



Starting a Restorative Justice Program

Start the learning journey by getting to know your community's needs

By Christy Barbee

No two restorative justice programs are alike. No cookie cutters or templates exist, but key elements underlie successful programs, whether they're homegrown and community-based or initiated through an affiliation with the criminal justice system.

Here I focus on the former, those grass-roots efforts driven by individuals attracted to the principles of RJ.

Drawing on my own experience in a RJ program started and nurtured by civic-minded individuals (Communities for Restorative Justice in Massachusetts, www.c4rj.com), and on talks with people at other such programs, I summarize the elements for success in these phases:

- Getting Informed
- Building Awareness, Building Relationships
- Training
- Launching

Getting Informed

So you've heard about RJ and think: "I want to bring that to my community. I'll call my friends

and recruit them." You get them in the same room, and then what? You need to learn, not only about RJ, but also about the needs in your community.

"This part is really important: you need to go broad and deep," says Luke Yoder, executive director of the Center for Restorative Programs, based in Alamosa, Colorado. The Center started 20 years ago as a collection of folks interested in the work and grew to a staffed program offering several approaches with the courts and other agencies.

The depth, says Yoder, comes from "really getting to know how institutions are functioning in your community, looking at the schools, [court] diversion, and at the needs of the justice system."

In other words, don't assume that one approach will fit all ills or fill all perceived gaps in service in your community. Persuading others to try RJ will go better if you know what stakeholders really want to accomplish.

Make sure your group members have a way of learning about restorative justice, about both

the principles and wide variety of practices. The processes you choose should depend on your local needs.

Some communities start with a **study group**, with members dividing up books, articles, and videos and presenting to each other for discussion. If you're fortunate enough to have an ongoing RJ program in your region, reach out to its director and ask for advice and whether it's possible to obtain training or to observe that program's process. Most RJ folks are eager to talk about their work.

Then study group members get in touch with local judges and other court personnel, police, prosecutors, and school personnel. If your town has a human rights organization or prison outreach program, make connections there. Citizen groups like the League of Women Voters can also be good resources for understanding local issues. Many faith communities have social action committees that become voices for justice.

The purpose for this part of the investigation: learning **(a) how justice is perceived in the community** and **(b) what needs are going unmet that restorative justice could help fill**. For instance: Do victims of crime have an opportunity to ask questions about what happened to them? Are there demographic groups that do not have sufficient access to institutions? Is law enforcement perceived as approachable, there for all? Are there perceived differences in how some citizens are treated? Are young harm-doers treated in a manner that takes into account their developmental needs? Are mental health facilities available to assist the victims or harm-doers, if required?

It's important to find out what other groups are working to provide services related to public health and justice. Individuals in such endeavors can be important allies in bringing

RJ to the fore. By the same token, if other individuals are already quietly pursuing restorative justice, you want to know what they have already done—rather than running athwart of those efforts and possibly confusing future stakeholders.

Learning about RJ

Start with the amazingly concise *Little Book of Restorative Justice*, by Howard Zehr. I also recommend Zehr's weightier *Changing Lenses*, which looks at the evolution of justice systems (how we got where we are) and how restorative justice can recapture some of the elements of community justice.

Do a web search for organizations doing RJ or restorative practices, especially those in your state or region.

Check You Tube for presentations, TED talks and documentaries. One is "Finding Courage," a half-hour video about the process offered by Communities for Restorative Justice (C4RJ, my alma mater) in Massachusetts, a program that started in 1999, when two ardent citizens got the ear of their local police chief and then built a program with volunteers (16 years later, volunteers still do the work, guided by a small staff).

Building Awareness, Building Relationships

If you've already reached out to local people about justice, you've started the relationships you can use to build a program. Now it's time to let the wider community know about restorative justice. Consider holding a community forum with an invited speaker, preferably an experienced practitioner. In addition, group members can seek invitations

to speak to meetings of other organizations, like churches, civic and service groups such as Rotary and Lions, parent-teacher organizations, mediation groups, and even book groups.

Such community meetings let you get the word out about what restorative justice is and to gather input. It also lays the groundwork for fundraising later—and it's a great way to recruit more volunteers. You'll likely learn of community members who've had experiences they're willing to speak about at future meetings. Storytelling is a powerful way to illustrate positive experiences as well as needs going unmet by local institutions.

If your local newspaper prints guest columns, have someone from your group write a piece about the power of restorative processes to improve relationships and build community. If your community has a TV station, ask it to run public service announcements about your efforts. Local access stations might want to tape your forum so a wider audience can view it. Look for websites that talk about local issues and ask for space to address RJ.

At the same time, solidify your relationships with justice system stakeholders. Be sure to invite police chiefs and officers, local court representatives, and elected officials to your events. Ask them what issues they see in the community and whether they can imagine restorative solutions. Expect wariness among those who work in justice, and listen carefully—not just for points to refute but to understand perspectives and concerns that you will need to address when you decide how to launch RJ.

Getting buy-in

If you've gotten this far in your planning, you know not everyone feels as sure as you do that RJ has merit. Even if a judge or a police chief says, yes, let's do it, you'll likely find that not all

officers are keen or even willing to participate. Some will be worried that your approach is going to be "too soft" or just "touchy-feely." For some, it's too far a leap from their view of law and order. Court clerks and probation officers may think they're already "doing enough" for offenders, that RJ would be overkill. Seldom do doubters bring up victims, not because they don't care about them, but because they assume the system is doing all it can.

Persuading others to try RJ will go better if you know what stakeholders really want to accomplish.

Convincing the doubters may seem a daunting challenge. Don't be daunted. Listen and lure.

You can provide statistics and information about recidivism and successes at other programs, but that won't necessarily dispel doubts about RJ working in your community. Draw out the doubters and hear what their concerns are and ask if they'll just give it a try. Most criminal justice stakeholders are at least assuaged when they see that in a RJ process, accountability is front and center. They see that many restorative agreements ask more of offenders than the court would, and nearly always include measures that are more meaningful to the harm-doers as well as those harmed. They see that people who have been harmed get a chance to speak AND ask questions, and to have a say about what will happen.

The most important thing you can do to bring doubters around is to include them.

Ready, Set, Get Trained

At this point, you've learned a lot about restorative justice and about your community's needs, but if no one in your group has ever been part of a restorative justice program, get some training.

Training with someone well-versed and experienced in restorative practices is essential. Why not just make it up as you go? Because it's not as easy as it looks on a video or in a book, or from hearing a talk about the principles. You want the benefit of others' experience, their successes and missteps. Make sure you have access to advice as you grow.

Check first with other RJ groups in your state or region about whether they offer trainings. It's great if they can send someone to you to provide an introductory training for everyone in your group. But if that's not possible, see if you can send your group members to the training offered by those more distant organizations. Expect to pay for such training. This may be the first thing you'll need to fundraise for.

Some colleges and universities offer courses in conflict transformation, which may include instruction about restorative justice. This may be broader than what you're looking for, but it's worth asking about certification courses. Check with organizations that train mediators about whether they also focus on restorative processes.

RJ is much more widespread than it was 10 years ago, but if you're in an area where you're the pioneer, consider training with the International Institute for Restorative Practices (IIRP). Located in Pennsylvania, IIRP offers several trainings a year. In addition, IIRP

trainers are located around the country and might be able to come to you.

A basic training will show your group what a process looks like and provide a window into the perspectives of participants—people affected by crime, harm-doers, parents and loved ones, and criminal justice stakeholders. Training should include review of the principles and detailed descriptions of the process(es) you'll use—about talking rounds and building a restorative agreement, for instance, in a conference addressing harm. It will illustrate the importance of guidelines, or ground rules, and of preparation (it's important to interview all participants before a RJ process so you understand what is likely to come up and so you can describe to each prospective participant what a circle or conference is like).

Role-play is a great empathy builder. Use it in training.

I believe training should always contain role-playing exercises so that all get a chance to think—and feel—what's entailed. Ask your trainer whether s/he has a scenario that can be acted out. Or devise one of your own, perhaps creating a fictionalized version of a real event in your community.

I know, many people cringe at the thought of role-play. But if everyone commits to playing their parts with fidelity, all can learn, not just about the nuts and bolts of the process, but about the emotional content. Role-play can be a great empathy builder.

A final thought for the cringers: if role-play makes you nervous, that's useful. Everyone in a restorative process is going to be nervous. That's okay.

This first training your organization takes is foundational. Your first keepers, or facilitators, will emerge. Others will become interested in coordinating processes. Some in your group may decide they don't want to be keepers or active participants, but they will be well-informed about what you're going to do and become effective advocates of RJ in the community. Further, training will help your group develop the criteria you will use for accepting the cases that are going to come your way. After the training, make sure your potential referral partners know what those criteria are.

Shaping your program

What you've learned from citizens and other possible referral sources will shape the kind of program you will start: will you offer restorative justice processes following specific instances of harm-doing? Or will you instead/in addition provide broader restorative conferences in the community to discuss ongoing issues, such as neighborhood conflict, racial and economic disparities, or community-police relations? What process or processes will work best in your community; for instance, a circle process, a family-group conference, or victim-offender mediation?

Think about the criteria for accepting a case. Most programs have among their referral criteria that (a) harm-doers must acknowledge their role in the harm and (b) victims are willing to have the case referred for restorative justice. Think about whether you will hold a process if a victim assents to the referral but does not want to participate directly. How can you represent the victim's concerns in their absence?

What level of harms and crime will your group take up? Most court diversion programs will consider diversion only for first-time (usually young) offenders who've committed

nonviolent misdemeanors and low-level felonies (usually falling under a certain dollar-amount of damage). Thus, many RJ programs are also limited to those criteria. That may be a good starting point as you begin your restorative justice work, but there is no reason not to look beyond that as you build your capabilities.

Training with someone well-versed and experienced in restorative practices is essential.

For instance, theft of a smart phone likely transcends the definition by most states of a low-level felony, but restorative processes very effectively address this type of theft, which has a clear personal impact for the victim. Some assaults are very appropriate for restorative justice. A caveat: Restorative justice programs usually draw the line at dating-and-domestic violence cases because of the particular relationship dynamics common to such incidents.

Restorative justice shouldn't be withheld from a victim just because the wrongdoer(s) have been in trouble before. Further, I've seen instances in which "repeat offenders" have benefitted from RJ, making full restitution and doing so more quickly than the court would have ordered; getting needed services; improving relations with family members; and being able to acknowledge more fully the effects of their actions—thus enabling them to make much more meaningful apologies to those affected.

Will you accept referrals of youth only, or will you also accept young adults (some states are looking to include 18- to 24-year-olds in youth diversion approaches as recognition grows that

the brain is still “maturing” until kids reach 25.) Will you accept all ages? Will you offer parallel justice, that is, a process used in instances in which there are clear victims but no offender has been identified?

Will you accept referrals from law enforcement, from the courts/probation, social service agencies, schools, after-school programs, businesses and other organizations? From all or just one? It’s useful to start with one as you get up to speed, but open to others as your group develops its skills and confidence.

Keep in mind that restorative justice should always be voluntary, for harm-doers, affected parties, and others.

Launching: That First Case

So you’ve laid the groundwork. You have group members trained and willing to facilitate a process. You get a call from a law-enforcement agency, a probation officer, a prosecutor, or a community organization saying they have a case that might be appropriate.

Are you ready? You may not feel as though you are, but if you’ve trained and practiced, and the case meets your group’s criteria, it’s time. Jump in with two feet.

Steps in a restorative process

- 1. Ask the referral partner for all details** relevant to the case: names and contacts of all involved (harm-doers, direct victims, others affected, and a representative for the referrer), a narrative description of what occurred, and any information that will be helpful to a facilitator/keeper in preparing for the process.
 - Ask whether these potential participants have been informed about the process. That’s preferable to a cold call or letter from you.
- 2. Contact each person involved.**

Introduce yourself and ask when it would be convenient to meet to inform them about the RJ process and for you to ask questions about what happened. At this point, it’s better not to have harm-doers and those they’ve affected running into each other, so schedule considerately.
- 3. Carry out the interviews.** Ask each what they want to communicate. Sometimes it’s helpful to participants to think through and rehearse what they want to say. Ask all potential participants what days and times are convenient for them. Keep in mind the importance of supporting the victim and honoring their wishes. Ask what they hope to gain from the process.
- 4. Set the time and date.**
 - Arrange for a space that will accommodate the number of people you will have and any furnishings you want (chairs and table or no table? Easels or white board?) You’ll probably want a space in which people can speak freely without worrying about people outside the space overhearing. Confidentiality is critical to the process and safety of all.
- 5. Prepare.**
 - Think about seating—who should sit next to whom?

- Will you have one or two facilitators?
 - What questions will you ask to get the discussion rolling?
 - What possible hurdles or flashpoints can you anticipate and how might you be prepared to deal with these?
 - Have any of the parties suggested restorative agreement items?
- 6. Circle/conference time!** Assign members of your group to greet and escort each participant. This is important if people are showing up at the same time, and especially if you know they are nervous around or hostile to one another.
- 7. Introductions.**
- Welcome people and explain what will occur.
 - Review ground rules (or ask the participants to offer ideas for ground rules).
 - Ask everyone to introduce him/herself.
- 8. Start the talking.**
- Decide ahead of time who will speak first: the person(s) affected or the harm-doer. I like to ask the affected parties whether they would like to speak first or hear from the harm-doer first.
 - Common, open-ended questions for harm-doer include: What happened? What were you thinking before, and what after? Whom did you think might be affected by your actions? What have you heard since?
 - Common questions for the affected parties: What happened? What was this like for you? What have been the ripple effects for you?
- 9. Coming to an agreement or action plan.**
- Ask whether each participant has said or asked all they meant to.
 - When all have assented, ask each what s/he thinks can be done to address the wrongs done or to improve an ongoing situation. Make note of each of these; when everyone has had a chance to speak, review the list. Don't leave out anyone's idea, even if you know it to be impractical. Everyone should feel heard.
 - Ask the group if you missed anything or whether anyone has anything to add. Some ideas may duplicate each other. Review the aim of the ideas and see if you can get consensus around particular suggestions.
 - Conduct additional rounds to winnow the list of ideas or firm them up. When you believe the list is manageable, ask whether there is consensus. If so, write up an agreement. Once you've done this, read it to ensure that all agree. When they have, pass it around for each person's signature.
- 10. Next steps.**
- Will you hold a culminating process? If so, arrange a date while you have everyone in your presence.
 - If no such final event is needed, be sure to set a deadline for when all agreement items should be accomplished.
 - Designate a person(s) to ensure the items have been done.

11. Ending the event. Thank everyone for his/her participation and good work. Ask whether there are closing thoughts participants would like to express. Use another round if needed.

12. After the circle.

- If you didn't distribute copies of the agreement to each participant in the circle, do it now, by mail or email. In addition, make sure the referring partner receives a copy and is aware of the timeline agreed to for those involved. Ask the partner at what intervals they wish to be informed about progress or problems.
- Debrief with your group members to the extent allowed by confidentiality guidelines. What went well? What could have been better? "I think this is particularly important as the group defines their way in the beginning," says Barbara Howland, one of the early case coordinators for C4RJ in Massachusetts and its second board president. Volunteers supported each other and learned together.
- Write a summary of the case, recording how it went but also what could be improved.
- Celebrate!

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