

Restorative Panels in Motion: Looking Closely at Restorative Practices
Fourth Report on the Vermont Department of Social and Rehabilitation Services
Balanced and Restorative Justice Programs

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In our last report, *Who We are Serving and How We are Doing: An Analysis of Program Referrals and Performance in Balanced and Restorative Justice*, our analysis concentrated on quantitative evaluative results, based on a large sample of cases in the BARJ programs. In this report, we provide a complementary in-depth, qualitative analysis of the panel program, closely examining a small set of panel cases. We describe what we saw and heard, and offer a set of recommendations for program improvements when advisable.

This report is divided into seven sections. First, we describe our data collection procedures and, second, summarize case characteristics. Third, we discuss our observations about offenders and their experience with the panels. Forth, we consider the parental role in the panels, and fifth, the role of victims. Sixth, we make some observations about panel members and coordinators before, finally, drawing some general conclusions.

I. DATA COLLECTION

The evaluation team examined the Restorative Panels Program during July and August 2002. The team observed panels, conducted 61 interviews with key stakeholders, and analyzed relevant case files (see Table 1). In total, we examined 22 cases: observing eleven new cases and reviewing eleven cases that were either completed or close to completion. We examined cases from seven different locations: Barre, Bennington, Brattleboro, Burlington, Manchester, Springfield and St. Johnsbury. Site selection was determined by the availability of cases during the study period. For every case, we sought interviews with coordinators, offenders, parents, and victims. Table 1 identifies our interview response rates with regard to each case. We were unable to complete all desired interviews either because we could not obtain contact information or get in touch with subjects after several attempts. No subjects refused to participate in interviews although several did not return our phone calls. To protect confidentiality, offenders and other stakeholders are given pseudonyms in this report.

Table 1. Data Collection Results

Case	Pseudonym	Location	Observation/ Retrospective	Coordinator Interview	Offender Interview	Parent Interview	Victim Interview
1	Jack	St. Johnsbury	Observation	√	√	√	
2	Anna	Burlington	Observation	√		√	
3	Seth	Barre	Observation	√	√	√	√
4	Mason	Bennington	Observation	√	√	√	
5	John	Bennington	Observation	√	√	√	√
6	Jed	Bennington	Observation	√	√	√	NA
7	Carl	Springfield	Observation	√	√	√	√
8	Chip	Manchester	Observation	√	√	√	
9	Dustin	Burlington	Observation	√			
10	Eddie	Burlington	Observation	√			
11	Derrick	Barre	Observation	√	√	√	
12	Calvin	Bennington	Retrospective	√	√	√	√
13	Ricky	Brattleboro	Retrospective	√	√		
14	Duane	Bennington	Retrospective	√	√	√	√
15	Skip	Bennington	Retrospective	√	√	√	
16	Lester	Brattleboro	Retrospective	√	√		
17	Andy	St. Johnsbury	Retrospective	√	√		
18	Dawn	Bennington	Retrospective	√	√	√	
19	Morris	Barre	Retrospective	√	√		NA
20	Zack	Springfield	Retrospective	√	√	√	√
21	Gwen	Bennington	Retrospective	√	√	√	NA
22	Ralph	Springfield	Retrospective	√			

For our retrospective analysis, we asked coordinators to identify a set of “successful” and “unsuccessful” cases. As in our previous report, *Process Evaluation Interim Report: Program Intervention Theory and Case Study Analysis*, we allowed coordinators to define what they believed to be successful or unsuccessful cases. However, in this report, we repeated that strategy, but asked coordinators to elaborate their reasoning in much greater depth. Typically, a successful case describes a case where all parties involved—victim, offender, parent, coordinator and board members—were satisfied with the outcome of the panel process. For example, the victim felt that the contract repaired the harm caused by the offender; the offender was satisfied with his or her contract, and parents were content with how their child was treated. An “unsuccessful” case describes any case where one of the participants was unhappy with the outcome. This approach is clearly different from traditional indicators of failure, such as recidivism or non-compliance, although either of those might have caused participant dissatisfaction.

II. CASE CHARACTERISTICS

The demographic characteristics found in this study were similar to those compiled in the report, *Who We are Serving and How We are Doing* (see Table 2), indicating that our small sample here may be representative of the larger program population. The offenders from both the new and old cases were all white, compared to 94% white found in the previous study. Offender ages ranged from thirteen to seventeen. The sex of the offenders showed a similar distribution the previous study—the majority of the offenders were male. Nineteen of the 22 offenders (86%) of the population were

male and three offenders (14%) were female. The offenders were convicted of variety of offenses. The most common offense was assault (seven offenders). Four offenders were convicted of theft or fraud. Five were brought up on charges of alcohol and two with drugs. Finally, five were convicted of vandalism. The females in our sample were not violent offenders. Two were arrested for alcohol use and one for theft. Table 2 also provides summary data on panel contracts. These will be discussed below.

Table 2: Offenses and Sanctions

Case	Offense	Victim Apology	Service Hours	Restitution	Competency Class	Other
1	Theft/Fraud	Yes	80	NA		Jail Tour
2	Theft/Fraud	Yes	5	NA	Victim Impact	
3	Vandalism	No		Yes		
4	Assault	No		NA	Hunter Safety	
5	Vandalism	No	20	Yes		
6	Drug possession	NA	25	NA		Essay
7	Assault	Yes	50	Yes	Hunter Safety	
8	Alcohol	Yes	45	NA	Babysitting	
9	Vandalism	Yes	40	Yes		
10	Theft/Fraud	No	50	No	Get-A-Life Program	
11	Assault	No	24	NA		Interview a police officer; Essay
12	Alcohol	No	50	NA		
13	Assault	Yes		Yes		
14	Vandalism	Yes	100	Yes		
15	Assault	Yes	40	Yes		
16	Assault	No	50	NA		
17	Assault	Yes	100	NA		Jail Tour
18	Alcohol	Yes		NA	Babysitting	Essay
19	Drug possession	NA	60	NA		Look into GED
20	Assault	Yes		NA	Victim Impact	Ambulance Ride-Along; Watch "Tough Guise" video
21	Alcohol	NA		NA		
22	Theft/Fraud	Yes		NA		Read book; Essay

Contract items included a variety of activities to repair harm or build competency. In addition, boards sometimes assign tasks that do not fit within the restorative model, such as jail tours. Ostensibly, these are assigned as a strategy of deterrence; however, research has shown this to be an ineffective and often counter-productive activity. To repair the harm, panels usually negotiated apology letters, restitution, and/or community service. To facilitate offender understanding of the harm or potential harm they caused to themselves or others, panels sometime asked that offenders attend a victim impact panel or write an essay reflecting on the harm. Additionally, they sometimes ask that offenders engage in a competency building activity.

Panels assign tasks based upon the individual circumstances of the case. For example, Mason had been target practicing with a paintball gun and accidentally shot another boy. Mason was shooting from inside and was unaware that the boy was outside. Mason showed the panel that he was both remorseful and understood the damage he caused or could have caused. The panel believed it was an accident and there was some

uncertainty about whether or not Mason had actually hit the boy. For these reasons, the panel only assigned Mason a hunter safety course. In another case, Dawn had a party with alcohol while babysitting for another family's children. The panel negotiated a contract that included a babysitting course, a brief report listing ten rules of babysitting, and an apology letter. Jed, who purportedly sold marijuana to another youth (in fact, the plants were not marijuana) was asked to complete a report on the negative effects of marijuana.

Apologies. The panels assigned apology letters in 12 cases. This is consistent with the earlier study findings that found that apologies were included in 45% of contracts. However, in our previous report, we did not explore why apologies were assigned in some cases, but not others. In this smaller sample, we found that apologies were assigned in most cases where there was a victim. While we applaud the emphasis on victim apologies, restorative justice research has shown that victims can be angered by receiving apologies that appear insincere. We recommend that all apologies be carefully evaluated by panels or coordinators before being forwarded to victims. In addition, apologies to the offenders' parents were sometime assigned. Several reasons explain why apologies were not assigned in every case. First, the case did not have a direct victim, such as in some underage drinking cases. Second, the panel learned that the offender had verbally apologized to the victim prior to the meeting. In one of the assault cases where an apology letter was not assigned, the offender stated, "every time I see him, I say, 'sorry.'" Third, in one case, the panel was led to believe that the offender was wrongly accused, and therefore decided that no apology was necessary. Thus, panels routinely require apologies to victims, but there are occasions when panels decide they are not warranted.

Restitution. Restitution was assigned in seven cases. In every case where restitution would be appropriate, it was assigned except one. In most cases, the restitution payment fit the crime. For example, if a juvenile caused \$150 in damage he or she would be asked to pay back the full amount. Payment plans depended upon the total restitution and the juvenile's ability to pay the money back. Panels routinely assessed the age of the juvenile and his or her academic and extracurricular activities to determine an appropriate payment plan. For instance, John caused \$3000 in damage when he stole and destroyed a golf cart from a local golf course. He negotiated a payment plan of \$200 per month. The panel also advised him that over the summer he may want to consider getting a second job to earn extra cash to more quickly pay the restitution.

In one instance the panel did not assign any restitution when it could have been assigned. In this particular case, Eddie stole a car and drove it into a pole causing over \$12,000 in damage. His family is very poor and would be unable to pay for any of the damage. Though the insurance company did cover the cost of the damage, Eddie was not asked to pay even a small amount as a symbolic gesture. The panel did not want to burden him or his mother. Restitution is by no means the sole way to repay a victim and the community, but when an offender's action(s) produces a large financial burden, the offender should be responsible for some of that burden.

Community Service. In our study 15 of 22 (68 %) offenders were assigned community service. This is similar to our larger sample where 77% of youths were assigned service. Typically, the type of service is not specified in advance by the panel, and arranged later by the coordinator. While the number of hours varied from case to case, this variation seems to depend less on the type or severity of offense than on panel

location and offender attitude. Panels sometimes reason that although one offender may have caused less community harm than another, if she shows little remorse for her actions, she may receive more hours than one who caused more harm, but is remorseful. Consider Mason and Carl. Both caused similar harm by shooting a paintball gun and a BB gun, respectively. Mason was assigned no community service, and Carl was assigned fifty hours. The difference comes from their attitude more than anything else. Mason was deeply remorseful, while Carl only somewhat remorseful. However, we caution against the assignment of hours as a punitive recourse for recalcitrant offenders, and urge that hours be assigned on the basis of (a) the need for community repair and (b) the potential value of service to the offender as an opportunity for community reintegration and attachment.

It is also the case that locations differ in how they assign hours. For example, in one location, one offender stole a pair of jeans worth \$29 from a department store. At the panel, she was highly withdrawn often resting her head on the table. She was given five hours of community service. In another location, an offender shoplifted a set of golf balls worth \$10 from a department store. He, too, acted indifferently during the meeting also often keeping his head down. He was given 80 hours of community service.

Since there is no rubric for knowing how many hours should be assigned for a given offense, panels appear to have developed their own internal norms. We see two potential problems with this. First, service assignment may be perceived as arbitrary because there is no standard against which they can be judged. Second, focusing on hours may discourage discussion of specific strategies to repair the harm done to the community by identifying relevant community service. Thus, the purpose of the service may be perceived as both ambiguous and arbitrary, undermining the value of its assignment for the offender. Our strongest recommendation is to focus on the nature and relevance of the service to the case, the reparative value to the *community*, community and victim input, the interests of the offender, and the potential for connecting him to law-abiding citizens and community groups--rather than on the number of hours. While specific hours may need to be assigned, this should be secondary to considerations of how the offender reflects on service as he or she checks in with the panel, using the service as a demonstration that he or she can be a responsible and contributing member of the community.

Competency Development. Although the focus of the panels is repairing harm, contracts also involve tasks meant to help youth become successful and avoid future offending. Panel members who understand youth try to be supportive and seek program assignments that best fit the needs of the youth at the time. For example, Eddie stole a car, hit a tree, and destroyed the car, causing over \$10,000 in damage. Eddie lives with his mother in a poor area in Burlington. He does not have a positive outlook on the future. During the discussion, Eddie answered all questions fully and even joked with the panel about how much community service he would need to complete to make up for what he had done. However, it was not until one panel member mentioned the Get-A-Life Program that Eddie seemed generally interested in the program.

Panelist 1: I am going to ask you a question, and this will have no repercussions, and your mom is not in the room so I would like an honest answer. If you had

- to count the number of times in the last two to three years that you have broken the law would it be more than what we know about?
- Offender: (Nods affirmatively.)
- Panelist 1: The reason why I am asking that is that it sounds like you are on a road to where you don't want to be. And sometime in the near future your options will be taken away from you. There is a program called, "Get-A-Life Program," that is three consecutive sessions. They are two hours long. It is put on by the inmates at the St. Albans Correctional Facility, which is the only maximum-security prison in Vermont. The first session is a "day in the life of..." You see what it is like. They give you paperwork that you need to fill out and mail in, which is like a survey saying why did you come here and to describe what you did so that you can be paired with another inmate who started out the same way as you. Start with Grand Theft Auto, who then escalated, and finally killed a person and got 25 to life. The second session you are actually in there with an inmate so that they can really explain to you that it's not a huge leap to where you are now to where they are now. The last session's with you, the inmate, and your guardian about what [your] issues are, what parents should look for, so that you don't end up where [they] are. I really think this would be a very good program for you. But I want to know your thoughts because it is nighttime...
- Coordinator: I've driven to St. Albans before and I will do it for you.
- Panelist 1: These are the inmates—they put it out, they just say this is what my life is like.
- Coordinator: These inmates really understand. I think sometimes you sit in court and think these guys don't know my life and where you live and that you live on N___ street and they don't get it. But they know your life; they have been there and [know] how you live. They are real; they have lived through the same type of experiences in the same environment. I think this is something you could relate to. Are you up for it? It is only three times you have to go, and the last time your mom will come with and I will drive with her.
- Offender: When does this start?

When Eddie realized that the panel members were trying to help, his demeanor changed. While in the above dialogue he does not speak, we observed how attentive he became and how visibly excited he was about this opportunity. While we are pleased that this interaction engaged the offender, we also have strong reservations about the intervention. This program, like other "scared straight" style programs are probably not an effective intervention. We recommend some additional training and consultation about effective competency development programs.

III. OFFENDERS

Offender Participation

A major criterion of restorative practices is the active involvement of offenders in the decision-making process. In some practices, the facilitators' primary task is to ensure all stakeholders participate, and to offset imbalances when they occur. We were interested in seeing the extent to which coordinators and panel members encouraged and elicited participation of offenders.

For the eleven panel meetings that we observed, we classified the offenders into three categories of participation: high, medium, and low. Seven of the youth demonstrated high rates of participation. For example, Seth vandalized property at a golf course. Throughout his panel meeting, Seth maintained eye contact with the panel members and spoke clearly and confidently about his actions.

- Panelist 1: We would like to start off by you explaining what happened. We have it in writing, but we would rather you talk.
- Offender: I just got this, me and a couple of friends got this stupid idea to go to the golf course, steal them and play bumper cars with them. You know drive them.
- Panelist 1: What happened?
- Offender: We went to the N_____ golf course and started playing bumper cars with them, tearing up the green and ditched them in the woods, but some of them broke down. Later the cops came to another kids house and said he knew it that it was us and stuff and so...
- Panelist 1: How long did it take before the cops figured out it was you?
- Offender: About a month.
- Panelist 1: Wow, what were you thinking for that whole time?
- Offender: I was just thinking, no way.
- Panelist 1: Were you feeling nervous?
- Offender: Kind of, yeah, I figured they would find out.
- Panelist 2: So you planned to take the carts?
- Offender: We just wanted to take it for a ride. We didn't want to destroy them; it just happened.
- Panelist 1: How did it get so out of control?
- Offender: I know we just started goofing off: one person hit another. It just kind of went back and forth, then it got out of control.
- Panelist 1: When you think back on it what do you think about?
- Offender: I don't know it was dumb. I don't know why I did it.
- Panelist 1: If someone said to you again, "Let's go do something wild and crazy," what do you think you would say?
- Offender: Tell them not to. If they weren't going to listen, let them do whatever. Tell them what I did, how I am doing right now. Let that go through their heads, see what they do.

In a follow up interview Seth explained that he felt "comfortable" during the panel. Seth, in this dialogue, may not be very articulate about his motives, but he is

engaged in the conversation, offering descriptive information about the event and his attitude towards it.

While seven were active participants, we observed two offenders who were only moderately active. They offered answers, but these were usually “yes” or “no” responses. They were not as engaged with the panel. For example, Chip brought alcohol to a house where a friend was babysitting. He drank the alcohol that he brought and stole liquor and beer from the residence.

Panelist 1: What did you drink that night?
Offender: Captain Morgans, Bacardi Silver and Bud Light—those were it.
Panelist 1: When did you start drinking?
Offender: At 13.
Panelist 1: Where were you?
Offender: I don’t remember.
Panelist 2: What is drinking to you?
Offender: A beer.
Panelist 2: A beer?
Offender: Just a drink, not often.
Panelist 2: How often is not often?
Offender: Once a week
Panelist 1: How is it available?
Offender: It just is—from other kids.
Panelist 1: How do kids get it?
Offender: From other people.
Panelist 1: Do you hang out with these other kids?
Offender: No.
Panelist 1: When did you last drink?
Offender: Two months after it happened.

Although Chip’s answers were responsive to the questions asked, he provided as little information as he could to answer the questions. Chip stayed relatively quiet through the meeting. Because of this, the panel wondered if he was telling the truth.

Two offenders did not verbally engage with the panel, but instead remained silent and withdrawn. In one case, Anna had stolen a pair of jeans from a department store because she did not have enough money to purchase them. When she arrived at the panel she claimed to have a migraine and acted groggy during the proceedings. Afterwards, the panelists agreed with one another that she likely to have been faking the headache. She kept her head down on the table and typically responded with a “grunt” or a one-word answer.

Coordinator: What were you thinking when they told your mom. And you knew they were trying to get a hold of your mom because you knew that she cared
Offender: Mmm huh.
Coordinator: Don’t you think your mom will be upset with you or disappointed in you?
Offender: Mmm huh.
Coordinator: But you didn’t care. Should that make you feel bad, no?

Offender: Not really.
 Coordinator: Do you know right from wrong? Do you know it was wrong to do that?
 Offender: Yes.
 Coordinator: So why did you do it anyway?
 Offender: Because I wanted them.
 Coordinator: Was it worth it, considering everything you have gone through?
 Offender: No
 Coordinator: Have you stolen since then?
 Offender: No
 Panelist 1: If you had to do it over would you steal?
 Offender: Muh (grunts negatively).

While it is certainly the case that offender participation varies because of the personality and circumstances of the offenders themselves, there are strategies that panels can employ to elicit greater participation. We discuss these in the Section VI when we discuss the role of panel members.

Taking Responsibility

We observed youth taking varied levels of responsibility for their behavior. Of the 11 cases we saw, five youth appeared to take full responsibility for their actions. For example, Mason shot a paint ball at another youth. Mason had been target shooting with his paintball gun out of his window and had accidentally shot another boy. Mason immediately showed the panel that he understood what he had done. He stated, "It was reckless, but I wasn't thinking at the time." When Mason first entered the room, he appeared to be very nervous. Yet, as the meeting progressed, he clearly relaxed. It was clear that he was remorseful, understood that his behavior was harmful, and was committed to never repeating the offense.

Lester played a practical joke on another student by pouring a laxative into his drink. This student contracted diarrhea and vomited for many hours. Our interviews indicate that Lester was deeply remorseful. He understood the pain that the boy had gone through: "He was pale, he had the chills, sweating and dry heaving. That's gotta hurt... When I found out he got sick, I felt so sorry for him."

In another case, John had used his neighbor's bird feeders as targets for his BB gun, and had additionally vandalized the neighbor's property. One panel member asked, "John what do you think should happen?" John replied, "Probation, letter of apology and 300 dollars." Thus, John was fully prepared to take responsibility and had thought about how to do so.

Not all offenders took full responsibility. We saw offenders both deny responsibility and avoid it by minimizing the harmfulness of the offense. For example, Derrick had been convicted of assaulting another student. Although he had already been convicted, during the panel, Derrick attempted to convince the panel members that he and the victim had only been joking around, and that he had not "really choked him." He insisted that both parties were guilty.

In another example, Dustin broke the window of a car and stole the faceplate of the stereo. Dustin showed little remorse for his actions and appeared not to mind being in trouble.

Coordinator: Dustin, why don't you go ahead and start.

Offender: Well, me and my friend were just walking around and I seen a nice car and something that I wanted. So I broke the window and took it. And it makes no sense, but I wasn't thinking at the time. I wasn't...

Coordinator: How did you get caught?

Offender: Someone saw us breaking into the window.

Panelist 1: So the cops came to your house? Did you have to go to the police station?

Offender: No.

Panelist 1: Did they put handcuffs on you?

Offender: No.

Panelist 1: Was your mom there when they took you?

Offender: I was at my grandma's because I was going to work in the morning, but... (laugh) I didn't.

Panelist 1: So what did you think your mom was going to feel when the cops...

Mother: I was flipping out. I went to the police station walking...

Offender: I didn't want to go home because I thought she would yell at me a lot and she did, so I just went to my room.

Rather than acknowledge responsibility and how the event impacted both the car owner and his family, Dustin focused instead on how getting caught caused hardship for himself.

One important issue regarding responsibility is conflicting views about appropriate behavior. For example, Calvin brought alcohol to a party and one of his friends drank too much and was hospitalized for alcohol poisoning. During our interviews with both Calvin and his mother, neither seemed to think he was very culpable, placing more blame on the friend. Because Calvin didn't feel very responsible, he was sensitive during the panel to being "punished" unfairly. One member of the panel rejected Calvin's perspective, and encouraged a large number of hours of community service, more than the others. Calvin found him to be overly stern and harsh, coloring his overall view of the panel process.

These examples of responsibility denials raise the important question of whether youth should be referred to the panel if they are denying responsibility. Most restorative programs require that offenders accept at least some level of responsibility prior to attending a conference or panel meeting. If not, and the panel is unable to reverse this denial, then the outcome of the meeting is likely to be punitive, rather than restorative—the panel will assign sanctions without engaging or investing the offender in the decision-making process. In cases when offenders fail to take full responsibility, panelists may become angry and want to "teach them a lesson." This, however, may short circuit the learning process. We recommend that panelists move cautiously in the assignment of sanctions, emphasizing moral development over, for example, hefty service assignments. Panelists should not short-circuit the discussion of harm or minimize the importance of hearing from victims to reinforce the offender's acknowledgement of responsibility. Most important is for the youth to reflect on societal norms and the consequences of their behavior. This may also be done sequentially, for example, by asking the offender to write an essay, and after reading it, the panel may then negotiate reparative tasks.

Repairing Harm

Overall, we found the offenders to be supportive of their assignments to repair harm. They found that apology letters to be an outlet to express themselves honestly, but not as anxiety provoking as facing their victim and offering a verbal apology. For example, one offender noted, “The letters were good, I got to explain in my words.” Another added, “It made me feel a lot better that I was apologizing for my actions that I took.” The letters were beneficial not only in repairing harm, but also in helping the offender to understand his or her actions. A third offender recalled that writing his apology letter evoked, “a feeling of sorrow to bring back feeling what we did, a feeling of remorse, but I did not feel angry.”

Writing an apology letter is often the offenders’ only opportunity to express their emotions. And many make use of the opportunity even though it was mandatory and not voluntary. As one mother stated, “If she hadn’t gone to the panel, I don’t know if she would have said it. Being made to say it—you are 14 years old and you are thinking, ‘I’ll just go to the store and buy a card.’ She not only did what she was told to do, but what she felt in her heart. What she wrote came from her heart.” Again, while we are stressing here the cathartic benefits of apologizing for offenders, we caution against forwarding insincere letters to victims.

Sometimes panels ask offenders to write apology letters to parents as well as victims. But offenders do not always understand why they are being asked to do so. John, who vandalized his neighbor’s property, was asked to write an apology to his mother. A panel member commented that they wanted him to rebuild his relationship with his mother because, “John had given her a hard time.” Apparently unaware of this motive, John stated in his interview, “This letter I need to write is to my mom. I don’t know. I don’t know what I am going to write, man.” Thus, offenders may need particular coaching about how to write apology letters to parents in addition to general instructions about apology letters to victims.

Many of the offenders responded positively to their community service requirements. The offenders realized the value of their work. For example, Lester, who had added a laxative to another youth’s drink, received fifty hours of community service. He helped build a Greek Orthodox Church, plant some gardens, and serve food at a senior center kitchen. He commented that it is, “nice to help build the church, it was nice because he [church member] was striving for it for so long.”

A number of offenders commented that they were assigned fewer community service hours than they expected. For example, Lester was surprised, “I got [only] fifty hours for making [the victim] vomit and get sick.” And Chip, an offender who was assigned forty-five hours, said, “No I don’t think I had too much. They probably could have given more.” When asked if it was enough to fix the harm, he replied, “I thought the community service wasn’t enough. They were a little lenient. I could have had more.” We suspect that their surprise has to do with their expectations for a punitive justice response in which service hours are meted out as punishment rather than as a strategy to repair harm and build character.

Because service has these dual purposes, sometime offenders recognize one, but not the other. Andy failed to understand that his service was intended to repair harm. Focusing only on the value of the service for his own development, he dismissed its

usefulness. “I was given 100 hours of community service, but because of flaws in the system I ended up performing over 125, which didn’t really matter anyway.... I was involved before the incident and was involved after the incident with community service.” Since he had already been involved with the particular service program before the incident, the association of the service to the offense became merely a bureaucratic convenience rather than a meaningful link to repairing harm.

One of the goals of restorative justice is to creatively design contracts taking into account the particular circumstances and attitudes of the stakeholders. As such, it is hoped that the benefits of the sanctions will be maximized. In truth, we simply do not know which sanctions will have the desired effect for victims and communities or which will engender the greatest change in offenders. For John, “The fact that I had to pay for the damage, that ‘s what kind of made me [have more respect for other people’s property].” Similarly, Seth was impressed, “When I realized how much I paid back.” Jed’s mother believed the immediacy of her reaction combined with an essay is most appropriate. “I think the book report was the right thing to assign him. I think that will teach him a lesson. I got through to him when he first did it.”

Since sanctions can so easily be misconstrued as punishment, and because they have multiple goals, it is important at each panel meeting to remind the youth why they are receiving them. The following dialogue, which took place at the conclusion of a panel meeting, is instructive and succinct:

- Coordinator: You are going to have three things to do: apology letters, the victim impact class, and some community service.
- Offender: (In a complaining tone) Why so much?
- Coordinator: Cause it wasn’t a good thing that you did. And we really want you to understand that and learn from it. It is not like a punishment. The victim impact class will teach you how to make better decisions. The letter of apology will help you make [the store] feel better. And the community service will benefit the community. So they are really all good things.

However, at some panel meetings, this is not explained well. Calvin was confused about why he was given fifty hours of community service, picking up on the arbitrary nature of service hour assignments. “One [panelist] said twenty-five or thirty. I didn’t understand—my crime had no effect on the community at large. If I had been vandalizing street signs, that would be different.” Derrick showed very little understanding of why he was sanctioned. When asked about the multiple purposes of his contract, he listed the following, “So I do stuff for free and I learn a lesson. So I won’t do it again. Not to fix harm. May make him [the victim] feel better if I get in trouble. Not to take back the fact he got choked.”

IV. PARENTS

Parents must be supportive of the panel program since they must typically help their child complete sanctions. However, since restorative justice is a new concept, we were curious to see if parents were familiar with term, understood the philosophy, and if they embraced it. Our interviews with parents revealed that the concept was indeed new

to them, and that they did not fully understand it. They did know that the panel was “an alternative to court” and that it gave their children “a second chance,” but they did not know how to define restorative justice. When asked if anyone had explained the philosophy behind the panels, most answered “no” or “I can’t remember.” Either way, the concept did not have a lasting impression. While it may not be necessary for the parents to define restorative justice, it is important for them to understand why their children are performing their tasks. Some parents recognized that the apology letters, community service, and restitution were meant to repair the harm. Most focused on the value of the sanctions for their child. As one parent commented, “It is to help them deep down.” A few viewed the contract simply as a requirement of probation. One said, “I think that it makes him realize that he has to do it. It is a binding legal document he will have to do. It is not something he can’t not do. He can’t quit halfway through.” These findings suggest the need to better prepare parents, especially including them in the decision-making process and reviewing with them (and the offender) the reasoning behind the contract.

Participation

Although youthful offenders are expected to take a leading role in the restorative panel proceedings, parents are still actively involved in the program. At least one parent participated in every panel hearing that we attended although, in one case, a mother was tending to her younger child out of the discussion room and could not be present during the panel discussion. Of the eleven cases we observed, both parents attended in two cases. Most often, one parent accompanied the offender. Mothers attended in seven cases, and fathers in five cases.

Parents were generally passive participants during the panel discussions, but mothers were more likely to join the discussion than fathers. Most fathers stayed quiet throughout the panel. In one panel meeting, both the father and the mother attended. For example, during one meeting, a mother constantly interrupted her son while the father remained silent. In another case, the mother sought to answer questions directed at her daughter, even changing the direction of conversation.

Panelist 1: Do you think you will be able to keep that up [her grades]?
Offender: As long as I am not hanging out with my friends.
Panelist 1: Was that the difference between now and the school year?
Offender: Yeah.
Panelist 1: So in summer school it was not the usual people whom you hung out with?
Mother: Next year they lowered her schedule. She is only in three classes with one teacher and her hours are from 9:00 to 1:00 and she is on medicine. She has a disorder about being in a crowded room
Coordinator: So what grade are you going into?
Mother: Third year in seventh.

Both coordinators and panel members reported that parents were frequently very vocal during the meetings, sometimes undermining their child’s ability to be an active decision-making in the process. However, this did not surface in the cases we observed, and our interviews with parents indicate that they understood their role and we

satisfactorily briefed by coordinators during intake. One mother said, “The coordinator basically said what would happen at the panel, she was just trying to ease our conscience, it was not like going in front of a judge.” She added, “These people are only out there to help, and they were very helpful.” Another mother described that when they, “first went to the intake meeting I did most of the talking for my daughter, but then the panel coordinator said that at the panel hearing my daughter would have to speak for herself.” Sometimes, however, parents get the message that they are not allowed to participate. For example, one mother stated that she had not spoken much because, “they said don’t interrupt. I thought I wasn’t supposed to. I was not sure if I should or shouldn’t say anything.”

Support for the Program

Our parent interviews indicate that they view the program very favorably. Parents believed that they and their children were treated respectfully and their opinions were considered. Parents generally felt comfortable in the panel setting. As one parent put it, “I think this is a good idea versus going to court. This is much more comfortable.” In general, this statement captures the parental view: “These people seem to want to help to get my son on the right track. Just the way they were talking to him made me feel comfortable to have him talk to them. They seemed sincere.”

Prior to our observations, we were curious to see if parents would work cooperatively with the panels, or would perceive the panels as an entity that their child needed defense against and align themselves with the child in opposition to the panel. It quickly became clear that parents were supportive of the process and viewed the contract negotiation as a cooperative and just process. While parents generally remained quiet, they would intervene when they perceived that their child misunderstood a question or had trouble remembering what happened. One father chose to remain silent because he believed his son was being treated fairly, “but if there were a problem,” he said, “I would make a statement.” Other parents will intervene to support the panels’ need for compliance with the terms of the contract. For example, at a check-in, a panel quickly learned that the offender had not been following through.

Panelist 1: Have you gotten in touch about going to [service site]?
Offender: No.
Panelist 1: How about the educational stuff to get into GED programs?
Offender: I haven’t done any of that?
Panelist 1: Talk to me about why not.
Offender: I spaced out about the GED stuff. I never got the phone number from [coordinator] about [the program].
Coordinator: I gave you one and sent you a second one.
Offender: Well I didn’t get one or anything.
Mother: Do you need help remembering?
Offender: No!
Coordinator: What about if we hand give you it tonight.
Offender: That would be good.

Part of the parent's comfort and cooperation with the panels came from their recognition that their child was not being stigmatized as a bad person. The distinction between judging the action as wrong and judging the offender as bad is an important one in restorative practices. As one parent commented, "You are feeling bad being the parent. They are judging your kid on this one thing. You know that your kid is not bad all the time or is rotten to the core. You, being the parent, you want to speak up, but you can't and, on the whole, you know she is a good person. They were judging the incident, not her as a person. That made me feel better." Another parent added, "I felt that he was treated with respect also. They didn't treat him like a criminal, they treated him like a child in trouble and they wanted to help him."

Another reason parents cooperate with the panels is that they feel included in the decision-making process, able to voice concerns about their ability to assist their child in fulfilling suggested contract items. One parent noted, "They were kind to me and they understood the situation I was in. They asked me when they came up with a consequence. They asked if I thought it was too much or too little. They were open-minded, they asked how I felt about it, I think they were fair." Another parent commented on the panel's decision to have his son pay \$200 a month to complete a \$3000 restitution order. "Well, I think that (the contract) was alright because he has the option of making a change to it, which is good because the \$200 payment is a little much. I think the first offer of \$300 was also too much, so \$200 is better."

For many simply being a part of a discussion group rather than being ordered by a judge reduced their urge to defensively protect their child. We observed only one instance when a parent angrily opposed the panel. Later, the coordinator commented that she could smell alcohol on the mother's breath and suspected that she was inebriated, partly explaining her outburst.

Ensuring Compliance

Generally, when parents voiced concerns about the program, it was to say that the panels did not have enough power to enforce compliance. During one panel, both parents expressed the concern that the program offered few consequences for failure.

Panelist 1: It seems as though we need to decide when you are coming back and when you will finish community service.

Offender: But if I want to have a life...

Panelist 1: Well, you can have a life. I am just trying to warn you that you should get it done now... You are much better off to swallow hard and try to get it done this month.

Mother: [To offender] Are you saying in your head, "what if I don't do it at all?"

Father: But I am a little sick of the school saying it will do stuff. But it doesn't happen. I am sure [offender], in his mind is thinking, "So what if I don't do it. More will be piled on. Then I don't do that and I just get more." Where will it end?

Panelist 1: He will end up in detention.

Father: But does that happen? I am growing close to feeling that these are all [empty] threats. We have heard a lot, and seen a lot of information. "Well if you don't do this..." My major concern is—well, no one is doubting

- Mason's intelligence—I am just afraid that the first time that someone give him consequences, they will be very serious consequences, and he will be startled because there never are any good hard consequences. And that's what scares me. I am starting to get tired. I am as guilty as anyone.
- Mother: There has been no bottom line, "This will happen by this time and that's it." Well, what is going on in your head? And you are saying, "Yeah, we'll see."
- Panelist 1: Unfortunately, there are limitations we have on this program. Probably a legitimate criticism of the program. The likelihood, as far as us extending our deadline if he has done nothing else, I think we would not recommend to extend it. As far as we are concerned, our line is firm. When it goes back to court it's on him and to some to degree it depends upon the court. There are tough judges who won't let him off. The recommendation, and they do pay attention to our recommendations, the recommendation, since he has made no effort at all, there needs to be something that will get his attention.
- Father: Is there anything he has said here tonight which indicates to you that he has any intention of completing this? We still have one month to go and it's his choice.
- Panelist 1: No, there is only so much that we can do. We have had kids who have...turned around in a month. I don't say he can do it. I think he can do it
- Father: He is far more likely to do it if there were something at the end of it that was understandable. It will be very unfortunate when there will be a real consequences.
- Mother: We are startled at what it takes to have a real consequence.
- Panelist 1: The most we can do is recommend that the court come down very hard on him. That is a real consequence.

The fear, often based in reality, is that if the youth is returned to court, even that will yield no firm consequences. Thus, when panels feel they need a punitive deterrent, they have little to rely on. In one panel we observed, a panel member threatened that if the youth repeated the behavior, he would certainly go to jail. However, the likelihood of this almost certainly approaches zero, confirming the father above's fears that the program makes use of empty threats. Specifying realistic consequences is appropriate. More importantly, panelists need to reiterate to youth the moral underpinnings of the contract, and offer social support to encourage compliance. The panel does not have sharp teeth, and their best recourse is moral suasion and emotional connection.

Support for Sanctions

Overall the parents were very impressed with the contracts. They felt that it was successful in both repairing harm, but also in helping their child to mature. Like the offenders, parents largely expected a retributive process and were relieved to find the process to be supportive and restorative. Since they did not articulate much understanding of restorative justice, they tended to focus on how it was different from what they expected. Commenting on a contract, one parent noted that, "It was very fair. He only got

twenty hours—we had thought 50-100 hours of community service. He was glad he didn't need to do that many. I thought it was fair.”

Parents are sometimes the recipients of apology letters. One mother believed the letter she received was helpful to herself and to her daughter. “She has gotten more out of it by writing it. She gets a lot of emotion out of it. It was much more meaningful to me that I got that letter to me, because it really came from her heart.” Parents also responded favorably to restitution payments. Notably, parents generally did not pay the restitution, but instead required that the youth earn the money themselves.

Parents saw the benefit of community service as well. For example, one offender was able to do community service at the apartment complex where he committed an assault. He was also able to do community service for the town and help repair damage he had caused to town property. His mother commented, “It opened his eyes to see where he was headed. He had to replace the lights and replace some of the damage that he did. He paid for part of everything that he had done. He can't do things like this and walk away from this. A lot of kids have the attitude that I can just do things.”

One mother particularly noted the impact of having her son complete a ride-along with an EMT. “Now he realizes it in his heart. Now he knows that he wants to be a contributing member of the society. Even the EMT said he really has improved. He was sitting on the fence of being a mature person and now he realizes what is kid stuff...[The ride-along] was good because it made him realize how much he affected him and other people. It re-emphasized consequence and rewards.” Another parent explained how her daughter really benefited from attending a victim impact class. The class, “showed her she is not the only one. A lot of people feel that you are the only person who is doing it. You don't realize that many other people have made mistakes too.”

While we found that most programs were beneficial and most parents responded positively to the items in the contract, sometimes parents were disappointed. For example, an offender was required to attend a babysitting course because of her neglectful behavior while she was babysitting. However, the course was designed to only teach about how to care for infants. Her mother commented that, “They made her do the babysitting course, but she didn't get out of it what she should have. If you are going to pay \$25, I don't think she learned what she should know for older children. Maybe in future things they should check things out before assigning them.” Neither panels nor coordinators have the time or resources to fully investigate every program or service opportunity. However, we do recommend that each youth write an evaluation of the programs they participate in so that the panel can determine if it was worthwhile and whether to make further referrals.

In sum, parents endorsed the program. Although they were not familiar with the philosophy of restorative justice, they were supportive of the sanctions imposed, believing them to be fair, appropriate, and beneficial to their child and to harmed parties. We are concerned, however, that if parents do not understand restorative principles, they will not provide effective support in completion of sanctions. In addition, parents are legitimately concerned about enforcement, yet the program has little to offer them. On the one hand, it can be said that they need to realize that restorative practices do not emphasize enforcement and threats in the traditional sense, but about mobilizing informal sources of control, using moral suasion and emotional connection. On the other hand, however, no one has provided much information about how to make all this work in the

way of specific methods of compliance. A first step would be to encourage dialogue about strategies to ensure compliance based less on punitive back-ups and more on the values of restorative justice as a regular feature of the panel meeting and post-panel discussions with parents.

V. VICTIMS

Victim participation and an emphasis on meeting the needs of victims is a central feature of restorative programming. Unlike mediation and conferencing, board models do not require a victim to be present for the sanctioning meeting to take place. As such, it is easy for such programs to retain an offender-centered focus, sometimes failing to take all necessary steps to encourage victim participation. Of the twenty-two cases we studied, 19 had victims. Yet only four victims attended the panel meeting, only one of which we observed.

In the case we observed, Carl had shot his BB gun at cars driving on a highway. Standing on his property, located in a valley approximately 100 feet away from the cars, he successfully hit three cars shattering their windows. One of the victims attended, and the other two prepared victim impact statements that were read by panel members during the meeting. Additionally, the coordinator assigned two panel members to assume the roles of the absent victims.

The importance of the victim presence and voice was evident for all three strategies—victim presence, impact statements, and role playing. One letter began by asking Carl to imagine if “an animal, a person, or a child had been lost.” Carl responded, “I would be pretty upset.” Carl began to show signs of empathy and sadness over what he had done. At many points during the discussion, he appeared on the verge of tears. Carl was asked by the board to talk about how he felt after the first victim read her testimony. Carl shared, “At the time, I did not understand what I had done, and was not thinking that anything like this could happen.” This demonstrated his lack of foresight, but also that he understood what he did was wrong and potentially very dangerous. At several points, Carl was asked about how he was feeling in response to what was being said. Often, he responded, “I feel pretty bad.” Even if Carl had previously confronted his own feelings, this provided an opportunity for him to reflect further, for the board to watch him respond, and for the victim to learn of his remorse.

The victim was also given an opportunity to speak. She remained very calm through her part of the discussion. She wanted to know why he did it. “Do you have any good friends that lead you to trouble?” And she offered advice: “If you have good friends, you need to make wiser choices. Someday, you may have a family of your own.” The woman appeared very upset. She began to cry as she told him, “If blessed with family and friends that you love, there is no point to let friends lead you in a bad direction.” Gradually, the victim began to feel for the offender and an emotional connection was made. At one point, she said, “Thank you for being honest.” The two then began a dialogue rather than directing their comments toward the panel.

Victim: There are consequences to everything in life.

Offender: It definitely was a wake-up sign. I’ll never do anything like that again... I need to start making better choices.

Victim: Do you need help?...Do you need someone in your life to help you do better?

Carl appeared to gain a better understanding of the effects of his actions, and he expressed a desire to help repair the harm he caused. The victim felt sorry for Carl and wanted to help him succeed.

Unfortunately, not all victims were as supportive and helpful as the above victim. In another case, Duane had broken into a neighbor's cabin on a number of occasions he stole personal items such as guns and other hunting equipment and vandalized the property. The affected family came to the panel hearing. They felt throughout the hearing that the offender was being treated too leniently. They did not feel included in the discussion and, in fact, became so upset that they left in the middle of the meeting. Although this reaction is rare, it does point out a problem that panels may face. We are uncertain if panels are sufficiently trained to work with victims, particularly those expressing a great deal of anger.

In many cases, victims simply did not want to participate. In conversations with coordinators we learned that some victims do not want to come to the panel hearing and others say they will come and then fail to show up on the appointed day. One of the main causes of limited victim participation is the amount of time that passes between the offense and the panel hearing date. Sometimes panels do not convene until a year or more after the event, often they occur at least two or three months later. We would encourage administrators to seek specific remedies to such delays. Coordinators reported a number of occasions when victims stated they simply didn't care anymore. Convenience is also a factor. Some victims do not want to drive out of their way to attend a discussion if they are uncertain about its benefit. As one victim stated, she simply wanted "the money and never to see him again." Another victim, who was very happy with the process, suggested that success stories and the benefits of the restorative justice model be better publicized. Commercial victims are also reluctant to participate. This may be because they lack sufficient personnel to attend or they do not see an economic benefit. In such cases, it might be possible to make use of victim surrogates, such as having a pool of victim volunteers willing to substitute for the case-specific victims.

We discovered that sometimes victims are not invited to participate. In some instances, coordinators did not have victim contact information; in other cases they chose not to contact victims. This occurred when coordinators felt the presence of the victim would be a hindrance to the decision-making process. For example, an eleven-year-old boy was had encouraged his younger sister to assault an elderly woman. The victim was very angry, at one point referring to the two youth and their friends as a "gang or hoodlums." The coordinator felt that due to the age of the offender and to the anger of the victim, it was better if she did not attend. This may have been an appropriate choice for the case, but we note here that it is also an indication that the program remains offender-focused, potentially prioritizing offenders' needs over victims' needs. This suggests that more training and monitoring is needed. In other restorative programs, exclusion of victims is very rare, usually only reserved for instances when there is a clear threat of bodily harm. Ideally, victim participation rate should be a performance measure for coordinators, emphasizing that victim inclusion is a central component of the program and coordinator responsibilities.

When a victim chose not to attend the panel meeting, we found their impression of the offender differed from that of the panel's. For example, John had shot out the glass of his neighbor's bird feeders and vandalized the neighbor's lawnmower. During the meeting, John explained that he verbally apologized to his neighbor and had already replaced the glass in the bird feeders. The panel believed he was remorseful and the conversation focused on what he could do in school and after school to keep himself productively occupied. His contract included restitution for the neighbor's lawnmower and twenty hours of community service. However, the victim was not content with the contract or with John. She was very upset and, unlike the panel members, did not believe he was sincere or remorseful. She told us, "I didn't get any formal letter [from the coordinator] to come.... I don't want to see them on my property. They never have any money. I am so glad that they are gone." When asked if his apology had helped, the victim stated, "He took a BB gun and shot some birdfeeders and stuff. They tore the place apart like madmen. They broke everything that they could. I took the BB gun to the State Police. The court will give him a slap on the hand. I am very stressed out." When victims do not participate in the panel discussion they have missed an opportunity to express their concerns and anger and the possibility of reconciliation.

Further, when victims do not attend, they may not understand the rationale behind the contract, they may disagree with it, or feel that it does not address the harm. In one case, Seth vandalized a golf course, but no one from the golf club attended the panel. However, a contract was negotiated that included a suggestion that Seth pay part of his debt by working at the golf course. He was reluctant, but agreed when a panel member volunteered to arrange this with the club. The panel was pleased with this outcome believing it would be the most direct way for Seth to repair the harm. However, when we spoke to the club's golf pro, he explained, "No one from the club was able to attend because of a time conflict." Additionally, the club did not want Seth to work there because, "one of the ringleaders actually worked for the club and that's how they knew what to do. The country club would be happy simply to get money back for the destroyed things." Had a representative been able to attend, this contract item could have been revised to everyone's satisfaction. Additionally it would have allowed both the offender and the victim to discuss what happened that night. In sum, victim inclusion is a vital part of the restorative model, especially because victims most effectively focus the dialogue on the harm, making it real to the offenders, and legitimizes the reparative sanctions to all of the parties.

VI. PANEL MEMBERS

Although we did not systematically interview panelists, we were able to observe panels in action, and engage in short discussions with panelist both prior to and following cases. It is from these observations and conversations that we base our assessment of the panelists. Except for two occasions when panels had five members, all of the cases we observed had either two or three panelists present. We are uncertain if these numbers are typical or if they reflect the summertime schedule when we conducted our study.

Youth Panel Membership

The literature on community justice panels has rarely considered the nature of panel membership. However, a recent survey conducted by Karp, Bazemore, and Chesire (2002) of Vermont's adult reparative boards found that board members tend to be older, white, and well-educated, but diverse with regard to sex, income, religiosity, and political orientation. In particular, while adult probationers tend to be younger (78% under age 40), reparative board volunteers tend to be older (86% over age 40). The evaluation team did not conduct a survey of restorative panel volunteers. However, our observations indicate that panels rarely include youthful members. In only four of the 22 cases that we examined did a younger person (aged 22 or younger) sit on a panel. Moreover, panels that had youth members at the time of our retrospective cases had lost these members by the time of our observations. We did observe one case where a young person was in training. The coordinators of the Brattleboro and Springfield panels recently invited juvenile offenders after their completion meetings to continue as panel members. Both juveniles have tentatively agreed.

Typically, panel members are middle-aged adults with an interest in helping young people. Many of them have experience with diversion boards. This creates some confusion as panel members have referred to their restorative panel as a diversion board. Some panel members have explained that the only difference between the two is that with diversion, "the juvenile leaves the room and in the panel the juvenile stays in the room when the contract is being created."

Many of the panel members and coordinators are in favor of adding or recruiting juveniles or younger adults to be panel members. But some coordinators are unsure how to recruit younger members. Others are worried that the offenders will recognize the juvenile panel member and that could cause conflict. The predominant worry is that youthful panelists will be unable to uphold confidentiality because of peer pressure, common acquaintanceship, or immaturity.

Most of the offenders we interviewed are in favor of having younger panel members, citing that it is easier to communicate with younger people. One offender explained that, he "would be more comfortable to be in panel with young people. Grandparents have a very different perspective." Another added that having a youth panelist "would be a good change. He would provide a fresh idea and would understand where a person is coming from." A third stated this preference: "I would have a sixteen year old on the board that has been in trouble with the same stuff I have been in. He would understand me better, where I am coming from." Parents, too, liked the idea. One mother suggested, "It might be a good idea if the kids can communicate better." Duane explained that only one of his panelists was young, estimating that she was about twenty years old. "The girl made me feel better. There was someone closer to my age. It was reassuring." However, some offenders were uncomfortable with the idea of younger people. A young woman sat on Eddie's panel. He knew that she had graduated from his high school a few years before him. "I was less comfortable with her there because she is a peer and I will never know if confidentiality is breached." But then he added, "It's good to have a peer. It would be useful and beneficial to have someone involved in the same thing that the kid has gone through."

While we do not know of any other evaluation studies that demonstrate the effect of youth membership in juvenile restorative practices, we believe that the restorative panels will benefit from their recruitment as long as panelists are sufficiently

trained about confidentiality issues. In particular, we recommend that youth be recruited through high schools and local colleges; families with teenagers be recruited to serve together, perhaps recruited through local churches and after school recreation centers; and from appropriate offenders who have successfully completed the panel program. Developing youth-oriented recruitment brochures might help. The youth court movement is both widespread and growing across the United States, and contacting various youth courts might help garner further ideas for recruitment.

The Panel Process

Panelists were supportive of the youth. Most remained calm and non-judgmental during the discussions. They presented themselves as adults who really wanted to help youth improve themselves and stay out of trouble in the future. Generally panel members did not lecture or belittle offenders, but instead created a supportive atmosphere that encouraged discussion. The panel members first asked the youth to explain how he or she ended up at the panel. Typically, the panel will continue to probe until they are satisfied.

Once the panel understands the background of story, they try to see if the offender understands the consequences of his or her actions and feels remorse. For example, while Mason was using a paintball gun for target practice, he accidentally hit another boy. He went to the panel and explained his story. Highlighting safety issues a panelist admonished, “Any firearm, you wear protective gear. They can be dangerous.” Another panel member asked if there were any more guns in the house, seeking to identify future risk. Mason answered with a laugh and said, “No more paint ball guns.” This interchange indicates that Mason did not feel defensive, and wished to reassure the panel that the offense would not be repeated. The panel member also asked a series of questions to probe Mason’s emotional state—focusing both on how Mason is doing personally and whether he understood the feelings of the victim. Among those he asked were: “Do you think he had a right to be angry?... You have been back and forth in court several times, how do you feel?... How do you feel to be on probation?”

Once the panel assesses whether or not the youth understands the consequence of his actions, the panel then begins to discuss what the offender could do to reduce his risk of committing another crime. Typically, they ask about favorite activities, hobbies, sports, employment, and career goals. This discussion is not a digression. It seems to serve three purposes. First, it facilitates an atmosphere of trust in which the youth finds the panel to be interested in him or her as a whole person, not just as a criminal. Second, it allows the panel to understand the particular life circumstances of the youth that might preclude him or her from paying restitution in a time manner or completing a length community service assignment. Third, it focuses the youth attention on long term goals, and allows the panel to suggest that the youth’s misbehavior might undermine future success as well as how the negotiated tasks can facilitate them. In one case, where a youth was caught for dealing drugs, a panel identified how the offense could undermine the offender’s career goals. When the panel asked what he wanted to do with this life, Jed explained that he wanted to be in the Air Force. A panelist quickly responded, “Well, if you want to be in the Air Force, then no drugs.” The following dialogue from another case illustrates how this phase of the meeting helps establish trust and rapport.

Panelist 1: Do you play sports?

Offender: Yes.

Panelist 1: Do you play hockey?

Offender: Yes, last year was my last year on Youth, next year I will play for the school team.

Panelist 1: Do you need to make certain grades for that?

Offender: Yeah, like a seventy.

Panelist 1: Do you like hockey enough so that this is a good enough incentive for you?

Offender: Yeah.

Panelist 1: You look big, do you lift weights? Do you work out at all?

Offender: No.

Panelist 1: So are you a good hockey player?

Offender: I'm not great, but I've been playing for a while.

Panelist 1: What position do you play?

Offender: Any position except for goalie.

Panelist 1: Do you play defense or work on the line?

Offender: I play forward, but if they need me on defense I will play.

Panelist 1: N___ usually has a good team. Will that be competitive for you to get on?

Offender: They are losing a few players this year, and I am pretty sure I can make the team.

The final phase of the meeting focuses on the negotiation of the contract, much of which has been detailed above. Here, we focus on one troubling issue—the difficulty panel's have in engaging offenders in the decision-making process.

Panels do not effectively include the juveniles in the contract discussion. In Bennington and Springfield, the youth and his or her parents are sent out of the room while the panel and coordinator decide on the contract. Although upon return, the juvenile and parents are asked if they approve of the term of the contract, this process undermines the mission behind restorative justice and disempowers the youth and parents. In one case, the panel decided to send an offender to a hunter-safety course, but spent five minutes of their deliberation period discussing whether or not the parents would approve of this task. This question could have been quickly answered if the family had been allowed to participate in the conversation. In another instance, the panel wanted to assign a book report, but had been told by the coordinator that his reading level was below average and this might be a problem. Again, the parents could have helped clarify if the task was appropriate. We strongly recommend that panels deliberate with youth and parents present, although they should reserve the right to “caucus” alone should a particular need arise upon occasion.

More generally, panels rarely consult the offender and parents during the contract phase. Typically, panels begin by asking the youth what he or she thinks should happen. The youth will then respond with, “I don't know,” or respond with a vague proposal like, “community service, I guess.” Panels then decide what the contract will entail and only include the youth and parents when deciding on the due date for the tasks. To better include the juvenile and parent the panel should begin the contract phase with a statement like, “We would really appreciate any input that you have, please make suggestions about your contract whenever you feel a need to.” Then, frequently, the panel should ask the

youth for input and feedback, encouraging them to suggest ideas and claim ownership of the contract.

Social Support

Panel members are generally supportive of offenders, seeking to engage them in a positive manner and hoping offenders will respond cooperatively and honestly. On occasion, we observed panel members extend themselves to facilitate offender reintegration. For example, Seth vandalized a golf cart and the greens on a private golf course. The panel suggested that Seth get a job at the golf course to help pay back the \$3000 he needed to pay in restitution. At first Seth was skeptical. He explained the thought of going back to the country club was, “pretty scary because I don’t know how they will react.” But he said he was willing as long as he was accompanied by someone else. One panel member mentioned that she knew personally the golf pro at the country club. She added she would be happy to call up the pro and arrange a meeting for them. Seth liked this idea and later told us, “I thought they were positive and good people. I thought they realized I made an honest mistake. And they understood that people make mistakes and they are trying to help me straighten up.”

Panel members are usually supportive of the youth. However, on some occasions, we observed panel members engaging in stigmatizing shaming. It is acceptable and sometimes necessary to sternly admonish the action of a youth, but it is important that the negative comments not be directed at the youth’s character. In one instance, Jack had stolen golf balls from a local “big box” retail outlet. The panel was upset that he had previously committed a theft and had not yet learned stealing was wrong. One panelist took a firm tone and chastised him for returning to the board for a second time. Another became quite upset with the youth, calling him “a slow learner” and commenting to the group that “the boy couldn’t even work a dipstick”—a belittling reference to the offender’s interest in trains and possibly working as an engineer. Luckily, one of the advantages of the restorative panel model is that when board members behave in an extreme manner, in this case maligning the youth’s character, others tend to offer balance, extending themselves toward the other extreme. We saw one small corrective toward the end of the meeting when another panelists affirmed Jack’s occupational aspiration by saying, “we want you to become a train engineer.” However, Jack remained somber through the meeting, usually speaking down toward the floor. Particularly when he was being chastised, he kept his head down.

For such occasions, it is important that coordinators or other well-trained panelists remind the group that shaming statements should not be made. Coordinators vary in the way they participate, some concentrating on the task of facilitating discussion, others much more substantively involved in the decision-making. In either case, we believe they should be particularly sensitive to the need for civil discourse and know how to derail stigmatizing shaming when it surfaces.

The biggest weakness of using panels as a restorative practice is they rarely involve enough people to offer critical long term social support. While one or both parents usually attend, oftentimes the youth need additional supporters, such as extended family, teachers or coaches, or other positive adult and peer role members with who the offender is actively engaged in a healthy ongoing relationship. The intervention then can capitalize on their mutual affection and respect, building trust in the contract and offering

concrete roles for these supporters in assisting the youth in contract completion. Expanding the circle to include both youth volunteers and offender supporters may be critical to winning the trust of the youth and enhancing his or her engagement and investment in the program.

VII. CONCLUSION

This study provides a descriptive analysis of restorative panels based on observations and interviews with key stakeholders. Generally, we found programmatic implementation reflective of BARJ principles. Restorative agreements, in particular, are generally consistent with the restorative model, typically emphasizing apology, community service, restitution, and competency development. There was variety in the manner of assignment suggesting that panels tailor agreements to the specific circumstances of the case and that panels behave differently from one another across the state. Sometimes, victims did not receive apologies, the number of service hours assigned seemed arbitrary, and tasks were assigned, such as jail tours or ride-alongs, that fall outside the restorative model. Below, we summarize our findings, focusing on specific issues and offering recommendations for improved practice.

1. *Apologies.* We did not see clear guidelines for the development and evaluation of apology letters. Some training may be needed to ensure that victims consistently receive apologies and that these apologies do not re-victimize. For example, every apology letter should (a) clearly articulate the harm that was caused, (b) persuade the reader that the offender is taking full responsibility for the offense, (c) express remorse, (d) state a willingness to make amends, and (e) reassure that the offense will not be repeated.
2. *Restitution.* We have found that restitution is widely expected of youth in this program and that youth are generally compliant with restitution orders. But we observed instances when restitution was not required of youth, nor was the full amount of damage expected to be repaid. When decisions are made to absolve the youth from fiduciary responsibility, we recommend that the victim's perspective be strongly considered as well as close examination of alternative means of accountability.
3. *Community Service.* Community service is typically defined in terms of number of hours rather than focusing on the substantive experience of volunteer work. We believe the impact of service is diminished by this, increasing the chance that the service will be perceived as either arbitrary or retributive. Instead, we suggest that dialogue about service focus on the task, how the task may make amends, and how the service can foster youth development. Most important, panels should expect the youth to write a concluding essay reflecting on the value of the service toward these ends.
4. *Competency Development.* Although competency development is not the central mission of panels, they often assign tasks such as essays, hunter or gun safety courses, or other available social services. Though typically relevant to the case, training and, probably, local resources seem inadequate to the laudable goal of reducing risk. Program availability is sporadic across the state, and panel members

5. *Offender Participation.* The informal atmosphere and generally positive attitude of panelists and coordinators creates a supportive environment for the youth, easing some of their anxiety about participating in the panel process. Some youth clearly felt comfortable and actively participated. Others, however, remained disengaged. No process is likely to fully overcome youth reticence, but we saw inconsistent use of strategies that are likely to increase participation. We highlight some that can be universally applied: (1) allow youth and parents to remain in the room for sanction deliberations; (2) always ask the youth first about what they believe they can do to make amends (and don't let them off the hook too quickly); and (3) recruit more youth panel volunteers to reduce the social distance between offenders and panelists.
6. *Taking Responsibility.* Typically, restorative programs require that the offenders admit responsibility before attending a restorative conference, especially one that includes victims. While this is the protocol for panels, we observed offenders taking varying degrees of responsibility for their behavior. When offenders are either denying, minimizing or displacing responsibility, we encourage panels to proceed slowly and cautiously, delaying the assignment of sanctions until the panel has overcome this obstacle. This may, for example, require several meetings with the offender, asking initially that the offender focus on the harm caused, such as writing a reflective essay, before completing reparative tasks.
7. *Parental Role.* We found that parents were generally unfamiliar with the philosophy of restorative justice, and the program did not adequately educate them about its mission and goals. Parents tended to focus (positively) on the benefits of the program for their children, but had little regard for the goal of meeting victim or community needs and obligations. We believe it is important to better prepare parents so that they can fully support their children in completing agreements and discuss with them the importance of the restorative goals. In general, parents believe their children were treated respectfully by the panels and that the sanctions were fair. The strongest concern voiced by parents was that the program did not sufficiently enforce compliance and panels may work more closely with parents during the meeting to define expectations and consequences for non-compliance.
8. *Victims.* Unlike victim-offender mediation or accountability conferencing, restorative boards, like the panels and Vermont's Reparative Probation Boards for adults, do not require victim participation. This broadens the scope of cases to include victimless crimes, and enables cases to proceed when victims choose not to participate. However, it also increases the likelihood of maintaining an offender-centered focus and ignoring victims. The vast majority of offenses we studied had victims, but very few participated in the panel meetings. Our cases analyses suggest that victim participation generally improves panel outcomes for both victims and offenders. Victims are more likely to get their needs met, and offenders are more likely to

9. *Social Support.* Youthful offenders need a tremendous amount of support to engage with the panel in its decision-making process and to successfully complete the program. Coordinators are typically excellent at establishing rapport and building trust. Panel members have little opportunity to do so, many of them seeing the youth only once, although many panels have regular “check-ins” and “closure” meetings. Panel members have to balance their desire to affirm moral and behavioral standards, which brings out their authoritarian demeanor, and their wish to connect with the youth and offer positive reinforcement, which brings out their compassionate, “touchy-feely” side. Since both elements are appropriate to the restorative process, we have observed boards to be an effective model since some panelists tend to gravitate toward one or the other dimension, thereby balancing the tone of the meeting. Some training around these emotional features of the panel meetings is encouraged so that panelists can avoid extremes at either end—being so authoritarian that the meeting becomes an exercise in stigmatizing shaming or being so compassionate that youth are not held accountable. In addition, social support requires relationship building. We strongly encourage the program to develop a mentoring component, either by having panelists serve in ongoing mentor roles, partnering with mentoring programs, or better engaging the youth’s social network.