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Building a Restorative Justice Diversion Program for Youth in Rural Areas

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Abstract

Restorative Justice (RJ) models of diversion from the criminal justice system have been used successfully with adults and youth charged with minor offenses. Professionally mediated RJ conferences bring together the offender and the person(s) harmed to discuss the impact of their actions and develop a plan to restore community safety and make amends. An RJ model aimed at diverting youth from the juvenile justice system for minor offenses has successfully worked in an urban region in Kentucky for over a decade. The same RJ model was piloted in a very rural region of the state. The program goal was to decrease youth involvement in the criminal justice system and create positive change within the communities and families involved in youth-initiated crimes. Interestingly, the rural location of the RJ program has run into unique challenges not experienced in the urban area. This paper examines preliminary outcomes data. Differences in juvenile justice and community involvement approaches that need to be addressed when establishing an RJ program in a geographically rural area are highlighted. Suggestions for how to incorporate RJ diversion programs into rural communities are provided.

Introduction

The standard criminal justice system model focuses on which laws were broken and what punishment fits the crime. On the other hand, restorative justice models focus on what harm was caused and what needs to be done to repair the harm and restore peace and civility. The restorative justice model has been implemented in a variety of school environments and communities across the globe. More specifically, the goal of youth-focused restorative justice diversion programs is to address juvenile delinquency and negative behaviors while redirecting youth from the justice system for misdemeanor crimes (Laundra et al., 2013; Ministry of Justice, 2011). The unique aspect of restorative justice is that participation must be voluntary, and the offender must take responsibility for their actions. Both victim and offender must be willing to work towards making amends for any harm caused to the victim. Through mediated conferences with trained restorative justice professionals, the victim (or their representative) meets with the offender to discuss what harm was caused. Both sides share their own perspectives. They work together to determine what needs to be done in order to repair any damage including emotional, environmental or physical. Instead of strict sanctions or jail time as punishment, the youth have the opportunity to learn to discuss their actions, take responsibility for what they have done and negotiate ways to try to heal the wounds of their victims.

Being involved with the justice system is stigmatizing and often serves to break down connections and perpetuate negative behavior among youth (Juvenile Law Center, 2011; Weissman et al., 2019). We also know that building positive connections with others is an essential part of youth development and behavior change (CDCP, 2009). In addition, it is expensive for communities to maintain juveniles in detention centers, jails and out-of-home placements. Among youth who were sentenced to a detention center, a national study found over 55% of adolescents in the United States were first-time or low-level offenders (Pew Charitable Trust, 2014). These young people are exactly who the restorative justice model is aimed to support. Through restorative justice practices, youth learn to communicate and build relationships while going through the process of making amends and finding a better way to handle challenges in life (Smith et al., 2022).

In a meta-analysis comparing restorative justice programs to traditional sentencing, researchers found low-risk or first-time offenders who participated in restorative justice conferences were more likely to have reduced delinquency afterwards (Wilson et al., 2017). Youth who remain in their community instead of being placed in detention or prisons have measurably better behavioral outcomes and reduced re-offenses (Weissman et al., 2019). Another benefit of restorative justice is the positive impact on the victims who report greater satisfaction in the outcomes and a greater willingness to forgive the offender.

Overall, there remains limited information on the impact of restorative justice programs among rural communities and the literature indicates a need for further longitudinal research with youth who participate in restorative justice to determine the long-term impact on future recidivism as adults (Smith et al., 2022). This paper describes outcomes data from a rural pilot of a diversion program that followed the restorative justice model. Challenges and opportunities presented with the development of a restorative justice program in rural versus urban areas are described. Suggestions are made for ways other communities might also incorporate restorative justice as a diversion method within their local juvenile justice system.

Methods

Program Development

In Southeastern Kentucky, a pilot restorative justice program was established in July 2020 with funding from the state legislature to expand diversion opportunities for juveniles who have committed low-risk or first-time crimes. Volunteers of America (VOA, 2022) runs a successful restorative justice program in a large urban area in north central Kentucky. VOA met with county judges and secured agreements to allow the diversion program as a sentencing option in the southeastern part of the state. This region has a completely non-metro, rural population (USDA ERS, 2020). The seven counties included in the project have local judicial systems unique to each county seat. The initial phase of program development focused on VOA staff providing training to county judges, attorneys, Department of Public Advocacy staff and Administrative Office of the Courts Designated Worker (CDW) program staff. In addition, school administrators and counselors were made aware of the new program and how they could work with youth who might be referred for services. Restorative justice program staff were hired and trained in facilitating RJ conferences with youth.

Participant Recruitment

Recruitment of RJ participants occurred through referrals made by judges, CDWs or juvenile court staff after a youth offender was charged with a crime. Youth are eligible to participate in RJ if they 1) have committed a non-violent, non-sexual offense, 2) agree to take responsibility for their actions which means they plead guilty to the charges, and 3) are willing to participate in alternative sentencing through the restorative justice program including a mediated conference with the victim. Estimating potential participant numbers is a challenge for the program since it depends upon crimes being committed, youth being willing to take responsibility for their actions, and court staff making a referral. The urban restorative justice program operates in a community with around 123,709 school-age youth (Census, 2021) and completes over 200 restorative justice conferences with youth annually. Based on their success, the rural program incorporating three southeastern judicial districts made up of seven counties created a similar service estimate. Tallying the county populations between ages 5-17, there were 31,697 school-age youth who could potentially benefit from the restorative justice program (U.S. Census Bureau, 2021). The goal for service in the rural counties was thus set at obtaining 350 youth referrals for participation in the new restorative justice diversion program.

Evaluation Design

The outcomes evaluation was conducted by Eastern Kentucky University's Department of Social Work and obtained approval under expedited review by the university's Institutional Review Board (IRB #3321). The aim of the evaluation was to examine programmatic effectiveness of the restorative justice pilot being established in southeastern Kentucky. The evaluators analyzed data collected by RJ program staff which included referral counts, demographics of offenders, behavioral referrals, and consumer satisfaction surveys completed by conference participants (i.e., offender, victim, family/guardians). Follow-up surveys were initiated with survey participants who completed the program in the prior 6-12 months in order to evaluate long-term satisfaction with the RJ program. Analyses are reported without any identifying information about participants and all reports use aggregated data to protect participant identity. The evaluation plan included a review of recidivism data from the Administrative Office of the Courts at 6 months and one-year post-conference for RJ participants. Due to the limited sample size, this has not been possible to date and recidivism data will be captured in future outcome evaluation reports.

Results

Data collection occurred between August 2020 and July 31, 2022. Data was collected by the VOA RJ staff and shared in confidential files with the evaluators. Characteristics of youth referred to the RJ program are displayed in Table 1. Over the two-year period, a total of 34 youth participated in RJ conferences. The majority of participants identified as cisgender male (58.8%) and white (91.1%), with no one identifying as Hispanic/Latino. Just over one-fourth (26.5%) of youth participants were 11-17 years old, 26.5% were ages 14-15 and 47.0% were ages 16-17 years of age.

Table 1. Characteristics of Youth Referred to the RJ Program

Characteristic		Percentage	Count (n=34)
Gender Identity	Male (cisgender)	58.8%	20
	Female (cisgender)	41.1%	14
Race/ethnicity	White	91.1%	31
	Multi-racial	8.8%	3
	Non-Hispanic/Latino	100.0%	34
Age group	11-13 years	26.5%	9
	14-15 years	26.5%	9
	16-17 years	47.0%	16

Arrest Charges

Over half of youth referred to the RJ program had multiple criminal charges (52.9%). Among those charges, 50.0% were related to assault, 32.4% to harassment, and 23.5% to criminal mischief. All the types of charges faced by offenders are displayed in Figure 1.

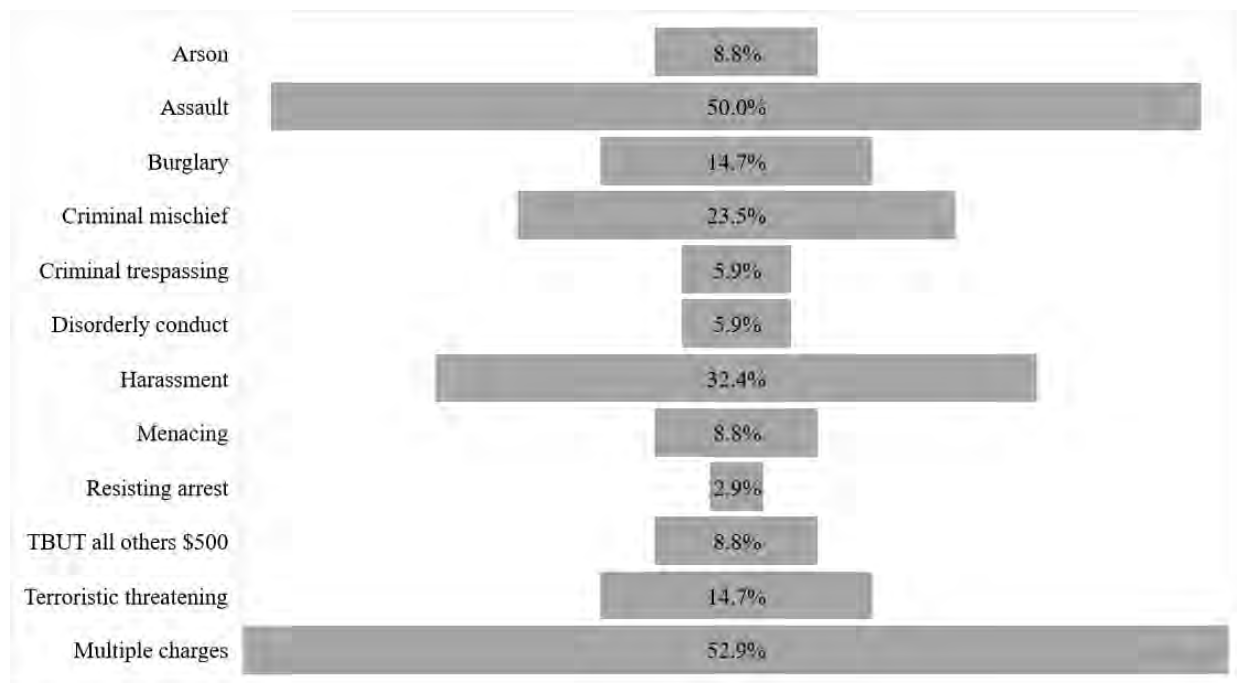


Figure 1. Arrest Charges Among Offenders (n=34)

For comparison, we examined the total number of youths charged in the juvenile justice system during FY22 in the rural and urban regions who were diverted to restorative justice. Of the eligible youth, the proportion in the urban RJ program was 9.3% compared to 13.5% referred to RJ in the rural project area. Though the urban region has a much larger population of youth, the ratio of referrals from within each region indicate a slightly higher proportion are being referred for restorative justice in the rural program.

Behavioral Health Screening

As part of the initial interview for participation in the RJ program, youth completed a short screening tool called the Global Assessment of Individual Needs (GAIN-SS). Results of this screener alert staff to specific behavioral health needs that may require further assessment and referral for services. Scores on the GAIN-SS range from 0-12 with scores of 1-2 indicating a moderate probability of clinical diagnosis, while scores of 3 or higher indicate a high probability of a clinical diagnosis with further assessment and intervention needed. Among the participants in the rural RJ program, a high likelihood of meeting clinical diagnostic criteria was identified for over half (55.9%) of youth and a moderate likelihood for 26.5% of participants. These youth and their families or guardians were provided with further assessment and referrals to appropriate services such as counseling, anger management classes, substance abuse treatment or mental health treatment.

Satisfaction Surveys

After each restorative justice conference, participants were asked to complete a satisfaction survey. These surveys focus on satisfaction with the facilitator of the mediated conference, the youth's perception of social support, and rating of their overall experience with RJ. VOA RJ staff provided participants with a link to an online survey. Phone calls and mailed reminders were sent to all participants to help increase survey rates.

Of the 34 participants, a total of 19 youth completed the anonymous survey for a 55.9% response rate. In Table 2, results of the survey measuring overall conference satisfaction ratings are displayed. The majority of respondents agreed with all positive statements indicating they felt like their concerns were taken seriously while being listened to in a safe environment. A small number of youths felt pressured (10.5%) or scared to speak (5.3%). There was 100% agreement that youth understood what was occurring during the conference, they got to share their perspective, and they were treated with respect.

Table 2. Satisfaction Ratings for Overall RJ Experience (n=19)

Statements about RJ Experience	Agreed
1. My concerns and questions were treated seriously.	89.5%
2. I felt pressured.	10.5%
3. I felt safe.	89.5%
4. I was scared to say what I felt.	5.3%
5. I was listened to carefully.	89.5%
6. I felt involved in how the conference was run.	94.7%
7. I was treated with respect.	100.0%

Statements about RJ Experience	Agreed
8. I understood what was going on during the conference.	100.0%
9. I had the opportunity to share my point of view.	89.5%
10. I had a voice in how the group decided to handle the offense.	89.5%
11. I got to hear other points of view on what happened.	100.0%
12. I feel like the conference gave me some closure.	94.7%
13. I am responsible for my actions.	94.7%
14. I feel satisfied with the outcome of the conference.	94.7%
15. I would recommend restorative justice to others.	89.5%

Rating of satisfaction with conference facilitators is displayed in Table 3. All the participants felt the facilitator clearly explained ground rules, guided the meeting well and treated everyone respectfully. The majority (89.5%) of youth felt the facilitator was fair and let everyone have their say during the conference.

Table 3. Satisfaction Rating for Conference Facilitation (n=19)

Statements about Facilitation of Conference	Agreed
1. The facilitator explained the ground rules for the meeting in a way that I understood.	100.0%
2. The facilitator was fair to everyone at the meeting.	89.5%
3. The facilitator let everyone have their say.	89.5%
4. The facilitator guided the meeting well.	100.0%
5. The facilitator treated everyone with respect.	100.0%

In Table 4 the perception of youth on their level of social support is displayed. Youth overwhelmingly felt they had connections and support from friends, at work, at school and from partners. Only 40.0% reported feeling like they had a professional counselor or health care provider they could talk to about issues.

Table 4. Social Support Ratings Among Youth (n=10)

During the past 30 days did you have the following kinds of social support...	Agreed
1. A professional counselor or other health provider to talk to...	40.0%

During the past 30 days did you have the following kinds of social support...	Agreed
2. Friends or colleagues from other companies or schools you could talk to without worry about things getting back to others at work or school...	100.0%
3. People at work or school you could talk to about day-to-day things...	100.0%
4. People at work or school who could help you get your assignments done...	100.0%
5. Family members or closer partners you could talk to or rely on....	100.0%
6. Friends you could just hang out with and not talk about work or family issues...	100.0%
7. A legal hobby or activity that you enjoyed and did for yourself...	100.0%
8. Someone you felt like you could talk to about needs and emotions...	100.0%
9. Someone you felt could help you figure out how to cope with any problems you were having or might have...	100.0%

Discussion and Conclusion

Challenges

Despite following the model of the successful urban RJ program, the restorative justice program pilot in the rural environment was met with several challenges. First, the initial wave of the COVID pandemic began right as the RJ program was getting started. Initial efforts to engage with court designated workers (CDWs), school staff, and judges were stymied by sudden lockdowns and restricted contact with others. If the program was located in a county with stable and widely accessible internet, major highways, local bus routes, and the full engagement of schools and the court system, this might have been a minor issue.

For rural communities like the southeastern counties in which RJ was being piloted, lack of face-to-face communication was a major hindrance to building the program. Many areas of the country were able to meet this challenge by switching to virtual court hearings, virtual school, or reaching out to participants by phone and email. In the rural regions, internet access remains unstable and limited with just over one-third (35.9%) of homes without any internet access (Dobbs et al., 2021).

The decade-old RJ program that served as the program model manages within an urban environment that includes access to a large pool of youth and other resources within the community. The new and quite unexpected hurdle has been handling the impact of the COVID-19 pandemic which hit right at the start of the program and continued to limit program growth and access to youth and the judicial system. Rural communities like those in southeastern Kentucky were hit significantly harder with the impacts of COVID-19 outbreaks than urban regions for a variety of reasons including higher rates of chronic health issues, lack of healthcare access, and poor economic resources (Ajilore & Willingham, 2020).

Rural Geography and Culture

Access to schools and courts improved as communities learned to live within the restraints of COVID, but in July 2022 the region was hit by severe flooding. The geography of Eastern Kentucky is marked by deep hills and valleys along the Appalachian Mountain range and much of the land has been damaged over the past century by coal mining. The recent flood was one of the worst experienced in the region in decades, taking lives and damaging schools, hospitals, and homes. The RJ program in southeastern Kentucky is located in and around this flood ravaged region and thus the program suffered another pause in program engagement. Geography affects access to supplies, healthcare, school activities and employment growth in rural regions impacted by geographical distance and landscape parameters.

The southeastern Kentucky pilot project is supported by three judicial districts which are 100% rural counties. U.S. Census data indicates across Kentucky over 41% of residents live in rural regions. Understanding rural geography and unique cultural elements common in rural communities is important to highlight. As defined by the U.S. Health Resources and Services Administration (HRSA, 2022), areas are deemed “rural” because of their geography and distance from highly populated areas. Rural geography often forces homes to be spread out across many miles and the roads between homes or accessing city resources can be a long distance apart. The infrastructure funding which maintains these roads connecting communities have been limited for generations. These strong and tight-knit rural communities typically have fended for themselves to make up for the limited federal or state funds that build roads, maintain bridges, and connect homes to internet or other communication tools (Daley, 2020).

Strengths

Our research highlighted several strengths that could be built upon in order to expand the RJ program in rural regions. A particular strength of rural communities is self-reliance where community members come together to accomplish tasks despite limited resources. Many families have lived in the area for generations which can lead to a deep-rooted sense of place and connectedness to the land, people, and culture. This strength can also lead to a natural distrust of outsiders who are assumed to not understand or appreciate their community’s unique culture and priorities. Individuals in rural communities are more likely to be reliant on one another for help rather than to reach outside of the community for resources (Daley, 2020). Building connections within each community shows respect and a willingness to learn about and understand the people and culture. These connections then can be the foundation for implementing restorative justice as a possible alternative to detention or criminal charges for youth who commit minor offenses in the community.

The interactions between police officers and juveniles can impact the attitudes of victims and offenders about entering the restorative justice process. In rural areas where there is a smaller police force, officers are more likely to be more familiar with the juveniles in the community and therefore might be more supportive. This could potentially encourage the victim to engage in restorative justice (Skaggs & Sun, 2017). The first point of contact after a crime has been committed for both the victim and the offender is usually a police officer and this can

impact the attitudes of both of the offender and victim. In addition, the police officer often has a great deal of discretion – this can directly impact what happens in the situation. If the officer is more supportive toward diversion or restorative justice, this can positively impact the use of this process to deal with juvenile offenses.

Another aspect of rural culture can be the desire to take care of its own problems, including setting consequences for misbehavior or rule breaking. There is often a belief that elected court officials are better judges of what is needed to deal with criminal behavior in the community. Kentucky's unique court system is made up of 120 counties where each county has its own official seat and elected judicial officials (Kleber, 1992). This may lead to an insular model of justice. This was exhibited with a case referred to RJ where the victim's family chose not to participate because they wanted the offender to be punished by the trusted county judicial system. This type of trust building takes time and patience in showing communities that restorative justice has more long-term positive outcomes for youth than standard punishment with juvenile detention.

Lower education and income can be linked to a desire for more punitive responses. This is important to understand as many rural areas have a high population of residents with less than a college education and also a high percentage of people living below the poverty line (Bouley & Wells, 2001). Education about the individual and community benefits of the restorative justice process will be an important element to help increase the numbers of youth and families that are willing to use this process.

Recommendations

Restorative justice programs are an important alternative model for helping youth take responsibility for their actions and make amends while staying connected to their community. Among this rural study sample, participants overwhelmingly indicated feeling that through participation in a restorative justice conference their perspective was taken seriously, their stories were shared with people who listened, and positive solutions were found to make amends. Though challenges delayed the establishment of a strong rural program, initial data indicate there will likely be continued growth and expansion within the next year. Recommendations include increasing relationships with rural community leaders including police officers and sharing success stories from local youth who have completed the restorative justice process. As we build a greater understanding of how restorative justice diversion for youth can be of value for the community and its families, more trust and engagement with the program is likely to occur. Evidence shows both offenders and victims who participate in restorative justice find healing and offenders increase a sense of responsibility for their actions, thus continued efforts to build restorative justice diversion programs for youth in rural communities should be considered a worthy investment.

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