DC ALLIANCE FOR RESTORATIVE PRACTICES POLICY PLATFORM ON RESTORATIVE PRACTICES FOR YOUTH

Introduction

Restorative Justice is a common-sense, community-based approach to responding to harm. It involves facilitated group processes such as community conferences, victim-offender dialogues, family group conferences, and restorative circles, which emphasize accountability through shared understanding and repairing the harm done. It has been used successfully in many contexts, including school discipline and juvenile justice. Evidence has shown that it consistently leads to decreased recidivism and higher rates of participant satisfaction. Restorative practices meaningfully address the needs of affected individuals, schools, and communities in ways that complement or substitute for existing punitive systems, especially where such systems have a starkly disparate impact on people of color. By recognizing the importance of relationships and fostering trust and compassion throughout the process, restorative practices transform destructive conflict into opportunities for personal and community growth.

Restorative Practices in Education:

The DC Alliance for Restorative Practices (DCARP) believes that the disciplinary systems used in the District's public schools would be improved by the incorporation of restorative practices as an alternative or complement to suspension and expulsion.

The District's current school discipline policies result in the suspension of thousands of students from school each year. In school year 2011-12, DC schools issued 18,720 suspensions, with 13% of all students suspended at least one time.¹ At DC's highest-suspending schools, over two-thirds of all students were suspended.² Students attending school in wards seven and eight were five times as likely to be suspended as students attending school in ward two.³ Students with special-education needs were three times as likely to be suspended as students not identified as having special education needs.⁴ Research offers compelling evidence that students who receive such exclusions are more likely to fail a grade and to be referred to the juvenile justice system than their peers who did not receive such exclusions.⁵ This body of research validates common sense; a child

¹ Alex Peerman and Eduardo Ferrer, *District Discipline: The Overuse of Suspension and Expulsion in the District of Columbia* (DC Lawyers for Youth, June 20, 2013), 3,

 $http://d3n8a8pro7vhmx.cloudfront.net/dcly/pages/64/attachments/original/1371689930/District_Discipline_Report.pdf?1371689930.$

² Ibid., 5.

³ Ibid., 8.

⁴ Ibid., 7.

⁵ Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (Council of States Governments Justice Center and The Public Policy Research Institute, Texas A&M University, July 2011), 59–70,

http://justicecenter.csg.org/files/Breaking_Schools_Rules_Report_Final.pdf.

who is out of school is less likely to be engaged in learning and more likely to get into trouble. Exclusionary discipline is thus a key component of the "school to prison pipeline," which disproportionately funnels youth away from academic success and towards juvenile delinquency.

Restorative practices are a promising method for improving school discipline policies, and are endorsed by both the US Department of Education and the US Department of Justice.⁶ The restorative philosophy, with its emphasis on effective communication, making amends for harm, and learning how to behave better in the future, is well-suited for the school context.⁷ Schools that have implemented restorative practices have seen reductions in the number of incidents of disruptive behavior and in the number of suspensions.⁸ Some schools have found that racial inequities in suspensions disappeared after they implemented restorative justice programs.⁹ In addition to these quantitative outcomes, many school administrators have observed that restorative practices promoted a sense of safety in the school, supported positive relationships between students and adults, and improved academic performance.¹⁰

In the past five years, many other jurisdictions have implemented restorative discipline programs in their schools, with great success. West Philadelphia High School implemented such a program in 2007, and saw a 52% reduction in violent acts and serious incidents compared to the previous year. One middle school in Oakland, CA saw an 87% reduction in suspensions and the total elimination of expulsions after implementing a restorative justice program. Restorative programs have since expanded in Oakland, and were lauded by Secretary of Education Arne Duncan as a "national model". Similarly, Denver Public Schools also saw a 40% reduction in out-of-school suspensions across the district after

⁶ US Department of Justice, Civil Rights Division and US Department of Education, Office for Civil Rights, "Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline," January 8, 2014, 2, http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf.

⁷ "Educator Toolkit: Restorative Justice and Practices," *Fix School Discipline*, n.d., http://www.fixschooldiscipline.org/toolkit/educators/restorative/.

⁸ Schools Implementing Restorative Practices (International Institute for Restorative Practices, 2009), http://www.iirp.edu/pdf/IIRP-Improving-School-Climate.pdf.

⁹ Stacy Teicher Khadaroo, "Restorative Justice: One High School's Path to Reducing Suspensions by Half," *The Christian Science Monitor*, March 31, 2013, 2,

http://www.csmonitor.com/USA/Education/2013/0331/Restorative-justice-One-high-school-s-path-to-reducing-suspensions-by-half.

¹⁰ Jon Kiddle and Rita Alfred, *Restorative Justice, A Working Guide for Our Schools* (Alameda County Health Care Services Agency, School Health Services Coalition, 2011), 17–19, http://healthyschoolsandcommunities.org/Docs/Restorative-Justice-Paper.pdf.

¹¹ Schools Implementing Restorative Practices, 7.

¹² Michael D. Sumner, Carol J. Silverman, and Mary Louise Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons From West Oakland* (Berkeley, CA: Thelton E. Henderson Center for Social Justice, 2010), 3, http://www.law.berkeley.edu/files/11-2010_School-based_Restorative_Justice_As_an_Alternative_to_Zero-Tolerance_Policies.pdf.

¹³ Stacy Teicher Khadaroo, "Restorative Justice: One High School's Path to Reducing Suspensions by Half," 2.

introducing a restorative justice program. For students who participated three or more times in the restorative program, which includes both prevention and intervention components, there was a 90% reduction in average office referrals and out-of-school suspensions and a 50% reduction in school absences. 14 At Dyett High School in Chicago, one year after implementing a restorative program, misconduct reports fell by 63% and arrests by $83\%.^{15}$

Other schools in the DC area have also embraced restorative practices. In Alexandria, VA, T.C. Williams High School is currently implementing a restorative discipline pilot program to facilitate more equitable and positive disciplinary action. This program was developed as a result of student input and support. In the District, a handful of schools currently utilize restorative practices, Preaking the ground for expanded implementation in the District.

To improve our educational system, DCARP recommends:

- 1. That the Office of the State Superintendent of Education commission a taskforce of stakeholders from DC Public Schools, the Public Charter School Board, supporting agencies, and the community to assess the need for and value of restorative programs.
- That school disciplinary procedures limit the use of suspension and expulsion to
 those offenses that pose a physical danger to the school community. For all other
 offenses, we recommend that schools have discretion to choose among responses,
 including restorative practices, that best address their needs as individual
 institutions.
- 3. That the city, in partnership with local organizations and individuals, convene workshops, conferences, and other outreach and educational activities for school staff, administrators, teachers, parents, school resources officers, school board members, and city council members to learn about restorative processes from practitioners and experts on the subject.
- 4. That schools and the city convene to establish an appropriate funding and implementation mechanism, alongside a centralized coordination and support office, for the integration of restorative discipline in DC schools. For example, a fund

¹⁴ Myriam L. Baker, *Denver Public Schools Restorative Justice Project, Year Three: Year End Report*, September 16, 2009,

 $http://www.restorativejusticecolorado.org/_literature_55812/Denver_Public_Schools_Restorative_Justice_Program_Final_Report_2008-2009.$

¹⁵ From Policy to Standard Practice: Restorative Justice in Chicago Public Schools (High HOPES Campaign, Spring 2012), 7, http://www.dignityinschools.org/sites/default/files/FromPolicyToStandardPractice.pdf.

¹⁶ Michael Alison Chandler, "Alexandria Students Push for Alternatives to Suspension," *The Washington Post*, January 5, 2014, http://www.washingtonpost.com/local/education/alexandria-students-push-for-alternatives-to-suspension/2014/01/05/c4c520c4-7491-11e3-8b3f-b1666705ca3b_story.html.

¹⁷ See, for example, E.L. Haynes and The Next Step public charter schools.

- could be established that would allow for schools to apply for grants to implement alternatives to exclusionary discipline. 18
- 5. That the city and school system follow through on Chancellor Kaya Henderson's expressed interest¹⁹ in starting a pilot restorative school discipline program, by ensuring timely and adequate funding, implementation, and evaluation. The City should publicize these efforts and scale them up if successful.
- 6. That DC Public Schools and the Public Charter School Board systematically record and report data concerning restorative practices and contract with an independent evaluator to determine the impact of restorative programs implemented in DC schools as compared to traditional disciplinary approaches.

Restorative Practices in Juvenile Justice

The DC Alliance for Restorative Practices (DCARP) believes that the youth justice system in the District of Columbia would be improved by the incorporation of restorative justice processes as an alternative or complement to arrest and court petition.

In 2012, over 3,000 youth were arrested in the District, more than 1,000 of them for first-time misdemeanor offenses such as fighting in school, shoplifting, or vandalism.²⁰ Non-violent offenses account for 75% of youth arrests and 52% of delinquency petitions in the District.²¹ While the District has drastically cut funding for diversionary programming,²² only about half the arrested youth are actually petitioned²³ and only about 13% of delinquency petitions result in new commitments to the Department of Youth

¹⁸ Other funding options include: a) each school contributing an equal percentage of a salary for District-wide restorative practitioners who would split time among schools, b) District government funding District-wide restorative practitioners who would split time among schools, c) District government providing a grant that each school can individually apply for to fund a part time or permanent restorative practitioners, d) developing a model by which all cost savings associated with reduced administrative hearings, juvenile proceedings, and commitment of students referred to the justice system by their schools will be funneled back into the use of restorative processes, and e) issuing "social impact bonds" to pay for restorative programs and/or practitioners, which are paid off by the same cost savings described above.

¹⁹ "Thank DCPS for Supporting Restorative Justice!," *Critical Exposure*, n.d., http://salsa3.salsalabs.com/o/50914/p/dia/action3/common/public/?action_KEY=12763.

²⁰ Michael Shank, "DC Defunds Youth Courts, Pushes Kids Into Criminal Justice System," *The Huffington Post*, October 21, 2013, http://www.huffingtonpost.com/michael-shank/dc-defunds-youth-courts-p b 4138193.html.

²¹ *Metropolitan Police Department Annual Report 2012* (Metropolitan Police Department of the District of Columbia, 2013),

http://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/2012_AR_1.pdf; Lee F. Satterfield, *Family Court 2012 Annual Report* (Superior Court of the District of Columbia, March 29, 2013).

²² Michael Shank, "DC Defunds Youth Courts, Pushes Kids Into Criminal Justice System."

²³ Metropolitan Police Department Annual Report 2012; Lee F. Satterfield, Family Court 2012 Annual Report.

Rehabilitation Services (DYRS).²⁴ The end result is that thousands of youth are booked by police and hundreds are placed on probation with little regard to the issues underlying delinquency or public safety.

Restorative justice is a promising practice in the criminal justice field, particularly for youth, whose patterns of behavior are more amenable to change than those of adults,²⁵ and whose positive development depends on community support.²⁶ Compared to traditional criminal justice processes, restorative justice programs have been shown to produce higher victim satisfaction with the process, reduced victim anger and anxiety, higher rates of crimes solved, and lower rates of violent recidivism.²⁷ Because restorative justice eliminates or dramatically reduces the use of litigation and incarceration, the per-case cost is far lower than in the criminal justice system.²⁸ One economic analysis of a proposed program for young adult offenders estimated that implementing restorative justice could save the government over \$11,000 per case handled.²⁹

Restorative justice diversion for youth is widespread in the United Kingdom,³⁰ New Zealand,³¹ Australia,³² and Canada,³³ and increasingly in local jurisdictions of the United

²⁴ Fiscal Year 2012 Annual Performance Report (Department of Youth Rehabilitation Services, April 2013), 49, http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/DYRS_AR-low-res_041713.pdf. During 2012, there were 1410 delinquency petitions in Family Court. During FY2012 there were 182 new commitments to DYRS. Though these figures do not cover identical time periods, it allows for a rough estimate of the percentage of petitions that result in new commitments.

²⁵ Anthony Kennedy, Roper v. Simmons, 543 U.S. 551, III(B) (2005).

²⁶ Richard F. Catalano et al., "Positive Youth Development in the United States: Research Findings on Evaluations of Positive Youth Development Programs," *The Annals of the American Academy of Political and Social Science* 591 (2004),

http://www.sp2.upenn.edu/ostrc/doclibrary/documents/PositiveYouthDevelopmentResearch.pdf.

²⁷ Lawrence W. Sherman and Heather Strang, *Restorative Justice: The Evidence* (The Smith Institute, 2007), http://www.iirp.edu/pdf/RJ_full_report.pdf.

²⁸ Ibid., 86.

²⁹ Economic Analysis of Interventions for Young Adult Offenders (Barrow Cadbury Trust, November 24, 2009), 3, http://www.restorativejustice.org/RJOB/Matrix-20Economic-20analysis-20of-20interventions-20for-20young-20adult-20offenders.pdf/at download/file.

³⁰ "New Victims' Funding for Restorative Justice," *United Kingdom Ministry of Justice*, November 19, 2013, https://www.gov.uk/government/news/new-victims-funding-for-restorative-justice.

³¹ "Restorative Justice in New Zealand Best Practice," *New Zealand Ministry of Justice*, n.d., http://www.justice.govt.nz/publications/global-publications/r/restorative-justice-in-new-zealand-best-practice.

³² Standing Committee of Attorneys-General; contact=GPO Box 6, "Restorative Justice & the Criminal Justice System in Australia and New Zealand: An Overview," February 6, 2014, http://www.sclj.gov.au/sclj/projects/criminal_law/restorative_justice/standing_council_restorativejustice.ht ml?s=1001.

³³ Royal Canadian Mounted Police Government of Canada, "Restorative Justice And Policing In Canada," August 1, 2003, http://www.rcmp-grc.gc.ca/pubs/ccaps-spcca/restor-repara-poli-eng.htm.

States.³⁴ In nearby Baltimore, the juvenile justice system has referred over 7,000 cases to the Community Conferencing Center over the past ten years. The Community Conference Center reports that over 95% of those cases that go through their process end in a resolution that is agreed to and honored by all parties. The re-offending rate for those the Community Conferencing Center serves is 60% lower than for those who go through the traditional juvenile justice system, and the cases are handled at a far lower cost than in the court system.³⁵ Similar programs with comparable outcomes have since spread throughout Maryland, including Prince George's County.

To improve our juvenile justice system, DCARP recommends:

- 1. That the city commission a task force of stakeholders from law enforcement, DC Superior Court, the Office of the Attorney General, Public Defender Services, the Department of Youth Rehabilitation Services, youth-serving community-based organizations, DC Public Schools, and the community to assess the need for and value of restorative programs.
- 2. That juvenile justice policies within the police department and youth agencies be amended to encourage the use of restorative diversions that are culturally appropriate and sensitive to the needs of the community.
- 3. That the city, in partnership with local organizations and individuals, convene workshops, conferences, and other outreach and educational activities for key personnel in law enforcement, DC Superior Court, the Office of the Attorney General, Public Defender Services, the Department of Youth Rehabilitation Services, and other youth serving agencies and community-based organizations to learn about restorative processes from practitioners and experts on the subject.
- 4. That the city, the DC Children and Youth Investment Trust Corporation, and other appropriate stakeholders convene to determine an appropriate funding and implementation mechanism for the integration and expansion of restorative practices in the juvenile justice system.³⁶

³⁴ See Vermont [http://vtcourtdiversion.org/about/], Louisiana

[[]http://www.caddo.org/index.aspx?NID=338], Massachusetts [https://www.facebook.com/pages/Juvenile-Court-Restorative-Justice-Diversion/164036247098702?ref=stream], Virginia

[[]http://www.loudoun.gov/index.aspx?NID=2032], California [http://restorativeworks.net/2013/04/da-puts-forward-innovative-neighborhood-court-program-incorporating-principles-of-restorative-justice/], and Minnesota [http://restorativeworks.net/2013/04/da-puts-forward-innovative-neighborhood-court-program-incorporating-principles-of-restorative-justice/]

³⁵ "Programs and Services: Juvenile Justice," *Baltimore Community Conferencing Center*, 2008, http://www.communityconferencing.org/index.php/programs/juvenile_justice/.

³⁶ This could include: a) District government building its internal capacity to provide restorative justice services to its relevant agencies, b) District government providing more grants for outside service providers to take referrals for restorative diversions, c) developing a model by which all cost savings associated with reduced juvenile proceedings and commitment of youth will be funneled back into the use of restorative processes, and d) issuing "social impact bonds" to pay for restorative programming, which are paid off by the same cost savings described above.

5. That the relevant agencies systematically record and report data concerning restorative practices as compared to traditional criminal justice approaches.

Conclusion

Restorative Justice enjoys a strong theoretical framework³⁷ and significant research on its capacity to transform social harms into opportunities for the growth of youth and their communities.³⁸ Restorative practices are on the rise nationally and in the jurisdictions surrounding the District. It is time that the District take advantage of the tremendous potential this cost-effective social technology has for improving the District's educational and juvenile justice systems.

³⁷ Tony F. Marshall, *Restorative Justice: An Overview* (Home Office Research Development and Statistics Directorate, 1999),

http://tna.europarchive.org/20100413151441/http://www.homeoffice.gov.uk/rds/pdfs/occ-resjus.pdf. ³⁸ Jeff Latimer, Craig Dowden, and Danielle Muise, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis," *The Prison Journal* 85, no. 2 (June 2005): 127–144.