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**Reluctant Participants in Restorative Justice?
Youthful Offenders and their Parents**

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ABSTRACT

This paper examines offender and parental involvement in the Vermont Juvenile Restorative Panels Program. In this program, juvenile offenders on probation appear before citizen-run boards to negotiate the terms of their probation, which may include apologies, community service, restitution, and competency development tasks. Victims and parents of the offender also participate. This study reports findings from a qualitative analysis of 22 cases, including observations of panel meetings and interviews with program coordinators, offenders, parents, and victims. We find that offenders vary in the level of participation as well as in their willingness to take responsibility. Parents do not understand the program well, worry about their child's likelihood of compliance, but generally support the goals of the program. Implications of these findings for restorative practices with juveniles is explored in the concluding section.

INTRODUCTION

An important characteristic of restorative justice is the idea of discussion, dialogue and negotiation between the parties involved in and affected by a given crime (Daly 1999). The conversation that occurs between victims, offenders, facilitators and other members of the community helps define the reparative obligations of the offender. Such dialogue provides not only a sense of connection between the victim and the offender, but also a determination of what steps the offender will take to repair the harm done to the victim and the community. “Input from victims and communities affected by crime provided in face-to-face, non-adversarial, informal and voluntary meetings with offenders in safe settings will almost always provide the best process to determine restorative obligations” (Bazemore and Walgrave 1999: 51-52). Thus, it is important to investigate of the level of participation from all parties, their willingness to engage in such a dialogue, and the effect of these discussions on the different parties involved in the restorative justice process.

The need for such an exploration is heightened when one discovers what Kathleen Daly calls “a gap in ideals and practice” (Daly 2003). Restorative practices on the ground do not always achieve program goals. Offenders or victims do not always show up for conferences, offenders do not always comply with agreements, and meetings are not always transformative. This apparent failure for some restorative justice programs to create the dialogue that they intend calls for a further examination of such a “gap.”

The particular program used in Vermont is that of a panel or board model, where trained community volunteers serve on a panel that meets with juvenile probationers, their parents, and their victims in order to craft restorative agreements. Vermont has

become nationally and internationally recognized for its development of this model of restorative justice (Karp and Walther 2001). An early review of this program defined it as follows:

Juvenile Restorative Panels (JPs) are intended to involve community volunteers to meet with probationers and their victim(s) to determine an appropriate restorative response to the offense. This response may include: community service, letters of apology, educational programs, etc.... The general goals of the program are focused on holding young offenders accountable to victims, providing an opportunity to repair the harm done, developing positive connections between young offenders and to their communities, and developing life skills (competencies) that facilitate legal, healthy future behaviors. (Bazemore et al. 2000:17)

Juvenile Offenders and Their Participation

To what extent do youthful offenders participate in and provide effective dialogue in restorative practices, and what effect does varying levels of involvement have on the restorative process? First we must question whether juveniles participate in restorative practices voluntarily. According to Bazemore and Walgrave, “many programs have found that it is the voluntary exercise of choices, including the choice of participation, that leads to victims and offenders feeling empowered. Willingness to participate in mediation is directly related to the extent to which victim and offender feel safe with the process and the mediator” (Umbreit 1999a: 217). Despite the widely held notion that the restorative process is voluntary, “actual practice would suggest that it is less than truly voluntary” (Umbreit 1999a: 217). Offenders are sanctioned to participate in such programs, with the

alternative being a return to court, where more severe sanctions may be imposed. Thus, one factor that may motivate offenders' participation is fear.

Fear of alternative sanctions may motivate the choice to participate in a restorative practice, but it may not diminish quickly. They may also fear being shamed in front of family members and victims. According to Daly, however, fear comes not from the impending interaction with the victim, but instead fear of what sanction will result from the process. Daly states that for many offenders, when they "enter the conference room, they are concerned with what penalty they may receive. How they relate to victims is relatively less important" (Daly 2003: 223). Indeed, she finds that repairing harm to victims was much less important to juvenile offenders than regaining social approval. Juvenile offenders may want to use the restorative process for their own benefit with little concern for victim or community restoration.

Thus, offenders participate in the restorative process for their own ends, seeking to improve their position and perhaps avoid punishment for the crime they had committed, seemingly having little desire for reparation for the community or the victim. However, Umbreit's research (1999b: 298) has found that once offenders have participated they "report that meeting the victim and being able to talk about what happened was the most satisfying aspect of the program." The process itself may transform offender attitudes about victims and impending sanctions, allaying their fears and redirecting their focus to the priorities governed by the restorative justice philosophy.

Kathleen Daly, reporting findings from the South Australia Juvenile Justice (SAJJ) program, claimed, "77 percent of the YPs [young persons/juvenile offenders] were actively involved in the conference" (Daly 2003: 224). Crawford and Newburn

(2003) presented similar evidence from their observations of Youth Offender Panels in Great Britain, citing that “merely 11% of young people made only monosyllabic responses or said nothing during their panel meeting, whilst almost half (49%) made lengthy and full contributions” (Crawford and Newburn 2003: 125). Young offenders seem to play an active role in the dialogue and negotiation that occurs. However, it must also be noted that this active contribution does not extend to the contract determination process, with offenders only contributing a small number of ideas about possible restorative tasks (Crawford and Newburn 2003). Active involvement of youthful offenders in conferencing programs has also been found by Strang et al. (1999) and Maxwell and Morris (1993).

An analysis of participation must not simply measure the extent to which offenders speak, but also include a qualitative assessment of the value of their contributions. For example, the level of remorse felt by an offender is also an indication of their dialogue and participation in the process by communicating understanding of the harm done, relating to the victim(s), and recognizing the need for reparation. Daly (2003) found that just over half of the offenders were remorseful. Moreover, among those offenders who apologized, the apology was not always voluntarily given, but instead had to be “drawn out.” Additionally, interviews conducted by Daly and others indicate remorse may not always be directed toward the victim: “In 1998 interviews, 74 percent said they felt sorry for what they had done. However, somewhat fewer said they felt sorry for the victim (56 percent before and 47 percent after the conference)” (Daly 2003: 224). Strang et al. (1999) and Crawford and Newburn (2003) present similar findings. The latter note:

In initial meetings *not* attended by victims only 30% of young offenders apologized to anyone, compared to 77% of panels that were attended by a victim. However, a larger proportion of young offenders expressed remorse in initial panels in some way other than by apologising. Four fifths did this verbally. Of the 56 young people who did not apologise to anyone in the panel, a third also did not show any other sign of remorse.” (Crawford and Newburn 2003: 127)

Victims are often quite sensitive to offender attitudes, particularly if they are not remorseful or not remorseful enough to satisfy the victim. Daly (2003: 225) discovered that “most were unmoved by the offender’s story at the conference, with 36 percent saying that it had some or a lot of impact. When asked what was most important for them at the conference, victims said they wanted to be reassured that the offender wouldn’t re-offend (32 percent) and they wanted to tell the offender how the offence affected them (30 percent).” Consequently, such sentiments of disbelief by victims towards offender’s apparent remorse made it so that “half the victims said that the YPs apology did not at all help to repair the harm” (Daly 2003: 225). Although young offenders often play an active role in the restorative discourse, it is not clear that they express remorse or have much desire to repair harm.

The importance of investigating offenders’ level of involvement is most apparent when considering recidivism rates. Both Maxwell and Morris (2001) in New Zealand and Hayes and Daly (2003) in Australia show that level of remorse felt by the offender and the involvement of the offender in the formulation of the outcome of the panel are predictors of recidivism. Hayes and Daly (2003: 756) state recidivism is lower for

“...young people who were observed to be remorseful and who were in conferences in which outcomes were achieved by genuine consensus...”

Parental Participation

The second group in the restorative process that we investigate are parents of the juvenile offenders. The role of the parent in the panel process is an interesting and perhaps complex one. While it may seem likely that parents would serve as advocates for their child, defending and sometimes speaking for him or her, Crawford and Newburn (2003, see also Hines and Bazemore Forthcoming) find they are also “secondary victims.” “As the parent is responsible for paying the compensation or costs awarded against the young person, the parent may arrive at the panel as a new injured party of the young person’s offence” (Crawford and Newburn 2003: 218). Thus, the parent can often have a direct interest in the restorative process, as well as a supportive one.

Evaluations of restorative programs for juvenile offenders find that parents accompany their children to the restorative meetings, whether they are panels or conferences (Crawford and Newburn 2003; Maxwell and Morris 1993; McGarrell et al. 2000; Strang et al. 1999). Crawford and Newburn (2003) discovered that the majority of parents (91%) had the purpose of the program explained to them, although they identified some parental confusion about the goals and procedures of the program. McGarrell et al. (2000), in a study of a juvenile conferencing program in Indianapolis, found that parents felt highly involved, able to express their views and help to solve problems, and felt like they were treated with respect. Few parents felt like the negotiated contracts were too severe, with 62% believing they were fair, and 33% believing they were too lenient.

Our qualitative analysis of Vermont’s juvenile restorative justice program seeks answers to three questions: (1) to what extent do offenders participate and actively contribute to the restorative process? (2) To what extent do parents participate and actively contribute to the restorative process? (3) What effect does the level of participation and activity of parents and offenders have on the restorative process as a whole?

METHOD

The study 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 across the state and these were determined by the availability of cases during the study period. For each case, we sought interviews with coordinators, offenders, parents, and victims. Table 1 identifies our interview response rates. 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 About Here

FINDINGS

The demographic characteristics found in this study were similar to those compiled in prior evaluation data of this program (O’Brien et al. 2002), indicating that

our small sample here may be representative of the larger program population (see Table 2). 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 to the previous study—the majority of the offenders were male. 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.

Table 2 About Here

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 (Finckenauer 1982). 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 claims he 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.

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 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 based on observer's judgments of such factors as the number of times offenders spoke, how long they spoke, and how often they initiated dialogue rather than simply answering questions posed by others. 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 kid's 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 thirteen.

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 speculated that she had 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].

Expressing Remorse

We observed youth expressing varied levels of remorse for their behavior. Of the 11 cases we saw, five youth appeared to be very remorseful 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 relaxed. It was clear to

panel members that he was remorseful, understood that his behavior was harmful, and was committed to never repeating the offense. One panelist commented during a break, “He is remorseful absolutely, people die all the time from this.”

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 expressed remorse. We saw offenders both deny responsibility and avoid it by minimizing the harmfulness of the offense. For 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 expressing remorse 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 so much that he 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

Parents

Parents must be supportive of the panel program since they 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.”

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 were. Most fathers stayed quiet throughout the panel. 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 the 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-maker in the process. However, this did not surface in the cases we observed, and our interviews with parents indicate that they understood their role to be secondary to

their child's, and believed they were 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 they and their child needed to defend against. 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 [offender's] intelligence—I am just afraid that the first time that someone gives 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 no 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's fears above that the program makes use of empty threats.

Support for Sanctions

Overall, the parents were very impressed with the contracts. They believed the contacts were successful in 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, most parents claimed they 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 in an ambulance to gain a fuller understanding of the potential consequences of his violent behavior. “Now he realizes it in his heart. Now he knows that he wants to be a contributing member of the society. Even the EMT [emergency medical technician] 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.”

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. However, they knew very little about the restorative philosophy and do not seem very well briefed for participation. In addition, parent seemed quite concerned about compliance, and perceived that the program provided little enforcement of its contacts.

DISCUSSION

The first question asked in this study concerns the extent to which offenders participate in the restorative process. We found that most, though not all, were actively involved and engaged in the panel process. This is consistent with findings from other juvenile restorative programs, such as the panel program in Great Britain (Crawford and Newburn 2003) and the conferencing programs in Australia (Daly 2003; Strang et al. 1999). However, even among active participants, the quality of participation varied when examining such factors as offenders' feelings of remorse. Just under half of the offenders observed expressed a sense of remorse for their actions. In the case of the other offenders, responses included denials of responsibility or attempts to minimize the harmful effects of their actions. Even though a majority of offenders actively participated in the process, not all of that participation was necessarily in the direction of redressing the harm committed against the victim and to the community.

These findings raise the question of whether or not 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 dissatisfying to victims and punitive for the offender—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. It is much more difficult for offenders to focus only on the consequences for themselves when victims are present in the discussion. 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. Even for low-level cases that do not have direct victims, it is especially important to focus on the harm caused by the offense; otherwise, the process will seem arbitrary to the youth involved.

We have seen facilitators in other restorative programs use various strategies to increase youth engagement (Bazemore and Erbe 2003). One program in Calgary, for example, has the youth go away alone or with family to develop a list of ways he might repair the harm. In a Longmont, Colorado program, the facilitator goes around the circle,

beginning with the youth, asking a set of questions about what should be included in the agreement. The youth and victim are then asked a second time at the end, which serves not only as a second opportunity for input, but as a check for the fairness and practicality of the agreement. In our report or somewhere else, they have a list of questions that they ask everyone at the end about the agreement. Denver community accountability boards use a strengths-based assessment tool, so that panel members can elicit offenders' interests and abilities that might be harnessed in the agreement and used throughout to increase participation.

What was discovered about parental participation in the process was that, even though the concept of restorative justice was a novelty to most and nearly all did not understand what the process entailed before engaging in it, they had a presence on the panel process. In all cases, at least one parent was present to support the youth offender. Generally, they were passive participants, most having been briefed by coordinators that their role should be as a supporter, not advocate, of their child in the process. Furthermore, at the conclusion of the panel process, the parents were very pleased with the process, citing only the panel's apparent failure to ensure compliance of the sanctions issued as a problem with the system. Even though parents did not play an extremely active role in the panel process, their presence on and approval of the restorative process was present in all cases observed.

When parents have a legitimate presence and a positive outlook towards the panel program, they tend to support the offenders during the process and encourage them to complete the sanction assigned by the panels. However, when they do not understand the process, their focus tends to shift towards issues of procedural fairness by making sure

their child is not burdened to severely with sanctioning tasks. Although we did find that parents supported the program, we also found they did not understand it very well. This suggests 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.

In addition, the parents were concerned about enforcement, yet the program had 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, noncompliance and enforcement seem to be unhelpfully ignored. 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. 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.

We must express some caution about our conclusions due to the limitations of our study. The small number of cases observed in Vermont makes it difficult to general claims about the restorative justice process there, let alone make inferences about juvenile restorative justice as a whole. We recommend that future work be undertaken to examine both more cases in the Vermont Juvenile Restorative Panels Program, especially examining the possible negative effects of low involvement of youth and parents in the program on youth and victim outcomes. We must also disentangle the extent to which

restorative practices can serve as an opportunity for moral development of youth or a practice that is restricted only to those offenders who demonstrate unusual self-awareness. We might expect youthful offenders to enter a restorative process with little understanding of harm or sensitivity to victims and panelists, and should be measuring not simply the extent to which they express these during restorative meetings, but the extent to which they gain such awareness over the course of their sanctioning experience.

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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	√			

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