

Serial Narrative Progress Report

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Restorative Justice Conferences as an Early Response to Young Offenders

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Summary Report

"Preventing Juvenile Crime: Evaluating Restorative Justice Conferences
as an Innovative Response to Juvenile Crime"*

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Executive Summary

Approximately one-quarter million youths under the age of 13 are arrested annually in the United States. Many of these youths will become repeat and chronic offenders. This creates risks for the youths, their potential victims, and their communities. Developing more effective mechanisms for intervening at this early stage of a youth's involvement in the juvenile justice system is thus crucial.

Restorative justice conferences, sometimes referred to as family group conferences, offer the potential for more effective intervention with juveniles in general and with very young juvenile offenders in particular. In a restorative justice conference the offending youth, the victim, and supporters of both offender and victim are brought together in a facilitated discussion. The conference provides an opportunity to discuss the incident, the harm experienced by the victim, and to find steps the youth can take to repair the harm to the victim. Advocates of restorative justice conferences argue that they better meet the needs of victims, hold youths accountable, and provide a tool for building a community of support around the victim and the offending youth.

In September 1997, juvenile justice and law enforcement officials in Indianapolis implemented a pilot project on the use of restorative justice conferences as an early intervention with young, first-time, offenders. The officials also agreed to implement the project with an experimental design to facilitate a rigorous evaluation of the effects of conferences on victims and offending youths.

This report presents the results of the first phase of the evaluation of the Indianapolis experiment. It is an ongoing experiment and subsequent reports will extend the current findings through examination of larger samples, subgroup comparisons, and theoretical tests. Highlights of the present findings include:

- Among conference cases, over 90% of victims express satisfaction with the way the case was handled.
- Nearly 90% of youths involved in a conference were satisfied with the way the case was handled.
- Nearly 100% of victims would recommend the conference to a friend in similar circumstances.
- Over 90% of parents and 85% of youths would recommend a conference to a friend in similar circumstances.
- All victims involved in a conference felt they were treated with respect.
- Over 80% of the youths involved in a conference felt they were treated with respect.
- Approximately 83% of the youths assigned to a conference successfully complete the conference and satisfy the terms of the reparation agreement. This is significantly higher than the proportion of youths satisfying other court-ordered diversion programs (58%).

- For the total sample, 20% of youths involved in a conference re-offended within six months. This compared to 34% for the control group. At the twelve-month stage, 30% of the restorative justice sample had been re-arrested compared to 42% of the control group.
- For youths actually completing the restorative justice program, 12% re-offended within six months. For youths actually completing other court-ordered programs, 23% re-offended within six months. At the twelve-month stage, 23% of youths successfully completing the restorative justice program had re-offended. This compared to 29% of youths successfully completing other court-ordered programs.

RESTORATIVE JUSTICE CONFERENCES AS AN EARLY RESPONSE TO YOUNG OFFENDERS

The highly publicized and disturbing series of school shootings and homicides in a number of communities across the United States have focused public and policymaker attention on the issues of youth violence and school safety. As important as these issues are, they tend to divert attention away from an additional challenge for juvenile justice officials, delinquency committed by very young children. In 1997, over 250,000 youths under the age of 13 were arrested (Snyder and Sickmund, 1999). Prior research has shown that children entering juvenile court at such young ages are at very high risk for continued offending. For example, approximately 60 percent of youths ages 10-12 who are referred to juvenile court are subsequently returned to court. For those youths referred to court a second time, the odds increase to over 80 percent that they will be returned to court at a later date (Snyder and Sickmund, 1995: 158). Yet, because these youths have typically not committed a particularly serious or violent offense, and because children this young have not usually accumulated a long prior record, they typically do not receive a great deal of attention by juvenile justice officials. Given the high likelihood of re-offending, however, failure to develop and implement effective early interventions for very young offending youths may be misguided.

One potential form of early intervention involves the use of restorative justice conferences. Restorative justice conferences, sometimes referred to as family group conferences, have become quite common in Australia and New Zealand and are increasingly utilized throughout the world (Thames Valley Police, 1999). Although used in some jurisdictions for a wide variety of offenses, including adult offending, restorative justice conferences may be particularly appropriate for very young offenders. Advocates argue that they offer a meaningful response to youthful offending without consuming significant court resources.

The Challenge Very Young Offenders Pose for Juvenile Justice Systems

Thirty years ago a Presidential Commission Report (Lemert, 1967) criticized the nation's juvenile courts for what was labeled the "one minute hour." The heavy volume of cases was forcing courts to spend approximately one minute on juvenile cases rather than to take the time for careful assessment and linkage to services as the juvenile courts were intended to do. Since that time the volume of cases has increased dramatically without a corresponding increase in resources. The rising tide of juvenile arrests has forced courts into what Lawrence Sherman¹ has described as a "triage" system of conserving scarce resources for the most serious cases. Juvenile offenders are often given many "bites of the apple" whereby their cases are dismissed or placed on probation supervision with overworked probation officers until the time they have accumulated a long history of arrests or committed a particularly heinous offense (Bernard, 1992). Critics of the system warn that this fails to hold youths accountable for their offenses and sends the message that the offense was "no big deal."

¹ Personal communication. The author and Professor Sherman collaborated on a grant proposal in the early stages of this project. Sherman's thinking is undoubtedly reflected in this document.

The system is also one in which offenders and their parents play a largely passive role and victims are typically excluded. The reasons that someone has for committing a crime are unimportant and restitution to victims and the community affected by the crime is not a primary concern (Van Ness, 1996). Community service is sometimes utilized as reparation but often the service is done for someone who was not directly affected by the crime (Van Ness, 1996).

The use of restorative justice conferences is an attempt to address these shortcomings. As part of a balanced and restorative justice model (Bazemore and Umbreit, 1994; Office of Juvenile Justice and Delinquency Prevention, 1998), conferences attempt to hold youths accountable, involve and meet the needs of victims, and build a community of support around the youth.

Restorative Justice Conferencing

In a restorative justice conference, the offending youth, the victim, and the supporters of both offender and victim are brought together with a trained facilitator for a conference to discuss the incident and the harm brought to the victim and to the group of supporters. The conference provides an opportunity for the victim to explain how they have been harmed and to ask questions of the offending youth. The supporters of the group are also provided an opportunity to describe how they have been affected by the incident. The conference ends with a reparation agreement in which all the participants reach an agreement for how the youth can make amends to the victim. This will typically include an apology and often some type of restitution to the victim. Sometimes the group will agree to community service or to other actions by the youth such as improved school attendance, completion of homework, or chores at home or school.

Advocates of restorative justice conferences point to many potential benefits. Conferences are expected to better address the emotional needs and tangible losses of victims. Youths are held accountable for their misdeeds. Conferences are also intended to provide an opportunity for youths to learn how their offending has negatively affected others. The conference also provides an opportunity to create a supportive community around the offending youth.

Theoretically, restorative justice conferences are hypothesized to have an effect based on principles of control, deterrence, and reintegrative shaming theory. From a control perspective, youths are "controlled" from involvement in delinquency to the extent that they are socialized to believe in the moral legitimacy of the law and to the extent that they have strong bonds to family and conventional institutions (Hirschi, 1969). If, as advocates contend, conferences provide a learning opportunity wherein the harm caused by offending is directly communicated to the youth and where bonds to conventional others are strengthened, conferences become part of the socialization process that builds stakes in conformity. From a deterrence perspective, to the extent that conferences hold youth's accountable and impose consequences, more so than is likely to occur to

similarly situated youths in the traditional juvenile justice system, then the conferences raise the costs of offending relative to the benefits.

John Braithwaite (1989) has built on these insights in developing a theory of reintegrative shaming. Braithwaite argues that people are generally deterred from committing crime by two informal forms of social control. First, by their fear of social disapproval and second, by their conscience. He posits that punishment or reparations imposed by parents, other relatives, friends, or other individuals important to the offender are more effective than those imposed by a legal institution. For most people, fear of being shamed by those they care about is the major deterrent to committing crime. This is because the opinions of family and friends mean more than that of an unknown criminal justice authority.

Additionally, Braithwaite predicts that conferences may be more effective than traditional courts because they include the direct participation of the supporters of both victims and youthful offenders. By including these supporters, youths can be held responsible in the context of a community of care. In such a setting, youths can be held accountable for their acts without being condemned as people (see also Sherman, 1993). According to reintegrative shaming theorists, this combination of accountability and respect is key to keeping the offender within the community (Braithwaite, 1993).

To date, research is supportive of the positive effects of restorative justice conferences but still too limited to provide definitive answers. Two formal experiments have been conducted. The first, involving police-run conferences in Bethlehem, Pennsylvania, found high levels of victim satisfaction and some evidence of a reduction in re-offending for person offenses (but not property offenses; see McCold and Wachtel, 1998). The second, the Reintegrative Shaming Experiment (RISE) has also reported high levels of victim satisfaction and has shown positive attitudinal changes on the part of offenders (Strang et al., 1999). The impact on future offending remains under investigation. Other research has reported declines in re-offending (as well as high levels of victim satisfaction) but has not been based on rigorous research designs (see the review by the Thames Valley Police, 1999; Moore and O'Connell, 1994).

The Indianapolis Restorative Justice Experiment

In 1996, the Hudson Institute, a public policy research organization located in Indianapolis, began to work with the Police Department, Sheriff's Department, juvenile court, prosecutor's office, and the Mayor on a project to utilize Australian-style restorative justice conferences as an alternative response to juvenile offending. Encouraged by research from other jurisdictions yet wanting to have relatively clear answers about the effects of conferences, Juvenile Court Judge James Payne and Marion County Prosecutor Scott Newman agreed to work with the research team on implementing an experimental design. As described below, the experiment was initiated in September 1997. This report presents what we refer to as the Stage One results of an ongoing experiment.

METHODOLOGY

Program Eligibility

As noted in previous sections, Restorative Justice (RJ) Conferences are one of many diversion options sponsored within the Marion County Juvenile Court. As with other diversion programs, RJ conferences serve as an alternative to handling juvenile crime in the traditional court system. Intake officers seek to assign youths to programs that address the needs of the offender (e.g., shoplifters are assigned to the Shoplifting Program, whereas vandals are referred to a program known as Paint it Clean). In Marion County twenty-four diversionary programs (including restorative justice) operate to serve arrested youths. The aim of restorative justice and other diversionary programs is to thwart the cycle of offending behaviors before youths become too deeply entrenched in delinquent behaviors.

Following arrest, juvenile court intake officers assess a juvenile offender at the juvenile holding facility to determine what course of action should be taken. In the presence of a parent or guardian, assessments are made to determine placement. Several criteria are employed to judge a youth's eligibility for a diversion program:

- 1) The arrested youth must be a first-time offender (no prior adjudications)
- 2) The youth must not have been arrested for a serious, violent offense
- 3) There must be no other pending charges

As for admission into restorative justice, two additional criteria must be met.² The youth must: 1) be no older than 14 years of age, and 2) admit responsibility for the offense.³

If deemed eligible, the offender is diverted from court and charges are not filed, pending successful completion of the assigned diversion program.

Experimental Design

To provide a clear picture of the effect of RJ conferences on victims, youths, and families, court officials supported the implementation of a true experimental design. The experimental design involves random assignment of youths to the RJ program ("treatment") or to other diversion programs ("control"). This is the same design used to test medical treatment regimes and is valued because the random assignment produces treatment and control groups that are equivalent in all respects other than the program intervention itself (Campbell and Stanley, 1966).

² The eligibility criteria for the RJ Experiment were developed by the Marion County Prosecutors Office and the Juvenile Court.

³ RJ conferences are not fact-finding hearings. A youth alleging innocence should have the case adjudicated in court. This also avoids situations whereby a victim could be "re-victimized" through participation in a conference where the alleged offender denies involvement or responsibility.

The formal implementation of the RJ Experiment began on September 1, 1997. Court intake officers screened youths for eligibility. If eligible, the youths were assigned through a random assignment procedure. Randomization occurs through one-month blocks. Each month Hudson Institute researchers prepare sealed assignment envelopes that are delivered to the Juvenile Intake Office. Envelopes are brown in color to conceal whether or not the youth is to be assigned to RJ or to another diversion program. In instances when the intake officer determines that a youthful offender meets eligibility criteria for placement into the program, the officer is instructed to draw an envelope from the stack prepared by the Hudson Institute. The envelope contains only two possible responses: "Yes" or "No." If the intake officer selects a "yes" then the youth is assigned to the Restorative Justice Program and the case is turned over to the County Coordinator. In contrast, a "no" selection indicates normal processing and the youth is assigned to one of the other 23 diversion programs. In addition, a copy of the juvenile fact sheet that was filled out by the Intake officer is forwarded to the Hudson Institute to facilitate tracking of control group subjects.

Since September 1997, the aim of the Restorative Justice Conferencing Program has been to admit approximately 10-15 youths each month in the restorative justice and control groups. For both groups, once the monthly quotas are met, intake officers cease screening efforts to place youths into the program. At the beginning of each month, the assignment process is re-instituted.

Youth Participant Characteristics

From September 1, 1997 through September 30, 1999, 458 youthful offenders participated in the Restorative Justice Conferencing Experiment. Of these, 232 were assigned to the restorative justice group, while the remaining 226 comprised the "control group." Tables 1 through 5 provide descriptive characteristics of both groups of youths.

Table 1 Race Breakdown-- Restorative Justice/Control Group Participants*

Race	Restorative Justice		Control Group		Row Totals	
	N	%	N	%	N	%
Non-White**	135	58	143	63	278	61
White Only	97	42	83	37	180	39
Column Totals	232	100	226	100	458	100

* Chi-square comparison not significant

**Given there were only three Hispanics and one self-identified (other categorized respondent), these four cases were grouped in the non-white category.

Table 1 reports the racial composition of the restorative justice and control group. The control group included slightly more non-white youths (63%) than did the RJ group (58%), though the differences were not statistically significant. These percentages are consistent with the general population of Indianapolis adjudicated delinquents in 1998,

which consisted of 62% non-white offenders (Marion County Juvenile Probation Annual Report, 1999).

Table 2 Gender Breakdown--Restorative Justice/Control Group Participants*

Gender	Restorative Justice		Control Group		Row Totals	
	N	%	N	%	N	%
Male	159	68	129	57	288	63
Female	73	32	97	43	170	37
Column Totals	232	100	226	100	458	100

*Chi-square significant $\leq .05$

In terms of gender, given that approximately sixty-five percent of adjudicated juveniles in Marion County last year were male, the finding that 63 percent of the experimental sample was male suggests it is a representative sample (see Table 2). There were, however, more males in the RJ group (68%) than in the control group (57%). In early analyses we were concerned about the overrepresentation of males in the RJ group. As the sample size has increased, however, the relative distribution has become more even between the two groups suggesting that the randomization process is "smoothing out" the initial uneven distribution.

Table 3 Age Breakdown--Restorative Justice/Control Group Participants

Age	Restorative Justice		Control Group		Row Totals	
	N	%	N	%	N	%
16	0	0	1	.4	1	.2
15	1	.4	4	1.8	5	1.1
14	75	32.3	72	31.9	147	32
13	62	26.7	60	26.5	122	26.6
12	45	19.4	53	23.5	98	21.4
11	26	11.2	19	8.4	45	10
10	12	5.2	12	5.3	24	5.2
9	8	3.4	2	1	10	2.2
8	2	.9	3	1.3	5	1.1
7	1	.4	0	0	1	.2
Column Totals	232	100	226	100	458	100

Table 3 reports the age distribution for both the restorative justice and control groups. The median age for both groups was 13.0. It is important to note that median ages are younger in the restorative justice and control groups than in the general population of adjudicated juveniles because participants of our program must be 14 years of age or younger. The age breakdowns of the RJ and control groups were quite similar with approximately one-third age 14, just over one-quarter age 13, and approximately 40

percent ages 12 and younger. It is in these young age groups that prior research has suggested high rates of re-offending (Snyder and Sickmund, 1995).

Table 4 Diversion Program Breakdown

Diversion Program	Number	Percent
Restorative Justice	232	51
Shoplifting Program	88	19
Garden Project	9	2
Victim Offender Mediation	70	15
Volunteer Services	1	.2
Paint It Clean	4	.9
TNT	1	.2
Essay	3	.7
NCTI	5	1
Operations Kids Can	15	3
Teen Court	16	4
Community Service	5	1
Other	9	2
Total	458	100

Table 4 contrasts the participants in RJ conferences with the range of other diversion programs. The two largest diversion categories were the shoplifting program and the victim offender mediation program. The other youths were spread over a wide variety of other programs.

The fact that Marion County relies on victim offender mediation (VOM) as well as RJ conferences is interesting. VOM shares many similarities with RJ (victim and offending youth meet face-to-face). The key distinction is that VOM relies on trained mediators and they typically do not include a range of supporters of the offending youth and victim. Given the similarities, however, some of the differences between the RJ and control group may be less than would be expected with comparisons to other types of court-ordered programs. Consequently, in later stages of this project we intend to compare RJ to the control group excluding VOM participants as well as to the specific VOM group.

Table 5 reports the frequency of primary offenses for both the restorative justice and control groups. As indicated in the Table, conversion (shoplifting) was the most frequently committed offense followed by battery, theft, and criminal mischief. The control group included slightly more shoplifting cases whereas the RJ group included more theft charges. Combining the two categories produces quite equivalent groups, however. Battery, or assault, charges comprised one-quarter of both samples.

Table 5 Primary Offense Committed By Restorative Justice/Control Group Participants

Primary Offense	Restorative Justice		Control Group		Row Totals	
	N	%	N	%	N	%
Conversion	84	36	105	46	189	41
Battery	59	25	56	25	115	25
Theft	36	16	22	10	58	13
Criminal Mischief	26	11	17	8	43	9
Disorderly Conduct	14	6	18	8	32	7
Trespass	7	3	5	2	12	3
Other	5	2	3	1	8	2
Intimidation	1	.4	0	0	1	.2
Column Totals	232	100	226	100	458	100

MEASURES

This investigation employs both process and outcome measures. Again, the aim of the project is to determine the effectiveness of the restorative justice conferencing program compared with youthful offenders diverted from the juvenile court. Below, we list measures employed in this research project.

Process Measures: Observation of Restorative Justice Conference Cases

- Length of Proceeding
- Role of Conference Coordinator
- Involvement of Offender, Youth Supporter, Victim, and Victim Supporter(s)
- Expressions of Shame, Apology, and Acceptance of Offender
- Elements of Reparation Agreement

Outcome Measures:

Post-Conference/Diversion Surveys with Offending Youths, Victims, Victim Supporter(s), Offender's Parents or Supporters

- Satisfaction with Restorative Justice Conference or Diversion Program
- Participation in Conference or Designated Program
- Perception of Participant's Behavior During Conference
- Value of Program
- Sense of Justice

1 yr. Follow-up Interview with Offending Youth (RJ and Control Group Participants)

- Self-Reported Offending
- Family and Peer Relationships
- School Performance
- Work Involvement

1 yr. Follow-up Interview with the Victim (RJ and Control Group Participants)

- Sense of Justice
- Overall satisfaction with how case was handled
- Degree to which victim had input into how case was handled
- Re-victimization

6-Month Recidivism Analysis

- Re-arrest and Conviction Rate
- Time to Failure
- Seriousness of Subsequent Offense(s)

12-Month Recidivism Analysis

- Re-arrest and Conviction Rate
- Time to Failure
- Seriousness of Subsequent Offense(s)

In terms of the recidivism analysis, at this point the sample size is not large enough to adequately examine time to failure and the seriousness of subsequent offenses. Further, only a small number of youths have completed programs and reached the 12-month point for assessment of re-arrest. Consequently, our analyses are fairly limited. More complete analyses will be conducted in the Stage Two phase following an additional year of data collection. Similarly, the sample size precludes detailed analyses of different subgroups (gender; race; type of offense) or for addressing theoretical questions by relating survey responses to re-arrest data. These will also be investigated in the second phase of the project.

STAGE ONE RESULTS

Observations of Conferences

One set of measures was obtained through the observation of RJ conferences. Specifically, we examine the length of proceeding, role of conference coordinator, involvement of offender, youth supporter, victim, and victim supporter, expressions of shame, apology, and acceptance of offender, and elements included in the reparation agreement. From September 1, 1997 through September 30, 1999, 182 conferences had

been conducted. Among these, 157 conferences (86%) have been observed by one of fifteen trained observers.

Length of Proceeding. Restorative justice conferences involving the offending youth, victim and respective supporter(s) had an average duration of 43 minutes. Additionally, the reintegration ceremony averaged 10 minutes from the close of the conference.

Role of Conference Coordinator. Table 6 presents data on the role of the conference coordinator on five separate dimensions. Generally, the results suggest that conference coordinators followed the principles of RJ conferencing. Observers noted that the coordinator maintained a distinction between the youth (valued member of community) and his behavior (condemning the act). Coordinators would bring the discussion back to the incident and they rarely lectured the youth. Coordinators also were seen as doing an effective job eliciting the involvement of all conference participants.

In approximately one-half of the conferences, the coordinator made suggestions regarding the reparation agreement. The theory of RJ conferences would suggest that the coordinator should not do so, allowing the participants to clearly maintain ownership of the issue. Reality, however, suggests that sometimes participants struggle with ideas for appropriate reparation. It appears to be these occasions where a coordinator can effectively suggest types of activities used in other situations that the participants could then modify to meet specific circumstances.

Table 6 Observations of Conference Coordinator

Role of Coordinator	Strongly Agree %	Agree %	Neutral %	Disagree %	Strongly Disagree %	Total N
Coordinator Maintained Distinction Between Youth & his/her Behavior	60	37	3	0	0	156
Coordinator Refocused Discussion if it Strayed from current offense	24	61	14	1	1	156
Coordinator lectured the Youth	2	7	3	22	66	156
Coordinator Allowed Everyone to Participate	78	21	0	1	0	156
Coordinator Made Suggestions for the Reparation Agreement	7	30	8	29	25	153

Involvement of Offender, Victim, and Supporters. Tables 7, 8, 9, and 10 assess conference observers' perceptions of respect, defiance, and shame/apology and general conference outcomes among conference participants. As Table 7 indicates, observers reported that all the participants tended to display respect toward the offending youth. In a large majority of conferences the youth was also seen as conveying respect toward the victim. In approximately 22 percent of conferences the observer did not believe the offending youth was respectful toward the victim.

Table 7 Respect Among Conference Participants

Respect Given	Strongly Agree %	Agree %	Neutral %	Disagree %	Strongly Disagree %	Total N
By Group to Youth	54	41	5	0	0	153
By Youth to Victim	26	48	12	12	10	50*
By Victim to Youth	42	47	9	3	0	150
By Victim Supporter to Youth	26	40	34	0	0	140
By Youth Supporter to Youth	43	48	8	1	0	154

***This variable was recently included in the observation sheet.**

Observers typically report that youth offenders, victims, and supporters were not defiant (see Table 8). In nearly all the conferences, the group expressed disapproval of the act. In over 80 percent of the conferences observers reported the youth apologized to the victim and in half the conferences the youth apologized to his/her own supporters. Observers also reported that youths expressed remorse (76%) and understood the injury or harm they had caused (66%). Over 80 percent of the conferences appeared to include the victim and the group forgiving the youth and in three-quarters of the conferences the observer reported a strong sense of reintegration at the conference close (see Table 9).

Table 8 Defiance Amongst Conference Participants

Defiance Shown	Strongly Agree %	Agree %	Neutral %	Disagree %	Strongly Disagree %	Total N
By Youth	2	12	10	24	52	154
By Victim	0	4	7	27	62	150
By Youth Supporter	1	4	8	27	60	155
By Victim Supporter	0	1	30	22	47	144

Table 9 Expressions of Shame, Apology, and Acceptance of Offender

Expressions of Participants	Strongly Agree %	Agree %	Neutral %	Disagree %	Strongly Disagree %	Total N
Group Showed Disapproval of Act	57	38	2	1	2	155
Youth Apologized to Victim	36	48	6	3	7	152
Youth Apologized to Youth Supporters	19	34	24	14	9	152
Youth Expressed Remorse	24	52	9	8	7	156
Youth Understood Injury	17	49	18	10	6	156
Group Forgave	22	61	11	4	2	151
Victim Forgave	24	59	14	1	2	148
Strong Sense of Reintegration at Closing	19	57	12	8	4	143

In all the conferences all the participants signed the reparation agreement. Observers reported that victims appeared to be satisfied in over 80 percent of the conferences and three-quarters of the conferences were judged by observers to be positive. Observers also reported that in over 80 percent of the conferences someone was appointed to hold the youth accountable to the terms of the reparation agreement. Thus, rather than have a court official monitor the agreement someone from the community of support volunteered to hold the youth accountable. This person was then contacted by the Marion County RJ Coordinator to verify completion of the agreement (see Table 10).

Table 10 General Observations of Conference Process

General Observations	Strongly Agree %	Agree %	Neutral %	Disagree %	Strongly Disagree %	Total N
Group Appointed Person To Hold Youth Accountable	28	56	7	6	3	149
All Participants Signed Reparation Agreement	100	0	0	0	0	157
Victim Satisfied with Conference Outcome	25	61	11	1	2	150
Positively Rate Overall Conference	29	48	18	3	2	157

Elements of Reparation Agreement. Apology was the most common element of agreements (62%), though to some extent this under-represents the frequency of apologies because many conferences have already witnessed an apology and it may not be written into the formal agreement (see Table 11). Other common elements included monetary restitution to the victim, personal service, and community service. Over half the conferences included other elements. These were typically activities that the group tailored to the specific circumstances. Examples include imposing a nightly curfew, improving grades or school attendance, or participating in afterschool programs.

Table 11 Elements of Reparation Agreement

Element	Percentage of Time Element was Included in Reparation Agreement
Apology	62%
Monetary	42%
Personal Service	36%
Community Service	24%
Other	57%

The observations suggest that to a significant extent the conferences are being implemented as intended. Victims appear to be satisfied, youths appear to understand how they have harmed others, victims and youths appear to be treated with respect. Yet, these impressions come from external research observers. To tap into the most important perceptions, however, we turn to results from interviews with victims, offending youths, and their parents.

Post-Conference/Diversion Surveys

A significant part of this study is to assess how victims, offenders, and respective supporters felt about restorative justice conferencing as an alternative to traditional court-ordered programs. Part of this assessment involves exploring how perceptions of conferencing compare to perceptions of other diversion programs. Surveys were developed for victims, offenders, and parents of offenders who had either gone through a conference or through one of the other diversion programs. The goal was to collect data on participant's attitudes and beliefs about how their cases were handled, as well as their sense of justice. Those who participated in conferences received a slightly different questionnaire than those whose cases went through another type of diversion program. While similar questions were included to allow for comparison, other questions were specific to the type of program.

Initially, there were delays in implementing the interview procedures. Consequently, the sample size for the interviews is smaller than for the total sample of conference and control group cases.⁴ Thus, the results presented from the interviews come principally from cases occurring during late 1998 and 1999. Given the small sample size, we report descriptive findings without assessing the statistical significance of the findings. More detailed assessments will be included in the second stage of this project.

Satisfaction. Table 12 presents the results of a question that asked participants how satisfied they were with the way in which the case was handled. The most significant difference was for victims. Over 90 percent of victims in conferenced cases either strongly agreed or agreed that they were satisfied. This compared to 68 percent of the victims in the control group. There were few differences for either youths or parents. Overall, high levels of satisfaction were expressed with control group youths and parents

⁴ Conference victims (N=42); control group victims (N=50); conference youths (N=52); control group youths (N=47); conference parents (N=52); control group parents (N=47).

slightly more likely to express satisfaction. This may indicate the extra demands (time, accountability) placed on youths and parents in the conferences.

Table 12 Satisfaction With The Way Case Was Handled

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Conferenced Victim	10	24	29	69	1	2	2	5	0	0
Control Victim	4	8	30	60	5	10	7	14	4	8
Conferenced Youth	4	8	40	82	4	8	1	2	0	0
Control Youth	5	11	40	85	2	4	0	0	0	0
Conferenced Parent	16	31	23	44	1	2	3	6	0	0
Control Parent	19	40	18	38	5	11	3	6	2	4

The next item asked participants whether they would recommend the program to a friend involved in a similar situation. Again, the most significant difference between the groups was for victims. Nearly all the victims involved in conferences (98%) said they would recommend this approach compared to one-quarter of the victims in the control group. Youths involved in conferences were also more likely to say they would recommend this approach (85% compared to 38%). There were no differences among parents (see Table 13).

Table 13 Would Recommend the Program to a Friend in a Similar Situation

	Yes		No		Don't Know	
	N	%	N	%	N	%
Conferenced Victim	41	98	0	0	1	2
Control Victim	12	24	22	44	16	32
Conferenced Youth	44	85	1	2	7	14
Control Youth	18	38	16	34	13	28
Conferenced Parent	48	94	4	6	0	0
Control Parent	41	87	4	8	2	4

Another indication of satisfaction, or dissatisfaction, is whether the participants would recommend discontinuing the program. Most of the participants would not recommend stopping either conferences or the control group programs. Conference participants, however, were most likely to endorse continuing the program. For example, none of the victims involved in conferences agreed they should be discontinued. Just over one-fifth of the control group victims agreed the program should be stopped. Nineteen percent of youths in conferences recommended discontinuing the program compared to 36 percent in the control group. Seventeen percent of conference parents compared to 25 percent of control group parents recommended stopping the program (see Table 14).

Table 14 Feel the Government Should Stop Offering the Program as an Alternative to Court

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Conferenced Victim	0	0	0	0	0	0	18	43	24	57
Control Victim	5	10	6	12	38	76	1	2	0	0
Conferenced Youth	2	4	8	15	6	12	28	54	8	15
Control Youth	0	0	17	36	18	38	12	26	0	0
Conferenced Parent	7	14	2	4	2	4	20	38	21	40
Control Parent	2	4	10	21	19	40	16	34	0	0

The final overall indicator of satisfaction asked participants whether the program is a good way to deal with some kinds of juvenile crime. Here, both conferences and the other court programs received strong endorsements. For victims and youths, the control group program participants were more likely to state they strongly agreed with the question. For parents, those involved in conferences were more likely to strongly agree than were those in the control group. When collapsing agree and strongly agree response categories, few differences among conference and control group participants emerged (see Table 15).

Table 15 Feel the Program is a Good Way to Deal with some Kinds of Juvenile Crime

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Conferenced Victim	15	36	27	64	0	0	0	0	0	0
Control Victim	33	66	16	32	1	2	0	0	0	0
Conferenced Youth	3	6	34	65	6	12	9	17	0	0
Control Youth	15	32	25	53	7	15	0	0	0	0
Conferenced Parent	26	51	21	41	0	0	2	4	1	2
Control Parent	15	32	27	57	5	11	0	0	0	0

Perceptions of Respect and Involvement. Participants in both conferences and the control group programs all felt they were treated with respect. There were no real differences among treatment or control groups for victims, youths, or parents (see Table 16).

Table 16 Felt Treated with Respect

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Conferenced Victim	27	64	15	36	0	0	0	0	0	0
Control Victim	20	40	28	56	2	4	0	0	0	0
Conferenced Youth	7	14	40	67	3	6	2	4	3	6
Control Youth	5	11	35	74	5	11	2	4	0	0
Conferenced Parent	20	38	25	48	3	6	4	8	0	0
Control Parent	18	38	23	49	6	13	0	0	0	0

None of the victims involved in conferences reported that they felt they were pushed around. Approximately one-fifth of youths and 15 percent of parents in conferences felt pushed around but this was lower than that reported by youths and parents in the control group (see Table 17).

Table 17 Felt Pushed Around

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Conferenced Victim	0	0	0	0	0	0	12	29	30	71
Control Victim*										
Conferenced Youth	3	6	7	14	3	6	32	62	7	14
Control Youth	3	6	18	38	4	8	19	40	3	6
Conferenced Parent	6	12	2	4	1	2	24	46	19	36
Control Parent	11	23	7	15	6	13	12	26	11	23

*This question was not included in the control group victim survey

There were, however, differences when asked whether they felt involved in the process. The very principles of conferences are built on the participation of the affected parties and the results indicate these principles are being achieved. Nearly all the conference victims (97%) agreed they were involved. This compared to 38 percent of the control group victims. Youths involved in conferences were also much more likely than control group youths to feel they were involved (84% and 47%, respectively). Nearly 80 percent of conference parents felt involved compared to 40 percent of parents in the control group (see Table 18).

Table 18 Felt Involved in Process

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Conferenced Victim	19	45	22	52	1	2	0	0	0	0
Control Victim	6	12	13	26	7	14	22	44	2	4
Conferenced Youth	9	17	35	67	3	6	2	4	3	6
Control Youth	1	2	21	45	12	26	12	26	1	2
Conferenced Parent	20	38	21	40	1	2	4	8	6	12
Control Parent	11	23	8	17	10	21	7	15	11	24

Participants in conferences were also more likely to report that they had the opportunity to express their views. For victims, 95 percent of the conference victims agreed they had this opportunity compared to 56 percent of victims in the control group. For youths, 86 percent of conferenced youths felt they had the opportunity to express their views compared to 55 percent of those in the control group. Finally, for parents the comparable figures were 90 and 68 percent for conference and control group members, respectively (see Table 19).

Table 19 Felt I had the Opportunity to Express my Views

	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%	N	%	N	%	N	%	N	%
Conferenced Victim	19	45	21	50	0	0	2	5	0	0
Control Victim	6	12	22	44	3	6	11	22	8	16
Conferenced Youth	10	19	35	67	3	6	1	2	3	6
Control Youth	1	2	25	53	12	26	9	19	0	0
Conferenced Parent	25	48	22	42	0	0	6	2	0	0
Control Parent	17	36	15	32	2	4	11	23	2	4

Perception of Outcomes. Large majorities of participants in both conferences and the control group reported that they believed the outcome in the case was fair. Victims involved in conferences were more likely to describe the outcome as lenient than were their control group counterparts (36% and 14%, respectively). Conferenced youths were slightly less likely to describe the outcome as lenient whereas conference parents were somewhat more likely to describe the outcome as lenient.

Table 20 Perception of the Outcome

	Much too lenient		Somewhat lenient		Fair		Somewhat severe		Much too severe	
	N	%	N	%	N	%	N	%	N	%
Conferenced Victim	4	10	11	26	27	64	0	0	0	0
Control Victim	1	2	6	12	43	86	0	0	0	0
Conferenced Youth	1	2	8	15	39	75	3	6	1	2
Control Youth	3	6	8	17	32	68	4	8	0	0
Conferenced Youth	2	4	15	29	32	62	3	6	0	0
Control Parent	0	0	2	10	33	70	4	8	0	0

Conference participants were more likely to report that the program had helped to solve problems. Over three-quarters of conference victims reported this compared to one-half of control group victims. Over 80 percent of conferenced youths and parents reported that problems were solved. This compared to 58 and 72 percent of control group youths and parents (see Table 21).

Table 21 Think the Program Helped Solve any Problems

	Definitely		Somewhat		Not really		Not at all	
	N	%	N	%	N	%	N	%
Conferenced Victim	14	33	19	45	9	22	0	0
Control Victim	3	6	22	44	23	46	2	4
Conferenced Youth	14	27	29	56	7	14	2	4
Control Youth	2	4	25	53	14	30	6	13
Conferenced Parent	23	44	22	42	5	10	2	4
Control Parent	17	36	17	36	11	23	2	4

Summary of Public Perceptions. Interesting patterns emerge in the interview data. Overall, there appears to be reasonably high levels of satisfaction among participants in conferences and in other court-ordered programs (control group programs). Thus, the Indianapolis program does not involve a comparison of restorative justice programs to court-ordered programs that are perceived as failing.

The conference approach does appear to make a positive difference for victims. Victims were more satisfied with how their case was handled, much more likely to recommend the conference approach to a friend, and felt that they were treated with respect. Consistent with the principles of restorative justice, victims participating in conferences were much more likely to report they were involved in the process and that they had the opportunity to express their views.

For youths and parents, on many items there were no differences with control group participants. On the items considered to be at the core of the RJ approach, however, there were significant differences. Conference participants, youths and parents alike, were more likely to feel involved, to have had a say in the matter, and to have had problems solved than were control group participants.

Program Completion and Re-Arrest

Observations of conferences suggest that they were implemented in a fashion consistent with restorative justice philosophy and principles. The interview data suggest that conferences better addressed the needs of victims than was the case with many other programs. Parents and youths reported high levels of participation and involvement in the process. Yet, for many policymakers the fundamental question is the impact on future offending. In this case, recidivism rates of restorative justice conference participants can be compared to those youths that were eligible for, but not assigned to,

the restorative justice program (e.g., the control group). Recidivism can be operationalized as whether the youth was re-arrested after the initial arrest that brought the youth to the juvenile justice system for the first time. Recidivism analysis was conducted for both groups at six- and twelve-month intervals.

Program Completion. Table 22 assesses the completion of diversion programs for RJ participants and those assigned to the control group. As suggested by these findings, youths participating in RJ conferences demonstrated a significantly higher completion rate than youths in the control group who may be assigned to any of the other 23 diversion programs (83% versus 58%, respectively).

Table 22 Completion of Diversion Program*

Group	Completed		Failed to Complete		Totals
	N	%	N	%	
Restorative Justice	138	83	29	17	167
Control Group	97	58	71	42	168
Totals	235	70	100	30	335

* Chi-square significant $\leq .001$

As Table 23 indicates, the majority of youths within the restorative justice group (N=11) were re-arrested prior to attending the conference. In contrast, control group participants largely failed to complete the assigned diversion program due to juvenile waiver from program (N=23).

Table 23 Reason For Non-Completion of Diversion Program

Reason	RJ Group		Control Group		Totals	
	N	%	N	%	N	%
Completed Diversion Program	138	83	97	58	235	70
Re-Arrested Prior to Conference/Diversion Program	11	7	4	2	15	4
No Show	4	2	1	.7	5	2
Waived	1	.5	26	15	27	8
Moved out of State	5	3	0	0	5	2
Refused to Complete	1	.5	2	1.3	3	1
Unable to Contact	2	1	0	0	2	1
Failed	5	3	10	6	15	4
Reason Unknown	0	0	28	17	28	8
Total	167		168		335	100

6-Month Recidivism Analysis. Table 24 presents the results of the six-month re-arrest rate for the total sample of cases that have reached the six-month stage. As the Table indicates, the restorative justice group had fewer recidivists than the control group by a margin of 13.5 percent. This represents a 40 percent reduction in re-arrest and is a statistically significant difference.

Table 24 Contact with Court since Initial Incident (full sample)—6 Months*

Group	Contact with Court		No Contact with Court		Totals
	N	%	N	%	
Restorative Justice	34	20.4	133	79.6	167
Control Group	57	33.9	111	66.1	168
Totals	91	27.2	244	72.8	335

* Chi-square statistically significant $\leq .01$

The next table compares the re-arrest rates for youths that successfully completed either the RJ program or the control group program. In effect, this limits the comparison to those youths that successfully completed the "treatment." This is a conservative test of the RJ program because, as noted above, RJ youths completed their assigned program at a much higher rate than did youths in the control group. Thus, presumably the group of RJ program completers included a larger portion of "higher-risk" youths than was the case with the control group (where larger numbers of higher risk youths did not complete the diversion program). Yet, here too we see a significant reduction in the re-arrest rates (12.3% compared to 22.7% for RJ and control group youths, respectively). This represents a 46 percent reduction in the recidivism rate and is statistically significant.

Table 25 Youths Who Have Had Contact With Court After Having Completed Assigned Diversion Program — 6 Months*

Diversion Program Completed	Contact with Court		No Contact with Court		Column Totals	
	N	%	N	%	N	%
Restorative Justice	17	12.3	121	87.7	138	100
Control Group	22	22.7	75	77.3	97	100
Row Totals	39	16.6	196	83.4	235	100

* Chi-square statistically significant $\leq .05$

12-Month Recidivism Analysis. Table 26 reports the re-arrest rates for the total sample of cases that have reached the 12-month stage following the initial arrest. Just over 30 percent (30.1%) of the youths participating in RJ conferences were re-arrested at 12 months. This compares to 42.3 percent of the youths in the control group and represents a 29 percent reduction in recidivism.

Table 26 Contact with Court since Initial Incident (full sample)--12 Months*

Group	Contact with Court		No Contact with Court		Totals	
	N	%	N	%	N	%
Restorative Justice	47	30.1	109	69.9	156	100
Control Group	66	42.3	90	58.4	156	100
Totals	113	36.2	199	63.8	312	100

* Chi-square statistically significant $\leq .05$

When we examine re-arrest rates for only those youths who successfully completed the program, the pattern is consistent but the results have not achieved statistical significance. Specifically, 23.2% of youths that successfully completed the restorative justice program were re-arrested at 12 months. This compares to 29 percent of the youths that successfully completed the diversion program (see Table 27).

The lack of statistical significance is likely due to two factors. First, these cases represent the earliest cases in the experiment. During this early period implementation problems often led to delay in scheduling conferences. Second, the number of successfully completed cases, particularly among the control group, is significantly smaller thus raising the issue of sufficient statistical power. We will continue to monitor these findings to test whether the 12-month re-arrest comparison of youths who successfully completed the program achieves statistical significance with a sufficient sample size.⁵

Table 27 Youths Who Have Had Contact With Court After Having Completed Assigned Diversion Program — 12 Months*

Diversion Program Completed	Contact with Court		No Contact with Court		Column Totals	
	N	%	N	%	N	%
Restorative Justice	29	23.2	96	76.8	125	100
Control Group	27	29.0	66	71.0	93	100
Row Totals	56	25.7	162	74.3	218	100

* Chi-square not statistically significant ($p = .33$)

Sub-group Comparisons. In the second stage of this project we will examine carefully whether the conferences seem to have more of an effect on particular types of cases or for some groups of youths. At this point in the study, the sample sizes become quite small when the treatment and control groups are divided by characteristics such as offense, gender, and race. We therefore do not provide these breakdowns in the present report. We have, however, examined the results for three sets of variables: offense, gender, and race.

⁵ Similarly, in subsequent stages of the project we will consider issues such as the length of time between program completion and re-arrest and the seriousness of subsequent offending.

In terms of offense we have compared youths arrested for property offenses with youths arrested for person offenses. Property offenders had lower re-arrest rates than did person offenders but the reductions in re-arrest for youths attending conferences were consistent for both groups of offenses.

In terms of gender, both males and females attending conferences witnessed a reduction in re-arrest. The decline for females was larger, however, than was the decline for males.

There were no racial differences in terms of re-arrest for either conferenced youths or those in the control groups. The reduction in re-arrest for youths attending conferences was consistent for white and non-white youths.

Thus, the effects described for conferences appear to be consistent for youths varying by offense, gender, and race. The results should be considered preliminary, however, until further analyses with larger sample sizes can verify these findings.

SUMMARY AND CONCLUSIONS

Recent years have witnessed considerable interest in restorative justice approaches and in conferences in particular. The current research, coupled with prior studies, provides support for continued development and experimentation with the use of restorative justice conferences.

One of the basic findings is that conferences can be successfully implemented in an urban, U.S. setting. Over 80 percent of the youths referred to a conference are attending conferences and successfully completing the terms of the reparation agreement. For Indianapolis, this compared very favorably with other court-related diversion programs.

Trained observers reported that conferences appeared to be implemented according to restorative justice principles such as inclusion of affected parties, respect, and problem solving. Victims received apologies and other mutually agreed to actions were included in the agreements. These characteristics translated into victims reporting high levels of satisfaction.

Interesting patterns emerge in the interview data. Overall, there appears to be reasonably high levels of satisfaction among participants in conferences and in other court-ordered programs (control group programs). Thus, the Indianapolis program does not involve a comparison of restorative justice programs to court-ordered programs that are perceived as failing.

The conference approach does appear to make a positive difference for victims. Victims were more satisfied with how their case was handled, much more likely to recommend the conference approach to a friend, and felt that they were treated with respect. Consistent with the principles of restorative justice, victims participating in conferences

were much more likely to report they were involved in the process and that they had the opportunity to express their views.

For youths and parents, on many items there were no differences with control group participants. On the items considered to be at the core of the restorative justice approach, however, there were significant differences. Conference participants, youths and parents alike, were more likely to feel involved; to have had a say in the matter, and to have had problems solved than were control group participants.

In terms of re-offending, the results are also promising. For both the total sample, and for youths successfully completing their diversion programs, youths attending conferences were significantly less likely to be re-arrested six months after the initial incident. Similar findings were observed at 12 months for the total sample.

In subsequent stages of this project we seek to confirm these initial results with larger samples. Additionally, larger samples will allow us to address theoretical questions by relating survey findings from offending youths, parents, and victims to re-offending rates. Larger samples will also allow us to more thoroughly examine the results for different subgroups (e.g., differences by gender, race, age, and offense type). Additionally, we plan to address the issue of the police role as conference facilitator. Does it make a difference, for victims or for youths, if the facilitator is a uniformed police officer or a civilian? Finally, we hope to extend the experiment to a broader range of offenses and for youths with prior experience in the court. This will allow us to test whether these initial promising results are generalizable to more serious youth offenders.

Consistent with prior research, the Indianapolis results suggest that restorative justice conferences do better address the needs of many victims of youth offending. Additionally, these results suggest that conferences hold promise as an early intervention with young, first-time, juvenile offenders. Given the high rate of re-offending among very young children who enter juvenile court, these findings are encouraging and suggest continued experimentation and assessment of the restorative justice conference approach.

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