

Research and Practice

Winter, 2003

Restoring School Communities: A Report on the Colorado Restorative Justice in Schools Program

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This study focuses on a Restorative Justice in Schools Program conducted in the Spring of 2002 in Broomfield and Boulder, Colorado. Twenty-two cases were referred to the program, including incidents of harassment, fighting, theft, vandalism, arson, drugs, and truancy. Of the 20 conferences held, agreement was reached in each case on how to repair the harm caused by the particular incidents.

Agreement terms included commitment to change behavior (44 percent), apologies (22 percent); restitution/service to victims (12 percent), community service/project (8 percent), pro-social reflection (6 percent), and pro-social instruction and time with a mentor (6 percent each). In 95 percent of the cases, the offender completed the terms of the agreement.

Participants were given surveys to gauge satisfaction from the perspective of the victim, offender, and affected community. Of the 72 participants providing feedback about community group conferences, 91 to 100 percent strongly agreed or agreed that:

- *The facilitators were effective and fair in handling their case (97 percent);*
- *This process helps to create a safer school environment (92 percent);*
- *This process helps to hold offenders accountable (91 percent);*
- *They feel satisfied with the outcome of this process (96 percent); and*
- *They feel the process resulted in a fair and just outcome (100 percent).*

Anecdotal feedback from end-of-the-year administrator interviews indicated that the offending students going through these community group conferences were not re-offending, that relationships were being repaired, and that stronger connections between the participants were occurring across all the roles.

Introduction

Does Restorative Justice work in schools? Do Community Group Conferences change behavior and prevent recidivism? These are the typical questions asked of Restorative Justice processes, whether applied in criminal justice settings or in schools.

Although these are important questions, it is important to add some additional questions to frame the discussion about any disciplinary process:

- Does it resolve issues that underlie misconduct so that long-term prevention is accomplished?
- Does it build community so that student and family attachment to school increases?

- Does it result in a perception of fairness and justice from the viewpoint of all involved parties so that the ripple effect is constructive, not destructive?
- Does the process provide for direct accountability?

It is fair to ask these questions of all disciplinary processes, but the discussion is rarely framed this way. Time pressures on schools often yield quickly arbitrated disciplinary outcomes; after all, as one administrator explained to me, "you can suspend 20 kids in one day, if you have to."

This report is a snapshot of the 20 Community Group Conferences in schools during January through June 2002 in which the School Mediation Center was directly involved. We have tracked types of cases, rates of agreement, agreement terms, compliance with agreements, and satisfaction of participants. Anecdotal reports from involved school administrators indicate that the situations that led to the cases stayed resolved in the weeks and months after the Community Group Conferences.

Future evaluation reports should include more specific outcomes for individual offender recidivism. What we do feel confident in reporting at this time is that we can answer "Yes" to the above questions about resolving underlying issues, building community, being perceived as fair and just, and holding offenders directly accountable.

We offer this report for the lessons it can provide to other Restorative Justice practitioners and the school communities involved in this project. We have been grateful for the generous sharing of results by other practitioners and we are glad to share our outcomes with our fellow pioneers.

A Restorative Justice Case

For several years, Tom, an eighth grade student, had been developing the habit of taking things that didn't belong to him. First it was a candy bar from the store, then cash from his parents. Now he was sitting in the principal's office at his school being questioned about the theft of a student's purse.

Earlier that week Tom had opened a locker during the last hour of school and found a girl's purse containing some cash, house keys, a pager, a \$300 gift certificate for clothing and several other items. He decided to take the purse onto his bus going home. Tom took the money, the keys and gift certificate, and gave the other items out to students on the bus. Later that day he took the gift certificate to the mall and tried to cash it in. The clerk confiscated the gift certificate telling him

it had just been reported stolen.

After interviewing other students who knew Tom, the assistant principal discovered that he had been seen probing in the locker, and handing out items from the purse on the bus. A Restorative Justice conference was then scheduled for Tom and his parents who were divorced, the victim and her mother, several student witnesses, two school administrators, the local school resource officer and the other boy who was accused.

During the two-hour meeting, participants recounted the impact that Tom's actions had on them. The victim explained that the gift certificates were a Christmas gift from her father to purchase school clothes. Her mother was terrified that the keys to their home had been missing and was worried that someone might try to break into their home.

"I never realized how many people were affected by what I did," Tom said. "I hope all of you can forgive me for this." Everyone in the conference knew Tom's reputation for stealing and told him that his actions would be the final judgment.

Reaching an agreement proved to be difficult. Tom's mother cried openly after realizing that she had been covering for her son's behavior.

"I feel like I have been a terrible parent," she said. "I never held Tom accountable for his actions and tried to deny this was going on. So many people have now been hurt." Tom cried during the conference as the family decided he needed to move back in with his father.

The conference participants agreed to help support the family and monitor Tom's progress during the transition. The facilitators drew up a contract and a pair of volunteers from the community was designated to monitor the agreement. Tom agreed to get a job in order to repay his victims, and he was also required to participate in a theft education class in his community. He eventually completed the agreement and was able to avoid further contact by the police.

About the Project

Funding

The School Mediation Center (formerly Colorado School Mediation Project) received funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Victim Assistance and Law Enforcement, the Boulder County Bar Foundation and the Millennium Trust to develop Restorative Justice (RJ) programs in Boulder. SMC also subcontracted with the Department of Human Services in Broomfield to serve the Broomfield schools through another grant from the OJJDP.

Project Schools

Project schools with cases included in this Report Card are Baseline Middle School and Boulder High School in Boulder, and Broomfield Heights Middle School, Westlake Middle School and Broomfield High School in Broomfield. Several other middle and high schools are planning to use Restorative Justice processes in the 2002-2003 school year. In addition, at least one other school in the community, Fairview High School, was operating self sufficiently during the year and results were not included in this report. Although RJ can be introduced in K-12 schools, middle and high schools generally have more severe discipline issues and occasions to use Community Group Conferences. Two elementary schools, Douglass and Community Montessori in Boulder, are participating in programs focusing on Restorative Discipline, where they receive in-services and on-going support to make classrooms more restorative.

Community Group Conferencing

Community Group Conferencing is being used in many Colorado schools as an alternative to suspension or to supplement traditional discipline practices. In a conference, the offender, victim, parents of offender and victim, and support persons are brought together to discuss the impact of an incident and to make an agreement about how best to repair harm caused by the incident and to prevent its recurrence. Depending on the circumstances, administrators, counselors, teachers, other students, law enforcement and other affected community members may also be involved. In this year's project, SMC staff acted as the lead facilitator in all but one case, with community volunteers or school staff serving as co-facilitators.

The RJ programs are designed to build self-sufficiency in participating schools so they can eventually use the Community Group Conferencing model without assistance from SMC. This is done through training school staff and community volunteers, helping schools establish referral protocols, meeting with facilitation teams to debrief cases, mentoring facilitators through a co-facilitation model and additional training as needed.

Conferences typically take between an hour and one-and-a-half hours. Pre-conferencing occurs before each conference, during which a facilitator talks individually to each participant to ensure that they understand the process and have time to think about their role.

Screening and Referral

Cases are screened for appropriateness and to ensure that all parties are voluntarily choosing the RJ option. Out of 22 referrals, only twice did a participant decide at pre-conference that he/she did not want to try RJ. Those cases were referred back to administration. In several pre-conferences, the offender barely admitted to responsibility, but the conferences went forward with that threshold of admission.

Participating schools use Community Group Conferences in lieu of suspension, partially in lieu or as a re-entry process after suspension. Some are held in lieu of filing criminal charges. Most of the cases chosen for RJ have involved theft, vandalism, fighting or harassment. In addition, the offender has taken responsibility, and there is an identifiable victim.

The offenders were not chosen necessarily on a "first-time offense" basis or where it was assumed there would be an easy success. In some cases the administration was wary about the offender, a parent, or a victim, but the case was referred because it met the referral protocol.

Long-Term Success

An essential piece of the Restorative Justice Program is to plant the seeds for sustainability within each school. Staff, students and community volunteers are trained and mentored in Community Group Conferencing so each school builds competency to handle cases on their own. In the case of the Broomfield schools, Health and Human Services has made a long-term commitment to help the schools be part of the restorative community-wide goals of their new county.

With schools overwhelmed by many demands, long-term success will be enhanced with community support in helping to facilitate cases and helping schools follow through on their Restorative Justice "good intentions" when time pressures cause administrators to fall back on swift arbitrated outcomes.

Cases and Agreements

Summary

Of the 20 conferences held, 100 percent reached an agreement on how to repair the harm caused by the particular incident. Cases referred to the program included incidents of harassment, fighting, theft, vandalism, arson, drugs, and truancy. Agreements usually contained multiple terms, averaging 2.7 items per agreement. Agreement terms included the following: commitment to change behavior (44 percent); apologies (22 percent); restitution/service to victims (12 percent); community service/project (8 percent); pro-social reflection (6 percent); pro-social instruction and time with a mentor (6 percent).

In 95 percent of the cases, the offender completed the terms of the agreement. In one case, the offender failed to complete the agreement.

Frequency and Outcome of Cases

Cases are referred to the Restorative Justice Program by assistant principals, counselors and principals in participating schools. The referring party helps determine the appropriateness for the restorative justice process. Some schools were more consistent than others in referring cases.

The agreement process ensures that the needs of victims are met and that offenders are willing to accept each piece of the agreement. Participants are supported by facilitators to make agreements realistic and clear with their expectations, suit the offense committed, and outline timely completion dates. Agreements are drafted and signed by all participants. Compliance with the agreement is closely monitored.

| | |
|---|------|
| Cases referred to program | 22 |
| Cases to result in a conference | 20 |
| Agreements reached | 100% |
| Offenders completed terms of the agreement: | 95% |

| | |
|--|-----|
| Offenders failed to complete terms of the agreement: | 5% |
| Cases to avoid criminal charges | 35% |
| Cases to avoid suspension | 70% |

Referred cases per school:

| | |
|------------------------|---|
| Baseline Middle School | 7 |
| Broomfield Heights M.S | 6 |
| Westlake Middle School | 6 |
| Broomfield High School | 2 |
| Boulder High School | 1 |

Participant and Facilitator Demographics

It is a priority to balance each case with equal participation from students, parents, and community participants. Co-facilitators are recruited on the basis of mentoring needs, neutrality, availability and providing a balance to the group.

Participant and Facilitator

| | | |
|---------------------|-----|-------|
| <i>Participants</i> | 140 | |
| <i>Position</i> | | |
| Students | 60 | (43%) |
| School staff | 32 | (23%) |
| Parents | 46 | (33%) |
| Community | 2 | (1%) |

| | | |
|---------------|----|-------|
| <i>Gender</i> | | |
| Male | 67 | (48%) |
| Female | 73 | (52%) |

| | | |
|------------------|-----|-------|
| <i>Ethnicity</i> | | |
| Anglo | 124 | (89%) |
| Hispanic | 12 | (9%) |
| Black | 4 | (3%) |

| | | |
|------------------------|----|-------|
| <i>Co-Facilitators</i> | 21 | |
| <i>Position</i> | | |
| School Staff | 8 | (38%) |
| Community | 11 | (52%) |
| Students | 2 | (10%) |

| | | |
|---------------|----|-------|
| <i>Gender</i> | | |
| Male | 3 | (14%) |
| Female | 18 | (86%) |

Frequency of Incident Types

Incidents ideally suited for restorative justice have an identifiable victim(s) or affected individuals, are sufficiently serious to warrant a community group conference, and the offender has admitted some level of responsibility. Some cases involve mixed accountability by the parties.

| Incident Types | Occurrences |
|-----------------------|--------------------|
| Harassment | 5 |
| Fighting | 5 |
| Theft | 4 |
| Vandalism | 4 |
| Other | 3 |
| Arson | 1 |
| Drug/Truancy | 1 |
| Total | 23 |

Frequency of Agreement terms

Agreements contain multiple terms that vary depending on the circumstances of the incident. Agreements often include a commitment to change behavior, increasing positive behavior and reducing negative behavior.

| Agreement Terms | Occurrences |
|-------------------------------|-------------|
| Behavior Change | 23 |
| Apology | 11 |
| Restitution/Service to Victim | 6 |
| Community Service/Project | 4 |
| Pro-Social Reflection | 3 |
| Pro-Social Instruction | 2 |
| Mentor Plan | 2 |
| Total | 51 |

Agreement Terms

Commitment to Behavior Change (23)

- ♦ Agree not to throw snowballs on school property
- ♦ Improve participation in class
- ♦ An attendance agreement was created
- ♦ Talk to our friends about stopping fights
- ♦ Will stop harassment on the bus and stand up for others
- ♦ Work together to be polite
- ♦ Will not exchange derogatory remarks
- ♦ Walk away when there is a problem
- ♦ Will not talk behind each other's back and will stop rumors

Apology (11)

- ♦ Apologies to victim and staff

Restitution/Service to Victim (6)

- ♦ Offender will work 20 hours to repay the losses
- ♦ Offender will go with victim to replace her things
- ♦ Help custodian sweep one day
- ♦ Offender agreed to meet with the teacher (victim) and work in her classroom

Community Service/Project (4)

- ♦ Repaint bathroom wall
- ♦ Make anti-vandalism posters

Pro-Social Reflection (3)

- ♦ List what makes me feel like a good person
- ♦ Journaling about what's been learned through process

Educational Activity (2)

- ♦ Interview college dean about impact of cheating at college level
- ♦ Attend defensive driving course

Mentor Hours (2)

- ♦ Ride along with police department

Positive Action (2)

- ♦ Help teacher with classroom cleaning
- ♦ Plan trip with dad
- ♦ Do a chore for mom

Discussion

A 100-percent success rate in reaching an agreement can be attributed to thorough pre-conference sessions, where participant concerns or issues that could sabotage the conference were identified and appropriately addressed or the case was referred back to school administration. Out of 22 referrals, in only two cases was it determined after pre-conference that the case was inappropriate to go forward to a conference or a primary party declined to go forward.

Commitment to behavior change was a consistent outcome of most conferences. It was significantly higher in cases of emotional harm (harassment, fighting) where the human relationship is the focus of the conference. It was lower but still present in incidents of theft, graffiti, and physical harm. In all cases, the school community provides

a setting for daily contact between students and teachers, and there is often a need to repair trust and work towards a healthy, productive relationship and positive future interaction.

Participant Satisfaction

Summary

Of the 72 participants providing feedback about community group conferences between 91 percent and 100 percent strongly agreed or agreed that:

- ♦ The facilitators were effective and fair in handling your case. (97 percent)
- ♦ This process helps to create a safer school environment. (92 percent)
- ♦ This process helps to hold offenders accountable. (91 percent)
- ♦ They feel satisfied with the outcome of this process. (96 percent)
- ♦ They feel the process resulted in a fair and just outcome.(100 percent)

The highest praise for the Community Group Conferences was about the effectiveness and fairness of the facilitators, the satisfaction with process outcome, and the fairness and justice of the outcome. The participants providing feedback included victims, offending students, school staff and administrators, parents, and community members.

Process

Participants in conferences were given surveys with a series of questions on them. They also had room to record comments, and all feedback and comments are presented verbatim in the data below. Conference facilitators were inconsistent about distributing surveys immediately after the conference, which resulted in feedback being available on 13 out of a total of 20 cases. All 20 Community Group Conferences produced agreements, and there was compliance with 19 out of those 20 agreements. There is reason to believe that the satisfaction levels reflected in the other seven cases would have been comparable.

The areas of evaluation where rate of "strongly agree" or "agree" was relatively lower (85 percent) were whether the offender has a greater commitment to school as a result of attending this conference, and whether the process will be more effective than traditional discipline. Because of the process of collecting surveys immediately after the conference, these questions call for some speculation, which may explain the slightly lower endorsement.

Researchers evaluating Community Group Conferences frequently debate the best time to gather feedback. When it is gathered immediately after the conference, the rate of return is higher. When participants can send it in at a later date, the rate of return is considerably lower but there is time to reflect and consider the longer impact of the conference when filling out surveys. We have chosen the immediate feedback in order to improve on our rate of return and will consistently use that mechanism in the future as well.

Statistics on Survey Respondents

| | |
|-------------------------------------|-----|
| Total Conferences | 20 |
| Conferences where feedback received | 13 |
| Participants total | 140 |
| Participants completing feedback | 72 |

| | |
|----------------------------|----|
| Victims | 12 |
| Offenders | 11 |
| Affected community members | 49 |

| | |
|---------|----|
| Males | 31 |
| Females | 41 |

| | |
|----------|----|
| Students | 30 |
|----------|----|

| | |
|------------------|----|
| Ages of students | |
| 12-15 | 26 |
| 16-18 | 3 |
| Not specified | 1 |

| | |
|--------------------------|----|
| Non-students | 42 |
| Parent/guardian | 23 |
| Other Family members | -- |
| School administrators | 6 |
| School staff | 10 |
| Law enforcement officers | 1 |
| Other | 2 |

Participant Feedback

Were the facilitators effective and fair in handling your case?

97% strongly agree or agree

Total responses = 71

| | |
|-------------------|----------|
| Strongly agree | 70% (50) |
| Agree | 27% (19) |
| Uncertain | 3% (2) |
| Disagree | --- |
| Strongly disagree | --- |

- ♦ I like the way that they communicated with us and others involved.
- ♦ Communication encouraged among students and all view points shared within group.
- ♦ Be sure not to show any bias.
- ♦ I think all involved handled the case very effectively and fairly.
- ♦ Always made sure people were comfortable.
- ♦ Everyone got to tell their part of the story and got a fair chance to evaluate the contract.
- ♦ I think facilitator was very patient with the parents' mistakes and agendas.
- ♦ Facilitator was very approachable and understanding. It makes me feel good to know my children spend their day with people like them.
- ♦ I like the whole idea of "restoring" everything and mending what was broken or help people emotional and physical.

Do you feel this process helps to create a safer school environment?

92% strongly agree or agree

Total responses = 72

| | |
|-------------------|----------|
| Strongly agree | 54% (39) |
| Agree | 38% (27) |
| Uncertain | 8% (6) |
| Disagree | --- |
| Strongly disagree | --- |

- ♦ Helps in resolution - restoring true justice.
- ♦ Addressing issues early, discussing the problem, prevention, etc. Dealing with individual issues and options available to create a safer environment.
- ♦ I don't feel that our schools are as unsafe as many people like to believe.
- ♦ By making a person responsible for their actions hopefully they'll think twice .
- ♦ I don't think it will affect safety.
- ♦ Feel better about result than traditional methods.
- ♦ Everyone gets to hear sides and understand one another; offender learns something and gets to give back.

- ♦ I felt good after the process. It keeps the lines of communication open.
- ♦ I think this really helped people feel closure to the incident.

Do you feel that this process helps to hold offenders accountable?

91% strongly agree or agree

Total responses = 72

| | |
|-------------------|----------|
| Strongly agree | 57% (41) |
| Agree | 34% (24) |
| Uncertain | 6% (4) |
| Disagree | 3% (2) |
| Strongly disagree | --- |

- ♦ With our situation the people involved will be held accountable. It may not hold true with others.
- ♦ By "community service" they are held accountable for their actions rather than suspended and end up just missing school - which no one benefits from.
- ♦ As long as consequences are sufficient to make an impression on the offender.
- ♦ Has them make restoration to victim.
- ♦ I truly believe the restorative justice program enables everyone affected to feel that the issue is resolved.
- ♦ Offender gets to give back and to gain what was lost.
- ♦ It made the student feel the results of her actions and how it made others feel.

Do you feel satisfied with the outcomes of this process?

96% strongly agree or agree

Total responses = 72

| | |
|-------------------|----------|
| Strongly agree | 58% (42) |
| Agree | 38% (27) |
| Uncertain | 4% (3) |
| Disagree | --- |
| Strongly disagree | --- |

- ♦ Good student input.
- ♦ I think this program is a building block of techniques that will help with anger management issues, etc.
- ♦ I believe all were satisfied with the outcome.
- ♦ Student has done a great job.
- ♦ Student does not seem to care.

Do you feel that this process resulted in a fair and just outcome?

100% strongly agree or agree

Total responses = 71

| | |
|-------------------|----------|
| Strongly agree | 62% (44) |
| Agree | 38% (27) |
| Uncertain | --- |
| Disagree | --- |
| Strongly disagree | --- |

- ♦ It lets everyone tell their side.
- ♦ The children did what they would have done over time.
- ♦ I think all involved benefited greatly from this. The victims receive restitution and the offenders receive fair and just punishment for their actions.
- ♦ Everyone seemed satisfied.
- ♦ Yes, everyone had their say.

How effective is this process in relation to traditional discipline methods?

85% more effective

Total responses = 68

| | |
|----------------|----------|
| More effective | 85% (58) |
| About the same | 12% (8) |
| Less effective | 3% (2) |

- ♦ Offender gets to give back and to gain what was lost.
- ♦ Better learning process for those students involved - not a lot of blame.
- ♦ I would like to see this process from the beginning. I don't know how effective the process will be.
- ♦ We never knew what consequences would have been in the traditional method.
- ♦ Deals directly with offense.
- ♦ Gives them a chance to verify and correct the bad behavior.
- ♦ Much better building of trust.
- ♦ All parties involved and affected are heard; I think it is very effective in clearing things up - answering questions and setting the table for healing and moving on.
- ♦ It helps to make right a wrong and gives people closure and a chance to repair friendships.
- ♦ This gives the offender the chance to see the ramification of his actions and to take responsibility for them.
- ♦ It connects action and people's feelings.

Do you feel that the offender has a greater commitment to school as a result of attending this conference?

82% strongly agree or agree

Total responses = 70

| | |
|-------------------|----------|
| Strongly agree | 43% (30) |
| Agree | 39% (27) |
| Uncertain | 17% (12) |
| Disagree | 1% (1) |
| Strongly disagree | --- |

- ♦ I believe both boys involved will stay aware of school policies of bullying.
- ♦ I hope by this that the student learns to respect other people's property and to be more considerate of their feelings.
- ♦ Has to "right the wrong" instead of merely accepting traditional consequences.
- ♦ As opposed to a "free vacation", offenders are held accountable.
- ♦ I'm hoping that greater commitment will result because part of the contract is to be in school and participating.
- ♦ He is more aware of the impact on the entire school community.
- ♦ Student did not seem eager at all to really repair harm, but this is still the best thing we could have done.

General Comments

- ♦ I thought this is better because I still have a friend.
- ♦ Think this program is a building block of techniques that will help the student with anger management issues, etc.
- ♦ We are glad that this process is being used. Deals with situations with a resolution not a result.
- ♦ I think those involved learned more from this than traditional punishment.
- ♦ Bullies need to be dealt harsh punishment, even shame, in order to feel what they are inflicting on someone else.

- ♦ I feel this is a more effective resolution to the problem than suspension.
- ♦ I hope that my son can take something positive away from this negative situation and be able to build and to grow into a responsible adult because of it. I don't believe he would have gotten anything positive out of the traditional suspension punishment.
- ♦ I love that community members are involved
- ♦ Thank you for all your time and efforts. Your extra time to help educate children is very much appreciated.
- ♦ Parents need to be informed; alternatives need to be clear; personal involvement between parties was good.
- ♦ Good process; I like the idea of bringing the responsible person in direct contact with those affected.
- ♦ This is a great program; it gives the offender a chance to right the wrong - give back to the community and move on.
- ♦ I was pleased that the student's parents were friendly and kind and were agreeable to helping the student.
- ♦ What a great opportunity for both victims and offenders.
- ♦ I was very impressed with the whole restorative justice process.

Discussion

The satisfaction levels of participants with the Community Group Conference process in school are consistently high and appears to be so across roles (parent, administrator, student, victim, offender, affected community, etc.). Subsequent Community Group Conference facilitators will be trained to consistently request surveys be filled out, so that the response rate is higher, given the number of cases. A follow-up survey would be of great use as well, to get feedback on the long-term impact for the participants and the school community.

Anecdotal feedback from end-of-the-year administrator interviews indicates that the offending students going through these community group conferences are not reoffending, that relationships are being repaired, and that stronger connections between the participants are occurring across all the roles. We will strive to look for ways to capture that feedback in the future, so that the ripple effect these Community Group Conferences often have can be adequately appreciated.

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