

**PROCESS EVALUATION INTERIM REPORT:  
PROGRAM INTERVENTION THEORY AND CASE STUDY  
ANALYSIS**

**SECOND PROGRAM REPORT  
VT SRS JUVENILE JUSTICE PROGRAM EVALUATION  
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# **EXECUTIVE SUMMARY AND OVERVIEW**

## **FOCUS OF THIS REPORT**

This document is the second of two descriptive evaluation reports deliverable in Phase I of the SRS Juvenile Justice Program Evaluation being conducted by the Community Justice Institute, Florida Atlantic University (FAU). In Report One, we described initial implementation of SRS BARJ programs focusing on staff understanding and early application of restorative justice principles and of BARJ practices. Report One also raised initial concerns and problems encountered by program staff—especially regarding the “fit” between their program and other programs and the need to ensure collaboration.

The current report includes products two and four as specified in the FAU proposal, the *Program Logic Models* (herein referred to as Program Intervention Theory) and *Case Study* documents presented here as separate sections of the report. Although originally proposed as separate reports, these products are combined here into one document to facilitate a more comprehensive assessment of process evaluation concerns including: the relationship of these program interventions to both program and system objectives, the relationship of programs to each other, and the consistency of programs with core BARJ principles and values. This report serves as the final product of Phase One of the process and implementation phase of the evaluation. Although various forms of qualitative analysis will be included in future reports (for example, further examination of the collaboration between programs and the linkage between interventions), future reports will focus primarily on analysis of case level quantitative data currently being collected by each funded SRS program and will begin to address questions of program impact.

## **PURPOSE AND APPROACH**

After nine months to a year of implementation experience, most of the new SRS programs find themselves at a critical juncture. This is a time for honest reflection, and possible reshaping of program design before staff becomes comfortable with intervention protocols that may be inconsistent with original intent. Unless managers and staff take advantage of this opportunity, there is a danger that less than ideal practice may become the norm, and principles underlying model practice will not be institutionalized. The value of outside, critical observation at this still early phase of program development is to put program practices in a larger context of effective intervention and in the context of other SRS programs and the juvenile justice system. In any process evaluation, the primary concern is to address the issue of program integrity: in other words, to what extent are programmatic interventions consistent with the intent of administrators and policymakers.

The purpose of this report is therefore to address this question and inform this process of critical reflection by developing a better sense of how Vermont juvenile justice professionals understand the logic of their particular program and how they define and seek to achieve program success. The findings of this report are based primarily on qualitative analysis of case studies submitted by program staff, and interviews with administrators and program staff about the underlying theory of intervention currently driving practice. In making inferences and recommendations, we also make use of observational and interview

data, previous survey findings, focus group data, and best practice literature and research in order to put these staff perspectives in context. Like Report One, an important feature of this report is its careful consideration of what program professionals perceive themselves to be doing and the relative consistency of their beliefs and practices across districts and programs. As was the case with the last process evaluation report, our hope is that this document may reveal some weaknesses that can be corrected through training, consultation and assistance, additional resources, or rethinking staff and program roles and responsibilities, and also document strengths of current approaches on which to build for the future. These strengths of current practice should not be minimized and are reflected in the practical agenda for implementation that should prove capable of helping stakeholders overcome obstacles both within and between programs.

There are several rationales and potential uses for this report. First, it will assist the evaluators—working with SRS and program staff—to develop meaningful outcome measures for assessing the impact of various programs, and making initial inferences about strengths and weaknesses of operationalization thus far. Second, by describing programs as seen through the eyes of administrators and staff, this report may prove to be educational for these staff and other juvenile justice professionals interested in learning more about how they can work more effectively with other programs. Both of these purposes will hopefully assist SRS decisionmakers in identifying problems and making appropriate recommendations to strengthen this carefully conceived, yet complex effort to develop a statewide BARJ approach. These findings may also highlight misunderstandings in the field or lack of consensus about principles, current policies, program objectives and best practice. Our presentation of the logic of program intervention as described by these professionals, and our analyses of successful and unsuccessful case studies may therefore reveal as much about their interpretation of policies and their struggles to operationalize new programs, as about how their programs actually work, and the findings presented in this report may on occasion present an inaccurate portrayal of a program or policy. While staff misunderstanding will generally indicate need for training and education, deviation from program protocols may also indicate creative application of principles (rather than simply bad practice) and therefore suggest needed revisions in the programs while also offering an opportunity for peer learning and innovation.

## **OVERVIEW OF KEY FINDINGS**

The first qualitative report examined, and found much variation between programs in recognition/ familiarity with the Balanced and Restorative Justice (BARJ) model. Compared with their general sense of SRS goals and objectives, awareness of the balanced approach mission in Spring 2000 was superficial in some cases, and some respondents who claimed awareness could not define basic goals of the mission and/ or could not articulate accurately how program practices addressed these goals. Similarly, restorative justice principles seemed at the time of data collection for Report One to be clearly understood by only a few respondents. Though most expressed high agreement with the core principle of repairing harm as a priority for intervention, commitment to the goals of victim and community involvement was relatively weak in most programs, and practice clearly lagged behind even in those jurisdictions where respondents expressed strong commitment to community participation in the justice process.

In general, understanding of both mission objectives and restorative principles appears to have improved based on findings in this report. Although assessing consistency between principles and practice is not the major focus of the current report, an analysis of case studies provided by staff, and interviews with staff and administrators about program intervention theory suggests greater understanding of restorative process and of balanced approach objectives than at the time of the first evaluation report.

We discuss the approach taken by the evaluators in collecting the data that support these conclusions later in this introduction and define and describe the *case study* and *program intervention* theory focus in more detail. What follows is a brief summary of findings presented in detail in this document. These findings address the strengths and weaknesses of staff articulation of the linkage between intervention and outcomes, and insights into the causes of “success and failure” for cases in each of four program categories.

In general, both the cases study and program intervention theory analyses indicate positive progress since the first process evaluation in all programs toward consensus about outcomes that constitute successful completion. There is also a more consistent shared vision about how program components are logically related to these outcomes. This progress and this consistency is stronger in some programs than in others, and though there are also concerns in all programs, some seem more troublesome than others do.

The following provides a brief summary of conclusions, concerns and recommendations based on findings presented in this report elaborated in more detail in subsequent sections of this report.

## **Restorative Panels**

Restorative panels are the newest SRS program, and the one least familiar to Vermont juvenile justice professionals. It would therefore be expected that the implementation challenge in the case of restorative panels would be more complex than would be the case in other programs. While this may be a valid expectation, implementation of restorative panels has been surprisingly smooth and successful when viewed in the context of the national experience and the general unfamiliarity with restorative decisionmaking processes in Vermont juvenile justice. Although referral rates have been lower than expected and desired, there have been few of the problems anticipated by some critics of cases “blowing up,” and there are in fact panel experiences that represent “ideal type” case illustrations of exemplary restorative practice. Moreover, the lower than anticipated rate of referral may be viewed as a blessing in that it has given some programs a chance to do the community-building and staff development work to maximize future effectiveness.

### *Program Intervention Theory*

Are panel coordinators and volunteers focused on tangible outcomes? Do restorative processes and practice appear to be related to these outcomes? Restorative panel staff and administrators were able to clearly articulate both long term and intermediate objectives of panel programs and showed a surprisingly cogent [for this early stage of implementation]

understanding of how practices could produce these outcomes. Descriptions of the experience of offenders, victims and other citizens in the panel process [supplemented by evaluator observations of panels] revealed good consistency with restorative practice and a sense of the importance of preparation and planning to replicate this experience.

### *Case Study Findings*

Numerous case study successes for panels completed thus far and analyzed for this report reveal creative problem solving and the value of community involvement and input when focused on how to address the harm caused by youth crime. Panel coordinators generally indicated sensitivity to the needs of victims and offenders in these decisionmaking encounters, and appeared to make every effort to involve crime victims, family members, and other supporters in the process. Most panel programs have demonstrated some success in doing so, in mobilizing volunteers as panelists, and in achieving many their stated intermediate outcomes.

### *Concerns*

The primary concern at this stage of implementation of the panel programs is a systemic one related directly to the low rate of referrals. While local coordinators should be expected to engage in some “marketing” of their programs to key decisionmakers in each district, increasing referrals will also require a broader, systemic effort that is beyond the capacity of individual program coordinators.

As important as more referrals are the type of cases referred. A danger in Vermont panels, not uncommon in other states where restorative conferencing is being implemented, is the tendency to view restorative decisionmaking as simply another low-level diversion program, rather than a unique problem-solving, informal alternative to the adversarial process with great potential benefit to crime victims, offenders and their families and communities as a whole.

Panel coordinators in some districts are also experiencing difficult, but predictable problems with both family and victim involvement, and occasionally, with managing disruptive behavior on the part of parents and other participants.

### *Recommendations*

On the positive side, panel coordinators appear to be more aware than anyone else of some of the emerging problems in current practice, and, as indicated in this report, are taking action to address these issues. Our general recommendation is to continue to monitor the panel process closely in the coming months and continue problem solving around victim and family involvement, relying whenever possible on victim advocates and family specialists for assistance.

In addition, SRS administrators should directly engage the judiciary and prosecutors in each district as allies in the panel process and seek their support in increasing referrals, expanding the range of cases considered for panels, and mobilizing the broader preventative

and problem-solving potential of these restorative conflict resolution and decisionmaking processes (e.g., panels and other restorative processes are showing great potential in some states in schools as alternatives to suspension and to other disciplinary infractions).

Restorative panels have already shown great value in making reparative obligations for offenders more real by connecting them to victim and community harm. They should be strengthened and expanded for this reason alone. In addition, promoting use of panels as a practice that can increase community “collective efficacy” in the response to crime, rather than simply serve as a referral source for low-level cases that potentially widens the system net, could go a long way toward increasing the value and impact of these processes as a means of strengthening the “community net.”

## **Restitution Programs**

Because restitution is one of the most well established and longstanding juvenile justice practices in Vermont, it would be anticipated that implementation of restitution programs in the context of the broader SRS BARJ initiative would be the least problematic aspect of this juvenile justice reform effort. While this is probably true, the new initiative has also revealed a wide range of difference in how restitution practitioners envision and execute their responsibilities. Clearly, the emphasis on victim needs and involvement, as well as other restorative concerns have been, until recently, missing in some restitution programs. Restorative panels have already exerted a strong influence on some programs, and in the most effective districts, panel coordinators and restitution staff have been merged. In these districts, restitution coordinators seem to feel increasingly accountable to the community panels and to victims who, when they choose to participate, provide a concrete and meaningful the definition of harm.

### *Program Intervention Theory*

Most restitution program coordinators recognize the critical importance of the role they play in ensuring that reparative obligations -- whether arrived at through a court or panel process -- are monitored and enforced. For the most part, restitution staff also makes a clear connection between the experience of making amends to crime victims through monetary or other contributions and a sense of closure and real accountability for the offender. Fewer recognize the importance of this to victim and community and the potential influence such reparation by the offender may have on his/her prospects for reintegration -- though this awareness is increasing. There is also a good articulation of how the experience of making reparation is different from punishment and treatment, or other obligations that come out of the court process. Restitution program staff also seemed clear about how this experience may provide a sense accomplishment in the offender this is, in turn, linked to the assumption of responsibility in later life -- including the avoidance of harm to others.

### *Case Study Findings*

Case studies provided by restitution staff illustrated a variety of successful outcomes. These outcomes are viewed as directly related to the experience of completing meaningful community service linked to the needs of other individuals and communities, and to the

experience of completing monetary restitution. In the best cases, the latter involved youth placement in a job by the restitution worker to allow the youth to earn money to repay the victim(s). In a few cases, such youth were eventually hired by the employer, and a number of youth who completed community service hours in meaningful projects returned voluntarily to provide additional service. In these successful cases, restitution staff were persistent in supporting and giving priority to the offender's restitution obligation and exercised great creativity in ensuring that resources were available to allow for a successful result. Unsuccessful cases generally revealed additional problems in the lives of young people and their family and community relationships that went beyond the capacity of the restitution program to address. Though some staff and programs appear to not go the "extra mile" to ensure some success even in these difficult cases -- for example, by developing a community service opportunity, providing transportation to a work site, or locating employment for a youth who owed restitution -- others appear to frequently blame the system for a "lack of consequences" for noncompliance

### *Concerns*

In the past, some restitution programs have not taken restitution seriously as a victim right and victim need. This lack of victim focus has in some cases no doubt carried over to impact how some staff engage the offender resulting in a failure to emphasize repairing harm to the victim as the primary rationale for the offender to meet the restitution obligation. Although some programs have often not made a clear connection between restitution payment and victim needs, panels now provide an important vehicle for making this linkage concrete. In restitution cases for which panels cannot be held, it is nonetheless important that programs consider other methods for increasing offender awareness and becoming more sensitive to specific victim needs. The remaining tendency for some staff is to blame failure to complete restitution or service on offenders, or on the lack of consequences, and the related tendency to view of restitution and service as punishment, rather than reparation, are also causes for concern.

### *Recommendations*

As the only structured program responsible for following up on reparative obligations, restitution programs are a critical factor in the success of most, if not all, other juvenile justice initiatives. Without these programs, for example, obligations negotiated in community panels may be an empty promise. While jurisdictions will hopefully maximize use of panels, when this does not occur, restitution programs should build in some component of victim awareness -- e.g., through use of surrogate victim panels, victim awareness education, or both.

Programs need to make employment opportunities and other forms of support for restitution a priority, and consider more creative use of crew-type community service projects that allow youth to complete hours more quickly while engaging in a generally more meaningful and productive service experience. Community involvement in restitution, and especially in community service (e.g., opportunities for citizens to work with youth on various projects, i.e., repairing homes for the elderly, volunteer food banks, etc.), should also be strongly encouraged.

## **Street Checker/Tracker Programs**

Street checkers and tracker programs are also new to Vermont, though they seem to have been rather rapidly implemented with a minimum of crises. Although there remains some ongoing tension and confusion about the limits of the role of these staff, the tension is a healthy one, and local adaptation appears to have produced some very encouraging innovative practice not often seen in other states.

### *Program Intervention Theory*

Trackers and checkers understand and seem very comfortable with their support role aimed at ensuring that youth are more carefully monitored but also provided with another source of support in accomplishing supervision objectives. More than any other staff—with the possible exception of some restitution workers—checkers and trackers appear to go the extra mile to ensure that youth are provided with every opportunity to complete reparative and other obligations. This additional support and frequent contact is described by checkers and trackers as the core difference in the experience of youth in their programs from that of those in regular probation. A somewhat surprising component of the intervention theory used to explain the early success of some programs is the effort of many checkers and trackers to establish a personal relationship with offenders and their support groups. Trackers and checkers effectively articulated the connection between this supportive relationship with youth and the likelihood that intermediate outcomes of supervision would be achieved. They also clearly connected, in a common sense fashion, transformations in the youth and his/her situation resulting from their completion of obligations to more long-term adjustment.

### *Case Study Findings*

These generally para-professional staff apparently have face-to-face contact with more youth than almost any other juvenile justice professionals, and some maintain relatively large caseloads. Nonetheless, of all intervention staff, checkers and trackers seemed least likely to complain that program failures were due primarily to the behavior of these young offenders or to the lack of other consequences for noncompliance. Rather, they seem to employ a great deal of common sense ingenuity to assist young offenders in meeting their concrete obligations.

Checker and tracker staff and administrators provided the evaluators with the largest number of successful case studies of all programs in the state. These cases revealed a pattern of intensive work with some of the more difficult youth in the system, and illustrated use of a range of creative, supportive approaches to ensuring success. Success was viewed as a clear result of tracker/ checker presence and the provision of support as needed for everything from job assistance, to community service help and transportation, to assistance with completing victim apology letters.

### *Concerns*

There is some concern that some trackers at times overstep the boundaries of their role—for example, by beginning to view themselves as therapists—or are forced to assume

the role of case manager by default when other professionals fail to perform this function. However, most checkers/ trackers that we observed and interviewed are very concrete in their focus on maximizing client success by ensuring support for completion of reparative and other requirements. Though support and relationship-building may be a troubling feature of the checker role for those who would limit this function to surveillance and enforcement, in our view this approach is consistent with supervision best practice and should be commended and encouraged, if for no other reason than the fact that these supportive relationships seem to maximize the likelihood that youth will comply with their obligations. In any case, for many of these young people, relationships and support are apparently not being provided by anyone else.

### *Recommendations*

In some cases, checkers/ trackers represent an effective application of generally paraprofessional, community based, juvenile justice intervention specialists. Their common sense approach appears to allow them to easily connect with youth and community members. We suggest that checker programs continue to be monitored carefully, but suggest that they are currently providing a vital supplement that ensures that youth have the opportunity to succeed. In some districts, checkers might also be more fully integrated into other programs such as competency classes and panels to ensure that youth follow through on obligations and have the support they need to do so.

### **Competency Classes**

Competency classes are also a new innovation in Vermont, and to date, appear to be the most tentatively implemented intervention. As such, instructors have struggled to define the role of these classes or groups and to articulate clear outcomes. Despite this, there have been some very innovative efforts to adapt standard curricula to the needs of a generally diverse group of program participants.

### *Program Intervention Theory*

Of all staff interviewed, competency class instructors seem less able to articulate a clear linkage between the classroom experience and intermediate outcomes that indicate a transformation in offenders expected at the end of the program. And, changes that are anticipated seem less logically connected to more long-term outcomes. While some staff make creative adaptations to what they suggested was a rigid and inappropriate curriculum and intuitively make good decisions about ways to engage young people, others seem to blame young offenders for their failure to participate effectively in classes. In any case the classroom format seems limited in important ways if the primary goal is competency development.

### *Case Study Findings*

Case studies presented by competency class instructors reinforced concerns about the lack of tools apparent in the curriculum itself for addressing the needs of participating youth and for maintaining interest and positive participation. Successful cases identified seemed to

have achieved positive outcomes due to personal resources independent of the classroom experience, or as a result of creative instructor adaptation.

### *Recommendations*

One practical recommendation is to build on the ingenuity of staff who have adapted the competency building format by focusing on peer participation and ownership with the ultimate goal of leadership development. These staff employ youth development principles to transform what appears to be a rather passive classroom experience into one in which youth are given active roles to assist others and are encouraged to both practice and demonstrate conflict resolution, decisionmaking, empathy and other competencies. This will require restructuring or reemphasis in the curriculum. Most importantly, competency groups should be thoroughly integrated and used as a means to support cognitive processing of more experiential competency building activity including work experience and community service.

## **ORGANIZATION OF THIS REPORT**

This report is divided into four major sections based on the four primary SRS program categories: juvenile restitution programs (JRPs), juvenile restorative panels, street checkers, and competency classes. <sup>1</sup> Each section is further divided into a major sub-section focused on the Program Intervention Theory, and the Case Study Analysis, respectively.

Primary objectives of both components, and this report as a whole, include: developing clearer insight into how staff practically define success on a daily basis; documenting the core experience of program clients believed to be most associated with success; improving understanding of the role of each program and of program staff components in achieving success; developing clear and meaningful measures of intermediate outcomes believed to lead to long term success, for use in the impact portion of the evaluation.

### ***Program Intervention Theory***

The primary purpose of this focus on the logic of intervention is to: examine the relationship between the intervention process, participant experience, intermediate outcomes, and long-term success as articulated by program directors and staff. To accomplish this, we asked each program director to: consider how decisions about program eligibility were made and describe the referral process; describe the core experience of the offender (and of victims and community members where relevant) in the intervention process focusing on what is *unique* about the program; identify transformations in the client(s) desired at the conclusion of the program; describe how these changes relate to long-term success.

For the Intervention Theory assessment, program administrators were interviewed to complete a “logic model” description (Bazemore & Stinchcomb, 2000; Chen, 1992) aimed at relating each program to client needs and to intervention program outcomes (see Attachment I). Of the 23 staff or administrators contacted, 20 responded either in writing, by telephone, or both, to describe one or more programs operated by their agencies. In addition, a portion of our discussion based on this descriptive analysis is also supplemented by informal interviews with program staff, site visits, observations of several key programs in action, focus groups

with program staff and community volunteers, and written information provided by various programs some of which are presented as site case studies. It is our hope that this descriptive report will provide a solid foundation for future impact evaluation reports.

### *Case Study Analysis*

The purpose of the analysis of successful and unsuccessful cases was to systematically examine the components of successful completion, and program failure, for actual cases in various SRS-funded programs. Each program was asked to submit one or more cases viewed by each program director as “successful” at the time of case termination and one or more cases viewed as “unsuccessful” at program completion. In presenting the case study, program staff were asked to provide the criterion or criteria for declaring the case “successful” and were asked to address what components of the program experience they thought were responsible for this success. Similarly, for unsuccessful cases, program staff provided criteria for judgements of the case as a failure (a few case studies provided indications of a “mixed verdict” since some young people had made some significant progress before being terminated from the program as an unsuccessful case.

By examining cases across multiple programs of the same type -- e.g., restorative panels, tracker programs -- we hope to accomplish several evaluation objectives related to understanding how programs work and how staff understand their goals and objectives. First, we look at what is expected to be the unique contribution, if any, of each program to the overall transformation sought in offenders, victims and their relevant communities and support groups. Second, we look at overlapping program components as well as that may be incidental to the program but were believed. Third, we raise some concerns about limits, both on program capacity to achieve goals as these are expressed by staff -- for example, the extent to which they place faith in the program (or combination of programs) to change these clients, or alternatively, view failure as a given for youth fitting certain program profiles. Fourth, we return briefly to a major concern of Interim Report One about the consistency of program practice with restorative justice principles and the Balanced Approach mission. Finally, we look especially at core features of program intervention that seem related to either success or failure and make recommendations about enhancing the latter.

A limitation is that the small number of cases does not justify statistical inferences about correlates of success and failure. However, there is much to consider in these accounts about the fit between interventions, real problems, needs, and risks represented in each case. And, to the extent that there are patterns in both successful and unsuccessful cases that are consistent with the various intervention logistics associated with various programs, we will learn much that can assist us in developing useful propositions to be tested in the quantitative evaluation. Specifically, we hope to begin to identify possible “pathways” to successful outcomes consistent with the philosophical theory of BARJ as practiced in Vermont.

## **PART I: RESTORATIVE PANELS**

Restorative panels may be implemented as an isolated program, or as a relatively insignificant add-on to the variety of court or probation requirements such as teen courts or alcohol counseling aimed at changing attitudes and behavior of young offenders. Alternatively, panels may be viewed as a critical “gateway” to a variety of integrated interventions and supports aimed at rebuilding community relationships. In this process evaluation, we wanted to determine how staff envisioned and used restorative panels and how they thought about their potential.

In general, our observations of SRS restorative panels in the early months suggested that most staff were struggling to figure out how to safely and effectively implement those very distinctive and often complex interventions. As they began to experience the panels and the possibilities they provided for strengthening connections between community members and young people, and personalizing accountability for the offense, we wondered if they would develop a broader vision of possibilities, or alternatively, begin to place strict boundaries on the view of what could be accomplished. Although the low referral rate suggests that perhaps judges and other decisionmakers see panels through the more narrow, less optimistic lens, several of the experienced panel coordinators and staff seemed to recognize the potential for innovative intervention inherent in expanded community involvement in justice decisionmaking that panels afford.

### **PROGRAM LOGIC AND INTERVENTION THEORY**

#### **Eligibility, Referral, and Target Population**

As Table 1 suggests, according to program directors, there are only minor, if any, perceived variations in eligibility and understanding of the target population for panels. According to these accounts and other interviews with staff, the typical young offender participating in a panel is a nonviolent youth, age 16 or under. In some communities, youth in specialized care programs in the community may also be eligible, as well as youth involved in chronic truancy and runaway behavior. There is some slight difference in whether referral to the program is more likely to come directly from the court or SRS.

Although victims and community members are not viewed by most respondents as target groups *per se*, it is interesting that in the response to later questions, at least some coordinators had thought about the potential for panels to bring about positive changes for victims and citizen participants.

#### **Intervention**

What is the nature of the restorative panel experience? In response to our question about what the restorative process looks like and feels like for participants (see Table 1, Column 2), juvenile justice professionals emphasized the critical role of community members and the victim in helping young offenders understand the consequences of their actions. Several also emphasized the importance of the pre-panel preparation phase to ensure that victim and offender are *ready* to participate productively in a process that generally results in

a collaboratively reached agreement that defines reparative obligations aimed at achieving what is viewed as real accountability.

Other coordinators suggested that preliminary contact with victims in particular was not as consistent as it should be, but described alternative ways to elicit the victim's perspective even when the actual victim was unable to participate. Difficulties in getting parental involvement in panels, or in controlling disruptive involvement, were also mentioned by some as obstacles to be overcome in some instances.

The process was viewed as different than court in its emotional and educative content, in its opportunity for positive role modeling and community demonstrations of support, and in its goals of repair and resolution (see Table 1; Column 2). In general, there was a good understanding on the part of panel coordinators of the restorative ideal in terms of both the outcomes and focus of the process.

### **Intermediate Outcomes**

How is success in restorative panels determined? What are the initial changes in participants sought by participation in these restorative decisionmaking processes? Generally, success in panels was gauged in terms of whether or not the young offender seemed to gain an awareness of the harm to others that resulted from his behavior and/or a sense that future behavior would be met with more severe consequences because of the damage he had caused. Improvements in victim awareness on the part of the offender and a change in orientation to the community, often a feeling of belongingness, were also mentioned. One respondent emphasized the more modest, but often difficult, goals of basically satisfying the victim and offender, while others wanted the victim to have felt a sense of inclusion at the conclusion of the panel experience. Also mentioned frequently were the concrete indicators of successful resolution, such as whether a clear and meaningful agreement or contract that specified the offender's obligation to repair harm had been completed (see Table 5, Column 3).

The intermediate changes in the offender and his/ her situation expected at the conclusion of the panel and in the months that follow are believed to lead to long term effects because the more connected the youth feels to his/her community, the less likely s/he will be to offend against it. In providing support and fostering positive avenues for civic engagement, the youth will hopefully feel disenfranchised and will be more like to think consequentially before committing an offense. This potent combination of increased awareness and investment will result in reduced recidivism and increased victim satisfaction.

### **Long-Term Outcomes**

As several panel coordinators suggested, long-term consequences of the Restorative Panel as a stand-alone experience are hard to gauge. Some staff felt that the Panel may serve as a catalyst for youth to engage their community, as well as develop or pursue educational goals and vocational pursuits. To the extent that a youth's interaction with a Restorative Panel is part of a continuum of support services and enrichment opportunities, it can be an important intervention with long-term positive consequences. In this regard, though most respondents saw some value in the panels as a stand-alone intervention, most saw the greatest benefit in

the linkage panels could develop with other programs. Both perspectives on panels are reinforced in the case studies.

As Table 1, suggests, reduced reoffending and a reduction in probation violations are also anticipated as a result of increased awareness of harm to others, a heightened sense of responsibility, and connection with community, possible experience in a “helping role,” and movement toward a healthier lifestyle. All of these may be linked directly or indirectly to a positive panel experience.

A site case study based on the Brattleboro provides an example of how theory and practice are linked to individual panel participant needs in one jurisdiction. This program theory interview, included as Appendix I, also provides an opportunity to explore several concerns that seem to be generic in panels thus far, as well as some illustrations of adaptation and problem solving that indicate consistency with restorative principles. The individual case studies of offender, community, and victim experience in panels that follow confirm both the possibilities and the obstacles faced by participants in achieving such positive results.

**TABLE 1  
JUVENILE RESTORATIVE PANELS**

<b>Client Eligibility</b>	<b>Intervention (Program)</b>	<b>Intermediate Outcomes</b>	<b>Impact Outcomes</b>
<p><b>PROVIDER A</b></p> <p>How is a client eligible for this program?</p> <ul style="list-style-type: none"> <li>Any youth age 17 or under found guilty of (and accepting responsibility for) a misdemeanor in Family Court and directed to appear before the JRP</li> </ul>	<p>What do the youth and others experience in the panels?</p> <ul style="list-style-type: none"> <li>Youth meet with a panel of trained community volunteers who engage him/her in a facilitated discussion aimed at having the youth understand the effects of his/her actions on the victim(s) and community in general.</li> <li>The victim may be present at these meetings or represented in a variety of ways.</li> <li>The panel meeting culminates in the collaborative determination of specific activities that the youth must do in order to repair the harm done and be in good standing with the community once again.</li> <li>The terms of this restorative agreement may include community service, financial restitution, letters of apology and attendance at competency/life skills classes.</li> </ul>	<p>What changes are sought in participants at the end of the program?</p> <ul style="list-style-type: none"> <li>In order for the intended impact of the JRP to be achieved, the youth must develop a clear understanding of the causal relationship between his/her actions and the effects they had on all affected parties. This understanding is integral to his/her perceptions about the reason for and purpose of the terms of the restorative agreement, which must also be completed for full impact to be achieved. The youth should complete the process with a greater experience-based understanding of community membership and feel engaged and</li> </ul>	<p>What are the long-term consequences of the intervention?</p> <ul style="list-style-type: none"> <li>Long-term consequences of the JRP as a stand-alone experience are hard to gauge. The JRP may serve as a catalyst in youth engaging with their community, educational goals and vocational pursuits. To the extent that a youth’s interaction with a RJP is part of a continuum of support services and enrichment opportunities, it can be an important intervention with long-term positive consequences.</li> </ul>

	<ul style="list-style-type: none"> <li>The panel conducts check-in meetings with the youth to monitor progress and troubleshoot barriers to success. Upon completing all of the terms of the restorative agreement, the panel conducts a completion meeting to congratulate the youth on taking full responsibility for his/her actions and restoring the harm done.</li> </ul> <p>How is this different than court?</p> <ul style="list-style-type: none"> <li>This is a more comprehensive, individualized and educational process as compared to the typical one in which a judge sentences a juvenile at court. In the juvenile restorative panel model youth are challenged to think about why they made specific choices, what options they had, and how their actions have affected others.</li> <li>They are required to be active participants in their own justice process, as opposed to the passive recipients of punishment, which they have traditionally been.</li> <li>The aftermath of their actions are represented by the community members and victims themselves in specific and concrete terms. Once this has been established, the youth then has a meaningful opportunity to be successful and put closure on the experience.</li> </ul>	<p>Why should these changes lead to long-term positive outcomes?</p> <ul style="list-style-type: none"> <li>The changes should lead to long term effects because the more connected the youth feels to his her community, the less likely s/he will be to offend against it. In providing support and fostering positive avenues for civic engagement, the youth will hopefully not feel disenfranchised and will be more likely to think consequentially before committing an offense. This potent combination of increased awareness and investment will result in reduced recidivism and increased victim satisfaction.</li> </ul>	
<p><b>PROVIDER B</b></p> <ul style="list-style-type: none"> <li>Juvenile adjudicated delinquent, placed on probation and referred to program by court and SRS</li> </ul>	<ul style="list-style-type: none"> <li>Panels are more personal; youth gets to talk to community and victims.</li> <li>Offender gets first-hand account from victim's perspective.</li> </ul>	<ul style="list-style-type: none"> <li>Victim Awareness</li> <li>Community Service</li> <li>Restitution paid</li> <li>Apology (letter, personal, etc)</li> <li>Keeping appointments</li> <li>Referral to appropriate services</li> <li>Education and employment requirements</li> </ul>	<ul style="list-style-type: none"> <li>Victim Impact</li> <li>Community Impact</li> <li>Recidivism</li> </ul>
<p><b>PROVIDER C</b></p>			

<ul style="list-style-type: none"> <li>All JRP referrals come from the juvenile's probation officer (SRS worker). Youth must be an adjudicated juvenile on probation with condition to participate in JRP. Eligible youth between ages of 10-16 or 17. Most 17 and 18 year olds are adjudicated in adult court. The JRP do not accept youth who have been convicted of violent or sexual assaults.</li> </ul>	<ul style="list-style-type: none"> <li>The JRP process removes the anonymity of the court process. It utilizes the balanced and restorative justice model. Youth are held directly accountable for their actions and, in most cases, are required to face their victims.</li> </ul>	<ul style="list-style-type: none"> <li>Youths must be able to have an increased awareness of how their behavior affected the victim. Youth must also accept responsibility for what they did. Victims should feel a part of the process without being re-victimized.</li> </ul>	<ul style="list-style-type: none"> <li>The long-term goal is to increase the likelihood that the youth will not re-offend and choose a healthier lifestyle while allowing the community to feel more a part of holding the youth responsible</li> </ul>
<p><b>PROVIDER D</b></p> <ul style="list-style-type: none"> <li>Youth adjudicated delinquent and living in a community setting at home, in kinship care, or in specialized foster care are eligible, as are those who are adjudicated CHINS with a demonstrated history of truancy and/or runaway. Youth who have committed violent offenses are not eligible for this program.</li> </ul>	<ul style="list-style-type: none"> <li>The most important aspect of this project is the face-to-face experience with community members and victims. Youth must speak with community members and victims (based on their willingness to participate), and must admit responsibility for their actions. They must talk about what they did and what it was or might have been like for victims.</li> <li>They are guided to feeling empathy. The experience is frightening and they generally feel ashamed when they come to the panels, often covering this with defensiveness. The panels work with them to go beyond this by showing youth that they care about them, and that although the youth made a mistake, they may redeem themselves.</li> </ul>	<p>Why are these changes important?</p> <ul style="list-style-type: none"> <li>Youth hopefully have a sincere desire to make amends for their actions by the end of the panel, and they join in determining what should be done. Often they suggest more work than the board would have suggested. They go away from the panels with a sense that there are people in their community who care about them, and with a responsibility to their community in return.</li> <li>Upon completion, they meet again with the board and go over what they have learned and what they need to watch for not to make such a mistake again. They are given a certificate and congratulated on being successful. They are now welcomed as a "good citizen" and wished well.</li> </ul>	<ul style="list-style-type: none"> <li>Lower Recidivism. Hope that this will come through the memory of the shame they felt when they first came to the board to talk about what they had done, the feeling of being responsible in making amends, the sense of their place in their community and a new realization that thoughtless acts can have harmful consequences.</li> <li>They come to see that their acts had more far-reaching effect than they had anticipated. Hopefully these youth will continue to develop a helping role in their communities, and will consciously avoid anything that will hurt others.</li> <li>What might be missing from this project is the assistance with the terms of the agreement formed with the panel. If youth were simply told to perform community service, write an apology letter and have it put in their school newspaper, pay restitution, etc. they might very well</li> </ul>

			<p>experience failure if someone didn't help them accomplish the terms of the agreement. The youth therefore must be referred to the restitution project for such assistance. One program could deal with all of these pieces. If grant funding were combined, the same caseworker would see the youth from start to finish and not need separate referrals.</p>
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<p><b>PROVIDER E</b></p> <ul style="list-style-type: none"> <li>◆ Juvenile offenders placed on probation by Family Court can be referred to the JRP as on of the conditions of the probation certificate.</li> </ul>	<ul style="list-style-type: none"> <li>◆ During the JRP process, the youth and his/her parents meet with the coordinator, both together and separately, to discuss the JRP and their individual roles in the process.</li> <li>◆ Both the victim and the offender are encouraged to bring a person to the JRP who will be a support person for them. The victim and panel members who are representing the community, each have an opportunity to state what they feel needs to take place for the offender to repair the harm done. The information is discussed and a decision is made.</li> <li>◆ The goals are to repair the harm done, resolve the conflict, and restore the parties to the right relation.</li> <li>◆ At this point, a contract is negotiated and presented to the juvenile offender. The juvenile and his/her parents then sign it.</li> </ul>	<ul style="list-style-type: none"> <li>◆ The JRP contract is designed to hold offenders accountable to their victims, repair the harm done to the victims and the community, help youth develop positive connections to their communities, and develop life skills that facilitate legal and healthy future behaviors.</li> </ul>	<ul style="list-style-type: none"> <li>◆ The long term consequences of a juvenile who successfully completes the JRP includes: Reduce the number of repeat juvenile offenses, reduce the number of juvenile violations of probation, increase the number of juveniles who comply with probation, and increase the number of youth who successfully complete probation.</li> </ul>

### **CASE STUDIES: ACCOUNTING FOR SUCCESS AND FAILURE**

Some of the successful and unsuccessful cases suggest important insights into the role of the panel, its relationship to other interventions such as restitution, the importance of staff or panel creativity, and the role of apparently unanticipated factors in producing positive outcomes. In describing each case, we asked staff to provide the *criteria* they used to classify the outcome as successful or unsuccessful, to provide an *explanation* for the outcome, and to address what would be necessary for *future success* in each case.

### *Case One (Successful)*

A case from the Burlington panels involving a 15 year-old white female (WP) was judged a success by virtue of the following criteria:

1. Understanding of the Restorative Justice philosophy and process.
2. Respectful interaction with community members on the Panel.
3. Expression of accountability for the offense.
4. Demonstration of accountability through the completion of Community Building Activity.
5. Willingness to apologize to the victim.
6. Demonstration of changed behaviors and attitude towards self; victim and community.

In this particular case, the young girl demonstrated to CJC staff, the victims, the restorative justice panel and the juvenile restitution officer that she understood the gravity of her offense and was willing to make amends to her victim and community. More importantly, WP was able to see a causal relationship between the circumstances of her personal life and becoming involved with the people with whom she partook in the offense. Thus enabled, she was afforded an opportunity for reflection, clarity, and the necessity to take positive steps to make appropriate and healthier decisions that effect her life.

It took some time for WP, and a minimal effort on the part of staff, to encourage and support her, to "buy into" the process. In the beginning she was "slow" to share her personal life, complete her community building activities and generally complete the terms of her reparative agreement. It seemed that as time went on she was better able to trust the people who worked with her and build a Positive relationship with them?. More importantly, her self-esteem seemed to emerge as she moved through the reparative process. It took time for her to realize that "we" were on her side and wanted to support her in whatever she deemed necessary for her success. WP successfully completed all aspects of her reparative agreement.

Essentially, it was the truly non-judgmental support from staff and community that accounted for the success in this case. It is unlikely that WP will re-offend again. For WP, successful completion of the GED will go a long way to ensure continued success. Based on conversations with WP, I believe that the reparative experience was a process of maturation for her and that her interaction with community will help to minimize recidivism. This, in part is because she is aware of the consequences and also has a heightened awareness of, and responsibility towards, her place in the community

### *Case Two (Successful)*

In Caledonia County, the only case heard thus far has been a successful one. The referral was made after the defense attorney had persuaded the court to drop a pending possession of alcohol charge in return for his client's agreement to participate. The offender was a 14 year-old boy charged with grand larceny, burglary, and unlawful mischief and was one of four individuals who forcibly entered a public school and proceeded to do thousands of dollars of damage (vandalism) and steal a variety of items. The school (or community) had victim representation from the principal and also a member of the local PTA. These two

people sat on the panel along with other volunteers and together worked out a contract for the offender that included \$250.00 restitution (1/4 of a \$1000 insurance deductible), 200 hours of community service, 76 of which would be performed at the vandalized school, and an extensive apology letter.

This case was viewed as successful because the victims were fully satisfied with every part of the process and because the offender completed all facets of his contract. The explanations for the case's success in the opinion of the panel coordinator were the offender's desire to complete his obligation quickly, and the case work done by the coordinator in cooperation with the offender's parents, the school and all community service sites involved. Also the school representative's acceptance of this juvenile was viewed as very important in the success of the case. The opportunity for victims and the offender to get to know one another was also felt to have "put a very human/personal spin on things." A possible deterrent rationale for success was also suggested by the coordinator who hypothesized that knowledge that others involved in the offense saw prison time was also a factor in motivating the offender's participation and completion.

According to the coordinator, chances for long-term impact on future reoffending that may have been set in motion by the panel are due the fact that "certain influences on (the young offender's) decision making have been removed from his life. I think the reparative program was probably the best of all possible options for this case. I think the offender and victim were served excellently by the process.

### *Case 3 (Successful)*

A less unequivocal success was described by the Chittenden County panel coordinator. In a case actually counted as an *unsuccessful* completion, (having reoffended), the coordinator described how the panel can sometimes play a supportive and authoritative role that may have headed off more negative outcomes.

Matthew was 16 years old and was at a party on New Years Eve at an acquaintance's house. The police were called to the party because of a noise complaint. Upon arriving they found Matthew laying down in a parked van and unresponsive. When they woke him he was belligerent. The police administered a breathalyzer exam which determined that he was intoxicated at which point he was cited for Possession of Malt Beverage (PMB) and taken to the police station where his father came to pick him up at 2:00am.

Matthew was referred to the Restorative Panel for Simple Assault and PMB, stemming from separate incidents. He readily accepted responsibility for the Simple Assault, but when the Panel addressed the PMB charge he was very guarded and defensive. He insisted the he had made arrangements for a designated driver to take him home and that he had gotten tired and decided to sleep in her van, which was where he was apprehended. He felt persecuted because it was New Year's Eve and he had purposefully gone to a party in a remote location so as to avoid any problems. He acknowledged that underage drinking was against the law, but was initially unwilling to entertain how his actions actually affected anyone else, beyond perhaps his father who had to get him in the middle of the night. Upon further questioning, Matthew disclosed that he smoked marijuana on a daily basis and proceeded to defend his

right to do for the same reasons he thought it was all right to drink. It looked challenging to bring a restorative perspective to this case because he was so adamant that his drinking and smoking had no real effect on anyone except him, and that had the police not arrived, he would have gotten home safely and no one else would have been involved. To him it was simply a matter of laws he could not support and he was clear that this process would not change these behaviors other than make him even more careful not to get caught. He was assigned 40 hours of community service for both of the offenses and a letter of apology to the youth he had assaulted. More importantly, drug and alcohol counseling were recommended to his SRS caseworker.

Matthew was sent to a drug and alcohol assessment program where it became evident that he was in need of treatment. His SRS caseworker then incorporated this treatment into his general probation terms. Ultimately, Matthew began seeing a drug and alcohol counselor with whom he is currently involved.

I consider this a success because the Restorative Panel was able to recognize the signs of possible substance abuse and direct Matthew toward help, turning his involvement with the justice system into a catalyst for positive change. Matthew met with the Panel every other week and had regular meetings with his SRS caseworker that I also attended. I think that having this consistent contact, accountability and support was integral to Matthew's success. Matthew was also disengaged from school, but has recently enrolled in a culinary program and is working as a cook at a local restaurant. He is identifying and pursuing goals, and I think that as he accomplishes these goals he will be less likely to reoffend because he feels he will have something to lose. He had reoffended while we were working with him and the real possibility of jail time was also sufficiently terrifying to him as to make him think more consequentially. He made positive relationships in the process of doing his 40 hours of community service for the Restorative Panel and intends to help at the same place for the Reparative Board, if possible, and focus on his treatment and culinary education.

#### *Case 4 (Successful)*

Case involved a 17-year-old high school senior, a culinary arts student, arrested for unlawful mischief after slashing a tire on a car. Restitution was ordered by the court and the case was referred to our Reparative Board for imposition of reparative probation. The victim participated in the process and identified three indirect victims, all elderly women neighbors living alone and now afraid for their safety. The contract required the offender to (1) fulfill restitution requirement, (2) write letter of apology to victim's husband who would not attend the Board meeting, (3) volunteer at a Community Lunch, and (4) bake cookies for each of the elderly women and deliver them in person with an apology.

This was a successful case because the direct victim had a key role in the process and was fully restored, the indirect victims were able to put a human face on what had happened and let go of their abstract fear; the community was paid back for its loss of equilibrium, and the offender learned not only that the consequences of his thoughtless act went well beyond what he had thought of but that he could use his skills in a positive way to repair the harm he had done. The victim's involvement was crucial in making this case the success that it was.

The offender has good potential and if he becomes involved in something productive upon graduation is likely to have continuing success.

*Case 5 (Unsuccessful)*

In an unsuccessful case in the same county, we see almost the opposite result by virtue of the inability of staff to make even an initial contact. The criteria for judging this case unsuccessful were the failure of this sixteen-year-old girl (JM) to keep two appointments after an initial meeting at intake. Staff tried on several occasions during a three-month period to engage JM and all were unsuccessful. The restorative justice panel members eventually concluded that JM was not willing to participate in the process and requested court intervention through a violation of probation (VOP). Before submitting the VOP, JM's social worker and the coordinator went to her house to meet with her and discuss how we could structure this meeting so she could move through this process successfully. She was asked to think about her options and call the CJC with her decision by the end of the next day. She never called. The CJC submitted a VOP to SRS.

Failure in this case was viewed as a result of JM's lack of capacity to accept personal responsibility. She continually expressed the desire to be with and be accepted by the friends in her neighborhood rather than explore new opportunities and relationships. She did not seem to care about the gravity of her offense (minimizing and justifying), the victim or her community, or any consequential legit outcomes. Her personal history incorporates a family that is steeped in criminal culture, and while her mother wanted JM to "get this out of the way," it didn't seem as though she would be willing to work together with JM to help that process along.

It will eventually go back to court. The court may impose supervised work crew or send her back to the CJC, i.e., restorative justice process. I think there is a high likelihood that JM will not complete high school, may become pregnant, and reoffend somewhere along the line.

*Case 6 (Unsuccessful):*

Randy was referred to the Restorative Panel for Petit Larceny. He was 17. He and some friends went to Costco to shoplift. He took a carton of cigarettes and was confronted as he was leaving the store. He decided to run and knocked over a female employee in the process. The police found him in the vicinity shortly afterward.

When Randy met the Panel he was not engaged and had very little affect. Randy shared that he used alcohol and a variety of other drugs including marijuana on a regular basis. It became clear that he needed treatment. His mother was desperate for him to get help. She could no longer allow him to live at home if he continued to refuse assistance with his habit. He decided to go to a residential treatment program, which we were all excited about. Unfortunately, we received reports that he was still using at the program and that ultimately he walked out. At this point he had turned 18 and felt no obligation to complete the Restorative Panel process as he had aged out of juvenile probation. We heard that he had

gotten a job at a supermarket on their overnight shift and was living with a friend in an apartment they were renting.

Randy was no longer under the supervision of SRS to insure that he get the help he needed. He also did not repair the harm done by his shoplifting. His substance abuse problem accounted for his failure. In terms of this particular case, nothing will happen as Randy has turned 18. As for Randy, I think that unless he gets treatment, he is likely to reoffend.

#### *Case 7 (Unsuccessful)*

This case involved a 14-year-old boy who was arrested for the theft of two bags of applies valued at \$1.99 each from a local supermarket. The case was referred to the Community Justice Center by the local police and a Group Conference was scheduled which was attended by the offender, his mother, his youth service worker, the family social worker, a police officer and the night manager of the supermarket. An agreement was reached which required the boy to perform 12-1 S hours of work for the supermarket, to be monitored by the youth service worker. Six weeks later the CJC heard from the Police Dept. that the contract was not performed. The case was referred back to the police department for further disposition.

This case may have been unsuccessful because of inadequate monitoring and lack of communication between the youth services worker and the Justice Center. Had the Justice Center done the monitoring in house, or been informed immediately that there was a problem, we could have intervened Although there is no guarantee that this would have made a difference, our ability to help the boy be successful was never tested.

#### **From Failure to Success?**

In another district there have not been any “unsuccessful” cases to date in our experience with the restorative panels -- in part because the panels have been able to provide a second chance. In one particular case, a young man had committed a delinquent act, and had, in the past, been found guilty of sexually inappropriate behavior. He was using marijuana on a regular basis. He came to the panel after a violation of probation. The panel spoke *with him* about his delinquent act and his use of drugs. The client had demonstrated a higher than average potential for *defensiveness and anger*. The panel worked with him to get beyond the defensiveness, and asked him to think about what harm his act had caused, and how the victim might have felt (the victim was not present, and could *not be* located.) The client was able to put himself in the victim's shoes and spoke very well about what the victim must have felt. The meeting itself seemed to be a success for that reason. The client began by working well at the terms of his restorative agreement, but after two months slacked off and was not responding to messages to contact the Panels coordinator/ Restitution caseworker, part of this, perhaps, was due to the fact that the staff person who had been working under all three grants only doing street-checking. Again, it seems that staff transition has a negative effect on young people. The Panels coordinator scheduled this young man for a check in with the panel to talk about his lack of progress and what we could do *to* help. He called and said he would not be at the meeting, but there got back on track and his next meeting was a successful completion celebration. At that meeting, he spoke of losing a close friend and *feeling* overwhelmed. He

said that he had needed time to put things in perspective. He said he felt that he did not want to come back to the panel and tally about failure. He realized that as volunteers, the panels were giving their own time to help him and he felt that he should live up to his end of the bargain. The client said he still uses marijuana, but not as much, and that he does not use it for a coping mechanism. He will continue to undergo drug testing, and to participate in counseling, I feel that *if he can* explore his drug use and stop using he will be alright, If not, it is likely that he will experience further charges for drug possession.

### **ANALYSIS: COMPONENTS OF SUCCESS AND FAILURE**

*Gauging Success.* Among other things, the case studies offer insight into how staff members determine whether a case has been successful in a panel. For some who supplied case studies of experiences with restorative panels, the criteria for success were viewed very concretely. For example, some case studies viewed accepting responsibility for completion of conditions that required offender accountability or repair, as well as completing these conditions as an indication of successful completion of a panel. Making apologies, or agreeing to and making restitution and/or service to the community were often listed as key criteria. Perhaps the primary indicator of success for the offender in most of these cases, however, was the confrontation with the hurt caused by his/her crime that resulted from hearing the story of the victim, and several indicated that signs that the offender understood that he had hurt another person -- perhaps for the first time -- were the most important criteria for judging a panel as a success.

As the most potentially pure examples of restorative justice processes, panels would also seem likely to be anticipated by staff to produce changes in victims and community members as well, and indeed, in several of the case studies staff stated that changes in the victim and/or family and other supporters were important indicators of success. For example, in one case study, an indication that the panel had been successful was an appearance that “victim and offender had made a complete reconciliation.” In another, the victim was said to have been able to “put a human face on the offender” that helped him to reduce his own fear and develop a more realistic perception of the youth. Others described the dissipation of anger between a young offender and family members as a key sign of success, and some described an emotional transformation of in the offender, victim, or other stakeholders as key indicators of success.

*Explaining Success and Failure.* Several core factors were said to account for the successful completion of panel cases, including some of the same factors that were listed as criteria for success. The presence of the victim alone was perhaps most frequently cited as a key variable responsible for successful offender outcomes. As Case Four illustrates well, the victim may provide vital information about the level of harm to herself and others. The support of community members, “willingness of offenders to make amends,” gaining a sense of responsibility, were also listed as factors in several of the case studies. Case 3 illustrates that, even in difficult (and less successful cases), panel members may continue to provide support and attempt to encourage positive changes. In Case 1, panel members were able to break through resistance on the part of the youth by continued efforts to relate that ultimately led to a trusting relationship. The coordinator in this case, recognizing this positive result, nonetheless also understood the need to follow-up (to ensure completion of the GED) in order

to allow this youth to strengthen or build other relationships and gain experience in new, positive roles.

In case two, for example, we see multiple factors coming together in what may be viewed as almost a “prescription” for a successful conference according to the literature to produce a successful outcome. Specifically, a combination of offender motivation to complete, a coordinator’s work in meeting with parents and school officials to maximize the chance of the conference going well, a connection between victim and offender and a willingness of the “community,” in this case the school (whose representatives were also in the role of victim), were factors in the success. It is not so clear, however, what is being referred to in the statement about long-term success (e.g., removal of bad influences) and how this, or the deterrence rationale, fits with the logic of the conference -- especially given the strong support demonstrated for the offender. The deterrence rationale could just as easily be turned on its head and interpreted as the offender experiencing fairness and concern on the part of a group that had reached out to him; this supportive connection, rather than fear of some unknown consequences, could well be the factor primarily responsible for keeping the youth crime free in the future.

The unsuccessful Case 5, provides a somewhat classic example of the difficult young offender who would not be expected to do well in panels or any other intervention because of a general unwillingness to engage with those offering support -- despite best efforts to reach out and offer multiple opportunities for participation. Case 6, though also difficult, nonetheless seemed to be one in which a persistent panel could have made a difference (as was true in Case 3). Similarly, Case 7’s failure may, as the narrative suggests, have been avoided given better coordination under the right circumstances. While on the one hand cases such as these (especially 5) seems to suggest that there are some young offenders for whom restorative encounters will have little impact, such difficult cases are also often the very *reason* restorative justice interventions are needed to break through resistance (Braithwaite and Mugford, 1994). While this is not to disparage the hard work of coordinator and others, the hypothesis of cognitive impairment might be reframed as a problem of getting the right people to the table -- perhaps certain peers in this instance -- or utilizing another model of restorative conferencing. More positively, even in such circumstances of extreme unwillingness, this girl might nonetheless be able to be engaged through restorative processes at a later point in time even, in an institutional setting.

### **Problems, Concerns and Recommendations**

(Restorative Panel Workshop Observation)

On October 13, 2000, David Karp, a member of the evaluation team, observed a training workshop for restorative panel coordinators and related SRS staff. The workshop was designed to “clarify topics, share experience/ expertise, propose strategies for improvement, and identify needs for further training or follow-up.” The workshop was organized by SRS grant managers, and facilitated by Bob Becker.

22 people participated in the workshop representing a variety of jurisdictions in Vermont. Approximately 60% of the participants have run a panel meeting, 10% had observed one, and 30% had never seen one. The workshop was organized around six central

issues, each of which was identified through a survey sent by Bob Becker to all participants asking them to identify key topics for discussion. The following is presented as a summary of issues and concerns evaluators viewed as important to the success of panels in Vermont. These observations also reinforce positive insights about panels and indicate a growing awareness of their multiple benefits.

### **Overcoming Offender Resistance**

A major problem identified in the survey was overcoming offenders' resistance to participating in the panel meeting. This scope of the offender problem varies from simply shyness to hostile rejection of the process. A list of specific strategies was created during a breakout session as suggestions and/or successful approaches:

#### **Pre-Panel Planning Strategies**

- Establish coordinator/offender rapport
- Familiarize offender with the process and with expectations for participation
- Emphasize that the process is not designed to be punitive
- Emphasize that their participation can influence the outcome
- Emphasize that their participation will help develop their decision-making abilities
- Discuss whether or not the victim will attend and prepare offender accordingly
- Enlist other young people as panelists so that the offender will have someone to identify with.

#### **Panel Process Strategies**

- Have offender retell the incident (enabling him/her to participate initially by providing concrete details rather than through complex decision-making or by revealing emotions)
- Have the offender focus their attention on a trusted/familiar member of the group, such as the coordinator
- Provide support to the offender by emphasizing his/her strengths
- Have offender reflect back/repeat comments by board members and victims

The group discussed one case in which the offender's active participation yielded long-term benefits. The offender had chosen the location of his community service work—a nursing home. Because it was his determination, they believed he became more invested in the work. Apparently, he continued on at the nursing home beyond the term of his contract, and later won the “volunteer of the year” award from the home.

The group discussed four instances when offenders' resistance undermined the ability of the panel to proceed. In the first case, Mike Mallick from Brattleboro described the necessity of ending the meeting early (after 20 minutes) because the offender refused to participate. In this case, the offender was referred back to the caseworker and no subsequent panel meeting took place. In a second case, Heather Hobart from Morrisville described how she called for a break after experiencing similar resistance, so that the offender and her father could talk

privately. This enabled them to “reconnect” and when the meeting resumed, the offender became engaged.

In a third case, Nancy Naylor of Barre, described how the offender became antagonistic toward her mother, resulting in a screaming match. Although attempts were made to resolve the conflict, the meeting has to be canceled. Mary Springer, of Springfield, described a similar conflict during a meeting, but in this case, the panel was successful in resolving the conflict. She believed that by having the board provide support and empathy for the most troubled participant (in this case it was the mother of the offender), she was able to calm down.

In both of these latter cases, the offenses involved some form of domestic violence, and the parties at the table were immersed in on-going conflict. The group reasoned that neither case should have been heard by a panel. However, sometimes these cases will be referred inadvertently, such as when the charge is lowered. The group reached the following conclusions:

- Seek to identify in advance any cases in which victims and offenders are entrenched in ongoing conflict and divert those cases to a mediation process.
- When the panel is confronted with such a case, they should feel empowered to end the meeting and divert it or reconvene at a later date.

*[A concern is that such cases, while difficult, should not be ruled out for a restorative decisionmaking intervention. Indeed, as several of the case studies illustrate, the resources of the panel can be adapted and employed at various points in the process to bring about unanticipated changes in very difficult situations.]*

### **Recruiting and Training Volunteers**

A second problem identified in the survey is the difficulty of recruiting citizens to participate on the restorative panels. Bob Becker stressed that the community role is pivotal to the success of the panels. Not only do volunteers need to be representative of the community, and therefore should be a diverse group, but that they need to effectively take on the role of community representative by making it clear to participants that they are volunteers, that their concern is based not on professional duties but concern for the neighborhood, and that their expectations are driven by the need improve the quality of community life. Several suggestions were offered by the break-out group.

- Seek out different community groups and have panel coordinators make presentations about the program
- Carefully screen prospective participants by having them observe a panel meeting, review the training manual, discuss the philosophy of the panels, and emphasize the necessity of a serious commitment
- Avoid recruitment strategies, such as media advertisements, which do not effectively explain the nature of the program
- Create new roles for volunteers that meet organizational needs such as recruiter, victim liaison, trainer, etc.

## **Training and Retention**

- Enlist excellent, engaging trainers
- Create a standardized training curriculum
- Provide opportunities for debriefing
- Enable volunteers to provide feedback to one another through positive modeling, role playing, and constructive criticism
- Show appreciation of volunteers by thanking them, giving flowers, and having ceremonies

(An encouraging note is that the case studies clearly indicate recognition of the benefits of involving victim and community actively in panels).

## **Working With Victims**

While offenders and the community form two points of the BARJ triangle, victims form the third, and are equally crucial to the success of the panel program. A third break-out group focussed on the challenges of working with victims. Among them, they suggested the following:

- Panel coordinators should work more closely with the courts and SRS caseworkers to get complete information about victims, such as correct addresses and phone numbers.
- They also need to work with the courts to ensure cases are handled quickly, reducing the frustration of delayed justice.
- With regard to victim contact, coordinators noted that:
- Few people want to think of themselves as victims, therefore coordinators should avoid using the term
- Coordinators need to be trained in proper techniques of victim contact to avoid re-victimization
- Good techniques include:
- Active listening to validate the victim's concerns and feelings
- Avoid making the offender the center of the case and any conversations—keep the focus on the victim and the need for reparation
- Stress the possible benefits of participation to the victim both to the victim and to the community
- Enhance the victim's sense of safety, such as being careful about how victims and offenders will be seated prior to and during the meeting
- Do not pressure the victim to participate; focus instead on meeting victims' needs
- When victims do not attend the panel meeting, coordinators should be aware of other strategies such as:
- Encourage the victim to offer a statement in writing or by telephone that can be relayed during the meeting
- Provide the victim with information about the outcome of the meeting
- Have panel members role play the concerns of the victim

*[Again, the discussion and prioritization of effective techniques to involve victims more fully in panels is encouraging. Implicit in the discussion is the need to offer victims a “menu” of options that acknowledge the need to offer help to victims over and above their participation in panels—which for some is viewed as primarily benefiting offenders.]*

### **The Family Factor**

In the afternoon, the whole group discussed three additional issues of general concern. The “family factor” is concerned with the problem of parental participation in the meeting. What should the parents’ role be? Should parents be required to participate? Can they be excluded from participating? What should be done when parents do not support or even actively undermine the panel process? One coordinator, for example, described a panel meeting in which the mother of a fourteen-year-old boy became enraged during the panel meeting, refusing to calm down or otherwise civilly participate in the meeting. Because of the mother’s behavior, not the juvenile offender’s behavior, the meeting was canceled. The group recommended the following:

- Parents should be encouraged to participate, and they cannot be excluded. However, in cases where the parent becomes a hindrance such as in the case above, meetings should be canceled or rescheduled.
- As much as possible, the focus of the meeting should remain on the youth, not the parent.
- The process should be kept official in nature, so that the panel’s authority is not questioned or undermined by the parent.
- Remind parents that failing to work with the panels will only prolong their contact with the juvenile justice system—their quickest route to discharge is cooperation.
- Have panel coordinators work with other members of the juvenile justice team, e.g., caseworkers, street checkers, etc., to present a coherent, united front. Have the team meet with the family altogether.

[Parental involvement is of course a critical issue that is at times glossed over in training. Coordinators may also consider relatives and surrogate parents – (i.e., other supportive adults, as potential panel participants, and these other supporters may participate in lieu of, or in combination with biological or custodial parents especially in cases in which the latter are a disruptive force. Family support groups – generally composed of families who have been through similar experiences in raising troubled youth -- are also a potential vehicle for engaging and assisting parents of troubled youth.]

### **Systems Issues**

A central problem for the panels is working with the juvenile court system to ensure referrals and with other community institutions such as the schools to participate in the panel process. One coordinator described the difficulty she has had in getting the local high school administration to participate as stakeholders. Rather than attend a panel meeting that might result in a contract to help the juvenile stay in school, for example, the principal refused to participate. The coordinator believed the principal was motivated to keep the youth expelled, to “wash their hands of the kid.” With regard to the courts, the group believed the primary

problem was public defenders who could see no benefits of the panels for the youth. As a result, panels becomes simply a bargaining chip in a negotiation between prosecutors and defenders—the outcome typically being that the court determines restitution and community service hours rather than panels. The group made the following recommendations to increase participation of the courts and schools:

- Encourage prosecutors not to bargain away the panel process.
- Encourage judges to disallow this form of trading
- Better educate courtroom actors (and school administrators), particularly by inviting them to observe panels in action
- Hold a “juvenile bench bar meeting” (bringing all parties together) for a problem-solving session

*[Referrals are a problem that should not be left to coordinators alone to resolve. The problem of defenders viewing panels also perhaps providing harsher punishment than court is one that must also be examined carefully by administrators and state district manager to ensure that panels are not simply netwidening, but serving as an alternative to court beneficial to both offender and victim.]*

### **Panel Process**

The final discussion focused on procedural questions about the panel process. The group discussed the need to establish a clear protocol for beginning a panel meeting so that it starts “on the right track.” Some suggestions include:

- Make sure the victim understands the panel process and is consulted about when they would like to participate, i.e., if they would like to speak first or if they would like to get comfortable with the group before sharing their story and concerns
- To enhance the victim’s sense of safety, the victim should be introduced to the panel group and have some discussion before the offender is brought in.
- More generally, the panel should make sure that pivotal moments are taken note of, such as when an offender apologizes.
- Panels should also be comfortable with long silent pauses, allowing offenders to develop enough courage or to develop their thoughts to actively participate

*[The tone of this discussion is encouraging in that it indicates growing sensitivity to the importance of process in restorative decisionmaking. It also indicates flexibility and a willingness to adapt the panel protocol to meet the needs of victims, offender and their supporters as primary stakeholders.]*

### **Conclusion**

The meeting ended with three objectives: to (1) repeat the workshop for all panel staff every six months; (2) repeat the workshop every two months at a regional level, and (3) create a listserv for panel staff so they may post questions, share ideas, and otherwise communicate general issues to the group.

## **PART II: RESTITUTION PROGRAMS**

### **PROGRAM LOGIC AND INTERVENTION THEORY**

#### **Eligibility, Referral, and Target Population**

There is little disagreement about eligibility for restitution programs around the state. As Table 2 suggests, eligible youth are those adjudicated delinquent and placed on juvenile probation under an active court order. Youngsters adjudicated for a sex offense, and youth who are in SRS custody before the current adjudication are to be excluded from referral. What is “new” is that youth may have experienced a panel prior to assignment to the restitution program. An interesting evaluation question will focus on the extent to which having a panel develop the reparative plan makes a difference in the creativity and feasibility of the plan, and in the likelihood that young offenders will complete it.

#### **Intervention**

According to staff, support for completion of reparative obligations, as well as monitoring and enforcement, are key components of the restitution program protocol. Finding an appropriate service or job placement in the case of monetary restitution may also, in the best cases, involve some assessment of strengths and interests of the young person and his support group. As Table 2 indicates, the restitution program experience may consist of a program staff assessment of needs and interests, placing youth in community service sites, assist them in arranging appropriate and realistic payment schedules for restitution, and are providing support and assistance in making appropriate apologies. Restitution staff also act as liaisons with sites, monitor participation and quality of work, and, when youth do not follow through, attempt to ensure that there are predictable consequences (i.e., ask their probation officer to schedule a status conference with the court, and then go to court with the youth) (See Table 2).

Consistency is believed to be the key to success, and it seems apparent that many of these youth have not experienced much of this before. According to staff assessment, many are accustomed to adults saying there will be consequences, but then not following through. This combination of consistency, support and monitoring is also the program component viewed by these respondents as most different from court. While the experience of being accountable and the opportunity to gradually feel a sense of accomplishment are important in this program, “what is *missing*,” according to one Program Director, who had begun to reflect on the value of the panel experience in giving meaning to the reparative obligation, is “*the empathy piece that comes from speaking with victims and community members*. Youth in this project are mostly just following *orders*.”

#### **Intermediate Outcomes:**

As Table 2 suggests, completion of the reparative obligation, along with the experience of consistency and the sense of successful accomplishment that are the ultimate intermediate objectives in restitution. The notion of completing the obligation as a “rite of

passage” to community acceptance and citizenship provides the linkage to long term outcomes. By actively fixing what they have broken, youth are also thought to gain a concrete sense of the consequences their actions have for others. Success in “making things right” is then viewed as preparation for adulthood and therefore an important link to positive long-term outcomes.

### Long-Term Impact Outcomes

“We want youth to take away from this project a sense that there *are* consequences in life, and that if they don't take care of their responsibilities they will experience discomfort.” We want them also to take away a feeling of success which they will strive to repeat in other areas of life, to know that they are capable of being responsible and following through. Hopefully, both outcomes will in turn lead to reduced recidivism and to *successful*, healthy choices.

The long-term consequences of the Juvenile Restitution Program may vary. For a few, the program may serve as a deterrent from reoffending simply because of the number of community service hours they were assigned by the court and the extent to which they were held accountable. For others, as Table 2 suggests, it will hopefully serve as important growth experience, furthering their personal goals and increasing their connection to the community. This positive momentum may, over time, take root in healthier lifestyle choices and help prepare youth for the growing expectations that will be placed on them as young adults in the community. Appendix II provides a site case study example of a restitution program which features a practical elaboration on various aspects of the intervention theory associated with restitution an illustration of creative practice.

**TABLE 2  
RESTITUTION**

<b>Client Eligibility</b>	<b>Intervention (Program)</b>	<b>Intermediate Outcomes</b>	<b>Impact Outcomes</b>
<p><b>PROVIDER A</b></p> <p>How is the client eligible for this program?</p> <ul style="list-style-type: none"> <li>◆ Any youth sentenced by Family Court to do community service, make financial restitution or write letters of apology.</li> </ul>	<p>What does the youth experience in the program?</p> <ul style="list-style-type: none"> <li>◆ Youth are given comprehensive support in locating a community service site, determining a restitution schedule and writing letters of apology to their victims. Compliance monitoring and troubleshooting are provided for all juvenile probationers once a community service site and schedule have been established. The</li> </ul>	<p>What changes are sought in the participants at the end of the program?</p> <ul style="list-style-type: none"> <li>◆ Youth must complete the terms of his/her probation as determined by the court. The Restitution Program provides resources with which to do this, and holds youth accountable to these obligations once the opportunities for successful completion are in place.</li> </ul> <p>Why do these changes lead to</p>	<p>What long-term outcomes are sought?</p> <ul style="list-style-type: none"> <li>◆ The long-term consequences of the Juvenile Restitution Program may vary. For some, the program may serve as a deterrent from reoffending simply because of the number of community service hours they were assigned by the court and the extent to which they were held accountable. For others, it will hopefully serve as an</li> </ul>

	<p>restitution officer regularly appraises the juvenile probation officers as to the case status of their referrals.</p> <ul style="list-style-type: none"> <li>◆ Participants in the Juvenile Restitution Program are given assistance and support with which they are able to be successful with the restorative terms of their probation contract.</li> <li>◆ The restitution officer conducts an intake to help determine a community service site that poses as few barriers to successful completion as possible, taking into consideration factors such as transportation, the youth's interests and capacities, and the nature of the offense.</li> <li>◆ Once a suitable site is located, the restitution officer will act as an initial liaison before transferring the responsibility for determining and maintaining a schedule to the probationer.</li> <li>◆ The restitution officer will then continue to check-in with both the youth and the site to insure that progress is being made. The restitution officer often meets with the probation officer and the youth in a team approach to his/her success on juvenile probation.</li> </ul>	<p>long-term outcomes?</p> <ul style="list-style-type: none"> <li>◆ This model of opportunity and accountability should lead to long-term impacts because it is vital preparation for what will be expected of these adolescents as they transition into adulthood. Having clearly delineated boundaries and restorative, achievable consequences for crossing these boundaries, is essential training for participation in community. Through participation in the Juvenile Restitution Program, youth are supported in this rite of passage.</li> </ul>	<p>important growth experience, furthering their personal goals and increasing their connection to the community. This positive momentum may, over time, take root in healthier lifestyle choices and help prepare youth for the growing expectations that will be placed on them as young adults in the community.</p>
<p><b>PROVIDER B</b></p> <ul style="list-style-type: none"> <li>• As agreed to with the local SRS district office, eligible youth are those adjudicated delinquent and placed on juvenile probation under an active court order. Youth adjudicated for a sex offense, and youth who are in SRS custody before the current adjudication are to</li> </ul>	<ul style="list-style-type: none"> <li>• The staff's job is to monitor, assist, and work with SRS to see that consequences occur when agreements are not kept. It is the accountability and accomplishment that are important in this project. What is missing is the empathy piece that comes from speaking with victims and community members. Youth in this project</li> </ul>	<ul style="list-style-type: none"> <li>• The goals are to provide consistency to youth, to place youth in community service sites, assist them in arranging appropriate and realistic payment schedules for restitution, to be available for assistance in making apologies, etc. When youth do not follow through, they must see that</li> </ul>	<ul style="list-style-type: none"> <li>• Youth should have a sense that there are consequences in life and that if they don't take care of the responsibilities they will experience discomfort. The CJC wants them also to take away a feeling of success that they will strive to repeat in other areas of</li> </ul>

	<p>are mostly just following orders.</p>	<p>Why do these changes lead to long-term outcomes?</p> <ul style="list-style-type: none"> <li>• It is the consistency that is successful. It seems apparent that many of these youth have not experienced this before, many of them are used to adults saying there will be consequences, but then not following through. We want to assist youth in successfully completing the program, and learning that they can be successful.</li> </ul>	
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### RESTITUTION CASE STUDIES

A concern in these articulations of the intervention theory is the apparent overemphasis on the consequences for noncompliance, rather than the value of making amends as part of a developmental process—not to mention its value to victims. While this may be due to a weakness in the support side of the support and monitoring argument balance, it may also be due to the lack of connection some young people are making with the reparative obligation. The panel experience may be an important remedy for this to the extent that it reinforces this connection. The case studies below are suggestive of both strengths and weaknesses in the restitution component.

*Case 1 (Success)* - Subject in this case was a 17 year-old male. He was assigned to the project for coordination of community service work. The case was referred on December 1, 1999, and successfully completed on April 25, 2000. The case was successful because all assigned hours were completed, and work was well done (i.e., the client appeared on time, as scheduled, had a good attitude and performed tasks correctly. This client had been in the system for several years, and had a string of convictions for delinquent acts, including thefts and serious property damage, often with the assistance of younger boys. The client also *had a history of* behavioral problems at school, characterized as “oppositional arid explosive.” I believe that a major part of the reason for the success of this young man in the program is due to the fact that his substance abuse problem is being seriously addressed with residential treatment, after-care, and continued monitoring. This young man is very intelligent, and has a tendency to question authority. *The latter, in* itself, is healthy; however, coupled with a severe substance abuse problem, it caused the client to be labeled "anti-social" and escalate into

severe and confrontational behavior. I believe that the opportunity for this client to develop a bit of a relationship with the Restitution caseworker made *a difference for* him. This boy had not cooperated at all with his probation orders for several years. The combination of substance abuse treatment and the relationship with the Restitution caseworker, I believe, assisted him in being successful. I think *that if this boy can stay* off drugs, and continues relationships with proper adult role models, he will be alright. If, however, those adults who are important to him are suddenly no longer available to him, and he does not have sufficient support, he will begin to use again and will reoffend.

### *Case 2 (Success)*

Tanya was referred to the Chittenden County Juvenile Restitution Program for Simple Assault. She was ordered by the court to perform 35 hours of community service and write a letter of apology to the young man she had hit with her field hockey stick.. She was 14 years old. Tanya was very resistant to doing her community service and was initially non-compliant. Tanya was also very interested in cosmetology, so I was able to make arrangements with the Director of a local senior center for Tanya to come in once per week to style the seniors' hair. This was something that meant a lot to the seniors and allowed Tanya to further her goals in a way that was both personally gratifying and gave back to the community. Upon completing her required community service hours, as well as her letter of apology, she continued to volunteer.

This case was successful because a valuable service was delivered to the community and Tanya developed connections to people in the process. She also was able to further her own vocational interests which, in time, will hopefully enable her to be a productive, contributing professional in the community, here or elsewhere. The fact that Tanya has continued to volunteer at the senior center will help to ensure continuing success, as she has become more committed to her professional goals and more aware of how reoffending could be an obstacle to those goals.

### *Case 3 (Success)*

This youth was one of four involved in the theft of a four-wheeler and motorcycle from a person's garage. After the theft, the 4-wheeler was thrown in the Connecticut River from a bridge. The special terms of the boy's probation included 20 hours of community service, \$476 in restitution to pay for repairs to the 4-wheeler, an apology letter and an essay on the importance of telling the truth in court. Community service was arranged through me at a local senior center. The person who ran the center established work around town to be done by the offender for local seniors.

This case was successful because the victim received all restitution and all terms of probation were met. Success in this case was due to casework on my end in relation to the apology, community service and restitution. The case spurred the removal of the youth from his home with an absentee alcoholic father to the home of the mother. The cooperation of the mother was crucial to completion (she put up restitution after all other parts of the contract were completed) as the father seemed to derail the process at every turn. Open communication with all parties helped the success of this case.

The boy has left the area and resides at a boarding school in Florida now. I don't know how he's doing, but can only hope the new living arrangement is creating a better support system than the previous one.

*Case 4 (Unsuccessful)* -This case involved a 17-year-old boy was referred on December 2, 1999. On September 14, 200, his SRS probation officer removed him from the Restitution Project as an unsuccessful case. I don't believe that the case was necessarily unsuccessful. The client had a difficult time getting started. He was depressed, using marijuana heavily, had experienced the death of his father, and his *mother was not* providing sufficient support or supervision (indeed, she claimed not to know that *he* was using drugs even though the street-checker found that he was smoking in the house when his mother was home.) When the Restitution caseworker set up a site coaching younger children *at* basketball, the client seemed very enthusiastic; however he did not appear as scheduled and lost the site. In January, the client event to work at another site, and performed 25 hours out of the assigned 100. If his supervisor said that he was a very good worker. The client continued to use drugs, as shown by urine screens performed by the street-checker at the SRS offices. In June, the client informed the new Restitution caseworker he would not do community service saying "I won't break by back and not get paid for it!" He was rude and uncooperative with his site supervisor. He was taken back into court, after which he seemed to become more cooperative.

*Case 5 (Unsuccessful)*

Don was referred to the Juvenile Restitution Program for Possession of a Firearm and was assigned 100 hours of community service by the court. He was 16 years old. Don lived in a remote part of the county and his parents did not have any transportation with which to get him to any community service sites. Don was also in SRS custody although he lived with his parents. His SRS caseworker, guidance counselor and I met with him at school to determine if there were any in-school projects on which he could work for community service credit. Unfortunately, due to his unruly behavior, he was not eligible for any opportunities in this vein because he required a level of supervision the school was unable to provide. Several weeks after this school meeting, Don called a pizza delivery person to his house whereupon he assaulted him with a hammer and robbed him. He was adjudicated as an adult for this offense and sent to the local correctional facility.

The reasons for considering this case a failure are obvious. John was in need of serious help, and although he was receiving counseling, it clearly wasn't enough. Short of having him institutionalized prior to this occurrence, I don't know how it could have been avoided or what combination of factors allowed his situation to degenerate so rapidly. John is incarcerated, and his juvenile charge, which went unaccounted for, will be eclipsed by the severity and status of his new offense.

## **ANALYSIS: COMPONENTS OF SUCCESS AND FAILURE**

Explanations of positive outcomes in these success cases illustrates both the benefits of restitution and community service as well as their limitations, for some offenders as stand alone interventions. In the positive examples such as Case Two, the staff person's ability to connect service to a direct interest of the offender, and to construct a service assignment with a clear benefit to others, provides a recipe for building connections. Similarly, in Case Three, the innovative service assignment, coupled with the ability to engage parental support, also had much to do with the success in that case -- one where the worker also played an important role in removing a negative influence in the life of the young person. These cases indicate both the benefits of restitution and service as well as their limitations as stand alone interventions—at least for some offenders. In the positive examples such as Case 2, the staff person's ability to connect service to a direct interest of the offender and to construct a service assignment with a clear benefit to others provides a recipe for building connections. Similarly, another innovative service assignment, coupled with engaging parental support in Case 3, also had much to do with the success in that case---one where the worker also played a role in removing a negative influence.

In the unsuccessful cases, and in Case One, substance abuse or other issues that required more intensive assistance, appeared to provide a common thread. These cases indicate a need to connect with other services and supports, and especially, as was illustrated in Case One, to focus on building or rebuilding relationships. For the latter, board involvement could have made a difference, and in that regard these restitution cases illustrate the potential strength of boards *in conjunction with* a structured approach to monitoring and supporting restitution and community service. As illustrated in the panel cases presented earlier, and by a growing body of experience in other states, boards my also strongly reinforce the need for substance abuse intervention.

### **Comments/Concerns**

For the most part, concerns center around the somewhat punitive emphasis on restitution indicated in some of the interviews. The creative use of service and use of restitution as an opportunity for employment that provides work experience and future job opportunities (see case, Appendices 1 & 2), on the other hand, provides evidence of the broader possibilities inherent in this intervention.

### **Recommendations**

*Preventing failure* may therefore be a result of seeking to build relationships through reparative activity and maximizing use of panels as a catalyst for this activity and as an initial source of connection to the community. Emphasizing the needs of victims to receive restitution, and of restitution as an obligation of the offender as well as a first step to reintegration, should also give needed priority to this intervention.

*Enhancing success* in reparative activity is best ensured by seeking to match service opportunities with community needs and youth interests. In addition, attention to the need to involve victim and community in determining the reparative obligation and to support the offender through job assistance and mentoring in the community service context are critical components.

## **PART III: STREET CHECKERS/ TRACKERS**

### **PROGRAM LOGIC AND INTERVENTION THEORY**

Street checkers and trackers are intended to provide a vital supplement to SRS and program staff supervision in increasing the likelihood of successful completion of conditions of supervision. Intended especially, though not exclusively, for use in cases having difficulty under normal conditions of supervision, checkers and trackers in reality appear to fulfill multiple functions and play several roles

In this report, we provide a generic description and analysis of the checker/ tracker program, though we note that in at least of one of the tracker programs those staff play a somewhat different role.

#### **Eligibility, Referral, and Target Population**

As Table 3 suggests, according to program directors, street checkers receive referrals from SRS workers because cases are judged to require a higher level of supervision and surveillance. Then given the goal of assisting with completion of probation conditions, the target population for this program may be further circumscribed to give priority to those probationers who are having trouble complying with requirements of probation or with completing their contract obligations. The population also includes probationers viewed to be at high risk of reoffending, as well as some juveniles in state custody.

#### **Intervention**

The core intervention in street checker involves regular and frequent contacts with probationers, particularly curfew checks. In addition, checkers provide support to the family, as parents are asked to monitor and support their children in complying with probation orders and avoiding involvement in negative behaviors. While the average youth in a checker or trackers program may have been assigned conditions of supervision that do not vary significantly from those on regular probation, e.g., curfew, seeing a counselor, finding a job, what is most *different* about the experience is the presence of someone to help them complete the conditions and comply with necessary restrictions.

In *tracker* programs, using Brattleboro as an example, what will also be different is the consistent intensity of the protocol, through the about the day-to-day experience may differ substantially. For instance, a youth may receive a call Monday morning to make sure he is attending school, might attend a school meeting on Wednesday with the tracker present, might attend a group on Thursday afternoon with the tracker and/ or another program staff person and other young people to which exploring decisionmaking, while being mentored, building relationships with staff, and even having fun. The tracker might during that same week have talked to the Department of Employment and Training on the youth's behalf, met with a family member to discuss parenting skills, and advocated for the young person with a school principal or teacher. In short, the tracker intervention appears to be a more intensive one for the young offender and perhaps more structured around planned activities. Both trackers and checkers, with individual variation, seek to also spend a significant amount of time in

advocacy, relationship building, and monitoring work with other adults and institutional representatives that can assist with both support and control of their cases.

### **Intermediate Outcomes**

According to one program administrator, the central focus of the checker program is to keep families together by providing support for youth rather than punishment. Although changes in a young person in checker and tracker programs are expected to become apparent at various points in the program, at the point of program termination, staff want to see improvements in school attendance; school behavior and performance; employment or work habits if the youth is not in school; the ability to make better choices—especially choices about involvement in illegal activity; and an increase in general empathy [*Although victim awareness is not an explicit focus of this program and crime victims do not appear to be involved in any significant way, some checkers and trackers seek to reinforce the harm and obligation to victims where relevant.*]

More short term changes sought may simply include fewer absences from school and/or advocacy which creates a more positive view of the youth and a sense from teachers and other school professionals that someone is providing support. Getting the youth to feel comfortable in the school environment is an initial objective sought in making it possible for more significant changes in school performance to occur and for better relationships to develop with teachers. The checker or tracker's ability to establish a positive relationship with the youth is also viewed as a critical first step in bringing about the trust necessary for the youth to establish solid relationships with other adults.

### **Long-Term Impact Goals**

The long-term goal of the tracker program is to ensure that young offenders are able to take care of themselves and make good decisions as responsible adults. The intervention theory underlying this program, as program supervisor Jane Finely suggests, is as follows: “what makes this work is getting more time, for enough people, to spend more time with these kids.” This assumes that more of the effort during supervision would be directed toward relationship building. One possible difference in, trackers and checkers, as described by one administrator, is that the “tracker” position is a full-time one, and seems more comprehensive than what has been defined for the street checker role. In the view of the program supervisor, whereas checkers essentially check on compliance, trackers do a lot more, and are essentially tasked to help youth having trouble with completing the program to do so.

One critique of this program by some staff is that the goal of getting people off probation does not allow time to build rapport and relationships. Although the relationship with trackers is an important one, it is necessarily transient and therefore cannot take the place of ongoing informal associations between youth and supportive adults. While the tracker can set this in motion by building trust in adults that may be missing, only the more long-term experience can be expected to have significant impact. The concern here is that staff may begin to view themselves as the primary intervention, and therefore believe “the more time offenders are on supervision, the better.” The good news, however, is that trackers do not appear to see the job as only punitive or enforcement focused. As the case studies indicate,

several in fact see their role as concerned as much with support as with surveillance and control.

One street checker provided the following examples of such support. A teenage boy who lives with his single mother had taken control of the household. The mother could not discipline him. The street checker was able to role model for the mother how to provide discipline and monitor the youth. For instance, while the street checker initially called the school to find out if the boy was attending, gradually, the mother took over this responsibility. In another example, the street checker was able to mediate a conflict between a daughter and her father to overcome ongoing hostility and resentment. The checker demonstrated alternative parenting models, such as offering positive reinforcement for the daughter's successful compliance with the probation order, rather than the punitive approach and criticism routinely offered by the father.

**TABLE 3**  
**STREET CHECKERS/ YOUTH TRACKERS**

<b>Client Eligibility</b>	<b>Intervention (Program)</b>	<b>Intermediate Outcomes</b>	<b>Impact Outcomes</b>
<p><b>PROVIDER A</b></p> <p>How is a client eligible for this program?</p> <ul style="list-style-type: none"> <li>Juvenile adjudicated delinquent, placed on probation and referred by court and SRS</li> </ul>	<p>What do the youth and others experience in the panels?</p>	<p>What changes are sought in participants at the end of the program?</p> <ul style="list-style-type: none"> <li>Restitution paid</li> <li>Community service attendance and completion</li> <li>Counseling attendance and making appointments</li> <li>Appointments with probation caseworker</li> <li>Apology</li> <li>Education and employment requirements</li> </ul>	<p>What long-term outcomes are sought?</p> <ul style="list-style-type: none"> <li>Recidivism</li> <li>Healthy / safe lifestyle</li> <li>Education (GED, ABE, completion or reinstatement to high school)</li> <li>Employment</li> </ul>
<p><b>PROVIDER B</b></p> <ul style="list-style-type: none"> <li>SRS referral as part of probation order. Normally supervised by SRS worker unless have other programs in order.</li> </ul>	<ul style="list-style-type: none"> <li>Street checkers provide an extra set of eyes and ears to enforce the conditions. More hands on for case-workers and clients. A way to hold client accountable immediately.</li> <li>Youth feel being supervised more and watch actions.</li> </ul>	<ul style="list-style-type: none"> <li>Make youth accountable for actions. (The program doesn't deal with the victim.) It works with community, e.g., schools and makes sure that the youth goes to school. If they don't, the checker brings them to school.</li> <li>Intermediate outcomes: increased community awareness, accountability, and improvement in education.</li> </ul>	<ul style="list-style-type: none"> <li>Youth becoming more accountable for actions</li> <li>Not reoffending</li> <li>Improvement in lifestyle</li> <li>Improvement in education</li> </ul>

<p><b>PROVIDER C</b></p> <ul style="list-style-type: none"> <li>Youth on probation may be referred by SRS for monitoring of curfews, school, work or counseling attendance, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Youth in this program experience a higher level of intervention than in others.</li> </ul>	<ul style="list-style-type: none"> <li>For a youth to achieve the impact of this program, s/he must know that someone is paying attention, that someone cares, and that if they slip up and engage in risky behavior someone will do something.</li> <li>Youth are guided to follow a healthy path in this program, knowing that if they choose the wrong path, someone is there to see and to guide them back where they belong.</li> <li>Youth realize that the purpose of this program is not to catch and punish them, but to help them make good choices, to see that poor choices can have a negative impact on them, that someone is going to increase supervision further if they continue to make poor choices, and that with practice its easier to make the right choices.</li> <li>In our program this includes a drug-testing component at the request of SRS. The street checker is able to discuss choices with the youth. Youth know that if they continue to use, this will be addressed by higher levels of supervision and more intense treatment.</li> </ul>	<ul style="list-style-type: none"> <li>Good choices, act responsibly, staying safe.</li> <li>Lower recidivism, successful school and work experiences, and a habit of staying on the right path.</li> </ul>
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**CHECKER/TRACKER CASE STUDIES: ACCOUNTING FOR SUCCESS AND FAILURE**

*Case 1 (Successful)*

LT. was involved in the Street Checker Program for approximately six months. From the beginning, she has always been positive in all her actions and was an excellent student in high school. She acquired an after school job working with a food service, and was also involved in sports. She has toured some New England colleges, as she wants to further her

education and move on. So with her great attitude and excellent participation, she has been discharged from probation and is ready to move on toward becoming a positive adult.

### *Case 2 (Successful)*

This 17-year-old boy (PG) languished in the SRS system for several years. He had several minor charges spread out over a period of 3 years. The success criteria in this case was to get the young man off probation and moving in a direction of self sufficiency and independence.

The tracker was able to develop a relationship with PG and assist him in finding an appropriate job. PG had never had a job before, and the tracker was able to help him locate available community resources in order to get involved in a training program where he could learn good work skills. PG would then be in a better position to move into a job in the work force. They youth also took a critical thinking skills class as part of his contract conditions that was helpful in introducing him to options for problem solving. He completed a 6-month training with the local TV station, and after completing all other conditions of his probation contract, was released from probation. He maintained his working relationship with the Dept of Employment and has since moved on to a more permanent job with benefits. The successful outcome in this case was brought by a cooperative effort between the street tracker, the restitution case worker, the Department of Employment, and SRS. Without the coordination of the Youth tracker, the client might have remained in the system until 18 and gain no useable skills for the future. PG was also given encouragement and support from numerous sources who were available to him when needed. Although PG was initially unmotivated, the relationship-building part of the tracker program played an important part in this success. He is now 18, has steady employment, a steady income and a secure place to live. Those three factors will clearly play an important role in PG's *continued* success. He also knows that the street tracker and restitution workers are available if he needs help.

### *Case3 (Successful)*

This 15-year-old youth was one of four involved in the theft of a four-wheeler and motorcycle from a person's garage, for which he was charged with aiding in the commission of a felony. After the theft, the 4-wheeler was thrown into the Connecticut River from a bridge. The special terms of the boy's probation included 20 hours of community service, \$476 in restitution to pay for repairs to the 4-wheeler, an apology letter, and an essay on the importance of telling the truth in court. Community service was arranged by the street checker at a local senior center. The person who ran the center set up work around town for the offender to perform for local seniors.

This case was successful because the victim received all restitution, and all terms of probation were met. Success in this case was due to casework on my end in relation to the apology, community service and restitution. The case spurred the removal of the youth from the custody of his absentee alcoholic father and placement in the home of the mother. The cooperation of the mother was crucial to completion of the youth's probation (she put up restitution after all other parts of the contract were completed) and was supportive of the

youth's progress in areas where the father seemed to derail the process at every turn. Open communication with all parties helped to ensure the success of this case.

The boy has left the area and resides at a boarding school in Florida now. I don't know how he's doing, but can only hope the new living arrangement is creating a better support system than the previous one.

#### *Case 4 (Successful)*

Youth #1 was referred to the Street Checkers Program at the age of 13 with a charge of retail theft that was adjudicated in September of 1999. He was living at home with his mother at the time. The concerns expressed by the probation officer were: lack of rules at home, need for a curfew, possible substance use and school truancy. Additionally, conditions of supervision were: 25 hours of community service, a letter of apology, and restitution in the amount of \$88.00. Youth #1 struggled with obeying any rules that his mother set for him. He stayed out too late, hang with the "wrong crowd" and be generally disrespectful and noncompliant. He was in danger of being retained in 8<sup>th</sup> grade because of the truancy issues. Because of the struggles Youth #1 was having without the court ordered conditions, his probation officer referred him to the Street Checkers Program.

Youth #1 has since completed all of his conditions of probation and will be discharged in the very near future. He has developed healthy and positive relationships with the Street Checkers staff and has stayed out of trouble. This case is viewed as a success because Youth #1 will be leaving the court system as soon as he is discharged from probation.

Several things accounted for the success Youth #1 had in the Street Checkers Program. He was taken into custody while on probation, allowing for more intensive supervision and the structure his mother could not provide. The Street Checkers were able to establish good communication with the foster home providing insight into general behavior and attitude. Checkers also connected with the school through meetings and constant communication, allowing them to address the truancy aspect of the probation contract. Staff members were able to provide transportation for Youth #1 during he period of time that he was refusing or having difficulty getting to school. Youth #1 also participated in community service work crews that checkers ran throughout the summer months. By attending these day-long events, the offender was able to see immediate progress on his obligations by completing community service hours in 7-8 hour increments. This opportunity seemed to provide the motivation that Youth #1 needed to follow through and complete all of his hours. He also participated in an organized summer work program at Burlington High School that gave him the opportunity to earn money and pay restitution in a timely manner. This offender was also able to link establish contacts and build relationships with staff at the high school, making him more comfortable and stable for the transition from 8<sup>th</sup> to 9<sup>th</sup> grade. Youth #1 was also able to link up with a counselor at the high school, which seemed to provide him with extra support. Finally, while waiting for a court hearing one morning, Street Checkers were able to assist Youth #1 in completing his letter of apology.

Constant and regular contact between all team members including family, school staff,

social workers, Street Checkers, community members and the youth himself, helped to ensure success in this case. Youth #1 is currently very close to discharge from probation and the Street Checker's Program. He will remain in custody after being discharged to ensure a smooth and healthy transition back home with his mother. Team members are aware that the transition home will be crucial, and will make every effort to keep all of the support systems in place until he has safely transitioned home.

#### *Case 5 (Successful)*

Youth #2 came to the Checker program with an unlawful mischief charge that had been adjudicated in October of 1999. The concerns of the case were home contact, curfew, substance abuse, lack of educational services, anger management issues, and completion of the following obligations: letters of apology, 20 hours of community service, and \$210.00 in restitution. Youth #2 was 16, in state custody, but living at home when Street Checkers became involved with the case. She was not in school, and according to her family, was "unmanageable" at home because she refused to follow and rules or structure. The Street Checkers spent a great deal of time connecting with Youth #2 in order to establish the relationship that ultimately became important to her success.

Since the beginning of the program, Youth #2 has successfully completed all of her conditions of probation and has been released from State's custody as a result of her positive changes. She has developed an attachment to the Street Checkers staff and continues to make contact even though it is no longer required. Today, she is anxiously awaiting the birth of her first child in Spring, 2001. We define this case as successful because Youth #2 was able to complete all of her conditions and she was successfully discharged from custody as well as probation. She has also learned skills that will assist her in becoming a more responsible adult and mother.

Youth #2 participated in both individual and family counseling which assisted her and her family in addressing the anger management issues and helped the family to become more functional as a whole. Youth #2 was also an active participant in the day-long community service events that the Street Checkers put on in the summer months. She experienced a sense of relief, and accomplishment, as the community service hours were completed quickly, and was able to attain a job at a local pharmacy, as a cashier, earning the money needed to pay off her restitution. Her family was a great resource when it came to completing letters of apology in a very timely manner. Youth #2 also participated and successfully completed a drug treatment program at Centerpoint and has been clean for about 6 months. Youth #2 was able to re enroll at a local alternative school and is looking forward to graduating in January of 2001. She has voluntarily enrolled in evening parenting classes at a home for unwed mothers and has a great deal of support from family and friends in regards to her pregnancy. She is also working with "Reach-Up" for additional support services to help her become a more capable adult.

As suggested, multiple factors contributed to Youth #2's success. Her family deserves a great deal of credit for working through many difficult times and assisting her with anything that they could. The team approach proved to be very successful with Youth #2, through frequent and consistent contact with schools, therapists, family and other agencies involved.

With Youth #2 it was also apparent that a strong relationship with the Street Checkers was needed before a great deal of progress could be made because Youth #2 had difficulty with new people. Youth #2 has been successfully discharged from probation and we are confident that the skills and lessons she and her family have learned will help her with future issues that may arise.

*Case 6 (Unsuccessful)*

A.M. was an individual in the Street Checker Program for 8 months, due to Assault charges involving a number of other of adolescents. He has had difficulty in all aspects of the program. He refused to follow curfew guidelines, which had a very early 7pm home time, was found on the streets at Sam casing cars, as well as at a mall, which had already issued a no trespassing order against him. He just could not see the serious side. He always thought he would get away with things.

He also had a lot of difficulty in school, and was enrolled in an alternative program, but still couldn't cope. He was then required to have a parent with him during school hours. When that wasn't successful, he was sent to Juvenile Detention, and finally moved to a very structured school program. At this time, he is still involved with the program in on a one-on-one status, and there are ongoing problems.

*Case7 (Unsuccessful)*

After initial referral from SRS contact with this client was difficult. The youth would occasionally respond to phone contact, but was typically a no-show for all in person appointments after the first meeting. The *SRS caseworker* in this case did not respond to the client's refusal to respond to the street tracker. Despite visits to the home, the tracker was generally unable to locate this youth, and he did not attend school. The client reoffended during this time, and is now in the adult system for armed robbery.

This case was unsuccessful from the outset. What was clearly missing was the contact and the ability to build a relationship. In this case there was also little support from SRS, and the system had no sanctions to hold the youth to the conditions of his contract. Because he basically ignored the contract and the probation officer ignored him, there was no intervention and no effort to get and keep the offender on task. Without the contact and the support of the system, trackers in such cases have a hard time. When the tracker has many cases, those with little buy-in from the client and little support from SRS are the ones that fall by the wayside.

The client currently is living in a supervised living environment overseen by the Dept of Corrections because of his adult charges. He is not connected in any positive ways *with* his community.

*Case 8 (Unsuccessful)*

In this case, the client, D, was frequently not at home when curfew checks were done, and drug screens showed continued use of marijuana. On one occasion, the client attempted to alter his test, but admitted it when confronted. The street-checker made a very good attempt at

connecting with this young man, but it was unsuccessful in D. that could not consistently keep probation conditions. D's SRS probation officer decided he needed more intense supervision than that offered by *the Street-checkers* project. I believe that this young man will continue to have difficulties following through. He needs intensive substance abuse treatment, and treatment for depression. After working with the Street-checker for over nine months, he would not open up, would not talk about his pain. He seems to be dealing with his depression by using drugs. I expect he may reoffend.

I think that this will not be the last I hear about, D. When his case gets sent back to court, he will most likely be sent back to try the Competency Classes once again. I hope that now that I know more about his case I can be a positive adult role model in his life and because I am a woman, give him a different perspective on how he feels about the women in his life. I want to help D see that although he is hurting other people in his life, he is hurting himself the most and I want to help him see that. D is an intelligent person and if he focused on being more positive, he could move forward.

#### *Case 9 (Unsuccessful)*

This youth was one of two who broke into a vacation home and stole property from the home. The boy went to Court Diversion, failed his contract and was put on probation and sent to this office. The boy completed all of his Diversion work with the exception of drug and alcohol counseling (his original charge included cultivation of marijuana and petty larceny).

This case will be defined as unsuccessful as the client has failed to attend counseling, community service, and meetings with me. Also the client has re-offended (burglary, petit larceny, unlawful mischief) and has wracked up numerous civil violations. The case is presently in the process of probation violation in court.

#### *Case 10 (Unsuccessful)*

Youth #3 come into the Street Checkers Program due to several delinquencies involving assaults and unlawful mischief. Youth #3 lives at home with her mother and father and is a very "spoiled" child in the words of her mother. Her probation officer was concerned about issues involving truancy from school, 115 hours of community service, \$100.00 restitution and manageability in the home.

The Street Checkers worked with Youth #3 for several months. Youth #3 was completely noncompliant and refused any and all services offered to her. The only condition of probation that Youth #3 was able to complete was the \$100.00 restitution that we later found out, was paid by her mother. Youth #3 missed scheduled appointments. The only contact that could be made was when she had court, or by chance if she was home for an unexpected visit. Youth #3 was never shy about letting everyone know that she had no intention of doing any community service hours or going to school. Youth #3 had her probation violated several times but it never had any impact on her. She continued to receive more community service hours as a result of her violation, which did nothing to motivate her.

In January of 2000, Youth #3 was unsuccessfully discharged from the Street Checkers Program.

The failures with this case are multiple. The family offered little or no help in terms of holding Youth #3 accountable. They let her do anything she wanted. They paid her restitution, which did not teach her anything. They never made her attend meetings and have let her skip school for the last two years. They never were of any assistance to the probation officer or the Street Checkers.

Another reason why the case was unsuccessful was that there were no consequences for anything that she did. Youth #3 could do whatever she pleased and she knew that there was nothing to be done. She was seasoned in the system and knew that if she did not comply with the court orders of juvenile probation all of her conditions would just disappear when she turned 18. She used the system to her advantage. She admittedly stated that she just “didn’t care” about the crimes and being on probation is “no big deal because they never do anything.”

The likelihood that Youth #3 will end up in the adult system is very high since she has never addressed the issues that got her into trouble as a teen. We hope that the adult system will be able to hold her more accountable for her actions.

#### *Case 11 (Unsuccessful)*

Youth #4 came to the Street Checkers Program with a theft of firearms charge. Youth #4 was living at home with his parents at the time that he came into the program. The concerns that his probation officer had were his curfew, behavior at home, school success and to watch that he remain out of the city of Burlington. Although Youth #4 was a very pleasant young man to work with, he never followed through with any of his conditions of probation. He lived about 15 miles outside of Burlington and had no means of transportation to any community service placements. His family members were all involved with charges of their own and were not able to help him with good decision making. Youth #4 had issues with peers at school that prevented him from being successful. He was always appropriate with faculty and staff. The Street Checkers were able to monitor his curfew by doing random check ins by phone and personal visits.

There came a point in time when the family moved and did not inform anyone of their whereabouts. This left both the probation officer and the Street Checkers with no way to contact the family. During that period of time, Youth #4 committed a violent offense that was processed as an adult charge. Because he is now in the adult system, juvenile probation seems futile and the case is being discharged from Street Checkers.

Youth #4 is currently in adult jail on \$100,000.00 bail and is awaiting trial on an aggravated assault charge. Because he is in a secure facility, it is very unlikely that anything more could be done from the Street Checkers Program. I have little doubt that Youth #4 will receive a significant amount of jail time and when he eventually gets released, he will face the same issues and problems that he had before he went to jail.

## ANALYSIS: COMPONENTS OF SUCCESS AND FAILURE

Explanations of positive outcomes in the successful checker and tracker cases suggest several important themes that imply a possible “theory,” or “theories,” about how the intervention of these staff may be linked to intermediate and long-term offender adjustment. The first theme suggested in these accounts is the *broad* and *flexible* way in which checker/trackers have defined their role. Although similar positions in other states are defined by rather narrow job descriptions that focus almost solely on surveillance and enforcement, the Vermont checkers and trackers seemed to have adapted to needs encountered in the job in a way that defines the role as one of providing both support and control. A primary intermediate objective of intervention for these staff, and an important additional theme in the case studies, is building relationships.

The relationship-building theme is apparent throughout the discussion of successful cases, as is the “strengths-based” focus on building on assets in youth, family and other adult support systems -- as illustrated especially in Cases 3, 4, and 5. The personal relationship these checkers seem to have established in these successful cases in fact seemed to go a long way toward getting the young person to accept help and take the initiative to follow up on the reparative obligations of supervision. The *inability* to establish this relationship in the unsuccessful cases, on the other hand, was understood by these staff to be a critical missing link.

One of the things that seem to make tracker/checker intervention work, when it does, is its very concrete focus on the reparative obligations facing the client. In all but one of the successful cases, <sup>2</sup> there is a clear focus on prioritizing community service, restitution and apologies, and then ensuring that these young offenders have access to the support and structured opportunities they need to honor these commitments and make amends to the victim and community. By not getting bogged down in solving all of the sometimes complex problems facing these young people, checkers emphasize the benefits of giving these youth a rare opportunity for success. They do so by seeing to it -- as illustrated in Cases 4 and 5 especially -- that the youth have opportunities to earn restitution (by helping them find a job), have opportunities for meaningful community service by developing supervised work crew options (and working with the kids on the job), and by providing transportation when necessary.

Although not complex and arguably not formally a part of the checker/tracker role as envisioned (some of these tasks could be viewed as the responsibility of restitution staff or probation), these simple support efforts seemed to make the difference for the successful cases. The intermediate outcome that becomes apparent is the sense of success in completing tasks (i.e., restitution, service and paid work) and the community connections made by these young people when they do so.

Unfortunately, what can be learned from the unsuccessful cases is less apparent and less helpful to theory and practice. It is gratifying, however, that despite the apparent difficulties encountered in these cases, these accounts suggest that intensive efforts were made to engage the young offender, begin building a relationship, and work on the goals of the probation contract. Moreover, the sense of these narratives is that there is no thought of giving

up until the case is removed from the checker/tracker's jurisdiction, and with one justifiable exception, there is no attempt to blame failure on the lack of consequences for noncompliance -- the standard reason given for failure by many staff in other roles. For the most part, these unsuccessful cases exhibited a failure to comply at any level, even to the point of refusing to appear for meetings with the tracker. In some cases, such as Case 10, this was an active defiance; in most such as 11, the resistance was primarily passive. In other cases, there were clear implications of drug abuse and more serious forms of involvement in serious violent crime. The only possible alternative in these unsuccessful cases in fact seems to apply in Case 11, where it could be speculated that if the initiative of the staff person supervising Cases 4 and 5 had been shown in this case, the youth, having been provided with transportation and support may have completed community service.

In the unsuccessful cases, and case one, substance abuse or other issues that required more intensive assistance, appeared to provide a common thread. These cases indicate a need to connect with other services and supports, and especially, as was illustrated in Case 2, to focus on building or rebuilding relationships. For the latter, board involvement could have made a difference, and in that regard these restitution cases illustrate the potential strength of boards for more chronic and troubled offenders *in conjunction with* a structured approach to monitoring and supporting restitution and community service. As illustrated in the panel cases presented earlier, and by a growing body of experience in other states, boards may also strongly reinforce the need for substance abuse intervention.

### **Comments/Concerns**

A potential concern is determining how checker/tracker resources are best applied. Although in the success cases, checkers/trackers clearly had the positive effect of providing the support and structure/control necessary to get these young people to do what was obviously needed. In several of those cases, however, the fact that checkers take responsibility for tasks that should be a priority of other staff makes one question the priorities of other staff, or perhaps question whether checkers are the most suitable professionals to play this role. In any case these checkers seem to indicate that they are willing and able to accomplish these very important tasks, and their lack of traditional social work "psychologizing" of offender needs may make them especially appropriate choices and even more likely to build normal supportive relationships with many of these young people and their supporters. The concern, as possibly indicated by the checker's concern in Case 8 to get the youth to "open up," is that checker/trackers may come to view themselves as "therapists" and give less emphasis to the things they do well, and that are indeed important -- if at times neglected by other professionals.

Some administrators and staff are concerned that violent and/or sex offenders, who are occasionally referred to the checkers because alternatives are not available (e.g., residential programs that have one-year waiting lists), will be increasingly accepted into these programs. Despite the fact that checkers are willing to reject inappropriate referrals, apparently they do not always exercise this right. Some staff are also frustrated that there appear to be "no consequences" for violations, but are hopeful that community detention will provide for this once it is up and running. One administrator provided an example of a probationer who refused to comply in any way: he would not return phone calls, answer the door, etc. In

response, he was sent to Woodside for one weekend. Apparently, this effected a positive change in the family arrangement. The probationer moved in with his father, and both exhibited a greater willingness for increased supervision through more frequent check-ins. Subsequently, the probationer has complied with curfew, followed through with school tutoring, and consistently gone to counseling. The problem with this analysis of course is that the inference that confinement in Woodside made the difference in this case may or may not be accurate. In any case this suggestion is one that feeds into the belief that it is primarily (if not only) the fear of confinement (“consequences”) that causes youth to change patterns of behavior. As part of the dominate mythology in SRS programs this assumption unfortunately take the emphasis on other actions staff can take to move ahead in difficult cases – some of which are illustrated well by the checker/ tracker here.

In general, checkers and trackers seem less likely to look for barriers and more likely to bring a fresh perspective to Vermont juvenile justice in their continued attempts to succeed with juveniles others may have written off. To the extent that they continue to try to build normal relationships between juvenile offenders and conventional adults in a way that builds on strengths, they will also be working in the spirit of restorative justice.

### **CHECKERS UP CLOSE: SHADOWING IN BURLINGTON**

#### *On the Road With the Street Checkers*

On the morning of August 8, 2000, the evaluator shadowed the street checkers for two hours. First, we picked up a youth named Mark, who was participating in a community service project at a local school. He had been dropped off at the program an hour earlier by the street checker, but had gotten into a fight (verbal) with another youth, and was sent home for the day. We dropped him at home, where he is under foster care. Mark is unable to return to his own home, as his older sisters are under federal investigation for heroin dealing.

Next, we went to check on Kyle, a sex offender, who was expected to be at home. He wasn't there, which was a probation violation. An unknown older male was at home, but would not open the door for us. He appeared to be inebriated (10AM) or to have a serious disability. He is not understood to be a member of the household. He claimed that Kyle was at school, but this could not be the case as it was summer vacation.

Finally, we checked on April, who is living with her aunt. She was not at home, but the checkers had heard that she might be living with an upstairs neighbor. We were invited into this home, which was highly chaotic, with piles of clothes, dirty dishes, and other items in a cluttered mess. Two children were present, as was an adult male and female. The adult male was drinking alcohol, was friendly to us, and teasingly called to April that the “FBI, CIA, KGB” were here to see her. They said April was asleep, and that she was in her room with a boyfriend. April did not respond when the checker knocked on her door and called for her.

### *Collaboration with Families and Other Programs*

The street checker arranges a meeting with the probationer's family at the family home. The street checker, restitution officer, probation officer, and caseworker all attend this meeting. This team approach clarifies expectations and roles for the family and for team members. It also opens the possibility for one team member to become a central point person for a family when the family makes a particularly good connection to that person. This illustrates flexibility by the staff to foster a cooperative and supportive team approach to meeting the goals of the juvenile justice plan. In addition to collaboration with the other justice programs, street checkers have also developed good rapport with school staff, enabling them to quickly access relevant school information, such as the probationers' attendance rate.

## **PART IV: COMPETENCY CLASSES**

### **PROGRAM LOGIC AND INTERVENTION THEORY**

#### **Eligibility, Referral, and Target Population**

As Table 4 indicates, youth in competency classes are a mixed group, whose members are referred from several sources. Although the primary source of referral appears to be SRS, youth are also referred from diversion and prevention programs, as well as from restorative panels. Because the content of these classes does not specify target offense behavior and is focused broadly on decisionmaking, conflict resolution, and other more generic life skills, this does not necessarily present a problem. It may, however, present particular instructors with a difficult mix of higher level older offenders and younger juveniles who are less involved in chronic or serious patterns of delinquency. As the case studies suggest, this mix can conceivably be a major problem, although it could even be viewed as an asset, depending on the creativity of the instructor and on the specific objectives to be achieved. As the classes are currently structured, this instructor creativity and tolerance for ambiguity may be one of the most important predictors of successful outcomes.

#### **Intervention**

The lack of a clear target group and uniform set of objectives may be one of the factors that has led to the rather diverse format for these classes and the need expressed by some instructors to adapt what was to be the common curriculum [see case study which follows]. Hence, what youth experience in some classes may vary significantly from what youth may experience in others, and what a young person may experience in one jurisdiction's program is unlike to closely resemble what the same youth would experience in another.

According to one provider, the classes function more like a group session than a class *per se*. There is, however, a general commitment to lesson plans that follow a six to eight-week format that includes topics such as relationships, decisionmaking skills, conflict resolution, self-improvement, and drug and alcohol awareness (see Table 4, Column 2). And program activity is indeed focused around the classroom instructional format, which is also to say, it is not focused around other forms of skill development or education that might include field trips, work and service opportunities, etc.

This is not to suggest that the classroom format is rigid [most instructors seem to use a variety of educational techniques], or that the more free-form group session focus that is the norm in at least one of the programs is inappropriate. Variation is not necessarily a bad thing in that it may be driven by the need to adapt to the needs of the mix of young people in these classes. Currently, however, this variation may create difficulty for evaluators hoping to make valid and reliable assessments of impact of competency classes as an intervention--if the intervention itself is not clear cut.

As the case studies suggest, in such cases, much of the variation in the effectiveness of the intervention may be due to instructor differences. In at least one of these programs, for

example, the instructor clearly seeks to create opportunities for peer leadership in the classes and wants this to be a factor that distinguishes these interventions from other SRS programs (see Column 2).

### **Intermediate Outcomes**

How is success in competency classes evaluated? A problem related to the variation in class structure, and approach is the apparent lack of agreement on success criteria and a successful and reliable generic tool to measure pre-post changes in the participants. The intermediate outcomes in Table 4 (column 3) suggest that instructors first aspire to ensure that the youth attend enough classes to complete the course and exhibit visible changes in behavior. A more concrete statement of the kind of change desired is the one about “getting kids to take ownership” of the class, learn better decisionmaking skills, and ultimately volunteer to participate in various class activities without being asked, or even coerced.

### **Long Term Outcomes**

Visions of long-term outcomes for competency classes are less well articulated. One statement in particular (see Column 4, Table 4) reinforces the suspicion that classes are merely another requirement of probation and the belief among some staff that more threats are needed to enforce compliance. Once again, the problem with intervention [in this case the competency classes] is not with the intervention itself, but with the lack of consequences meted out by the court, in this case for non-attendance or disruptive behavior. The link between the classes and outcomes such as “a healthy lifestyle” and a reduction in offending seems vague, though the concern to get youth to actually practice and demonstrate conflict resolution skills does seem to be logically connected to such outcomes and suggests concrete intermediate indicators of progress.

There is without a doubt a great deal of variation between competency classes in both structure and context. The following interview with Brian Cina of the Burlington Spectrum program illustrates the general logic of one approach.

## **SITE CASE STUDY: BURLINGTON SPECTRUM COMPETENCY CLASSES**

### **Program Definition**

Brian Cina, a recent graduate of Dartmouth College, teaches the competency classes in Burlington. Classes began in January 2000, and are now running, with three groups per week, ranging in sizes from 4-10. In a few cases, Cina has asked some parents to join the class. If a youth misses a class, they will make it up with another group. He teaches two courses: an eight-week competency course and a four-week victim impact course. Youth are currently referred specifically to one of those options.

Cina often has a diverse class composition, particularly with regard to age, and is working on a plan to organize groups by age. Problems have emerged given the diversity of class participants. For example, on one first class day, a 13-year-old girl entered the class,

then immediately left, refusing to return because the rest of the class included only 16-year-old boys. In general, Cina would like to see clarification and streamlining of the referral process, so that he may better organize his class composition.

Cina believes the central idea behind his classes is that “what you do has significance” both for yourself and for others. In this way, the classes emphasize the need to take care of oneself and others, and to be mindful of the impact of one’s behavior.

### **Training, Collaboration, and Supervision**

Cina consults with his supervisors at Spectrum and with another competency instructor in Rutland. He has minimal contact with other competency instructors, nor does he have knowledge of their curriculum. Training included a 2-day introduction to the Botvin Life Skills curriculum.

Cina has recently recruited a juvenile who completed his course to assist him in the instruction of his classes. He hopes that she will provide role modeling as well as feedback on curriculum design. This role might become a formalized opportunity for graduates of the class as a powerful reintegrative activity. It might also become an option for fulfilling community service requirements.

Although Cina collaborates with all members of the juvenile justice team by attending monthly meetings, he primarily sees the others as a source for referrals to his classes. He does, however, accurately articulate the niche his classes fill in the BARJ model, and views them as a primary resource for the restorative panels.

One suggestion to increase collaboration is to explore community service as a competency development opportunity. Cina might work with the street checkers or restitution officer to integrate probationers’ service experiences into the curriculum.

### **Curriculum**

The Botvin curriculum includes eight classes: self-image/ self-improvement; decision-making; communication; relationships; assertiveness, conflict resolution, impact of behavior or relaxation/anxiety reduction; and summation/closure. Each class runs for 1.5 hours.

In addition to the competency classes, Cina had also developed a separate victim impact curriculum, which involves a 3-day course (with 1.5-hour meetings each week). As of mid-August, he has only taught this course twice. Without having a curriculum, except for a binder with victimization case studies, Cina has developed his own course. He claimed that much of the binder was not helpful because of a poor fit between the juveniles in his classes, who have typically committed minor offenses such as theft, and the case studies, which often focus on heinous crimes. On Day One, the class examines the idea of behavioral consequences (he uses the metaphor of a rock creating ripples when thrown into a pond). On the second day, select case studies are reviewed, such as a case of a drunk driver, and another regarding the theft of welfare checks from an elderly victim. The third day involves a panel discussion, which includes local storeowners who describe the effect of shoplifting on their

business. Still, Cina is unclear about who is being targeted for the impact classes, and, therefore, how to focus the curriculum.

Cina did not find the Botvin curriculum helpful since it was designed for younger kids, and his groups found the exercises to be “corny.” He initially taught the course straight from the book, but considered it to be a “massive failure.” He has radically revised the curriculum in response. He is focusing on the same general concepts as the curriculum, but is trying to make the course more compelling through the use of games/group exercises. To better engage his students, Cina would like to obtain training in the use of games or other experiential learning techniques. While he is committed to fulfilling the mandate of the grant, his course is now only vaguely connected to the Botvin curriculum. Retaining only the most general concepts of the Botvin design, such as self-improvement, his revised curriculum no longer includes any of the specific exercises or activities.

Conflict resolution is not included in the Botvin curriculum, but this is required in the grant. This class includes brainstorming and role-plays, but has not gone over well as the students dislike the role-plays. Instead, Cina finds that the students want to discuss their own problems. He begins with the open-ended question, “What is conflict?” Then allows the students to discuss their own experiences of conflict and how they might have been resolved more effectively. He is rethinking this design to include an activity in which conflict might emerge and then concepts will be reviewed in the context of the activity.

Cina finds that the self-image/self-improvement class is closely related to the needs and concerns of the youth. In the Botvin model, social skills are also taught in this class period, but the youth found this one “boring and silly”—primarily geared to low for their stage of development.

Cina acknowledges that even the classes that are “boring” to the students still convey important knowledge, and that students often respond “I never thought about that before!” When a class goes badly, it is generally caused by stubbornness, and an unwillingness to talk. When it goes well, they class bonds, being openly communicative and supportive of one another. Beyond the nature of the curriculum, Cina believes that part of his students’ resistance is due to the coercive requirement of the class—“that they had to be here.”

## **Evaluation**

Cina is critical of the competency class pre-test/post-test instrument. He claims it takes his students too long to complete (15-20 minutes), and contains too many questions about drugs (misleading the students to think that the course is about drugs).

**TABLE 4  
COMPETENCY CLASSES**

<b>Client Eligibility</b>	<b>Intervention (Program)</b>	<b>Intermediate Outcomes</b>	<b>Impact Outcomes</b>
<p align="center"><b>PROVIDER A</b></p> <p>How is a client eligible for this program?</p> <ul style="list-style-type: none"> <li>Youth are referred to the program by SRS. The competency classes are part of the youth's probation requirements.</li> </ul>	<p>What does the youth experience in the competency classes?</p> <ul style="list-style-type: none"> <li>The competency classes are a six week course composed of skills that are important to the youth's development. The components of the classes include: self image and self improvement, decision making, communication and alcohol awareness, healthy relationships, coping with anxiety and anger, and assertiveness and wrap-up.</li> </ul> <p>How are competency classes different than regular probation or other treatment programs?</p> <ul style="list-style-type: none"> <li>The classes teach "at risk" youth life skills. The classes are different from probation because there are more options for the youth to learn from besides just the regular or usual probation requirements.</li> <li>The youth in this program experience (many for the first time) the skills and tools they need to solve problems and approach situations differently and positively through the six week course. The classes provide the opportunity to sit around a table and discuss the pressures that face them everyday. They are taught perspectives and solutions that may not have occurred to them before the class began.</li> </ul>	<p>What changes are sought in participants at the end of the program?</p> <ul style="list-style-type: none"> <li>The youth hopefully will the skills taught during the six weeks of the class. They must finish the six weeks in order to gain the certificate of completion. It is important to the coordinator that she sees a change in the youth's behavior and in every successful completion this has been the case. Feedback from the caseworker is also very important.</li> <li>The changes in the youth should lead to long term impacts because the tasks that are brought to them are understandable and real life examples are used when discussing the issues. The coordinator has a close relationship with the youths' case worker and has weekly meetings with the case worker to discuss the youth's status, update on progress, and if the youth has reoffended</li> </ul>	<p>What long-term outcomes are sought?</p> <ul style="list-style-type: none"> <li>If the youth refuses to attend or is absent, the case is sent back to court and more time is added to the youth's probation requirements. This has happened in four cases. The Rutland Family Court is "all bark and no bite." Youth who know the system better than others, or just do not care will continue to push the limits until they turn 18 years of age and then most likely will start with a clean slate. Most of the youth however want to utilize the skills that are taught in the classes and a noticeable difference in behavior and attitude is observed.</li> <li>The coordinator's role in the youths' lives is a positive one. The youth are encouraged to be the best for no one except themselves - they have the power to control their future. Thus leading to a healthy, more productive lifestyle, with no reoffending.</li> </ul>

<b>PROVIDER B</b>			
<ul style="list-style-type: none"> <li>• Eligibility is determined by referral from one of several sources including: the court; SRS; diversion programs; the CJC; or RJ panels</li> </ul>	<ul style="list-style-type: none"> <li>• The experience in this 8-wk. Program is more like a group session than a class <i>per se</i>. Youth may also be referred to a 4- wk. Victim impact class or a class adapted from the Botvin curriculum. There is no clear basis for differentiating between these two referral choices (according to the provider). Classes follow a logical sequence beginning with “bonding” work within the group and pre-testing, to decision-making, self-image, relationships, and conflict resolution.</li> </ul> <p>How is this different from other treatment programs?</p> <ul style="list-style-type: none"> <li>• The group leader doesn’t act like a counselor; rather he tries to facilitate peer leadership; kids are expected to help make and enforce rules of behavior.</li> </ul>	<ul style="list-style-type: none"> <li>• Getting youth to take some ownership of the group and their own learning. Getting kids to volunteer and feel empowered to take active roles in the class.</li> <li>• Behavior change depending on their situation becoming more verbal and outgoing, or becoming less “rowdy” and dominant.</li> <li>• Getting kids to want to come to classes without being forced. Learning better decisionmaking skills</li> </ul>	<ul style="list-style-type: none"> <li>• Being able to resolve conflict by applying what they practiced in class. Coming back to class to volunteer (a few kids have done this).</li> </ul>

## COMPETENCY CLASS CASE STUDIES

### *Case 1 (Successful)*

B came to the class with a charge of possession of a malt beverage in the second session of Competency Classes. She was a nice girl, who arrived early on the first day. She had spoken about needing to finish up her community service hours, and I offered for her to be able to finish them with Spectrum. This case was successful because of the behavior of B throughout the six weeks. B knew why she had to complete the classes and the rest of her probation requirements. She knew why she was in trouble and took responsibility for her actions. She attended every class and applied all of the skills learned in class to her personal life. She spoke openly with the other youth in the group about her charge, how she felt when she got caught, and how hard it was to regain the trust of the important adults in her life.

I believe that B was successful because she utilized the skills taught each week and shared her experiences with the rest of the group. She spoke about what worked for her and what did not, and asked questions about how she could deal with situations that she came across in a different manner than she had in the past. She practiced approaching situations that she encountered in her daily life and was pleased with the results she was getting.

I know that this youth will go on to do wonderful things with her life. Her friends and family encouraged and continue to help her complete all of her goals. She will continue to work hard and add more “tools to her toolbox.” Future plans include college, and then law school. Her involvement and dedication to sports will also ensure her continuing success after completing the program. I do not believe that she will reoffend because she knows all of the risks that will be against her if she does and she doesn't want to foul up her future. She believes that she has been given a second chance and that will work well for her and her future.

### *Case 2 (Success)*

“Krystal” was referred to the competency classes of "Connections" by her SRS case worker. Krystal enrolled in "Connections" with a group of seven other students. After the first few classes, she began to act out in class with increasing intensity. She often started small arguments with other students in the class, and showed a general lack of confidence participating in our classroom exercises in Decision Making, Communication, and Relationships. During our Assertiveness class, she became very aggressive during the discussion and escalated a conflict she had with others in the class. In the following class on Conflict Resolution, she showed a difference in her response to conflict. The group analyzed what had occurred in the previous class, turning it into a learning experience. Krystal began to more actively explore the range of reactions to a conflict situation. In the final sessions, she treated her classmates with greater respect than she had in the earlier groups. She completed the classes successfully.

Krystal returned for the next class cycle of Connections because she felt that she had not done it right the first time. I agreed to let her return after consulting her SRS caseworker. She was not attending regularly, but I was impressed by her change of demeanor in the classroom. Her caseworker reported significant improvement in other areas of her life, despite many of the challenges that she was facing. I offered her the opportunity to help me teach a class cycle as a Peer Group Leader, a voluntary position suggested in the grant funding my program. Krystal accepted this challenge hesitantly, and after much time for her to figure things out in her life, she agreed to volunteer.

Krystal tried hard to set good examples as a Peer Group Leader. It was a challenge for her to change her old destructive behaviors to the positive ones we were practicing in the course. There were always small problems, but she seemed generally receptive to my input despite her defensiveness and fear of failure. I sensed that she was struggling with a lot in her life, and this stress definitely affected her ability to be a positive example all of the time. She told me stories of how she was avoiding major conflict at school, however in our classroom she was getting closer and closer to it. She did a great job of getting the youth motivated, but slipped every now and then on modeling positive social skills.

She ended her service with a mix of bitter and sweet emotions. On a sad note, her parent was not supporting her involvement with the program, and she released some of her anger on the group members and me. Her overall experience with the group was positive though, and despite the hard times, I feel her awareness of both her life's impact and her general confidence level have increased. Due to the support from her SRS case worker, from

her Intensive Family Based Services case worker, from me, and from all of the youth that she encountered in her journey with the program, Krystal was able to succeed in the program. If Krystal can find the proper support, I believe that she can stay out of trouble and continue the growth I have seen in the past few months.

#### *Case 4 (Unsuccessful)*

This unsuccessfully closed case was frequently not at home when curfew checks were done, and drug screens showed continued use of marijuana. On one occasion, the client attempted to alter his test, but admitted it when confronted. The street-checker made a very good attempt at connecting with this young man, but it was unsuccessful in that the client could not consistently keep probation conditions. His SRS probation officer decided he needed more intensive supervision than that offered by *the Street-checkers* project. I believe that this young man will continue to have difficulties following through. He needs intensive substance abuse treatment, and treatment for depression. After working with the Street-checker for over nine months, he would not open up, would not talk about his pain. He seems to be dealing with his depression by using drugs. I expect he may reoffend.

When his case gets sent back to court, he will most likely be sent back to try the Competency Classes once again. I hope that now that I know more about his case I can be a positive adult role model in his life and because I am a woman, give him a different perspective on how he feels about the women in his life, I want to help D see that although he is hurting other people in his life, he is hurting himself the most and I want to help him see that. D is an intelligent person and if he focused on being more positive, this will move him forward and have him believe that he does not have to lie and cheat and steal to get the things that he wants from life.

#### *Case 5 (Unsuccessful)*

“Sage” was referred to the competency classes of "Connections" by Court Diversion. He attended a few groups and then he did not return. He failed to return my phone calls, and when I consulted with Court Diversion I found that he had failed their program.

I define this case as unsuccessful because in general, youth continue with my classes even when they fail other parts of their agreements. In this case, I never really was able to connect with this youth. He did not make any efforts to build a relationship with me. Even when he did attend groups, he showed little interest in trying to participate. When there were questions posed to the group, he usually declined to respond. He showed little concern about the opinions of the others in the group. I do not know why he was so uninterested in trying, but this lack of interest was consistent with other information I gathered by talking with Court Diversion. He did not follow through on any of his other contract commitments, so he failed their program.

This case was sent back to court, and the youth might face greater legal consequences before the reality of the impact of his actions is evident to him. Hopefully the power of the court will help him to follow through on future commitments, so that he can learn from his mistakes and grow into a healthy adult.

## ANALYSIS: COMPONENTS OF SUCCESS AND FAILURE

Explanations of positive outcomes identified by competency class instructors and administrators differ from those of other programs in the general lack of relationship between classroom activity as an intervention and the successful result. Case 1 for example describes a very cooperative and highly motivated class participant who seemed bound to complete the requirements of the course (or any course) case and her probation generally. Indeed it seems almost certain that she will “add more tools to her already well-stocked toolbox.” It is not clear from this account how the intervention of the competency class helped this girl, or even what the intervention consisted of. Because not enough details are provided to judge the appropriateness of the referral, one might suspect that there was relatively little need for the class in this case [*Alternatively, there may have been some important connection made by the instructor that gave this youth the motivation needed to complete the class. Yet, this is not apparent from the account here*].

Similarly, unsuccessful cases 3 and 4 provide little information about what it was the class experience failed to provide, and not reflection about what the instructor might have done differently, to prevent those unsuccessful outcomes. In Case 3, blame is focused almost exclusively on the client who acted out and did not attend two classes. One may ask whether or not some of the behaviors exhibited by this young man are not the very behaviors a class like this should be designed to address. In Case 4, there is also little analysis of what the class might have provided that could have addressed some of problems with substance abuse and other issues exhibited by this client, though the instructor in this case truly recognizes some potential in this youth, and looks forward to working with him again. In both cases, the limits of the class structure and content become apparent, though this is not to suggest that competency classes could play a role in a larger intervention plan focused on clear competency development objectives, and directed by a case manager working within a strengths-based frame of reference.

Case 2, on the other hand, is framed within a clearer vision of a concrete, demonstrable, success outcome. The description is also more instructive in relating the intervention of the instructor to this outcome. Here was a case of a troubled young girl who was by no means a model student, and showed a strong likelihood of failure. The instructor’s view of this behavior as an opportunity for learning and engaging the client in a different way -- rather than simply blaming her for the resistance -- led to a different result. Though this result is apparently more related to instructor skill and insight than course content, once engaged, the young girl did take advantage of the conflict resolution training and was able to learn about and exercise leadership as well. The lesson of this case may be that the extra efforts of this instructor to provide this disruptive student with an opportunity to *practice* and *demonstrate* some of the skills to be learned by helping others—as apparently informed by an asset focus and youth-as-resource model rather than deficit approach—led to a positive, if not perfect, outcome.

## Comments/Concerns

For the most part, concerns center around the apparent limits of the competency classes as a stand-alone intervention – even one focused on very limited objectives. Aside from the lack of consistent course structure, there are apparent deficits in content that might resonate with other important intervention objectives. The victim impact/ awareness components, for example, appears to be addressed as a “hit or miss” basis and one wonders if it is linked to behavior and harm that brought these youth into the system. Moreover, as both the successful case and unsuccessful cases suggest, these classes, or group discussions, are a very small piece of the intervention pie.

To make them a more significant piece would seem to require putting the classes in the context of a larger vision of competency development that does much more of what the young girl in Case 2 was allowed to do. That is, competency *classes* would need to become an opportunity to process and evaluate experiential group work -- such as service learning and work experience -- in a context of peer learning and mutual support aimed at competency development. Such experiential activity combined with classroom work could be designed to address common tangible outcomes and clear end products. Such a context could serve to “ground” the rather abstract lessons of the current curriculum in real world behavior with clear collective and individual objectives.

## Recommendations

*Preventing failure* may therefore be a result of using classes as opportunities to build social and cognitive skills in the process of accomplishing other tangible objectives. Failure as defined by the class parameters might also be practically prevented, as it apparently has in some cases, by street checker/tracker intervention to encourage and support participation in the classes. Most of all, preventing failure requires a view of young offenders as having potential as *resources*, rather than a perspective that views failure as due solely to the youth themselves, or to the lack of “consequences” for noncompliance.

*Enhancing success* by putting the competency groups in context does *not* require a complete, or even partial, overhaul of current programs. Rather, it requires integrating classes with the panel experience to ensure real world victim awareness and community input; with community service and restitution work experience [with perhaps some enhancement of both] to ensure that competency-building goals are addressed; and with checker/tracker to ensure enforcement and support. At some point it may also be appropriate to look closely at the role of SRS/ probation officers as the overall case manager responsible for this coordination, consistency, and linkage between program components in individual cases.

## **PART V: CONCLUSION AND GENERAL RECOMMENDATIONS**

As noted in the introduction to this report, and illustrated throughout the text, there is cause for much celebration, and some concern, in implementation of the BARJ model in Vermont thus far. In this concluding section of the report, we include general assessments and concerns focused on developing a more seamless and intentional linkage between each of the primary programs in this initiative. We then conclude with a set of general recommendations focused on a more systemic application of BARJ in Vermont juvenile justice.

### **LINKING PROGRAMS FOR A HOLISTIC RESPONSE: POSSIBILITIES AND CONCERNS**

The group of juvenile justice programs currently implemented around the state may be viewed in two ways, each of which implies a different strategy for the future. On the one hand, programs may be viewed as stand-alone individual entities, with administrators and staff may focusing primarily or exclusively on internal integrity, seeking to provide an intervention experience that is as complete as possible given the limits of each the individual objectives and resources of each program. On the other hand, they may view their program as one part of an integrated whole, choosing to maximize collaboration with other programs in reinforcing the strength and consistency of a core intervention experience of clients participating in multiple programs.

The latter direction seems the most practical and productive given the resources and program focus in the current array of programs in the Vermont BARJ initiative. Although collaboration and integration is also the most difficult path, the state now has the capacity to move toward a holistic vision that provides a systemic and complete approach to juvenile justice cases.

One very clear restorative justice vision for this program integration could be centered around a theme articulated by staff throughout the state and apparent in the case studies and program theory analyses presented throughout this report. *Relationship-building*, and the related concept of *community-building*, are core concepts in restorative justice linked naturally to a broader conceptualization of the idea of repairing the harm (Van Ness and Strong, 1997; Bazemore and Walgrave, 1999). In this vision, all SRS programs may be seen as focused on the common goal of strengthening or building relationships between victim and community, offender and community, and offender and victim in a process first focused on repairing the immediate harm caused by each juvenile crime.

Programs would of course play both distinctive and overlapping roles in meeting this common goal. While the specifics of this integration around the relationship-building theme are something to be envisioned and implemented by Vermont stakeholders, one scenario might begin with panels or other forms of community conferencing as a starting point that provides a gateway to other interventions and initiates relationship-building while maintaining a presence and point of connection throughout the program experience of a particular case. Restitution programs are of course the next logical step as the primary vehicle for making sure obligations are completed and that attention is given to the needs of offender, victim and community as primary stakeholders; competency development through placing youth in new

productive roles, and building community support around these roles, should be a key component of the restitution program protocol.

Checkers then reinforce completion of the obligation and provide additional structure, ongoing contact, and support where needed while providing another grounded link to the community. Here, SRS needs to play a role in coordination while ensuring that offender risks and needs are not falling through the cracks even as new relationships are being built, or old relationships strengthened. Competency groups can provide a forum for processing the skill development and problem solving aspects of the experience encountered in all other programs, while providing a focus on victim empathy and awareness. These classes provide another venue—as does community service for diagnosing problems with substance abuse, mental illness or domestic violence.

This combination of programs of course might seem not feasible or desirable for resource reasons or perhaps fear of overloading clients with excessive obligations. While the vision would not of course always require that every client participate in every program, answering the question of why any client should *not* participate in each type of programmatic experience is difficult given commitment to BARJ goals a basic understanding of the differences between these programs, and knowledge of the limits of each one standing alone. What would be the criteria, for example, for denying an offender or victim the opportunity of a panel experience or other restorative decisionmaking process—especially as an alternative to the formal court process and in cases where restitution or community service amounts and plans would otherwise simply be ordered by the court? Why would anyone not refer a youth to a restitution program once a panel has ordered restitution and service? If checkers are being used for offenders other than those who have demonstrated that they will not otherwise comply or display a higher level of risk simply as a means of providing additional support [as the cases studies presented here suggest], what factors would exclude someone from having a checker? If competency classes actually improve decisionmaking and teach conflict resolution, why not offer these classes to every case?

To date, there would seem to be no clear answer to these questions except one based on the limits of caseload and workload, and few if any programs seem at this time to be oversubscribed. Clients are in any case now participating in multiple programs, although it is by no means clear that the two or three to which a given youth is referred are not neglecting a critical fourth need—or more generally, that programs are collaborating to pull together interventions and build a consistent focus between programs. Rather than try to defend the need to arbitrarily maintain separation, why not envision and encourage youth participation in multiple components as an ideal and do so in such a way as to clearly define the role of each program in contributing to the larger objective of relationship building?

SRS now has the opportunity and ingredients to create a holistic Balanced and Restorative Justice model. What is missing it seems is to define a stronger role for SRS probation in managing the linkage between programs for individual cases. In addition, SRS must take the lead in the strong articulation of the overall restorative philosophy as the glue to link programs around the common goal of relationship and community building as a means of meeting community needs and expectations for safety, accountability, and competency development.

## STRATEGIC RECOMMENDATIONS FOR A SYSTEMIC FOCUS

The following are general strategic recommendations that go beyond those suggestions contained throughout this report for improvements in program performance and intervention integrity. These recommendations generally require engaging other system partners in an implementation effort that spans the boundaries of individual programs and agencies. Recommendations assume that SRS will play the leadership role as the primary juvenile justice agency, but will in doing so, collaborate and share decisionmaking authority with several key partner agencies.

We list these recommendations in four categories.

### *Partnerships and Collaboration*

**Recommendation One** - Engage other agencies immediately in implementation and ownership of the overall BARJ strategy. The SRS implementation team has shown creative leadership in its vision for a coherent systemic juvenile justice system guided by restorative justice principles and the BARJ mission. However, without key leadership in the judiciary, and among prosecutors, the defense bar, police, and other government agencies, the systemic vision will be partially implemented at best, and at worst, may be sabotaged by other agencies and professionals. One use of BARJ technical assistance could be to convene leadership meetings with key stakeholders that might be facilitated by one or more judges, police, prosecutors, and others from other states who have demonstrated the benefits of restorative juvenile justice reform in their own jurisdictions.

**Recommendation Two** - Engage crime victim services and advocates and other community constituencies. Ultimately, BARJ reform requires input and active participation—and sometimes pressure -- from community constituencies. As SRS moves toward victim involvement and expanded use of volunteers in programming, state leaders and local professionals should be guided by those who represent the new constituencies it is trying to serve and with whom it seeks to collaborate in strengthening implementation.

**Recommendation Three** - Build in time and resources for further internal *and* multi-system vision development, baseline assessment of consistency of current practice with BARJ, and strategic action planning on an ongoing basis. BARJ technical assistance can be used to facilitate and provide resources for this initial effort.

### *Training*

**Recommendation Four** - Basic BARJ introductory training should be provided for all program staff—with specialty training (e.g., in restorative conferencing, competency development) depending on professional role. Trackers, checkers, and any other para-professional and adjunct staff should also be required to participate in this training. Other system and community stakeholders should also be offered BARJ training.

**Recommendation Five** - Provide victim sensitivity training systemwide targeting all system professionals with jurisdiction over juvenile cases. SRS efforts to engage victims in decisionmaking and partner with them to meet victim and offender needs will be limited without a broader understanding of basic victim awareness.

**Recommendation Six** - Consider broader competency development/strengths based training for all funded programs.

### **Role Clarification and Team Building**

**Recommendation Seven** - SRS should sponsor *cross-program* training workshops including probation officers with a focus on role clarification aimed at specifying core responsibilities of all staff for BARJ objectives.

**Recommendation Eight** - SRS should co-sponsor, perhaps with the judiciary, *cross-system* training workshops and strategy sessions with role clarification as a primary focus.

### **Monitoring and Assessment**

**Recommendation Nine** - Engage broader support for the SRS monitoring and evaluation effort among other partners. Each partner in the BARJ effort should be a collaborator not only in the statewide evaluation, but also in local efforts to monitor local programs for consistency with restorative justice principles and goal attainment.

**Recommendation Ten** - Employ BARJ Inventory instrument as a tool for individual program audits and eventually systemwide assessment of program consistency.

# APPENDIX I

## PROGRAM THEORY AND PRACTICE: A SITE PROFILE OF RESTORATIVE PANELS IN BRATTLEBORO

An in-depth interview with Mike Mallick, Restorative Panel Coordinator and Restitution Program Director in Brattleboro, illustrates how panel staff might make the linkage between client needs, the intervention experience, intermediate outcomes, and longer term success provided an opportunity to explore several concerns and problem-solving techniques that are becoming evident in the restorative panel experience in Vermont. Mallick has facilitated some 15 panels thus far, probably more than any other juvenile justice professional in the state.

*Preparation.* Contact with participants prior to the panel—is ideally made face-to-face, and is viewed by Mallick as necessary to ensure that the offender understands the procedure and shows respect for the victim. Pre-conference meetings with the victim also help to “gauge the victim response” that can be anticipated in the panel and to plan accordingly. Mallick generally meets with the offender in person prior to the conference and makes a strong effort to meet with the family and victim if possible. The usual routine with victims who are willing to participate is to contact them by phone, but he attempts to also meet with the victim privately just before the conference begins. At that meeting he asks whether the victims have any concerns or special requests, such as the desire to speak first in the conference. When the victim does not chose to participate, Mallick reports that “about 75% of the time,” he is still able to get victim input to is present in the conference.

Mallick says that about half of his victims chose not to participate, and he believes this is due to the great delay in timing of panels (which often occur several month after an arrest is made), and to the lower level of the offending generally being addressed (simple assault and shoplifting are common—though Brattleboro has seen some variation recently). Mallick suggests that his rates of victim participation are probably typical of those in other panels around the state. He also notes that he has seen some disillusionment among other panel coordinators and volunteers around the expectation that the victim will generally forgive and want to help the offender. (Although Mallick does see examples of this behavior on occasion, forgiveness and support for the offender is of course an unrealistic expectation that may leave staff and volunteers with a false sense of failure when this does not occur. Worse still it may lead to subtle or not-so-subtle pressure on the victim that is in no way restorative).

*Number and Type of Participants.* A question not generally addressed in discussions about eligibility and target population concerns the number and type of participants present in the typical panel. In Brattleboro, at least 6-7 individuals counting the coordinator participate in panels, and as many as 10-11 have been present in some according to Mallick. The Brattleboro panels include a diversity of citizen members as well as supporters of to offender and victim. Mallick also stresses the importance of youth participation in panels -- *as supporters* rather than only as offenders or victims. He has recruited a 16 year-old girl who serves as a regular member of the panel and hopes to interest more young people (including

ex-offenders) in panel involvement. (Burlington also hopes to replicate this peer involvement component).

*Support.* Despite persistent efforts to engage parents, 40% of Brattleboro panels have had neither the mother nor the father of the young person in attendance. When panels do not attend, Mallick tries to mobilize additional support persons as surrogates for the parents. For example, he asks some of his volunteers who work with kids for a living to play an understanding and supportive role on the offenders behalf (Some panels apparently refuse to convene if parents refuse to participate—but Mallick notes that Brattleboro “couldn’t function” that way.)

*What’s Different About Panels?* Unlike court, in panels there is general agreement that participants are, in Mallick’s view, “here to reintegrate the kid and make things better for offender and victim.” The panel is also viewed as more open to emotion than court and as an opportunity for youth to see positive role models.

*Intermediate Objectives.* Mallick’s goal for the conclusion of the panel is to “have both the offender and victim be happy with the agreement.” He reports that usually the offender is *not* very happy—and has some concerns about coercion and the possibility that panels are seen by young people as just another place where adults “talk at them.” (Hence, the importance of age peers as panel members). The best thing about panels in Mallick’s view is that they seem to bring closure for offender and victim, or at least help both parties begin to move toward closure. The panel in his view is also instrumental in “setting up restitution in the community.”

*Follow-up.* A key to long-term satisfaction with panels—and probably to long-term impact generally—is the extent to which offenders and other participants follow through with obligations to repair harm. In Brattleboro, the coordinator does virtually all follow-up on agreements—including picking up kids and taking them out to do their community service *with him* in some cases. The panel does not get involved in monitoring and supporting completion of reparative obligations, or in any post-panel activities with offender and victim, though Mallick would like to see them become more active in follow-up in the future. Currently, the coordinator has been able to find real jobs for kids through work placements made to enable them to pay restitution. Mallick strongly reinforces the need for prompt repayment of restitution, with each youth and works with each offender to develop a feasible reparative plan with the youth. The coordinator sometimes brings kids back to the panel for a closure ceremony and he would also like to reconvene a panel when youth are “messing up” as well.

Consistent with most other coordinators, Mallick believes that panels, and restitution are “one piece of a larger puzzle.” Neither can provide a complete solution if they do not take account of the fact that many kids are “poor and have tremendous anger (as well as substance abuse issues).” Yet, he understands the vital role of the connection panels can provide for youth and the community, and he reports that the value to a youth in trouble of finding a job and completing restitution, by virtue of something that happens in a panel experience, is difficult to replicate.

# APPENDIX II

## RESTITUTION IN PRACTICE: BURLINGTON JRP AS A SITE CASE STUDY

According to Derek Miodownik, the restitution program helps youthful offenders to determine an appropriate payment schedule for monetary restitution, locate appropriate community service opportunities for juveniles, oversee the completion of apology letters, and monitor compliance with these probation conditions. Creativity within this program entails building workable payment plans, identifying (and sometimes creating) community service opportunities that best fit the crime and/or the needs, strengths or interests of the offender, and effectively persuading juveniles to comply with their directives. A major contribution of the program is to provide structure to the lives of youth that often live in chaotic homes and neighborhoods. Moreover, youth are provided a clear set of expectations, and the support necessary to make them achievable. The restitution officer can develop some rapport with the youth, enabling them to determine a plan that is suited to each youth.

### **Restitution Officer's Contact with Youth**

The restitution officer's first contact with an offender is made with a letter sent to the youth explaining the program and that the youth should call the officer within one week of receiving the letter. The response to this letter is the first opportunity for the restitution officer to gauge the offender's willingness to comply, looking at such variables as who makes the call (parent or youth) and when the call was made (right away, after the one week deadline, or not at all). Approximately half of the letters receive a response, and half of those are calls made by the youth. The officer then meets with the offender to foster a personal relationship and explain the expectations of the program. This meeting typically lasts about 45 minutes and is conducted with the youth and his or her parents. During this meeting, a service site is identified, and the restitution officer encourages the youth to call the site from the office in order to schedule an interview at the service site. The interview is encouraged in order to determine goodness of fit. Thereafter, the restitution maintains regular contact with the youth throughout the probation period.

### **Collaboration with Other Juvenile Justice Programs**

The restitution program is considered a collaborative effort and one component of the larger juvenile justice plan. The restitution officer works cooperatively with other programs, particularly with street checkers, and with the probation officer. Collaboration is defined by Miodownik as continuous information-sharing, updating, and "being on the same page. We are dealing with different elements of the same kids, so it makes sense to me to keep each other informed."

In Burlington, quarterly meetings are held the larger justice team (e.g., representing all of the local programs) to discuss programming, and monthly meetings are held with BARJ SRS team to discuss specific clients that are shared by the team.

One example of collaboration is the intention of the restitution officer to hold “office hours” at the Community Justice Center (CJC) for youth that have appeared before restorative panels at the CJC. At present, however, enough cases have not been heard to make this necessary.

### **Collaboration with Victims**

The restitution program does not have much contact with victims nor does Miodownik see this as central to its mission. However, as panels hear more cases, and if victim participation in panels is high, then victim contact with the restitution officer is expected to increase. One area where victim contact occurs is with the receipt of payment. Since SRS bureaucracy often delays payment for several weeks after the offender has given money to the restitution officer, the officer calls the victim to let them know the money is on its way. Reaction by victims is usually positive (“a relief”), however, sometimes they are frustrated by the length of time it has taken to be repaid, or the small checks that appear as part of a larger restitution agreement or payment schedule. One area for possible increased contact is to keep victims abreast of other activities of the juveniles, such as when they complete community service or competency classes.

### **Community Service**

The restitution officer has worked to develop regular service opportunities. One example is a local nonprofit that recycles electrical appliances while combining job training. Probationers regularly volunteer at this organization, and they give positive feedback about volunteering there. One juvenile became a crew supervisor, demonstrating the trust that the organization placed in him, as well as it being an empowering experience for the youth.

A challenge to finding regular service opportunities is the need for adequate supervision. Miodownik knows of many excellent community service sites, some of which would be well suited to meet either reintegrative or restorative needs, yet they are not currently utilized because the youth would need to volunteer with supervision. One recommendation would be to develop adult volunteer roles (“community supervisors”) to enable juveniles to participate with them at such sites. These volunteers would also be “natural mentors” for the youth (these might include local college students as well). Another recommendation is to develop regular volunteer opportunities, e.g., every Saturday, where a core of offenders and community volunteers (even families working together) could be expected to attend.

Recently, the restitution program has begun to create its own service opportunities rather than simply acting as a liaison. This has emerged primarily to offer better oversight and increase the likelihood of compliance. These opportunities are geared especially for youth who have had trouble completing their required hours; they are told that if they do not participate (and have no legitimate excuse), they will be violated. Organized community service activities have included trail clean-ups, work at Transitional Services office (which operates the street checker program), event clean-ups, and work at Intervale Compost (see below).

This innovation has several benefits:

- It overcomes the transportation difficulties that many youth face
- It fosters deeper relationships with the street checkers while also providing an opportunity for shared labor and role modeling by the checkers. For example, the street checkers have noticed that by the end of a community service day, youth tend to “open up”, asking more questions and seeking advice from the checkers.
- It creates an opportunity for reciprocity. As it is currently structured, these service opportunities count the time from the moment of pick-up, and includes the lunch hour, so that the youth perceive the day as a “good deal” as well as eminently fair—hopefully, strengthening the program’s legitimacy in the eyes of the offenders
- It provides supervised service which may relieve the anxiety of many service providers
- It provides an opportunity for service providers and street checkers to explain the purpose of the service work, so the offenders may understand how their labor is helping to improve community life.

The evaluator visited Intervale Compost, which is a non-profit facility that makes compost from yard waste. The restitution officer arranged with the organization to have offenders complete several supervised service hours at the site. Two street checkers picked up a small group of probationers in the morning, drove them to the site, worked with them at this and one other site, had lunch together, and then drove the probationers home.

The director of Intervale Compost was delighted to have the volunteer labor, and actively encouraged the restitution officer to supply more volunteers. He observed, however, that some offenders attempt to cheat on their community service. The director described one incident when a youth came to work with a large duffel bag, which turned out to be full of trash from home. Rather than pick up litter at the compost site, this youth presented his own trash as evidence of his labor. The director noticed that the trash didn’t look right, and discovered a second scam: the youth had also placed his failing report card in the trash, to hide it from his parents.

The restitution program has not focused on restorative justice with regard to community service. Nothing in the current implementation reinforces that service is to be completed as amends for community harm. In theory, one restitution officer might stress restoration as the purpose of the community service, and identify a site with this in mind. Another restitution officer might focus more closely on finding a service site that may have more of a rehabilitative effect on the juvenile than a restorative effect on the community. A third might identify sites that maximize the punitive element of community service, trying to make it as onerous or unpleasant for the juvenile as possible. Although I did not see any evidence of this latter approach, without a consistent philosophical position to guide its community service activities, it remains a possibility. Two challenges to a restorative focus on community service are the lag time between offense and the program, making the offense seem no longer relevant, and the difficulty of finding service opportunities that are linked to the offense, e.g., graffiti clean-ups.

## **Offender Compliance**

A major challenge for restitution program is that juveniles know that few consequences follow from violations of probation. The philosophy of the program is to provide support and opportunities for juveniles to make restitution, layered with moral suasion, rather than to rely on coercion. One effective strategy employed by Miodownik is to carefully document his conversations with probationers. This record can then be drawn upon to remind and cajole youth into fulfilling their agreements.

A second challenge for the program is obtaining funds from youth that are not working. Typically, parents will pay, but problems sometimes arise. For example, one parent was under the impression that as long as her child remained on probation (by not paying his restitution), he would be able to receive SRS services. But that when he was discharged, no services would be available to them. Therefore, she refused to allow him to complete his restitution order.

No programs exist to enable youth to work in order to pay their restitution. However, there are youth employment programs. Miodownik is encouraging restorative panels to require youth to visit this agency and conduct an initial interview with the hope that they might become employed through this service.

A final recurrent issue is the determination of the amount of restitution owed. Although the court is expected to determine the amount, often it is not specified. It is unclear at this time what the solution to this problem may be. At present, however, the restitution officer and probation officer try to determine the amount, recognizing that they may not have sufficient information to make an accurate determination.

## **Training**

Aside from basic instruction in using the database system and in the restitution procedures, the program has offered limited training to the restitution officer, particularly with regard to the BARJ model. Grant managers did arrange a one-half day meeting of restitution officers from around the state to share experiences and ideas. This session was seen as useful, particularly in identifying shared challenges and questions (although many of these apparently still remain unanswered). A second meeting is currently planned, and we recommend that more trainings and relevant readings be offered to restitution officers.

## ENDNOTES

1. We do not in this report consider Community Justice Centers as separate programs. Rather, because CJs house one or more programs including a multitude of prevention and community building services, we focus on SRS juvenile offender intervention programs (e.g. panels) housed within CJs.
2. In Case One, success was obviously due to a wealth of personal and family resources, and probably had little to do with checkers or any other juvenile justice program. Indeed, one could be relatively certain in predicting success given this case profile and might be concerned that checker resources were being *wasted* on such a case.

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