



Restorative Justice Section of the Academy of Criminal Justice Sciences

Editors:

John Wilt, MA, MS
MaryAnn Thrush, PhD

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Dear Restorative & Community Justice Section Members,

We are excited to bring you the revitalized annual newsletter of the Restorative & Community Justice Section. Our last publication of Dialogue was in 2017. I believe it goes without saying but, I will say it anyway, the world looks and feels like a different place. One thing that has remained through it all, is this section and the incredible work of its members. Therefore, I would like to first thank all of you, the membership of this section, for your continued dedication and support of the section and our mission. I would also like to thank on behalf of the section, Dr. Rachel Cunliffe, the outgoing Chair and our fearless leader throughout the pandemic. Dr. Cunliffe's commitment to this section since its inception is unparalleled. Speaking personally, without her guidance I would not have been able to take on this role, and my work within restorative spaces would be much less purposeful.

Since beginning my term as Chair last year I have also had the privilege of meeting with many of you, and speaking with you about your work. It is in these spaces that I continue to draw inspiration and hope. The section has always been about building and fostering relationships that can help to expand and shape the ways in which we do restorative and community justice. From the classroom to the courtroom, this edition of Dialogue will highlight the diversity of member contributions to restorative and community justice throughout the country. We hope that you take the time to engage with the authors and their work.

As we move forward into the New Year, the section executive board, and our subcommittees, are working on a variety of ways to promote the scholarship of our members. This includes exploring the creation of a journal through the section, holding regular symposiums, and increasing our social media presence. We also hope that these outlets will allow for increased networking opportunities both between section members and with individuals and agencies working in restorative and community spaces outside of the section. Please reach out if you would like to help in these efforts!

All these things and more will be discussed at this year's annual meeting in Las Vegas, Nevada beginning on March 15th. There are a number of restorative and community panels and roundtables throughout the week, so please take the time to highlight them and to attend if you will be traveling to the conference. We will hold a section meeting on Thursday, March 17th at 3:30 pm (Conference Center: Amazon S and T). Unfortunately, we cannot offer a virtual option for attendance, but if there is anything you would like to see discussed, please reach out to me, or one of the other members who will be in attendance. In closing, we wish for safety and good health for all of you and we hope we get to see you in person in Las Vegas.

Sincerely,
Tim Holler



**Restorative Justice Section
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UNIVERSITY OF NEBRASKA AT OMAHA

JUVENILE JUSTICE INSTITUTE

Nebraska Juvenile Justice System Reform through Restorative Justice

The Nebraska Administrative Office of the Courts and Probation- Office of Dispute Resolution was awarded a \$1M, 3-year grant from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). The grant will help implement the Juvenile Restorative Justice and Family Intervention Initiative; a statewide “upstream” program geared at diverting youth under the age of 18 from the court system.

The Office of Dispute Resolution (ODR) will work with approved mediation centers to provide the following models at no cost: 1) Victim Youth Conferencing, 2) Juvenile Justice Family Conferencing, 3) Juvenile Justice Family Group Conferencing, and 4) Excessive Absenteeism Conferencing. Each of these services has a different structure, objectives, and target population. Referrals for these restorative processes come through pre-court (e.g., school-based referral) or a local diversion office.

The overall goals of this initiative are the same – reducing recidivism; reducing disproportionate contact with the justice system for youth of color; and having a positive impact on youth and their families leading to success in school (i.e., staying in school) and, therefore, breaking the school to prison pipeline.

The Juvenile Justice Institute (JJI) at the University of Nebraska at Omaha will conduct the initiative’s external evaluation. The evaluation will examine whether youth who participate in restorative practices are more likely to complete the program they are involved in, and less likely to commit subsequent law violations or recidivate. The JJI will work collaboratively with ODR to define the restorative practices and protocol being utilized within the four models. Because random assignment is not possible, if comparator youth/cases are available, the JJI will collaborate with other university personnel to utilize propensity score matching, and other statistical tools, to reduce possible selection bias.

Finally, the initiative will form a stakeholder engagement group. This group will review case and evaluation data and compare outcomes to goals. If goals are not being achieved, this group will make recommendations for program adjustments to help ensure the success of the initiative. Focus groups and interviews will also be conducted to better understand perspectives related to restorative justice. This information will assist with the creation of educational material provided to schools, diversion offices, county attorneys, defense attorneys, and the general public.

For more information about ACJS member, The Juvenile Justice Institute and their evidence based juvenile justice work follow them on Facebook or their website: Juvenile Justice Institute | University of Nebraska Omaha (unomaha.edu)



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Social Psychological Processes and Restorative Justice

Drs. Heather L. Scheuerman (James Madison University) and Shelley Keith (The University of Memphis) research how social psychological processes affect the dynamics and operation of restorative justice, with a specific focus on restorative justice conferences. Using data from the Reintegrative Shaming Experiments (RISE) conducted in Canberra, Australia, their work has shown how various aspects of offenders and restorative justice participants affect reintegration, the experience of shame, and projected conformity. Specifically, their research has highlighted the importance of the operation of various types of justice (distributive, procedural, and interactional) within conferences and the complex role various others (victims, victim supporters, offender supporters, and community members) play in affecting how the restorative justice conference is experienced. Their recent research investigates how gender affects conferencing and how restorative justice influences family relationships. Regarding the former, their article, “Experiencing Shame: How Does Gender Affect the Interpersonal Dynamics of Restorative Justice?” (published in *Feminist Criminology*), implicates the importance of training all conference participants to mitigate the potential stigmatization of female offenders. Another article, “A Family Affair: The Effect of Criminal Justice Processing on Family Relationships (forthcoming in *Contemporary Perspectives of Family Research*), focuses on the importance of reintegrative shaming in mediating the relationship between criminal justice processing and the strength of family relationships, noting how conferences strengthen family ties to a greater extent than courts. Future work involves the investigation of how gender may also affect how offenders manage their shame in the context of restorative conferencing.

Dialogue Editors

John Wilt, MA, MS, is Professor Emeritus and Adjunct Instructor at Blue Ridge Community College & Mary Baldwin University

MaryAnn Thrush, PhD, is an Associate Professor at Lincoln Memorial University

ACJS

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The School of Criminal Justice and Criminology at the University of Arkansas at Little Rock (UA Little Rock) has been awarded a National Science Foundation (NSF) grant to establish a Research Experiences for Undergraduates (REU) program. Over the next three summers, we will be inviting 30 outstanding undergraduate students (10 new students per year) to our campus to enhance their research and professional skills through workshops, faculty mentoring, and hands-on field research. A description of the REU is provided below. If you will, please forward this email and program flyer to your undergraduate students and encourage them to consider the submission of an application.

University of Arkansas at Little Rock - The Scope and Consequences of Hate Crime Victimization in the South

This Research Experience for Undergraduates (REU) Program offers 30 talented undergraduates a funded opportunity to engage in research to understand the 1) experiences, perceptions, and concerns of Muslims in Arkansas with regard to stigmatization and victimization based on religion, 2) the extent and scope of anti-Muslim hate crimes in Arkansas, 3) policies, procedures, and decision-making processes of the law enforcement who handle hate crime incidents in Arkansas, and 4) perceptions of lawmakers as to the extent of hate crimes against Muslims, as well as the obstacles in passing hate crime legislation in Arkansas. In this 8-week summer program, each student will also receive a \$600 stipend per week (\$4,800 total), \$300 per week for meals (\$2,400 total), and free university housing.

More detailed information about this program, along with directions for how to apply for this REU, can be found at: <https://ualr.edu/criminaljustice/reu/>. For inquiries about this REU program, feel free to contact the Program Director - Dr. Tusty ten Bensel at nsfreu@ualr.edu or ixzohra@ualr.edu.



**SCHOOL OF CRIMINAL JUSTICE
AND CRIMINOLOGY**

.....
Funded by the National Science Foundation:
Research Experience for Undergraduates (REU)



June 6, 2022
July 29, 2022



For 8 summer weeks:
Stipend: \$600 per week
Meals: \$300 per week
Free campus housing



*The Scope and Consequences of Hate
Crime Victimization in the South*

10 exceptional students will
be selected to engage in:

- First-Hand Research Experience
- Faculty Mentor Meetings
- Research and Professional Developmental Workshops
- Professional Talks and Discussions
- Graduate Student Presentations and Interactions
- Site Visits and Social Activities

Learn more by visiting our [website](https://ualr.edu/criminaljustice/reu/) or
contact us at nsfreu@ualr.edu.



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Goleta OKs Restorative Justice-Based Pilot Program to Divert Low-Level Offenders from Court

The Goleta City Council approved a pilot program that will direct people accused of certain low-level offenses to community service and counseling rather than criminal records and jail time.

*By Jade Martinez-Pogue, Noozhawk Staff Writer | @MartinezPogue
February 7, 2021*

The Goleta City Council has approved a pilot program that will direct individuals accused of certain low-level offenses to counseling and community service rather than sending them on a path to jail time and criminal records.

The Goleta Valley Neighborhood Court is a restorative justice program, a hands-on alternative to the traditional court system that instead helps offenders take responsibility for their actions and understand the impact on their victims.

“Over the past year, all of us have been called upon to advance racial equity and to use innovation to transform our criminal justice system,” Santa Barbara County Second District Supervisor Gregg Hart told the council on Feb. 2.

“This program will bring together community members to build understanding between one another and help promote public safety.”

Through the neighborhood court, individuals who have committed low-level misdemeanor offenses will meet with a diverse panel of trained volunteers to discuss what went wrong, how the offense negatively affects the community and the individual, and what can be done to make things as right as possible.

The participant and the panel will then agree on a set of accountability actions that could include community service, letters of apology, educational opportunities or counseling. Upon completion of those actions, pending criminal charges will be dropped.

“This will divert the individual from the criminal justice system, preventing the collateral consequences of a criminal conviction for a low-level offense,” said Ethan Bertrand, Hart’s district representative.

Santa Barbara County Chief Deputy District Attorney John Savrnoch said the Goleta program is modeled off a neighborhood court process that Yolo County successfully implemented in 2013. Los Angeles, San Francisco and Santa Cruz counties have similar programs.

A California Department of Corrections and Rehabilitation report determined that participants who completed neighborhood court programs between 2013 and 2015 had a recidivism rate of just under 8 percent, while prisoners released over the same time period had a recidivism rate of around 46 percent.

In 2019, there were more than 1,200 misdemeanor citations or arrests in Goleta and the unincorporated Goleta Valley, Bertrand said, adding that most misdemeanor offenses would be eligible for diversion through the neighborhood court program.

Misdemeanor cases that will not be eligible for such a diversion include allegations of domestic violence, stalking, inappropriate sexual conduct, selling alcohol or tobacco products to minors, driving under the influence, and cases that involve firearms or physical injury, according to Savrnoch.



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Cont.

“What will be included are crimes that allow an individual to escape the stigma of a conviction when they themselves are determined to change the direction of their life,” he said.

“This will require them to work, to show dedication, and to accept responsibility for their actions. Through that, we believe we can make serious changes not only in the lives of the participants but also develop people who will then become very positive and dedicated individuals in the community.”

Bertrand said Hart and the District Attorney’s Office received funding from the Community Corrections Partnership for the pilot program in the current fiscal year, which ends June 30, and for the next fiscal year.

The District Attorney’s Office has been allocated \$154,500 for the fiscal year 2020-2021 to pay for the position and program startup costs.

Officials are in the process of hiring a full-time neighborhood court program director who will be responsible for coordinating volunteers, tracking participant progress, supporting neighborhood court sessions and conducting community outreach.

According to Bertrand, the program will serve residents of Goleta, the eastern Goleta Valley and the unincorporated area of western Goleta, but not Isla Vista. Savrnoch said he hopes the program will become a model for the rest of the county.

The City of Goleta will assist in providing a space for neighborhood court sessions to be held once it is again safe for people to gather, spreading the word about volunteer opportunities, and helping identify community service projects for participants.

While the program has been delayed because of the coronavirus crisis, the District Attorney’s and Hart’s offices are working to get it up and running as soon as possible, Bertrand said.

“We all know that our community is calling for innovative solutions to reforming our criminal justice system, advancing public safety and advancing equity,” he said. “This program does that by diverting low-level offenders out of the system and really wrapping them in services and embracing them as members of this community.”

— *Noozhawk staff writer Jade Martinez-Pogue can be reached at jmartinez-pogue@noozhawk.com. Follow Noozhawk on Twitter: [@noozhawk](https://twitter.com/noozhawk), [@NoozhawkNews](https://twitter.com/NoozhawkNews) and [@NoozhawkBiz](https://twitter.com/NoozhawkBiz). Connect with Noozhawk on Facebook.*



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Restorative & Community Justice Calendar 2022

✉ **March 17, 2022 - ACJS Conference Week - Las Vegas**

- General Membership Meeting - In-Person
 - o 3:30pm
 - o Conference Center: Amazon S & T
- Election Results

✉ **May 19, 2022**

- Executive Board Meeting
 - o 4:00pm (EST)
 - o Zoom Link - <https://pitt.zoom.us/j/96759922294>
- General Membership Meeting
 - o 5:00pm (EST)
 - o Zoom Link - <https://pitt.zoom.us/j/96759922294>

✉ **July 21, 2022**

- Executive Board Meeting
 - o 4:00pm (EST)
 - o Zoom Link - <https://pitt.zoom.us/j/96759922294>



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2022 Important Dates and Deadlines

Newsletter Submissions

The goal of *Dialogue* is to reinforce the purpose of the section which is to: Promote discussion, research, and dissemination which gives focus, direction, and integration of fields related to restorative and community justice education and practices. **The deadline for submissions is November 30, 2022.** Submissions should go to John Wilt (jbwilt@aumail.averett.edu) our editor, or to our assistant editor (maryann.thrush@LMU.net).

Student Scholarships

Submissions for student scholarships are accepted for both undergraduate and graduate student members! The section will allotted funding for student scholarships from \$250 - \$500 to support travel to the annual conference in National Harbor, Maryland (2023). Prior to submission, students must be accepted by ACJS to present an original poster or paper at the annual conference. **The deadline for submissions is December 15, 2022.** Further details about the submission process can be found here → <https://www.acjs.org/page/SectionAwards>

Get Involved!

We need volunteers for our newly formed subcommittees! The subcommittees are: Communications, Programming, and Budget/Awards. If you would like to volunteer, please contact any of our Executive Officers.

National Association of Community and Restorative Justice

8th Annual Conference

Chicago, IL.

July 6-9 2022

Conference Details: <https://web.event.com/event/e68a51fd-29b4-4571-b2a1-ce8e8482ff04/summary>



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Conceptualizing and implementing a restorative justice concentration: transforming the criminal justice curriculum

Brandon Stroup

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Conceptualizing and implementing a restorative justice concentration: transforming the criminal justice curriculum

Brandon Stroup

Department of Criminal Justice, History, and Global Studies, Northern Vermont University Lyndon, Johnson, Lyndon

ABSTRACT

A search of restorative justice degrees and concentrations will find a number of programs in Canada and Europe (largely masters degrees or certificates), but few if any degrees/concentrations are being offered in the United States or to undergraduates. The following manuscript examines the process/rationale of creating a restorative justice concentration within the criminal justice program at Northern Vermont University Lyndon. Topics that are reviewed are the rise of restorative justice courses within criminal justice curricula as well as the use of restorative practices as pedagogical methods. Implications for a transformative criminal justice curriculum/degree are discussed.

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Restorative pedagogy;
criminal justice curriculum;
transformative justice;
restorative justice

Introduction

Britto and Reimund (2013) outline the process in which faculty can create an infusion approach to restorative justice processes within criminal justice and criminology programs. Their outline is divided into five distinct stages; faculty interest, special topics, creation of a specific restorative course (inoculation), and the integration of restorative justice principles into the program and faculty (infusion). Literature concerning restorative pedagogy focuses on either the discussion or use of restorative justice practices as segments of different courses (i.e. criminology, corrections, etc), or the development of an official stand-alone course concerning restorative justice specifically. Much of the literature concerning restorative pedagogy within criminal justice programs' stage four of inoculation (the creation of a specific course in restorative justice) has been considered substantial progress within the field.

This research aims to add to the literature concerning teaching criminal justice students the practices of transformative justice and peace-making. This is important within the transformative aspect of peace-making pedagogy as we and our students have spent a lifetime being socialized to be retributive. The dominant culture emphasizes many key aspects of the punishment justification of retribution (Schichor, 2006) such as hedonism and an individualistic perspective. By individualistic, it is meant that circumstances of an individual's life is of their own rational decision making (personal

CONTACT Brandon Stroup ✉ Brandon.Stroup@northernvermont.edu 📠 Department of Criminal Justice, History, and Global Studies, Northern Vermont University Lyndon, Johnson, Lyndon

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responsibility). Therefore, if one's life is burdened with constant hardship (poverty, abuse, etc.) the individual experiencing this is the only one to be blamed as that individual made poor choices (i.e. didn't work hard enough). For example, poverty is then considered as a deserved consequence for poor decision making on the part of the poor themselves. Any 'crime' committed after that is simply a result of further poor choices on the part of the rational individual. Within this punitive paradigm, structural and institutional barriers play little to no role in the individual's choices. Concepts related to restorative practices (i.e. empathy or connectedness) are not only not an aspect of our dominant culture, but are viewed as a weakness (Katz, 2006). As such, we can assume that students have rarely attempted to conceptualize restorative/transformational practices, let alone spent their entire lives participating in a society founded on its principles (as is the case for retribution/individualism).

I assert that we can introduce our students to the idea of an alternative paradigm through the implementation of a comprehensive restorative justice concentration, one in which students move past the basic introduction of restorative justice concepts found within a stand-alone course. Furthermore, the conventional professional development courses in criminal justice/criminology undergraduate programs rely upon teaching our students 'hands-on' aspects of the dominant punitive model (GIS, Investigations, Cyber Security, etc.). Within a restorative justice concentration, we can instead task our students with learning real-world restorative applications and therefore, begin to teach our students not only the theoretical rationale behind restorative justice but the 'how to's' of actually implementing restorative practices within their own future professional and personal lives.

This manuscript begins with a review of how restorative practices are adopted within criminal justice courses, curriculums, and programs. This is followed with a case study of the ongoing process of including restorative courses and practices in a criminal justice program at Northern Vermont University Lyndon and the implementation of a restorative justice concentration within an undergraduate criminal justice degree program.

Restorative justice

A discussion concerning what is restorative justice can be difficult because there is no singular definition of what restorative justice/practices are. According to Johnston and Van Ness (2013) there are at least three different conceptualizations of the concept/practice. These three conceptualizations (encounter, restorative, and transformational practices) are discussed within the theoretical rationale of this manuscript. Collectively, restorative scholars agree that, as Zehr (1990) noted, it involves the process of getting people to move from a retributive paradigm of justice to a restorative one. Most researchers note that restorative practices originated in indigenous cultures and up until recently were not regularly adopted in western capitalist cultures (Carson & Bussler, 2013; Dorne, 2008; Umbreit & Greenwood, 2000; Van Ness, 2002). Most commonly agreed upon is the notion that restorative justice focuses on what needs to be done after a wrong-doing to repair the harm (Bazemore, 2001; Coates, Umbreit, & Vos, 2003; Elliott & Gordon, 2005; Johnstone & Van Ness, 2007; Van Ness, 1999; Sullivan & Tift 2001; Zehr, 1990). Essentially, rather than spending time discussing the details of the

event, restorative practices focus on how best we can address the injuries stemming from the wrong-doing. For the purpose of this manuscript the four concepts developed by Zehr (1990; 2002) and Pepinsky (1991) of empathy, connectedness, empowerment, and compassion are noteworthy as they are directly tied to the teaching practices and curricular design explored in this manuscript. The pedagogical methods applied within the courses/curriculum provide a foundation for the development of these concepts, as they relate to the traits not only in criminal justice students themselves, but the criminal justice system and broader culture as well.

Restorative justice in criminal justice and criminology curriculum and courses

As previously stated much of the literature concerns either the discussion or use of restorative justice practices as segments of different courses (i.e. criminology, corrections, etc.) (Smith-Cunnien & Parilla, 2001), or the creation of a course (either special topics or official course) concerning restorative justice specifically (Carson & Bussler, 2013; Kithcen, 2013; Smith-Cunnien & Parilla, 2001). Britto and Reimund (2013) outline the process in which faculty can create an infusion approach to restorative justice processes within criminal justice and criminology programs. This process is divided into five distinct stages these being *faculty interest*, *special topics*, *creation of a specific restorative course (inoculation)*, and *integrate restorative justice principles into the program and faculty (infusion)*.

Much of the literature concerns either stage one (Smith-Cunnien & Parilla, 2001) or stage two, a stand-alone course in restorative justice (Kithcen, 2013; Smith-Cunnien & Parilla, 2001). Within this literature stage two, inoculation, or the creation of a specific course has been considered major advancement for restorative advocates. Within this literature review, two main topics are discussed, first the use of restorative practices (meditation/circles) in criminal justice courses and secondly, the creation of a standalone course within a program.

After a review of the literature, three types restorative pedagogy emerged. I will refer to these as *the class* (Kithcen, 2013; Smith-Cunnien & Parilla, 2001), *experiential practice* (Kithcen, 2013; Pepinsky, 2006, 2013; Smith-Cunnien & Parilla, 2001), and *institution implementation* (Rinker & Jonason, 2014). The class refers to research concerning the content taught within restorative justice classes (restorative theory and practices within a variety of institutions). Experiential practice refers to practical learning activities taking place in the context of course work in a class room setting. These practices include meditation, conducting circles, and consensus decision making between faculty and students. Institutional implementation refers to the adoption of restorative practices at an institutional level to solve disputes or conduct community discussions.

Experiential practices

Within Britto and Reimund's (2013) outline for restorative infusion using restorative practices or discussing it in other courses is step two in the process. Within this section of the literature review experiential practices took place both within specific restorative courses and other (non-restorative focused) courses. Practices included meditation (Kithcen, 2013), conducting circles (Carson & Bussler, 2013; Kithcen, 2013; Pepinsky,

2006, 2013), and consensus decision making between faculty and students (Pepinsky, 2006, 2013). In some cases programs have been able to offer actual applied practices within a real life voluntary process (Rinker & Jonason, 2014; Smith-Cunnien & Parilla, 2001). The research concerning peacemaking pedagogy promote an experiential approach to learning the theory/practice (Wozniak, 2008).

Meditation

Advocates for contemplative practices (meditation) as pedagogical methods assert such methods have the potential to transform the student and the teacher (Coburn et al., 2011). Restorative education and meditation share similar values; both are transformative in nature and lead parties to better understand common experiences. This in turn generates more interconnectedness between parties. From this feeling the shared values of empathy, compassion, and altruism are created (Magee, 2011). Empathy according to Harris (2004) is perhaps the most powerful component explaining how reconciliation and forgiveness can result from restorative practices. Restorative practices invite all of the involved parties to place themselves in the situations of the others. Thus, such involvement and participation can foster a better understanding of the causes and consequences of deviant behavior. Kithcen (2013) provided the typical version of meditation to be found within most programs utilizing this pedagogical method. Within Kitchen's course students meditated for five minutes each class session and then reflected on the practice (journal/think pair share activity). Meditation was used to help center the class and provide a space for mindfulness. It is important to remember that mindfulness was one of Pepinsky's (1991) foundational concepts concerning restorative justice. This practice can assist in developing mindfulness among the class participants.

Peace making circles

In general, peace keeping circles are conducted using a talking piece. The talking piece usually holds some significance to one of the participants in the circle. This significance is usually shared with the group. A center piece is also quite common and usually has a meaning connected to the purpose of the circle taking place. Participants are invited/encouraged to participate in the conversation. The conversation is one in which all participants are asked to respectfully listen to the individual holding the talking piece. When given time this practice can lead all parties in the conversation an opportunity to fully share their opinions in a respectful/encouraging environment.

According to Smith-Cunnien and Parilla (2001) and Pepinsky (2006, 2013), circle processes involve the students in shaping their own education as well as engaging the facilitator/instructor in their own learning. It has been noted (and I have witnessed this as well) that during a circle, no student can doze, text, or totally disengage in the class session (Kithcen, 2013). In general there are three types of circles being practiced within most restorative justice courses. The first is simply the tier one circle (i.e. community building, check in, or welcome circle.) In undergraduate coursework, some part of or entire class periods are conducted in a circular fashion utilizing this community building style (Britto & Reimund, 2013; Carson & Bussler, 2013; Kithcen, 2013). Other courses may include the use of peace making/resolution circles that are facilitated through student role playing (Britto & Reimund, 2013). It is important to note that

while it is far less common, a few restorative justice courses have included students in a third type of circle, that of participating or viewing actual reparative circles involving offenders and victims (Britto & Reimund, 2013; Carson & Bussler, 2013).

Within the literature there appear to be two main types of circles, these being the community or welcome circle, and the peace making (resolution) circle process. The community or welcome circle appears to be the most regularly utilized circle within the criminal justice-restorative justice classroom. These circles function to help students discuss and share their experiences with the group in a welcoming fashion. Questions that are asked can often be thought of as 'ice breakers' (ie. dream vacation, favorite holiday, etc.), if a group is just utilizing the process for the first time. These sorts of questions help to facilitate discussion and help participants to feel more comfortable with the format (as the name ice breaker suggests). After some practice these types of circles help to facilitate discussion and questions that can generate an understanding of each other's common and unique experiences. This understanding helps to generate and foster empathy for the other members of the circle. It is important to note that this shift from ice breakers to more serious discussions is not one that occurs after one circle and is in itself a process and even among groups that have participated in many circle together, there is still a place for ice breaker questions at the beginning of all circles.

Because of the nature and function of most introduction to restorative justice classes the second type of circle the peace making (resolution) circle process is not often reviewed due to a lack of time. This type of circle process is one that is described in Boyes-Watson and Pranis's, (2015) book *Circle Forward*. The type of peace making/resolution circles reviewed in this text are four tiered. They are in order one: establishing common ground, two: understanding the impact of the harm, three: individual(s) responsible for causing harm accept responsibility, and four: the group coming together to create a collective plan to address the harm. Specific questions are asked related to the topic of each circle and the participant's situation. The questions asked to a victim in a tier two circle may differ from those asked of the offending party in the same case. These types of circles operate on parallel tracks with both parties participating in a number of circles over a period of time (often, upwards of months) without the other party being present (family, friends, and other affected parties may be invited to participate). The parallel tracks can merge with the offender and victim (and other affected parties) meeting in the tier four circle (i.e. coming together). The same general guidelines and methods apply for these circles as one would find in a community circle (i.e. discussion of values, talking piece, etc.). It is important to note that the process does not end after the tier four circle. Instead, once an action plan is created at the tier four circle, subsequent circles often can take place to ensure that all parties have followed through with the plan and to assist with their progress.

Consensus decision making

Consensus decision making appears within the literature in two forms. First, as stated above the circle process allows for students to actively participate in the learning process. In most cases students have been asked to conduct at least one community building circle. The second occurs within the student-led creation of the syllabus and/or self-determination of some of their final grade (Carson & Bussler, 2013; Pepinsky, 2006, 2013).

Pepinsky (2006, 2013) refers to his method of grading in a required criminal justice course as “grading by not grading.” Within his undergraduate (sophomore level) course grades were based only on journal entries of ‘minimal length’ relating to the class content. In total students could write about 30 pages to earn an A. Carson and Bussler (2013) had each student contract a final grade. This grade was based on the work student wanted to put into the course. If work was evaluated as ‘satisfactory’, it counted towards the students chosen contracted grade. All students contracted for either a ‘B’ or an ‘A’ and all received their contracted final grade. To get at the more reflexive components of the course, students were required to write a mid-term self-evaluation of their performance as well. These types of activities are important as they lead students feeling empowered to participate in the creation of the course content.

Courses

Within the restorative literature (Kithcen, 2013; Smith-Cunnie & Parilla, 2001) the establishment of a standalone restorative course within criminal justice curriculum has helped move the concepts/practices into the consciousness of criminal justice students. Offering a stand-alone course provides an opportunity to examine the practices in a more extensive manner than is possible as a special topic discussion within other courses in the curriculum (and is the place in which most criminal justice students are being introduced to the community building circle as a method for creating a basic understanding and empathy for others). These courses also allow for a more detailed review of the theories behind the practices that cannot be accomplished or may come across as fragmented when the concept is discussed as a topic within other courses. Topics that are generally reviewed are history and theories of restorative justice/practice and a review of practical application within the juvenile and adult systems of corrections as well as school-based practices, victim and offender mediation, peace keeping circles, conferencing, and truth and reconciliation. It is in within these standalone courses where much of the restorative practices pedagogy (circles and meditation) take place. One potential flaw of this model is that the applied practice and lecture content are crammed into one course. This could possibly lead to not all of the concepts or practices receiving its fair share of time.

Institutional implementation

The final experiential method within restorative pedagogy literature is institutional implementation of restorative practices. Rinker and Jonason (2014) employ student facilitated restorative conferences as a means of conflict resolution across a campus in order to engage students enrolled in a Conflict Studies Program in the restorative process. The authors argue that students engage in more reflective learning through their own facilitation of conferencing. The practice also helped to foster empathetic relationships between students and the wider campus. Overall, all involved reported a sense of increased meaningful community engagement. Citing hooks (from Vaandering, 2010), in order to actively undo oppression, we must critically look at our pedagogical methods. Rinker and Jonason assert that it is our curriculum and experiential opportunities provided to students that will create positive change. These

practices will help students to connect the theory to the practice of restorative practices. The authors state that gaining first-hand knowledge through modeling theory with the real application as a third party mediator.

Theoretical rationale

According to Johnston and Van Ness (2013) there are three general conceptualizations of restorative justice: encounter, reparative, and transformative. The encounter conceptualization is one that emphasizes the meeting of victims, offenders, and community members to resolve disputes and issues arising from deviant, delinquent, or criminal behavior. These practices generally involve community members making decisions regarding the outcome of the meeting with state actors remaining in the background. Johnstone and Van Ness cite practices such as conferences and circles as examples of the encounter conceptualization. Proponents of these methods stress that these practices can help all parties gain a better understanding (empathy) of each parties' perspective and personal history. Regarding offenders, it is stressed that these techniques can also act as a form of rehabilitation (practices can help offenders to change attitudes), deterrence (meeting victims and their families can be challenging for offenders), and norm reinforcement (Robinson, 2003). For victims, the methods may assist in healing from their victimization in a fashion that the de-personalized, bureaucratic criminal justice system does not provide. It is important to note however that even if an encounter between these parties take place that does not always mean that the process itself is restorative.

Reparative

The reparative conceptualization stresses the state in which all parties find themselves after a restorative process takes place (sense of empowerment, empathy, and resolution). Within our current retributive model of justice an injustice is made 'right' by inflicting some kind of pain or suffering on the offender. Once this pain has been reached by the offender (this is determined by the state) a balance has been struck and justice has been served. In stark contrast, proponents of this conceptualization believe that pain and suffering of the offender is not necessary at all to achieve a true sense justice. In order for an offense to be properly repaired both parties need to be involved in the decision making process. In the punitive system neither party has much, if any, say as to what justice looks like.

Transformative justice

Some suggest that the ultimate goal of the restorative justice movement should be to transform the way in which we interact with and relate to the world around us (Johnston & Van Ness, 2013). Under this conceptualization of restorative justice, restorative practices are conceived as the type of lives we should attempt to lead (empathetic, connected, mindful, caring). This conception rejects the assumption that we as humans exist in a hierarchy among ourselves and the wider environment (i.e. water, air, trees). It suggests that we change the fashion in which we interact with each other not just from a 'crime' standpoint, but from all walks of life, such as how we allocate the resources in our society (away from a competitive mindset to a communal), and address other forms

of exploitation and oppression faced by humans and the wider environment within our current societal model. It is with a transformative conceptualization of restorative justice that is the foundation for this manuscript/criminal justice program.

In the broader context of a criminal justice education this discussion is important because the students enrolling in these programs are the future decision/policy makers of the criminal justice system. As such, it is critical to provide students with a better understanding of restorative practices. A number of studies concerning criminal justice students have found them to be more punitive (Lambert, 2004; Mackey & Courtright, 2000; & Shelley, Waid, & Dobbs, 2011) and less empathetic than their peers (Courtright & Mackey, 2004; Courtright, Mackey, & Packard, 2005). Courtright et al. (2005) suggested that educators using more restorative practices in the classroom should attempt to conduct similar research (criminal justice majors and empathy/punitive) in order to identify any differences in student perceptions. A transformative curricular design allows for students to participate in multiple courses focusing primarily on the theories and practices of restorative justice. We can conceptualize this as comparable to the manner in which many criminal justice curriculums are designed to create specialists in cyber security, homeland security, or criminal investigations. The difference being a transformative curriculum in theory, according to its advocates, could produce real change in its participants' levels of empathy and connectedness with others. As stated earlier, the dominant culture emphasizes some of the key aspects of the punishment justification retribution (Schichor, 2006) such as hedonism and an individualistic perspective. These same dominant cultural assumptions underlie the basic rationale for the creation of concentrations like those mentioned above. This restorative style of criminal justice curriculum could meet Freire's (1970) expectation that we teach in a fashion that helps to actively 'undo oppression.' The remainder of this manuscript uses Britto and Reimund's (2013) outline for the process in which educators can create an infusion approach to restorative justice processes within criminal justice programs. This review is followed by a closing discussion in which goals for future curricular changes are discussed.

Nvu-lyndon case study

Faculty interest/introducing RJ in classes

Restorative justice has been within the NVU Lyndon program/courses since the program's inception in 2010. One of the first primary instructors within the program, Mr. John Perry, has been an influential figure within the state of Vermont's broader efforts in creating a restorative state. Mr. Perry was also one of the founders of the local Community and Restorative Justice Centers. These centers help to provide restorative conflict resolution (landlord/renter), resolution of some crimes (property crimes, DUI), and reentry support for offenders leaving prison (Communities of Support and Accountability or COSA) in a restorative fashion. These centers may also provide some services to members of the community (ie. legal aid, information center). Upon being hired I, as the only full time criminal justice faculty member, made it a priority to create a standalone restorative justice course as well as implement restorative justice practices in the classroom. I was also provided the opportunity to join Mr. Perry on the local CRJC

board of directors in 2013. I am now the second most tenured member of the board and have been its secretary since 2015.

Regarding the use of restorative justice practices and discussion within courses, restorative justice has been a topic of discussion within a variety of criminal justice classes since the program's creation. These discussions range from a class period to a week's worth of discussion. The courses in which students are introduced to restorative justice are *Introduction to Criminal Justice*, *Criminology*, *Ethics and Professionalism*, and *Punishment and Corrections*. Within these courses, students met with local restorative justice practitioners. Guest lectures include long time board members from the local justice center, the creators of the local justice center, and its Executive Director Susan Cherry. It is important to note that the local justice center is the longest standing and largest justice center in the state of Vermont. The founders of the center have also played a vital role in the wider implementation of restorative justice in the state of Vermont.

Within these classes students have been introduced to the practices of community circles and meditation. Students first participated in this practice in the spring of 2014 within the course *Ethics and Professionalism*. The first circles were led by the current Susan Cherry of the local justice center. She regularly testifies before the Vermont legislature and organizes the annual Restorative Justice Institute held every summer (I participated in this event in the summer of 2018 and plan to again in the summer of 2019). After this initial circle process the class participated in regular 'circle days' throughout the remainder of the semester. Students in this first group participated in a total of four circle days. Even after the creation of a standalone course concerning restorative justice, students enrolled in *Ethics and Professionalism* continue to participate in community circles at least three times a semester. The scheduling of circle days (usually four to five) is how most circles are conducted to date in my introductory restorative justice class. Students first meditated in the criminal justice classroom in the spring of 2016 in a section of CRJ 2150 *Community and Restorative Justice*. Students meditated for the first five to ten minutes of each class and reflected on the activity in a think pair share style discussion. Students meditated in a second criminal justice class during the winter session of 2017 in a CRJ 4710 *Special Topics: Applying Restorative Practices* course. The meditation practices are those discussed in Gibbs (1990) 'Dancing with your books: The Zen way of studying.' Students were asked to focus on their breathing and counting to ten repeatedly. If a thought outside of breathing/counting to ten entered their mind, they were asked to start back at one. This practice in theory should help to clear and calm the mind, leaving students more open to the circle process. In addition, there has been preliminary research that suggests meditation may increase compassionate responses (Condon, Desbordes, Miller, & DeSteno, 2013). While I do not posit that our brief meditation sessions at the beginning of classes will have significantly altered compassionate responses in the classroom, I do find that the activity was beneficial to provide as a learning experience for students (students note in reviews their appreciation of activity).

Special topics and creation of a specific restorative course (inoculation)

A standalone special topics course in restorative justice was first offered in the spring of 2014. A standalone elective course within the criminal justice curriculum was officially

placed in the curriculum in the fall of 2015 (CRJ 2150 *Community and Restorative Justice*). This course has been offered on an every other year basis since its original offering in the spring of 2014. Students participated in both regular community circles and daily class meditation (5–10 minutes before class officially began). After a review of the literature, I have concluded that this course represents many introductory to restorative justice courses found within the literature. In it students learn the history, theory, and current applications of restorative practices. While also being introduced to the community circle process. As stated above between the reviewing of foundational information concerning the paradigm, I attempt to dedicate at least four to five out of the twenty six class periods to conducting these circle processes.

By the fall semester of 2016 a number of students had had the opportunity to participate in multiple courses in which circle processes and meditation had taken place. Because of this I decided to run a special topics course called *Applying Restorative Justice Practices*. This course was offered during a condensed two week winter session in the January of 2017. After this class was offered I was granted permission to create a concentration in restorative justice.

The building of this concentration allowed for the creation of four courses that could be placed into the criminal justice curriculum. The courses that were created for the concentration were CRJ 2030 *Victimology*, CRJ 2410 *Race, Class, Gender, and Crime*, CRJ 3310 *Applying Restorative Justice Practices*, and CRJ 3410 *Peace Making*. Two of the courses (CRJ 2030 and CRJ 2410) are in my opinion courses that simply needed to be in any comprehensive criminal justice curriculum but it was also felt that they needed to be created in order to deliver a restorative curriculum. CRJ 2030 *Victimology* had been offered as a topics course using two different course titles over the four previous summers. CRJ 2410 *Race, Class, Gender, and Crime* had never been offered in the program's history. When the degree was originally created two other classes concerning race from other disciplines (history and psychology) were placed into the criminal justice curriculum to compensate and were removed following CRJ 2140's conception. A special topics class *Women and Crime* was offered during the fall semester of 2016. It is felt that these two courses needed to be offered within restorative justice curricula because the course content generally reflects a number of the values and principles expressed by the proponents of restorative justice and its practices. Each of these two courses assist in encouraging empathy, compassion, and understanding for others.

Race, Class, Gender, and Crime provides a greater opportunity to address systemic issues of racism, classism, and sexism within the history of the criminal justice system. *Victimology* was created as understanding the plight of the victimized and recognizing the victimization of both the victim and offender are important aspects of restorative justice. Addressing these issues are vital in a restorative/criminal justice curriculum as they can aid students with their understanding of the perspectives of others, particularly through the introduction of materials that reflect the lived experiences of those from marginalized communities and hopefully (taught from a restorative perspective) create increased or enhance the levels of compassion and empathy amongst criminal justice students. These two courses along with CRJ 3210 *Punishment and Corrections* were placed in the concentration. CRJ 3210 *Punishment and Corrections* is a course concerning the history and philosophies behind the American system of corrections. Students also participate in a tour of the local state prison. The issues of systemic racial, class, and

gender disparities throughout the history of U.S. corrections are reviewed throughout the class. It is believed that these three classes along with required courses for the degree and free choice electives, that the students would have a good understanding and foundation of the retributive system that restorative justice is a response to. Regarding the general curriculum/philosophy of the criminal justice program as a whole, I would consider myself (and one of my two part time instructors) to be a critical criminologist. This part time instructor contributes greatly to the restorative justice concentration (teaching at least three courses within it). Many of the other courses within the curriculum reflect this paradigm (Environmental Justice, Media and Crime, White Collar Crime etc.). In addition, the issues of systemic racial, class, and gender disparities as related to general course titles are reviewed throughout most of the courses. The curriculum does offer some courses that as mentioned previously may be considered within the retributive paradigm (ie. Law Enforcement in America, Investigation Sciences and GIS Applications in Criminal Justice). Two of these courses are taught by a part time instructor (Full time Game Warden), who would fall into the positivist paradigm.

The two courses that make this concentration innovative are CRJ 3310 *Applying Restorative Justice Practices* and CRJ 3410 *Peace Making*. In total this made three courses within the curriculum that focused solely on restorative and peace keeping principles and practices. At the time of writing this manuscript, I am currently drafting a manuscript on my experience teaching *Applying Restorative Justice Practices*, which was officially offered in the fall of 2018 (twenty four students enrolled in the class). It is my view that this class is the central, or capstone, course within the curriculum as it provides students with the opportunity to participate in circle processes daily. *Applying Restorative Justice Practices* is essential as it provides a real experiential approach to teaching about restorative methods. The main text for this course in *Circle Forward* (Boyes-Watson & Pranis, 2015). Often many courses in criminal justice curriculum that emphasize the development of a practical skill set (Criminal Investigation, Cyber Crime, or GIS courses) are those that could be said to be reinforcing the retributive justice system. Within the criminal justice curriculum at NVU Lyndon, courses in both criminal investigation and applying GIS in criminal justice do exist. In both courses students participate in an active learning experience (mock crime scene or creating hot spot maps). A quick search of any web browser for applied criminal justice courses can generally yield a plethora of investigation or cyber security courses/concentration. A number of programs offer multiple courses (basic and advanced) in these areas. I have not yet found an undergraduate degree in the United States in which advanced/applied restorative justice courses were offered.

The literature on restorative practices in the classroom appears to show that much of the hands on learning takes place between and around the basic learning of what restorative justice is (Kithcen, 2013; Rinker & Jonason, 2014; Smith-Cunnien & Parilla, 2001). This class allows the students to spend more time (majority of the class) on applying the practices of restorative justice rather than simply a class activity that is relegated to the end of the semester. Students entering the class are expected to already be well versed in the foundation of restorative justice theory and practice (as they learn this in *CRJ 2150 Community and Restorative Justice*).

Vaandering's (2010) use of hooks call upon restorative justice advocates to meet Freire's (1970) pedagogical demands to teach in a fashion to actively 'undo oppression.' This actively undoing oppression through criminological pedagogy is the best rationale I have been able to find for creating and offering an applied restorative justice course. All students are expected to facilitate at least one community building circle throughout the semester. It is also expected that students will leave the class having created a portfolio containing four circle 'scripts' they and their groupmates created relating to the vignette assigned to them. The scripts are four tiered and in order are one: establishing common ground, two: understanding the impact of the harm, three: individual(s) responsible for causing harm accept responsibility, and four: the group coming together to create a collective plan to address the harm. This is the same style of peace making/resolution circle described in the literature review. Each script is simply the six questions created for each circle (and a rationale for why each question was chosen). The group is also expected to create a list of 'values' they believed the individual depicted in the vignette would like to have for the process (along with a rationale for each value). The final aspect of this project is to act out at one of the four circle scripts in front of the class. In the future students will also have the opportunity to meet with and witness an actual COSA meeting being facilitated by the local *Community and Restorative Justice Center*. This past fall the local CRJC came to participate in a number of class periods. Students participated in a community circle with and heard the story of a COSA member. As mentioned above the offering of this class is the topic of a manuscript currently in progress.

The final course created for the concentration is CRJ 3410 *Peace Making*. This is the one course created for the concentration I have not taught before and am currently teaching for the first time. It is my intention that this course will focus on two topics. This class is important as I view it as the advanced theoretical course within the concentration. Although all students within the concentration are required to take CRJ 2050 *Criminology* (a theory course), it is my belief that the traditional criminology class does not leave much room for discussion of the theories and history discussed in *Peace Making*. This class allows for a deeper dive into Pepinsky's (1991) original theory as it is laid out in their work *Criminology as Peace Making*, a review of theories of peace and finally a history of peace movements. As of this writing, the offering of this class appears to be impactful for many of the students enrolled. I have attempted to emphasize throughout how the 'history' of our world is one crafted generally by the victors of violent wars/conquests of empire. This version often leaves out the history and practices of those who struggled and fought for a more just and peaceful world (who in many cases were arrested, beaten, had property confiscated, enslaved, or killed by the crafters of our conventional historical perspective.)

It is important to note that as I am critical of the retributive system of the American criminal justice system, I do also teach the three restorative focused courses from this same critical lens. The issue of voluntary participation and possible net-widening implications are discussed extensively throughout *Community and Restorative Justice* and *Applying Restorative Justice Practices* classes. Students also utilize an intersectional lens to critically assess the composition of restorative circles and programs – who comprises facilitator positions, how does the background of facilitators impact the program's acceptance or success?

Discussion

In sum if we as criminal justice educators wish for our students to change the retributive institutions of justice, we must design curricula that provide them the opportunities to create and participate in the restorative process. The function of a transformative criminal justice curriculum is to provide more opportunities for students to conceptualize and participate in a restorative community. Without these opportunities, the actual development of skills needed to transform the criminal justice system are left under-discussed or completely lacking.

Regarding the facilitation of circles it is very important that the person who is tasked with teaching others how to conduct/facilitate any type of circle has had comprehensive experience and trainings in such. The nature and content of even a community-building circle can at times facilitate deep sharing of personal experiences amongst the group. It is crucial for all circles to begin with a discussion of guidelines. Participating in the circle is a voluntary act, and no one is required to answer any question that they feel uncomfortable with (all parties should be reminded of this before every circle). As the primary instructor for much of the concentration (primary circle facilitator), I have completed a number of professional development trainings through the local Community Restorative Justice Center to prepare me for this role. In addition, my local CRJC hosts an annual Restorative Justice Institute – a well-known four day long series of intensive trainings that I have participated in. As member of the CRJC board I join in circles on a monthly basis and have even participated in a ‘reparative board’ after being the victim of a traffic accident. These professional trainings, coupled with pedagogical experience in establishing classroom communities while teaching sensitive topics, have prepared me for providing this concentration to our students. It is important to note that these same types of learning opportunities will differ from state to state and community to community.

Some challenges did arise during the creation/implementation of this concentration. First, as Britto and Reimund (2013) discussed, I, too, experienced that faculty involved in the discussion concerning this concentration were often unclear of the differences between restorative justice, social justice, and community justice. It should be noted that for this case study, all other faculty involved were from outside of the criminal justice discipline. Each catchphrase appeared to be viewed as interchangeable, with the exception that restorative justice was deemed as more ‘marketable’ and social justice was described as ‘unattractive.’ Some faculty were in favor of a variety of social justice-oriented courses (from outside of the CRJ discipline) to be included in the concentration and believed the addition of such courses would deem it largely ‘restorative’ in and of itself (without the need to create criminal justice-oriented courses such as *Victimology*, *Applying Restorative Practices*, or *Peacemaking*). This is why I advocated strongly for the applied practices course. There was limited understanding that there are specific theories and applied practices related to restorative justice that fundamentally situate it apart from social and community justice (which in turn differ from each other). For the purpose of this discussion, community justice refers to all forms of ‘justice’ that take place in the community (ie. parole, house arrest, electronic monitoring, or COSA). These forms of justice are not inherently restorative and in most cases can be viewed as retributive, potentially causing of more harm than preventing. Social justice refers

mainly to a broad set of movements/political issues and policies also spanning the issues of race, class, and gender (Barak, Leighton, & Cotton, 2018). The key difference between social justice and restorative justice is the types of applied practices and theory related to restorative justice. Furthermore, restorative justice proposes an alternative to a specific institution within a wider society. Because of this, students need a grounded foundation in the history, practices, and consequences of the current retributive paradigm in order to best assess and comprehend the need for alternatives.

A second challenge to implementing the concentration was ensuring that the students enrolled continue to receive a solid criminal justice foundation as well. Other more traditional criminal justice courses (*Punishment and Corrections*) are required for the concentration. The concentration's required credits do only leave two free criminal justice electives (to reach the minimum credits required for the degree), which does limit the students' freedom to select elective courses of their own interest. I have found that many of the criminal justice students enroll in criminal justice classes as free electives within their general degree requirements, beyond the requirement for the degree. For many students I do not believe this would be an issue (a narrow path to graduation).

In the near term I have a number of short term objectives for the curriculum of the restorative concentration. First, I intend to turn CRJ 2030 *Race, Class, Gender, and Crime* into two separate courses, these being CRJ 2030 *Race, Class, and Crime* and CRJ 2040 *Women, Girls, and Crime*. While I assert that we cannot truly separate and examine issues of race and class from gender, the extension of this course into two separate offerings will allow the concepts to be explored more in depth within the separate classes. Within the concentration students will be required to take at least one of the two courses. A second change will be that students will also be given the option of taking either CRJ 3210 *Punishment and Corrections* or CRJ 2160 *Juvenile Justice*. This decision was made after my participation in the 2018 Restorative Justice Institute. All 45+ participants in the institute (except for me) were teachers, staff, or administrators for a number of local and out of state school districts. It is believed that it is students interested in teaching youth as a profession, who may be interested in the history and consequences of the juvenile justice system and the phenomena referred to as the 'school-to-prison pipeline' (in which restorative practices are often discussed as a potential solution to). These two changes also provide restorative students more options with the course selection (i.e., easier graduation path). It is a final goal to move forward with the creation of an Associates of Science Degree in Restorative Justice. At this time I believe the curriculum provides the content needed to meet the rigor and learning outcomes of a 66 credit associate's degree.

Conclusion

In the classroom, a restorative curriculum can offer as Sanzen stated concerning his vision for a peace keeping education; humanizing focus, not the dehumanizing focus of the criminal justice system ... offers a way to teach not only the values of human dignity, peace, and harmony, but also the understanding that coercive action and compliance are unnecessary and counterproductive. Perhaps this kind of teaching (curriculum) can lead to change in the criminal justice system itself (pg. 244)

In order to best reach Freire's (1970) goal of undoing oppression we as criminologists must explore avenues of pedagogy and curriculum development that actively attempts to teach students/faculty the practical skills to do so. So often it seems that as educators we review a topic for a class period, week, or even semester and hope that our students will go out and change the world. The creation of a transformative curriculum within a criminal justice program not only ensures that students will better understand those practices but also fundamentally reshapes how we as a discipline address crime and social control responses to it.

Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributor

Dr. Brandon Stroup is a graduate of Criminology at Indiana University of Pennsylvania and is an assistant professor of criminal justice at Northern Vermont University at Lyndon. His research interest include restorative justice pedagogy, empathy/punitiveness amongst criminal justice students, GIS mapping, green/critical criminology, and the Vermont secession movement.

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Appendix

Restorative Justice Concentration – 18 Credits

The following Credits are required to obtain a concentration in Restorative Justice

CRJ 2030 – Victimology Credits: 3

CRJ 2150 – Community and Restorative Justice Credits: 3

CRJ 2410 – Race, Class, Gender, and Crime Credits: 3

CRJ 3120 – Punishment and Corrections Credits: 3

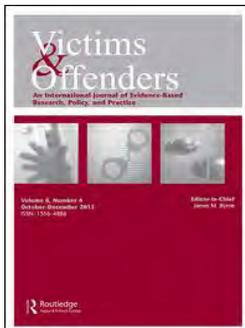
CRJ 3310 – Applying Restorative Justice Methods Credits: 3

CRJ 3410 – Peace Making Credits: 3

A. NVUL Restorative Justice Concentration. There are a total of 47 credits needed to graduate with a criminal justice degree at this institution.

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How Restorative are You? Introducing the Restorative Index

Jeremy Olson ^a and Rebecca S. Sarver^b

^aCriminal Justice, Penn State University Wilkes-Barre, Dallas, Pennsylvania, USA; ^bHuman Services, Elmira College, Elmira, New York, USA

ABSTRACT

Restorative justice (RJ) currently has no method of quantitatively determining if a program is restorative and assessing how restorative it may be. Due to confusion in RJ definitions and increased attention and funding in RJ, this gap has left RJ open to co-option by punitive systems. Co-option would leave many interpersonal harms unrestored. The present paper reduces that co-option threat by introducing the Restorative Index (RI). We review the philosophy, definitions, and elements of RJ. We then translate those definitions and elements directly into the RI. We demonstrate ratings on the RI using an existing program. Use of the RI will improve program development, implementation, outcome assessments, and funding decisions.

KEYWORDS

Restorative justice; victims; offenders; intervention

The growth of restorative justice (RJ) philosophy has been a two-sided coin. On one side, practices based on RJ ideology have permeated schools, criminal/juvenile justice systems, business organizations, community improvement strategies, healthcare, and other areas of social services. For instance, in the case of RJ programming for youths in the United States, evaluation and programmatic funding opportunities have been made available through both the National Institute of Justice and the U.S. Department of Education. Several programs funded through these agencies have been implemented and are undergoing review for entry into the evidence base as effective for reducing delinquent acts and/or school discipline referrals. On the other side of the coin, the growth and expansion of RJ both within and across these multiple systems has led to greater ambiguity in determining whether a program, practice, or policy is truly restorative (Umbreit & Armour, 2011; Wood & Suzuki, 2016). This ambiguity can lead to misconceptions of purpose, false hopes for outcomes, and misunderstanding of what is and what is not RJ for people harmed (victims), people who harm (offenders), communities, practitioners, funding bodies, and researchers (Gavrielides, 2008). Such misconceptions impact RJ practices negatively, as in cases where students, people harmed, or police officers refuse an RJ alternative because the intent, process, or expected outcome of the alternative is not clear. If left unchecked, these negative effects will amplify and could lead to the co-option of RJ by punitive models within the systems it seeks to restore (Gavrielides, 2008; O'Brien & Nygreen, 2020; Walgrave, 2019; Wood & Suzuki, 2016; Zehr, 2015b). Amplification of ambiguities or co-option to punitive models would leave many interpersonal harms unrestored.

We should expect ambiguities with RJ. RJ is a subjective concept where participants' cultures, norms, and values weigh heavily on how people implement it. Instead of existing as a single, well-defined concept, RJ is a continuum of ideas and approaches (Popa, 2012; Barb Toews, 2006). Its practitioners differ greatly in service systems, backgrounds, aspirations, methodologies, and approaches (Gavrielides, 2008). RJ is implemented across a wide range of programs; from small, marginal, community-specific programs to systemic-level state, county, and school-wide efforts (Umbreit & Armour, 2011).

Partly because of the variations in implementation, researchers and evaluators often assess the success of RJ efforts based on subjects' participation in an RJ-based program and outcomes such as reduced school disciplinary referrals or reported delinquency. However, because it has not been quantified, *restorativeness* of the programs has been left unmeasured (Roland et al., 2012; Umbreit & Armour, 2011). We found two prior attempts to quantify restorativeness (Claassen, 1996; Dancig-Rosenberg & Gal, 2014). Both are flawed in that they do not permit the assessment of strategies that seek to repair harms that have already occurred to people, or *reactive* restorativeness, in a way that fully addresses the concerns arising from ambiguity in RJ definitions. Further, because they center on harms that already occurred, they are silent on assessing strategies that seek to prevent the occurrence of harm in the first place, or *proactive* restorativeness. As a result, there are assumptions about equal applications of RJ that cannot be empirically tested. Given all of this, it is not surprising that the only consistent finding about RJ seems to be that we have "no consensus as to its exact meaning" (Gavrielides, 2008, p. 169).

Popa (2012) argues that for RJ to move forward, it must find a way to reduce the ambiguities that exist by consolidating RJ's conceptualizations. Doing so will help us determine the strength and integrity of restorative practices (Bazemore & Green, 2007). This would also allow practitioners, researchers, and funders to know they are implementing, paying for, and evaluating restorative programs regardless of their name (Bazemore et al., 2007). Importantly, consolidation and quantification of RJ principles could also create a clearer pathway for funding and implementation of obscured, but promising RJ, strategies. This is especially so in the case of RJ strategies led by RJ advocates from the Black, Indigenous, and People of Color (BIPOC) communities whose perspectives of RJ may not be known to, or understood by, those funding boards comprised primarily of white Westerners. For example, consolidation of RJ concepts would help interested parties determine whether a putative RJ circle is truly restorative (Roland et al., 2012). Quantification of restorativeness could then help determine if the restorative circle led to proposed outcomes, assess whether this particular circle is more restorative and successful than other RJ project, and help inform whether to fund/expand future circles of the same type.

RJ is rightly seen as an open and flexible response or prevention to harm against people. At its most basic level, its variegated strategies can be implemented within existing punitive systems to augment offender accountability and victim empathy. In more complex implementations, its strategies can be offered as a diversion from punitive models. In full implementations, RJ can work to build relationships in communities and replace punitive models altogether. To its disadvantage and in its current state, RJ can also be co-opted by systems seeking funding or attention as restorative. Thus, we agree with Popa that conceptual consolidation can and should be achieved. We believe this includes a way to quantify the restorativeness of putative RJ strategies. The present work serves to fill this unmet need of our field by introducing the Restorative Index.

Restorativeness in the literature

We became aware of the problems arising from the lack of consistency in defining restorative justice while the first author was working with two different colleagues on assessing restorative-based educational programs. In that work, we noted that most of the evaluations found in systematic reviews were using disparate definitions of RJ and that none detailed or measured the level of restorativeness any program attained. Effectively, the researchers could not determine if the programs were using restorative practices or whether the outcomes reported were actually due to restorativeness of the programs. To assist those efforts and to begin our own systematic review of the restorativeness of juvenile delinquency programs, the present authors conducted a literature search for an instrument to measure restorativeness.

Prior efforts to quantify “restorativeness”

When searching for an existing measure of restorativeness we searched assessment-related terms and prefaced all of them first with *restorative justice* and then with *restorative practice*. The terms we searched were *inventory*, *scale*, *index*, *assessment*, and *matrix*. We then searched for *restorative justice program evaluation*, *index for how restorative a program is*, *measures of use of restorative justice*, *restorative program measures*, *assessing restorative programs*, and *restorativeness*. We first conducted searches on the electronic library resource sites at two separate universities. We then turned to Google Scholar, ResearchGate, and Google. Our efforts found two previous attempts to quantify restorativeness, the *J-Scale* and the *Criminal Law Typology*. We discuss the *J-Scale* first.

Ron Claassen first presented his ideas forming the *J-Scale* at a conference in 1995 and formally introduced the scale in 1996. He based his scale on 11 RJ principles similar to those we identify later [e.g., “crime is primarily an offense against human relationships, and secondarily a violation of law . . . ” (Claassen, 2004, p. 1)]. From these principles, he identified 13 items purported to measure the degree of a program’s restorativeness [e.g., “Moral wrong of crime (violation of persons and relationships ignored or minimized)” vs. “Moral wrong of crime (violation of persons and relationships) recognized” (Claassen, 1996, p. 1)]. Claassen emphasized that these 13 items were not finite and placed them along a five-point scale where ‘1’ indicated the non-restorative side of his continuum and ‘5’ indicated the restorative side of the continuum. Scores on the 13 items are added together to obtain a program score ranging between 13 and 65. Claassen (1996) noted that a score of 26 or less indicates a program dominated by the government while a score of 52 or more indicates a program balanced between government and community.

More recently, Dancig-Rosenberg and Gal have applied their *Criminal Law Typology* (CLT) to assess a program’s restorativeness. The CLT was developed to help differentiate the application of retribution, deterrence, expressive justice, rehabilitation, restoration, and reconciliation in responses to crime (Dancig-Rosenberg & Gal, 2014). The CLT includes 17 characteristics [e.g., victim–offender dialogue] to assess the type of law a criminal justice mechanism or program uses (Dancig-Rosenberg & Gal, 2014; Gal et al., 2018). These characteristics are organized into four clusters: process-related; stakeholder-related; substance-related; and, outcome-related. The characteristics in each cluster are placed along a continuum much like the *J-Scale* [e.g., “Lack of victim–offender dialogue” vs. “Victim–

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offender dialogue” (Gal et al., 2018, p. 260)]. Each characteristic is scored along a scale of 0, “agreement with left side of scale” and 2, “agreement with right side of scale.” Programs are rated by multiple raters with rater scores averaged to determine the program’s overall scores on each characteristic. Alignment with the right side of the scale indicates a restorative mechanism at work (Dancig-Rosenberg & Gal, 2014).

For several reasons, we do not believe that either the J-Scale or the CLT fill the need of assessing an individual process or program’s restorativeness. First, neither instrument delineates a point when one can consider a program restorative. Scoring of the J-Scale simply notes that scores 26 and below indicate government-run programs and scores 52 and above indicate a program is balanced between community and government led. Likewise, the CLT offers no distinct guidance as to how far a program needs to align on the right side of a characteristic, nor how many characteristics must achieve that alignment, to consider a program restorative. Without the ability to determine if a program is restorative in nature, we cannot assure that traditional systems do not co-opt RJ philosophy, a major concern for the future of RJ (Braithwaite, 2002; Gavrielides, 2008; Geeraets, 2016; Popa, 2012; Umbreit & Armour, 2011; Walgrave, 2019; Wood & Suzuki, 2016).

The second concern is that, because they were designed around circumstances where an offense or harm happens, use of either instrument to assess restorativeness of a *proactive* RJ program will likely result in underscoring the restorativeness of the program. While the J-Scale has been envisioned for some level of use in schools (Claassen & Reimer, 2012), 10 of its 13 elements remain specific to justice situations where a person harmed and a person who harmed are involved in RJ processes after the harm happens. The CLT is even more specific to reactive criminal justice settings. The CLT developers note its specific use in cases where an offender has admitted to the crime [harm] (Dancig-Rosenberg & Gal, 2014; Gal & Dancig-Rosenberg, 2017, 2020; Gal et al., 2018). Thus far, all applications of the CLT have been in criminal justice settings.

Third, both instruments weight all characteristics equally to each other when scoring a program. We can see an example of how this can impact a program’s restorativeness by looking at the J-Scale element of religious/faith community involvement (Claassen, 1996, p. 1, item #13). An RJ program could include people harmed, people who harmed, their supports groups, and community members in direct contact with each other to actively repair harms and build relationships, but where those essential people do not directly represent a religious or faith community. This program would not receive a score for full involvement of essential people on the J-Scale because the J-Scale lacks a scoring criterion for number of essential groups involved. However, a program that involves people who harmed receiving some form of volunteer supervision from a religious/faith community would be scored on this item on the J-Scale. Thus, on this criterion of the J-Scale, the second program is more restorative than the first. We believe the opposite to be true – direct involvement and active engagement of four essential groups should reflect as more restorative than supervision of one essential group by another. The CLT, likewise, lacks an item for counting the number of essential people involved.

Our final concern is that these instruments have seen little use in the literature. This appears to be more of a concern for Claassen’s work, as we could not find peer-reviewed applications of the J-Scale despite the 25 or so years since its development. The CLT has been applied by its developers in peer-reviewed studies of programs and some of these studies include reliability and validity assessment (Dancig-Rosenberg & Gal, 2014; Gal &

Dancig-Rosenberg, 2017, 2020; Gal et al., 2018). We acknowledge that the CLT is more recent than the J-Scale, so time may see its application increase. However, when coupled with the above concerns, we can see limitations to widespread use of either instrument as a general assessment a program's restorativeness and in making comparisons across programs and service systems.

In the current state where we lack both a consist conceptualization and assessment instrument for restorativeness, we cannot measure RJ success in a systematic manner across the disciplines where it is implemented (Presser & Voorhis, 2002; Wong et al., 2016). For instance, a lack of consistency in definition and measurements left Gang et al. (2021) and Gumz and Grant (2009) unable to systematically review RJ in the sexual and family violence and the social work literatures, respectively. Therefore, our knowledge about the success of restorative justice is limited to outcomes that are questionably related to RJ and that are based on differing definitions of RJ as found in reviews of programs in criminal justice (Clarke et al., 2017; Sherman et al., 2015; Wong et al., 2016) and education (Katic et al., 2020). Therefore, we believe those who research, develop, implement, assess, and fund programs will benefit from a new instrument that quantifies restorativeness. To build that instrument, we first needed to operationalize RJ by aggregating its diverse definitions and elements.

Major restorative justice definitions and their elements

We started the process of finding and aggregating the definitions of RJ by conducting a search for attempts to complete systematic reviews of RJ-based programs in the literature. We were not concerned with whether the systematic reviews were successfully completed or not, and we did not rule out any disciplines in the search. Once we found a systematic review, we determined the definition of RJ the authors employed. We then searched the literature for articles authored by the people who originally offered those definitions and for articles that offered details to their definitions and elements of RJ. These efforts led to a list of five authors who wrote rather extensively in RJ, each with unique – but related – definitions of RJ. From these definitions and discussion, we extracted six sets of elements those authors considered fundamental to RJ. Upon later reviews of the lists, it became apparent that the authors included were predominately white, Western, and male.

Because visions and models of restorative justice exist beyond the world of white, Western, males, we returned to the literature to conduct further searches. We entered the second search under the sensitizing concepts of *restorative justice*, *restorative philosophy*, and *restorative practices*, once again seeking authors who offered their own definitions and elements of RJ. Different in this search was our intentional search for authors who identified as female and/or as Black, Indigenous, or People of Color (BIPOC). As before, once we identified an author who met our criteria, we looked for other literature they authored that comprehensively detailed their definitions and fundamental elements of RJ. We included authors when they met these criteria and when we were able to establish that they had published both peer reviewed academic literature and non-peer reviewed literature discussing their conceptions.

As we discovered literature that met our criteria, each of the present authors individually read and sorted the definitions and elements into broad categories by author. Individually, we then coded each of the elements into specific categories based on their definitions and

themes. We checked each category for homogeneity and heterogeneity of the elements. We continued our search until we reached consensus that our list represented people defining RJ in terms of gender, race, culture, and RJ ideology. Once each of the present authors completed all of these steps individually, we compared our individual coding and aggregated them into a final set of definitions and elements, reconciling discrepancies where necessary. This final set of definitions and elements became the basis of the instrument items.

Definitions

We present our final list of RJ definitions in [Table 1](#). Based on our analysis of these definitions, we identified the most common parts of RJ definitions as (i) a systemic shift from crime needing punishment to focusing on the harm caused by an interpersonal offense, (ii) reparation of the harm, and (iii) engagement essential persons.¹ These findings align well with what others have identified as common parts of RJ definitions (Popa, 2012; Walgrave, 2019). Within each of these parts there is also an implicit or explicit focus on preserving or enhancing relationships between people. For simplicity, we will review the first three parts under Zehr's (2002, 2015a) depiction of them as the pillars of restorative justice; *Harms and needs*, *Obligations*, and *Engagements*. We will then address *Relationships*.

Harms and needs

Harms are the personal and property damages that arise when one person offends another. They can include both physical and emotional consequences of the harm (Bazemore & Walgrave, 1999; Kuhlmann & Kury, 2018; Marshall, 1999; Muhammad, 2019; Pranis, 2004; Smith et al., 2015; Yazzie, 1996; Zehr, 2002, 2015a). In broader views of RJ, harms arise from interpersonal behaviors that may not be considered crimes. Examples of criminal harm are having one's car stolen or victimization in a physical assault. A non-criminal harm can come from being the target verbal bullying in a school.

Under RJ, when an individual engages in a behavior that harms another, they create needs for the person harmed (Braithwaite, 2002; Daly, 2016; Kuhlmann & Kury, 2018; Marshall, 1999; O'Brien & Nygreen, 2020). The needs can have immediate and/or long-term implications. For example, when a person who harms² steals a car the person harmed may have immediate needs for transportation to and from work, court hearings, childcare, etc., monetary needs for insurance deductibles and car rentals, and emotional needs from experiencing feelings of insecurity. When the person harmed knows the person who harmed, the former may lose trust in people for much longer than it takes to replace the vehicle. Needs can also create other needs. A person harmed by verbal bullying may miss school because of immediate needs for security, with these absences leading to longer-term needs for making up missed schoolwork and rebuilding a sense of self-worth.

Direct targets of the behavior are not the only people with needs when a harm occurs. The people who harmed, family and friends of both the person harmed and the person who harmed, members of the community and schools, employers, and others can all be impacted by a harm (Hamer et al., 2013; Pranis, 2004; Barbara Toews, 2013; Zehr, 2015a, 2015b). RJ seeks to clearly identify all of the people harmed by an act, give voice to the ways they have been harmed, and acknowledge the needs that arise from those harms. The people who are involved in, impacted by, or who can prevent future harm are most often referred to as essential people or stakeholders.

Table 1. Restorative justice definitions and models.

Author	Definition
Bazemore and Walgrave (1999, p. 48)	'Every action that is primarily oriented toward doing justice by repairing the harm that has been caused by a crime.'
Braithwaite (2002, p. 564)	Discusses the 'consequences of injustices and acknowledge(s) them appropriately as a starting point toward healing the hurts of injustice and transforming the conditions that allowed the injustices to flourish.'
Daly (2016, p. 21)	'Restorative justice is a <i>contemporary justice mechanism</i> to address crime, disputes, and bounded community conflict. The mechanism is a <i>meeting</i> (or several meetings) of affected individuals, facilitated by one or more impartial people. Meetings can take place at all phases of the criminal process – prearrest, diversion from court, presentence, and postsentence – as well as for offending or conflicts not reported to the police. Specific practices will vary, depending on context, but are guided by rules and procedures that align with what is appropriate in the context of the crime, dispute, or bounded conflict.'
Eglash (1958, p. 20)	An active process working toward '... a complete restoration of good will and harmony ...' requiring that '... a situation be left better than before an offense was committed.'
Hamer et al. (2013, p. 361)	(Discussing Afrocentric view of Justice) Crime is ... a disruption of the spiritual harmony of the community ... priority is given to the community rather than the individuals involved in the dispute ... emphasize the spiritual as the main source of knowledge, so that morals and justice supersede the law.'
Kuhlmann and Kury (2018, p. 17)	'... the focus (of RJ) is on the well-being of everyone involved. Needs are defined by the participants themselves and their voices are listened to. A sense of justice then derives from the experience that everybody's voice and needs having been heard, respected, and attended to with the goal of an "equal wellbeing." It is a process of presenting and listening to the other, the understanding, respecting, and reconciling divergent realities and truths.'
Marshall (1999, p. 5)	'... a process whereby parties with a stake in the specific offense collectively resolve how to deal with the aftermath of the offense and its implications for the future.'
Muhammad (2019, p. 8)	'A framework for understanding and applying principles to prevent and heal harm and restore relationships.'
O'Brien and Nygreen (2020, p. 522)	'RJ is a process of conflict resolution, healing, and community building, but more than that RJ is an ontology – a way of being in and understanding the world ... rather than judging right from wrong or good from bad concerns itself with healing relationships.'
Pranis (2004, p. 140)	'The vision of restorative justice describes a world in which harm has been repaired for victims, offenders, and communities and a world in which those who cause harm take responsibility and contribute to the repair. It also describes a world in which power relationships are put into proper balance.'
Smith et al. (2015, p. 4)	'In the restorative justice model, mutually consenting victims and offender meet so that the former can have an opportunity to make amends. Importantly, this approach empowers a community to take an active role in resolving problems.'
Toews (2006, pp. 20–21)	'Restorative justice is a way to do justice that actively includes the people impacted by crime- victims, offenders, their families, and communities. Its goal is to respect and restore each as individuals, repair broken relationships, and contribute to the common good.'
Yazzie (1996, p. 120)	'... the Navajo system of justice is based upon discussion, consensus, relative need, and healing. It is "restorative justice," which puts people in good relations with each other, and in continuing relationships.'
Zehr (2015a, pp. 183–184)	'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.'

Obligations

RJ definitions inform that when someone harms another, they simultaneously create an obligation to repair the harm (Bazemore & Walgrave, 1999; Eglash, 1958; Pranis, 2004; Smith et al., 2015; Zehr, 2002, 2015a). The person who harmed is the first one obligated to repair the harm. In other words, the person who harmed is the one foremost responsible for addressing the needs arising from the offense. Most often, the standard calls for restoring the person harmed back to pre-offense status to the extent possible. This means that one of the intended outcomes in RJ is for the person who harmed to work toward making the person harmed whole again. From our prior examples, the car thief and the bully are the

ones primarily responsible for addressing the transportation, monetary, childcare, security, and emotional needs of their victims.

RJ acknowledges that there are times where the harm is too destructive, and the person harmed just cannot be made fully whole. One example of this kind of harm is in the case of murder. There is no way to restore the person murdered and their family back to pre-murder status. In cases where complete restoration is impossible, RJ calls for the restoration to be *to the extent possible*.

We can also recognize from definitions that RJ seeks to transform the conditions which allowed for the harm to occur in the first place (Braithwaite, 2002; Kuhlmann & Kury, 2018; Yazzie, 1996; Zehr, 2015a). Doing so goes beyond restoring to pre-harm status and results in an environment that is in a better condition than before the offense. In our bullying example, transforming the environment might happen by identifying and changing the factors that motivate students to harm others through bullying or that promote bullying behaviors.

Attaining pre-harm status, to the extent possible, equal to pre-harm, or better than pre-harm, may be beyond the abilities of the people who harmed. The lone bully may be able to complete the personal transformation necessary to improve their behavior but cannot change a conflict culture within a school or improve behavioral expectations by themselves. For this reason, RJ authors note that other essential people also have some duty to address harms and help fulfill needs (Braithwaite, 1989; VanNess & Strong, 2015; Zehr, 2002).

Engagements

In general, readers can find four categories of essential people in the RJ literature. They are victims or people harmed, offenders or people who harm, family/support for victims and/or offenders, and the greater community (Daly, 2016; Hamer et al., 2013; Pranis, 2004; Barb Toews, 2006; Barbara Toews, 2013; Yazzie, 1994; Zehr, 2015a, 2015b). RJ seeks engagement from as many essential people as appropriate to attain the goals at hand. To do so, the essential people need processes where they can meet to plan and complete their RJ work.

A common portrayal of RJ engagement is a victim–offender conference, where the person harmed and the person who harmed meet face to face in a conversation that is facilitated by a third party trained in RJ processes. The point of the conference is to allow free, but guided, dialogue between affected parties about the harm and its consequences, as well as to develop a mutually agreeable plan for repairing the harm.

Some RJ engagements allow more essential people to be present than others. An example where more essential people may be engaged is when a classroom teacher calls a restorative circle allowing all classmates to weigh in on a case of bullying between two students in the class. Likewise, a community organizer may call a community-wide circle to discuss the impact of a potentially discriminatory policy enacted by the local housing department. An example where fewer essential people might be engaged is when a juvenile probation department chooses to implement a type of victim awareness program that teaches youthful offenders to consider who their crimes harmed and how those people are harmed, but may not involve the identified victims in the programming itself. Likewise, a victim services center might pair with a college club to help provide free transportation or childcare services for people harmed while they attend counseling or court hearings, without directly involving the people who harmed.

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The debate about restorativeness often centers on the number of essential people who are invited into the process (Bazemore & Green, 2007; Wachtel, 2016; Zehr, 2015a). As depicted in Figure 1, programs that are less restorative engage one essential person or group (person harmed, person who harmed, family/support, community), more restorative programs engage two essential people or groups, and fully restorative programs involve three or all four essential people or groups.

We believe that the number of essential people is a critical component for assessing the restorativeness of RJ-based programs and interventions but do not think it is the first or only factor to consider. We suggest it is important to first assess if the program’s mission includes identifying *Harms and needs*, assigning *Obligations*, and *Engaging* essential people as defined above. An equally important first step in determining restorativeness is whether the program attempts to build or strengthen *Relationships*.

Relationships

Interpersonal relationships are critical to restorative philosophy. Vaandering (2013) suggested that RJ’s philosophical foundation “...indicated that people are relational, worthy human beings whose well-being is diminished or nurtured through relationships” (p. 320).

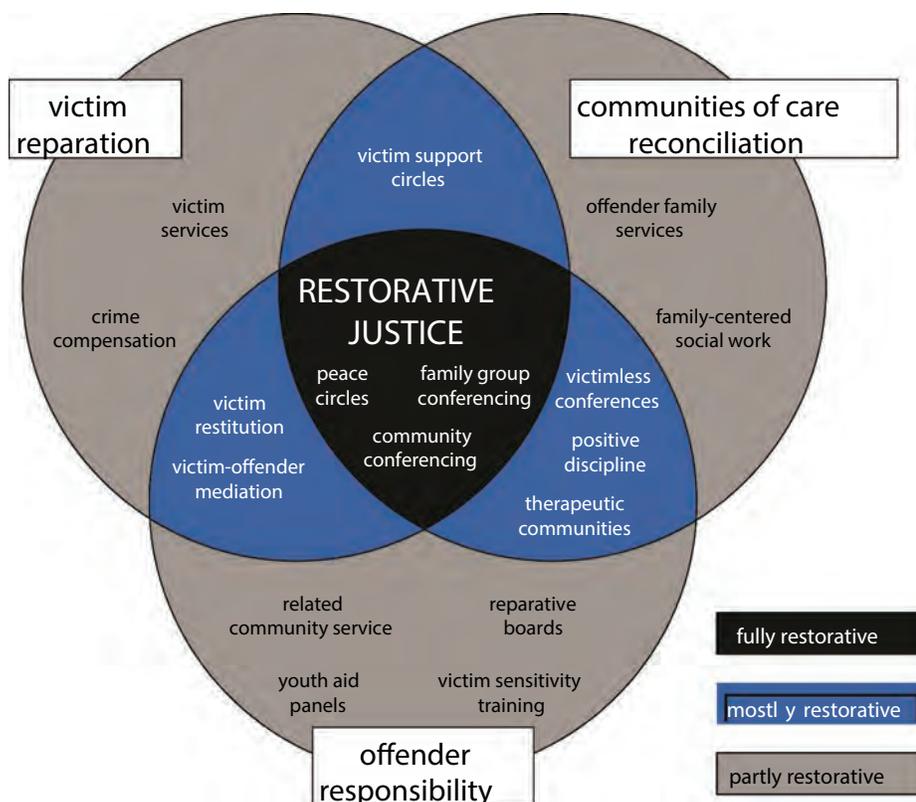


Figure 1. Restorative justice typology. Copyright 2016, International Institute for Restorative Practices. All rights reserved. Used with permission. Reproduced from Wachtel (2016). Defining restorative. <https://www.iirp.edu/restorative-practices/defining-restorative/>.

Walgrave et al. (2021) noted that “(t)he quality of social life is dependent on how we relate to each other . . . Fundamentally, this criminology is based on a trust of our fellow humans” (p. 633). VanNess (2004) highlights the importance of relationships by reminding us that, according to the Judeo-Christian Bible, the people of Jericho saw themselves as descended from Abraham so that they remained family. Seeing each other as related through familial bonds emphasizes the importance and interdependence of interpersonal relationships among essential people within RJ.

Two different relationship conceptions appear in RJ ideology. First, authors often write about RJ’s need to focus on rebuilding strained or broken relationships between victim and offender (Bazemore et al., 2007; Braithwaite, 1989; Daly, 2016; Smith et al., 2015; VanNess, 2004). Eglash’s (1958) definition from Table 1 is a good example of this as he calls for the “complete restoration of good will and harmony” between the person harmed and the person who harmed. Like all the foregoing, this view is the *reactive* side of RJ; essential people in a harm that has already happened engage in a process to address that harm and to rebuild or strengthen prior relationships.

The second type of relationships that authors discuss is *proactive*, where RJ’s focus is on improving the general quality of life by understanding and validating each other’s values, norms, and cultures so that we can avoid harming each other (Davis, 2019; Hamer et al., 2013; Ishiyama & Laoye, 2016; Barb Toews, 2006; Yazzie, 1994, 1996; Zehr, 2015a). An example of a proactive relationship RJ process is a community-building circle, also known as a values-clarification circle. In this process, a facilitator engages interested community members in a discussion about the beliefs, values, norms, hopes, etc. that community members hold in an effort to strengthen the sense of relationships in the community and to prevent potential harms in the community. Proactive community-building circles often occur in system-wide RJ efforts, such as the school-wide initiation of anti-aggression programs.

Whether efforts to strengthen interpersonal relationships are reactive or proactive, their ultimate goal is to see that all people are able to live peacefully, morally, and justly among each other (Yazzie, 1996; Zehr, 2015a). RJ seeks to assure this state through open dialogue where the essential people and larger communities interact directly with each other in order to explore, understand, and validate each other’s values, goals, and cultures (VanNess, 2004; VanNess & Strong, 2015; Yazzie, 1996). RJ posits that we are one people, interconnected to each other, and that the well-being of one affects the well-being of all.

An important and growing focus of RJ related to the idea of interconnectedness is the push to address societal, systemic, and governmental practices or policies that create harms to groups of people because gender, racial, ethnic, or social factors (Baliga, 2021; Cripps & McGlade, 2008; Davis, 2019; Elechi et al., 2010; Heberle et al., 2020; Jenkins, 2006; Muhammad, 2019; Norris, 2019; O’Brien & Nygreen, 2020; Parker, 2020; Barb Toews, 2006; Barbara Toews, 2013; Wadhwa, 2020; Yazzie, 2020; Zehr, 2015b). For instance, Baliga (2021) asserts that white power structures work their way into the criminal justice system via the 13th Amendment as an expansion of black slavery. Cripps and McGlade (2008) discuss how Western practices of criminal justice have marginalized generations of Indigenous families, resulting in cycles of family violence. Similar discussions concerning redress of societal, systemic, and intergenerational harms appear in the areas healthcare and childbirth (Lokugamage & Pathberiya, 2017), sexual assault weaponized in war (Cooke,

2019), transitional governments (Durbach & Geddes, 2017), domestic and sexual violence (Curtis-Fawley & Daly, 2005; Mills, 2008), schools (Parker, 2020), and other areas of human existence.

The common theme coursing these arguments is that RJ must make concerted effort to address the oppression, marginalization, bias, and racism that result from unequal power structures in the world. This theme is often referred to as “transformation” in the literature. We agree with other RJ authors that systems which promulgate oppression, marginalization, bias, and racism are founded on unequal power structures in societies. Where such inequalities in power exist, there is harm to the interconnectedness and well-being of all people. We also believe that repairing these harms requires effort and attention at systems-level approaches to RJ. Thus, we include the focus on efforts to equalize power among interpersonal relationships within *Relationships* here. We also suggest that any RJ-based attempts to address such societal, systemic, or governmental inequalities will position themselves at Level 2 or Level 3 in what we describe as *Program Approach* below.

When combined with the primary goal of addressing harms, RJ programs that focus on *Relationships* help keep communities and societies from harm and oppression. They also nurture all of its members to full growth and potential (Vaandering, 2013). Zehr (2015a) describes living in this state as achieving *Shalom*, Yazzie (1996) describes it as *Hohza nahasdlit*, while others describe it as *Ubuntu* (Davis, 2019; Elechi et al., 2010; Omale, 2006). The Restorative Justice Umbrella in Figure 2 depicts this state as *Shalom*. Programs that attend to *both* primary RJ goals, thereby seeking interpersonal well-being as described by *Shalom*, *Hohza nahasdlit*, *Ubuntu*, or similar states are more restorative than those that only attend to one or the other primary goal.



Figure 2. Restorative Justice Umbrella. Figure courtesy of Olson and Fry. Reproduction permitted with attribution.

We developed the Restorative Index to help quantify a solution to the questions of whether a program is restorative and, if so, how restorative it might be. We offer that assessing whether a program seeks to achieve one or both of the primary RJ goals discussed above answers the first part of the question. To answer the second part of the question, we need a way to assess whether the program's attempts to achieve its goals meet the elements of restorative processes. For that, we need to understand the principles that make processes restorative.

Elements of restorative processes

In [Table 2](#), we have summarized the principles of RJ offered by the authors we identified by our search criteria. Collectively, their works span the past quarter century. These principles often build the base of others who are doing the work of RJ. Our coding strategy identified five elements of restorative processes common within these principles. Like Van Ness and Strong (VanNess & Strong, 2015) the elements we identified were *Inclusion*, *Encounter*, *Amends*, *Reintegration*, and *Transformation*. Within each of these elements, we identified additional components common among the authors we identified. We discuss the elements and their components next.

Inclusion

Inclusion is the first part of engaging essential people. *Inclusion* encompasses the processes through which RJ practitioners reach out to identify, invite, and engage essential

Table 2. Principles and tenets of RJ processes.

Author	Principles/Tenets
Bazemore and Green (2007)	Repair, Inclusion, Transformation
Braithwaite (2002)	Remorse for injustice, Apology, Censure of act, Forgiveness of person, Mercy
Daly (2008)	Informal process, Dialogic encounter among lay actors, Victim description of effects of crime, Offender responsibility, Consensual decision-making, Repair of harm
Elechi et al. (2010)	Restoration of people, relationships, and social harmony, Empowering victims, Needs, Accountability of offenders, Reintegration, Healing, Transformation, Reevaluation of community values, Reconciliation, Repentance, Empathy, Forgiveness, Apology
McCold (1998), as cited in Gavrielides (2008)	Moralizing, Healing, Empowering, Transforming
Muhammad (2019)	Transformation, All voices heard, Acknowledge differences, accountability, Stigmatize shame not person, Reintegration, Identify harms, Needs, Restore relationships, Repair harm, Vulnerability, Dialogue
Roland et al. (2012)	Acknowledge/address needs, Accountability, Collective resolution, Reconciliation, Atonement, Reparation, Safety, Respect, Prevention, Communication, Openness, Consistency
Shen (2016)	Voluntariness, Dialogue, Relationship building, Communication of moral values, Respect, Procedural justice
Toews (2006, 2013)	Respect, Care, Accountability, Participation, Self-determination, Interconnectedness, Particularity, Nonviolence, Humility, Trust and transparency, Transformation, Harms, Needs, Amends, Restoration, Healing, Safety, Rebuild people and relationships, Communication
VanNess and Strong (2015)	Inclusion, Encounter, Amends, Reintegration, Transformation
Yazzie (1994)	Notice, Opportunity, Encounter, Inclusion, Information, Relaxed atmosphere, Free communication, All can offer ideas for solution, Restore relationships, Obligations, Safety, Respect, Voluntariness, Lack of punishment, Understanding of community values, Compensation (restitution), Consensus, Treatment of people as related to one another, Distributive justice, Well-being of all
Zehr (2002)	Address harms, needs, causes; Victim-orientation; Stakeholder responsibility; Stakeholder involvement; Dialogue and participation, Respectful to all parties

people in harm repair and/or relationship building (Bazemore & Green, 2007; Braithwaite, 1989; Muhammad, 2019; Barb Toews, 2006; Yazzie, 1994). We identified three recurring themes related to insuring that all parties who wanted to be involved in RJ processes could be involved in those processes. These were information, opportunity, and voluntariness.

Information. Information means providing essential people with the details about RJ's goals, strategies, and expectations throughout the entirety of a process (Cripps & McGlade, 2008; Pranis, 2004; VanNess & Strong, 2015; Yazzie, 1994). In many cases, information is written. Once they receive the information, essential people should have enough time to read and comprehend it before they are asked to engage in the RJ processes. For example, at the fact-finding stage of a hearing, probation officials may give an offender a brochure about a victim-offender conference while the district attorney's office gives another pamphlet to the victim. Both parties have time to read and consider the information before returning for sentencing. Similarly, before a middle-school initiates school-wide relationship building project by introducing circles within its classrooms, teachers, students, parents, staff, and other essential people can be given program information detailing each of the goals and strategies of the project, as well as the expectations of the circle participants.

Information also means that essential people receive timely updates to events such as hearing dates, engagement dates, case status change, offender status change, completion or failure to meet agreements, and other important details effecting the matter(s) they are involved with (Cripps & McGlade, 2008; Mills, 2008; Zehr, 2015a). For example, to the extent possible, victims should be aware if offenders are complying with their treatment agreements or if they abscond from a correctional setting. Processes or programs that provide timely information to all essential people throughout the life of their cases are more restorative than those that do not.

Opportunity. Within RJ, opportunity means that programs actively work to assure that all essential people who want to be involved can be involved in the process (Mills, 2008; Parker, 2020; Pranis, 2004). Recalling Wachtel's typology from Figure 2, we note that involvement of essential people is meant to be appropriate to the strategy employed. For instance, victim-offender conferences (VOC) are designed to allow the victim and offender to meet in person to identify and address harms, and to build relationships. Opening VOCs to any interested community member would be inappropriate to the selected VOC strategy. Still, opportunity for involvement means choosing the correct process for the goals at hand. Facilitating only a VOC between the alleged perpetrator and legally identified victim in a harmful incident resulting from a long-standing culture that accepts sports' hazing would be less restorative than hosting a community circle where all parents, students, athletes, coaches, and others effected by harms in the hazing culture have the opportunity to participate.

The notion of opportunity is not absolute. Braithwaite (2002) notes that RJ processes should empower essential people to speak freely and in their own words. He cautions against active engagement of the parties' attorneys in restorative strategies, as they may have interest in extending or polarizing the conflict leading to, or resulting from, the harms. As the goals of RJ are to address harms and build relationships, it stands to reason that the included parties should be those who have an interest in resolving harm and building

relationships toward a state of *Shalom*. We believe it is appropriate to consider excluding those whose interests lie elsewhere.

Voluntariness. Voluntariness refers to the idea that essential people are free to choose whether they participate in restorative justice processes. Fundamentally, RJ philosophy calls for total voluntariness, where all participants decide for themselves whether they will participate in the processes (Kuhlmann & Kury, 2018; Shen, 2016; VanNess & Strong, 2015; Yazzie, 1996; Zehr, 2015a). However, especially in Western implementations of restorative justice with youthful offenders or within established punitive systems, some level of coercion exists in efforts to engage parties and to enforce agreements (Gavrielides, 2008; Geeraets, 2016). These efforts are met with some success (Ernest, 2019). As we are concerned with the most widely accepted visions of RJ, we value voluntary participation over coercion.

RJ processes or programs that include all essential people are more restorative than those that do not. Within *Inclusion*, processes and programs that offer information, opportunity, and voluntary participation are more restorative than those that only offer two of these components. Processes or programs that offer two components are more restorative than those that offer only one.

Encounter

Encounter means having a time, place, and format for the essential people to meet so they can discuss the harms and needs, assign obligations, and develop restorative plans (Braithwaite, 1989; Daly, 2008; Elechi et al., 2010; Barbara Toews, 2013; VanNess & Strong, 2015; Yazzie, 1994). This is the stage most often thought about in RJ, including when writers report that RJ gives parties the chance to meet face to face to address harms. We found three recurring themes related to components of *Encounters*: respect and safety; restorative dialogue; and equality of participants.

Not all RJ processes involve meetings between all essential people. A victim empathy training may only involve offenders and some victim service projects may only engage victims. We do not believe the elements of *Encounter* are applicable in processes engaging only one stakeholder group since there is no opportunity to work out the differences between essential people. Consistent with the typology noted in Figure 1, when processes involve *Encounters*, we include a count of essential people or groups in assessing restorativeness.

Respect and safety. In part, RJ seeks to separate the person who harmed from their act, valuing the person while working to admonish and then repair their behavior and its consequences (Braithwaite, 1989, 2002; Elechi et al., 2010; Zehr, 2015a). At the same time, it seeks to empower people harmed, whose humanity and autonomy were diminished by the harm (Elechi et al., 2010; McCold, 1998; Barb Toews, 2006; Barbara Toews, 2013). RJ also holds that extended others, such as family/support group and community members, have valuable insights that can help repair harm and build relationships (Curtis-Fawley & Daly, 2005; Mills, 2008; Zehr, 2015a). Thus, RJ encounters directly attend to respectful interactions by disallowing personal attacks, insuring that one person speaks at a time, and that all participants can speak if they want to (Davis, 2019; Winslade, 2019). RJ facilitators listen for and redirect discussion involving personal attacks and work to increase understanding and

validation of each participant's cultures, norms, and experiences (Cavanaugh et al., 2014; Choi & Severson, 2009a; Reilly & Hayes, 2018; Umbreit & Coates, 2000).

Those attending and speaking during encounters must feel physically and emotionally safe. There are several ways to help ensure safety in encounters and all of them work to assure that participants can engage in the encounter without re-victimization. For example, in victim offender conferences, each party usually attends at least one pre-conference briefing where the facilitator explores the safety concerns the parties might have, among other tasks. During an encounter, a facilitator watches for signs of emotional discomfort and aggressive physical behaviors from the parties and immediately acts to deescalate discomfort and disrespect when perceived.

Restorative dialogue. Restorative dialogue asks questions specific to the harm experienced by the parties. Often, questions center on the thoughts of each party as the harm occurred, the thoughts of the parties after some time has passed since the harm, what each party believes needs to happen to repair the harm, what supports the parties need or can offer to repair the harm, and other questions relevant to harms and needs, obligations, and relationships (Daly, 2008; Muhammad, 2019; Shen, 2016; Wadhwa, 2020; Winslade, 2019; Yazzie, 1996; Zehr, 2015a, 2015b). Sometimes referred to as *storytelling*, use of restorative dialogue keeps the conversations focused on restorative goals such as developing a common understanding of the harm that occurred or arriving at a validation of participants' cultures and values.

Equality of participants. Equality of participants means that the voices of all people in RJ encounters are equal in terms of power and decision-making (Baliga, 2021; Parker, 2020; Barb Toews, 2006; Yazzie, 1994, 1996). In these terms, the essential people all hold the same power in an RJ process and all decision-making within the RJ process is determined via consensus (Daly, 2008; Elechi et al., 2010; Roland et al., 2012; Yazzie, 1994). No party, including the state, makes decisions for another party when the parties are equal. Equality under this conception extends to the facilitator of RJ processes (Baliga, 2021; Pranis, 2004; Yazzie, 1996).

Indigenous conceptions of RJ allow that facilitators can be from the community where the harm did or could occur and even that facilitators can be related to participants (Cripps & McGlade, 2008; Omale, 2006; Yazzie, 1996) so long as the facilitator acts as an experienced guide in egalitarian dispute resolution (Kuhlmann & Kury, 2018; Yazzie, 1994). To help assure equality of participants, facilitators will – at minimum – explore, understand, and address their own biases before, during, and after encounters (Choi & Severson, 2009a; Reilly & Hayes, 2018; Umbreit & Coates, 2000). This is somewhat different than the Western view that impartial, professional facilitators are needed in RJ processes (Braithwaite, 1989; Kuhlmann & Kury, 2018; VanNess & Strong, 2015; Zehr, 2015a). Western conceptions usually require that the people moderating RJ discussions do not have a stake in the instant harm or its repair and that they do not have a direct personal relationship to any of the parties (Kuhlmann & Kury, 2018; Zehr, 2015a). In either conception, the facilitator acts as a guide to the restorative process, insuring that all parties maintain equality in making decisions.

A return to number of essential people. As we noted earlier, it is important to note the number of essential people or groups involved in the restorative process. As expressed in

Figure 1, restorative processes may involve any single or combination of essential people depending on their goals and services. Some processes and services work solely with people who harmed such as in offender intervention programs or victim services. Other processes work to proactively avert harms by exploring and validating the cultures, norms, and values of all community members. For example, a facilitator at a victim empathy training for youthful offenders may engage only offenders in restorative dialogue, such as asking who their actions harmed, how those people were harmed, and what the offenders were thinking at the time. This qualifies as restorative but involves fewer essential people than when offenders respond to the same restorative questions at a victim offender conference. While both these examples are clearly restorative, the latter is more restorative. Restorativeness increases with the number of essential people or groups engaged.

Amends

Amends are the actions people who harm take to restore the person harmed, the community, and even the person who did the harm back to pre-harm status (Bazemore & Green, 2007; Daly, 2008; Elechi et al., 2010; McCold, 1995; Muhammad, 2019; Zehr, 2015a, 2015b). RJ seeks to assign most responsibility for *Amends* on to the person who harmed, yet it recognizes that there are times when obligations for *Amends* may rest on the community (Braithwaite, 1989; Cripps & McGlade, 2008; Davis, 2019). As we noted earlier, *Amends* are made to the extent possible, given the entirety of the harm and resulting circumstances. We found two recurring themes in *Amends*: apology and restitution.

Apology. In an apology, the person who harmed takes on full accountability for their actions in a defenseless way that demonstrates their own sense of embarrassment or shame for what they did (Braithwaite, 1989; Muhammad, 2019; VanNess & Strong, 2015). In doing so, the person who harmed directly acknowledges and accepts responsibility for the harm they caused to the person harmed (Braithwaite, 1989; Daly, 2016; Muhammad, 2019; Roland et al., 2012). Apologies can be written or verbal. Once the person who harmed offers an apology, program facilitators often follow up with people harmed to assess their perceptions and acceptance of the apology and whether forgiveness is offered (Braithwaite, 2002; Choi & Severson, 2009b; Elechi, 1999; Elechi et al., 2010). As one of the most important components of the reconciliation process, RJ writers stress that apologies, acceptance, and forgiveness must all be voluntary (Braithwaite, 2016; Omale, 2006; VanNess & Strong, 2015; Zehr, 2015a).

Restitution. Restitution is the return or repair of loss and damages to person harmed by the person who harmed (Eglash, 1958; Kuhlmann & Kury, 2018; Marshall, 1999; Pranis, 2004; Smith et al., 2015). The latter can make restitution by meeting identified needs through money or work. As we noted above, Needs may be tangible or intangible. For example, in a case where someone burglarized a home, the homeowner may identify tangible needs for repair of a damaged window, return or replacement of stolen possessions, and repayment of their insurance deductible. An intangible need might be to restore feelings of safety in their own home. At minimum, processes and programs that seek restitution should aim to restore the person harmed to pre-harm status to the extent possible, but they may go so far as to leave the essential people in a better position than before the harm.

Restorative programs can also encourage community members to engage in restitution efforts when the people harmed are unable to make full restitution or to help build stronger relationships by themselves (Cripps & McGlade, 2008; Yazzie, 1996). In the burglary example, the local police department might help meet the need for feelings of safety by conducting a home safety inspection for the homeowner. The local carpenters' union might help in going beyond restitution by volunteering the time and materials needed to teach the person who harmed how to rebuild the damaged window and to install a raised planter underneath the new window.

Under the concepts of *Amends*, programs that offer opportunities for apology are more restorative than those that do not attend to apologies. Programs that seek restitution are more restorative than those that do not. At minimum, restitution programs should seek a return pre-harm status to the extent possible.

Reintegration

Reintegration means taking the steps necessary to return the people harmed and the people who harmed to the community as full, productive citizens (Braithwaite, 1989, 2002). We identified five common components of *Reintegration*. These are acceptance of the person; safety; competency development; follow through; and relationships. As we already addressed relationships as a primary goal of RJ above, we attend to the remaining four components here.

Acceptance of person. Offenders are often viewed as bad people in the traditional system and this can lead to rejection and stigma for the person (Davis, 2019; Zehr, 2015a). Serious cases of harm can be broadcast in the media, leading to further stigma of the offender. Alternately, RJ seeks to censure acts, not people (Braithwaite, 1989, 2016; Elechi et al., 2010; Muhammad, 2019; Barb Toews, 2006). Here, RJ works to remove offending stigma from people who harm by separating the person from the act. RJ offers dignity to people who harm while working with them to accept responsibility for the harms they caused and to make restitution (Kuhlmann & Kury, 2018).

People harmed can also be stigmatized in an offense, both by the offense itself and the system's traditional response to the offense (Baliga, 2021; Hamer et al., 2013; Mills, 2008; O'Brien & Nygreen, 2020). People harmed can be made to feel as if the offense is their fault in a system that views them as mere witnesses to a harm, perhaps especially so for gendered or sexual violence (Cooke, 2019; Curtis-Fawley & Daly, 2005; Durbach & Geddes, 2017; Randall, 2013). These feelings of fault can lead to stigmatization by self and others. RJ processes work to reduce and remove such stigma by viewing people harmed as primary participants to an offense, by giving them direct voice and decision-making power in the system, and by focusing on their needs for restoration from the offense (Barb Toews, 2006; Zehr, 2015a). RJ thus elevates people harmed from mere witnesses to a harm to the people with a primary role in the restorative process.

Safety. RJ recognizes that one result of a harm is the shifting of power from the person harmed [victim] to the person who harmed [offender] (Hamer et al., 2013; Zehr, 2015a). When left unchecked, this shift of power often leaves victims at risk of further physical harm, especially so in cases of domestic violence and sexual assault or where offenders seek revenge for the reporting of the harm (Mills, 2008). The power shift may also leave victims

in a state of psychological distress through anticipation of additional harms or unresolved emotional trauma. These conditions reduce victims' ability to fully reenter society (Durbach & Geddes, 2017; Zehr, 2015a).

RJ also recognizes that offenders may have need for safety (Cripps & McGlade, 2008; Barbara Toews, 2013; Winslade, 2019; Zehr, 2015a). A member of the victim's family or support group, or even community members at large, may seek revenge for the harm to the victim. Offenders sometimes cause additional harms to themselves, their victims, or other community members in response to psychological distress and guilt they feel from causing the original harm. Like with victims, offenders' safety needs reduce their ability to reenter society. Thus, RJ seeks to address physical and psychological safety of all essential participants as they repair harms and rebuild their relationships in the community.

Competency development. RJ holds that *Reintegration* is more successful when the people harmed and the people who harmed have the cognitive and adaptive skills necessary for achieving competence in the tasks associated with their lives (Clarke et al., 2017; Torbet & Thomas, 2005; VanNess & Strong, 2015; Walgrave et al., 2021). Examples of competencies are reading comprehension, a high school education, coping with stress or trauma, time management, anger and impulse control, or employment-related skills such as welding, computer coding, or horse grooming. Competency development can help overcome effects of the harm, as would be the case in learning and practicing grief and coping skills to adjust to the loss of a loved one. Competency development can also help the essential person exit a harm in a better position than when they entered by addressing one or more of the causes of the harm (Braithwaite, 2002; Cripps & McGlade, 2008; Mills, 2008; Zehr, 2015a). For example, a restoration plan for a domestic violence offender might include agreements for the person who harmed to build skills in trauma-informed coping, interpersonal relations, and car mechanics to help overcome childhood exposure to abuse, strengthen their relationship with their own children, and secure a new job.

Follow through. Efforts at earlier stages of RJ processes can be lost if there are no mechanisms to monitor change, verify outcomes, or assure accountability and restitution. This is especially important in indigenous cultures and Level 3 restorative justice, where there is no punitive system to force compliance of agreements (Cripps & McGlade, 2008; Yazzie, 1996). Routine checkups with people harmed, people who harmed, and other stakeholders can help determine if restitution was offered and received. Active follow through can also help overcome obstacles to meeting restorative plans at the earliest possible time, mitigating further harms.

RJ processes that seek *Reintegration* by attending to the components of acceptance of participants as people, safety, competency development, and follow through are more restorative than those that attend to fewer of these components. As with other elements, processes or programs do not have to offer all four of these pieces. Educational programs that address only competency development for victims are still partially restorative.

Transformation

One element of restorative *Transformation* is changing the Western perspective of crime from that of an act deserving governmental punishment to a more indigenous perspective of harm needing repair by essential people. A second element is changing our views of

“helpless victims” and “bad offenders” to seeing both as valuable members of society who are in each in some form of need. Another element is valuing all cultures within communities with a view of collective efficacy, influence, and interdependence on each other. We believe we have already addressed several of the *Transformation* components above. We now capture how extensively a program attempts *Transformation* via program approach.

Program approach. A running debate in Western RJ has been whether it is a social movement that replaces traditional approaches to harm, whether it is a corollary system that lives right beside our traditional approaches to harm, or whether it is a tool to be used in certain instances of harm (Baliga, 2021; Jenkins, 2006; O’Brien & Nygreen, 2020; Parker, 2020; Zehr, 2015a). All three of these approaches have been, and currently are, implemented in various RJ processes and programs. For example, in some schools RJ is implemented as a school-wide approach where reduction of harms, strengthening of relationships, and validating all cultures become the primary focus of the entire school. We refer to this a Level 3 implementation. Other schools implement RJ in classrooms, where students and teachers within those classrooms are exposed to both traditional and RJ processes. We refer to this as a Level 2 implementation. Some schools may implement only one or a few aspects of RJ along with traditional punishments in specific cases of student misconduct, such as offering victim offender conferencing when offenders return from suspension in instances of third- to sixth-grade bullying between students. In these implementations, RJ strategies actively exist within the punitive systems. This is not co-option as we are concerned with it. Rather, these most often are earnest efforts by current practitioners and systems who recognize the value of adding RJ to their interventions. We refer to this as Level 1 implementation. We have depicted these three levels of implementation in Figure 3.

While efforts at any of these three levels are restorative to some extent, Levels 1 and 2 offer some limitation to full RJ implementation. For instance, Level 1 implementations can address the harms and needs of instant bullying offenses, but they do not engage other essential in the school. Thus, they can leave untouched the harms incurred by the greater school community as well as the cultural conditions that lead to offending in schools (cf. Jenkins, 2006 for an extended discussion and example). Level 2 implementations can help overcome this limitation by diverting harms from the traditional systems and beginning to address larger community factors. However, because the Western system remains an option if RJ efforts fail, punitive practices often retain the lack of voluntariness and systemic power, with their accompanying bias, oppression, and marginalization that disproportionately impacts communities and essential people who are black, indigenous, or other people of color (Cripps & McGlade, 2008; Davis, 2019; Omale, 2006; Parker, 2020; Wadhwa, 2020). By working to remove and replace Western systems of punishment, Level 3 implementations overcome these concerns. For these reasons, whole-system approaches that seek to replace traditional, punitive strategies with RJ-based strategies that are accepting and validating of all cultures represented in the community (Level 3) are the most restorative practices. Less restorative are corollary approaches (Level 2), followed by offense-specific approaches (Level 3).

Taken together, the above definitions and elements make up the criteria needed to determine if a process or program is restorative, and if so, to what extent. Utilizing these definitions and elements, we developed the Restorative Index to offer a quantification of restorativeness useful to those interested in assessing the restorativeness of programs and practices. We now introduce the index.

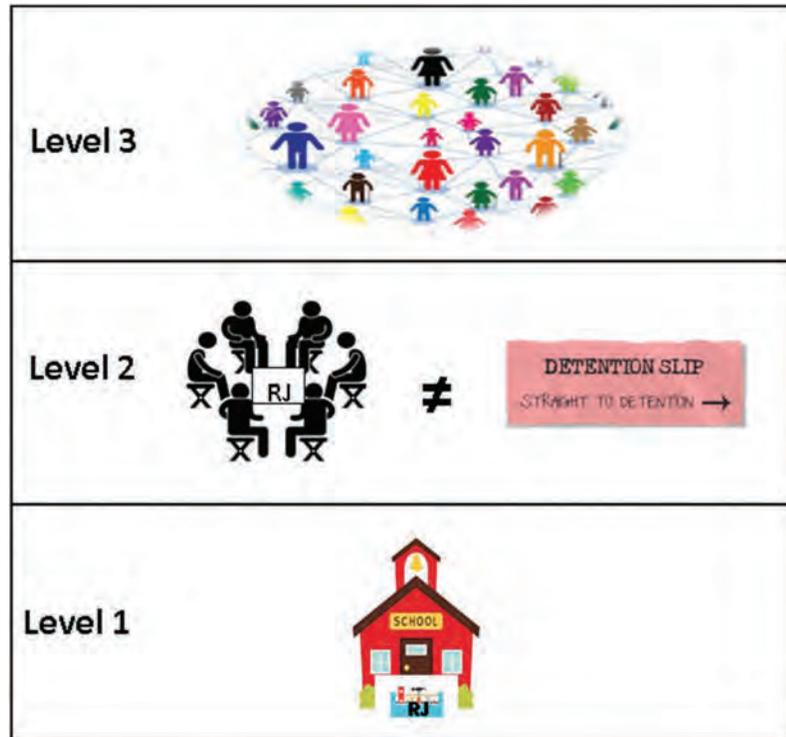


Figure 3. Levels of restorative justice. Figure courtesy of Olson and Sarver. Reproduction permitted with attribution.

The Restorative Index

Table 3 presents the Restorative Index (RI). The reader will see that there are two parts of the RI, *Program Mission* and *Implementation*. The criteria in these two parts mirror the definition and element schema above. Based on available program information, raters assign points when they believe the program meets the specified criteria in an area. If the program does not meet the criteria, raters enter a score of 0. *Program Mission* is scored up to eight (8) points, and *Implementation* is scored up to 19 points. The highest possible score for a program on the RI is 27. Higher scores represent greater restorativeness. We suggest noting a “low” level of restorativeness for programs with an overall score of 1–13, “moderate” restorativeness for programs that score 14–19, and “high” restorativeness for programs that score 20 or more. We believe this scoring and notation system aligns well with the idea of a restorativeness continuum (Claassen, 1996; Wachtel, 2016; Zehr, 2015a). We will demonstrate its utility by scoring a contemporary school-based RJ program after additional discussion about the two parts of the RI.

Restorative Index Part 1, Program Mission

We propose that for acceptance of a program or process as restorative, it must attempt to meet one or both of the primary RJ goals, addressing *Harms* (reactive) and/or building

Table 3. The Restorative Index.

Program Mission	Score
Mission (up to 8 points) Harms: Within its mission, does the initiative <ul style="list-style-type: none"> • identify the specific <i>harms</i> of an interpersonal offense (1 point), • identify the <i>needs</i> of the stakeholders resulting from the harms (1 point), • assign <i>obligations</i> for repairing those harms (1 point), and/or • <i>engage</i> the essential people in any of the above mechanisms (1 point) Scoring Notes: Relationships: Within its mission, does the initiative: <ul style="list-style-type: none"> • work to <i>build, equalize or rebuild interpersonal relationships</i> by understanding and validating essential people's values, norms, and cultures (4 points if "yes") Scoring Notes: If no mission score, program is not restoratively focused. Consider desire to move forward.	/8
Implementation	
Inclusion (up to 3 points) <ul style="list-style-type: none"> • Information: essential people provided with details of program goals, strategies, and expectations (1 point) • Opportunity: program allows involvement by all interested essential people (1 point) • Voluntariness: participants free to choose/withdraw participation throughout program (1 point) Scoring Notes:	/3
Encounter (up to 7 points) <ul style="list-style-type: none"> • Respect & Safety: value essential people as people and provide for physical/emotional safety (1 point) • Restorative Dialogue: dialogue encourages free and open communication about harms, needs, relationships (1 point) • Equality of parties: Encounter process and facilitators insure that all voices and participants have equality in decision-making. No person makes a decision for another. (1 point) • Number of Essential People: assign 1 point for each essential person or group engaged in encounters; person harmed, person who harmed, family/support group, community (up to 4 points) Scoring Notes:	/7
Amends (up to 2 points) <ul style="list-style-type: none"> • Apology: mechanism(s) for person who harmed to acknowledge responsibility for harm, offered to person harmed (1 point) • Restitution: mechanism for person who harmed to repair harms caused to person harmed (1 point) Scoring Notes:	/2
Reintegration (up to 4 points) <ul style="list-style-type: none"> • Acceptance of Person: mechanism to reduce/remove stigmatization of harm from <i>Encounter</i> participants (1 point) • Safety: mechanism to rebalance power to person harmed and/or provide for physical & emotional safety of <i>Encounter</i> participants as they reenter society (1 point) • Competency Development: initiative offers essential people skill building and/or practice of skills (1 point) • Follow Through: mechanisms to monitor change, verify outcomes, assure accountability & restitution (1 point) Scoring Notes:	/4
Transformation (up to 3 points) <ul style="list-style-type: none"> • Program Approach: incidental (1 point); corollary (2 points) or systemic (3 points) implementation Scoring Notes:	/3
Total Score: 1–13 Low restorativeness 14–19 Moderate restorativeness 20+ High restorativeness	/27

Relationships (reactive or proactive). Its attempt to reach the primary goal(s) should be clear within the program details. A program whose mission attempts to achieve both goals of addressing *Harms* and building *Relationships* is more restorative than a program attempting to meet only one of these primary goals. Further, a program whose mission attempts to achieve all four subgoals of *Harm* (harms, needs, obligations, and engagements) is more restorative than one that attempts fewer of these *Harm* subgoals.

We assigned one point for each *Harm* subgoal the program attempts to achieve, giving *Harm* a possible score of 4. Because RJ philosophy sees relationships equally as important as addressing harms, we assigned *Relationships* the same possible score of 4. The total possible score in *Program Mission* is 8. Where a program achieves no score in either *Harm* or

Relationships, we recommend raters stop and consider whether they feel the process or program is truly restorative or whether it might be an attempt of another system or philosophy to co-opt RJ. If raters assign a score in any area of the *Program Mission* section, or after reconsideration of a non-scoring program as restorative, they can move into scoring *Implementation*.

Restorative Index Part 2, Implementation

There are five areas to score under *Implementation*. Each is weighted by the number of elements it includes. These areas are *Inclusion* (3 points), *Encounter* (7 points), *Amends* (2 points), *Reintegration* (4 points), and *Transformation* (3 points). Raters enter a score of '0' if the program does not meet the criteria. Excepting number of essential people (encounter) and program approach (transformation), raters enter a score of '1' if the program meets the criteria. For number of essential people, raters enter a score of '1' for each person or group (person harmed, person who harmed, family/support group, community) the program permits in an encounter. For program approach, raters enter a '1' if the approach is incidental to individual harms, a '2' if the approach is corollary to the traditional system, and a '3' if the approach is a system-wide replacement to the traditional system, or if it is an indigenous, community-level model. The total possible score under *Implementation* is 19 points. Higher scores represent greater restorativeness.

Because of blurring in the general definitions of restorative practices (Gavrielides, 2008; Popa, 2012; Umbreit & Armour, 2011), we encourage raters to enter a score in any area only when the program details make it clear that the criteria are met. For example, where a program describes a "circle" to discuss harm, raters should determine from the documentation whether the program truly utilizes a circle process or where it is something more like a victim-offender conference where only two parties are present but uses the conference name. Referring to the RI, program developers, implementers, and researchers can begin to clarify these lines by making sure they describe the criteria their programs seek to address and the approach they take to achieving the criteria. Because raters determine whether a program is restorative under *Program Mission*, we do not propose a minimally required score under *Implementation* for further acceptance of a program as restorative.

Sample scoring of the Restorative Index

We demonstrate scoring of the RI by scoring the Restorative Justice Practices Intervention (RJPI) as it is described in works by Acosta and her colleagues (J. Acosta et al., 2019; J. D. Acosta et al., 2016). The RJPI was developed by the International Institute of Restorative Practices (IIRP) in 1999 as a whole-school approach to RJ. We chose this program because Acosta's work has undertaken randomized trials of the RJPI and because the RJPI or its main elements appeared in larger reviews of school-based RJ interventions (Fronius et al., 2019, 2016; Katic et al., 2020). Thus, the RJPI is a well-studied intervention with program documentation publicly available.

We scored this sample program in three steps. First, we independently read three evaluations of the RJPI (J. Acosta et al., 2019; J. D. Acosta et al., 2016; Katic et al., 2020), making our own individual scores and notes on the RI. There are other instances of the RJPI in the literature as it was implemented in different schools. To be sure we were scoring the

same implementation, we limited our review to the three studies assessing the same program in the same location. We then met collectively to review our individual scores and compare our scorer's notes. We then re-read the literature and reconciled any differences in scoring until we agreed on a score for each criterion.

Table 4 presents our final scores and notes for the RJPI, showing an overall score of 24 of 27. Scoring notes referring to original works are based on the latest work on the RJPI by J. Acosta et al. (2019). Comments about the 11 Essential Elements of the IIRP, as indicated in Table 1 on page 879 of that same work. These elements/practices are as follows: (1) Affective statements; (2) Restorative questions; (3) Small impromptu conferences; (4) Proactive circles; (5) Responsive circles; (6) Restorative conferences; (7) Fair process; (8) Reintegrative management of shame; (9) Restorative staff community; (10) Restorative approach with families; and (11) Fundamental hypothesis.

When reviewing this implementation of the RJPI for *Program Mission*, we found that it addresses all four elements of *Harms* and that it seeks to build *Relationships*. During small impromptu conferences for lesser harms and in larger responsive circles for greater or repeated harms, participants engage with each other using affective statements and restorative questions to identify harms and needs and to assign obligations. These processes are available in some form to students, staff, and families. The RJPI also focuses on relationship building via proactive circles to set and hold high expectations for essential people in the school. Based on this, we scored it an 8 of 8 on *Program Mission*. Agreeing that the RJPI is a restorative program, we then scored it for *Implementation* elements.

While reviewing the three elements of *Inclusion*, we found that the RJPI offers information and training to interested essential people. Teachers were invited to attend training and then pass information to students and others. Through proactive circles, essential people have the opportunity to discuss and agree on expectations of the RJPI processes as well as other academic and social expectations. There is at least one process where participation is required (responsive circles) and it appears that students could not opt out of an RJPI assigned classroom. Thus, we rated voluntariness a 0. We understand some raters may disagree with our all-or-nothing approach; however, we designed the RI to distinguish programs on their fundamental restorativeness. The totality of RI elements allows for this approach. Overall, this implementation of the RJPI earned 2/3 on *Inclusion*.

We found the RJPI meet all of the RI Encounter criteria and that it engages all four essential groups. The program looks to increase long-term safety of the school by building strong relationships and there are mechanisms in place for respect in reactive processes. All members of the community, including students, staff, administration, families, and support staff such as cafeteria workers and bus drivers are included in the various RJPI processes. The RJPI seeks equality of participants. There are mechanisms in place to assure the voices of all participants in *Encounters* are heard and that decision-making is consensual. Overall, we scored the RJPI 7 of 7 in *Encounter*.

The RJPI addresses both elements of *Amends*. Largely through use of restorative dialogue in circles and conferences, people who harmed take public accountability of their actions. They are also asked to take at least one action to repair the harms identified. We scored *Amends* 2 of 2.

We found that the RJPI addresses two of the four elements of *Reintegration*; acceptance of person and competency development. The RJPI specifically avoids labeling of people who harm by seeking to focus on the person rather than the act. Participants learn

Table 4. Sample RI scoring: J. Acosta et al.'s (2019) RPI evaluation.

Program Mission	Score
Mission (up to 8 points) Harms: Within its mission, does the initiative <ul style="list-style-type: none"> • identify the specific <i>harms</i> of an interpersonal offense (1 point), • identify the <i>needs</i> of the stakeholders resulting from the harms (1 point), • assign <i>obligations</i> for repairing those harms (1 point), and/or • <i>engage</i> the essential people in any of the above mechanisms (1 point) Scoring Notes: All four present. See 11 essential elements (T1, p. 879), esp. items 2, 3, 5, 6, 7, 9, and 10. 4 points	4
Relationships: Within its mission, does the initiative: <ul style="list-style-type: none"> • work to <i>build, equalize or rebuild interpersonal relationships</i> by understanding and validating essential people's values, norms, and cultures (4 points if "yes") Scoring Notes: Reactive and proactive. See 11 essential elements, esp. 4, 5, 9, and 11 See also discussion under Theory of RPI (pp. 878–879). 4 points	4
If no mission score, program is not restoratively focused. Consider desire to move forward.	8/8
Implementation	
Inclusion (up to 3 points) <ul style="list-style-type: none"> • Information: essential people provided with details of program goals, strategies, and expectations (1 point) • Opportunity: program allows involvement by all interested essential people (1 point) • Voluntariness: participants free to choose/withdraw participation throughout program (1 point) Scoring Notes: Information- Staff provided with training on specific strategies and best times for using each (p878, RPI). Students have the chance to set expectations for conduct/content in proactive circles (T1, item 4). Opportunity- Circles can be called by anyone and responsive circles intended to be run by students. Process to insure students provide input in decisions. Families can be involved to extent possible (T1, items 1, 4, 5, 7, 10). Voluntariness- Staff enactment was voluntary but encouraged. Seems students had to participate if teachers enacted. Some pressure/control involved. Thus, not all parties were voluntary. 2 points.	2/3
Encounter (up to 7 points) <ul style="list-style-type: none"> • Respect & Safety: value essential people as people and provide for physical/emotional safety (1 point) • Restorative Dialog: dialog encourages free and open communication about harms, needs, relationships (1 point) • Equality of parties: Encounter process and facilitators insure that all voices and participants have equality in decision-making. No person makes a decision for another. (1 point) • Number of Essential People: assign 1 point for each essential person or group engaged in encounters; person harmed, person who harmed, family/support group, community (up to 4 points) Scoring Notes: Respectful interactions (T1, items 1, 7, 8); long-term safety through relationship building (p. 879); short-term safety not specially mentioned. Clear restorative dialogue (T1, 1, 2, and others). Equality of participants- (T1 Item 7); circles assure all voices heard. Facilitators are trained to be fair. Number of stakeholders- person harmed, person who harmed, family group, greater school community (e.g., cafeteria workers, bus drivers) all able to engage. 6 points.	7/7
Amends (up to 2 points) <ul style="list-style-type: none"> • Apology: mechanism(s) for person who harmed to acknowledge responsibility for harm, offered to person harmed (1 point) • Restitution: mechanism for person who harmed to repair harms caused to person harmed (1 point) Scoring Notes: Apology- mechanism to have offenders take public responsibility for action (p. 878). Restitution in elements (T1, 3, 7). 2 points.	2/2
Reintegration (up to 4 points) <ul style="list-style-type: none"> • Acceptance of Person: mechanism to reduce/remove stigmatization of harm from <i>Encounter</i> participants (1 point) • Safety: mechanism to rebalance power to person harmed and/or provide for physical & emotional safety of <i>Encounter</i> participants as they reenter society (1 point) • Competency Development: initiative offers essential people skill building and/or practice of skills (1 point) • Follow Through: mechanisms to monitor change, verify outcomes, assure accountability & restitution (1 point) Scoring Notes: Accept person- recognizes & manages shame (p. 878; T1 item 8). Safety- not directly addressed during reintegration. Comp Dev- teach and practice several of the essential elements (pp. 878–879). Follow through- not specifically addressed. 2 points.	2/4
Transformation (up to 3 points) <ul style="list-style-type: none"> • Program Approach: incidental (1 point); corollary (2 points) or systemic (3 points) implementation Scoring Notes: Whole school approach, including teachers, staff, families, etc. 3 points	3/3
Total Score: 1–13 Low restorativeness 14–19 Moderate restorativeness 20+ High restorativeness	24/27

and then practice affective statements and restorative dialogue. Students also learn to facilitate proactive circles, eventually assuming responsibility for running them in the school. We did not see where the RJPI specifically addressed safety or follow through in this implementation and scored each element as 0. Overall, we scored *Reintegration* 2 of 4.

The RJPI is a whole-school approach. It seeks to change the punitiveness of the entire school and actively engages all essential in processes to understand, validate, and integrate member's cultures into the overall school culture. We scored it a 3 in *Transformation*.

Overall, our scoring found that this implementation of the RJPI addresses both of the primary goals, *Harms* and *Relationships*. Within *Harms*, the RJPI addressed all four components. The documentation we reviewed demonstrated that RJPI's efforts to achieve its goals include all but three of the elements of RJ; voluntariness, safety at reintegration, and follow through. Having earned a score of 24/27 on the Restorative Index, the RJPI demonstrates a "high" level of restorativeness.

Discussion

Restorativeness of RJ strategies and programs along a restorative continuum has been a concept for some time (Wachtel, 2016; Zehr, 2015a). Two prior attempts to quantify restorativeness (Claassen, 1996; Dancig-Rosenberg & Gal, 2014) fail to delineate a clear "restorative" decision point, do not consider preventative RJ efforts, and weigh all elements equally in determining their scores. Without a clear point where programs can be considered restorative, RJ remains open to co-optation by traditional, punitive human and social service systems, including in criminal justice and education. Leaving preventative efforts out of restorative quantification stops our ability to assess whether preventative RJ efforts can avert harms. The Restorative Index (RI) corrects these concerns. The result is the first fully useable quantification of restorativeness.

Raters can now quantify programs along their foundational RJ elements in a way that matches the concept of a restorative continuum. Consider for instance, a victim services program that works with clients to assist in meeting needs arising from a harm. Such a program may score a 2 in program mission by addressing individual victim needs and engagements. It could score a 3 in inclusion by providing all program information to victims, allowing any interested victim to voluntarily participate. This program cannot score in encounter or amends as there is no contact with the offender or other essential groups. By accepting the victims as people, attending to their safety, offering them some skill development, and following up on plans, the program could earn a score of 4 in reintegration. As it works with individual victims one at a time, it would earn a score of 1 in transformation. This hypothetical victim program would be restorative since its mission meets part of RJ goals and it would have a total RI score of 10, indicating low restorativeness. This is equivalent to the partly restorative designation of Wachtel's RJ typology seen in Figure 1. We can contrast this hypothetical victims' program score to our sample scoring of the RJPI. In the latter, the score of 24, or high restorativeness, is equivalent to Wachtel's "fully restorative" designation from Figure 2. While both programs are restorative, one is clearly more restorative than the other in concept, design, implementation, and – now – RI scoring.

Benefits of quantification

Such quantification improves our efforts to develop, implement, and assess restorative programs in several ways beyond decisions and scores for individual programs. First, the RI allows for the translation of RJ concepts into mechanisms and strategies during program development. Those who create RJ processes and programs can work through each of the RI elements and include concrete mechanisms for the elements important for their goals. For example, detailing the ways the program shares information, identifies and contacts all potentially interested participants, and assures voluntariness. Developers can then write these specific mechanisms directly into program manuals and training regimens. Once they fully develop the manuals and training, designers can offer their own RI scoring of the program.

A second improvement of quantification is in implementation. Those interested in implementing RJ can begin with a review of available RI scores to help identify programs that match their unique needs. A victim service agency interested in offering services such as those in our hypothetical example could look for programs with mission scores in harms and needs while also quickly eliminating programs with positive scores in *Encounter* or *Amends*. A school or justice system looking to completely replace an existing punitive approach to eliminate systemic harms of bias, oppression, and marginalization could start by looking for programs with RI scores of 8 in *Program Mission* and then look for those that also score 3 in *Transformation*. Once they develop a list of potential programs based on these initial searches, the victim service agency, school, or justice system can review the finer details of the RI scores and program documentation to find the best fits for their purposes.

Additionally, having details of each mechanism available in manuals and training of their selected program, facilitators are less likely to “drift” away from the original designs of the program once they initiate it. Scoring the program along the RI at implementation can help assure that the essential people are receiving the restoration they were meant to receive which, in turn, can be corroborated in fidelity assessments of the same mechanisms. RI scores at implementation can also help determine whether multiple implementations of the same program at different sites are offering the same RJ elements.

A third improvement relates to outcomes assessments. Scoring programs using the RI allows outcomes assessment using restorativeness as an independent variable. There are several ways to do this. One of these is to use the overall RI score to assess a program’s restorativeness as an influencer of the program’s outcomes. If higher RI scores are consistently and significantly associated with better program outcomes, evaluators can be more confident about stating the effectiveness of RJ. Another way to use the RI as an independent variable is to use the subscales (inclusion, amends, etc.) to assess dependent variables of interest. One example of this use is in quantitatively exploring the elements of RJ that lead participants to report greater satisfaction with RJ processes than with traditional processes. Presently, research on participant satisfaction is limited to qualitative summaries or demographic influencers on satisfaction (VanCamp & Wemmers, 2013; Verde et al., 2014). Another use is determining if certain RJ elements have influence on specific outcomes. Using RI sub-scores, researchers can test hypotheses such as whether apology, restitution, competency development, and acceptance of person scores differentially impact offender recidivism. A third example of improved outcomes research is in undertaking meta-analyses. Researchers could include overall RI score or scores in RI elements within

selection criteria. Doing so could help insure that meta-analytic comparisons include programs that are restoratively similar or ones that address specific RJ elements.

These improvements will help protect RJ from co-option by punitive systems by screening such efforts out as early as possible. They also allow for the “screening in” of programs and RJ developers that otherwise might not have the opportunity for implementation. An example is within focused funding efforts where funding institutions could set a minimum RI score for funding consideration or could seek programs that include specific criteria under the RI. For instance, funders in Pennsylvania could ask that programs seeking Juvenile Justice System Enhancement Strategy (JJSES) funding to “increase the system of aftercare services and supports” clearly indicate how each applicant both addresses the RJ mission goal of *Relationships* and implements all four RI criteria under *Reintegration*. Funding agency raters could then read the applicants’ documentation to determine if applicants earn RI scores of 4 in *Relationships* and 4 in *Reintegration*. Likewise, program developers or probation directors hoping to achieve the JJSES goal of “reducing disproportionate minority contact in the juvenile justice system” could assure that their efforts meet a score of 4 in *Relationships* and 3 in *Program Approach*, that they identify specific strategies to achieve identification of systemic level *Harms, Needs, and Engagements*, and that they assure *Equality of Participants* during Encounters.

Viewing programs and practices along common, global themes of RJ rather than from the current state of disparate definitions can help open the door to programs that might not meet more limited conceptions of RJ and to those that might otherwise remain marginalized. In part, this is because programs would not necessarily need to score in the “High restorative” category to garner attention, funding, or implementation. In the first example immediately above, the aftercare programs could be screened in to JJSES funding with an initial RI score as low as 8, or “low restorativeness.” Because this program would meet the hypothetical needs of the funders it could then be funded equally based on those criteria, alongside other programs that, potentially, score 20 or higher on the RI.

Reliability and validity

Turning attention to validation of the Restorative Index, we believe the RI aggregates the many differing definitions in the RJ literature into a coherent set of quantifiable principles and elements. We created the RI to directly reflect RJ themes that we identified during our review of RJ definitions and elements. We read the literature we identified in our search and individually coded the RJ themes that emerged from that literature. We then met to resolve any differences in themes until we arrived at agreement on the themes. The final themes became the elements of the RI. Next, the authors individually read and scored the publications detailing the program we selected for example, scoring. After scoring, we met to review scores and resolve differences. During resolution, we found that our differences did not result from varying interpretations of the RI elements. Our individual example scores differed only in three components and these differences arose because of our differing views on whether the literature we reviewed commented directly on the elements of the RI. We were able to resolve these differences relatively quickly. Thus, our first effort to score a program on the RI achieved high inter-rater consistency among its two authors.

We then compared the scores on our hypothetical victim service program and the RJPI program to determine their consistency to Wachtel’s visual Typology in [Figure 1](#). Results

offered us some level of criterion validity. The hypothetical victim program scored “low restorativeness” on the RI and “partly restorative” on the Wachtel Typology, while the RJPI scored “high restorativeness” on the RI and “fully restorative” on the Wachtel Typology.

Finally, we showed the RI to two colleagues who are familiar with the school-based RJ literature and asked them to review and comment to its elements and components. These colleagues agreed with the criteria as proposed, excepting a recommendation to separate *Respect & Safety* under *Encounter*. Through discussion, the authors and these colleagues came to an agreement that respecting a person’s rights and humanity includes the need to protect their safety. Thus, we left the coding intact.

Taken together, our initial validation efforts indicate both face and content validity. We believe the discrepancies we encountered in scoring the RJPI are reflective of the divergent definitions and discussions in the RJ literature, rather than the RI criteria themselves. Still, more work is necessary to fully validate the RI. To this end, we are training several raters on the scoring of the Restorative Index. Once trained, we will initiate separate reviews of peer-reviewed RJ programs in education and in juvenile justice settings. Multiple raters will read and score each program. We will then determine inter-rater reliability between raters’ RI scores in each setting with the expectation that the ratings will be similar enough to validate the RI. We will also compare those RI scores against Wachtel’s Typology, expecting RI scores to align well with Wachtel’s Typology. We will report results in future works. We encourage others to use the RI in their academic, practical, and geographic areas and to report their findings on how the RI stands up to various systems, populations, and cultures. Further validation of the RI will enhance its utility for RJ across programs and systems. As this work is undertaken, we encourage closer review of findings arising from efforts that employ the RI.

Conclusion

We designed and offer the Restorative Index (RI) to fill a gap in restorative justice’s ability to quantify the elements of restorativeness within its practices and strategies. Quantifying restorativeness will allow the discipline to directly assess the influence of RJ mechanisms on behavioral, systemic, and societal outcomes. Finding and demonstrating direct influence of RJ mechanism on outcomes will help inform RJ design, implementation, assessment, and funding decisions. It will also help propel RJ to fulfilling its promise of achieving a just, equitable, humane, and merciful existence among ourselves.

Notes

1. For many in RJ, the term “stakeholders” refers to the people who are impacted by, or who can influence the reparation from, and/or the prevention of, harm. We acknowledge the term “stakeholder” can be offensive to aboriginal and first nations’ people and thus attempt to use the phrase “essential persons” in its place.
2. In keeping with current RJ language, we use “person who harms” to refer to an offender and “person harmed” to refer to a victim.

Disclosure statement

No potential conflict of interest was reported by the author(s).

ORCID

Jeremy Olson  <http://orcid.org/0000-0001-8501-7714>

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CONTACT Jeremy Olson ✉ jao@psu.edu 📍 Criminal Justice, Penn State University Wilkes-Barre, 44 University Drive, Dallas, PA 18612, USA.

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