

Community Compact on the Use of Restorative Justice for the Safety and Empowerment of Utah Youth

Presented by the Justice & Equality for Kids Roundtable

Signed by the following organizations as of July 2019:

Voices for Utah Children

Journey of Hope

The Utah Education Association

Ogden Branch NAACP

Utah Juvenile Defender Attorneys

Mountain Mediation Center

Restorative Justice Collaborative of Utah

Disability Law Center

YWCA of Utah

ACLU of Utah

Racially Just Utah

Restorative Justice is a values-based approach to building trust, strengthening relationships and resolving conflict.

This philosophy has deep roots in many indigenous cultures, and has been practiced successfully among diverse peoples across the world for generations. Restorative Justice addresses accountability while acknowledging trauma - not just between individual people, but between groups of people.

In our modern world, Restorative Justice can be employed in a variety of contexts - including within families, communities, schools, the justice system, even between communities and cultures - to foster understanding, responsibility, healing and safety. By prioritizing mutual concern and dignity for everyone involved, this approach can help all people impacted within the circle of harm, including those who cause the harm.

Restorative Justice in Our Education System

In the education context, Restorative Justice can help to build, strengthen and restore relationships between members of a school community. When we effectively use restorative practices in our schools, we encourage students to engage in collaborative problem solving and empower them with tools to communicate effectively. These skills are important both in, and beyond, the school setting.

As the foundation of school and classroom culture, Restorative Justice shifts the emphasis from managing misbehavior to building, strengthening and repairing relationships. Those who cause harm are empowered to take accountability, grow as individuals and reconnect with their community. Impacted individuals find ways to repair injury, while restoring damaged relationships and educating one another.

Restorative Justice emphasizes positive relationships as central to building a safe community. As such, this approach offers a substantive continuum of restorative justice-based practices, from proactive and preventative to responsive and restitutive.

Most restorative practices occur at the proactive and preventative end of this continuum, which can be imagined as the large and foundational base of a pyramid. They include very simple but powerful cultural practices, such as teachers intentionally greeting each student as they arrive to class, or taking time for a group check-in at the start of the school day. Such practices ensure that students and staff feel acknowledged, understood and respected. Supportive connections between members of the school community, when strengthened through restorative practices, can be a powerful remedy for the implicit biases that threaten both safety and equality in our schools.

When Restorative Justice is embraced with fidelity, there is less need to use practices at the responsive and restitutive end of the continuum. This can be imagined as the very small tip of a pyramid, when harmful situations, despite all preventative efforts, nonetheless occur in the school community. Once harm has been done, restorative practices can be implemented in lieu of punishment-focused approaches. Restorative Justice supports healing all impacted individuals, including students who may be causing harm because they themselves have experienced trauma, have unmet physical and emotional needs, or lack social support and connections.

When implemented with fidelity, Restorative Justice practices contribute to just and equitable learning environments. Restorative Justice can help to move our educational system away from ineffective cycles of punishment, retribution and repeated harm. This ineffective approach does not adequately contemplate root causes of misbehavior; rather, it attempts to force “one-size-fits-all” punishments on unique and complicated situations.

By contrast, a Restorative Justice approach is individualized, relationship-centered and responsive to unique harms. This approach builds a culture of accountability, connection, educational engagement, and healing in our schools. Studies have shown that Restorative Justice in an educational setting can improve school climate¹, enhance the safety of students and staff², reduce disciplinary issues³, improve attendance⁴, and bolster academic achievement⁵.

Restorative Justice in Our Juvenile Justice System⁶

Restorative Justice in the juvenile justice system emphasizes the way in which all individuals within the circle of harm are impacted, including those who most directly cause the harm. This approach supports our justice system’s foundational acknowledgement that the community, as represented by “the people,” is also harmed when individuals violate the rights and boundaries of their fellow community members.

Restorative Justice leads us away from the illusory categories of “victim” and “offender,” and toward a more expansive appreciation of shared harm and community restoration. This approach supports impacted community members as they collaborate together toward healing the different harms caused by misconduct. Restorative Justice promotes healing on all sides while also protecting the fundamental rights of youth in that system. When practiced with fidelity, restorative practices offer a deeper sense of acknowledgement, healing and justice for people who have been victimized.

Using Restorative Justice as the guiding framework for our juvenile justice system has the potential to reduce the disproportionate harm being caused in marginalized communities by our current punishment- and blame-focused approach. By providing opportunities for relationship building and deeper understanding between community members, Restorative Justice can mitigate the implicit biases that contribute to racial disparities and threaten the core value of equality before the law.

Restorative Justice in our juvenile justice system ensures accountability, community safety and personal growth. It considers the rights of people who have been harmed, and also the rights of people who have caused harm. In this model, the community plays a substantial role in the process of repairing harm,

providing support to those who have been hurt and ensuring opportunities for people who cause hurt to make amends. The community is also charged with providing opportunities for youth to mature and develop skills that will steer them toward a more fulfilling and successful future.

Restorative practices should be used as early in the juvenile justice process as possible. This approach can and should be used across various levels of offense, including serious criminal conduct, with careful training and oversight of those involved. We believe that Restorative Justice should be a regular feature of juvenile justice system processes, rather than a unique exception in limited circumstances.

Using restorative practices in lieu of a punishment- and blame-focused process promotes shared values of respect, inclusion, collaboration, and accountability in our juvenile justice system. When modeling these values through a Restorative Justice approach, system actors and community members can be a powerful and positive example for our youth.

We support and affirm the definition of Restorative Justice in education as presented in House Resolution 1 (HR001), sponsored by Utah Representative Sandra Hollins, during the 2018 Utah Legislative Session. The language used here borrows from the work of Rep. Hollins and the Utah Restorative Justice Collaborative toward creating that legislation.

We support and partner with the Restorative Justice Collaborative of Utah, which we recommend as a local resource for community members, academics, parents, policymakers, educators, and all others who work with and care about youth,

We support and partner with the Utah State Board of Education as it works to bring training and technical support in restorative practices to our schools. While our language and approaches may differ at the margins, we share a core understanding of the importance and power of Restorative Justice.

Citations & Additional Academic Resources

(1) Restorative Justice & School Climate:

- Armour, Marilyn. "Ed White Middle School Restorative Discipline Evaluation: Implementation and Impact, 2012/2013 Sixth Grade." Austin, TX: Univ. of Texas, The Institute for Restorative Justice and Restorative Dialogue, 2013, *available at* <https://irjrd.org/files/2016/01/Ed-White-Evaluation-2012-2013.pdf> (reporting increased openness and connectedness between students and teachers and greater respect for students after implementing restorative practices).
- Augustine, Catherine H., John Engberg, Geoffrey E. Grimm, Emma Lee, Elaine Lin Wang, Karen Christianson, & Andrea A. Joseph. "Can Restorative Practices Improve School Climate and Curb Suspensions?" Santa Monica, CA: Rand Corp., Dec. 2018, *available at* [file:///Users/owner/Downloads/RAND_RR2840%20\(2\).pdf](file:///Users/owner/Downloads/RAND_RR2840%20(2).pdf) (in two-year controlled study of implementation of restorative practices in Pittsburgh public schools, teachers reported improvements in relationships, conduct management, teacher leadership, school leadership, and overall teaching and learning conditions in treatment schools; while student perceptions of classroom climate were lower in treatment schools overall, ratings for teachers who used restorative practices in treatment schools were comparable with ratings in control schools).
- González, Thalia. "Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline." Journal of Law & Education. 41 (2) (2012) 281-335 (discussing data from school-based restorative justice initiatives across 12 states.).
- Gregory, Anne, Kathleen Clawson, Alycia Davis, & Jennifer Gerewitz. "Restorative Practices to Transform Teacher-Student Relationships and Achieve Equity in School Discipline." Journal of Educational and Psychological Consultation. 26(4) (2) (2016) 325-353 (student surveys in 29 high school classrooms showing that greater levels of restorative practices implementation were associated with better teacher-student relationships as measured by student-perceived teacher respect and teacher use of exclusionary discipline).
- Jain, Sonia, Henrissa, Basse, Martha A. Brown, & Preety Kalra. "Restorative Justice in Oakland Schools: Implementation and Impacts, An Effective Strategy to Reduce Racially Disproportionate Discipline, Suspensions, and Improve Academic Outcomes." Oakland, CA: Data in Action, Sept. 2014, *available at* <https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/134/OUSD-RJ%20Report%20revised%20Final.pdf> (in survey, two-thirds of school staff reported that they perceived restorative practices program as having improved social-emotional development of students).
- McMorris, Barbara J., Kara J. Beckman, Glynis Shea, Jenna Baumgartner, & Rachel C. Eggert. "Applying Restorative Justice Practices to Minneapolis Public Schools Students Recommended for Possible Expulsion: A Pilot Program Evaluation of the Family and Youth Restorative Conference Program: Final Report." Minneapolis, MN: Univ. of Minnesota, Dec. 2013, *available at* http://www.legalrightscenter.org/uploads/2/5/7/3/25735760/lrc_umn_report-final.pdf (students participating in restorative intervention program reported increased feelings of school connectedness).
- Mirsky, Laura. "SaferSanerSchools: Transforming School Culture with Restorative Practices." Reclaiming Children and Youth: The Journal of Strength-Based Interventions. 16(2) (2007) 5-12 (reporting links between implementation of restorative practices and improved school climate).

(2) Restorative Justice & School Safety:

- Lewis, Sharon. Improving School Climate: Findings from Schools Implementing Restorative Practices. Bethlehem, PA: International Institute for Restorative Practices, 2009 (reporting that, in second year of implementing restorative practices in Philadelphia high school, violent acts and serious incidents were down 52 %; in third year of implementation, violent acts and serious incidents were down additional 40 %).
- McMorris, Barbara J., Kara J. Beckman, Glynis Shea, Jenna Baumgartner, & Rachel C. Eggert. "Applying Restorative Justice Practices to Minneapolis Public Schools Students Recommended for Possible Expulsion: A Pilot Program Evaluation of the Family and Youth Restorative Conference Program: Final Report." Minneapolis, MN: Univ. of Minnesota, Dec. 2013, *available at* http://www.legalrightscenter.org/uploads/2/5/7/3/25735760/lrc_umn_report-final.pdf (in surveys evaluating restorative intervention program, student participants reported decrease in how often they got into physical fights; parent responses showed significant, positive increase in agreement that child was safe at school).
- Anyon, Yolanda, Anne Gregory, Susan Stone, Jordan Farrar, Jeffrey M. Jenson, Jeanette McQueen, Barbara Downing, Eldridge Greer, & John Simmons. "Restorative Interventions and School Discipline Sanctions in a Large Urban School District." American Educational Research Journal. 53(6) (2016) 1660-1697 (data from 180 Denver public schools showing that first-semester participants in restorative interventions had lowered rates of office discipline referrals or suspensions during second semester).
- Armour, Marilyn. "Ed White Middle School Restorative Discipline Evaluation: Implementation and Impact, 2012/2013 Sixth Grade. Austin, TX: Univ. of Texas, The Institute for Restorative Justice and Restorative Dialogue, 2013, *available at* <https://irjrd.org/files/2016/01/Ed-White-Evaluation-2012-2013.pdf> (reporting 84% drop in off-campus suspensions for 6th graders during first year of restorative practices implementation in Texas middle school and 30% drop in use of in-school suspension for student misconduct).
- Augustine, Catherine H., John Engberg, Geoffrey E. Grimm, Emma Lee, Elaine Lin Wang, Karen Christianson, & Andrea A. Joseph. "Can Restorative Practices Improve School Climate and Curb Suspensions?" Santa Monica, CA: Rand Corp., Dec. 2018, *available at* [file:///Users/owner/Downloads/RAND_RR2840%20\(2\).pdf](file:///Users/owner/Downloads/RAND_RR2840%20(2).pdf) (in two-year implementation of restorative practices in Pittsburgh public schools, treatment schools reduced both number of days students were suspended and number of suspensions: in control schools, days lost to suspension declined by 18 %, while in treatment schools, days lost to suspension declined by 36 %; further, suspension rates of African American students and those from low-income families went down in treatment schools, shrinking disparities in suspension rates between African American and white students and between low- and higher-income students).
- Baker, Myriam L., "DPS Restorative Justice Project Executive Summary 2007–2008." Denver, CO: Outcomes, Inc., 2008, *available at* <http://restorativesolutions.us/wp-content/uploads/2013/11/RestorativeSolutions-DPSRJ-ExecSum07-08.pdf> (over three-year implementation of restorative practices in Denver public schools, reporting 44% reduction in suspensions and decrease in expulsions).
- González, Thalia. "Socializing Schools: Addressing Racial Disparities in Discipline Through Restorative Justice." Closing the School Discipline Gap: Equitable Remedies for excessive Exclusion. New York, NY: Teachers College Press, 2015. Daniel J. Losen, Ed. (during implementation of restorative practice between 2006 and 2013 in Denver public schools, reporting overall decrease in suspension rate from 11% to 6% and decrease in African American-white suspension gap from nearly 12-point gap to just over 8-point gap).
- Gregory, Anne, Dewey Cornell, Xiatao Fan, Peter Sheras, Tse-Hua Shih, & Francis Huang. "Authoritative School Discipline: High School Practices Associated with Lower Student Bullying and Victimization." Journal of Educational Psychology. 102(2) (2010) 483-496 (reporting that, over course of school year, greater use of restorative practices was associated with lower teacher referrals for misconduct or defiance).

- Jain, Sonia, Henrissa Bassey, Martha A. Brown, & Preeti Kalra. "Restorative Justice in Oakland Schools: Implementation and Impacts, An Effective Strategy to Reduce Racially Disproportionate Discipline, Suspensions, and Improve Academic Outcomes." Oakland, CA: Data in Action, Sept. 2014, *available at* <https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/134/OUUSD-RJ%20Report%20revised%20Final.pdf> (during three-year implementation of restorative practices in Oakland, California middle schools, suspension rates declined significantly, with the suspension rates of African-American students declining at sharper rate than that of white students).
- Reistenberg, Nancy. "Restorative Schools Grants Final Report, January 2002–June 2003: A Summary of the Grantees' Evaluation." Roseville, MN: Minnesota Department of Education, 2003, *available at* http://crisisresponse.promoteprevent.org/webfm_send/1200 (reporting 57% drop in discipline referrals, 35% drop in average time of in-school suspensions, 77% drop in out-of-school suspensions and only one expulsion after one year of implementing restorative practices in Minnesota elementary school).
- Simson, David. "Restorative Justice and Its Effects on (Racially Disparate) Punitive School Discipline." 7th Annual Conference on Empirical Legal Studies, Stanford, CA: Stanford Law School (2012), *available at* <file:///Users/owner/Downloads/SSRN-id2107240.pdf> (using publicly available data from Denver Public School District and Santa Fe Public School District, finding that schools implementing restorative practices had slightly greater decrease in suspension rates than comparison schools and slightly smaller African American-white gap in suspension rates).
- Sumner, Michael D., Carol J. Silverman, & Mary Louise Frampton. "School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland." Berkeley, CA: Univ. of California, Berkeley, School of Law, 2010, *available at* https://www.law.berkeley.edu/files/thcsj/10-2010_School-based_Restorative_Justice_As_an_Alternative_to_Zero-Tolerance_Policies.pdf (two years after launching restorative practices in Oakland, California middle school, finding 74% drop in suspensions and 77% drop in referrals for violence).

(4) Restorative Justice & Attendance:

- Jain, Sonia, Henrissa Bassey, Martha A. Brown, & Preeti Kalra. "Restorative Justice in Oakland Schools: Implementation and Impacts, An Effective Strategy to Reduce Racially Disproportionate Discipline, Suspensions, and Improve Academic Outcomes." Oakland, CA: Data in Action, Sept. 2014, *available at* <https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/134/OUUSD-RJ%20Report%20revised%20Final.pdf> (over three-year implementation of restorative practices in Oakland, California middle schools, reporting 24% decrease in chronic absenteeism for schools implementing restorative practices; during same period, chronic absenteeism increased by 52% in schools not implementing restorative practices).
- Baker, Myriam L., "DPS Restorative Justice Project Executive Summary 2007–2008." Denver, CO: Outcomes, Inc., 2008, *available at* <http://restorativesolutions.us/wp-content/uploads/2013/11/RestorativeSolutions-DPSRJ-ExecSum07-08.pdf> (reporting that, over three-year implementation of restorative practices in Denver public schools, 13% of students showed improvement in attendance, and 18% of students improved their tardiness).

(5) Restorative Justice & Academic Achievement:

- Jain, Sonia, Henrissa Bassey, Martha A. Brown, & Preeti Kalra. "Restorative Justice in Oakland Schools: Implementation and Impacts, An Effective Strategy to Reduce Racially Disproportionate Discipline, Suspensions, and Improve Academic Outcomes." Oakland, CA: Data in Action, Sept. 2014, *available at* <https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/134/OUUSD-RJ%20Report%20revised%20Final.pdf> (over three-year implementation of restorative practices in Oakland, California middle schools,

reporting 60% increase in graduation rates for schools that implemented restorative practices, compared with 7% increase in comparison schools).

- *Compare*: Augustine, Catherine H., John Engberg, Geoffrey E. Grimm, Emma Lee, Elaine Lin Wang, Karen Christianson, & Andrea A. Joseph. "Can Restorative Practices Improve School Climate and Curb Suspensions?" Santa Monica, CA: Rand Corp., Dec. 2018, *available at* [file:///Users/owner/Downloads/RAND_RR2840%20\(2\).pdf](file:///Users/owner/Downloads/RAND_RR2840%20(2).pdf) (two-year controlled study of implementation of restorative practices in Pittsburgh public schools found that, despite fewer suspensions, academic outcomes did not improve).

(6) Use of Restorative Justice Practices in Juvenile Justice System

- "Analysis of Longmont Community Justice Partnership Database 2007–2009: Report of Results." Boulder, CO: National Research Center, Inc., May 2010, *available at* [http://www.lcjp.org/files/LCJP%202007-2009%20Report%20Final\(1\).pdf](http://www.lcjp.org/files/LCJP%202007-2009%20Report%20Final(1).pdf) (independent evaluation of restorative justice program in Longmont, Colorado, finding consistently low rates of recidivism for program graduates, averaging 10% from 2001-2008); Macie May, "Longmont Community Justice Partnership." *Longmont Observer*, Dec. 24, 2018 (reporting recidivism rate of 10% for graduates of Longmont restorative justice program in 2018, participant satisfaction rate of 100%, contract completion rate of 90%, and average cost of \$1,600 per case).
- Baliga, Sujatha, Sia Henry, & Georgia Valentine. "Restorative Community Conferencing: A Study of Community Works West's Restorative Justice Youth Diversion Program in Alameda County." Oakland, CA, Community Works West & Impact Justice, 2017, *available at* https://impactjustice.org/wp-content/uploads/CWW_RJreport.pdf (analysis of data from restorative conferencing program in Alameda County, California from January 2012 – December 2014, finding that 18% of juvenile offenders who completed program were found by court to have committed another crime within 12 months, compared to 32.1% recidivism rate after 12 months for control group of youth whose cases were processed through traditional juvenile justice system; over time, recidivism rates for program participants rose only slightly, while recidivism rates of control group increased significantly over time).
- Frampton, Mary Louise. "Finding Common Ground in Restorative Justice: Transforming Our Juvenile Justice Systems." *UC Davis Journal of Juvenile Law & Policy*. 22(2) (2018) 101-134 (analysis of Community Justice Conference Program in Fresno, California, showing that 6% of program participants charged with first-time misdemeanor offense re-offended within three months, compared to 26% of control group; after six months, recidivism rates were 4% for program participants, compared to 22% for control group; at one year, rates were 2% for program participants, compared to 15% for control group; at two years, rates were 2% for program participants, compared to 13% for control group; in three-year comparison, finding that program participants paid 74% of assigned restitution, compared to 7% for control group; and reporting that estimated total cost for juvenile misdemeanor case was \$1,226 for those diverted to program, compared to \$9,538 for case processed solely by court).
- Umbreit, Mark. "Notable Restorative Justice Programs." University of Minnesota, Sept. 21, 2010, *available at* <https://leg.mt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/Feb-2012/Notable%20RJ%20Programs.pdf> (finding that recidivism rates for juvenile offenders who went through Baltimore's Community Conferencing Center were 60% lower than rates for those who went through juvenile justice system).
- Wilson, David B., Ajima Olaghere, & Catherine S. Kimbrell. "Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis." U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency, May 12, 2017, *available at* <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/250872.pdf> (meta-analysis of 60 prior studies of juvenile justice programs that included restorative justice component finding overall positive effect on delinquency rates, participants' feelings of fairness and satisfaction with the process, and completion of restitution and community service).