given that the voluntary nature of participation significantly influences outcome data. ‘Expression of satisfaction with VOM is consistently high for both victims and offenders across sites, cultures, and seriousness of offense’ (Umbreit et al., 2004, p. 287). Satisfaction rates reported by the participants pertaining to the process and resulting agreement were typically 80% - 90% (Umbreit et al., 2004).

Most victims who participate in VOM are satisfied with their participation in the process (Hansen & Umbreit, 2018, p. 103). Variables influencing victim satisfaction rates included feeling good about the mediator, perceiving the restitution agreement as fair, and having an initial desire to meet the offender (Umbreit et al., 2004). Many victims reported satisfaction in obtaining answers to consuming “why” questions (Umbreit et al., 2004; Hansen & Umbreit, 2018). Even offenders, often to their own surprise, expressed satisfaction with the mediation process. Some reported changes in their attitudes upon realizing the harm they caused (Umbreit et al., 2004).

**Fairness.** Fairness is another outcome used to assess victim-offender mediation initiatives. Umbreit, et al.’s review of research spanning the same thirty-year time period found high participant assessment ratings of fairness (2004). Typically, over 80 percent of VOM participants across settings, cultures, and types of offenses reported believing the process and agreements were fair. Where comparison VOM groups were employed, those individuals

exposed to mediation came away more likely to feel that they had been treated fairly than those going through traditional court proceedings (Umbreit, et al. 2004; Hansen & Umbreit, 2018).

**Restitution and compliance.** Restitution issues, both the ability to reach an agreement and the offender's ensuing compliance, are other critical outcome measurements (Umbreit et al., 2004). 'Making right is central to justice' (Zehr, 1990, p. 197). Restitution is a core need that restorative justice seeks to heal (Zehr, 2015). Though victim needs include information, validation, accountability, empowerment and even aspirations of offender rehabilitation, an important focus of the victim-offender exchange is restitution (Umbreit, 2004; Zehr, 2015). Restitution symbolizes the offender's assumption of responsibility and efforts to right the wrong (Zehr, 2015).

Of cases that reached a [mediation] meeting, typically 90 percent or more generated agreements (Umbreit, et al., 2006, p. 7). 'Restitution of one form or another (monetary, community service, or direct service to the victim) was part of the vast majority of these agreements' (Umbreit et al., 2004, p. 290). Approximately 80 to 90 percent of the contracts reviewed were reported as completed (Umbreit et al., 2006, p. 7). This reflects high levels of offender compliance with the mutually agreed upon restitution agreements.

Reaching compliance and honoring agreements are critical components of the VOM process. Also, the participants' perceptions of satisfaction and fairness, and the far-reaching benefits of individual and community ownership inherent in victim-offender mediations, should not be underestimated. Still, VOM's impact on reducing recidivism has the greatest potential to tip the scale in favor of restorative justice initiatives.

**Recidivism.** Some theorists argue that recidivism is not the core mission of restorative justice programs (Zehr, 2015). But practically speaking, data supporting reductions in recurrences of offending behaviors is central to obtaining social, political and economic support. Bradshaw and Roseborough conducted a meta-analysis that examined research into restorative justice dialogue programs including VOMs (2005). Of 15 research studies on the intervention effects of reducing recidivism, 11 show positive effects, two show no treatment effects and two show negative effect sizes (Bradshaw & Roseborough, 2005). Sufficient data was found to support VOM as a well-established, empirically-supported intervention for reducing juvenile recidivism (Bradshaw & Roseborough, 2005; Hansen & Umbreit, 2018). Analyses conducted on fifteen studies consisting of 9,172 juveniles in twenty-one service sites in the United States, found participation in VOM accounted for a 34 percent reduction in juvenile recidivism. (Bradshaw, Roseborough & Umbreit, 2006). There is also some research supporting the long-term effects (up to three years) of restorative justice interventions in reducing recidivism (Bergseth & Bouffard, 2007). Hansen and Umbreit, in their review of 40 years of VOM evaluation research, contend that there is an abundance of evidence that supports the use of VOM in juvenile and criminal justice systems around the world (2018).

**Diversion.** Umbreit et al.'s research analysis touched on the impact on diversion from court proceedings (2004). They acknowledged that though diversion is a widely lauded goal, there is a dearth of research in this area. Studies are sparse with mixed results (Hansen & Umbreit, 2018;

Umbreit et al., 2004). Pfander (2019) in her research suggests that though there are diverse variables including employment, education, social relationships and personal attitudes impacting diversion, ‘it is certainly a worthwhile area of continued inquiry.’

### **Conferencing**

The lines of distinction blur among restorative justice programs (Umbreit et al., 2006) and practices may be blended (Zehr, 2015). Though mediation and conferencing terminology are sometimes used interchangeably, conferencing is viewed as a separate process herein. Warner-Roberts and Masters (1999) define conferencing as a process in which any group of individuals connected and affected by some past action come together to discuss any issues that have arisen. Oftentimes, additional family members and involved community members participate. Family group and community group conferencing are two main subcategories of the restorative justice conference approach.

**Family group conferencing (FGDM).** New Zealand was a worldwide leader in launching and researching the conferencing model, variations of which are emerging within juvenile justice arenas internationally (Bradshaw & Roseborough, 2005; Gxubane, 2016; Pennsylvania Family Group Decision Making Leadership Team, 2008). Though procedures vary, family decision-making is the shared core component among the various conferencing practices (Bradshaw & Roseborough, 2005). The premise is that youthful offenders benefit from the collective insights and supports only their families can provide. Family Group Conferences often include family support services and community collaborations (Gxubane, 2016; Lewis & Judge, 2005; Pennsylvania Family Group Decision Making Leadership Team, 2008; University of Pittsburgh, 2017). In addition to the victim, offender and the offender’s parents/legal guardians, these conferences may involve extended family members, victim supporters, police, youth aid officers, youth advocates, and others who the family may deem helpful (McCold, 2001).

The Pennsylvania FGDM conferences generally include extensive preparation; an opening and sharing of strengths, concerns, and resources; private family time; family presentation of the plan and plan acceptance by the referring agency; and plan implementation and monitoring (University of Pittsburgh, 2017). Within family group conferences involving youthful offenders, if there is no denial by the youth of culpability, the victim describes the impact of the offense and conference participants share their thoughts for resolution (McCold, 2001). The offender’s family then privately deliberates to propose a plan of action. Upon reconvening, the fate of the proposal is decided among the conference participants including the victim and the professionals (McCold, 2001). As with the mediation process, agreements often ‘include reparative sanctions such as apologies, restitution and community service’ (McCold, 2001, p. 45).

**Community conferencing.** Though both family and community conferencing often include family members, McCold distinguishes between these processes in his categorization scheme (2001). Historically, community conferences are more scripted with facilitators following a set order of steps. The conference begins with a series of specific open-ended questions geared to the offender. The victim then reacts and shares the impact of the offending experience. Supporters of the victim and offenders also share their reactions after which the offender may extend an apology. Then they negotiate the parameters of a potential reparation agreement.

Cultural competence in facilitating the meeting is integral. Once agreement is reached, there is an informal social period of refreshments and reintegration which further distinguishes group conferencing (McCold, 2001).

**Effectiveness.** There has not been as much research on the benefits of family or group conferencing overall as VOM programs. This is changing as the use of conferencing programs increases. Bradshaw and Roseborough (2005) reviewed four major studies on family group conferencing of which two found positive intervention effects in the reduction of recidivism. More recent studies of Family Group Decision Making (FGDM) programs in the U.S. and conferencing models in Europe show greater promise. FGDM studies in the U.S. support high levels of participant satisfaction (Arya, 2014). The satisfaction rates of families using the FGDM process in Pennsylvania range in the 92-99.5 percentiles (Arya, 2014). Studies of conferencing as a supplemental process in the UK found improvements in cost-effectiveness and reductions in recidivism (Sherman, Strang, Mayo-Wilson, Woods, & Ariel, 2015). There is a fifteen-year follow-up analysis of the diversionary cost effectiveness of restorative justice conferencing underway in Australia (Sherman, et al., 2015).

### **Circles**

The circle, a third distinct Restorative Justice practice, is central to traditional aboriginal cultures and social processes (McCold, 2001, p. 48). Circles have evolved along two general paths. One is a path of reconciliation and healing geared to dispose of situations; these are usually called “healing” circles (McCold, 2001). The other path is one of sentencing. Sentencing circles are community-directed processes, in partnership with the criminal justice system, that make recommendations to judicial authorities as to the actual case disposition (McCold, 2001). In sentencing circles, the community’s perspective informs the sentencing authority in its decision as to what should be done in response to the offense committed and to prevent future offenses (Johnstone & Brennan, 2014). Sometimes sentencing circles are used in conjunction with healing circles and other peacemaking circles (Johnstone & Brennan, 2014).

**Effectiveness.** Two treatment-comparison contrasts across two unique studies examined the effectiveness of sentencing circles. Though the overall mean effect size was moderate to small (0.18) and statistically significant, it is difficult to draw conclusions from two quasi-experimental studies (Wilson, Olaghere, Kimbrell, George Mason University & United States of America, 2017). On another front, restorative justice in schools is an increasingly popular approach to responding to discipline issues, with circles among its core components (Song & Swearer, 2016). Despite the increased interest in using circles in school settings, research is lacking.

Re-entry circles are another restorative justice mechanism fostering community reintegration. They ease difficult, home-bound transitions from institutional care for offenders and families and focus on crucial cultivation of community-based supports with an emphasis on healing (Walker, 2010). These are explored later.

### **Panels**

Community panels are becoming a more common restorative response to juvenile offending worldwide (Bouffard et al., 2016). Restorative justice panels include community members who



work in concert with, though to a large degree independent of, the formal justice system. The restorative and integrative nature of community panels usually serves to provide a more comfortable forum to discuss offenses and consequences and to facilitate resolution. They differ from other restorative justice models discussed in that the community members serve as proxy to the victims (Bouffard, et al., 2016). The culminating resolution is usually a contract between the community panel and the offender geared at reparation and preventing recidivism (Bouffard et al., 2016).

**Effectiveness.** There are studies supporting significantly lower recidivism rates among DUI (Driving under the Influence) offenders who participated in Victim Impact Panels (Rojek, Coverdill, Fors, 2003). A study of probationers in Vermont found 83% of reparative board contracts were completed (Karp, 2001). Bouffard et al.'s review of the effectiveness of a broad range of restorative justice interventions found that less intense restorative justice initiatives, such as panels, also reduce recidivism relative to juvenile court proceedings (2016). More research is needed on the effectiveness of community/reparative boards and all restorative justice initiatives involving youthful offenders. A study of Iwi community justice panels in New Zealand suggests this future research should also further explore the nuances of measuring success (Walton, Martin & Li, 2019). For example, though panel participants in the above noted study did not have lower rates of reoffending as compared to matched controls, there was a significant reduction of harm by post-panel participants (Walton, et al., 2019). This may be a significant factor to assess in future studies of restorative justice processes.

### BENEFITS OF NGOS' INVOLVEMENT

While history has proven the success of restorative justice as an add-on to traditional justice approaches, a few jurisdictions like New Zealand, Belgium and Northern Ireland embrace restorative justice as the core of their justice systems (Maruna, 2016). Some scholars advocate for two separate and parallel systems; others debate the practicality of such an approach (Marshall, 1999). Regardless of its structural position within the realm of administering justice, a genuine restorative justice approach involves true cooperation between the communities and the justice system (Zehr, 2015, p. 77). Top-down approaches to restorative justice risk betraying its community roots, undermining its responsiveness, and even threatening its very survival (Gavrielides, 2016).

As restorative justice experts explore the thinking, actions and innovations needed to best realize its full potential, practitioners know that the best-intentioned initiatives are only as effective as their local support networks. Translating restorative justice principles into practice requires credible, culturally-competent, community-based support and delivery systems. The authors contend that NGOs are advantageously positioned to drive effective restorative justice policies and practices.

NGOs are often understood to be third sector, not-for-profit organizations, concerned with addressing problems of global poverty and social justice (Lewis, 2014). Sometimes linked to concepts of charity, they are frequently broadly described as civil society organizations - groups of organized citizens, independent from government or business sectors (Lewis, 2014, p. 3; US

Department of State, 2017); any non-profit, voluntary citizens' group which is organized on a local, national or international level (United Nations, n.d.). NGOs have widely varying profiles but tend to work either directly through the provision of services to people in need, or indirectly through partnerships, campaigning work and policy advocacy to bring about wider structural change (Lewis, 2014, p. 3). There are approximately 1.5 million in the U.S. alone ([US Department of State, 2017](#)).

The United Nations recognizes the major role NGOs play in the development and implementation of restorative justice programs worldwide, primarily because they are closer to communities than those operating from criminal justice systems (2006b). 'NGOs may have more credibility in some cases than the police, public prosecutors and judges and be held in higher regard' (United Nations, 2006b, pp. 75-76). Some posit that restorative justice should be provided from both within and outside of the criminal justice system and include partnerships with community and civil society organizations (Gavrielides, 2016, p. 80; United Nations, 2006b).

Though such NGO partnerships carry much of the principal burden in the implementation and innovation of restorative justice in most EU member states (Gavrielides, 2016), even in the U.S. where the courts and government agencies administer many restorative justice initiatives, forty three percent (43%) of VOM programs are offered by private, nonprofit community-based organizations (Umbreit, et al., 2004). Administration is just one program component. Where government administers restorative justice initiatives, NGOs can provide other supportive roles.

There is a widespread recognition of the interdependence of NGOs and government in general, particularly in the United States (Herman & Renz, 2004). Just as the healing principles of restorative justice require collaboration, creative partnerships can forge successful restorative programming. The focus of this section is on the rich role of NGOs in promoting restorative practices, particularly in the area of juvenile justice.

## **POTENTIAL ROLES OF NGOs**

### **NGOs as Champions for Restorative Justice Policies**

Advocacy efforts expand restorative justice initiatives on local, national and international fronts. A collaborative vision for the future of justice system, that requires leadership and strategic planning, is essential for reform (Pavelka, 2016). There are numerous examples of NGOs that advocate for restorative justice.

On a global level, the Alliance of NGOs on Crime Prevention and Criminal Justice that assists the UN in identifying existing and emerging crime and justice issues, supports restorative justice practices (Alliance of NGOs on Crime Prevention and Criminal Justice, 2018). In the U.S., the American Bar Association, National Association of Community and Restorative Justice, and the National Organization for Victim Assistance are among many nonprofit organizations endorsing and advocating for restorative justice-based approaches (Pavelka, 2016). In addition to NGO advocates that garner worldwide attention, there are restorative justice hubs, locally led restorative justice approaches to youth crime and conflict, that include community or faith-based

organizations that offer effective violence prevention and intervention strategies for court and gang involved youth and families (Johnson, et al., 2015). Local NGOs grounded in communities served are among the most effective advocates as they influence change from the bottom-up, informed by the experience of those most impacted.

The European Commission has funded hundreds of NGOs, governmental bodies and charities to research and implement restorative justice, keen on contributing to the development of its evidence base (Gavrielides, 2013). This raises a corollary role for NGOs, tracking and sharing program data and evaluations of restorative justice practices with policymakers and advocacy organizations. NGOs serving youth populations facing complex needs and challenges can utilize field experience, including valuable client outcome data, to support their advocacy efforts. Through mobilizing self-advocacy groups, NGOs empower persons in vulnerable situations while pursuing positive change. ‘The lessons of restorative justice need not be confined to the realm of the courtroom; NGOs offer another great avenue for revitalizing meaningful forms of citizen participation in a democracy’ (Braithwaite, 2004).

Youth Advocate Programs, Inc. (YAP) advocates for systemic juvenile justice reforms that reduce reliance on institutionalization. Its Center for Policy and Advocacy influences public policy informed by both direct services and the voices of people served (Youth Advocate Programs, Inc., 2019a). The center’s VOICE component (Vocalize, Organize, Inform, Collaborate, Empower) is an agency-wide-systems change initiative with a goal to empower and support young people, families, and staff to work to leverage their experiences in human service systems to influence policy and systems change (Youth Advocate Programs, Inc., 2019a). Youth and families engage in a variety of activities such as: providing legislative testimony, speaking before school boards, meeting with legislators at local and federal levels, presenting at conferences and organizing letter-writing campaigns (Youth Advocate Programs, Inc., 2019a).  
 NGOs as Providers of Direct Program Administration and Facilitation Services

Wandrey and Weitekamp categorized three types of organizations offering victim-offender mediation programs (Wandrey & Weitekamp, 1998; Weitekamp, 2001). In ‘integrated programs,’ mediators are court, parole or social service workers who already know and interface with the victim or defender in non-neutral capacities. ‘Partially specialized’ services utilize the same type of personnel except they do not serve dual roles simultaneously. ‘Specialized services’ involve social workers who work exclusively as mediators (Weitekamp, 2001).

Specialized service mediators are the optimal choice. They do not wear two hats, that of a rehabilitation advocate and of a neutral, and usually emanate from non-governmental and non-profit organizations (Weitekamp, 2001). They are more principally aligned with the tenets of mediation and restorative justice. Their neutrality, combined with mediation specific experience and expertise, help them navigate the sensitive balance needed in VOM.

Community mediators mean community participation (Zehr, 1990, p. 205). Community-based NGOs are well positioned to take on the critical role of neutral administrators and providers. The United Nations recognizes this critical, nonpartisan role of NGOs in providing quality restorative justice services while cautioning NGOs within governmental partnerships not to

‘compromise the integrity of the programme or introduce political or other agendas into the process’ (United Nations, 2006b, p. 76).

### **NGOs as Educators and Supporters of Participants’ Meaningful Engagement**

Preparation is key to fostering productive exchanges critical to successful restorative justice efforts. It helps assuage victims’ fears and prevent revictimization, increases communication skills and awareness of language landmines, and helps moderate expectations of all parties (Umbreit & Greenwood, 1997; Gavrielides, 2007). Careful preparation has been identified as an important determinant of the success of victim-offender mediation programs (Umbreit & Greenwood, 1997; Wellikoff, 2003). This critical investment helps create an atmosphere more conducive to genuine sharing and the cultivation of empathy and forgiveness (Gavrielides, 2007).

NGOs can serve numerous education roles. For example, there many restorative justice programs that rely on volunteers to serve as facilitators and in other roles (Souza & Dhami, 2008). NGOs can provide such volunteers culturally sensitive, skills-based training.

NGOs can also use their community connections to educate the public. Public education including media relations, sensitive to the confidentiality of involved parties, is a challenging balancing act in promoting restorative justice initiatives (Gavrielides, 2007). In program promotional efforts, the confidentiality of the parties involved, particularly as to youthful offenders, must be a paramount concern. Many jurisdictions have statutory requirements pertaining to the confidentiality of such records (Sobie, 2018; Radice, 2017), and there are mandated confidentiality requirements in many states for mediation programs generally (The National Conference of Commissioners on Uniform State law, 2003) including VOMs specifically (Lightfoot & Umbreit, 2004). Respecting confidentiality also dovetails with the healing nature of restorative initiatives.

**Support Persons.** Restorative justice programs often allow for support persons to help victims through the process (Office of Justice Programs, n.d.). Some restorative justice programs also allow for support persons, in addition to parents, for juvenile offenders (Bradshaw & Roseborough, 2005). These individuals differ from legal counsel. Support persons help encourage, engage and empower the youthful offender. They may also serve as process advocates, whose presence can help address power imbalance concerns especially apparent in conference models facilitated by police or probation officers. These individuals should be culturally-competent so to relate with the offender and help bridge comprehension and communication gaps

**Youth mentors.** NGO mentors can also play critical roles in preparing youthful offenders to better understand and participate in the process. Youth exhibiting high-risk behaviors often lack skills necessary for successful adulthood including working with others, understanding themselves, communicating and making decisions (Boyd, Herring & Briers, 1992; Modecki, Zimmer-Gembeck & Guerra, 2017). The mentor aids in the development of these skills rather than interjecting his or her values. Good preparation does not impose aims and methods, it

focuses on helping youth to elucidate their feelings, clarify their purposes, and cultivate the skills needed to pursue their own goals (Marshall & Merry, 1990; Gavrieledes, 2007).

The value of mentoring extends beyond the young person's preparation for and engagement in the restorative justice processes. Mentoring is founded on the universal premise that all children need caring adults in their lives (Jekielek, Moore, Hair, & Scarupa, 2002, p. 1). Mentoring is identified by Johnson, et al. (2015) as an important component of a model restorative justice community collaboration and contributes to the success of school-based restorative justice initiatives (Sandwick, Hahn & Ayoub, 2019). 'A mentor builds a strong and ongoing relationship with the young person and helps in securing other positive relationships in the life of the youth' (Johnson, et al., 2015, p. 6). Mentoring integrated within wraparound programming can also be helpful in nurturing life skills and self-advocacy that empower and sustain youth moving forward (Silva, Petrilla, Matteson, Mannion & Huggins, 2018).

### **NGOs as Providers of Culturally Competent, Community Wraparound Supports**

The philosophical underpinning of family engagement in conferencing is consistent with various theories NGOs use to serve vulnerable youth, including wraparound. 'Wraparound is a philosophy of care that includes a definable planning process involving the child and family and results in a unique set of community services and natural supports that are individualized for the child and family to achieve a positive set of outcomes' (Burns, Schoenwald, Burchard, Faw & Santos, 2000, pp. 294-295). In the U.S., Family Group Decision Making Conferencing also integrates core wraparound principles. This includes a strength-based focus on family-driven decision making (Arya, 2014).

FGDM processes require comprehensive community-based interventions aimed at holding youth accountable and helping them stay on track and desist reoffending (Arya, 2014). Jurisdictions across the U.S. are contracting with providers, including nonprofit organizations, to meet community needs (Arya, 2014). Arya cites two examples of nonprofit organizations, Southwest Key and Youth Advocate Programs, Inc., that contract with traditional justice agencies in providing comprehensive support services with youthful offenders (2014). Their culturally competent, community-engaged services are crafted to meet the specific needs of youth and public safety (Arya, 2014).

Constructive overlaps between rehabilitation and restorative justice provide additional service opportunities (Bazemore, 1998). Rehabilitation within restorative justice is relational, extending beyond the individual. It requires the capacity and experiences of an extended community network to effectuate the bonding needed for sustainable change (Bazemore, 1998). This concept aligns with a high-fidelity wraparound approach geared at cultivating critical formal and informal community supports to sustain positive youth development (Silva et al., 2018). It is a shared tenet of wraparound and restorative justice that the community plays a critical role in the healing process. Wraparound has the potential to cultivate sustainable community relationships and opportunities necessary for youthful offenders to make amends and move forward in their lives. A 2016 randomized pilot study of wraparound services for first time juvenile offenders found statistically significant improvements for youth receiving wraparound services (Mc Carter, 2016). '(H)olistic representation services can bolster existing client strengths/protective factors

and address the underlying needs/risk factors which weaken youth functioning and contribute to additional court involvement and/or reoffending' (McCarter, 2016). Another study found reduced recidivism rates for youthful offenders with mental health histories who received individualized and integrated wraparound services within a system of care (Pullmann, et al., 2006).

NGOs are critical players in providing community supports integral to restorative justice. They have the knowledge and experience to construct sustainable supports to ensure a dignified community reintegration for impacted young people. YAP works with 19,000 juvenile justice-involved youth across 28 states and the District of Columbia through its Wraparound Advocate Service Model (Youth Advocate Programs, Inc., 2019b). FY 2018 discharge outcomes of 2567 youth show an increase of 21.4% in the number of youth living in the community compared to program entry and a decrease in adjudications from 1,876 (73%) at entry to 254 (10%) at discharge (Youth Advocate Programs, 2018). Numerous independent studies also support the efficacy of YAP's approach including John Jay research comparing a sample of YAP youth ( $N=249$ ) to a matched sample of youth ( $N=249$ ) served by the Florida juvenile justice system using propensity score matching (Evans, O'Toole and Butts, 2017; Youth Advocate Programs, Inc., 2019c). This comparison of retrospective data found youth who completed YAP's comprehensive, community-based wraparound advocate services, as compared to probation, were significantly less likely within two years to be committed to state placements by the juvenile justice agency (Evans et al., 2017).

### **NGOs as Creators and Monitors of Restitution Opportunities**

Most VOMs result in agreements (Umbreit et. al, 2004). These agreements are often considered secondary to the dialogue exchange in addressing victims' healing needs, developing victim empathy in the offender, and reducing chances of offense recurrence. Still, they serve an important role for participants in repairing harm and ensuring offender accountability - core concerns of the juvenile justice system.

VOM and other restorative justice agreements often share common components such as apologies, restitution and community service (McCold, 2001, p. 45). Apologies have considerable reparative power (Johnstone & Brennan, 2014). Restitution can be monetary or service-oriented (Umbreit, et al., 2004). The youthful offender may repair the harm imposed, e.g. repainting a graffiti-ridden structure, or service may be geared to address other victim-specific needs. Restitution should be monitored throughout implementation and reporting phases. Non-governmental, community-based organizations have the expertise, experience, cultural-competence and connections to provide these critically needed supports for young people in honoring their reparation commitments. NGOs can also forge community partnerships to provide work opportunities for involved young people, such as YAP's Supported Work programs, to pay fines and monetary restitution (Youth Advocate Programs, 2019d).

Community service is another restitution option. Though the inherent restorative nature of community service is debated, community service appropriately and collaboratively crafted can play an important role in a restorative justice approach (Karp & Conrad, 2005; Zehr, 2015). Albert Eglash credited with originating the name 'restorative justice' in the mid 1950's, raised

the value of giving back (Maruna, 2016). He extolled it within the context of ex-offenders serving as peer mentors. Eglash's suggestion of a link between self-reform and giving back to others is at the heart of many social welfare policies, including wraparound (Maruna, 2016; Silva et al., 2018).

Restorative justice principles may be incorporated into existing community service or restitution services (Bouffard et al., 2016). Youthful offenders should be mentored and monitored throughout their give-back experience to ensure accountability, optimize teachable moments, and address safety concerns. As established community collaborators, NGOs can coordinate and administer meaningful community service opportunities for youth. For example, the nonprofit Youth Advocate Programs, through contracting with Florida's Department of Juvenile Justice, provides purposeful community service and restitution opportunities for youth involved in the Pinellas County court's diversionary programming to help them comply with their court mandated responsibilities (*See Fig. 1.*)

Through any of the restorative justice processes, the restitution agreement may include training for youthful offenders. This includes a variety of instructional classes including communication skill-building, anti-bullying, anti-theft, and anger-management. NGOs are often leaders in the community in developing culturally competent educational initiatives. In New Jersey, YAP provides New Jersey Juvenile Conference Committees (comparable to a conferencing/reparative panel) with remedial workshops for youth in response to a range of common juvenile charges. The individuals conducting the trainings are recruited from impacted areas and are sensitive to the challenges and strengths of offending youth and their communities.

NGOs can also assist in monitoring the young person's compliance with the restitution agreement. They can help identify potential roadblocks to implementation and empower youth to overcome them. Successful completion of restitution builds the young person's confidence while helping to heal the victim and community.

### **NGOs as Triggers for Innovation**

Restorative justice advocates encourage the field to evolve to meet the distinct needs of emerging youth populations in crisis. NGOs are typically less politically and bureaucratically restricted than governmental entities which uniquely positions them to champion evolutionary thinking. They are in the trenches with the youth and families, oftentimes situated in the same neighborhoods as their service populations, and can facilitate the input of impacted populations in policy-making processes.

Integration of re-entry circles among transitioning juvenile populations exemplifies one potential NGO supported innovative application of restorative justice. The role of restorative justice in juvenile re-entry from detention and incarceration settings is growing in interest and practice. In Hawaii, re-entry circles, championed and conducted by an NGO Hawai'i Friends of Restorative Justice, integrate restorative justice practices beyond traditional timelines. Offenders are engaging in restorative justice type practices several years after offending and having served substantial prison terms (Walker, 2015). The re-entry circle's main goal is to 'assist the

incarcerated person in making a detailed written plan that addresses his/her needs for a successful life in prison and after release in the community' (Walker, 2015, p. 4).

As related to re-entry circles' application in other youth arenas, by 2014 the Oakland Unified School District in California instituted restorative justice programs in nearly half its schools in collaboration with the nonprofit [Restorative Justice Oakland Youth](#) (RJOY), in reaction to an alarmingly high suspension rate among the schools' black and Latino students (Bazelon, 2019; Oakland Unified School District, 2018). 'In healing circles, students who had committed offenses had to face the students they harmed, their parents and other community members' who then ultimately support them in crafting and effectuating their individualized life plans (Bazelon, 2019). The Oakland schools participating in restorative justice reported a sharp decline in truancy and suspensions while test scores and graduation rates rose as much as 60 percent (Bazelon, 2019).

The story of a 16-year-old student profiled as a [Restorative Justice Oakland Youth](#) (RJOY) program success story illustrates the effectiveness of juvenile re-entry initiatives. The student had spent ten months in a juvenile justice camp for bringing a loaded gun to his previous school, which went off in the middle of class (Bazelon, 2019). Participation in a restorative justice circle, was a precondition to acceptance into a continuing education high school and eased his transition back to school and community living (Bazelon, 2019). He went on to graduate and gainful employment (Bazelon, 2019). This story also exemplifies the rich potential of school and NGO collaborations.

Strength-based, goal-oriented re-entry initiatives are adaptable to ease successful juvenile detention and juvenile correctional facilities' transitions. Re-entry circles exemplify the need and benefits of collaborations with community-based organizations in serving youth with complex needs. The success of these circles within adult populations, and youth related experiences such as the one provided above, suggest that restorative justice should be considered at any stage of the juvenile justice process.

Finally, NGOs can model innovation through integrating restorative justice principles and practices within their organizations. Goodstein and Aquino advance the need to more fully research and explore opportunities in the workplace, including employee transgressions, where 'making amends, forgiveness and reintegration' can play critical roles in the restoration of relationships (2010, p. 625). Managing internal workplace disputes provides rich opportunities to champion restorative practices (Goodstein & Aquino, 2010), and models an integral bottoms-up, home-based approach to restorative justice (Zehr, 1990). NGOs can also encourage their employees' civic responsibility to volunteer in local restorative efforts and to give to related charitable causes. Innovative NGOs serving clients marginalized by mainstream bureaucratic processes and procedures may consider integrating restorative justice principles and practices in problem-solving their own internal client disputes. NGOs have the grass roots connections, cultural competence, expertise, legitimacy and passion to bring the community full circle in the restorative healing process.



*Figure 1:*

## Community Service Project: PINELLAS COUNTY, FLORIDA DIVERSIONARY

The Youth Advocate Programs (YAP) advocate met with the youth to discuss what they would like to do for community service hours, because they did the beach clean-up before. The youth told the advocate they'd like to feed the homeless. The advocate asked if they'd be willing to give up their activity money (funds allocated for social activities) to use it for the items, all youth agreed.

The advocate took the youth to a (local) store, the youth picked out the items for the homeless; of course needing some guidance. The advocate and the youth went back to YAP's office to pack the bags...and went to a location where the youth identified homeless individuals would be. After all the items were distributed the advocate and youth went to the park to talk about the community service project.

The advocate stated the youth were saying "I know what it's like when you don't have what you want to eat and have to eat what is given," "I feel bad about the choices I made, and the people I hurt when I got my charges." They all agreed this was something they'd like to continue to do. (F. Wells, personal communication, November 14, 2019)



### CONCLUSION

Crime and recidivism among young people continue to challenge societies worldwide. Retributive and rehabilitative focused approaches often fail to address the distinct yet interconnected needs of victims, offenders and communities alike. Correspondingly, there is a growing interest in the transformational powers of restorative justice.

Restorative justice is grounded in the concept that moral character is dynamic rather than fixed; humanity is interconnected (Maruna, 2016). Crime is interpersonal; a community suffers when

one member is harmed (Zehr, 2015; Zehr, 1990). Through restorative justice, there is a rich opportunity for individual and communal healing. Reintroduction of communities and victims into the justice process is empowering for everyone impacted. Victims may tell their stories and ask questions, while offenders have opportunities to take ownership and repair harm (Umbreit, et al. 2004). Victims and offenders alike for decades have expressed perceptions of increased fairness and satisfaction through participating in the restorative justice initiative of Victim Offender Mediation programs as compared to traditional justice systems (Umbreit, et al. 2004). Whereas retributive approaches have been linked to increased recidivism rates, numerous studies have found that restorative justice decreases the likelihood of recurring offenses (Bergseth & Bouffard, 2007; Bouffard, et al., 2016; Umbreit, et al. 2004).

In many developing countries, restorative justice is practiced through traditional practices and customary law (United Nations, 2006b). Increasingly, international communities are statutorily supplementing, and in some instances even substituting, mainstream approaches with programs based on restorative justice principles. The challenge of participatory justice rests in mobilizing civil society involvement ‘while at the same time protecting the rights and interests of victims and offenders’ (United Nations, 2006b, p. 6). This charge can be formidably advanced through the involvement of non-governmental organizations.

NGOs are a valuable societal and community resource in supporting restorative justice initiatives. Less bureaucratically and politically compromised and indoctrinated with fewer external restraints than government institutions, they can champion innovative, client-sensitive interventions while maintaining fidelity to the core healing principles of restorative justice. Potential roles include: advocating for policy reforms and corresponding resources; serving as program administrators and neutral facilitators; educating participants and supporting meaningful engagement including acting as support persons and mentors; providing culturally-competent, comprehensive wraparound supports; creating and monitoring practical restitution or reparation opportunities including collaboratively crafted community giveback, and inspiring innovation.

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