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Using restorative practices as an intervention for youth who commit violence and other crimes: A healing mechanism for perpetrators and their victims

Airika Crawford, MSW

Airika D. Crawford graduated from the University of Michigan School of Social Work with a Master of Social Work in Community Organization and Community and Social Systems. She is currently employed with the State of Michigan and plans to further her studies in restorative practices as well as a doctorate in community psychology. Her research interests include examining the intra-personal relationships of minority youth as it relates to violence, conflict and dysfunction. She is also interested in using restorative practices as a method of change in urban communities at the micro, mezzo, and macro levels.

Abstract

Youth violence and crime is an occurrence that negatively affects communities across America. These destructive behaviors have raised many concerns regarding the healthy development of youth, resulting in professionals attempting to develop ways to intervene in this cycle of damaging activity and prevent re-occurrences of violence and crime among youth. This article will offer an in-depth evaluation of the history of restorative practice and how it can be used as an intervention in youth violence and other crimes. It will also look at effectiveness in the treatment of adolescent victims, their perpetrators and the implications for social work practice.

The Problem

Violence and Crime among Adolescents

Youth violence and crime is an occurrence that negatively affects communities across America. Youth are developmentally more apt to committing acts that are emotionally driven and likely to lead to risky behaviors (Dahl, 2004). A direct result of this is reflected in the high incidence of crime among youth all over the United States. Youth are responsible for 14.9 percent of all violent crimes and 24.4 percent of property crimes (Office of Juvenile Justice and Delinquency Prevention, 2008). Youth are not only perpetrators; they are also victimized at a high rate. Youth, between the ages of 12 and 24, account for 43 percent of all victims of crime (Bureau of Justice Statistics, 2008). Race and socioeconomic status also increases the likelihood of crime among youth. Black youth, in low-income urban areas, are disproportionately exposed to community violence. Moreover, Black youth are likely to know their attackers. As reported by Bureau of Justice Statistics, a large ratio of victims, both male and female, knows their attacker, 5 in 10 and 7 in 10, respectively (as cited in Crawford, 2010).

Fowler and Braciszewski (2009) assert that this overexposure to crime leads to poorer mental health (as cited in Crawford, 2010). These destructive behaviors have raised many concerns regarding the healthy development of youth, resulting in professionals attempting to develop ways to intervene in this cycle of damaging activity and prevent re-occurrences of violence and crime among youth. This article will offer an in-depth evaluation of the history of restorative practice and how it can be used as an intervention in youth violence and other crimes. It will also look at effectiveness in the treatment of adolescent victims, their perpetrators and the implications for social work practice.

The Approach

History of Restorative Practices

In the 1970's, an alternative approach to the traditional forms of criminal justice arose called restorative justice. While traditional forms of criminal justice included arrest, trial, and conviction

without any forms of mediation for the victim or offender, Restorative justice was used as a form of remediation between victims and their offenders with a focus on rehabilitating behaviors rather than punishing (IIRP, 2004). In the 1990's, the field of restorative justice expanded by involving the community, particularly families and friends of both the victim and the offender (IIRP, 2004). Out of this innovative approach arose the premise that guides Restorative practice. It is more effective for authority figures to change behavior if they work with offenders rather than relying on the traditional modes of punishment that are proven to be less and less effective in changing criminal behaviors, as shown through the steady increase of crime and recidivism (IIRP, 2004). Theorists saw the opportunity to break the ineffective standards of the criminal justice system through practices that added the element of healing for everyone affected by the criminal act, thus leading to the field of restorative practices.

Restorative Practices

Restorative practices allowed the methods of rehabilitation to expand outside of the justice system, a step further than Restorative justice programs would allow. Restorative practices is a field of social science that combines theory, research, and practice of education, counseling, criminal justice, social work and organizational management (IIRP, 2004). It uses methods that engage offenders and their victims in dialogue, relationship building, and communication of moral values (Kuo, Longmire & Cuvelier, 2010). Restorative practices holds offenders accountable for their crimes, while involving the victim and the community who are seen as an integral part of the process (Steiner & Johnson, 2003). Restorative practices attempt to repair the damage caused to the victim and the community, through a range of formal to informal processes, including victim offender mediation, circles of support, and community healing circles (Steiner & Johnson, 2003). The approach operates within a "social discipline window" framework and promotes high control of discipline and high support of encouragement when working with individuals (IIRP, 2004). This method provides individuals with encouragement and support while highlighting the importance of limit setting and discipline. Restorative practices are used in various settings and across several

disciplines, although it is not immediately recognized as such. The method has been used as a tool in victim and group therapy, juvenile justice, the community, in schools, and in social work settings as an intervention and mechanism for prevention, both internationally and in the United States.

Restorative Practices and Juvenile Offenders

As reflected in the data of youth involved in criminal activities, there is an immediate need for professionals to implement changes in the decision-making processes among youth offenders. Some studies have shown that juveniles that were involved in restorative justice programs were less likely to recommit criminal acts than juveniles in traditional criminal justice programs (de Beus & Rodriguez, 2007). Researchers, using a quasi-experimental design, looked at over 9,000 juvenile offenders who were eligible for diversion, a period granted by courts in which an offender enters rehabilitation or restitution that would dismiss charges upon successful completion (2007). Juveniles in the restorative program were less likely to re-offend than juveniles in the comparison group and there was higher rate of satisfaction for both victims and offenders following restorative justice programs (2007). These findings are quite promising and show that restorative justice programs have a positive effect on the juvenile offender when the community reduces stigma, increases the sense of value and creates incentive(s) for youth to change behaviors once they return to the community (de Beus & Rodriguez, 2007).

Restorative Practices and the Community

Restorative practices initially occurred on an interpersonal level of practice in which the offender and the victims were the primary focus in the process of healing and restoration after an incident of crime. Within the last decade, the approach has expanded to encompass families, friends, and the community in the restoration process (Watchel & McCloud, 2004). Incorporating the community in the process promotes community development with structured methods to handles crises (Verity & King, 2007). This allows the social support network of the victim and the offender to be present in the restorative process. The community has to follow a

strategic process of interaction, allowing both the victim's and offender's families voices to be heard, that in turn help to build bridges between the two groups. The victims and the community have the opportunity to express how the violent or criminal act has affected them; the offender has to reflect on his or her choices, how it impacts individuals on a grander scale and hopefully prevents the offender from recidivism (2007).

Restorative Practices Used in Victim Therapy

There has been much debate among professionals surrounding the inclusion of victims in the criminal justice process (Hurley, 2009). Yet, practitioners of restorative practices see the importance of including victims in the process as a way to heal and hopefully gain closure. There are several reasons why advocates of restorative practices see the importance of involving victims in the judicial process. One reason, as reported in the 2005 Criminal Victimization report, is that the victim population in the U.S. is insurmountable and offenses are primarily violent in nature (as cited in Hurley, 2009). Ways to involve victims in the judicial process of their offender has been and will always be a pressing issue for the criminal justice system. Hurley reports that those who are victims of crime are shown to have negative perceptions of the criminal justice system and the community, and are likely to be victimized again (2007). Thirdly, there is a recognized need for therapy for victims by the criminal justice system because of the risk of reduced psychological functioning following the event. Persons who are victimized are needed to testify against those who committed the crimes. Therefore, it is in the best interest of the courts and the victims to be referred to victim service units or to become involved in Victim Wrap Around programs, which provides support services for the victims when their offenders re-enter the community (2007). Lastly, the other important reason for involving victims in the judicial process is because research has shown that victim's participation in the process can be an effective deterrent of recidivism (2007). These reasons alone have shown the great importance of using restorative practices as an element of therapy for victims and youth, and the effectiveness of restorative practices in school systems, as detailed below.

Restorative Practices and Schools

The International Institute of Restorative Practices (IIRP), located in Bethlehem, Pennsylvania, created a program which attempts to address rising dropout rates, disciplinary problems, and violence in America's school systems (Watchel as cited in Mirsky, 2007). The *SaferSanerSchools* program is grounded in the theory of restorative practices because it promotes the idea that it is better to work *with* a person than *to* or *for* them while providing high support and control (2007). In the program, educators allow the students to take responsibility for their behaviors and actions, by allowing students to make decisions on how to solve conflicts, rather than teachers or administrators enforcing punishment as they see fit. This practice helps to develop a collaborative relationship amongst students, staff, and administrators. All of the Pennsylvanian schools (3) that participated in the pilot study saw a substantial decline in disciplinary actions and incidents of disruptive behavior and fights among the students (Mirsky, 2007). For example, the Palisades middle school saw a decline in the number of fights from 27 fights in 1999-2000 academic school year to 16 in the 2001-2002 school year (2007). That is a 59% decline in fights in a two-year period. The statistics reported in this pilot study show the potential of restorative practices to transform relationships among youth worldwide. Although, restorative practices is not without limitations and critiques.

There are few states that have implemented restorative justice programs, which limit the research and evaluation of the programs within the United States (Mirsky, 2007). Juvenile offenders from impoverished communities were found to be less likely to complete program requirements because of early and negative exposure to the juvenile justice system, little support from the family and the community, and minimal community resources and activities aimed at helping to deter re-offenses (de Beus & Rodriguez, 2007). The word community is loosely defined in restorative justice articles and research, therefore, a more explicative definition of community needs to be defined in future research (Pavlich as cited in Verity & King, 2008). Other researchers worry that restorative justice can become problematic because there can never be a complete balance of the victim, community, and offender's needs that are met, thus violating some of the human rights of those groups involved in the

restorative process (Ward & Langlands, 2008). Lastly, restorative justice research that examines the effectiveness and satisfaction of violent offenders in its research has been limited to those who commit assault, bodily harm, and fighting and has not evaluated more serious offenders such as those who commit murder and sexual assaults (Kuo, Longmire & Cuvelier, 2010). No therapeutic approach is without critiques and limitations, but it should be noted that there is a plethora of evidence that supports the implementations of a restorative justice program and its processes and how it can be a highly effective tool that can be used in many professional fields including social work.

Restorative Practices and Social Work

Many of the techniques in restorative practices can be applied to social work practice with families and groups. Victim-offender mediation and Family-Group Conferencing (FGC) are both methods used in the criminal justice system and in restorative justice programs. These methods can be easily applied in the approaches used by social work practitioners who counsel families and other groups. Social workers often work with clients who have been victimized, or are perpetrators of crime, and so restorative practice should be considered as a method to include in the treatment plan (van Wormer, 2003).

Victim-offender mediation is a victim-centered approach that allows for dialogue from the victim to express the impact of the crime and holds the offender accountable for their actions. The victim is surrounded by their support system and through facilitated dialogue, (by an individual trained in restorative practices), the crime's impact on the victim and community is addressed. The offender then has the opportunity to express remorse and have support from family and friends, which can be a form of rehabilitation for some offenders (van Wormer, 2003).

FGC is usually used in child welfare cases where it encompasses the core social work values and principles: service, social justice, dignity and worth of the person, the importance of human relationships, and integrity and competence (NASW, 2010), putting emphasis on social justice. It is in the way that FGC encourages empowerment, sharing, recovery, satisfaction, and accountability that makes the approach a fundamental process of

social work practice with victims, families, and offenders (2003). There are nine characteristics that Van Wormer discusses are important to FGC when working with victims, offenders and their families (Bazemore & Umbreit as cited in Van Wormer, 2003). They are the following:

1. Informal and non-threatening process
2. Trained facilitator
3. The victim and community affected by the offense are directly involved in the discussion
4. The victim and their family is involved decision making of appropriate sanctions imposed by the offender
5. Stresses to the offender the impact of the offense on victim and the community
6. Offender has the opportunity to take ownership for their behavior(s)
7. All members engage in a narrative that expresses how the crime has personally affected them
8. Involves the offenders support system in the entire process
9. Garners support from the family and community in offender rehabilitation.

Case Examples

Below are two case examples of restorative practices used in victim therapy as detailed by Steiner and Johnson (2003):

(1) “Angie” shows extreme remorse as she talks to a community of people who were affected by her involvement in a violent crime. She tells her side of the story, apologizes to the family, and community for her role in the tragic assault. Angie then goes on to tell the gathered individuals what she has learned in the last years during her treatment and how she plans to achieve her goals, which includes reparations to the community. Each of the thirty community members who were directly impacted by Angie’s actions was given a chance to voice how the assault impacted them. The community expresses their lack of understanding of the event under the direction of a facilitator. There is a mix of hope, understanding, anger, and apprehension expressed to Angie about her actions and concern for whether there will be actual change on her part. They then discuss how to proceed with Angie’s treatment and healing the community.

(2) “Ann” finally meets with her sister 7 months after she assaulted her. Ann’s sister, family, and mediators all gather together as the victim discusses the assault and its impact on her. Ann listens and responds to all of her sister’s questions. Ann, her sister, and family discuss how Ann can prove to her family that she is willing and capable of being trusted and is no longer a risk to her family.

What can be derived from these cases is that restorative practices follow a strengths-based approach because it provides the victim, offender, and the community opportunities to use their resources to create therapeutic environments (Steiner & Johnson, 2003).

Conclusion

Restorative practices have been repeatedly shown as an effective method of treatment for victims, offenders, and the community. It also provides the support needed for victims and families when confronting the offender and focuses upon the importance of remediation and healing of the offender. This approach allows for youth to be more in control of their behaviors and actions in school and promotes collaborative relationships with teachers and administrators in school systems.

As an alternative approach to criminal justice, restorative practices offers the opportunity for some youth offenders to divert from traditional criminal justice procedures that have not been very successful in preventing recidivism. This method also involves the community in the mediation of outcomes and helps to reduce the stigma and negativity that is often associated with criminals when they return to the community. As an effective means of reducing violent and disruptive acts, restorative practices is a method that should be adopted in social work practice because of its focus on social justice.

As social workers, we seek to empower individuals and to provide avenues of healing for those directly affected by a criminal act. Researchers should study the approach and its usefulness in victim and group therapy and other areas of practice in order to provide further evidence based practice. Restorative practices provide some youth with a second chance that is usually not offered in the traditional judicial process. There is quantitative and qualitative research, evaluation, and case studies that support the need of more integration of restorative practices in therapeutic

treatment. Restorative justice has been shown to provide healing for youth and their families in a society that is riddled with conflict and violence among youth; it is worth looking at in-depth so that social workers can continue to promote our values and ethics of providing social justice for vulnerable and oppressed populations.

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