Behind the Walls and Beyond: Restorative Justice, Instrumental Communities, and Effective Residential Treatment

BY GORDON BAZEMORE, JAY G. ZASLAW, AND DANIELLE RIESTER

ABSTRACT

Although restorative justice principles and practice have been applied extensively in community-based juvenile justice settings, implementation in residential treatment facilities has been far less common. We describe recent experimentation and possibilities for broader application to disciplinary infractions, the response to harm and crime, promoting community and citizen input, "community building" for conflict resolution skill development and changing the culture of facilities, and reentry. We conceptualize three "communities" as most relevant to addressing needs of incarcerated youths, their victims, and support groups, and then discuss theoretical frameworks and empirical research supportive of restorative practice in this context. Challenges to implementation of restorative practice, compatibility with other treatment and disciplinary agendas, and concerns about preserving the integrity of the model are also considered.

INTRODUCTION

What if residential facilities for delinquent offenders functioned like the most effective communities? What if staff in such residential communities relied primarily on informally enforced norms of conduct rather than rules in a policy manual to promote positive behavior, and most conflicts between residents, or residents and staff, were resolved informally without applying disciplinary procedures? What if youths in such facilities who harm other residents or violate disciplinary rules sat in a circle with those they may have harmed and other youths and staff, to hear from the victim and other residents about the impact of their behavior on the climate of the community in which they reside? What if part of every resident's treatment involved hearing from crime victims about the trauma suffered because of their experience, and what if the facility provided opportunities for offenders to meet with victims in their home communities? What if staff and residents ensured that each new resident from the first day developed a sense of belonging while also creating an expectation that each resident must provide help and assistance to other youths and staff in the residential community? What if a core component of an offender's obligation, and a primary indicator of readiness to return home, was the provision of meaningful community service to one's residential, local, and home community, as well as restitution or reparation to the offender's individual victims, as a way of earning one's

Gordon Bazemore, Ph.D., is Professor of Criminology and Criminal Justice and Director of the Community Justice Institute at Florida Atlantic University. His primary research interests include community and restorative justice, juvenile justice, youth policy, victimology, corrections, and community policing. Dr. Bazemore is the author (with Mara Schiff) of *Juvenile Justice Reform and Restorative Justice: Building Theory and Policy from Practice* (Willan Publishing), and has recently published articles in *Justice Quarterly,* and *Crime and Delinquency.*

Jay G. Zaslaw is the Director of New Business for Securicor New Century, a private juvenile justice services company. He has written treatment programs in the private sector for 10 years and worked as a juvenile probation officer and supervisor in Arizona for 21 years. He has also written on restorative justice and substance abuse treatment, juvenile offender domestic violence, and young women in the juvenile justice system.

Danielle Riester, a former research associate with the Balanced and Restorative Justice (BARJ) Project at the Community Justice Institute at Florida Atlantic University, is currently the Associate Director of the Jane Addams Juvenile Court Foundation in Chicago, Illinois. She has worked with youths, communities, schools, and criminal justice entities on restorative justice and related juvenile justice issues.

way back into the good graces of community members and groups? What if accountability for one's offenses would then be defined not as submitting to punishment by isolation from these communities or additional disciplinary measures within the residential facility, but rather by assuming responsibility for repairing the harm?

An affirmative answer to all these questions would define the essence of a residential facility (and larger society or community) grounded in restorative justice principles and practice (Van Ness & Strong, 1997; Bazemore & Walgrave, 1999), and in the juvenile justice mission known as the "balanced approach" (Maloney, Romig, & Armstrong, 1988; Bazemore, 1997). It is likely that the premises behind the questions raised above might well result in fewer young people being sent to such facilities in the first place, but most offenders who represent genuine risks to their communities could eventually demonstrate their readiness to return home in the most visible and concrete way possible. Though the vision described seems far removed from business-as-usual in most facilities for young offenders, components of a holistic restorative justice intervention model are becoming evident in the practice of some residential programs around the country and the world.

The purpose of this article is to outline a theory and practice for a restorative justice framework for incarceration and reentry. We argue that the development of what may be called a restorative community justice model for residential care (what Cullen, Sundt, and Wozniak, 2000, refer to in adult corrections as the restorative institution or "virtuous prison") involves more than implementing a few new practices and program models. Developing such models also involves more than incorporating restorative justice language into existing counseling programs and disciplinary regimes. We emphasize the vital role of "community," in realizing true development of restorative justice in residential contexts. Specifically, we conceptualize three *communities* as critical to a restorative response to incarcerated youths, their victims, and their families. First, the residential facility itself, like universities, workplaces, and schools is a temporary community whose members reside, work, play, and/or learn for fixed periods for a specific purpose. Following recent conceptualizations of schools as more or less communal organizations (Bryk & Driscoll, 1988; Gottfredson, 2001; Payne, Gottfredson, & Gottfredson, 2003), we refer to residential facilities therefore as "instrumental communities" that vary concerning levels of social organization, culture, and sense of community—as well as function. Second, because such instrumental communities cannot operate in isolation, we highlight the role of the community surrounding the facility as a vital bridge between residents and the "real world." Finally, residential communities and the youths in them must become (or remain) closely connected to support systems in the home communities where residents grew up, and to they will almost certainly return.

Restorative Justice Practice and the Gap in Residential Treatment

Restorative Justice Principles and the Restorative Movement

Advocates of restorative justice view crime first as a violation of individuals, communities, and relationships that "creates obligations to make things right" (Zehr, 1990, p.181). They envision "justice" as more than simply punishing or treating lawbreakers. Primary principles of restorative justice (Van Ness & Strong, 1997; Bazemore & Walgrave, 1999) steer intervention practice toward repairing the harm of crime by directly involving victims, offenders, their families/supporters, and other affected community members in non-adversarial dialogue to determine obligations or informal sanctions.[1] Proponents of restorative justice also envision a transformation in the government/community relationship in which community takes greater responsibility for responding to crime and conflict, while criminal justice systems and justice professionals assume the role of facilitator and resource coordinator versus "expert." (Christie, 1977; Bazemore, 2001).

In the past decade, restorative justice has emerged as an international informal justice movement grounded in a critique of retributive values (Zehr, 1990) that has had dramatic implications for juvenile justice policy in countries as diverse as New Zealand, South Africa, Germany, Australia, and Canada. Indeed, the United States has lagged behind many other countries in statutory and resource commitment to restorative justice (Braithwaite, 2002; Walgrave, 2004).[2] Nevertheless, some 33 states and many local jurisdictions now include restorative justice language and/or the Balanced and Restorative Justice model (Office of Juvenile Justice

and Delinquency Prevention, 1998; Bazemore, 1997) in their purpose clauses or policy and mission statements (O'Brien, 1999; Bell, 2003).

The Absence of a Residential Focus

In the first decade of efforts to implement restorative justice practices in the U.S (roughly 1994 to the present), most jurisdictions emphasized community-based restorative justice initiatives that served as diversion or probation alternatives. Though most restorative justice advocates would likely continue to support this community focus, far less emphasis has been placed on restorative practices for incarcerated youths. Numerous state juvenile corrections programs and even more private facilities have adopted restorative justice or Balanced and Restorative Justice missions, but there is some concern about the extent to which restorative justice principles and practices are reflected in day-to-day functions or intervention strategies of residential programs.[3]

The tendency to ignore residential treatment while emphasizing more appealing community-based programs is neither new nor unique to restorative justice or to juvenile justice generally. Cullen, Sundt and Wozniak (2000) have observed in the context of adult corrections, for example, that criminologists interested in criminal justice reform have avoided prison reform based on a misdirected concern that emphasis on improving conditions of confinement would lead inevitably to support for increased use of incarceration. In part as a result, there has been little to counter what some have referred to as a "penal harm" movement focused in the past two decades on making correctional institutions as punitive and unpleasant as possible (Clear, 1994). In juvenile justice, the punitive emphasis is most prominently seen in legislation aimed at increasing the proportion of young offenders transferred to the criminal justice system (Torbet et al., 1996; Bishop, Frazier, Lanza-Kaduce, & Wimmer, 1996). In addition, however, a new security focus on avoiding escapes and lawsuits at all costs has created ever more restrictive and punitive "zero tolerance" behavioral control regimes in juvenile facilities, and a new emphasis on increased use of secure custody for less serious offenders (Krisberg & Patino, 2004; Bazemore, Leip, & Stinchcomb, 2004; Fader, Harris, Jones, & Poulin, 2001).

Legitimate arguments can and should be made against increasing investment in secure facilities, especially at the expense of stronger investment in community supports and services (Mauer, 2004; Rose & Clear, 1998). From a restorative justice perspective, however, ignoring correctional settings reveals several ironies. First, the needs of victims of incarcerated offenders' generally more serious crimes are often greater than those of victims of offenders who remain in the community, and those needs are less likely to be addressed once the placement decision has been made. Second, relationships between these youths and their families and community supports are likely to have suffered even greater damage than those of youths not committed to residential care. Hence, these relationships are almost by definition more difficult to repair than those of youths not physically separated and are likely to be further harmed by incarceration. Third, successful reentry is likely to require substantial strategic effort to reconnect incarcerated youths with family, support groups, and community institutions using a process that facilitates some variety of healing dialogue, provides an opportunity for reconciliation and amends-making, and mobilizes support for returning offenders (Maruna, 2001; Bazemore & Erbe, 2003). Finally, to promote a safe and healthy culture and climate, residential facilities themselves need processes and practices—other than those associated with weak, individually-focused, traditional disciplinary regimes, and treatment protocols.

Restorative Justice and a Vision of Community

Community is frequently discussed in correctional literature, but its role in offender reintegration is seldom articulated (Bazemore & Erbe, 2003). Indeed, though communities are often viewed as culpable in *producing* delinquents, residential treatment and aftercare models seem for the most part oblivious to community as a variable in the reentry equation. Yet, community groups and institutions, like offenders, must adapt and change if they are to facilitate, or even allow for, successful reintegration. In the context of residential treatment, the concept of "community" in a restorative justice vision has three important applications.

Residential Facilities as Instrumental Communities

The residential treatment facility is itself a unique type of community that can be molded to have profoundly negative or potentially positive individual and collective impacts. The community of young offenders living together at the facility, along with staff and other

professionals who work inside those facilities, is by definition an "instrumental community." Such communities exist to meet some specific need—educational, civic, safety and rehabilitative—where length of residence is temporary, not necessarily voluntary, and generally clearly defined at the upper limit by policy or statute. For better or worse, instrumental communities that house young offenders share many characteristics of any other more permanent community where members live by choice. Often, like some communities on the outside, instrumental communities can be dysfunctional or even criminogenic. As is apparent in the criminological literature on neighborhoods and crime (Sampson & Wilson, 1995; Sampson, 1999), instrumental communities may also lack mechanisms of *informal* social control, which encourage residents to honor and help to enforce group behavioral norms, as well as processes for resolving conflict peacefully.

Not unlike highly secure gated neighborhoods, even safe treatment facilities may protect residents from each other but provide little opportunity for involvement in the business of the treatment community or for teaching residents to learn to live productively with others. Communities in facilities that lack participatory conflict resolution mechanisms must therefore rely primarily or exclusively on more rigid, rule-based punitive discipline or point system reward regimes imposed by authorities. Unfortunately, such approaches feed upon themselves. As is often the case in neighborhoods where criminal justice and social service systems provide most social control, these systems may experience a continued weakening in existing informal controls and supports. Ironically, this may be a *result* of the expansion in criminal justice control and, to some extent, social services (Rose & Clear, 1998; Bazemore, Leip, & Stinchcomb, 2004). As Clear and Karp (1999) observe:

> When agents of the state become the key problem solvers, they might be filling a void in community; but just as in interpersonal relationships, so in community functioning, once a function is being performed by one party it becomes unnecessary for another to take it on ... parents expect police or schools to control their children; neighbors expect police to prevent late night noise from people on their street; and citizens expect the courts to resolve disputes. Informal control systems may atrophy like dormant muscles, and citizens may come to see the formal system as existing to mediate all conflicts (p. 38).

Conversely, communities that emerge in residential facilities may, like some high-risk neighborhoods, offset apparent risks by strong mechanisms of informal social control and continue to build upon and foster skills of conflict resolution and mutual support based on norms of reciprocity (Sampson, Raudenbush, & Earls, 1997). As suggested in the introduction, facilities can also operate as restorative environments where members take responsibility to repair harm when it occurs, hold each other accountable, and build skills in collective problem solving. In such an environment, collective values and skills of pro-social behavior, conflict resolution, and support are learned primarily through modeling and practice in daily living. While reinforced as needed by educational classes and treatment, classroom experience and individual treatment alone are unlikely to build these skills or develop a commitment to pro-social living if the living environment is not aligned with restorative values. Within such a residential community, it is therefore possible to envision a primary reliance on informal social controls.

The safest facilities grounded in restorative justice values do not, however, rely solely on controls. Rather, as in well functioning neighborhoods, social support is available not only from professional staff, but also from other residents who—like residents of such neighborhoods—encourage mutual support between community members and institutionalize mechanisms for mutual assistance and peer learning. More generally, as Solomon, Watson, Battistich, Schaps, and Deluchi (1992) describe communally-oriented schools, a residential facility with a strong sense of community would be one in which residents and staff: "…know, care about, and support one another, have common goals and sense of shared purpose, and actively contribute and feel personally committed" (Solomon et al., 1992, p. 386).[4]

Restorative justice practices provide tools for building and enhancing these controls and supports through a process of skill building and organizational learning (Carey, 2001; Senge, 1990). Residential communities using such tools are also more capable of developing organizational cultures that promote a sense of belonging, reciprocity, and mutual support among staff and

residents, relying on "informal social relations, common norms and experience, and collaboration and participation" (Payne et al., 2003, p. 754).

The Role of Home Communities

Residential facilities cannot develop healthy communities grounded in restorative justice values in isolation. When they attempt to, the result is likely to be an artificial, contrived environment based in reality on traditional discipline and control. Developing social capital for a viable restorative residential community, like developing "personal social capital" (McCarthy, Hagan, & Martin, 2002) for young residents, will therefore demand input from both local and home communities.

The *home community* is often, though not always, where the actual harm associated with the offense behavior(s) took place. Because the home community is where the offender is most likely to reside after placement, relationships need to be mended and partnerships built to ensure the offender becomes a pro-social contributor to his home community. The various components of the home community (e.g., extended family, neighborhoods, churches) must be viewed, and must eventually view themselves, both as part of the problem and part of the solution to youth crime.

In a restorative reentry model, community organizations viewed as having a stake in the offender's safe return are not limited to service providers. Rather, families and extended families, neighbors, schools, and other mediating institutions provide both parochial and private forms of informal social control (Hunter, 1985) and capable guardianship, and are also primary sources of social support (Cullen et al., 2000). They must therefore be conceptualized as primary entities to be acted *upon* to build receptivity toward returning offenders (Bazemore & Erbe, 2003). The role of the facility is to create opportunities for offenders to first make amends to those they have harmed, and then to support community groups in these reintegration efforts. One vehicle to accomplish both objectives is the Reentry Conference (detailed later in this article).

The Role of Surrounding Communities

The community in which the facility is located and the offender has been placed also plays an important role both in changing the environment of the instrumental community and in ensuring eventual reintegration. As an entity whose members will often perceive themselves as impacted by the facility in either negative or positive ways, this community must also be viewed as a primary resource to the residential treatment community and its individual residents. To foster safety and open "avenues to success" for offenders, relationships between members of this community and incarcerated youths should be established and maintained (Zaslaw, 1996). Surrounding communities have needs that can be met by service projects involving facility youths and staff, and will tend to support programs of the residential facility to the extent that they believe the facility is more an asset than a liability. A number of facilities have now demonstrated how even highest risk youths can nonetheless make connection with civic organizations and community groups through service designed to meet community needs (Bazemore & Karp, 2004).

Members of the surrounding community, as well as civic and faith community groups, may also become vital sources of support to youths in residential facilities for extended periods. Partnerships can be developed and nurtured through relationships between facility staff and community stakeholders. An active Community Advisory Board (CAB) should be developed that includes community leaders reflective of the ethnic/racial and class differences of the local community, as well as gender balance. The CAB should be called upon as a primary resource for recruiting volunteers and mentors, and can also help in coordinating community restoration projects, facilitating or participating in restorative group conferencing in the facility, providing staff and youths with technical assistance, supplying guest speakers, and enhancing both treatment and educational programs. The group also serves as a strong link to the business community, law enforcement, social service agencies, the media, legal services, local government, victim services, and other key groups and organizations that can be charged with such tasks as job training, recruiting mentors, locating community restoration projects, and even grant writing assistance. Volunteer recruitment in the surrounding community is broadly focused on such groups and organizations as small businesses, universities, media, and minority and faith community organizations. When used as mentors, teachers, tutors, motivational speakers, facilitator/developers of vocational training and job placement opportunities, transitional and aftercare support and program advocacy, volunteers can be critical in helping youths build pro-social relationships and enhancing knowledge and skills.

TABLE 1
Restorative Justice Practice, Location, and Objectives

OBJECTIVE/FOCUS	PRACTICE	LOCATION
Conflict resolution; prevention; peacemaking	Community mediation; alternative dispute resolution; school and neighborhood conferencing; victim awareness education; youth development	Schools; neighborhoods; churches; civic groups
Provide decision-making alternatives to formal court or other adversarial process for determining obligations for repairing harm	Victim offender dialogue; family group conferencing circles; reparation boards; other restorative conferencing	Police and community diversion; court diversion; dispositional/sentencing alternatives; post-dispositional planning; residential alternative discipline; conflict resolution; post-residential reentry
Victim and community input to court or formal decision making	Written or oral impact statement to court or other entity	Court; probation; residential
Provide reparative sanctions or obligation in response to crime or harmful behavior	Restitution; community service; service to victims; service for surrogate victims; payment to victim service funds	Diversion; court sanction; probation condition; residential program; post-incarceration
Offender treatment; rehabilitation; education	Victim impact panels; victim awareness education; Mothers Against Drunk Driving panels; community service learning project designed to build offender competency and strengthen relationships with law-abiding citizens	Probation; residential facilities; diversion program; jails
Victim services and support groups	Counseling; volunteer support groups; faith community groups	Multiple settings
Community building	Family support and discussion groups	Neighborhood and community

Practice to Theory and Theory to Practice

We suggest five primary residential program contexts where restorative practice can be applied with implications for each of the three communities discussed previously. These applications include: 1) crime, harm, and conflict resolution; 2) discipline; 3) promoting community member input and connecting to local and home communities; 4) community-building—developing skills for conflict resolution and a new organizational culture inside the facility; and 5) reentry. Although restorative justice intervention includes a wide array of programs that may be applied at virtually any point in the criminal or juvenile justice process, or in the community (see Table 1), two core practices are especially pertinent to residential contexts. While appropriate theories vary depending upon specific application (see below), *restorative group conferencing* is believed, in general, to promote a more effective form of dialogue vital to addressing stakeholder needs in each of the contexts presented below (Bazemore & Schiff, 2004). Similarly, *restorative community service* practice (e.g.,

TABLE 2
Some Restorative Decision-Making Processes

- **Victim Offender Dialogue/Mediation**—Trained mediators facilitate face-to-face discussion between offender and victim to allow for expression of feelings, discussion of harm and obligation, and agreement with offender to repair the harm.
- **Family Group Conferencing**—Allows for community, victim, and family input into the development of a restorative sanction for juvenile offenders in a process initiated by a trained facilitator and focused on respectful disapproval of the crime or harm, with support for the offender and a focus on reintegration.
- **Peacemaking Circles/Circle Sentencing**—A sentencing and/or problem-solving process currently being implemented throughout Canada and several locations in Minnesota, Colorado, and a limited number of other U.S. jurisdictions. Usually facilitated by a community member in the role of "keeper" who manages dialogue by use of a "talking piece," participants in circles include victims, offenders, and local residents who support both and wish to develop a local resolution of the crime or conflict.
- **Neighborhood Accountability Boards**—Widely implemented in Vermont, Arizona, and parts of California and Colorado, these citizen sentencing panels (also known as reparative boards, restorative panels, and community accountability boards) develop agreements with offenders that focus diversion or probation requirements on victim and community reparation, understanding of harm caused by their crime, and avoiding future offending behavior.

Bazemore & Maloney, 1994; Bazemore & Karp, 2004) has multiple goals and applications depending to some extent on the specific context.

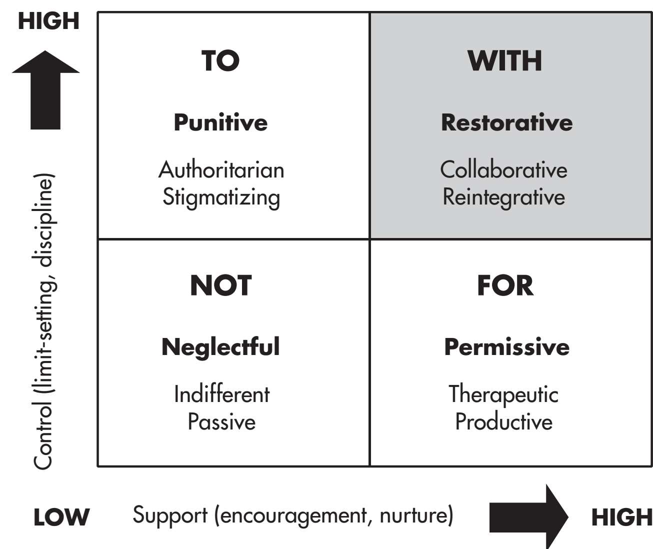
Restorative Justice Conferencing

Restorative group conferencing encompasses a potentially wide range of decision-making models (see Table 2). Conferencing practice was originally developed to engage victim, offender, their supporters, and other relevant community members in a non-adversarial process designed to determine what should be done in response to crime and harm. Conferences are not about determining guilt or punitive consequences based on legal rules. Various models—including family group and community conferencing, victim offender dialogue, peacemaking circles, and community accountability boards—focus instead on finding ways to repair the harm that address the needs of stakeholders in the aftermath of the crime. Some models such as circles have been used in recent years to apply to other decision-making and dialogue contexts unrelated to a response to crime or conflict. These applications include community healing, family and organizational planning, needs assessment, education, and youth development (Braithwaite, 2001a; Pranis, Stuart, & Wedge, 2003).

Disciplinary processes

Restorative processes should not be seen as merely a means of meting out traditional, mandated punishments that may be part of existing "behavior management" schemes. Such schemes typically fail to consider the specific harm to individuals and community, the context in which the harm occurred, or input from stakeholders about how best to respond to this harm. In contrast, restorative principles imply a preference for a different approach to discipline that is neither punitive, nor lenient and negligent, in affirming and enforcing norms of conduct (McCold & Wachtel, 2002; Moore,

FIGURE 1
The Disciplinary Window



[Source: Wachtel & McCold, 2002]

1994). Disciplinary responses handled in a restorative process must be responses to violations viewed by all stakeholders (not just the staff) as harmful to community life, and sanctions/obligations of rule violators should be linked directly to this harm. The dialogue itself around the behavior in question is critical at getting at underlying causes and how to prevent these occurrences in the future. The quality and openness of the dialogue maximize the chance of producing a workable agreement to make amends for the violation. As a restorative justice practitioner experienced with use of restorative practices in schools describes it:

> A restorative philosophy emphasizes problem-solving approaches to discipline, attends to the social/emotional as well as the physical/intellectual needs of students, recognizes the importance of the group to establish and practice agreed-upon norms and rules, and emphasizes prevention and early restorative intervention to create safe learning environments (Riestenberg, 2003, p. 10).

In all applications, restorative processes represent a theory of change markedly distinguished from philosophical assumptions underlying the three most obvious responses to youth misbehavior, crime, and conflict in residential settings: the punitive, all-or-nothing approach of "zero tolerance," which is high on control, though low on support; a neglectful or indifferent approach that opposes almost all intervention and questions its value (low on both control and support); and a permissive approach that argues that social services and individual treatment are enough to prevent future misbehavior and crime, and is high on support yet low on control (Wachtel & McCold, 2002) (see Figure 1).

Rather, as suggested in the previous discussion of informal social control, many restorative practices represent a more *authoritative,* communitarian approach that disapproves of the wrong done (high control and low tolerance) while supporting the intrinsic worth of the individual engaged in the behavior (Moore, 1994). Moreover, proponents argue that control and support are both best provided to the greatest extent possible by community guardians and "natural helpers" (Bazemore, 2001; Braithwaite, 1994).

Theory/Rationale and Proposition: Consistent with theories of procedural justice (e.g., Tyler, 1999; Braithwaite, 2002), advocates suggest that when conducted in an open process that is not staff dominated,

restorative group conferencing will produce disciplinary agreements perceived as "fair but firm," and will give voice and standing to victims, offenders and other stakeholders. Consistent with Braithwaite's theory of reintegrative shaming (Braithwaite & Mugford, 1994), these processes also allow participants to disapprove strongly of the behavior, while showing support for the offender(s) or rule violator. Rule violations resolved in a conference should yield fairer, more realistic, and more satisfying consequences more closely linked to the actual harm done to individuals and community.

Crime and/or Conflict Resolution

When there is clearly an offense or harm against a resident and/or staff members, the restorative process is easily adopted—assuming victim and offender are both willing to be involved. Similarly, in school-based programs, conferencing is well suited to resolutions that involve mutual harm or ongoing conflict between two or more parties. In the latter case, both parties typically attempt to reconcile and the restorative agreement outlines steps to avoid conflict and maintain peace in the future.

Theory/Rationale and Proposition: Conferencing dialogue increases the likelihood that parties in conflict who may both feel victimized (e.g., two youths; a youth and staff member) will, with the help of peers and supporters, find common ground and resolve the conflict. When one party is clearly the offender and the other(s) the victim(s), conferencing maximizes the chance of developing an agreement to repair the harm that will be satisfying to victims and affected community members and viewed as fair and meaningful to the offender. Theoretically, such agreements to make amends for an incident of crime or harm allow offenders to begin to restore balance and reciprocity in their relationships to individual victims and the community. In the conflict situation, the conference process itself can be critical in repairing damage to relationships harmed by conflict and crime.

Conferencing also builds on emerging theories of the role of healing dialogue in helping the victim and offender understand the rationale for the behavior and/or the harm. Research indicates greater feelings of satisfaction and the sense that justice was done, when conferencing rather than court or other adversarial processes are used for decision-making (see Umbreit, 2001; Bazemore & O'Brien, 2002). As suggested, reintegrative shaming theory posits that stakeholders can successfully denounce the offending act rather than the *offender.* They do so in part by engaging those believed to be most likely to induce a genuine sense of remorse in the offender, the family, and significant others in his or her life. According to Braithwaite and Roche (2001), the testimony of victims, in this context of support, is most critical in bringing home to the offender the nature of the harm caused by the crime and his responsibility for it, and no such confrontation is successful without the reintegrative aspect of the encounter and respectful support for the offender: "…there can *never be enough* citizens active in the *reintegration* part of re-integrative shaming" (p.72, emphasis ours).

Promoting Citizen Input and Connecting to Surrounding and Home Communities

Both residential life and the long-term success and well-being of residents are improved when surrounding and home community members are involved in reparative, peacemaking, and rehabilitative activities inside and outside the facility. Peacemaking circles in particular have been used in some facilities to allow youths and volunteers from the surrounding community to discuss personal issues and residential dynamics. In this forum, outside community members may offer advice and support for residents who themselves generally feel free to share feelings and concerns.

Proponents of circles and a practice that some refer to as "community conferencing" offer their own rationales for including community members other than the families and intimates of the offender and victim. As the director of a "community conferencing" program, a variation of family group conferencing, explains:

> We are hoping for one outcome—that the offender will recognize them [neighborhood participants in a conference who they may not know] as offering a broader connection to the community…they get a certain (different) kind of feedback from this: "Look how many people care about me." In the beginning, [in choosing participants] we stuck to those impacted directly, but learned how valuable it was to include [broader] community—who have some distance from the offender—who bring a different perspective (cited in Bazemore & Schiff, 2004, p.7).

Theory/Rationale and Proposition: Adult community members working as volunteers and representing the "voice of the larger community" often bring a unique perspective. If they are willing to become involved in pro-social intergenerational relationships with young offenders, they can help build trust, mutual respect, growth, and commitment. Such connections can also be linked effectively with community service activities and may provide the basis for mentoring and instrumental assistance in later employment or educational pursuits. The relationship itself can also offer emotional support and guidance and have an important impact on the offender and victim. Moreover, while the family and other intimate acquaintances bring certain affective resources, other community members bring instrumental resources including job connections, educational support, and other forms of assistance.

Community Building

Conference dialogue can also create a sense of community in the facility. What John Braithwaite has referred to as "youth development circles" (Braithwaite, 2001a) have no specific agenda other than to allow youths the opportunity to speak about whatever is on their minds without being interrupted. On a daily or routine basis, such dialogue promotes a sense of belonging, connection with others, and the opportunity for collective problem solving. Youth development circles do not require a specific incident of conflict, harm, crime, or disciplinary infraction, but can increase the comfort level of residents and staff members with the conferencing process so that the level of anxiety about restorative dialogue is reduced when there is a need to respond. The theory and philosophy guiding this vision of a well functioning residential community is not unlike the one at the core of ROCA Inc., a multicultural, nonresidential youth development center in Chelsea, East Boston, Revere, and Lynn, Massachusetts. The two philosophical tiers of this program are *belonging* and *generosity*. Belonging means that every youth is accepted as a member of the community, and that staff and youth participants seek to ensure that new members feel a part of the community. In contrast to zero-tolerance, the belonging principle also means that no youth can be permanently excluded from the program, though youths may be asked to leave for the day for fighting, showing gang colors, or other violations of community norms. Generosity means that each youth, from the first day of participation in ROCA, is *also* expected to help other community members (e.g., to tutor younger children, to become involved in service projects).[5]

Group dialogue is an ongoing process in the ROCA program, through use of peacemaking and "talking circles." These circles have become part of daily life and they support an organizational culture in which all staff members and youths seek to sustain the sense of absolute belonging, mutual support, and generosity—also reinforced through one-on-one mentoring and routine dialogue—in the center as a whole.

Theory/Rationale and Proposition: Conferencing dialogue permits relationship building and skill development that may increase social cohesion and group solidarity. When residents connect with each other and with staff and members of the surrounding community, such relationship building creates *social capital* (Putnam, 2001) in the form of networks that share a commitment to the common good. When residents and staff members through conferencing, build skills that address harm and conflict, and facilitate dialogue, they may develop a shared *collective efficacy* (Sampson, Raudenbush, & Earls, 1997) that also allows for informal social control (i.e., residents enforce behavioral norms without formal intervention by the staff) and the ability to solve problems related to conflict and harm.

Reentry

Conferences provide an opportunity for essential dialogue between returning residents and the various home communities that will ultimately make their reintegration possible. Such conferences ideally begin the first day of a youth's stay in the residential community, and should generally include primarily family and close supporters along with key residential staff members, if possible. Later meetings with other members of the home community may begin within a month or more of release. In an experimental program at Minnesota's RedWing Youth Corrections Center, for example, residents already comfortable with restorative dialogue inside the facility were accompanied by staff members to the home community to begin the challenging experience of meeting with victims, families, and others in a conference setting. Additional meetings may be held

with other victims and community members or with support groups both in the home community and residential facility prior to a final meeting at the time of formal release. A primary goal of this final meeting, in addition to allowing for apologies and dialogue, is to develop a mutual assistance group and a reparative behavioral agreement that includes roles for community members and provides guardianship and support for follow-up meetings, as needed. Essentially, the broader goal is "community building" focused on individual offenders returning to their communities.

Theory/Rationale and Proposition: Reentry practice has typically assumed that enough treatment and remediation inside, coupled with follow-up services on the outside, will be sufficient for effective reintegration. This disregard for the "community variable" in the reentry equation (Bazemore & Erbe, 2003) does little to promote community input into reentry planning, provides no information to local residents about what the present offender has done to prepare himself for return, and fails to build upon what could be strong sources of guidance and assistance for the offender's sustainable reintegration. The dialogue process makes community members aware of the offender's intent and of current efforts to make amends inside the facility, in the surrounding community, and in the home community as part of a reentry plan. Reentry conferencing at this transition stage seeks to mobilize both the emotional and practical support offenders will require from persons other than *paid professionals* if they are to make the successful transition to pro-social community life.

An example of an attempt to achieve the objectives of making amends for past harm done to victims, and providing social support for the offender and family, is shown in the following account of a reentry conference. This conference was conducted in the offender's community a month before his return home from a one-year stay in the RedWing facility in Minnesota. The program coordinator described a revelation by a community member that provided this offender with a remarkable amount of insight into the impact of his behavior on others. The coordinator recalls in particular one victim's comment to the group:

> "When Aaron is at the park, all the other kids are scared"…that resident was really struck by that because he wanted the kids to play at the park; it was a small town, he [Aaron] had frequently stolen from the municipal store so the whole community felt the effect. His teacher said, "I've always liked him, but it kills me every time he does something, it has been hard for me." His mom talked about coming down the street and seeing the police at their house—wondering whether he is in trouble or if he is dead—and she said, "it was the longest three blocks I've ever walked." Our kids have been through so much [that] they don't think that they make a difference to anyone (cited in Bazemore & Schiff, 2004, p. 41).

According to this practitioner, when young offenders realize—perhaps for the first time—that they have had both significant negative and positive effects on many community members, the impact can be profound. Offenders may express surprise at hearing victims and community members discuss the harm caused to them, and often their disappointment and concern for them as well. Facilitators seek to ensure, as this one suggested, that offenders understand "who they have harmed and how" before moving on to the next phase. Participants should understand and acknowledge each other's comments by, for example, asking the offender to "retell" portions of the victim's story. The key to this dialogue is that it occurs in a context of caring and respect.

Restorative Sanctions/Obligations: Community Service

Like other forms of reparation such as restitution, apology, and direct service to victims, restorative community service provides a way to make amends for the harm caused to communities by youth crime. Focused specifically on working to address some community need, the nature and duration of restorative service is best determined in one or more conferencing forums that provide for community, victim, and offender input. In current practice, however, youths are often ordered to fulfill service requirements by working on crews performing demeaning and often unproductive "make work" that, in the worst case, seems focused on humiliation and punishment. Such requirements promote neither accountability nor appropriate amends for the harm done. Similarly, routine assignments to "service sites" ordered by court or facility staff without com-

munity, victim, or offender input, or clear focus on addressing local needs or harm done, are less likely to address community concerns or mobilize support for the offender. Service on its highest plane, however, is capable of accomplishing multiple goals that may ultimately benefit community members and groups, the offender, and the victim (Bazemore & Maloney, 1994; Bazemore & Karp, 2004).

Meaningful service can also provide appropriate sanctions for disciplinary violations, especially when it is linked directly to the harm and when it is determined with community, victim, and offender input in the conferencing setting. We focus below on the theory and practice of service as a restorative obligation or sanction, as a way of increasing community input and information flow, as a mechanism to support reentry, and as a way of promoting community building in all three relevant communities.

As a Sanction/Obligation to Repair Harm

Service is most likely to repair harm when it is linked directly to the damage or hurt caused by the offense in question. At the most general level, service that addresses real human need may personalize the repair, as in the case of the middle-school bully whose service requirement is tutoring younger children. Also directly relevant have been victims' suggestions that an offender work for a charity or other cause important to them, such as service for a victim support group. Inside residential facilities, direct connections are straightforward. Examples of reparations could include a youth's fixing furniture he damaged; hurting another resident in some way can involve an obligation to help him with chores, as well as apologies and support.

Theory/Rationale and Proposition: Despite the belief that incarceration allows one to "pay his or her debt to society," doing time does nothing to address the harm caused by offenders and the need to restore the trust that others had in them. Juveniles under correctional supervision, especially those placed in residential centers, are perceived as having done harm that would require significant effort to ameliorate. However, when the offender makes a good faith effort to repair harm to individuals and communities impacted by his or her actions through community service, restitution and/or other reparative acts, s/he may directly or symbolically earn their way back into the community's good graces. Such "earned redemption" (Maloney, 1998), according to the norm of reciprocity (Gouldner, 1960) in exchange theory (e.g., Molm & Cook, 1995) may be necessary to restore trust that has been broken (Putnam, 2001) and right the imbalance that has occurred on the community and victim side of the reentry equation as a result of the offender's action. Individual victims and various communities are viewed as entities that must be *acted upon* by the offender, who "gives back" as an important step on the road to reacceptance (Maruna, 2001) by a concrete demonstration that the offending party acknowledges harm caused and is doing something to make things right. When visible to the community, such a positive affirmation of responsibility for harm and of capacity and willingness to make amends can be a fundamental step in public image change from liability to resource or asset. As Maruna, LeBel, and Lanier (2002, p. 20) observe, "the reciprocal implications of this strengths narrative—that one needs to 'do something to get something'—make it intuitively appealing." On the other hand, a focus group participant in a recent series of forums on correctional reform argued that a common disregard for this common sense principle of reciprocity is a central flaw in contemporary criminal justice practice that is a barrier to community support:

> Let me put it this way, if the public knew that when you commit some wrongdoing, you're held accountable in constructive ways and you've got to earn your way back through these kinds of good works, …(Probation) wouldn't be in the rut we're in right now with the public (Dickey & Smith, 1998, p. 36).

Promoting Citizen Input and Connecting to Surrounding and Home Communities

Meaningful, community-focused service may, indirectly, have the most profound impact on the flow of information (and social capital) into and out of the residential community. Indeed, the most meaningful service projects are ones in which one or more communities provide input into the nature of service and participate in the design and execution of projects. Quality community service projects can in fact allow otherwise "out of sight and out of mind facilities," to become known as resources that give something back to the

community and allow young offenders to be viewed as capable of something other than causing harm. When young residents do meaningful work in the local community, they present a different, far more positive image of themselves than that provided behind the walls. Recipients of service and community volunteers who may work alongside youths feeding the homeless, cutting firewood for the elderly, landscaping youth shelter homes, and other projects not only reinforce for young people the dignity of work and the value of the service, but may also connect with youths and later visit them inside the facility. The positive message communicated is that the facility provides a resource to the community. Restorative community service may also establish or strengthen an existing critical pro-social connection between offenders and community members, when repairing harm is conceptualized as rebuilding relationships that have been weakened by crime.

Theory/Rationale and Proposition: Human capital theory (Becker, 1964) suggests that young people, especially those already marginalized by involvement in at-risk behavior, need opportunities to practice and demonstrate competencies. Ultimately, the theory implies that when work builds competencies and is visible to others, it may create employment opportunities for offenders. Strategically designed, high visibility service projects can provide an opportunity for both skill development and demonstration of offender capabilities, as well as relationship building.

Community Building

At the micro level, community building may begin as it does in restorative conferencing, with relationship building between a young person and community member working together on a service project. If planners are strategic, such relationships can grow into networks of families and support groups. Beyond this, if community building means adding to the quality of life in communities as a common good, then work that *leads* to repair and redemption, changes in individual and public identities of incarcerated persons, assistance to those in need, the building or repair of physical structures, or the improvement of the natural environment, would appear to fit the definition of "community building service." We would hope that *all* service efforts contribute to the common good, yet we suggest that *community building service* aspires to a qualitatively different level of impact, increasing the capacity of community entities for self-sufficiency and self-governance. The highest level of service that might be achieved would therefore be service in which formerly incarcerated youths and those under correctional supervision work with other community members to plan and execute tasks that build "collective efficacy." In this context, such efficacy would be broadly defined as the production of safe, peaceful, living environments in which members are capable of resolving most conflicts, socializing other residents, mobilizing government and other needed resources, and promoting democratic participation in community life.

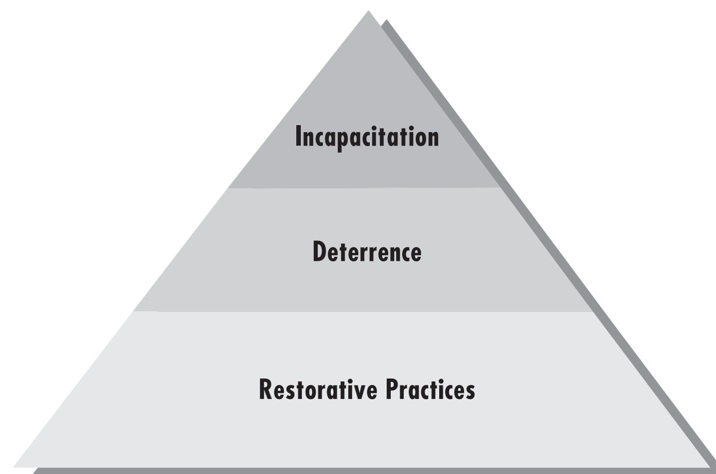
As a form of civic reintegration, community building service (Uggen, Manza, & Behrens, 2004; Bazemore & Karp, 2004) might therefore include working with community groups to build safer parks; redesigning other neighborhood common areas to reduce fear and victimization; teaching conflict resolution and peacemaking skills to younger children in schools (including restorative conferencing) as alternatives to suspension and other forms of discipline; mediating interracial conflicts; planning and implementing voter registration drives; building domestic violence "safe houses"; organizing support groups for victims and perpetrators of family violence; leading anti-drug initiatives; facilitating community discussion groups about drug sales, gun sales, or police profiling and harassment in the community; and organizing and participating in victim support groups through churches and other community groups.

Theory/Rationale and Proposition: Community building service may be expected to build capacity for developing and maintaining collective informal social control and mutual support for young people in residential, surrounding, and home communities.

Reentry

Service to the home community, especially when conducted with other community members, can reinforce the offender's good faith obligation and commitment to the common good. Some residential facilities have developed ongoing partnerships with local politicians and civic leaders to repair park benches, maintain baseball fields, and assist with public events such as concerts and fairs. Again, human capital arguments

FIGURE 2
Integrating Restorative, Deterrent, and Incapacitation Priorities



[Source: Braithwaite, 2002]

apply here when the service is strategically chosen and designed for high visibility and high community contact, while also contributing to a worthy civic goal and providing opportunities to practice and demonstrate skills in a pro-social group context.

Theory/Rationale and Proposition: In addition to developing a new public image in the reentry context, young offenders need an opportunity to develop a new self-image. Here, Erik Erikson's (1968) theory of "generativity" posits that service to others may be critical in redefining one's image of self as a person dedicated to contributing to future generations. Research on adult inmates confirms that such service and the commitment to help others is a predictor of successful reentry (Maruna, 2001), while longitudinal studies of general populations of young people demonstrate that those involved in community service and service learning as adolescents are less likely to become adult offenders (Uggen & Janikula, 1999). The theory of change in self-image, of course, requires reflection spurred by discussion of the aims and value of the service (e.g., who is being helped). In addition, the most important aspect of such image change is the experiential learning opportunity service provides. The operative theory here is one that offers a challenge to passive, didactic remedial learning approaches, and to many therapeutic counseling programs. It is best articulated by Charles See, the founder and director of one of the most successful community service based programs for returning adult offenders in Cleveland, Ohio, who observes that "it is easier to act one's way into better thinking than to think one's way into better acting" (See, 1996).

Dangers and Opportunities: Compatibility Issues

Restorative justice is a holistic, overarching philosophy of justice that provides the basis for a resolution to any crime in any context, but advocates recognize that the business of juvenile corrections and operating residential facilities cannot be reduced to carrying out restorative justice practices. Restorative justice is not compatible with retributive justice or punishment for its own sake. It may, however, be compatible with other correctional priorities—rehabilitation, accountability, security, safety, and even incapacitation and deterrence.

Deterrence, Discipline, and Restorative Justice

Braithwaite (2002) depicts the relationship between restorative justice and other criminal justice priorities as a pyramid in which the vast majority of incidents of

harm and conflict (e.g., most of those occurring in a residential facility) and most offenders can and should be handled with restorative processes (see Figure 2).

Although restorative justice advocates have barely begun to maximize use of restorative practices, the behavior of some offenders will, even in the best of circumstances, rise to the level of seriousness (or deliberate and repeated occurrence), that some reliance on coercion and deterrence is required. Some will also, at least initially, exhaust the range of remedies that do not require some level of restriction or temporary incapacitation (Braithwaite, 2002. p.32). Even in these instances, however, restorative practices and resolutions can be applied *alongside* either the deterrence or incapacitation focus, and even in the most high-risk cases, advocates of restorative justice will continue to seek to repair harm to the greatest extent possible. Regardless of the offender's status and willingness to participate, for example, the needs of victims, and of families of both victim and offender, may require a healing intervention. Restorative justice demands an effort to repair harm to all stakeholders to the greatest extent possible but recognizes the limitations of more intensive interventions such as conferencing when one party is unwilling or unable to participate (though there are indeed many examples of successful conferencing in very serious and complex cases, e.g., Umbreit, 2001).

Following a restorative justice agenda also means that restorative principles provide an overarching philosophy that shapes the way other youth corrections goals are addressed and accomplished. For example, offender treatment in a restorative environment would no longer be isolated from victim, family, and the community or removed from the context of accountability and public safety. The principle of repairing harm and maximizing involvement of stakeholders in decision making in a restorative environment would therefore continue to influence the ways even the most serious and chronic offenders are managed. Fitting in with the need to address treatment, security, and even incapacitation objectives, however, must not therefore mean that the restorative justice philosophy is subsumed in the priorities of these systems, or that restorative practice becomes simply another selectively applied programmatic overlay. In some juvenile treatment facilities, for example, one or another of several behavioral control systems often determines the response to all manner of misbehavior. Though better than reliance on punishment and threats, many of these reward/punishment schemes implicitly associate generosity, respectful treatment, mutual support, and civility with the acquisition of "points" and privileges rather than emphasizing the intrinsic rewards associated with such behaviors. When extrinsic rewards become the primary motivation, the likelihood of transfer of pro-social habits acquired behind the walls is greatly reduced when these tangible incentives are removed.

This is not to say that all behavior management systems are incompatible with restorative justice, even as a primary response to disciplinary violations. Careful strategic thinking is required, however, to provide a meaningful fit with restorative principles. Rather than proscribed punishments for rule violators, these principles require stakeholders to seek unique reparative solutions based on assessment of the harm caused by behavior that intentionally victimizes others. Derived from open stakeholder dialogue that seeks to develop and mobilize positive community forces of social control, these decision-making processes also draw upon positive internal motivations in young people toward pro-social behavior because being a productive member of a community where one has a sense of belonging is its own reward.

Restorative Justice and Treatment Protocols

In the late 1970s, a number of adult corrections systems began to invest in a treatment model known as cognitive therapy (Ross & Fabiano, 1985). As these programs began to demonstrate positive impacts on recidivism in a number of controlled studies, some youth corrections systems and programs—including some also committed to restorative justice—in turn began to incorporate cognitive curricula and programming into both publicly and privately operated programs. Unfortunately, however, some have mistakenly *equated* cognitive therapy with restorative justice or viewed BARJ goals and cognitive goals as interchangeable. By itself, a cognitive class or counseling session, while it may be educational or therapeutic, does not meet the principle test imposed by the restorative justice model. Specifically, how does such a program repair the harm or hold offenders accountable? How does it engage

victim, offender, and community as stakeholders? How does it build offender competencies and relationships and community capacity to respond effectively to crime and harm?

Some of the confusion that may result in labeling clinical practices as restorative justice may be a result of failure to distinguish the purpose and process of a restorative encounter from that of a therapy group. Indeed, some clinical staff members have been known, when asked about conferencing in their programs, to reply, "oh yeah, we run lots of 'groups' in our facility." The key distinction between the *purpose* of a peacemaking circle or family group conference, for example, and a "t-group" is that restorative group encounters are not focused on the therapeutic adjustment of offenders. Rather, the primary objective of a restorative process is collective problem solving aimed at repairing the harm of crime and/or transforming conflict. One key difference in process has to do with leadership, clearly designated to *staff* in t-groups, but *shared* by offenders, victims, community members, and staff in conferencing. According to Kay Pranis, former Restorative Justice Planner for the Minnesota Department of Corrections, in most restorative processes (especially circles) the hierarchy is flat, whereas in "group," the therapist (the adult) clearly holds the power. Pranis, who has informally polled both youths and adults about circles, says that while it is quite common for adult social service professionals to confuse circles and therapy groups, young people always recognize the difference. The problem that she notes in therapy, however well intended, is that the young person typically "speaks to the power, rather than the truth," and ultimately, adjusts his/her behavior to that power (Riestenberg, 2003).

Cognitive training is by no means incompatible with a restorative justice focus. Yet while it emphasizes criminogenic influences in the offender's life, it does not generally take account of critical *pro-social,* relational community elements as positive influences in the transition from involvement in youth crime to conventional roles (Benson, 1997; Saleebey, 2002). Finally, as a standalone, individualized, therapeutic technique, cognitive intervention in its current form attempts to effectively confront anti-social thinking patterns associated with criminal and delinquent behavior outside the context of victimization or victim needs. It also typically does not engage what Braithwaite (2001b) refers to as the "collective resolve" of support communities required to holistically address many of the issues that youth offenders bring to the table (e.g., substance abuse). Cognitive and other therapies will therefore detract from and even become incompatible with restorative justice when they reduce intervention to confronting thinking errors in an isolated environment, rather than addressing the real harm done, at the expense of a more strengths-based focus (Saleeby, 2002).

Finding the Right Mix: Balance and Compatibility Issues

Prospects for achieving treatment objectives—including those associated with cognitive therapy—may be improved by restorative processes. Similarly, by including victims and addressing other relational and social support issues, cognitive therapy could provide an important supplement to restorative justice practices. At its best, cognitive training reinforces vital learning that occurs in restorative processes such as conferencing, one goal of which is to encourage empathy for victims, and may help young offenders put themselves in the role of the victim and provide a way to restore equilibrium in damaged relationships. Most importantly, cognitive programs show promise in reducing recidivism (Lipsey, 1995). Though cognitive training should not by itself be labeled as a "competency development" intervention, it may also help to accomplish one part of the skill-building objective generally sought by advocates of Balanced and Restorative Justice (OJJDP, 1998; Bazemore, 1999) *if and when* it is linked to experiences in a new pro-social role. For example, cognitive techniques could be utilized as a way of confronting and processing disruptive interaction, and reinforcing collaboration in a group providing positive community service that allows participants to also *practice and demonstrate* competencies in a context where they are ideally also interacting with prosocial adults (Bazemore & Karp, 2004). Although not inherently restorative in nature, cognitive intervention could be effective in helping delinquent youths come to terms with interpersonal distortions that result in minimizing, misleading, blaming others, and self-centered thinking and acting. Building cognitive competencies can also prepare offenders for genuinely accepting responsibility for their actions and subsequently repairing the harm they have caused.

In summary, therapeutic approaches, including cognitive approaches can co-exist with, and enhance restor-

ative processes but cannot take their place. Simply using restorative language such as "repairing harm" in a staff-led disciplinary hearing aimed at validating the assignment of a standard punitive consequence to a youth violating a facility rule does not amount to restorative justice. Similarly, reducing concepts and outcomes like accountability to correcting "thinking errors," (Yochelson & Samenow, 1976) and equating competency and youth development with the acquisition of counseling insights with minimal experiential application does an injustice to restorative practices and principles—as well as strengths-based approaches (Saleebey, 2002).

"Restorative Justice in the Bricks": Sustainable Restorative Practice in Youth Corrections Facilities

With the exception of facilities designed around punitive and/or rigid behavioral management systems based solely on zero-tolerance logic and/or unbending reliance on token economy reward systems, restorative justice can fit into and quickly enhance most residential environments. The key to successful implementation of restorative justice practices "within the walls," however, is a vision of full integration of core restorative justice principles at every point in the facility and its programming. One residential superintendent clearly expressed the systemic nature of restorative reform assumed in such integration when he expressed his desire to, "build restorative justice into the bricks." By that he meant that the goal of repairing harm by maximizing involvement of stakeholders in a way that gave responsibility to community forces would guide every response to harm and conflict. Restorative principles would also guide day-to-day interaction between residents, staff (including correctional officer, cooks, maintenance and transportation staff) and community members. Rather than sole reliance on special programs or groups focused on restorative justice, residents and staff are encouraged to seek a response grounded in restorative principles to every *incident* of harm and conflict that occurs. Following principles of repair, maximizing stakeholder involvement and strengthening and empowering the community, community members seek the most restorative option for even the most serious crimes, even when other restrictions must be imposed for security reasons. The holistic implementation of restorative justice also requires that community members envision a restorative way of carrying out all facility tasks—education, security, treatment, discipline, etc. Increasingly, practitioners find that underlying restorative justice values of respect and democratic decision making also begin to change ways of interacting with others daily in residential communities and can eventually change facilities' overall organizational culture. As dialogue processes in circles appear to "spill over" into most daily interaction between youths, staff members, and youths and staff,, restorative justice becomes less a practice and more a "way of being" (Boyes-Watson, 2004).

The promise of restorative justice lies in the vision and reality of the empowerment and involvement of the three relevant communities discussed herein. That promise also includes the possibility of developing a pro-social, informal system of social control and support based upon their involvement. Indeed, it is the full engagement of these communities that will neutralize tendencies to revert to, or settle for, packaged behavior control, or therapeutic programs that require rigid adherence to protocols that may replicate zero-tolerance disciplinary approaches while failing to take advantage of the collective power of these communities to heal and maintain effective social control. The effectiveness of restorative justice in achieving this promise can ultimately be measured by hard outcomes related to peace and safety, successful reintegration of offenders into home communities, and by an overall change in the culture and priorities of residential treatment facilities.

AUTHORS' ADDRESSES:

Gordon Bazemore, Ph.D.
Professor, Department of Criminal Justice
Florida Atlantic University
University Tower
220 S.E. 2nd Avenue
Fort Lauderdale, FL 33301

Jay Zaslaw
Securicor New Century
2649 Barefoot Creek Circle
Navarre, FL 32566

Danielle Riester
Associate Director
Jane Addams Juvenile Court Foundation
969 East 60th Street
Chicago, IL 60637

END NOTES

[1] Generically described as "restorative conferencing" approaches, these dialogue processes may assume many forms and programmatic variations within four general structural models: family group conferences, victim-offender mediation/dialogue, neighborhood accountability boards, and peacemaking circles (Bazemore & Umbreit, 2001). Though substantial hybridization has occurred as result of proponents of various program models borrowing ideas from each other, ideal-type models differ based on who is typically invited to participate and what process is used to guide dialogue. FGCs and victim-offender mediation, for example, tend to include primarily victim, offender, and family or other intimates of both, while neighborhood boards and circles are more likely to include a range of volunteers and other community members who feel that they have been impacted by the crime. Approaches to structuring dialogue range from use of a "talking piece" in circles, to a volunteer chairperson in neighborhood boards, to the facilitator in family group conferencing generally following a relatively structured outline, to the generally less structured mediator in victim-offender mediation or VO dialogue. A recent national survey/inventory of conferencing programs estimated that there were some 800 of these programs in the U.S., and that all but a handful of states had one or more programs (Bazemore & Schiff, 2004).

[2] For example, New Zealand, Great Britain, Germany, and several Australian states mandate use of restorative justice conferencing for certain offenses. Germany also requires prosecutors and/or judges to show cause why they must pursue a court option in most cases.

[3] There are, of course, notable exceptions in which some residential facilities have implemented some restorative practices, at least for some period of time. Though most seem to have focused on a few practices such as community service, victim awareness education, and apology letters, a few facilities have also experimented on a limited basis with restorative justice conferencing or peacemaking processes, and restorative disciplinary procedures (Morrison, 2001; Bazemore & Schiff, 2004). Other private and some public facilities in Idaho, Pennsylvania, and Florida began to adopt Balanced and Restorative Justice mission statements in the mid-1990s, and some Minnesota residential programs have since focused on service projects that engage and clearly benefit local communities.

[4] The possibilities for developing and nurturing residential environments reliant on such informal controls in facilities with a long history of rigid structures based on coercion should not be exaggerated or romanticized. However, residential communities, at their best, could become what Bellah and his colleagues call "mediating institutions" that "… shape character by assigning responsibility, demanding accountability, and providing the standards in terms of which each person recognizes the excellence of his or her achievements. Each individual's possibilities depend on the opportunities opened up within the institutional contexts to which that person has access... Institutions, then, are essential bearers of ideals and meanings" (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1991, p. 185).

[5] Grounded in the value of mutual support, the theory of generosity also assumes, consistent with Erikson's theory of "generativity" (Erikson, 1968), that individuals in crisis or at risk are often able to resolve their own problems and experience personal growth and a sense of self by helping others and contributing to the common good (see Maruna, 2001).

REFERENCES

Bazemore, G. (1997). What's new about the balanced approach? *Juvenile and Family Court Journal, 48*(1), 1-21.

Bazemore, G. (1999). After shaming, whither reintegration: Restorative justice and relational rehabilitation, in G. Bazemore & L. Walgrave (Eds.), *Restorative juvenile justice: Repairing the harm of youth crime.* Monsey, NY: Criminal Justice Press.

Bazemore, G. (2001). Young people, trouble, and crime: Restorative justice as a normative theory of informal social control and social support. *Youth and Society, 33*(2), 199-226.

Bazemore, G., & Erbe, C. (2003). Reintegration and restorative justice: Toward a theory and practice of informal social control and support. *Juvenile Justice and Youth Violence, 1*(10), 246-275.

Bazemore, G., & D. Karp. (2004). A civic justice corps: Community service as a means of reintegration. *Justice Policy Journal, 1*(3), 1-35.

Bazemore, G., Leip, L., & Stinchcomb, J. (2004). Boundary changes and the nexus between formal and informal social control: Truancy intervention as case study in criminal justice expansionism. *Notre Dame Journal of Law, Ethics and Public Policy, 18*(2), 521-570.

Bazemore, G., & Maloney, D. (1994). Rehabilitating community service: Toward restorative service in a balanced justice system. *Federal Probation, 58,* 24-35.

Bazemore, G., Nissen, L., & Dooley, M. (2000). Mobilizing social support and building relationships: Broadening correctional and rehabilitative agendas. *Corrections Management Quarterly, 4*(4), 10-21.

Bazemore G., & O'Brien, S. (2002). The quest for a restorative model of rehabilitation: Theory-for-practice and practice-for theory. In L. Walgrave (Ed.), *Restorative justice and the law.* Cullompton, Devon, UK: Willan Publishing.

Bazemore, G., & Schiff, M. (2004). *Juvenile justice reform and restorative justice: Building theory and policy from practice.* Cullompton, Devon, UK: Willan Publishing.

Bazemore, G., & Umbreit, M. (2001). A comparison of four restorative conferencing models. *Juvenile Justice Bulletin.* Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Bazemore, G., & Walgrave, L. (Eds.) (1999). *Restorative juvenile justice: Repairing the harm of youth crime.* Monsey, NY: Criminal Justice Press.

Becker, G. (1964). *Human capital.* New York: National Bureau of Economic Research Press.

Bell, D. (2003) *Balanced and restorative justice in state policy and statute: An update.* Monograph, Fort Lauderdale, FL: Balanced and Restorative Justice Project, Community Justice Institute.

Bellah, R., Madsen, R., Sullivan, W., Swidler, A., & Tipton, S. (1991). *The good society.* Berkeley, CA: University of California Press.

Benson P. (1997). *All kids are our kids.* Jossey-Bass, Inc. Publishers.

Bishop, D., Frazier, C., Lanza-Kaduce, L., & Wimmer, C. (1996). The transfer of juveniles to criminal court: Does it make a difference? *Crime and Delinquency, 42,* 171-179.

Boyes-Watson, C. (2004). What are the implications of growing state involvement in restorative justice? In H. Zehr & B. Toews-Shenk (Eds.), *Critical issues in restorative justice* (pp. 215-226). Monsey, NY: Criminal Justice Press.

Braithwaite, J. (1994). Thinking harder about democratizing social control. In C. Alder & J. Wundersitz (Eds.), *Family group conferencing in juvenile justice: The way forward or misplaced optimism?* Canberra: Australian Institute of Criminology.

Braithwaite, J. (2001a). Youth development circles. *Oxford Review of Education, 27*(2), 239-252.

Braithwaite, J. (2001b). Restorative justice and a new criminal law of substance abuse. *Youth and Society, 33*(2), 227-248.

Braithwaite, J. (2002). *Restorative justice and responsive regulation.* New York: Oxford University Press.

Braithwaite, J., & Mugford, S. (1994). Conditions of successful reintegration ceremonies: Dealing with juvenile offenders *British Journal of Criminology, 34,* 139-171.

Braithwaite, D., & Roche, D. (2001). Responsibility and restorative justice. In G. Bazemore & M. Schiff (Eds.), *Restorative community justice: Repairing harm and transforming communities.* Cincinnati, OH: Anderson Publishing.

Bryk, A., & Driscoll, M. (1988). *The school as community: Shaping forces and consequences for students and teachers.* Madison, WI: University of Wisconsin, National Center on Effective Secondary Schools.

Carey, M. (2001). Infancy, adolescence and restorative justice: The application and timing of strategies in promoting organizational change toward restoration. In G. Bazemore & M. Schiff (Eds.), *Restorative and community justice: Cultivating common ground for victims, communities and offenders.* Cincinnati, OH: Anderson Publishing.

REFERENCES

Christie, N. (1977). Conflict as property. *British Journal of Criminology, 17*(1), 1-15.

Clear, T. R. (1994). *Harm in American penology: Offenders, victims, and their communities.* Albany, NY: SUNY Press.

Clear, T., & Karp, D. (1999). *The community justice ideal: Preventing crime and achieving justice.* Boulder, CO: Westview Press.

Cullen, F. T., Sundt, J. L., & Wozniak, J. F. (2001). The virtuous prison: Toward a restorative rehabilitation. In H. N. Pontell & D. Shichor (Eds.), *Contemporary issues in crime and criminal justice: Essays in honor of Gilbert Geis.* Upper Saddle River, NJ: Prentice-Hall.

Dickey, W. J., & Smith, M. E. (1998). *Dangerous opportunity: Five futures for community corrections: The report from the focus group.* Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Erikson, E. (1968). *Identity, youth and crisis.* New York: Norton.

Fader, J., Harris, P., Jones, P., & Poulin, M. (2001). Factors involved in decisions on commitment to delinquency programs for first-time juvenile offenders. *Justice Quarterly, 18*(2), 323-341.

Gottfredson, D. (2001). *Delinquency and schools.* New York: Cambridge University Press.

Gouldner, A. (1960). The norm of reciprocity: A preliminary statement. *American Sociological Review, 25,* 161-178.

Hunter, A. J. (1985). Private, parochial and public social orders: The problem of crime and incivility in urban communities. In G. D. Suttles & M. N. Zald (Eds.), *The challenge of social control: Citizenship and institution building in modern society.* Norwood, NJ: Aldex Publishing.

Krisberg, B., & Patino, V. (2004). *Juvenile justice in Florida: What kind of future?* Oakland, CA: National Council on Crime and Delinquency.

Lipsey, M.W. (1995). What do we learn from 400 research studies on effectiveness of treatment with juvenile delinquents? In J. McGuire (Ed.), *What works: Reducing reoffending.* New York: Wiley.

Maloney, D. (1998, February). The challenge of restorative community justice. Address at the Annual Meeting of the National Coalition for Juvenile Justice, Washington DC.

Maloney, D., Romig, D., & Armstrong, T. (1988). Juvenile probation: The balanced approach. *Juvenile and Family Court Journal, 39*(5).

Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives.* Washington, DC: American Psychological Association.

Maruna, S., LeBel, T. P., & Lanier, C. S. (2002). Generativity behind bars: Some "redemptive truth" about prison society. Draft paper.

Mauer, M. (2004). Race, class, and the development of criminal justice policy. *Review of Policy Research, 21*(1), 79.

McCarthy, B., Hagan, J., & Martin, M. J. (2002). In and out of harm's way: Violent victimization and the social capital of fictive street families. *Criminology, 40*(4), 831-866.

McCold, P., & Wachtel, T. (2002). Restorative justice theory validation. In E. Weitekamp & H. J. Kerner (Eds.), *Restorative justice: Theoretical foundations* (pp. 110-142). Cullompton, Devon, UK: Willan Publishing.

Molm, L., & Cook, K. (1995). Social exchange and exchange networks. In K. Cook, G. Fine, & J. House (Eds.), *Sociological perspectives on social psychology.* Boston: Allyn and Bacon.

Moore, D. (1994). *Illegal action-official reaction.* Paper prepared for the Australian Institute of Criminology, Canberra, Australia.

Morrison, B. (2001). The school system: Developing its capacity in the regulation of a civilized society. In J. Braithwaite & H. Strang (Eds.), *Restorative justice and civil society.* Cambridge: Cambridge University Press.

O'Brien, S. (1999, March). Restorative justice in the states: A national survey of policy and practices. Paper presented at the annual conference of the Academy for Criminal Justice Sciences, Orlando, FL.

Office of Juvenile Justice and Delinquency Prevention. (1998). *Guide for implementing the balanced and restorative justice model.* Washington, DC: U.S. Department of Justice.

Payne, A., Gottfredson, D. C., & Gottfredson, G. (2003). Schools as communities: The relationships among communal school organization, student bonding and school disorder. *Criminology, 41*(3), 749-776.

Pranis, K., Stuart, B., & Wedge, M. (2003). *Peacemaking circles: From circle to community.* St. Paul, MN: Living Justice Press.

Putnam, R. (2001). *Bowling alone: The collapse and revival of American community.* New York: Simon and Shuster.

Riestenberg, N. (2003). *Zero and no: Some definitions.* Roseville, MN: Minnesota Department of Education.

REFERENCES

Rose, D., & Clear, T. (1998). Incarceration, social capital and crime: Implications for social disorganization theory. *Criminology, 36*(3), 471-479.

Ross, R., & Fabiano, E. (1985). *Time to think: A cognitive model of crime and delinquency prevention and rehabilitation.* Ottawa: Academy of Arts and Sciences.

Saleebey, D. (2002). The strengths perspective: Possibilities and problems. In D. Saleebey (Ed.), *The strengths perspective in social work practice.* (3rd ed.) London: Allyn and Bacon.

Sampson, R. (1999). What "community" supplies. In W. J. Dickens & W. T. Dickens (Eds.), *Urban problems and community development* (pp. 241-292). Washington, DC: Brookings Institution Press.

Sampson, R., Raudenbush, S., & Earls, F. (1997, August). Neighborhoods and violent crime: A multi-level study of collective efficacy. *Science Magazine, 277*(4), 918-924.

Sampson, R., & Wilson, J. (1995). Toward a theory of race. In J. Hagan & R. D. Peterson (Eds.), *Crime and urban inequality.* Stanford, CA: Stanford University Press.

See, C. (1996). *Restorative justice* (Video). Washington, DC: National Council of Churches.

Senge, P. (1990). *The fifth discipline: The art and practice of the learning organization.* New York: Doubleday Currency.

Solomon, D., Watson, M., Battistich, V., Schaps, E., & Deluchi, K. (1992). Creating a caring community: Educational practices that promote children's prosocial development. In F. Oser, A. Dick, & J. Patry (Eds.), *Effective and responsible teaching: The new synthesis* (pp. 383-396). San Francisco: Jossey-Bass.

Torbet, P., Gable, R., Hurst, H., Montgomery, I., Szymanski, L., & Thomas, D. (1996). *State responses to serious and violent juvenile crime.* Pittsburgh, PA: Office of Juvenile Justice and Delinquency Prevention Research Report, National Center for Juvenile Justice.

Tyler, T. (1999). *Why people obey the law.* London: Yale University Press.

Uggen, C., & Janikula, J. (1999). Volunteerism and arrest in the transition to adulthood. *Social Forces, 78,* 331-362.

Uggen, C., Manza, J., & Behrens, A. (2004) Less than the average citizen: Stigma, role transition, and the civic reintegration of convicted felons. In S. Maruna & R. Immarigon (Eds.), *After crime and punishment* (pp. 261-293). Cullompton, Devon, UK: Willan Publishing.

Umbreit, M. (2001). *The handbook of victim-offender mediation.* San Francisco: Jossey-Bass.

Van Ness, D., & Strong, K. H. (1997). *Restoring justice.* Cincinnati OH: Anderson.

Walgrave, L. (2004). Youth crime and youth justice: Comparative and cross national perspectives. In M. Tonry (Ed.), *Crime and justice: A review of research, Vol. 31* (pp.543-597). Chicago: The University of Chicago Press.

Yochelson, S., & Samenow, S. (1976). *The criminal personality.* New York: J. Aronson.

Zaslaw, J. (1996). The sociolegal response: A new approach to juvenile justice in the 90's. *Corrections Today, 2,* 74-76.

Zehr, H. (1990) *Changing lenses: A new focus to crime and justice.* Scottsdale, PA: Herald Press.