

RESTORATIVE JUSTICE: UNSUNG ALLY IN THE PREVENTION OF ADOLESCENT ALCOHOL AND OTHER DRUG USE by Kathryn Wosser Page, Ph.D.

The prevention field in general—prevention of juvenile delinquency, teen pregnancy, school dropout or alcohol and other drug use—is moving from a focus on the pathology and deficits of an “at-risk” person toward a focus on resiliency. One approach that holds great promise for creating the conditions for resiliency is found in the practices of restorative justice (RJ). These practices reverse the disconnection and dangerous pleasure-seeking that characterize much of our culture today.

It is only in recent generations, and mostly in the “civilized” world, that children and youth have been separated from their elders--separated from learning, helping, taking responsibility for keeping family and community afloat. The absence of the resulting bonds and sense of belonging, of a real-life supporting role in one’s community, leaves a giant hole in the heart--actually in the neurochemistry responsible for contentment and satisfaction. The temporary warmth, comfort and euphoria of alcohol and other drugs mimic the effects of true connection with a combination of dopamine, oxytocin and other crucial neurochemicals. Our youth gravitate instinctively toward recreating the sensation of interconnectedness that lives in our DNA--and where there is no true community, alcohol and other drug use become a compelling and temporarily effective substitute.

Although there is little literature directly connecting RJ with prevention of alcohol and other drug problems, circumstantial evidence for the preventive potential of these practices abounds. Risk factors diminish as a result of restorative practices, and protective factors increase. Healthy and deeply satisfying connections grow out of these practices, healing generations of pain and strife.

*In Sonoma County a month ago, a circle was held to deal with two groups of Latino and Anglo boys who were fighting each other daily. After listening to parents’ frustrations, fears and sadness, the young Anglo group leader got up and went across the room to shake the hand of the Latino leader. The rest of the boys spontaneously followed, shaking hands with their former opponents. The campus has been peaceful since then. (Amos Clifford, personal communication, March 3, 2010) (More details of this story in section below: **How does RJ work?**)*

With a few notable exceptions and despite great heart, the current systems are not working at any level: the family remains a battleground, the community is bleeding to death, and the individual youth comes out with another layer on the crust of “I am bad”. In contrast, where restorative justice practices are taking root, we are seeing profound changes that, taken all together, are thinning out the conditions underlying the appeal of alcohol and other drugs.

What is Restorative Justice?

The principles of restorative justice are at the core of a variety of programs connected with schools, juvenile justice systems and communities. These programs most commonly take the

form of talking circles whose purpose is to arrive at a way for an offender to make right the harm he or she has caused. Other forms of RJ include victim-offender mediation, victim awareness panels, and some youth courts. Programs that identify as RJ fall on a continuum of fidelity to these principles: in youth court, for example, the outcome is not arrived at collaboratively between offender and victim, but handed down by the judge.

While the main purpose of restorative justice practices is to repair any harm done, equally important is that offenders are held accountable, community safety is improved, and victims recover their power and equilibrium. An underlying expectation is that the offender becomes a positive contributor to his or her family and society. In restorative justice, relationships are seen as the main victim of crime and other bad behavior. Rather than simply making sure the offender gets what he deserves, RJ honors the needs of all the people concerned and aims to repair (and more often create) relationships between them. This aim succeeds often, according to RJ practitioners, at an astonishing and deeply felt level.

RJ is practiced in an infinite variety of ways. It is most successful when approached with a deep respect for all the individuals involved, and an unshakeable belief in the power of the circle. As Kay Pranis (2007), coordinator of Minnesota Restorative Justice puts it,

“Restorative justice circles consist of the telling of personal stories in an intimate setting. Stereotypes and broad generalizations about groups of people are difficult to sustain in the face of direct contact with an individual in a respectful setting. Restorative processes assume value in every human being and thus present individuals to one another in a respectful way which draws out human dignity in everyone”.

How does RJ work?

The most common practice in RJ is called by various names and has a variety of embellishments, but is basically a circle with—usually—the victim, the offender, and support people for each, facilitated by someone well trained in the art of maintaining the utmost respect for the people and the process. Often the relevant authority figure is there too: the principal, the arresting officer, or a teacher. A “talking piece” is used to ensure that everyone’s voice is heard, and each voice is valued equally. Restorative Justice for Oakland Youth (RJOY) uses ice-breakers to humanize each person to the others and in fact deliberately delays the deeper work until relationship begins to knit the room together (Fania Davis, personal communication, March 3, 2010). In Sonoma County’s Restorative Resources, circles start with just four basic ground rules: (1) “Speak from the heart; (2) Listen from the heart; (3) Don’t rehearse what you’re going to say; and (4) Make your point and move on” (Amos Clifford, personal communication, March 4, 2010).

The process starts with a referral from probation or other law enforcement individuals, a school official, or someone in the neighborhood. (In communities and school where RJ has taken hold, kids involved in a conflict will themselves ask for a circle.) A facilitator will then contact the victim, the offender, and essential family members to invite them to the circle. If there has been

an arrest, the offender's satisfactory completion of the plan that comes from the circle will generally wipe any history of that offense off the record.

During preparation for the circle, the facilitator makes sure all parties are willing to participate. The offender has to sincerely admit his guilt, and the others have to be willing to put revenge aside. The facilitator also does some background investigation to flesh out the circumstances of the wrongdoing, including contributing factors like substance abuse, family conflict or school difficulty.

The product of the circle is a plan arrived at by the assembled parties that will repair the damage done by the crime or wrongdoing. This usually includes some restitution to the victim, but generally goes much farther toward a positive contribution to the community and to the offender him or herself. In Sonoma County, according to an evaluation of that county's Restorative Resources program for the years 2003-2005 (LaFrance, 2005), 92 % of the plans involved community service to specifically repair the harm done; over half wrote letters of apology to the victims; 43% paid for damages or loss; just under half met with RR staff on a regular basis for six months to a year following the restorative conference.

Beyond repairing harm to the victim, plans also include repairs to the conditions that fed the crime in the first place. Youth who use alcohol and/or other drugs are required to go to treatment, and those who are troubled by divorce or other family trauma attend groups and/or therapy for those issues. As the youth themselves volunteer many of the elements of their plans, the details are as varied as the youth themselves. Tori Coto, facilitator for Restorative Resources (personal communication, March 8, 2010) tells of plans that have included creating anti-graffiti posters, walking dogs for seniors, baking a big batch of chocolate chips cookies for the police officer, and cooking meals for the victim. One young man with a talent on the accordion volunteered to go and play at a senior center once a month.

The plan is just one of the outcomes of restorative justice. The less measurable outcomes, as is so often the case, are the really big ones: dignity, respectful and warm human connection, sense of belonging, and sense of being a positive force—and actually *becoming* a positive force. And while the steps and processes of RJ can be mapped out and evaluated, at bottom they too elude concrete quantification. The core of RJ is as old as humanity itself. As Kay Pranis (1997) says, "Storytelling is fundamental for healthy social relationships. To feel connected and respected we need to tell our own stories and have others listen. For others to feel respected and connected to us, they need to tell their stories and have us listen."

Amos Clifford, director of Restorative Resources in Sonoma County, tells of a recent series of circles he facilitated at a school where there had been constant fighting between Anglo and Latino 6th grade boys. The formerly peaceful campus was disrupted, and the students felt intimidated by the ongoing violence.

Clifford's first circle flopped. He brought the boys together, but the circle ended quickly, with a flippant, half-hearted plan to just ignore each other. No speaking from the heart, no listening from the heart. No heart in evidence at all. A fight erupted as the boys left the conference room.

Realizing that the roots of this conflict went deeper, Clifford invited the parents to a circle. Hostility ran high, especially from the Anglo parents. But Clifford's resolve was firm, his faith in the process strong. His first question to go around the circle, "What have you done to work with your kid to try to solve this?" broke down barriers and defenses as parents shared the fears they have for their kids. One Latina cried as she related a racist attack, and the pain, humiliation and fear she experienced, while the others listened quietly, respectfully. When another Latino parent asked, "Why haven't we done this before?" the rest of the parents nodded, all hostility gone.

Next, Clifford convened parents and boys, asking the boys to just listen for now. One previously belligerent Anglo father said to his son, "I want you to know I've been a bad role model. I've said some inappropriate things about other people, and I never will again". Then it was the boys' turn. When the talking stick came to the boy who was the leader of the Anglos, he said, "This whole thing is too hurtful to everyone. I want it to stop". He got up, walked across the room, and shook hands with the Latino leader. The rest of the boys spontaneously got up and shook hands with the others as well.

At the time of this writing, three weeks later, the boys are maintaining the peace (personal communication, March 3, 2010).

The prevailing system of alcohol and other drug treatment as well as criminal justice focuses on the AOD use and/or offense, sometimes giving a little nod to asset-based approaches and potential rehabilitation. In juvenile justice, resources are often generously provided to the offender and some to the family, but little to no resources and scant attention are provided to the victim or the community—positive change in the offender is the main goal. As restorative justice addresses the needs of all involved, changes emerge on all fronts.

Effect on offenders

Says a facilitator in Sonoma County, "You can see these kids change. With some kids it is really profound. They come in oblivious to other people's reality, then you can see it on their faces—it is really like a light bulb comes on. I hear from family, coaches, school. Things like: 'He seems more helpful, seems more aware of kids in the room. These kids are stopping themselves now when they start to act up...beginning to! One kid told me, 'Thank you so much because now I know--when there's a conflict there's another way to handle it. Sit down with friends and sit in a circle'."(Tori Coto, personal communication, March 4, 2010)

A story from England illustrates the effect that such immediate communication can have (Brooks, 2010): *The victim of a violent burglary told his attacker in a circle that the attacker had crushed every belief [the victim] had that [he] could handle [himself] and protect [his]*

family. For the attacker, this was the moment his perspective shifted irrevocably. Despite a history of criminality, he has not reoffended in the past eight years, and is in fact working as a restorative conference facilitator.

Effect on victim

Brooks' story goes on to describe the victim's transformation from furious and vengeful at first, to ultimately being so inspired by the restorative conferencing that he went on to start an organization advocating for RJ conferencing to be made available to all victims of crime.

In Sonoma, analysis for the Juvenile Justice Crime Prevention Act (LaFrance, 2005) showed that participants in restorative conferences provided by Restorative Resources from 2006 through February of 2009 were highly likely to be very satisfied that the conference was fair and meaningful; and that the restorative plan created at the conference was fair and fully addressed the impacts of the offense.

"What was most meaningful was getting to tell my story and my experience to the young offender directly. I felt involved in a healing process rather than a process that was merely punitive." (Victim, from Restorative Resources website)

For some victims, the healing goes beyond restoration to actual caring and affection for the fellow human who committed the offense.

Two boys stole bikes from a garage. During the circle, the offenders heard about the victim's reactions upon seeing the bike-less garage. Their remorse was visible to the victim. As part of the mutually-created plan, the 19-year-old victim offered to take the bikes to the offenders' house and teach them to fix bikes. The offenders created a meal from their culture and served the victim's family. The mother of the victim is still babysitting the twin babies of one of the offenders, having become quite attached to the two kids who took her son's bikes. (Tori Coto, personal communication, March 4, 2010)

Effect on families

Families' struggles with their adolescent youth are not new. What is relatively new is that these struggles are such lonely ones. Until a few generations ago, there were churches, neighborhoods and extended families that could all lend their experience and influence. Today, parents have few dependable guidelines and fewer of the necessary resources to fully scaffold an adolescent's safe passage to adulthood. Conferencing circles can restore the balance of power in families where the adolescent has become an uncontrollable force.

"This process helped me understand that I wasn't alone in trying to deal with a mistake my son had made." –Parent, Restorative Resources

Often there are underlying problems in the family. RJ process can uncover these issues and include treatment in the plan. Once in a while the staff has to go farther:

One girl's mother loudly rejected the ground rules in the circle. The facilitator told the mother that she could not continue to participate if she did not treat the process with respect. The mother walked out; the conference continued without her. The girl later revealed physical abuse at home, starting a process that resulted in custody with a safe family member. Both girl and family member expressed gratitude that the girl had gotten caught for her crime, so that this process could unfold. (Tori Coto, personal communication, March 5, 2010)

Effect on community

Several sources comment that the mark of successful restorative justice practices is that these practices catch on and self-propagate once people have experienced the benefits. Despite resistance from the punishment-minded, lack of funding for staff and programs, or a community rife with suspicion, restorative practices are taking hold. As Amos Clifford of Sonoma County says, "The real purpose of circles is more circles" (personal communication, March 4, 2010).

A woman in a small Alaskan community where circles had caught on said, "Some of us didn't wait to be asked to join a circle. We knew who was headed for trouble...so we did our own circle. I know we prevented lots of stuff from ending up a crime." (Stuart and Pranis, 2006)

Long after completion of his own plan, one man spontaneously organized an ongoing series of circles for men in his community with substance abuse and/or criminality. (Stuart and Pranis, 2006)

Another outcome is an atmosphere of safety, where boundaries are maintained and adults take responsibility for the wellbeing of all children.

A neighbor saw two young boys fighting in the street near a school that had developed a tradition of circles. She called the school asking for a circle for this pair. After the circle, one boy was heard to mutter to the other, "We can't fight at school, now we can't even fight in the street!" (Fania Davis, personal communication, February 20, 2010)

Sometimes it is necessary to heal past wounds so that connection between people—individuals and groups—can take place.

A girl shoplifted from a small local store. As part of the agreements reached in the circle, she made anti-shoplifting posters for the store (a common element in plans). The owner of the shop recognized the girl's artistic ability, and has now contracted with her to create labels for the shop. The owner no longer feels the knee-jerk suspicion of teenagers she had long experienced, even before the shoplifting. (Tori Coto, personal communication, March 4, 2010)

At school

Executive Director Fania Davis describes the Restorative Justice for Oakland Youth (RJOY) school pilot at West Oakland's Cole Middle School during 2007-2008. Suspension rates were reduced by more than 75 percent; the school experienced no violent fights during the program; and no student involved in peacemaking circles on an ongoing basis has been expelled.

Notoriously high in previous years, teacher attrition rates were reduced to virtually zero as well. Cole's successes generated such enthusiasm that in May 2008, nearly 20 Oakland public schools expressed interest in launching restorative programs at their sites. New pilots have started at two Oakland high schools and staff and students are being trained at additional sites (personal communication, February 20, 2010).

Recidivism

Solid recidivism numbers for RJ are not well documented. There is contention about, for example, the utility of comparing statistics for youth in these programs with youth who are not—because of the differential levels of offense and risk of re-offense. But local programs are finding what appears to be great success:

Analysis of Sonoma County's program (LaFrance, 2005) yielded a recidivism rate of less than 8% for restorative justice participants, as compared to 70% of youth who went through the normal court process. Compared to youth who went through the diversion program in court, restorative justice participants were 40% as likely to re-offend.

San Bruno County Jail's RSVP has 82% reduction in re arrest for violent crime. In New Zealand, 70% have no further contacts with justice system, shutting down youth prisons (Davis, 2010).

In their Meta analysis of all restorative justice research written in English, *Restorative Justice: The Evidence* (Sherman & Strang, 2007), the authors concluded that when used as a diversion, restorative justice reduced violent reoffending, victim's desire for revenge, and costs when compared across 36 different categories to conventional justice.

The cost of current punitive approaches

Retributive practices are expensive and ineffective, victims are not made whole, and often everyone involved winds up getting hurt. We spend far more on incarcerating youth than on educating them. This country's emphasis on punishment has spawned the highest incarceration rates in the history of the world at the same time as it deepens an already devastating pattern of racial discrimination. "Kids come out worse than they went in", says Jon Kidde, eminent contributor to juvenile justice reform (personal communication, March 1, 2010). In fact, as Andrews and Bonta (1994) found, punishment strategies including incarceration may increase recidivism significantly. These studies further show that the more low-risk the offender, the greater the likelihood of negative result from punishment.

Pranis (2007) draws this map of the effects of our current corrective practices:

“Crime - fear - withdrawal - isolation - weakened community bonds - more crime. All of us, victims, offenders and community members, are caught in a downward spiral where more crime leads to greater fear and increased isolation and distrust among community members, leading to even more crime. Community safety depends primarily upon voluntary individual restraint on harmful behavior. The more connected community members are, the more likely they are to restrain impulses which would be disapproved by the community. As community bonds are weakened by fear and isolation, the power of community disapproval is reduced and crime increases. In the wake of crime, victims often experience isolation, frustration and powerlessness, which add to the pain of the victimization”.

Such a downward spiral into fear, isolation, distrust, revenge and more crime creates the perfect greenhouse for substance abuse to thrive. Addressing a youth’s alcohol and other drug use without addressing the culture that feeds it is bound to be only minimally successful.

In current retributive systems, the victim is not offered any opportunity to contribute to the outcome, or to be heard in any effective way. It is an adversarial process with little encouragement for either side to see the other as human beings. And the offender has no responsibility—or possibility—to contribute to making things right.

The factors that keep the present retributive system in place are vast, multifarious, way beyond the scope of this article—and probably well understood already by this audience. The common District Attorney reaction is predictable enough, as one of the attorneys involved with RJ at the State level explained it: “None of that ‘hug-a-thug’ business for US”. Some defense attorneys, however, also keep this system in place by refusing to participate, protecting their clients from the perceived dangers of facing up to the consequences of their actions in live human interaction. (LaRon Hogg-Haught, personal communication, March 9, 2010) In neither case is any credence given to the possibility of real repairs.

In addition, the desire for revenge on the part of some victims has created a tsunami of stiffer penalties, reduced parole, fewer stops on the road to incarceration. Public sentiment is largely attached to hurting those who hurt, despite scant evidence for the utility of that approach. And the victims are rarely able to achieve closure and in some case are burdened with fear and suspicion for the rest of their lives “An eye for an eye makes the whole world blind”, goes the Gandhi quote, but vengeance is an ancient and compelling impulse.

Turning it around

We are beginning to recognize the deep and systemic wounds created by the absence of healthy connections. The restorative justice movement is turning this around, healing separation and

fostering the kinds of relationship we were made for. These practices promote all the factors that increase resilience, including—among others—healthy adult role models, caring relationships with responsible others, neighborhoods where people watch out for each other, high expectations, accountability, and a valued role in the community.

Hard measures of cost effectiveness are unavailable. Nonetheless, in their 96-page meta-analysis of restorative justice programs, the widely-respected Lawrence Sherman and Heather Stang (2007), conclude:

“There are at least three ways in which restorative justice could reduce costs to government. One is to reduce the use of courts for processes that fail to bring offences to justice. A second is to reduce the use of prisons for offenders whose incarceration does not prevent total crime. The third is to reduce the health costs incurred by failure to treat crime-related post-traumatic stress symptoms.”

The Consortium on Restorative Justice (2010), the self-proclaimed national voice for Restorative Justice in the UK, offers the opinion that “...reductions in re-offending lead to savings of up to £8 for every £1 spent delivering the Restorative Justice service”. And Fania Davis (2010) of Restorative Justice for Oakland Youth points out that in Alameda County it costs roughly \$54,000 a year for one person detained in the juvenile justice system, versus around \$2,000 for one diversion through restorative group conferencing.

Given the imprecise nature, variable cost, and unfeasibility of controlled studies of restorative justice, hard proof of its cost effectiveness may elude us forever. But if we pay attention to the reports of reduced re-offense, improved school climate, increased victim satisfaction—along with the words of the participants themselves—restorative justice reveals itself to be a real ally in creating the healthy ground of prevention.

Kay Pranis (1999) sums up the power of connectedness and the role of restorative justice:

“In the new global village there is no escaping the truth that harm to one is harm to all. When we hurt another, we wound ourselves. When we give to one another, we enrich ourselves...Restorative justice is giving many people a way to take that profound truth into public life...In that lies the passion and power of the restorative justice movement.”

RESOURCES

Balanced and Restorative Justice: An Information Manual for California:

<http://www.courtinfo.ca.gov/programs/ccjp/resources.htm>

California Community Justice Project:

<http://www.courtinfo.ca.gov/programs/ccjp/>

International Institute for Restorative Practices

<http://iirp.org/>

Restorative Justice for Oakland Youth

www.RJoyoakland.org

Restorative Justice Theory Resources

<http://www.restorativejustice.org/>

Restorative Resources Sonoma County

<http://www.restorativeresources.org>

Roca Inc.

http://www.rocainc.org/programming_peacemaking.php

Safer Saner Schools

<http://www.safersanerschools.org>

REFERENCES

- Andrews, D. A., & Bonta, J. (1994, 1998). *The Psychology of Criminal Conduct*. Cincinnati, OH: Anderson Publishing Co.
- Brooks, L. (2010). Therapeutic Retribution. *UK Guardian*. Retrieved March 18, 2010 from www.guardian.co.uk/.../18/criminal-justice-victims-restorative-meet.
- Davis, F. (2010.) From a presentation to the Northern California Grantmakers Briefing On School--Based Initiatives March 17, 2010.
- Fancy, A. (2006). *The Restorative and Balanced Justice Manual*. Administrative Office of the Courts, San Francisco. Retrieved March 11, 2010 from www.courtinfo.ca.gov/programs/cfcc/pdffiles/BARJManual3.pdf.
- LaFrance, S. (2005) Sonoma County Juvenile Justice Crime Prevention Act Evaluation Report, December. LaFrance Associates, LLC (LFA) Retrieved March 1, 2010 from www.restorativeresources.org/.../RestorativeResourcesEvaluationData2005.pdf
- Pranis, K. (2007) *Communities and the Justice System: Turning the Relationship Upside Down*. National Institute of Justice. Retrieved March 12, 2010 from <http://www.ojp.usdoj.gov/nij/topics/courts/restorative-justice/welcome.htm>.
- Pranis, K. (2000). Empathy Development in Youth through Restorative Practices. *Public Service Psychology* 25(2).
- Pranis, Kay (1999) *Reflections on National and International Developments*. Retrieved March 15, 2010 from <http://www.doc.state.mn.us/rj/publications/reflectionsonnational.htm>
- Pranis, K. (1999). Restorative Justice - reflections on national and international developments. *Minnesota Department of Corrections*. Retrieved March 4, 2010 from <http://www.corr.state.mn.us/rj/publications/reflectionsonnational.htm>
- Restorative Justices Consortium, UK Retrieved April 10, 2010 from <http://www.restorativejustice.org.uk>
- Sherman, L. W and Strang, H. (2007). *Restorative Justice: The Evidence*. London: The Smith Institute. (p 87) Retrieved April 10, 2010 from http://www.smith-institute.org.uk/pdfs/RJ_full_report.pdf
- Stuart, B. & Pranis, K. (2006). Peacemaking circles: reflections on principal features and primary outcomes. In, D. Sullivan and L. Tiff (Eds), *Handbook of Restorative Justice" A Global Perspective*. (pp.241-270). London and New York: Routledge. Taylor & Francis.

Dr. Page has dedicated herself to the field of Fetal Alcohol Spectrum Disorders (FASD) for over ten years. Previously, she has been a Guidance and Assessment Consultant for the San Lorenzo School District; Clinical Director of Family Education Foundation, where she worked with at-risk youth and pregnant/parenting teens; and long-time advocate for people with disadvantages of all kinds. She is the author of several articles and a chapter in a book, has given hundreds of trainings around the US and Mexico, and consults with agencies, professionals, families and individuals on how best to understand and help with the puzzling symptoms of fetal alcohol damage. She has given testimony as expert witness and served on the Santa Clara County Juvenile Drug Treatment Court team; and is a member of the federal Interagency Coordinating Committee on FASD. She helped start the California State Task Force on FASD, was co-founder and clinical director of two FASD diagnostic clinics--and she is always looking to add to her understanding of this baffling array of conditions. Dr. Page's path is illuminated by her son, whose diagnosis remains elusive (no bio-mom information) but whose difficulties suddenly made sense in the light of FASD.

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