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The Administration and Evaluation of a
San Antonio Juvenile Restorative Justice Program:
Neighborhood Conferencing Committees

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ABSTRACT

Juvenile justice remains one of the most complex problems for criminal justice policy makers, and many practitioners are responding to this call by implementing processes and programs that are community based and focused on the principles of restorative justice. This study viewed the City of San Antonio's Neighborhood Conferencing Committee (NCC) by following a modified case study approach. It was determined during field work that the NCC experiences a common problem among criminal justice programs–that it can improve upon its data collection and measurement of program outcomes, thereby making program evaluation a central feature to this study. Recommendations for improvement include adapting a quasi-experimental design and some proposed changes to participant satisfaction surveys.

TABLE OF CONTENTS

Page

Abstract

INTRODUCTION

One of the most complex issues for criminal justice policy makers today is finding a

solution to reduce juvenile delinquency. Juvenile offenders have become more violent in the

past two decades then in any other time in America's history of juvenile crime. Arrests escalated

45 percent for violent offenses from 1988 to 1992, and youth that had more than four court

referrals filled 51 percent of juvenile court dockets (Wilson & Howell, 2000). Youth are

committing more serious and violent crimes, leading to a sense of uncertainty about the

effectiveness of current juvenile justice practices. One policy-based response to the increased

concern over juvenile crime is an interest in restorative justice.

Restorative justice is a method of dealing with crime that is founded on accountability,

healing, and repair (Braithwaite & Strang, 2001; Zehr, 2002). It is in direct recognition that in

some cases the traditional policy responses to justice fail, creating a need to focus less on

retribution and punishment and concentrate more on reconciliation and repair. Restorative

justice models are being accepted in many jurisdictions in America as an alternative to

retributive policies. As an alternative to juvenile court, the youth are referred to committees of

neighborhood residents to process their cases.

Some believe the juvenile justice system is too lenient and not tough with juvenile

offenders. A quick fix response by many policy makers is to implement "get tough on crime"

justice policies that have not, for many reasons, produced positive outcomes. To illustrate, such

policies have increased the number of minority youth being detained in institutions in this

country (Aloisi, 2000). The United States is the world leader when it comes to spending money

on correction facilities with a price tag of over fifty billion dollars and more than two million

people incarcerated ("Creating the Next," 2004). Justice policy makers, in an effort to reduce

funds for prisons and other justice practices, are looking at other avenues for a better approach for reducing crime as they come to realize that incarceration is not an effective deterrent to crime (Lemley, 2001; Hahn, 1998). A growing concern with youth crimes and the amount of public expenditures associated with youthful offenders has revitalized the theory of restorative justice as an alternative to current juvenile justice practices. Lemley (2001, p.44) claims, "Restorative justice is the newest emerging policy theme and is gaining wide support. This trend in policy attempts to change our view of crime." It provides alternatives a traditional justice system cannot and will not consider.

This paper seeks to view one program as part of this relatively large conglomerate of criminal justice agencies, the Neighborhood Conferencing Committee (NCC), which is part of the City of San Antonio Department of Community Initiatives. This program is funded by a federal grant, which reduces the burden that San Antonio taxpayers have on funding this rather experimental program. The NCC works with juvenile offenders between the ages of 10 and 13 who have committed class "C" misdemeanor criminal offenses.

The overarching purpose of this paper, by following a modified case study approach is multifaceted. First, there is a goal to determine to what extent the program is successful in applying restorative justice policy theory. Second, using the existing literature as a guide, the evaluation processes of the NCC program is assessed. Finally, recommendations are made that are intended to help the program improve on evaluation efforts such that they are able to report to interested stakeholders on the impact and effect of the program, rather than simply outputs.

To accomplish these goals, there are two bodies of literature that are reviewed. The first is public administration literature that is focused on evaluation in particular and policy making in general. The second body of literature that is considered is the restorative justice work that is

rapidly growing. To narrow the focus, I view only that literature that most directly applies to this project. By doing so, the groundwork is laid for investigating the overall impact that this program currently or potentially has on reducing the incidence of juvenile crime in San Antonio.

REVIEW OF LITERATURE

A problem with restorative justice is an overall lack of program evaluation. According to Presser and Van Voorhis (2002), emphasis is placed on offender change as a tool to measure outcomes. Outcomes are usually measured by monitoring the recidivism rates of participants normally after one year of completing the program. This is primarily achieved by conducting a criminal history check of court records (Niemeyer & Schicor, 1996). However, suggestions have been made to reinforce these measures by conducting self-reported measures of offenders. The result of this fairly minor change in data collection would be that the potential to obtain data that pertain to the wrongdoers' tendency to re-offend is improved (Presser & Voorhis, 2002).

Restoration is another objective used for program outcome evaluations in restorative justice. Restoration involves several components that include repairing psychological and physical harms, many of which are difficult to measure (Schiff, 1998). Some victims may want compensation for material losses, while others are concerned with the healing of emotional trauma the criminal act caused (Presser & Voorhis, 2002). Thus, trying to measure outcome evaluations is a complex task for public administrators because different people experience harm in different ways.

Given that program evaluation is of continual concern in restorative justice programs, as the next section points out, it is prudent to direct some attention to the two areas of program evaluation that are potentially most problematic – the measurement of client satisfaction and the collection and manipulation of data.

Client Satisfaction Surveys and Program Evaluation

A shortcoming of relying exclusively on audit reports or internal evaluations is that in public programs, in order to gain an understanding of what constituents believe about the program, it is essential to develop a way to ask the "person on the street," or more specifically, the individuals who are most affected by the program (Farrell, 1979). To neglect this important aspect of evaluation runs the risk of making policy decisions in a vacuum. An effective way to combat this problem is to use client satisfaction studies, though there is a limited ability for researchers to reliably gain responses from clients and participants that are a fairly valid approximation of the truth. One of the reasons that this occurs is that "satisfaction" has different meanings for different people and client satisfaction is multi-dimensional in that clients can be satisfied with programs even when those programs fail to meet their goals (Royse, Thyer, Padgett, & Logan, 2001). A similar problem, one that is commonly encountered among criminal justice populations, is that wrongdoers may be inclined to be untruthful about their levels of satisfaction because they feel compelled or coerced to respond in a particular manner to gain maximum benefit (e.g., avoid further legal complications) from program participation. There is also the likelihood that individuals who are highly satisfied are more likely to complete the questionnaires, which may yield unusually high satisfaction rates (Royse et al., 2001; Gerber & Prince, 1999).

Measurement of Program Outcomes/Impacts:

Related to client satisfaction surveys is the measurement of program outcomes, particularly when satisfaction surveys are the basis for goal development and attainment. Most often, problems are related to validity and reliability since the programs often use different

instruments, which make cross-study comparisons difficult. In some cases comparisons from year to year are troublesome when the instrument changes (Royse et al., 1999). In addition, because of the bias that may be introduced by the type of respondent (offender or victim, for example), data may be unreliable. Therefore many evaluation experts, though they recognize the value of satisfaction surveys, recommend using multiple measures from different sources in an attempt to triangulate for more valid and reliable program outcomes (Lapan & Koscieulek, 2003).

In spite of the problems associated with citizen survey methods, it is usually well agreed upon that citizens are in excellent positions to inform government agencies about how well they are doing (Morgan & England, 1987). This accounts for the rise in the use of citizen satisfaction surveys. This is all the more important in restorative justice programs in that the very foundation and purpose of the program exists to maximize citizen participation and promote a more direct form of democracy. It is also often noted that citizens sometimes do not make very discriminating judgments about the overall value of the program. The remedy for this is to involve citizens more integrally in the planning and implementation phases (Morgan & England, 1987) which has the dual effect of improving the measurement of outcomes and program evaluation, as well as meeting some of the core criteria for the establishment of restorative justice programs – community involvement.

Evaluation is also important when it is used as a mechanism to make policy changes to programs, particularly those that are of an experimental nature. For this reason, small-scale testing can be an important component in program evaluation, particularly when what is at stake is a value that is at the core of democracy, such as personal liberty and self-determination (Mankin, 1979). There is other value to evaluation in terms of planning for the future,

forecasting is a method that has gained wide acceptance in recent years, despite Mankin's (1979)

early warnings that forecasting runs the risk of contradicting what actually does or may happen

in the future. In spite of these cautions, forecasting is nearly entirely dependent upon adequate

data collection and manipulation. Or, as Schneider and Ingram (1997) state, an efficient program

or policy is one whose benefit exceeds the cost. Impact is one such form of that measurement,

and to accomplish this, reliable data are necessary (Schneider & Ingram, 1997).

Finally, in terms of the evaluation of criminal justice programs in particular, there does

seem to be a tendency to avoid stating outcomes in terms of testable hypotheses. This means that

programs have a tendency to report favorable outcomes even when what actually happened is

that the null hypothesis was not rejected (Weisburg, Lum, & Yang, 2003).

Restorative Justice

Restorative justice is more about healing the harm caused by criminal events than it;

unlike retributive policies, is on punishment (Braithwaite & Strang, 2001). Restorative justice

focuses on the victim's needs and involves communities. It also seeks to reduce re-offending to

the greatest appreciable extent. Often described as a collaborated effort between victims,

offenders, the community, and the courts, restorative justice is an approach to help reduce crime

(Marshall, 2003). More than a repetitive approach to justice administration, it is a set of

principles that create a personal atmosphere that allows participation for all the stakeholders

involved when a crime occurs. These individuals typically include the victim and offender, but

often community members are asked to join the process as well as supportive participants such

as families of the victim and offender. Together a solution to the problem is worked out so that

all parties, including the community, will benefit from the outcome. These agreements are

legally binding. Most restorative justice programs have created arrangements with the traditional

court system to enforce the obligations of the contract. If the offender fails to meet the

requirements of the contract, the case could be transferred to a traditional court for further

proceedings and/or re-arrest (though the latter is uncommon) (Lemley, 2001).

The primary objectives of restorative justice include:

- To attend fully to victim's needs - material, financial, emotional and social (including those who are personally close to the victim and may be similarly effected).
- To prevent re-offending by reintegrating offenders into the community.
- To enable offenders to assume active responsibility for their actions.
- To create a working community that supports the rehabilitation of offenders and victims and is active in preventing crime.
- To provide a means of avoiding escalation of legal justice and the associated costs and delays (Marshall, 2003, p. 29).

Restorative justice programs oriented toward juveniles originated from New Zealand's

group conferencing in the late 1980's (Yeats, 1997). This approach began as a result of the

failure to reduce juvenile crime with incarceration practices. Western Australia enacted a family

group conferencing for juveniles in 1994. It began to show a decrease in expenditures for justice

practices and outcomes studies suggested that this method helped to reduce more than 50 percent

of the cases going to Youth courts (Yeats, 1997).

John Braithwaite has conducted and continues to engage in restorative justice research in

Australia with his "Reintegrative Shaming Experiments" (RISE) approach in Canberra.

Braithwaite (1989) believes that sanctions given on a more personal level, such as by the family

and members of their community, will have a greater impact than those given by the courts.

Others support Braithwaite's findings by noting that shame is a psychological factor and

forgiveness is a sociological one (McDonald & Moore, 2001). The results of Braithwaite's study

have yielded positive results. Seventy-four percent of the victims received an apology from

offenders and 83 percent of victims received compensation. Victim's anger decreased and an

increase was seen in the victim's feeling sorry for offenders after a conference was conducted.

Only 6 percent of the victims felt they might become victims again (Yeats, 1997, Introduction section, para. 5).

Restorative justice looks and is administered differently at each location where it exists. For that reason, apart from a common foundation on principles, it changes from place to place. It allows for flexibility and adaptability such that restorative justice can meet the specific needs of each community and at the same time engage people in meaningful debate about how to deal with crime problems (Braithwaite & Strang, 2001). Implementation of restorative justice programs is not only beneficial in the criminal justice system, but it can create a harmonious society for people to live (Wachtel & McCold, 2001).

Restorative Justice Practices

Victim Offender Mediation

The most popular type of program in restorative justice is the victim-offender mediation (VOM) or victim-offender reconciliation programs (VORP) (Arrigo & Schehr, 1998). VOM programs allow the victim and the offender to meet and discuss the crime committed to reach a solution. It strives to empower both parties involved in the mediation process. A trained mediator is present during the conference and the mediator explains the process to all parties involved (Van Ness & Strong, 2002). The crime is discussed and offender accountability is established. Restitution is considered and a contract is established between the participants. The contract is then given to the court (Lemley, 2001).

Importantly, victims and offenders are given an opportunity to be heard. Both parties have a chance to tell their stories about the effects of the crime. According to Bazemore and Umbreit (2003) the goals of VOM are to:

- Support the healing process of victims by providing a safe, controlled setting for them to meet and speak with offenders on a strictly voluntary basis.
- Allow offenders to learn about the impact of their crimes on the victims and take direct responsibility for their behavior.
- Provide an opportunity for the victim and offender to develop a mutually acceptable plan that addresses the harm caused by the crime (Bazemore & Umbreit, 2003, p. 226).

Some of the benefits found by Umbreit (1994) in various study sites of VOM programs have been an increase in victim and offender satisfaction with the mediation process. Ninety-five percent of participants came up with a restitution agreement and eighty-one percent of offenders completed with their obligations to pay the restitution. Victims were less fearful of becoming victims again and the recidivism rates for offenders showed a reduction (Bazemore & Umbreit, 2003, p. 227).

Family Group Conferencing

Family Group Conferencing (FGC) started in New Zealand in 1989. It is a popular and effective model used in Australia that is now being implemented in several U.S cities. One such program, The Indianapolis Restorative Justice Conference Project, is used as a diversion program for first time young offenders. In San Antonio, The Neighborhood Conferencing Committee was implemented in 1998 and targets first time offenders who are 10-13 years old. The conferences include all parties involved when a crime is committed. Included are victims, offenders, family, and friends. Some of the goals of the program are to give the victim a chance to get involved in the justice process and to have input with the sanctions. Other objectives involve providing the offender an opportunity to become aware of the human impact crime has on victims and accept responsibility for their actions (Bazemore, 1998).

In contrast to VOM programs that include mediators, FGC's have facilitators that assist all parties involved. The facilitator's job is to see that the process is working accordingly. FGC's also allow the victim's family and support groups to be part of the process, such as police officers, clergy, counselors, etc. The conference starts with the offender telling their story followed by the victim talking about the impact the crime has had on them and their family. The victim's and offender's families will also be given a chance to speak and express their feelings (Van Ness & Strong, 2002).

Some studies conducted on FGC programs under uncontrolled environments have found positive outcomes for victims, offenders, and offender's parents. There is evidence to suggest that victims experience greater levels of satisfaction with FGC processes as compared to traditional adjudication and experience reduced fear (Bazemore, 1998). Some findings indicate that most offenders are being more empathetic towards victims (Van Ness & Strong, 2002). Apologizing is important because it encourages empathy and responsibility on the part of the offenders. In contrast, traditional justice practices tend to hold offenders accountable by punishing them; thus, discouraging empathy and responsibility (Zehr, 2002).

METHODOLOGY

To determine if restorative justice programs for juveniles in San Antonio have positive effects on victims and juvenile offenders will depend on how "effectiveness" is defined. For purposes of this investigation, this author looked at two dimensions of the program that could be later used by the program as the basis for outcomes evaluation. The first measures the proportion of crime victims who were satisfied with the results of their case. The second dimension views recidivism; lowered recidivism rates for juvenile offenders who participated in a restorative justice program was generally considered a positive outcome. Based on this, a

conclusion will be reached to see if local restorative justice programs are meeting their intended goals and objectives.

The research design used for this study is similar to the single-case design described by Yin (2003). One of the rationales Yin points out for using this design is the ability to test the theory. This single-case design can determine if the theory's goals are a direct result of certain conditions or if some other factors played a role (Yin, 2003). This study sought to identify the origins and operations of the NCC, as well as to take some preliminary steps to evaluate the effectiveness of the program. A case study approach lends itself well to these endeavors. However, a modified case-study design was developed to accommodate a number of factors particular to this project. First, it was impractical to interview program participants until saturation was achieved because there are over one hundred in any given year. Second, the limitations of time imposed on this study make a full case-study approach difficult. Finally, the restrictions of financial cost associated with a large-scale data collection effort did not appear feasible.

What was feasible for this study, however, was to conduct in-depth interviews with key agency personnel as well as to collect documentation related to program operations and success. In addition, I was a non-participant observer at a community conference. In depth interviews in qualitative interviewing is an extremely versatile approach to doing research. Interviews can help researchers learn about customs and identify information about what people think, feel, and believe in a way that quantitative data collection techniques will not allow (Rubin & Rubin, 1995).

Study Population

The City of San Antonio Department of Community Initiatives (SADCI) implements several restorative justice programs for the youth who are referred to Municipal Court for class

"C" misdemeanor offenses. This evaluation focused on the impact of one of the programs under

the Youth Services Division, the Neighborhood Conferencing Committees (NCC). The program

was selected because it is an early intervention program that includes committees of

neighborhood residents and victims impact panels. The NCC closely represents the FGC model

that started in New Zealand, even though the NCC does not include victims during the

conference. The NCC provides the youth an opportunity to repair the harm done by their

criminal acts and promotes accountability for their actions. The program purports to encourage

community participation through volunteer efforts, though the process by which volunteers are

selected is somewhat vague (refer to findings for greater detail).

Data Collection

To obtain objective and subjective information, data collection was obtained in two

forms. First, an analysis of existing records from the NCC program was conducted from the

years 2000-2003. Generally, the records consisted of program progress and monitoring reports

for the ending year. The progress reports contained the following data pertaining to the youth

offenders: gender, ethnicity, age, school status, grade level, income level, language barriers,

disabilities, and participation status. The monitoring reports consisted of data related to inputs,

outputs, efficiency, and effectiveness of the program.

Second, to get a better understanding of the effectiveness of these programs, informal

interviews were conducted with key staff members. The informal interview technique was

selected because of question flexibility and the respondent's true feelings tend to emerge during

this type of interview (Fitzgerald & Cox, 2002). Key staff was asked ten open-ended questions

that were modified from Umbreit (1994) in his study of victim-offender mediation programs (see

Appendix A). NCC key staff members were interviewed at their respective offices that included

two counselors and the program coordinator. All interviews were tape-recorded. In addition, an

on-site observation of a conference was conducted that was held at a local high school. Conferences are held in different locations throughout the city. The observations were recorded in real time onto field notes and later transcribed.

Given the moderate and manageable amount of data that resulted from data collection efforts, a lengthy coding procedure was not necessary. However, the data were reviewed for trends related to the research questions that dealt with program administration and evaluation.

FINDINGS

The NCC program was initiated in 1998 when the City of San Antonio received a Juvenile Accountability Incentive Block Grant, administered by the OJJDP via the Department of Justice. The goal of the grant is to target at risk youth, as well as their parents at a relatively early stage when criminal behavior is detected in order to determine the cause of the criminality and address it before it becomes unmanageable. There are many positive aspects of the NCC program. For example, in the eyes of restorative justice proponents, any effort to veer away from the traditional and bureaucratic model of justice is beneficial. Offenders benefit from the process by virtue of their contact with community members and government in a non-coercive and supportive way. Furthermore, they are held accountable for their actions in that they admit their wrongdoing, and then are afforded opportunities to learn better ways to respond to certain situations. The process of reparation nearly always includes some predictable components, such a formal apology to the victim, but is tailored to fit the needs of individual offenders. As the NCC program coordinator explained, there are many variables involved in encouraging offender's success. D. Wilson states that "one of the things I know that the program does is that it gives them a foundation" (personal communication, March 10, 2004).

Example of an NCC Conference

Perhaps the best way to describe what the NCC program seeks to accomplish is by describing the process using the conference I observed as an illustration. This conference involved a 12-year old Hispanic male who was accused of misdemeanor theft. The conference was held in an empty high-school classroom. Those present included the offender, his mother, younger brother, two volunteers, and the counselor who has the dual role of facilitator. This particular process requires that the family of the offender depart the room, leaving the counselor, volunteers, and facilitator. The offender is asked to talk about the crime, to include disclosure about his motivations for committing the crime. In this case, the wrongdoer stated that he had a discussion with friends about stealing, and therefore decided to engage in the act. Volunteers engage the offender in a discussion based on a list of questions used to aid in facilitating the discussion with the offender (see Appendix B). In this case, the question, "who do you think has been affected the most by this incident" was asked, to which the offender replied, "My mom was hurt."

After the initial interview with the youthful offender, the mother was asked to participate. The volunteers asked her a series of questions (see to Appendix C). She appeared to be a very concerned parent who was interested in the well being of her child. Once everyone had his or her say, the counselor facilitated the drafting of the reparative contract. Volunteers and the counselor are the parties most concerned with drafting the contract mandates, which may include any or all of a pre-determined selection of sanctions (see Appendix D). The goal is to make a set of recommendations that are particular to the offenders needs – in this case it included the requirement that the offender write a formal letter of apology and observe a victim impact panel, attend "life skills" training, and participate in a mentoring program. The youth are given 180

days to complete the conference and contract mandates. In addition, the counselor agreed to

conduct home visits at unannounced times.

It appears that there are many benefits that are obtained from a process such as this.

First, there is a therapeutic component that encourages the offender to be accountable for his

behaviors at a relatively early age in development. Second, the process frees court resources in

that it allows for an alternative to traditional justice (e.g., court appearances), which in addition

to releasing certain resources may also demonstrate some cost advantages. There also may be

some advantages to the parents of the child in that, at least in the case observed; the parent

became more aware of her child's activities. In addition there is the benefit to the parent that her

child was fairly adjudicated in a more humane way and was not treated as a criminal.

NCC Successes and Outputs
In terms of federal grant reporting, the NCC program claims high success rates,

particularly where recidivism is concerned. S. Guerrero (personal communication, March 10,

2004) program counselor claimed that most offenders state they did not realize their actions had

affected others and they have a low rate of re-offending. According to the program, juveniles

adjudicated through more traditional means experience rates of recidivism at close to 60 - 80

percent, depending on the seriousness of the offense. This program claims that recidivism is

controlled at approximately 15 percent. R. Garcia (personal communication, March 10, 2004)

program counselor affirmed, "about 90 percent of the first-time offenders are real receptive of

the program."

Some basic data were available for program participants for Fiscal Years 2001 and 2002,

the only years for which relatively complete data were available. In total, 699 offenders

participated in the program, with approximately an even division between male and female. The

program coordinator claimed that the majority of the youth offenders are referred to the NCC for theft cases. D. Wilson states that "about 83 percent of our kids are for theft under fifty dollars" (personal communication, March 10, 2004). Table 1 provides greater detail about the demographic characteristics of this group of participants:

Table 1
Demographic Characteristics of Offender Population FY 2001 & FY 2002

n = 699	Number	Percentage
Gender		
Male	340	48.64
Female	353	50.50
Unknown	6	.86
Ethnicity/Race		
White	102	14.59
African American	83	11.87
Hispanic	514	73.53
Other	0	0
Age		
10 – 12 Years	342	48.93
13 – 15 Years	357	51.07
Other	0	0
Below Federal Poverty Guidelines	299	42.78
Withdrew from Program Prior to Completion*	68	9.73
* Available data only provided information about the number of participants who were currently participating in, had completed, or withdrew from the program. Given the lapse in time between reporting years, it is assumed that all other participants completed the program, but there are no data to verify this assumption.		

To satisfy the requirements of the block grant, the program is mandated to report on program outcomes. The program coordinator reported that both the parents and the youth are given a satisfaction survey at the end of the program. D. Wilson states that "right now for the youth and parent survey we are averaging a 92 percent satisfaction rate" (personal communication, March 10, 2004). She also stated that the courts accept the NCC and does help the offenders. In general, program outcomes reported appear favorable.

Even given what seem to be clear benefits of NCC participation, a number of significant problems were noted that include issues associated with the measurement of program outcomes and some problems with implementation that seem to be linked to a relative absence of planning. Finally, I have a concern that this program is more focused on the application of restorative justice practices in that I find that the process used by the NCC is less restorative in nature and is more a method to encourage diversion from criminal court.

A good example of this occurrence is related to the wording of the satisfaction surveys distributed to various stakeholders. The surveys are worded in such a way that the respondent is likely to answer that he or she is satisfied, to some extent, with the program process. One of the questions on the parent's satisfaction survey is, "how satisfied are you with the NCC program?" It appears that by phrasing the question in this way, the respondent is led to respond favorably (e.g., they are satisfied with the process) which in turn means that the program is reporting high program success rates that may be misleading. This is a common problem with client satisfaction surveys overall (Royse et al., 2001), suggesting that the program should be diligent in constructing surveys that avoid this error. Suggestions to improve their surveys are noted in the "Recommendations" section of this paper.

Related to the data collection efforts, it also appears that program administrators did not plan for an adequate management information system. Currently, the program manages its data in a series of what appear to be unrelated spreadsheet applications, thereby creating a situation where it is difficult to cross-match data and track trends. This causes a problem in that essential data may be dropped. For example, the program reports on recidivism rates. My analysis of the data that were provided for this study indicated that recidivism severely dropped off during the last months of each fiscal year. This suggests that if re-offense occurred, the data were not

entered, particularly if re-offense occurred during the following fiscal year. As it stands, the

manner by which data are managed do not demonstrate program accountability to stakeholder

groups, nor is data managed in a way that is useful for planning. The program neither seems able

to determine whether there are problems with the way the program is working; nor are they able

to reliably track program outcomes over time, both of which are objectives highly recommended

by Welsch and Harris (1999). Suggestions for improvement are noted in the

"Recommendations" section of this paper.

Restorative Justice and Civic Engagement

Participation is a vital component to the restorative justice process. This author

encountered some concerns about how participation occurs on two fronts. The first involves the

idea that victims are excluded from the conferences with offenders. Volunteers from the

community play the role of surrogate victims. Second, it is not always clear how community

members become involved with the process leading to some potential concerns about equitable

representation. This author believes that the programs intentions to be restorative, but the fact

that they do not involve the victims in the conferences violates a major principle of restorative

justice practices (Van Ness & Strong, 2002). By not allowing the victims to participate in the

conference, it takes away the opportunity for the victims to express to the offenders how they

were harmed by their criminal acts. In order to make reparation, it is important to involve all

stakeholders in the process. Additionally, there is a strong therapeutic benefit to the offender

when the victim is encouraged to directly be involved in the mediation process with the

wrongdoer. It is often through this process that the youth comes to more fully understand the

impact that his or her actions have on the victim and community. Fundamentally, this is one of

the bases of restorative justice and meaningful civic engagement that is jeopardized when victims are deliberately excluded.

Beyond the criminal justice horizon, restorative justice practices, apart from the potential benefits to victims (when included in the process) and offenders, can also be beneficial to society as a whole. Even though the NCC does not include victims in the process, a program counselor asserted they use volunteers from the neighborhood that the crimes were committed to be part of the committee. However, this type of interaction can only be meaningful when there is equitable and fair representation. Restorative justice advocates often sadly note the absence of true community representation in many types of processes (Bazemore & Schiff, 2001; Van Ness & Strong, 2002).

DISCUSSION/CONCLUSIONS

Based on the data obtained from interviews with key personnel, I believe the program serves its intended purpose, but there are improvements it may wish to make to validate that it is achieving program goals. I have no reason to believe the program does not meet its obligations, and in many ways, may exceed expectations, though it is not always possible to verify successes or areas for improvement for the reasons noted in the "Findings" section of the paper.

Key Recommendations

Therefore, my recommendations for improvement fall along two lines. The first is that the program should develop a reliable method to collect, store, and analyze data, including the development of a management information system (Welsh & Harris, 1999). To do so will help the program monitor how well it is doing and provide adequate feedback to various stakeholder groups (Farrington, 2003). According to Hatry, Winnie, and Fisk (1989), there are four designs that may be useful to local governments in determining program effects. These designs include:

- Establishing a reliable baseline measurement such that before and after data can be compared.

- Compare program results with populations not served by the program (in this case, youthful offenders who were adjudicated for the same crimes, but followed the more traditional path to adjudication.

- Use time trend projections (time series analysis) to project outcomes in the future based on current performance levels.

- To the extent possible, utilize quasi-experimental designs to evaluate program performance in terms of effectiveness, efficiency, and equity.

Related to information management, the program should consider improving the internal validity of its performance measures. The program should also take care to ensure that it is has adequately operationalized its measures (or, that the program's administrators actually measure that which they intend) thereby improving on construct validity (Farrington, 2003). The program might also consider developing a quasi-experimental research design, particularly when comparing recidivism rates among program participants and non-participants. This would help verify the reliability of the claim of a 15 percent recidivism rate.

The second area for recommendation is focused on improving program outcomes indicators to include the survey instrument. One way to improve the survey would be to use a scale that has good reliability and has been used in other studies (Royce, et al., 2001). The program administrators may wish to seek out similar type programs in other jurisdictions and borrow and adapt an instrument, particularly one that has been statistically validated. Second, the program may consider including open-ended questions on the survey to encourage the collection of rich source of data that Likert-type scales cannot provide (Royce, et al., 2001).

Finally, the program may consider using a ballot-box type approach to data collection at various stages of the process as opposed to surveying people at the end when all program and contractual requirements have been completed (Royce, et al., 2001). This would avoid the problem of having only respondents who are for the most part largely satisfied with the process by capturing the impressions of people who may not have been as satisfied with the end product or outcome and therefore drop out of the program (and are consequently not surveyed).

Closing Comments

Criminal justice programs commonly lack empirical evidence to demonstrate their effectiveness, and restorative justice programs are no different. However, it may be even more important for restorative and community based justice programs to reliably demonstrate their outcomes. In many ways these types of programs, despite what advocates suggest are superior practices when compared to the traditional system, are largely unknown commodities in the justice arena. It is essential to demonstrate that restorative justice is a legitimate supplement to traditional justice approaches. In essence, in order for restorative justice to be accepted, good research is essential. That research largely relies upon the performance measures and data collection by the programs, such as the NCC, that work with great effort to promote a form of justice that is focused on reparation, offender accountability, and the inherent rights of victims and communities.

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APPENDIX A

Research Questions

1. Who participates in the Neighborhood Conferencing Committee's (NCC) process and

    why?

2. How does the NCC process actually work, and what is the nature of the committee's role and

function?

3. How do participants evaluate the NCC process?

4. How well do participants accept restorative justice practices?

5. What do court officials think about the NCC process?

6. What are the immediate outcomes of the NCC process?

7. To what extent does the NCC process affect recidivism?

8. What are the cost implications of operating the NCC?

9. What role do the police have?

10. Are restorative justice programs in San Antonio repairing the harm done?

APPENDIX B

NCC Conference Format Offender

Select only those questions that are necessary to get the information needed. Divide the questions among the staff and volunteers. This format is provided as a guide; however, you may need to ask additional questions for clarity.

To help us understand who has been affected, we will start by asking (offender's name) to help us understand what happened.

Case Related

_____ How did you become involved in this incident?

_____ When did you decide to (name the charge)?

_____ What were you thinking about at the time?

_____ What influenced you the most in deciding to (name the charge)?

_____ Before this incident have you ever taken anything that you wanted, because you didn't have the money?

_____ Instead of stealing something you want when you didn't have any money, can you think of other ways to obtain the items?

_____ Instead of (offense, if other than stealing) can you think of other ways to handle this situation?

_____ What type of punishment did you receive for this incident?

_____ Was the punishment appropriate, too easy, too severe?

_____ How do you feel about the punishment?

_____ Are you the only family member that has gotten in trouble with the law?

_____ What have you thought about since the incident?

_____ Complete this sentence- I would not have done this if _____.

_____ Who do you think has been affected by your actions?

_____ Who do you think has been affected the most by this incident?

_____ In what ways have they been affected?

Discuss School

_____ Tell us about school?
　　(If the facilitator does not attain enough information, ask more specific questions)

_____ How are your siblings doing in school?

_____ Have you been tardy to school/and or class this year? How many?

_____ Have you ever been suspended from school? Sent to ISS?

_____ Are you involved in counseling services at school or any other places? Explain

_____ Are you involved in special education?

_____ What do you do after school? Are you involved in any after school or recreational programs?

_____ Are you involved in team sports, clubs, or etc.?

Discuss Social Life (Friends)

_____ Tell us about your friends?

_____ Who knows about his incident?

_____ What was their response?
　　(If the facilitator does not attain enough information, ask more specific questions)

_____ What do you like to do with your friends?

Improvement Areas

_____ *How do you handle your anger?

_____ Do you smoke cigarettes? If yes, how often and who buys them for you?

_____ Do you drink alcohol? If yes, how often and who buys it and with whom do you drink?

_____ Do you use drugs? If yes, how often and what kind?

_____ Are you sexually active?

Discuss Home Life

_____ Tell us about your family?
　　(If the facilitator does not attain enough information, ask more specific questions)

_____ Who lives in your home?

_____ How many brothers and sisters do you have? Ages?

_____ What is your birth order?

_____ What kind of things do you do together?

_____ How do you get along with your mother/guardian?

_____ How do you get along with your father/guardian?

_____ What activities do you do and your family participate in together?

Discuss Rules and Responsibilities
_____ What is your curfew?

_____ What are your responsibilities at home?

_____ What happens if your responsibilities are not taken care of?

_____ Are you involved in church (attend regularly, participate in youth group)?

Discuss Future Goals
_____ Tell us about your goals?

_____ What are you doing now to work towards achieving your goal to be a (name the goal)?
_____ How do you see the choices you make now affecting your future goals?

_____What would you like to change in the next year?

_____ What has changed since this incident?

Insights to Level of Responsibility
_____ If you could decide on your consequences, select at least 2 of the areas (listed) that would be helpful if these were included as some of the areas for you work on.

APPENDIX C

NCC Conference Format Supporter

Case Related

_____ What did (youth's name) tell you happened?

_____ Did you believe (youth's name) account of the incident?

_____ Can you trust that (youth's name) will most likely tell you the truth especially when he/she knows there will be a consequence?

_____ Tell us how this incident effected your family?

_____ Has this been a problem for (youth's name) before?

_____ If yes, when did the problem start?

_____ What do you see as the main issues?

_____ What do you think would have prevented (youth's name) from (charge)?

_____ What do you think are some possible solutions to this problem?

Discuss Conflict

_____ What kind of discipline did (client's name) receive for this incident?

_____ How do you handle family conflict? (sibling disagreements, fights, talking back, disrespect, etc)

_____ How do you handle routine discipline problems?

_____ How does (client's name) respond to your discipline?

Discuss School

_____ Tell us about (client's name) school experience?
(If the facilitator does not attain enough information, ask more specific questions)

_____ What is the (client's name) favorite subject?

_____What is (client's name) least favorite subject?

_____ What does (client's name) teachers say about him/her?

_____ What does (client's name) say about his/her teachers?

_____ What is (client's name) grade point average?

_____ Does (client's name) bring homework home?

_____ How do you feel (client's name) is doing in school? Are you satisfied with his/her school performance?

_____ What school activities do you attend?

_____ What would be helpful for (client's name)?

Discuss Relationships
_____ How does (client's name) accept adult authority? Please describe.

_____ How often do you and (client's name) talk about his/her problems, achievements, friends, etc.?

_____ What family activities do you do together?

_____ How does (client's name) respond to your rewards?

Discuss Home Life
_____ What are (client's name) responsibilities at home?

_____ How do you reward (client's name) for being responsible?

_____ What consequences do (client's name) earn for being irresponsible? (i.e. not cleaning room, not coming in on time, etc.)

_____ Do you attend church regularly?

Discuss Supervision
_____ What is (client's name) curfew?

_____ Tell us about (client's name) friends?

_____ Does (client's name) earn an allowance? How much?

Future
_____ What has changed since the incident?

_____ What would you like to change in the next 6 months? 12 months?

Insights to Areas that Would Help the Child to Learn His/Her level of Responsibility
_____ If you could decide on some of (client's name) contract mandates, select at least 2 of the areas listed that would be helpful if these were included as some of the areas for (client's name) to work on.

APPENDIX D

Contract Mandates

This is not inclusive of all the mandates that are used in the development of the contract. However, it will give you the general idea of the contract sanctions.

Balance & Restorative Justice (Repairing the Harm)
- Apology Letter
- Victim Impact Panel/Essays
- Theft Classes
- Peer Mediation Training
- Peer Mediation
- Community Service (13+)
- Juvenile Intervention Fire Safety
- Store Manager Interview
- Theft Research Paper
- Arson Victim Interview

Retributive Justice
- Jail Tour/Essay
- Offender's Panel

Academic
- Tutoring
- Improved Grades "C" or Better
- Required Study Time
- Reading Programs
- After School Program
- Improved Citizenship Grades
- Extracurricular Activities
- Daily School Card
- Homework Log

Self-Improvement/Future Goals
- Life Skills
- Conflict Resolution Training/Essays
- Success Panels
- Project Worth
- Drug Awareness
- Goals Essay
- Career Essays
- Counseling
- Heidi Search
- Solution Focus Journal

- What I Did During the Day & Why Journal
- Tobacco Class
- Anger Management
- Draw One-Day in the Life
- Medication Chart
- Problem Solving Worksheets
- Collage of Healthy Careers
- Temporary Relinquish Electronic Games
- Temporary Relinquish Questionable Music

Home/Relational/Rules
- Family Outings
- Mom/Dad Outings
- Setting Curfews
- Case Management Services
- Parenting Education
- Chore List