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Can We Do It? : The Feasibility of Youth Restorative Justice Implementation in Worcester

April Hooper

May 2016

A MASTER'S RESEARCH PAPER

Submitted to the faculty of Clark University, Worcester,
Massachusetts, in partial fulfillment of the requirements for
the degree of Master of Arts in the department of International Development, Community,
and Environment.

And accepted on the recommendation of

Professor Laurie Ross, Chief Instructor

ABSTRACT

Can We Do It? : The Feasibility of Youth Restorative Justice Implementation in Worcester

April Hooper

This paper addresses the feasibility of implementing a restorative justice process in the juvenile justice system in Worcester, Massachusetts from a community stakeholder perspective. Strengths, barriers, process, and collective will in Worcester were explored. Findings of this research include that while Worcester has many strengths, the barriers and lack of collective will may interfere with any immediate attempts to implement restorative justice processes within the local juvenile justice system. It concludes that while restorative justice approaches may be feasible in the longer term, current implementation is unlikely.

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Introduction

"It is easier to build strong children than to repair broken men." *Frederick Douglass*

The current system of juvenile criminal justice produces broken men and women from the youth that enter it. For juvenile offenders, arrest and court can be traumatic, cause them to be labeled a delinquent by both themselves and society, and increase their likelihood of reoffending (JDAI; Liberman et al., 2014; Holman & Ziedenberg, 2008); detention, a frequent result of the justice system, only exacerbates these statistics (JDAI; Holman & Ziedenberg, 2008). Detention of youth not only takes them out of society but “has a profoundly negative impact on young people’s mental and physical well-being, their education, and their employment” (Holman & Ziedenberg, 2008, 2) ranging from depression and self-harm through reduced future earnings (Holman & Ziedenberg, 2008). Additionally, the trauma that youth have experienced before or during the juvenile justice system tends to be ignored in the system, leading to “a downward spiral of increasingly deviant and risky behavior, re-traumatization, and chronic juvenile (and adult criminal) justice involvement” (Ko, Ford, Kassam-Adams, Berkowitz, Wilson, Wong, Layne, 2008). The youth victims of a crime also gain little validation from the current juvenile justice system. They are often used as pawns by the system to show the offender is guilty while receiving no closure themselves in how they personally have felt violated; this leaves many victims dissatisfied and disempowered by the current system (Davidson, 2014, 10; Latimer et al., 2001, 9; Morris & Maxwell, 2001, 268; Tsui, 2014, 646).

Restorative justice (RJ) is an alternative to the current system which results in broken people. RJ can manifest in a variety of ways, but in nearly all cases results in the offender returning to the community and trying to make amends for their crime *outside* of detention. For example, instead of being sent to prison, a juvenile offender instead goes through a restorative sentencing circle. There he/she would be an active part of creating his/her sentence alongside his supporters, the victim and his/her supporters, and the court officials. Once they all decide on an acceptable sentence (related especially with how to make personal amends to the victim), the offender would complete this sentence and both the offender and victim are offered support to move on past the offense. The negative aspects of incarceration do not come into play and the self-labeling and societal-labeling of the offender as a delinquent is far less likely to occur since they are treated as a person separate from their offense.

This paper investigates the feasibility of a restorative justice process within the juvenile justice system in Worcester, Massachusetts through answering questions of Worcester's readiness, strengths, barriers, collective will, and process. It takes only a small splice of measuring this feasibility through discussing the topic with community members. These community members meet the criteria of not being employed in the justice system and having experience with a) restorative justice b) juveniles who are at-risk or proven risk and/or c) a position in the community where they can speak to larger community trends. While only five community members were interviewed, this paper does not mean to simplify the reality that a RJ process in the juvenile justice system would require the

involvement of many community representatives, especially those involved in the justice system for creation and implementation. However, this paper desires to see if those outside of that realm see a need and plausibility of RJ in the juvenile justice system. The author hypothesizes that there will be too many barriers to currently implement a juvenile justice RJ process in Worcester.

The definition of RJ that this paper will use is as follows: *Restorative justice is an alternative process of justice which focuses on repairing harm and healing relationships damaged by the harm that has been caused by a crime to the victim, the community, and the offender respectively. It requires the offender to be held accountable for his or her actions as well as voluntary and collective participation of the victim, community, and offender. It focuses on the relationships that have been violated, not just the laws; therefore the victim/offender are treated as people separate from the offense, and the desired outcome is that both can be reconciled and reintegrated into the community.* This definition is synthesized from a number of sources discussed in this paper's literature review. The reason this paper has its own definition of RJ is because there is no one singular definition (Daly, 2002, 57-58; Zehr, 2015, 16-17) and the author offered a definition of RJ to the key informants to ensure they were all working off of the same definition.

This research is motivated by Worcester's recent steps towards violence prevention. These include the Youth Violence Prevention Initiative (YVPI) and Shannon

Initiative, which are both government funded to research and prevent youth violence in Worcester. It also includes smaller non-profit institutions such as the Center for Nonviolent Solutions (CNVS), which teaches that conflict is inevitable but one can choose to handle it nonviolently instead of violently. Adding/Increasing RJ practices in Worcester has been mentioned as an interest by YVPI, Shannon Initiative, and CNVS, which the author is involved in, and thus she would like to help by researching restorative justice's validity and best practices and assess if Worcester can start applying them. The intention is that this research will impact the decisions of those working with youth violence and youth violence prevention here through identifying barriers and assets to this type of RJ, as well as potential barriers and assets that could also appear in the school realm. The research will also provide validation for utilizing RJ over other systems of discipline. Finally, RJ has been found to be an alternative for the court system, keeping communities safe while also providing a more humanized form of accountability (Wright, 2005, 4-5).

This paper begins by setting up the context of Worcester and restorative justice processes in the juvenile criminal justice system. It then discusses the effectiveness of RJ based on literature analysis, meaning its ability to be a process of participation, respect, understanding, and reincorporation of victims, offenders, and the community. Next, the methodology of the research is described, followed by the analysis and findings. Finally the paper draws the conclusion that Worcester may be able to implement RJ once it addresses the barriers and strengthens collective will.

Worcester Context

Contemporary Worcester is the focus of this paper for three reasons: indications from Worcester of a desire for change, juvenile offenders in Worcester for whom RJ would work well, and current trends nationally in regards to violence and crime. First, Worcester has made indications that it wants restorative justice to be implemented with youth through the attempts to prevent youth violence. The Shannon Initiative, which has been operating in Worcester since 2006, supports reduction in youth violence in the city. In addition, in June 2015 the city adopted the Worcester Youth Violence Prevention Initiative (YVPI), which has the mission to “reduce youth violence through policy and system change and promoting trust, safety, healing and opportunities for Worcester’s highest risk youth.” Within this initiative, restorative justice was mentioned explicitly in the context of a diversion effort and a suspension policy effort while also being implicitly referenced in regards to the behavioral health and healing & emotional and physical safety of boys and men of color. Though referenced in these three strategies, restorative justice has not been explored in terms of community perception of feasibility or desire in the school, community, or criminal setting. Given time and scope limitations, the author restricted her search to solely the criminal justice setting.

The selection of the criminal justice setting supports the second reason for focusing on Worcester: it shows signs that RJ would work well with the current juvenile offenders.

Of the 326 juvenile offenders whom committed 728 offenses in 2014¹, there are several indications that many cases would be well dealt with through restorative justice. First, 107 of these juvenile offenders were first time offenders and restorative justice is frequently an option for this group since it is a prevention tactic from them continuing down a path of criminal behavior. Additionally, 159 of the 326 juveniles, which is nearly half, committed only “low-level” crimes² which would not completely necessitate their entrance into traditional court and may be better dealt with in a restorative justice process. Finally, there is a disparity in arrest rates of juveniles in the 2014 data when it comes to race, with Hispanics and African Americans being arrested far more than Whites and Asians, especially in comparison to the city’s racial composition. Given that these two groups are also more likely to experience trauma/victimization (and not having this trauma/mental health needs treated) and poverty (Browne, 1995; Chih Lin & Harris, 2009; Ford, 2008; Macartney, Bishaw, & Fontenot, 2013; McKay, Hibbert, Hoagwood, Rodriguez, Murray, Legerski, & Fernandez, 2004, 178; Roberts, Gilman, Breslau, Breslau, & Koenen, 2011) as well as more likely to be arrested and imprisoned due to racial profiling (Armour & Hammond, 2009; Thornberry, Knight, Lovegrove, Loeber, Hill, & Farrington, 2007),

¹ All Worcester juvenile data courtesy of the Worcester Police Department

² Low level crimes here are defined as minor crimes under the categories of: 1. Public Order (Disorderly Conduct, Disturbing the Peace, School Disturbance, Resisting Arrest) 2. Alcohol and Drug (Minor Possession of Liquor, Open Container, Class D with Intent to Distribute) 3. Property (Shoplifting [all types], under \$250 Malicious Destruction of Property, Larceny under \$250, Receiving Stolen Property Under \$250, Church vandalism) 4. Assault (Assault & Battery [A&B], Assault, Threatening, Affray [this sample excludes: A&B with Dangerous Weapon, or A&B of protected groups]) 5. Driving (All offenses) Offenders who, in one incident, had a low-level offense combined with a higher-level offense were excluded from the analysis.

restorative justice could help work toward a less negatively life-altering approach. There is the component of assisting the offender in getting help for underlying motivators of crime (such as trauma) that could better provide access to treatment and resources these individuals may otherwise not achieve due to systematic barriers. Restorative justice nearly always allows the offender to stay in the community which would decrease the number of Hispanic and African Americans incarcerated.

The choice of criminal justice over other settings is also a motivator for the third reason of looking at Worcester *now*: the recent/current trends and movements happening across the United States in regard to violence and crime. On one hand, there has been an increase in large acts of violence in recent years such as the Sandy Hook shooting, the Boston Marathon bombing, and San Bernardino shooting, which have escalated the American culture of fear to a new high. The United States, including Worcester, has become more protective of its children, while at the same time more fearful of the violence they can commit. To deal with this fear, society tends to implement more of the same policies (Wright, 2005, 4-5). Case in point, Worcester within the last year has seriously considered the installation of metal detectors in schools (see Petrishen 2015), as well as increased police officers in middle and high schools due to elevated response calls to increased youth violence in schools in the 2014-2015 school year (see Allen, 2015). On the other hand, there are concurrent national and local movements challenging the fear culture and crimes. The Black Lives Matter movement has a chapter in Worcester which fights as part of the larger movement to live up to the mission that includes breaking that, “Black

lives are systematically and intentionally targeted for demise,” and in fact has restorative justice as a guiding principle (“Guiding Principles”). In addition, Black Lives Matter has contributed to the consciousness raising of the injustices stemming from police brutality and power. Both Worcester’s Black Lives Matter movement as well as others have provided push back in Worcester on police power and role in treatment of youth, such as opposition to police stationed inside schools and the amount of violence between young people (see Kane, 2015; Ring, 2015). So it seems that Worcester, as many places across the nation, is caught in the middle of seeking a way to make itself *safe* while also seeking a way to do so that is *different and better* from the current unjust system. The difference that is being sought could be empowered by RJ as an alternative form of implementing the juvenile court system (Wright, 2005, 4-5).

Literature Review

This review will first discuss the core tenets of restorative justice to introduce the major ideas of RJ. It will then tighten the discussion of RJ to that in the juvenile justice system. Next, the effectiveness of RJ will be explored, following which the barriers to RJ will be examined.

Restorative Justice (RJ) Core Tenets

“Restorative justice sees things differently...Crime is a violation of people and relationships...It creates obligations to make things right. Justice involves the victim, the offender and the community in a search for solutions which promote repair, reconciliation, and reassurance” –Howard Zehr (Van Ness, Morris, & Maxwell, 2001, 3).

The above quote embodies what restorative justice aims to do: focus on the violation of relationships not just law and the reparations of this crime through the restoration of the victim, offender, and the community and reincorporation into the community³. Breaking this previous sentence down, RJ recognizes the relationships and people being violated as just as important (if not more important) than the violation of a law (Lilles, 2001, 162; McCold, 2000; Latimer et al., 2001, 1; Bergseth & Bouffard, 2012, 1056; Tsui, 2014, 638). The relationship component stays at the core throughout restorative justice (Davidson, 2014, 8) based off of the root vision of societal interconnectedness (Consedine, 2003; Zehr, 2015, 29-30) and desire to humanize the crime process (Daly, 1999, 19; McElrea, 1995, 2-3). The value of relationship as well as the need for respect is illustrated through the active and voluntary participation of the victim, community, and offender where each gets to speak their own piece and have power instead of having others (such as lawyers) speak for them (McCold, 2000, 1; Bergseth & Bouffard, 2012, 1055; Tsui, 2014, 638; Alder School Institute & Social Justice, 2012). This allows the process to become one of real emotion and potential healing as well as one where the victim can play a central role⁴ (Daly, 1999, 5; Consedine, 2003; Lilles, 2001; Alder School Institute & Social Justice, 2012, 4; Wright, 2005) rather than one of fighting to win and intent to punish (Consedine, 2003; Daly, 1999, 19; Lilles, 2001).

³ It should be noted that the terms “victim” and “offender” are not used in actual restorative justice context to separate the mistake and labeling the person who made it. However, the author felt this was the best way to distinguish the one who committed harm and the one who received harm in this paper.

⁴ Victim centrality and respect for the needs of the victim is a major motivator of restorative justice

Continuing on, reparations are made by the offender to those harmed, both the victim and community, ranging from a letter of apology to community service to counseling/treatment (Morris & Maxwell, 2001, 268; Wright, 2001, 5, 13-14). This reparation is decided on by all those involved through their active participation and negotiation as opposed to the dictation by one authority (such as a judge in the traditional system) (Morris & Maxwell, 2001; McCold, 2000, 1; Daly, 2002, 57-58; Latimer et al., 2001, 1). Active participation in the decision process and speaking for themselves has been found to increase both victim and offender satisfaction with the process (Latimer et al., 2001, 9-11; Morris & Maxwell, 2001, 268-269, Consedine, 2003; Davidson, 2014, 10).

“Restoration of the victim, offender, and the community” means that each is able to go back to the way things were before as much as possible (Wright, 2001, 4) or “returning to the part of us that really wants to be connected to one another in a good way” (Zehr, 2015, 15). The victim is restored through the reparations of the offender; he/she feels that the offender has begun to repay the debt to him/her (Lilles, 2001, 166). The community can be restored in the same way if the crime also impacted them (Lilles, 2001, 166). The community can also become restored through the acceptance of the victim and offender back into the community as well as by taking responsibility and action for their role in the crime (such as more systemic problems that caused the crime to occur) (Consedine, 2003; Morris & Maxwell, 2001, 267-268). The offender is also expected to restore themselves through addressing the core reasons for their committing the offense (Lilles, 2001, 166). Part of this restoration involves addressing the underlying causes of the offense to try to

change the offenders for the future (Bergseth & Bouffard, 2012, 1055; Morris & Maxwell, 2001), which can help the offender change behaviors with the assistance of community support. The process can also help the community work on changing to better support people similar to the offender in the future.

Finally, “reincorporation into the community” is an important step to the RJ process. Returning to the importance of people and their relationships, RJ believes that victims and offenders are individuals outside of the crime committed and see them as *people* whose roles as ‘victim’ and ‘offender’ are temporary rather than permanent (Van Ness et al., 2001,6; Lilles, 2001, 168). Much of this is why there is the desire to bring both back into the fold of the community through repairing the hurt that occurred (Morris & Maxwell, 2001, 267-268; Davidson, 2014, 3). The reincorporation process also explains why there is an avoidance of stigmatic shaming (shaming the offender instead of the incident) (Morris & Maxwell, 2001, 267-268; Davidson, 2014, 3, 6; McElrea, 1995, 6; Wright, 2001, 10); because the offender’s final destination will be back into the community, they do not want someone who thinks of himself/herself as a permanent criminal reentering the community but someone who thinks he/she made a mistake and certainly has the potential to do better in the future (Daly, 1999, 4; Latimer et al., 2001, 1; Van Ness et al., 2001,6).

Several concepts that are also tenets of RJ are missing from above. First is the idea of accountability. Despite the claim that some make that RJ is a way to be soft on crime

(Lilles, 2001, 168-169; Tsui, 2014, 654-657; Wright, 2001, 10; Dhimi & Joy, 2007), it does expect responsibility to be accepted as well as action taken to heal the harm caused. The traditional justice system may actually discourage the offender from taking responsibility because it does not incentivize the offender towards responsibility or to plead “guilty” (McElrea, 1995, 6-8). It allows the offender to claim “not guilty” just to try to get the crime proved and with the result of guilty verdicts tending to be imprisonment/criminal records, there is little reason to claim “guilty” from the onset (McElrea, 1995, 8; Zehr, 2015, 24). Because responsibility is not incentivized the guilty can be found “not guilty,” which can lead to “untold damage” to relationships and the respect for justice (McElrea, 1995, 10). In contrast, through RJ the responsibility and accountability is burdened by both the offender and the community. It can be a place for alternative punishment (Daly, 1999) that “can allow punishment a proper place in the process of ‘making things right’ without it dominating the criminal justice agenda the way it does at present” (McElrea, 1995, 3). The offender takes up responsibility and accountability from the outset by participating in a restorative justice framework, and in many cases a formal admission of guilt is required before entering the process (Lilles, 2001; Alder School Institute & Social Justice, 2012, 4). The offender proceeds to acknowledge their part in the crime occurring and to follow through on the accountability agreement that comes out of the restorative process to repair harm (Davidson, 2014, 3; Tsui, 2014, 639-640). The responsibility and accountability is also taken on by the

community motivated by restorative justice's vision of our interconnection and responsibilities to one another (Consedine, 2003; McElrea, 1995, 16).

The community also accepts several types of responsibility. First, it can acknowledge the ways it contributed to the offense occurring, from contributions as the individual offender level (such as ignoring that individual's requests for help), to problems at the systemic level (such as not better supporting children in poverty) (Morris & Maxwell, 2001, 267-268; McElrea, 1995, 19; Wright, 2001, 17-18; Zehr, 2015, 39-40; Dhami & Joy, 2007). Secondly, the community is meant to ensure that the victim's needs are being met, whether that is through the reparations or the addition of help such as counseling (McElrea, 1995, 18; Wright, 2001, 5; Morris & Maxwell, 2001, 279-280). Thirdly, the community takes responsibility alongside the offender, completing their accountability agreement as well as providing opportunities and assistance for the offender to avoid similar future behavior (McElrea, 1995, 18; Wright, 2001, 5; Wright, 2007, 5-6; Lilles, 2001, 175; Morris & Maxwell, 2001, 279-280).

The second component missing from above is that there is no singular definition of restorative justice (Daly, 2002, 57-58; Zehr, 2015, 16-17). Much of the reason for this is that RJ can be seen as a philosophy, a set of practices, a communication tool, or a process (Alder School Institute & Social Justice, 2012, 3, 8; "Getting Started") and because of this there is no "pure" RJ. Additionally, it is the belief of many in the field that the process of RJ is just as important as the outcomes. Since this process should be built by each group of

participants, each RJ meeting will be unique (Alder School Institute & Social Justice, 2012, 6; Lilles, 2001, 165). Building off of this, there is even value in processes which fail to come to agreeable outcomes, “through transformation, strengthening the ability of each individual to handle their situation, and recognition of the other person, developing each person’s empathy” (Wright, 2001, 12). Finally, there is a range as to *how* restorative a process can be due to the individuality of each process (Zehr, 2015, 69-73). For these reasons, this paper will use the following definition of restorative justice in the criminal justice system: *Restorative justice is an alternative process of justice which focuses on repairing harm and healing relationships damaged by the harm that has been caused by a crime to the victim, the community, and the offender respectively. It requires the offender to be held accountable for his or her actions as well as voluntary and collective participation of the victim, community, and offender. It focuses on the relationships that have been violated, not just the laws; therefore the victim/offender are treated as people separate from the offense, and the desired outcome is that both can be reconciled and reintegrated into the community.*

Restorative Justice and the Juvenile Justice System

As previously mentioned, RJ is flexible and this plasticity extends to its use in the juvenile justice system. Firstly, RJ is flexible in terms of the point when it is implemented. It can range from pre-arrest or pre-court diversion (where the youth does not even see a judge) to a court based option to a community based court-associated model (Daly, 2002, 57). Secondly RJ in the criminal justice system is adaptable in the way it is implemented.

Beyond the flexibility of the process already discussed, there are also a variety of forms in which RJ can be successfully manifested. At its simplest, RJ in the court system can be a Victim-Offender Mediation, where both meet and talk out the crime (Bazemore & Umbreit, 2001, 2); however, this model does not involve the community so is considered by some not to be a holistic RJ model (in comparison with conferencing and circles) (McCold, 2000, 2; Daly, 2002, 58). Conferencing involves the community of those most affected by the crime including key supporters of both sides working to decide the outcome (McCold, 2002, 3; Bazemore & Umbreit, 2001, 5-6). Sentencing circles, also known as peacemaking circles, involve many from the community including the justice system all of whom act as equal members in the decision process (Lilles, 2001; McCold, 2000, 5-6) as well as act as a group to ensure the meeting of the agreement by the offender throughout their service (Lilles, 2001, 164, 166). Finally, there is the option of a community reparative board (such as a Youth Court), where a selected group of trained community members serve as the group to discuss the crime, collaborate on the agreement, and ensure that the offender follows through (Bazemore & Umbreit, 2001, 3-5).

Problem of Prisons

The way that prisons function is an important reason to pursue RJ as well as an important comparison for the way RJ deals with juvenile crime. Prisons fail to achieve. They fail to achieve rehabilitation or deterrence (Considine, 2003; Tsui, 2014, 641); almost eighty percent of inmates re-offend again within a short time (Considine, 2003). For example, in Illinois reports have shown that over half of the juveniles leaving

Department of Juvenile Justice facilities are re-incarcerated either in juvenile or adult facilities (Tsui, 2014, 641). In fact they help facilitate reoffending by increasing the criminal skills, level of violence, and connections to gangs of those incarcerated through their association with one another (Consedine, 2003). While they do achieve their goals of retribution, it may not be the best manner of retribution as can be seen in some of the results of restorative justice, such as taking responsibility for one's offense. It seems the only real success of the prison system is incapacitation, and this success is easily achieved.

Even while failing, prisons are also expensive (Consedine, 2003; Tsui, 2014, 641), costing the United States taxpayers an annual average of \$31,286 per a general inmate (Henrichson & Delaney, 2012), while with juveniles specifically, it costs states \$240.99 per day (~\$88,000 a year) for each youth in a juvenile facility (Justice Policy Institute, 2009, 4). Not only are prisons expensive, but they do irreparable damage in other areas as well. They split up families (Consedine, 2003) and focus on the offender not the victim or community left in the wake of the offense (Tsui, 2014, 641). Prisons also incarcerate mostly those from poor urban communities of color (Alder School Institute & Social Justice, 2012, 9-10) and perpetuate violence in these communities because those released from prison are returning home more skilled in crime than they left (Alder School Institute & Social Justice, 2012, 3). This creates cycles of violence throughout these community (Alder School Institute & Social Justice, 2012, 3). Finally the current correction system fails to account for youths' biological decreased "moral culpability" when compared to

adults', as well as youths' higher chance for successful rehabilitation (Tsui, 2014, 641, 644-646).

Effectiveness of Restorative Justice

“Restorative justice is not a panacea. It will not by itself reduce crime, prevent offending, or build communities. But restorative justice clearly has the potential to achieve these in ways that conventional criminal justice processes cannot” (Morris & Maxwell, 2001, 280)

Even given the limitations of measuring effectiveness explored in the barriers section of this paper (see below), there is still a plethora of research that measures effectiveness with those caveats. This section will attempt to answer if RJ is effective and cost-effective in comparison to what the traditional criminal justice system aims to accomplish. While acknowledging that RJ is not going to fix community problems by itself, it can have positive impact (Morris & Maxwell, 2001, 280; Wright, 2005, 10). Effectiveness in this case will come from what Morris & Maxwell define as effective restorative justice:

“the primacy of victims, offenders and communities of care through their inclusion in decision-making processes about how to best deal with the offending and its aftermath; acceptance by victim, offenders and communities of care of the outcomes reached as appropriate; recognition and acceptance of some community or collective as well as individual responsibility for the offending and/or the reasons underlying it; an increased understanding on the part of the victims, offenders and communities of care of the reasons for the offending and its impact on others; respect for all the parties involved in the process and the avoidance of stigmatic shaming; acknowledgment of responsibility for the offending through making amends; the reduction of reoffending; the reintegration of offenders and victims within their communities of care; and healing the victims hurts” (Morris & Maxwell, 2001, 267-268)

The author feels that this definition inherently has prison's primary goals of retribution, deterrence and rehabilitation, and while it does not include the goal of incapacitation ("the removal of criminals from society so that they can no longer harm innocent people") this is not a goal that she feels should be a primary one of a justice system ("Purpose of Prisons").

Is Restorative Justice Effective for the Victim and the Offender?

The overwhelming answer is yes. When compared to the traditional justice system, RJ for juvenile cases better leads to the following for the victim and offender:

1. *Involvement and Agreed Outcomes*: The traditional justice system ignores the agency of the victim and offender. This leaves both disempowered and not part of the decision-making process. RJ better involves the victim and offender in the process (Morris & Maxwell, 2001), which results in the victim being able to address their emotional harms (Strang, 2001, 183-185) and the offender being able to have a greater sense of control over their life in terms of their sentencing and future behavior (Lilles 2001; Davidson, 2014, 10). For example, in the official data of youth justice conferencing in Australia and New Zealand 85-90 % of conferences resulted in agreed outcomes (Daly, 2002, 69).
2. *Increased Likelihood of Speaking with Each Other and of a Better Understanding of the Crime*: The traditional justice system does not necessarily give the offender and victim a chance to speak to one another; the two are seen as adversaries each of whom is trying to "win" the case. If the two do meet, they are likely with their lawyers and

encouraged not to speak to each other. There is no attempt of understanding the perspective of the other. However, RJ is the chance for these two to meet and express to the other the impact of the crime. The victim can express to the offender how their actions affected them and the offender can thus better comprehend the consequences from the victim or indirectly from others (Morris & Maxwell, 2001, 269). In one case study, 85% of 223 juveniles in restorative programs said they were able to “articulate the harm they caused the community and knew how to make amends” (Tsui, 2014, 643) whereas prior to their RJ process only about 25% of them could do this (Tsui, 2014, 643). Conversely, offenders can explain to the victims why they committed the crime, both reasoning and feelings and this leads to increased understanding of these motivators and well as to more positive feelings towards the offender (Morris & Maxwell, 2001, 268; Davidson, 2014, 10)

3. *Satisfaction:* RJ processes have a higher satisfaction rate for the victim and offender than the traditional justice process (Davidson, 2014, 10). For example, an overarching study of New Zealand’s conferencing found that “84% of young people and 85% of parents said they were satisfied with the outcomes” (Consedine, 2003). When it comes to victims, a meta-analysis found higher victim satisfaction versus the traditional group in all but one of the thirteen cases (Latimer et al., 2001, 9). Additionally, other studies show higher victim satisfaction compared to the normal court process (Morris & Maxwell, 2001, 268; Tsui, 2014, 646). In another study 71% of victims said that they felt restored after the process (Strang, 2001, 190), which could be another sign of

satisfaction. While the offender satisfaction is not as strongly correlated (Latimer et al., 2001, 11), it is still found that the offender is more satisfied (Morris & Maxwell, 2001, 269; Latimer et al., 2001, 11). Perhaps part of this satisfaction comes from victims and offenders seeing the process and outcomes as more fair than traditional court. (Daly, 2002, 69-70)

When it comes to only the impacts for victims, victims who have gone through the restorative justice process versus the traditional system:

4. *Feel Better Afterwards*: The traditional justice system tends to ignore victims, at most seeing them as voices against the offender. There is a lack of acknowledging the way the victim feels or what they may want to say as well as a lack of receiving an apology from the offender, all of which decreases the victim's ability to have closure (Morris & Maxwell, 2001, 268). In RJ the victim gets to interact with the offender, gain understanding of the crime's motivations, express their feelings, and receive reparations leading to more positive feelings towards the offender (Davidson, 2014, 10). Due to all of this, victims "are more likely to feel better about their experience and are less likely afterwards to feel angry or fearful than those victims whose offenders were dealt with in courts" (Morris & Maxwell, 2001, 268; see also Strang, 2001, 188-189; Sherman & Strang, 2007, 23: 61-65). They are more likely to feel more security after RJ (Davidson, 2014, 10) as well as have a feeling of closure (Strang, 2001, 190). Fear of revictimization is reduced between court and RJ (Strang, 2001, 187-188; Tsui,

2014, 646). The victim is less likely to feel the need for physical revenge after RJ versus a control group (Sherman & Strang, 2007, 23: 61-65).

Additionally, the offender who have gone through the restorative justice process versus the traditional system have an:

5. *Increased Likelihood of Accepting Guilt and Fulfilling Agreement:* As mentioned in the Core Tenets section, the traditional justice system does not incentivize the taking of responsibility or acceptance of guilt by the offender (McElrea, 1995, 6-8). However, RJ does. This acceptance of guilt and having to face their community instead of a faceless system may link to why offenders are more likely to fulfill their agreements (Lilles, 2001, 166). In Australia and New Zealand, 80% of youth completed their agreements (Daly, 2002, 69) and if distilled to just New Zealand this number rises to 85-95% (Consedine, 2003). Other studies also find increased likelihood of compliance and completing of agreements from a RJ process than others (Latimer et al., 2001, 12; Morris & Maxwell, 2001, 269; Davidson, 2014, 10).
6. *Likelihood of Reoffending?:* While many RJ advocates do not find recidivism a central goal of RJ it is included here due to its importance to policy makers, especially when compared to a prison recidivism rate (Bergseth & Bouffard, 2012, 1056; Zehr, 2015, 16). However, there is not an agreement in the field as to whether it firmly reduces recidivism. While many find and argue that it does (Latimer et al., 2001, 14, Daly, 71; Bergseth & Bouffard, 2012, 1055, 1071; Tsui, 2014, 641), others find it dependent on

specific factors (such as being more successful with more serious offenses) (Sherman & Strang, 2007, 22: 67-71), and still others find rates the same as court based (Consedine, 2003) depending on the amount of time after the offense (Davidson, 2014, 31-32). It should be noted that as of 2007 in *no case* of large sample testing has restorative justice recidivism been higher than that of the traditional system (Sherman & Strang, 2007, 88). However, it appears research on a larger scale is emerging in more recent years such as the youth court's study of recidivism and compliance in New Bedford, Massachusetts regarding those who have gone through their court ("Youth Court Statistics"). When it comes to the idea that specific factors can influence recidivism, several studies find it boils down to something to the effect of "inclusion, the encouragement of remorse, avoidance of shaming, and reintegration" (Morris & Maxwell, 2001, 269) with a highlight on remorse (Davidson, 2014, 6-7; Daly, 2002, 71) decreasing recidivism. Another study found that case managers identified "enabling change, learning (dialogic learning and experiential learning), community (psychological sense of community, community values and community participation), overcoming systemic barriers, professional skill (building relationships, Case Manager qualities, and professional development), and a holistic approach" (Davidson, 2014, 80-81) as the factors that prevented recidivism. Also of interest is a study that found that a variety of youth demographic factors, including "age at referral, gender, racial group membership, presence of prior offending history, and among those currently charged with either property or violent offenses" (Bergseth & Bouffard, 2012, 1071)

made no difference in RJ's positive impact on recidivism, implying that it can be used with a broad group of youth (Bergseth & Bouffard, 2012, 1071). Again it is important to remember that self-selection, directing of specific youth to RJ programs, reporting errors, and measurement bias all play a role in this measurement (Tsui, 2014, 642; Sherman & Strang, 2007)

Is Restorative Justice Effective for the Community?

While a comparison between the feelings of the community in traditional justice are difficult to measure, it is important to realize what impacts RJ has created not just for the victim and offender but also for the community(ies) they come from. RJ helps communities by:

1. *Shifting Perspective from 'They' to 'We'*: As mentioned previously, in RJ the community takes a sense of responsibility for the offender and victim. Because the community knows that these victims and offenders will ultimately come back into the community, they focus on the best way to reintegrate them since they could be coming back as a next door neighbor (Lilles, 2001, 167). This shift in perspective is an ideological one, where instead of separating people into 'us' and 'them', the community as a whole becomes a 'we.' This can be further seen in the next effect of RJ:
2. *Creating a Space for Communal Healing and Relationships*: When the RJ process is completed it is not only the victim and offender that find healing and strengthening but

also the community members present (Latimer et al., 2001, 2; McElrea, 1995, 16).

Additionally, by working through the conflict as a group and coming to a collective action, community members can build new relationships and improve upon existing ones (Tsui, 2014, 661; McElrea, 1995, 16), a process which can recreate the feeling of community within a neighborhood/city.

3. *Decreasing the Overuse of the Juvenile Justice System's Resources:* The RJ process can decrease overuse of the criminal justice system in several ways. First, RJ can be implemented as a diversion tactic so that the offender and victim do not get as far as the court (Wright, 2005, 8). For example, in New Zealand, only 11% of youth were arrested while 22% given a warning, 59% diverted (Consedine, 2003); this may be why the number of youth appearing before the court fell from 63 per 1,000 of the population to 16 per 1,000 the year following implementation of the family conferencing model (Wright, 2005, 8), and has since moved from 13,000 cases a year to 5,000 (Consedine, 2003). Because the courts do not have to see every case, there is also a reduction in the number of youth who have an unjust lengthy wait in custody for their case to be heard (Wright, 2005, 3), which is about 28% of youth in facilities nationally (Justice Policy Institute, 2009, 2). Finally, the RJ process as seen in New Zealand also shows a decreased number of youth sent away from the community, showing a 63% fall in the first year of the implementation of the approach nationwide (Wright, 2005, 8).
4. *Bring More Crimes to Justice and Decrease Overall Crime:* RJ has been found to bring more crimes to justice at an individual level of analysis (Sherman & Strang, 2007, 78 –

see also table 5 page 20) and scaling up could have greater impact. Distrust of the system's fairness, dislike of wasting time with legal structures, and reluctance of the victim to risk retaliation are all barriers to crimes entering the court process; all of these reduce the number of crimes that are even reported (Sherman & Strang, 2007, 78). RJ on a large scale would tip these beliefs as the process improves trust in the justice system, is more predictable and convenient, and the offender is more likely to accept responsibility (Sherman & Strang, 2007, 78). In addition to bringing more crimes to justice, RJ can also help reduce the amount of crime happening in a community if there is political will (Wright, 2001; Wright, 2005; Wright, 2007). This is because unlike the traditional justice system RJ explores *why* the crime happened in an encouraging atmosphere. Addressing these factors can influence social policy's actions in regards to alleviating pressures motivating crime and conflict (Wright, 2001, 17-18; Wright, 2005, 10; Wright, 2007, 7-9).

5. *Same (if not less) Cost for a Better Product:* Sufficient resources need to be provided to the RJ process; however considering that RJ saves money on many fronts while also better supporting communities and youth this should not be a problem (Lilles, 2001, 171). Putting money into juvenile jails/prisons when they are not living up to reducing recidivism or rehabilitating is a waste of money especially since the cost is so great (Consedine, 2003; Tsui, 2014, 643-644); with juveniles specifically it costs states \$240.99 per day (~\$88,000 a year) for each youth in a juvenile facility, with an average of \$7.1 million per day being spent by states locking up youth (Justice Policy Institute,

2009, 4) not including the amount of state money lost through these youth not contributing to the economy. RJ would be a better alternative for more than just its ability to humanize the criminal process; it is a financially advantageous choice. Investing state resources into alternative programming has been found to decrease costs in comparison to juvenile detention (Tsui, 2014, 643-644; Justice Policy Institute, 2009, 2) as well as decrease recidivism (Justice Policy Institute, 2009, 1-2). Rephrasing this, one year prison sentence in the United Kingdom would “cover the costs of more than 50 RJ conferences...Put another way, if only one in 50 RJ conferences prevented a year in custody that alone could cover the costs of the conferences. The money for one year could thus be saved in one of two ways: by reducing sentence length, or by reducing the costs of repeat offending and reincarceration” (Sherman & Strang, 2007, 23: 85-86). The ability of litigation against poor conditions of prisons is also prevented (Justice Policy Institute, 2009, 7-8). Not only would RJ be less expensive than incarceration, but it also saves money in other areas. First, it can reduce the cost of courts (Sherman & Strang, 2007), both through reducing overuse (see number 3 above) as well as decreasing the amount the government pays to lawyers provided by the state (if there is a guilt admission component of the restorative justice) (Sherman & Strang, 2007, 23: 85-86) and amount of hours spent on each case (Dhami & Joy, 2007, 29). For example, in one case study it was found that RJ took about 22 hours less than the traditional court (34.5 hours vs. 12.45 hours) which equaled an approximate saving of \$2,649.50 for each young offender (Dhami & Joy, 2007, 29). RJ can also reduce health

costs through reducing the amount of PTSD being treated because unlike the traditional system, the victim is able to interact and get personal reparations from the offender (Sherman & Strang, 2007, 64, 86). Finally, it can also reduce costs because it reduces crime through preventing the further criminal education that youth get in incarceration (Justice Policy Institute, 2009, 10-11) as well as preventing future crimes (see number four above) , thus reducing the costs of extra police to process crimes as well as extra criminal justice employees processing the case.

Barriers to Restorative Justice in the Literature

Just as with anything in society restorative justice comes with barriers. The first are barriers that can limit the effectiveness of RJ. This includes the unfamiliarity with RJ which restricts the full use of the practice to repair harm by offenders and victims (Daly, 2002, 72). The effectiveness also may be impacted by the specific identity of being a youth in terms of “being told” what to do as well as the ability to be empathetic to the other person in the process (Daly, 2002, 72).

When it comes to implementation there are several opponents that can prevent success. First is the idea that RJ is being soft on crime and does not effectively punish the offender; this can lead to media outcry, communities not wanting RJ, and those in the justice system not wanting to be involved (Lilles, 2001, 168-169; Tsui, 2014, 653-660). Additionally, justice system professionals may dislike RJ due to it decreasing their control and giving that control to community members (Lilles, 2001). Even if there is desire for change from community members, there may be a lack of community cohesion to motivate

change or key players/leaders being too overstretched to successfully fight for or develop a RJ model (Tsui, 2014, 653-660).

Finally, research proving the effectiveness of restorative justice can be hard to sell to the community (Lilles, 2001). This is partially because the effects can be hard to measure, such as satisfaction levels or better understanding of why the crime occurred (Lilles, 2001). The other issue is that it is not truly possible to randomly assign participants to the typical “control” and “test” groups because the participation is voluntary (Latimer et al., 2001, 17); this calls into question the validity of test measures such as recidivism because of self-selection (Latimer et al., 2001; Tsui, 2014, 642; Sherman & Strang, 2007). Additionally, youth who are given the option of RJ are usually offered it because the person who provides the option sees it as being effective for that specific youth (Tsui, 2014, 642), which can create a certain “type” of person in RJ programming. Tracking the RJ youth can also be hard due to the need to measure over time, especially when they can relocate (Tsui, 2014, 642). Finally, because there is no one proven way to implement RJ, measuring across a variety of programs can miss the depth of the program differences which can skew results (Sherman & Strang, 2007, 21).

Methods

This paper uses qualitative and quantitative data in order to have better triangulation of the topic. It overall is a deductive paper in its framing and an inductive paper in its theorizing on Worcester’s capacity. The framing and literature review is deductive because the author goes in with the hypothesis that there are effective RJ

practices and then review other works to find whether this theory holds true. The inductive portion of the paper is the information gathered from the primary five key informant interviews and quantitative data on Worcester that will generalize whether restorative justice would be feasible in Worcester at this time or if the barriers are too great. The selection for these individuals began with the author reaching out to members of the community she knew herself or vicariously through her advisor. Additionally, during the interview the community interviewee was asked to share names of people who they thought could well contribute to this investigation. Asking the key informants for recommendations was a way for the author to attempt to reach outside of the circle she knew in Worcester. The author reached out to about twenty-five people and actually interviewed five. One advantage to the author's role as a researcher on this topic is that her work experience helped her make some connections for potential key informant interviews. She could explore her connections through working with the Center for Nonviolent Solutions as well as working with Professor Laurie Ross on the Shannon Initiative and YVPI.

The unit of analysis for this paper is geographically Worcester, MA. It is researching the youth of the city, though it will have interviews completely with non-youth key informants. The reason for excluding youth from the interviews is because the author wants a more systemic look at barriers and assistance that youth may not see from their perceived by society lower power position.

In regards to analysis of the data, the author audiotaped all interviews. She then transcribed these tapes. After transcribing, she categorized direct quotations from the key informants into the following groupings: strengths and what supports them, barriers and what can overcome them, willpower, process, and other (which contained comments that did not quite fit into the other groups. For example school's relationship to RJ). There was a final group that was the direct quotations of the key informants when asked if Worcester was ready. These groupings were subdivided into further themes that emerged after all the quotations were categorized (for example the culture of fear emerged as a theme in the barriers section).

The author acknowledges that there are limitations to this study. One is that due to a restricted unit of Worcester, there may be insufficient data in terms of statistics or the specific topics the key informants discuss, which could make triangulating difficult. It is also not particularly cross-sectional (other than in its framing) nor trend-oriented, which might add to the trouble of sufficient data. The paper may also miss information if key informants with a lot of knowledge are somehow missed by the author and thus not interviewed or if a variety is not achieved that effectively reflects the diversity of opinions (if cannot reach saturation).

Findings

After interviewing five Worcester community members, two youth community workers and three clergy, the following was found. Please see Appendix A for the list of research questions.

Is Worcester Ready for RJ in the Juvenile Criminal Justice System?: Initial Responses

The first question of the key informant interview was about the initial thoughts on Worcester's readiness. The following were their responses:

"I think readiness is hard to determine."

"So right now I feel like Worcester doesn't even have any conceptualization of how it could be and therefore would be completely oppositional to it. And I think until people can see how it's enacted and what it can do and how it can make a huge difference in the community there will be resistance but once you get a critical mass of people exposed to it then you can change it like that, it can change overnight."

"Well I have no idea where Worcester's at [...] I think the little bit I've heard of it of people talking about it I think people get pretty excited about it, especially in the juvenile system because just remembering my own juvenile days things can get pretty stupid and out of context. And so I appreciate this being brought back into context."

"Do I think Worcester's ready? No I don't think Worcester's ready, I think it's ripe to engage this [...] I believe that in order to establish a restorative justice system there would have to be a significant change of heart on the part of the leaders of our community

and many in our community itself to understand that what we're doing is enhancing the potential of people to remain in community not absolving them of responsibility for their actions.”

“Communities all over the country need this, need restorative justice because, especially for youth, I just feel like if you're 15 or 16 it's too young for society to say about these kids that they are bad and we should put them in jail. It seems like they, even if they have done something against the law, they are still people who are in need of help, and attention, and intervention.”

As can be seen through the variety of answers, there is a range of ways the feasibility is conceived from the outset. This variation continues in many ways throughout their comments on assets, barriers, collective will, and process.

Worcester's Assets to RJ in the Juvenile Criminal Justice System

As can be seen in the Appendix B summary table, key informants identified seven strengths that Worcester could utilize in an RJ process in the juvenile criminal justice system. Below is an abbreviated version of the most mentioned assets:

Table 1: Most Identified Strengths in Worcester for RJ in Juvenile Criminal Justice	
Strength	Number of Interviewees Who Said (out of 5)
Preexisting orgs./churches/nonprofits that care/work with at-risk/proven risk youth; the networks between these	4
Ability to demonstrate positive impacts of RJ (ex. reintegration, humanizing crime, cost, etc.)	4
Worcester's politicians	3
Size of Worcester	2

Pre-existing Networks

One of the most cited strengths was the preexisting networks between organizations/churches/nonprofits, and those groups who care/work with at-risk/proven risk youth. They could be crucial in advocating for RJ, as well as piloting or being part of planning a pilot of RJ according to key informants. One clergy informant indicated that educating these organizations about RJ in a transparent way is essential for utilizing them since the system would be trying to be changed. Additionally, one interviewee notes that if these organizations were participating in running a RJ pilot program then their mission and values must align with the core tenets of RJ. Another stated training would be necessary to prevent inequities from being perpetuated especially “if many of the organizations that would be working on something like restorative justice are going to be more economically privileged, more white, maybe more suburban” which could “help us overcome our fear and see, learn to see the diversity of the city as an asset itself and not as a problem.”

Positive Impacts of RJ

The other most mentioned strength was the ability to demonstrate positive impacts of RJ as opposed to the traditional system. Various key informants recognized that the current system : dehumanizes, leads to more offenses, permanently takes away opportunity from the offenders, ignores disparities of race/class, and warehouses youth, allowing them to network with other offenders at too expensive of a cost; in sum it “is too costly [and] highjacks too much opportunity for people who are in it” or as another informant put it “once you’ve been labeled, opportunities cease to exist and the community’s vision of your capacity is truncated.” In comparison RJ allows youth “to confront those behaviors in a way that allows them and has confidence in their ability to learn, to grow, and to change.”

Additional Assets

Continuing with other assets, politicians were also seen as a strength (and a barrier by others), as one informant iterated they would be, “thinking about that that we’d have better use of our money a), and b) these, our goal isn’t to throw these people out on the trash heap our goal is they’re going to come back into our community and we want them to have jobs and have opportunity because we want them to be productive.” Worcester’s size would also be an asset according to two informants as it facilitates a speaking with politicians, scalability, and spreading of information about RJ successes. The ad hoc way of politics in the city, higher education institutes creating opportunity, and being the largest refugee city in Massachusetts were also all mentioned by individual informants as strengths.

Worcester’s Barriers to RJ in the Juvenile Criminal Justice System

As can be seen in Appendix C, twelve barriers were also identified by the key informants. Below is an abbreviated version of the most mentioned barriers:

Barrier	Number of Interviewees Who Said (out of 5)
Current culture of fear/ protective culture	5
Ideological barriers	3
Racism	3
Lack of awareness or buy-in	3
Politicians	3
Being an urban setting	2
Cost	2

Culture of Fear

All five informants mentioned the national and local culture of fear that encourages more suppression and protection in Worcester as opposed to an environment supportive of RJ, since “the culture of where we are right now is we need to protect our family- you know my job as a man is to protect my family, protect my property, and stop any offender that wants to take from me or take from my community or whatever. That’s not the context of restorative justice.” Accused of heightening fear on youth violence and gangs were the media and the political leaders of Worcester. In contrast, two informants saw RJ being an alternative to this fear culture through building a sense of community and being a practical, plausible solution in the face of fear based solutions.

Ideological Barriers

In addition to a culture of fear, the following barriers were shared by three of the informants: ideological barriers, racism, lack of awareness or buy-in, and politicians.

While ideological values of RJ were promoted as an asset, they were also recognized as contentious when those values do not currently match those of the majority of Worcester residents which requires “a significant change of heart.” The sense of societal responsibility for actions of the individual, a desire view offenders as redeemable and accountable *within* the community, and refraining from condemning offenders with heavy handed punishment were all listed as changes needed within Worcester to implement an effective RJ process. To create this change demands education the community and/or the community leaders about the impacts that RJ have fiscally and on Worcester as a whole positively (ex. less retributive crime, healthier youth who were victims and offenders) according to key informants. Key informants’ suggestions for this education were: films, visits to/from those who have gone through the RJ process, stories from those who have gone through the RJ process in Worcester once a pilot is started, and citywide conversations about how sending criminals away from the community only escalates crime upon their return as well as how the community acts for the common good.

Racism

Turning to racism, this was recognized as a systemic issue that leads to disproportionate number of minority youth in gangs, arrested, and incarcerated as well as a platform from which RJ could be an action to reduce these statistic. Anti-racism and diversity training was offered as a solution, so that whoever is involved in the RJ process can see similarities, as one informant articulates,

“I think part of overcoming that fear is to say ‘these are our neighbors. We live in this city together. We all want this city to be safe and healthy not just for us, not just for people who are more white or who are more wealthy or who live on the West Side but for everybody who lives in the city.’ So part of overcoming, part of recognizing that we’re all in this together that we’re all here in Worcester together is to learn to ratchet down the fear of somebody who is different or other.”

Another key informant states that the RJ could be a chance to act on the conversations Worcester had on race, since the demographics of the criminal justice system are poor and minorities can be “part of a tool for moving forward.”

Lack of Awareness/Buy-In & Politicians

In regards to lack of awareness /buy-in and politicians, key informants saw a lack of knowledge as a road block. For example, one informant mentions he had not heard anyone talking about it in his twenty years of juvenile justice work. Without awareness of RJ, one informant asserted people cannot know whether they have the collective will to support it while another mentioned that people may oppose RJ because they cannot conceptualize it without having real awareness of it. Buy-in requires not just awareness, as one informant clarifies, but also true believe in its value. To break down this lack of awareness/buy-in, informants recommended the same education methods mentioned above so they can make an informed decision about RJ as well as the pilot being utilized to demonstrate how RJ functions. In addition, one informant argues that political leadership “just doesn’t get it. They don’t work with youth, they don’t work with any of these communities, any communities that deal with poverty.” Not only do politicians lack awareness, they also were cited as playing up the fears in the city around youth violence and gangs as well as being overcommitted to police-based public safety.

Additional Barriers

Finally, the following barriers were noted by one or two informants: being an urban setting, cost, crimes that qualify for it (identified as property crimes), gangs, lack of perception of our youth as a strength/investment, criminalizing nonviolent drug offenses, and the prison industry. More on all of these can be seen in Appendix C.

Collective Will for RJ in Worcester

Awareness was also identified by two informants as a barrier when it comes to collective will for advocating/implementing RJ for juvenile criminal cases. There was a spectrum with how the key informants perceived collective will's strength, ranging from lacking completely or because of lack of awareness through existing in pockets or certain groups fully possessing. In regards to where the collective will existed, four informants pinpointed the faith community with one describing their leading of the RJ movement in other areas of the country. The faith community, one informant found, is aware of problems involving youth and their religious values correlate with those of RJ. Other organizations such as youth-serving agencies, unions (motivated "to diversify their membership"), and schools were referred to as groups who would have collective will. One interviewee even argued that they should be at the forefront of creating collective will in others by promoting RJ to their members and creating community advocacy. Business leaders were also mentioned by one informant, who believes they should want young people to work and buy from them instead of being in jail. Another offered that politicians may have collective will from the fiscal point of view. Those involved in the juvenile justice process were also seen as valuable buy-in, such as the judge and parole/probation

juvenile office. Finally, social media was seen as a tool of collective will, to get those without institutional affiliation involved.

In addition to these sources of collective will, preexisting efforts in Worcester around violence and gangs were seen as additional support for an RJ process and as an inspiration for structure of an RJ committee. The YVPI, Shannon Initiative, and SSYI were all mentioned as potential groups who could support RJ. YVPI was also cited by two different key informant as a model structure for RJ; one saw this in its cross-sector collaborative effort while the other stated its broken down steps facilitate collective will by creating overarching understanding how each component fit into the larger plan.

Potential Process for RJ in Worcester

For the key informants an essential component of the process for getting RJ in Worcester's juvenile justice system was buy-in; however, they varied in how to get it and from whom. For two key informants, buy-in would derive from conducting a pilot in order to demonstrate success of the program and convince residents of the need for full implementation investment. Another informant thought buy-in would come through a small group of people getting grassroots community leader support and those leaders leveraging will from politicians. For the other two informants, more high-level buy-in was needed. One of them perceived judicial and probation buy-in as the key while the other a coalition of all those "who if they said 'no' would have a tremendous impact on whether or not the system could actually function" ranging from the courts/police through community based organizations and colleges.

All but one key informant mentioned starting small with a pilot in order to show that it could work (all four) and to market for buy-in for full implementation (two of four). One key informant advised that the schools and youth-serving agencies run pilots in their own services in order to get buy-in through their own experiences. Two others opined running pilots within the current system, overlaying the existing methods and then “begin to advocate for changes in that system in order for that program to be able to evolve to its fullest potential.” One of the interviewees advised bringing together a collaborative cross-sectional group of vested interests to think on how “this system could be established, funded, maintained, trained, the protocol by which it would be engaged.” Two key informants saw the structure of RJ best in Worcester in the form of a Youth Court, especially since it gives youth accountability “not only to the community at large but their peers in particular.” A final recommendation for implementation would be expanding from local piloting to state and federal planning.

Within the process, several other crucial needs were pointed out by informants. First, is the need for funding as two informants indicated; where would the money come from and how would those running the program secure it? Three interviews surfaced the need for training both in terms of having RJ professionals involved in leadership as well as consistent and clear training for those in the field conducting the program so that all youth are receiving the same treatment. Training holds special import for one of these informants because RJ is so dialogically complex. Finally, two key informants identified evaluation as

a key component to show monitoring and if RJ is working, with working being defined by one of them as

“where it lead to human development and renewal of relationship but also the financial gain and the systemic impact. You know, how judges think differently, how, you know, court clerks, you know, fit inside that, how the law enforcement now has changed and learned more about de-escalation in situations and maybe learned – in other words how these other systems, public school punishment, how they’ve learned other techniques for dealing with the situation. And then publicizing that.”

Other Themes of Interviews

Besides the themes around questions asked, several others emerged. One was the connection between RJ in the juvenile justice system and the school system. Schools were mentioned as: needing buy-in/advocating for RJ in the juvenile justice system (all informants), dealing with similar problems of violence and culture of fear (four), running RJ pilots or adding RJ to their suspension process (two), and the similarity between kicking youth out of school and kicking youth out of the community (one). Perhaps the clearest link made was by one informant when he stated,

“we have shifted particularly within our school systems from a process of learning to a process of criminalizing behavior, especially behavior that a generation ago would have resulted potentially in a suspension from school but not the development of a criminal record [...] Restorative justice would suggest that, particularly in an educational environment, the point is for students to confront those behaviors in a way that allows them and has confidence in their ability to learn, to grow, and to change.”

Another theme was what needed to be done in conjunction with RJ in order for it to be successful. Two key informants referenced the need for an investment in youth employment opportunities and afterschool activities in order to give them a way to make

money outside of gangs and someplace to be after going through the RJ process. In fact there was a call for the city to invest more in youth overall, since employment and extracurricular would be something that they could monetarily support. Another key informant expanded investment more broadly to economic development, especially in employment opportunities, which he connected through saying,

“the reason that it came up for me is my hope is that [...] on some level there’s a change of heart in both people, not just people who commit the crimes but also people who have been victimized, are able to claim the vision of the humanity of the other. And I think about that in particular in the way in which the poor in our community get objectified and marginalized. I would hope that we were in a position where part of what comes out from this kind of effort would be that those with means in this community begin to understand how much power they truly have and could bring to bear in order to change the system for those who have been marginalized.”

Finally, there is a necessity to deal with the racial elements that are interwoven in Worcester gang involvement, arrests, and incarceration as discussed earlier.

Discussion

Much of what was said by those in Worcester has been reflected in academic literature concerning restorative justice and its implementation. In terms of strengths distinguished, being able to argue for RJ’s benefits, such as decreased expense, reintegration, and humanizing crime is supported by the literature’s statistics and case studies. The strength of the church as an advocate for RJ can be found in literature (Van Ness, 2002; Holler, 2015, 76-83, 143-144) although one points out that even the church needs to overcome barriers of institutionalism, misunderstanding of the criminal justice situation, and can in fact be bad at dealing with conflict themselves (Van Ness, 2002).

Community organizations that support this work have been found to be a strength for implementation and continuation (Holler, 2015, 133-139). Straddling both the strength of preexisting community networks and passion and the collective will to start this is the sense of the community taking initiative. The literature supports this, both in terms of the need for community buy-in to start the process (Tsui, 2014; Dhami & Joy, 2007) and community as the basis for justice and leadership (Muhly, 2002, 13-28; Dhami & Joy, 2007).

In regards to barriers, most of the key informant points are also addressed in academic literature. The culture of fear and blame of youth was addressed (Muhly, 2002, 9-10; Wright, 2005, 3-4) by literature and that the traditional response is to perpetuate this (Wright, 2005, 4-5). But, just as one informant offered, RJ can also be an alternative to these fear based approaches that is better (Wright, 2005, 4-5). The ideological barriers came up in both the interviews and academic literature as motivated by lack of awareness by key players about what RJ is and therefore buy-in would be hard to achieve (Tsui, 2014, 657-659). Education on what RJ is and does through a variety of methods (media, trainings, stories, visits to/from RJ participants) was a proposed solution by both the key informants and literature (Tsui, 2014, 662; Holler, 2015; Dhami & Joy, 2007, 14). This seems to also be a key to the processes of achieving collective will and implementing it as well. The ideological barrier of being soft on crime also found traction (Lilles, 2001, 168-169; Tsui, 2014, 653-660; Dhami & Joy 2007, 20), again with education solution (Tsui, 2014, 662). Racism was indicated by one author as something that divided community

(Tsui, 2014, 654) whose solution was dissimilar to those offered by Worcester residents in that it recommended lowering the justice level to neighborhood based (Tsui, 2014, 661). Race was also a question that came up within the implementation of RJ in regards to ensuring it is not perpetuating racial disparities in the justice system (Zehr, 2015, 12). The weakness of politicians was identified through their simplification of the problem (Wright, 2005, 4) which matches with one informant's view that they just do not get it.

In opposition to barriers identified, research does not find the following as weaknesses of RJ but as strengths: being urban, which are rich with relationships and communities of care (for ex. Lilles, 2001, 170) cost, which was found to actually be less/equally expensive for better results (Lilles, 2001; Tsui, 2014, 643-644; Justice Policy Institute, 2009; Sherman & Strang, 2007), and crimes that qualify since nearly all crimes can go through the restorative justice process (Zehr, 2015, 17-18) and that the WPD data indicates that these property crimes and low level crimes make up a decent share of juvenile crimes in 2014 (WPD, 2014). Cost and collaboration however, is a question that needs to be addressed to figure out where the money is going to come from (Holler, 2015, 127-130; Dhimi & Joy, 2007).

A final note is that the interconnectedness between schools and juvenile justice RJ also appeared in the academic literature. The literature suggests that these are so intertwined because youth who offend and have school related difficulties such as low academic achievement, truancy and exclusion, are correlated (Davidson, 2014, 13; Wright,

2007, 2). Additionally, the school to prison pipeline is especially prevalent for youth of color with expulsions (Alder School Institute & Social Justice, 2012, 9-10). Schools having their own RJ process was mentioned as a barrier to collaboration with the juvenile justice RJ program (Dhami & Joy, 2007). The role of the school is something that will need to be considered in Worcester's potential process.

Is RJ in Worcester's Juvenile Criminal Justice System Feasible?

Before closing, the key question of this paper needs to be addressed: is RJ in Worcester's juvenile justice system feasible? From what the key informants shared it does not sound like RJ would be impossible, but that there are substantial barriers to be addressed and collective will to be built before it can be achieved. While key informants did not provide all of the same barriers, many of their solutions to decreasing them (ideological barriers, racism, lack of awareness/buy-in, politicians) as well as to enhancing some strengths (positive impacts of RJ, politicians) include education and awareness-raising of RJ. In addition, there would be a need to get buy-in from a variety of groups from the community leaders to politicians to those working in the juvenile justice system. There would also need to be finances found and the structure of RJ decided.

So is restorative justice feasible in Worcester right now? No, there are too many barriers that need to be addressed first. However, is it feasible if these barriers are worked on? There is hope. If Worcester wants RJ in the juvenile justice system, it will need to work on addressing the barriers and strengthening the assets mentioned by the key

informants with a focus on creating awareness and buy-in. There should also be more research conducted with community members to see if there are other barriers or strengths that were missed by the small scope of this paper. Finally, the conversation should be expanded to those in the juvenile justice field to assess their interest and perceptions on barriers, strengths, collective will, and process.

Moving forward, the following steps could further the awareness and potential for implementation in Worcester according to key informant interview results and/or literature:

1. *Raise awareness and seek input in the community and among community serving institutions:* There is a need to have people know about RJ both to be able to know what it is not (soft on crime, ineffective, etc.) as well as to decide if it is worth supporting in Worcester. These education methods were cited for overcoming many of the barriers mentioned by key informants and literature. Raising awareness can create not just acceptance of RJ as an alternative justice process but also individuals or community organizations that will advocate for its implementation. Raising awareness can be a process of receiving feedback from the community on whether they feel this could work and what structure/necessary components they see it needing for success. A final note is the importance of ensuring youth are recipients of this awareness raising process since they will be the clients of the program if it happens. Their input on the components they would like to see in RJ would be insightful as well as recognize that they are a community strength themselves.

2. *Foster a culture of acceptance in Worcester:* Not only does awareness need to be raised about RJ but the culture of Worcester as well needs to be pushed towards a direction of greater acceptance and realization that humans are interrelated and not that different from one another. This is not only in terms of pushing for RJ but also when it comes to structures such as racism. Again, much of this would come down to education and publicity, but the details would need to be decided by Worcester residents and the city.
3. *Get buy-in from juvenile justice groups and financing groups:* The need for acceptance from the juvenile justice system is paramount for an RJ program to work. Even if the program is a community run one it still needs referrals from the court/police. Therefore, these people (juvenile judge, district attorney, police) need to be on-board with the process. Additionally, funding is needed for RJ to get off the ground and this means finding buy-in from groups such as donors, grants, local/state/federal government, etc.
4. *Explore options for collaboration, who would run the program, and program structure:* Because RJ can take so many forms, figuring out who will run the program with what collaborations and what structure is important. Logistics matter. This decision would come down to what would be acceptable to the community and the juvenile justice representatives involved as well as who has voluntarily stated a desire to participate. An important institution to explore in the case of collaboration would be the school system, especially given the ways it connects with the criminal justice system and its frequent contact with youth. Another aspect to utilize would be the strong networks of youth

serving community organizations many of whom may wish to be involved in planning and/or implementation.

In conclusion, there are barriers in Worcester that would likely prevent successful implementation right now. In contrast, there are also ways that Worcester can get to a point where it can implement RJ in the juvenile criminal justice system. The will require hard work and energy as well as buy-in from both the community and those in positions of power within the justice system. But can Worcester get to this energy, collaboration, and hard work one day? Yes, yes we can as long as the importance of this work drives people to see RJ as a more just system of working with youth than the status quo.

Appendix A

Questions asked at the interview:

1. Given this definition of restorative justice, do you think that Worcester is ready for restorative justice programming to be used in the criminal justice process?

Why/why not?
2. What do you see as the barriers and strengths to a Worcester youth restorative justice process?
3. Are there ways you can brainstorm that these barriers could be overcome?
4. Are there ways you can brainstorm that these strengths can be better empowered?
5. Do you think that there is the willpower in the city to get a youth criminal justice system stepped in restorative justice? How could willpower be strengthened?
6. If you were to envision the criminal justice system supporting youth restorative justice, how would you think it would happen? What would be the role of the community (especially specific groups) in this happening?
7. Is there anything else that you would like to tell me that you feel would be helpful in the study? Is there anyone you feel I should talk to about this who I may not know about?

Appendix B

Identified Strengths in Worcester for RJ in Juvenile Criminal Justice			
Strength	Why a Strength	How To Augment It	Number of Interviewees Who Said (out of 5)
<p>Preexisting orgs./churches/nonprofits that care/work with at-risk/proven risk youth; the networks between these</p>	<p>Care about youth Some already places where engage each other peacefully (ex. churches) Preexisting history of overcoming differences to work together Some have aligned values with RJ Some field experience with youth: can know what will work and what won't/doesn't Can help create collective will and make RJ happen (lever and voice of conscious)</p>	<p>Ensure org.'s values align with RJ Get buy-in on RJ from the orgs. so they can advocate – includes educating on RJ Get funding so these groups can potentially run pilots/work in conjunction with an RJ model Provide diversity training Break down need to compete for resources and parallel efforts: create mechanisms of collaboration such as online platform as a progressive alliance Encourage collaboration across divides (ex. NPO for-profit, interfaith) Encourage meta conversations about “what it means to be a community that embodies that sense of common good”: gives these orgs. more support for work</p>	<p>4</p>
<p>Ability to demonstrate positive impacts of RJ (ex. reintegration, humanizing crime, cost, etc.)</p>	<p>People looking for change from current system People realizing system is disenfranchising people, too</p>	<p>Advertise and publicize Tell stories of success – from others who have done it and from our own pilot Make the financial argument</p>	<p>4</p>

	<p>costly as is now, and not transparent</p> <p>RJ is a stop gap</p> <p>Positive Impacts:</p> <p>Keeps offender from building relationships with other criminals in system, builds other relationships</p> <p>Allows youth growth and change</p> <p>Holds accountable but also offers redemption</p> <p>Doesn't marginalize as criminal</p> <p>Breaks cycle of crime</p>	<p>Take advantage of other movements (ex. Black Lives Matter) raising consciousness on similar issues on justice and crime and inequality</p>	
Worcester's politicians	<p>Can promote RJ and make it part of Worcester laws</p> <p>Some realize can't just arrest out of juvenile crime</p> <p>City manager open</p> <p>Some see RJ as more fiscally responsible and better keep citizens</p>	<p>Educate them about RJ so know about it</p>	3
Size of Worcester	<p>Can access politicians more easily</p> <p>More scalability b/c Worcester isn't huge</p>	N/A	2

	People know each other – word gets around about RJ stories		
Ad hoc way of politics in the city	B/c of this there is openness and flexibility for change (RJ) and for pilot projects	Use to advantage of getting RJ implemented	1
Higher education institutes creating opportunity	Create opportunities Willing to help to figure out how to create opportunity		1
Being the largest refugee city in MA	Widens the conversation about how we treat each other		1

Appendix C

Identified Barriers in Worcester for RJ in Juvenile Criminal Justice			
Barrier	Why a Barrier	How To Decrease It	Number of Interviewees Who Said (out of 5)
Current culture of fear/ protective culture	Influence from other events globally/nationally making more fearful Fear driving more desire for increased protection & suppression NOT RJ (which is trying to set aside this fear) Political leaders playing up fear of youth violence Coupled with desire for retribution	Work to move away from this culture towards more compassion Create recognition that we are all in this together – decrease fear of the other, campaign for human development Ability for RJ to be a counter to fear based solutions	5
Ideological barriers	Ideologies of RJ (part of larger community/ common good, some societal responsibility for crime, redirect criminals back to community, everyone is redeemable, crime about repairing relationship) don't match current ideologies (individualism, individual <i>only</i> responsibility for crime, eliminate criminals from community, few are redeemable, heavy handed punishment approach	Bring people to RJ that works so they can see it Educate people about RJ – films, bring RJ people in to speak Conversations about lack of reintegration of criminals causing more crimes Show that those who are eliminated from society do worse coming back than those with RJ Concentrate efforts for ideological change on leaders who can promote/negate RJ happening	3

		<p>Have meta conversations about how the common good takes efforts from everyone</p> <p>Get word out about successes of own pilot</p>	
Racism	<p>If gangs are written off and are most successful with youth of color, not helping those youth</p> <p>People don't empathize because they don't understand</p> <p>Disproportionately Targeting of African Americans and Hispanics in arrests and imprisonment</p>	<p>Anti-racism trainings and realizations that offenders are similar to other youth – diversity is an asset to city</p> <p>Realization that all part of same community</p> <p>Have RJ be part of a tool to move from conversations about racism to action in better equalizing the criminal justice system</p>	3
Lack of awareness or buy-in	<p>No one really talking about in city</p> <p>Lack of knowing what RJ is</p> <p>Have to get people to really believe in the model for it to happen – need ideological shift for buy-in</p> <p>B/c people haven't thought about it they don't know whether have the will to do it</p>	<p>Help Worcester conceptualize through education, people's first hand experiences with RJ</p> <p>Show that it works (in a pilot) and market results to convince people</p> <p>Show impact on the life of youth who have gone through RJ process</p>	3
Politicians	<p>They don't get that RJ would make community safer</p> <p>Some play up fears of youth violence in city</p>	<p>Take them on trip to see RJ in action</p> <p>Organize a group of community advocates to speak at city council on RJ</p>	3

	Those committed to public safety see answer in more police		
Being an urban setting	See more violent crime which RJ doesn't deal with Need a more complicated structure for RJ		2
Cost	It is an expensive process Where is the money going to come from – Worcester orgs., city, state, federal?	Present studies on how saves taxpayers money, reduces recidivism, etc. compared to other processes	2
Crimes that qualify for it	Not a lot of concern in Worcester for nonviolent crimes		1
Gangs	RJ's ability to help pull youth out of gang life	Might be RJ could help weaken gangs since not as strong here as other cities Couple RJ with employment (alternative to gang employment)	1
	Perception of gangs as an unchangeable problem	Help people get over this belief Start speaking about youth with gang involvement more positively, recognizing just trying to make way in life	
	Most successful with youth of color perpetuating inequalities – underserving them even further	See these youth as assets to city	
Lack perception of our youth as a strength/investment	Means city not retaining youth as next generation	Publicity that promotes all youth as a benefit and future of Worcester City should invest more in all youth	1

	See them as detriment to city so don't want to invest in them/ all of them Not all youth seen as assets (ex. gang youth)	RJ could help break down through trainings if youth running	
Criminalizing nonviolent drug offenses	Does not give them an opportunity for in community change	Try to get RJ to be alternative to jail Involve a variety of actors to work on changing	1
Prison industry	There are incentives to let prison as primary choice b/c powers in the system have investment in them		1

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