

THESIS

RESTORATIVE JUSTICE AND SHOPLIFTING: PARTICIPANT AWARENESS OF HARM,  
DECISION-MAKING, AND RECIDIVISM

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## ABSTRACT

### RESTORATIVE JUSTICE AND SHOPLIFTING: PARTICIPANT AWARENESS OF HARM, DECISION-MAKING, AND RECIDIVISM

This thesis examines a sample of participants from 2008-2011 who have completed the Restorative Justice Program for Merchants, Community, and Young Shoplifters (RESTORE) in Larimer County, Colorado. The research utilizes pre and post survey data of participants' awareness of harm and decision-making concerning their crime, as well as socio-demographic characteristics and prior offending behavior. The goal of this research is to identify the possible associations between the aforementioned participant characteristics and cognitive changes in their harm and decision-making awareness. In addition, this study explores what may or may not indicate participants' likelihood of committing additional crimes after completing RESTORE. Furthermore, by inspecting youths caught shoplifting and their participation in RESTORE, this study provides recommendations about programmatic practices and notes the limitations of the research. An examination of the data verifies that additional research is necessary to better identify how restorative justice principles can prevent a youths from future criminal behavior.

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## DEDICATION

For my wife Ashleigh Christine Wilson, we know who is first. Enough said.

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## CHAPTER 1: INTRODUCTION

Adolescents commit an increasing amount of shoplifting crimes (Blanco, Grant, Petry, Simpson, Alegria, Liu, and Hasin 2008; Cox, Cox, and Moschis 1990). This increase occurs in a judicial and correctional era where restorative justice has emerged as an effective option for alternative sentencing (Menkel-Meadows 2007; Rodriguez 2007; Latimer, Dowden, and Muise 2005). Numerous studies have reported that restorative justice lowers an adolescent's likelihood of reoffending in the future (Latimer et al. 2005); however, the National Association for Shoplifting Prevention (NASP 2012) recently reported that many adolescents find it hard to stop shoplifting even after being caught, making the application of restorative justice to shoplifting a promising area of study.

This study examines a Restorative Justice Program for Merchants, Community, and Young Shoplifters (RESTORE) in Larimer County, Colorado. This program has acknowledged the prevalence of adolescent shoplifting and taken the steps to intervene by utilizing principles of restorative justice. This research examines two questions: What does restorative justice offer apprehended young shoplifters? And, more specifically, what restorative and non-restorative characteristics of these shoplifters indicate their successful reintegration within the community? These questions will be operationalized through the use of several restorative and non-restorative variables and their relation to RESTORE participants' future delinquent or criminal behavior. These questions, specific to the crime of shoplifting, are largely missing from the restorative justice literature. This research will address this gap utilizing a sample of participants who completed the RESTORE program from 2008-2011.

### *Overview of Problem – Adolescent Shoplifting and Restorative Justice*

The U.S. is a nation of consumers. The retail sector in the U.S. is second only to the restaurant and food industry, and accounts for approximately \$3.8 trillion in revenue and generates 23 million jobs (Cardone and Hayes 2012). And yet these numbers do not reflect the financial revenues lost by those who steal. According to the Uniform Crime Reports (UCR) for 2011, of the 9,063,173 property crimes committed, 6,159,795 or 68% were classified as larceny-theft. Shoplifting (a form of larceny-theft) is arguably the most frequent yet elusive crime in American society (UCR 2011; Krasnovsky and Lane 1998). This means that in 2011, over six million Americans stole something. But past reports have found that only 1 out of every 20-40 shoplifters are caught (Blanco et al. 2008; Griffin 1984). National surveys conducted by the U.S. Census Bureau indicate 1 out of 12 consumers or, 11.3% of the population, shoplift during their lives (Blanco et al. 2008). The most prevalent youths crime is vandalism or shoplifting (Bock, Vermeir, Pandalaere, and Kenhove 2010; Jenson, Potter, and Howard 2001). In 1990, Cox et al. found that between 30-40% of adolescents in the U.S. shoplifted in the previous year. Some 30-40% of young shoplifters also reported repeating their crime (Klemke 1982). Research estimates that 31% of shoplifters are under 15 years of age; whereas, 50% of shoplifters are considered teenagers or under 20 years of age (Lo 1994: 621). When considering that information is often derived from samples of youths who are self-reporting their shoplifting activities, most researchers believe that the extent of the problem is woefully underrepresented. “Only a small percentage of shoplifters are caught and they are probably not representative of shoplifters as a whole” (Cox et al. 1990, 150).

Researchers and practitioners in the field of criminology and criminal justice understand that shoplifting disproportionately involves young people, but remain decidedly inconclusive on

how to approach the problem (Blanco et al. 2008; Cameron 1964). The following statements are just a sample of the many calls for action. “Relatively few studies have examined the effect of interventions used with the shoplifting offender. Studies specifically concerned with the adolescent shoplifter are even sparser” (Krasnovsky and Lane 1998, 220). “Future research should identify...the environmental underpinnings of shoplifting and develop effective screening tools and interventions for individuals with shoplifting problems” (Blanco et al. 2008, 912). “Despite the wide prevalence and impact of shoplifting, its prevention remains relatively understudied in the retail, consumer behavior and marketing literature” (Bock et al. 2010, 17). “Shoplifting today is understudied” (Shteir 2011). Despite these calls, there are a few researchers and organizations addressing these concerns. The National Association of Shoplifting Prevention (NASP), a non-profit research group, continues to collaborate with communities and companies including EBAY and the Food Marketing Institute (2012). “NASP provides programs and technical support for retail theft with its primary focus on petty theft and non-professional consumer shoplifting” (NASP 2012). Economists and marketing doctoral students at Ghent University in Belgium are studying shoplifting prevention by examining the probabilities of getting caught and the type (severity) of punishment (Bock et al. 2010). To date, they have only released a working or partial draft of their research. The University of Florida’s Security Research Project continues to investigate the effects and preventive strategies of retail theft. Currently in its 19<sup>th</sup> year, the Security Research Project administers an annual survey comprised of the most recent empirical data on retail loss prevention, asset protection, and security activities (University of Florida, 2011). These researchers understand that although “shoplifting is a minor, nonviolent crime, it has important economic and social implications” (Lo 1994, 614).

The importance of shoplifting has not resonated with the community in the same way. Since the 1960s, researchers have examined the public's perception on the seriousness of crime (Stylianou 2003; Sellin and Wolfgang 1964). Many different hierarchal typologies exist and all report shoplifting in the lower tier (i.e. among the least serious offenses) of perceived seriousness (Stylianou 2003). "Stealing from a shop is usually toward the lower end of the seriousness against property, because it lacks the elements of breach of trust, or theft from the person or from a dwelling which increases the harm involved" (Sweet and Maxwell 2006, 1017). The variations of seriousness in different social contexts make shoplifting particularly interesting to study (Douhou, Magnus, and Soest 2011). Within the American culture, shoplifting lacks little perceived seriousness, and yet the aggregated realities of the social and economic effects are notably serious. Past estimates of losses from shoplifting range in the billions (University of Florida 2011; Krasnovsky and Lane 1998). Customers often encounter higher prices due to companies leveraging the expenses of lost items and more effective prevention strategies (NASP 2012; Bock et al. 2010; Tonglet 2002). The public continues to ignore these implications when considering the seriousness of shoplifting. "Shoplifting could be the most serious crime with which the most people have some personal familiarity" (Cromwell and Thurman 2003, 538). Depending on the study, 1 out of every 10-15 persons have shoplifted in their past (Cromwell and Thurman 2003). More than likely, you or someone you know shoplifts.

Shoplifters are rarely routine professionals who steal for a living (Klemke 1992; Cameron 1964). Routine professionals are responsible for 10% of losses (NASP 2012). The majority of shoplifters are amateurs who desire what they steal (Blanco et al. 2008; Krasnosky and Lane 1998). These amateurs account for 13-14 billion dollars in retail revenue losses each year in the United States (Cardone and Hayes 2012; Blanco et al. 2008). Amateur shoplifting by

youths accounts for over \$5 billion in lost retail goods (Cardone and Hayes 2012; NASP 2012; Lo 1994; Cox et al. 1990). According to Bock et al. (2010, 4), “Shoplifting is most prevalent in this [adolescents between 12-18 years] age group.”

Researchers and the retail community have curtailed these losses by disrupting shoplifters with environmental (place-based) crime control models and situational (in-store) countermeasures (Cardone and Hayes 2012; Lo 1994). Glass encasements, magnetic signets like those on CD’s, and even the geographical placement of a store’s restroom is a consequence of these studies (Cardone and Hayes 2012, 38). Such measures create a hostile (think Big Brother) shopping environment and add burdensome expenses to the customer and the shopkeeper (Bock et al. 2010).

Prevention strategies disrupt the shopper and the shoplifter; however, they do not address how to treat a shoplifter after he or she has been apprehended. The NASP, through self-reported surveys of participants who have come in contact with their program since 1977, found that some non-professional shoplifters steal an average of 1.6 times a week before being caught. Intervention into this habitual behavior of shoplifting needs rigorous study and research. When framing and designing these strategies, researchers must first consider the age demographic that represents the majority of apprehended shoplifters (Blanco et al. 2012; Cox et al. 1990). Those under the age of 20 are most likely to shoplift (Krasnovky and Lane 1998, 227). That said, the strategies of intervention for this age group continue to fluctuate under various social and political correctional eras.

Aptly labeled the decriminalization and deinstitutionalization era, the 1970s and early 1980s treatment models were largely rehabilitative and community-based (Jenson et al. 2001). Martinson’s findings in *‘What Works’* (1974) began challenging the efficacy of these treatment

models, identifying many offenders who showed little to no improvement from rehabilitative measures. Although further research found Martinson's credo of 'almost nothing works' invalid (Gendreau and Ross 1983), lawmakers and correctional workers began shifting from proactive to reactive judicial treatments for adults and adolescents (see Allan's *The Decline of the Rehabilitative Ideal* 1981). This reactionary approach was characterized with 'stricter sanctions and incarcerations' during the punishment and criminalization era of 1985-2001 (Jenson et al. 2001, 54). During this time, many forms of informal justice became uncomfortable with the rise of stricter sanctions and incarceration (Jenson et al. 2001). However, these varying forms of informal justice lacked the impetus—a definitive tradition of its own—to challenge the traditional criminal justice system. "During the 1990s, restorative justice became a unifying banner 'sweeping up' a number of informal traditions of justice and capturing the imagination of many of those interested in reforming the criminal justice system" (Roche 2003, 6). Bulwarked by public approval and institutional necessity (Haley 2011; Garland 2001), restorative justice treatment programs targeted youths and still do so today (Walgrave 2011). The present era of youths treatment models could be characterized largely as restorative and community or victim based, quite similar to the decriminalization and deinstitutionalization era of the 1970s and early 1980s.

A prevalent form of alternative justice for youths today is largely structured around the restorative justice model. This model posits crime as a harmful infringement on social relations and that everyone within the community shares this harm along with the victim (Menkel-Meadow 2007; Braithwaite 2002; Marshall 1999; Zehr 1990). Figure 1 illustrates how these harms are shared.

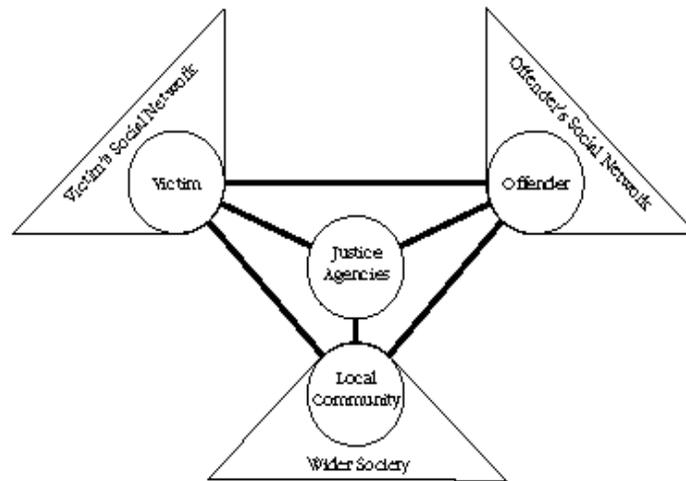


Figure 1: Restorative Justice Model

\* Figure reproduced from *Restorative Justice: An Overview* (Marshall 1999)

Restorative justice is grounded in a series of fundamental tenets. As first order of practice, when victims are present or represented by a surrogate, restorative justice seeks reparation of their harms, not on securing retributive obligations on offenders (Menkel-Meadow 2007; Lemley 2001; Marshall 1999). Given that criminal actions harm all social relations, restorative justice addresses the relations between clientele groups composed of victims, offenders, and the community (Umbreit 2001, 2). These groups must voluntarily participate in the methods necessary for restoration and reparation of the harm caused by the offense (Walgrave 2011; Braithwaite 2002). By the end of these necessary methods, the ideal outcome of restorative justice is a complete restoration to all groups, allowing the victim and offender to reintegrate into a community that is consequently emboldened by the addition of two socially revitalized persons (Menkel and Meadow 2007; Harris 2006; Strang and Sherman 2003; Ashworth 2002). Ideally, restorative justice should never become a zero-sum endeavor in which one side either wins or loses (Strang and Sherman 2003; Roche 2003; Ashworth 2002; Braithwaite 2002).

In the past, three intervention treatment models for shoplifters have been used: (1) punitive/restitution, (2) psychosocial assistance or rehabilitative, (3) treatment specifically designed for shoplifters (Krasnovsky and Lane 1998, 230). The first two models are often used together by the criminal justice system. For example, a shoplifter may have to (1) pay a fine and (2) complete a series of financial planning classes. The last model (3) is often used on first time offenders and could refer them to a program like Shoplifter's Anonymous (Krasnovsky and Lane 1998). Rarely have these three models been combined to treat shoplifters.

RESTORE—the program under evaluation in this study—provides a mixture of all three models based on restorative principles that could provide full restoration for all stakeholders. RESTORE *constructively* punishes (1) through reintegrative shaming and accountability techniques (Braithwaite 1993; 1989). RESTORE assists those in relation to the criminal act and provides restorative education (2) to the offender and victim. RESTORE continues to evolve its design to specifically treat shoplifting (3) according to the needs of each stakeholder. It is the involvement by all parties that remains critical to a restorative process. “Restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future” (Marshall 1999, 22). The latter part—‘implications for the future’—is how researchers most often measure offenders’ restorative success (Rodriguez 2007; Latimer et al. 2005; Braithwaite 2002). In the same manner, this study examines the implications for the future through re-offense rates of shoplifters who completed RESTORE. This will be the first study to examine recidivism of shoplifters who have participated in restorative justice.

### *Research Questions, Measures, and Methods*

Using secondary pre and post participant survey data from the Restorative Justice Program for Merchants, Community, and Young Shoplifters (RESTORE) in Fort Collins, Colorado and recidivism data from Larimer County, this research project addresses three questions:

- 1) Does participant awareness of restorative justice principles (i.e., harm and decision-making) reduce participant recidivism?
- 2) Are participant characteristics (socio-demographic and prior criminal history) associated with changes in awareness of key restorative justice principles?
- 3) Does RESTORE reduce participant recidivism?

Of the original 311 RESTORE participants from 2008-2011, 230 RESTORE participants, ages 10-20, voluntarily took a pre survey before entering RESTORE and another post survey after completing all program requirements.

The independent variables taken from the pre/post surveys were number of prior offenses, age, gender, race or ethnicity, post awareness of harm, and post awareness of decision-making. The latter two variables were of interest in this study; the others served as controls. The data was obtained from RESTORE's database with the consent of Perrie McMillen, Director of Restorative Justice Services, Fort Collins, Colorado. The outcome or dependent variables were recidivism and participants' change in key restorative justice principles—awareness of harm and decision-making processes. Data for these variables was drawn from RESTORE's database and

Larimer County as of April, 2012 meaning that the majority of participants were tracked for more than two years after completing RESTORE<sup>1</sup>.

### *Organization and Intent of Study*

In addition to this introductory chapter, this thesis will contain a literature review chapter of both the theory of restorative justice and the act of shoplifting. A RESTORE program description chapter will follow, including an explanation of the referral process, the inner workings of the different stages of RESTORE, and the requirements to complete the program. In the methods and measurements chapter, the variables taken from RESTORE are explained and the various descriptive and regression analyses used to address the research questions. The findings chapter will report the findings of these descriptive statistics and regression analyses. Lastly, this study will finish with a discussion and conclusion chapter, including insight into the findings, possible limitations and weaknesses of this study, and additional avenues for future research.

The intent of this study is to provide insight into the practice and outcome of restorative justice as it pertains to young shoplifters with a goal of increasing programmatic efficacy in this area. Shoplifting has proven to be one of the most elusive and habitual crimes in America. With more evidence that restorative justice can be effectively applied to those caught shoplifting, it remains possible that this problem may, in fact, have a solution.

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<sup>1</sup> The timeframe for Larimer County recidivism check is explained in the methods chapter.

## CHAPTER 2: LITERATURE REVIEW

This chapter provides a review of restorative justice and shoplifting. Starting with restorative justice, this chapter examines the lineage and definition of restorative theory, including its historic rise and what it is not intended to be. Then, in an effort to understand the process and outcome of restorative justice, Braithwaite's (2002) standards are reviewed, along with views, suggestions, and evidence provided by other researchers. These standards are followed by a description and assessment of the various applications of restorative justice. The section on restorative justice ends with a look at the methods used to evaluate restorative justice programs.

This review also examines the history of shoplifting including a look at the various societal perceptions and evidence-based studies on people caught shoplifting. In addition, this shoplifting review inspects the various direct and indirect treatment methods used to slow, or possibly stop, young people from stealing. Lastly, this chapter briefly reviews the potential for using restorative justice to intervene and treat those caught stealing.

### *Lineage of Restorative Justice*

The origin of restorative justice has no singular source (Menkel-Meadow 2007; Rodriguez 2007; Zehr 2002). Braithwaite (2002) considers restorative ideas as originally Hindu and Christian in nature, a view criticized by Jonathan Burnside (2007) in his historical exploration of the "interdependence of retribution and restoration at a number of different levels" in the Judeo-Christian tradition. Others suggest indigenous and aboriginal communities first practiced restorative justice (Menkel-Meadow 2007; Johnstone 2002). Anthropologically, we know principles of restorative justice were practiced by natives of North America and New Zealand (Zehr 2002, 11). Mennonite communities within the United States began using restorative justice in the 1970s that would later provide evidence for other communities seeking

an alternative to the criminal justice system (Zehr 2002). During this time in the U.S., tribal communities (e.g., the Navajo) were already practicing various forms of restorative circles, where all participants acted as adjudicators (Johnstone and Van Ness 2007; Johnstone 2002). Although the theory of restorative justice was still a convoluted mix of ideas, nations such as New Zealand, Canada, and Australia began to notice its possible potential as a means of alternative justice.

During the 1980s, restorative justice was often dismissed by the U.S. largely due to two conflicting discourses. Some, like Zehr, Braithwaite, and Walgrave, argued for a complete judicial paradigm shift; others advocated the complementary use of restorative justice alongside the criminal justice system (McAlinden 2011, Ashworth 2002). Haley recently coined this complementary use as the integrated approach to restorative justice (2011). Umbreit states that during the 1980s “restorative justice was not being considered seriously by the mainstream of criminal and juvenile justice policymakers and practitioners because of some advocates’ belief in all or nothing implementation (2001, 30). However in 1990, an international conference with representatives from Austria, Belgium, Canada, Finland, France, Germany, Greece, Italy, the Netherlands, Norway, Turkey, and the United Kingdom, was endorsed by the North American Treaty Organization (NATO), to examine and develop restorative justice practices (Umbreit 2001, 30). By the mid-1990s, several countries including New Zealand and Australia considered incorporating restorative justice into federal justice policy (Umbreit 2001). In 1996, 1997, and 1998, the U.S. Department of Justice sponsored a number of restorative conferences in response to the growing interests of correctional officials, policymakers, and practitioners (Umbreit 2001). By the late 1990s, restorative justice became at least a consideration, if not a viable option, in the

U.S. criminal justice system. Pavlich provides an overarching (possibly congested) synopsis of the events during the 1980s and 90s that led to the rise in restorative justice.

“In sum, restorative justice’s lineage includes the single and combined effects of: poverty reduction, community development and social defense initiatives; a rising informal justice movement bolstered by findings from legal anthropology coupled with a resonant critique of Western legal forms; and high profile experiments with informal justice, including those relying on theological images and concepts” (Pavlich 2005, 6).

Fortunately for the more casual reader, other researchers offer more succinct explanations. Johnstone and Van Ness (2007, 109) proposed that the indigenous justice movement, the feminist movement, and the victims’ rights movement encouraged restorative justice. Other researchers have expounded on these social movements. Braithwaite and Strang (2001) explain how the indigenous justice movement, characterized by indigenous peoples securing freedoms and policies to revisit their traditional way of life, empowered restorative justice during the 1960s, 70s, and 80s. The feminist movement, by adding women’s voice and the ethic of care, urged law officials and policy makers to readjust the judicial system (Daly and Stubbs 2007). By suggesting that the ethic of justice (everyone should be treated equally) should be tempered by the ethic of caring (not allowing additional harm from a judicial outcome), officials were encouraged to seek variable sentencing methods for each type of offender and their particular circumstances (Elliott 2011). The victims’ movement also provided systematic procedures to have their voice heard in the judicial process. Ashworth (2002, 584) suggests that this movement was the first step in securing a victim’s ultimate interest—repairing the harm done by the offender (Zehr 1990). Recently, Van Ness and Strong (2010) included the growth of informal justice as an additional contributing factor to the rise of restorative justice. The informal justice movement highlights the growing need for communities to assess their own needs and resources to address each specific criminal offense (Johnstone 2002; Zehr 2002).

Evidence suggests that all these factors precipitated the rise of restorative justice; however, the victims' movement of the early 1990s was the most influential cause (Strang and Braithwaite 2001).

The victims' movement, led by the organization of the National Organization for Victim Assistance in 1975 (NOVA), promoted a reevaluation of the relationship between crime and the state (Pavlich 2005; Umbreit 2001; Zehr 1990). "Crime is primarily a conflict between individuals resulting in injuries to victims...only secondarily is it law breaking" (Van Ness 1993, 259). A proliferation of activity by NOVA during the 1980s influenced Congress to create the Office for Victims of Crime (OVC) within the Department of Justice (DOJ) in 1988. As part of the Office of Justice Programs, the OVC began managing resources for victims through partnerships with non-profit organizations in communities around the United States<sup>2</sup>. In 1991, with enough groundwork laid by these agencies, the Supreme Court upheld the right for victim impact statements to be heard in capital cases (*Payne vs. Tennessee* 111 S Ct 2597, as cited in Ashworth 2002). This landmark case fortified victims' rights as, not only a movement, but a legal precedent. Throughout the 1990s and on, victim advocacy groups and treatment centers continued to grow. Many of these groups and centers seek to equalize the burden of crime by first attending to the needs of the victim (Strang and Sherman 2003). Restorative justice strives to keep many of the beliefs and practices expressed during the victims' rights movement (Strang and Sherman 2003; Ashworth 2002).

As victims secured a more central role in the criminal justice system, researchers and practitioners asked: Who else are victims? Or, as Pavlich and Daly asked (2005; 2002), what is a restorative victim? At this particular juncture, a restorative justice-based definition of the term

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<sup>2</sup> See url: [ojp.usdoj.gov/ovc](http://ojp.usdoj.gov/ovc)

victim is needed. Lemley (2001, 54) expresses it best. “Victims should be defined as any individual or collective that can articulate a loss that is clearly the product of an offender’s direct act.” Because offenders are harmed by their own acts, are they not victims too? What about communities? These additional questions led to the realization that crime affects, whether directly or indirectly, everyone (Menkel-Meadow 2007; Johnstone 2002; Braithwaite 2002; Marshall 1999 Bazemore 1998). Often under the supervision of the traditional criminal justice system (Haley 2011; McAlinden 2011; Pavlich 2005), restorative justice continues to find new and improved methods to meet the needs of each participant it comes in contact with, especially those considered a victim. Thus, defining restorative justice remains an act of diligence.

### *Defining Restorative Justice*

A commonly accepted definition of restorative justice is a “process whereby parties with a stake in a specific offense collectively resolve how to deal with the aftermath of the offence and its implications for the future” (Marshall 1999, 5). On June 9, 2011, Colorado became one of the more recent states to define restorative justice in legislation:

“Restorative justice practices means practices that emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim initiated victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices” (House Bill 1032: Section 6. 18-1-901).

Although these definitions reflect many aspects of restorative justice, Haley (2011) cautions that any definition or standard must be viewed as a work in progress. In response to this attitude, Walgrave (2011, 95) said, “Seeking consensus on one singular definition seems to be an impossible mission.”

Braithwaite (2002, 565) warns that we should be cautious in ‘prescriptive’ definitions because restorative justice continues to evolve closer to its ultimate objective of restoring the harm suffered by all stakeholders involved in a criminal act. Stakeholder here refers to victims,

offenders, and the surrounding community (Walgrave 2011; Menkel-Meadow 2007; Zehr 2002; 1990). Braithwaite's warning resonates among researchers who feel more comfortable stating what restorative justice is not. "It is much easier to identify a non-restorative approach than it is to provide a precise definition of what constitutes restorative justice" (Latimer et al. 2005, 131). Critical of this idea, Daly (2002, 59) believes that restorative proponents are simply making a sales pitch to policy makers.

"To make the sales pitch simple, definite boundaries need to be marked between the good (restorative) and the bad (retributive) justice, to which one might add the ugly (rehabilitative) justice. Advocates seem to assume that an ideal justice system should be of one type only; that it should be pure and not contaminated by or mixed with the other."

In the past, Zehr and Walgrave were guilty of drawing this line in the sand. Presently, Daly's words have been realized, and most researchers including Zehr recognize a shared, yet sometimes antagonistic, restorative and retributive judicial world (Haley 2011; McAlindon 2011; Pavlich 2005; Zehr 2002; Braithwaite 2002). In efforts to clear up the many misconceptions surrounding restorative justice, Zehr (2002) believes that examining what restorative justice is not has value. The following is a brief look at what it is not.

Restorative justice should not be defined by forgiveness and reconciliation (Zehr 2002). Restorative justice is a participatory endeavor that seeks to repair harm not emotions; however, emotions like forgiveness often precipitate from harm reparations (Walgrave 2011, 95). Feelings of remorse are emerging by-products of restorative justice, but not consistently present (Menkel-Meadow 2007). Thus, restorative justice cannot be defined by something that may or may not happen. This is the same reason why restorative justice programs cannot be defined by recidivism. However, some have ignored this reasoning. In *Listening to Victims*, Mika, Achilles, Halbert, and Amstutz (2004) found that a minority of restorative justice programs were started

only in efforts to lower or impede recidivism rates. Choi, Bazemore, and Gilbert (2012) warn that if programs focus solely on reducing recidivism, victim dissatisfaction would increase.

In fact, there is no exact blueprint for designing a restorative justice program (Zehr 2002). At its purest, restorative justice is a form of informal social control whose design is predicated upon repairing the victim, involvement of the community, and empowerment of the victim and offender (McAlindon 2011, 396). The needs of the victim, offender, and community cannot always be foreseen; thus, restorative justice must be flexible (Marshall 1999). Also, restorative justice must stay flexible to voluntary participation. Latimer et al. (2005) call this voluntariness. Any restorative design must adapt to counteract any voluntary participation that has the potential of additionally harming participants (Umbreit 2001). These features of adaptation, like conferences and circles, will be reviewed under *Applications of Restorative Justice*.

Restorative justice is not applicable only to minor offenses and first-time offenders (Zehr 2002). And yet, the majority of restorative justice programs target this demographic (McAlindon 2011; Rodriguez 2007; Latimer et al. 2005). This practice may leave out a group of offenders that could gain the most from participation in restorative justice. Hayes (2006) found that violent offenders were less likely than non-violent offenders to reoffend after restorative intervention. There are two reasons why restorative justice targets minor offense and first-time offenders. First, community support is greater (Zehr 2002, 11). Support here is derived from the public perception that less serious crime (i.e. first-time, youths, and property) should be dealt with in rehabilitative or restorative measures, not punitive (Pratt, Brown, Brown, Hallsworth, and Morrison 2005). More community support means more community resources (Johnstone 2002). “Restorative justice is anything but cheap” (Johnstone 2002, 25). Secondly, whenever more

harm is done (i.e. more serious offenses are involved) the stakes are greater, especially for the victim (Johnstone 2002). Some question whether restorative justice programs have clear standards, procedures, and (most importantly) trained facilitators to handle serious offenses (Mika et al. 2004). Facilitators without the ability to discern an offender's culpability of harm committed (Choi et al. 2012) run the risk of additionally harming the victim and the community during and after restorative justice (Roche 2003, 29). As restorative practices venture into more serious crimes, practitioners have begun to apply more rigorous procedures (Johnstone and Van Ness 2007; Strang and Sherman 2003), like guidelines for prescreening offenders (Lowenkamp and Presser 1999). With enough community resources and evidence-based procedures, restorative justice can manage serious offenses and offenders. However, this does not necessarily mean we need to replace the criminal justice system.

As mentioned before, restorative justice is not always defined as a replacement for the existing criminal justice system (Zehr 2002). However effective it may be, researchers must consider whether restorative justice is "incapable of addressing" some circumstances of criminal behavior (Johnstone Van Ness 2007, 557). Understanding this concern, Zehr (2002) supports the coexistence of both approaches: the state's criminal justice system looks out for the interests of the general public; whereas, restorative justice looks out for personal or interpersonal needs. Without dismantling a central component of restorative justice (voluntariness), the criminal justice system must be present if one or more parties choose not to participate in restorative justice (Pavlich 2005). Walgrave (2007) would rather do away with voluntariness and incorporate coercive practices in restorative justice. However, he remains in the minority on this subject and has called for clearer theoretical standards before taking any drastic action (2011). In

sum, the majority believe restorative justice should be an option within the criminal justice system (Haley 2011; Pavlich 2005; Ashworth 2002; Daly 2002; Zehr 2002).

Although an option, restorative justice is not *strictly* an alternative to the criminal justice system (Zehr 2002). Restorative justice can be used at any appropriate stage of the criminal justice system, including during jail and prison time (Johnstone 2002). To illustrate this, Johnstone (2002, 164) suggests that restorative justice programs are side streets running parallel to the criminal justice system. These cross roads or on-ramps can ‘shuttle’ offenders from one system to another at various stages. Unfortunately, connecting criminal justice to restorative justice at various junctions is arguably the most difficult method of pursuing justice (Haley 2011; McAlindon 2011; Johnstone 2002; Zehr 2002; 1990). For example, if the victim and offender want to pursue restorative justice, but the offender is state-mandated to serve prison time, the facilitators of each judicial system must be appropriately trained in the procedures and guidelines of *both* systems. If law officials and facilitators are up to this challenge, the complementary use of restorative justice and criminal justice could lower judicial costs and provide additional crime prevention (Haley 2011; McAlindon 2011; Strang and Braithwaite 2001).

By examining what restorative justice is not and acknowledging that most programs work within the criminal justice system, this review has arrived at a working definition. Restorative justice is primarily the practice and outcome of repairing victims, correcting offenders, involving the community, and preventing future crime (Haley 2011, 3; Walgrave 2011). In the restorative justice literature, there are various methods of structuring these practices and accomplishing these outcomes. However, these methods will always reflect some (not all) of the values and standards of restorative justice.

*Principal Values and Standards of Restorative Justice*

Through the texts of the United Nations’ Human Rights (first established in 1948) and the empirical evidence found by Strang (2000) of what victims and offenders want from restorative justice processes, Braithwaite (2002) developed a list of constraining and maximizing standards he believes encompass the primary principles and values of restorative justice. Constraining standards are mandatory requirements that empower maximizing standards (Braithwaite 2002, 569). Constraining standards are the rights of participants in conjunction with the regulations of a restorative process (Bolitho 2012). They build the foundation for a restorative process. Maximizing standards address what is lost from a criminal action and will vary greatly from one case to the next (Bolitho 2012). “All success is relative” (Walgrave 2011, 102). Braithwaite suggests measuring these standards in a program to judge its efficacy (2002, 570). To this day, few researchers have tried (Bolitho 2012). The following is a table and review of Braithwaite’s (2002) list of constraining factors.

Table 1. Constraining Standards

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1. Non-domination	5. Equal Concern for all Stakeholders
2. Empowerment	6. Accountability, Right to Appeal
3. Honor Legal Upper Limits of Sanction	7. Respect for the Fundamental Rights in International Treaties including Universal Declaration of Human Rights
4. Respectful Listening	

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Restorative justice is principally non-dominational (Constraining Standard #1). “At a broad level, crime affects the dominion of everyone involved: victims, communities and even offenders, because for each it breaks a sense of citizenship; that is, the right to live and interact in society unimpeded by harm” (Bolitho 2012, 63). All stakeholders have interests that create fields of power domination (Pavlich 2005). Because restorative justice appeals to a multitude of interests, including those of the state, it attracts power (Van Ness 1993). Numerous interests equate to numerous power struggles (Pavlich 2005, 10). These are inevitable, and must be

respectfully and actively attended to in restorative justice (Braithwaite 2002, 565). The facilitators are responsible for preventing power domination; however, if participants are empowered (Constraining Standard #2) and confront the issue themselves, there is a greater likelihood of satisfaction and reconciliation (Bolitho 2012).

Empowerment is not only about self-participation, but providing the resources necessary that allow a stakeholder to participate (Sawin and Zehr 2007). In the criminal justice system, the offender's power is stripped and transferred to the state (Ashworth 2002). Restorative justice also strips the offender of some power (see Braithwaite 1993; 1989), but it immediately redistributes this power according to participants' needs. In addition, the community seeks to re-empower the offender with a different (i.e. more normative) set of societal skills (Harris 2006; Braithwaite 1993; 1989). "Offenders must be given opportunities to (re)join communal formations once they fully appreciate, as well as take responsibility for, make amends for and apologize sincerely for their harmful criminal action" (Pavlich 2005, 72). Each process of empowerment will be different; however, these processes must always honor the legal limits of mandates (Constraining Standard #3).

The restorative process must never impose more sanctions than the court would allow (Braithwaite 2002, 567). Criminal justice sanctions account for the constitutional rights of the offender and (sometimes) the victim's material losses (Roche 2003, 27; Marshall 1999). According to Braithwaite (2002), restorative justice must honor offenders' rights and victims' losses in accordance with the law, while attending to other direct effects (i.e. loss of communal relations, offenders' identity, and victims' self-worth). This is done through the strict focus of harm reparation. When restorative justice programs concentrate too much on the individual, and not the harms caused by the individual, they run the risk of *not* honoring the legal limits of law.

“Processes that do not contribute to the reparation of the crime-caused harm are not part of restorative justice” (Walgrave 2011, 95). Reparation starts with mediated interaction between a culpable offender, the victim (or their representative), and the community (Roche 2003, Zehr 2002; Marshall 1999). This mediated interaction requires respectful listening (Constraining Standard #4).

In the literature, respectful listening has been called victim-sensitive language, respectful interaction, and a balanced manner (Coates, Umbreit, and Vos 2007; Zehr 2002; Johnstone 2002; Umbreit 2001). Respectful interaction, implying a general lack of coercion, often leads to all parties feeling repaired, empowered, and more judicially satisfied (Umbreit et al. 2007; Johnstone 2002, 15). When respectful interaction ceases and ‘neutrality is lost,’ power becomes a zero-sum game and someone loses (Johnstone 2002, 15-16; Umbreit 2001, 25-26). How does restorative justice maintain the standard of respectful listening with such a great number of stakeholders? Braithwaite and Strang (2001) suggest participatory deliberation. “The deliberative process is a type of mutual accountability where participants provide verbal accounts which are scrutinized and assessed by other participants, whose own accounts are in turn scrutinized” (Roche 2003, 80). This deliberation insures an equal concern for all stakeholders (Constraining Standard #5).

The concerns of stakeholders are often based on needs (Braithwaite 2002). Each need is addressed in its own time-order sequence: starting with the victim, ending with the offender and community. “Offenders must be held accountable to victims for the harm they have caused and must make serious efforts to repair such harm before they can expect to have their needs attended to” (Johnstone 2002, 95). Marshall (1999, 24) suggests that after the current offense has been atoned for by the offender, any underlying concerns (think community) can be reconciled.

When all concerns have been revealed, it is the job of a trained facilitator to bring concentration and perspective to these issues (Roche 2003, 118). Only then can offenders realize and be held accountable (Constraining Standard #6a) for the harms they caused.

Accountability (Constraining Standard #6a) is the first part of Braithwaite's sixth constraining standard. Restorative justice defines accountability by offenders' recognition and understanding of the harm caused by their actions (Zehr 2002, 23). This standard is mandatory procedure. "Restorative justice requires that offenders be held directly accountable to the person or community that they victimized" (Umbreit 2001, XXVIII). Programs that use prescreening or pre meeting processes may help insure the culpability of the offender (Roche 2003; Umbreit 2001; Lowenkamp and Presser 1999). These meetings provide an outlet or a right to appeal (Constraining Standard #6b) for those who believe they might have been falsely accused or coercively placed in a restorative justice program. Braithwaite (2002, 567) suggests that in order to insure the offenders right to appeal, restorative practices must remain transparent. As long as restorative justice is based on the rule of law, the offender must maintain the right to appeal (Pavlich 2005).

In the last constraining standard, Braithwaite argues for restorative justice to adhere to the fundamental human rights as specified in the Universal Declaration of Human Rights<sup>3</sup> and numerous other international treaties (Constraining Standard #7). It may be some time before researchers understand or even address the possibility of adhering to all human rights in international treaties. However, Braithwaite (2002) suggests that many of the maximizing standards (as we will now review) are contained in these treaties. Though far from operational in research, Braithwaite's maximizing standards could measure the success of a restorative justice program (2002, 569). Many of these standards have little demarcation from each other in the

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<sup>3</sup> See URL: <http://www.un.org/en/documents/udhr/index.shtml> for all thirty articles.

literature and often sound repetitious. However, Braithwaite believes that subtle differences are found in each restorative justice program. Similar to constraining standards, there remains a severe gap in the literature regarding how to measure each of these standards (Bolitho 2012).

Table 2. Maximizing Standards

1. Restoration of Human Dignity	8. Restoration of Freedom
2. Restoration of Property Loss	9. Restoration of Compassion/Caring
3. Restoration of Safety/Injury/Health	10. Restoration of Peace
4. Restoration of Damaged Relationships	11. Restoration of Sense of Duty as a Citizen
5. Restoration of Communities	12. Provision of Social Support to Develop Human Capabilities to the Full
6. Restoration of the Environment	13. Prevention of Future Injustices
7. Emotional Restorations	

Restoration of human dignity (Maximizing Standard #1) relates to participants restoring their inherent and respectful place within the community (Braithwaite 2002, 13). Crime can often strip a victim of their worth in the community (Strang and Sherman 2003; Johnstone 2002; Marshall 1999). Victims must be built back up during a restorative process. Through shaming, offenders are stripped of their place in the community, and then given the opportunity to rebuild their identity according to the norms of the community (Johnstone and Van Ness 2007, 13; Braithwaite 1989). Through the restoration of human dignity, victims and offenders reintegrate as valuable citizens in a democratic republic (Menkel-Meadow 2007; Roche 2003; Braithwaite 2002; 1989). The restoration of human dignity often starts with the restoration of property loss (Maximizing Standard #2).

The restoration of property loss begins with the offender replacing the material losses to the victim; however, the state or community can also help compensate the victim (Johnstone 2002, 73-77). This process replaces material losses, but ends with the restoration of social relations. Because an offense is a tearing of social relations, restoration often ends with

reconciliation of the offender to the victim, community, and family members (Menkel-Meadow 2007, 162-164; Marshall 1999). For many restorative justice programs, returning lost property is a practical ‘first step’ to restoring the safety, injury, and health of a victim (Maximizing Standard #3).

The restoration of a victim’s safety, injury, and health is a lightning rod to those who ask, “Does restorative justice sacrifice the offender’s needs and/or endanger the community for the victim’s safety?” Strang and Sherman (2003) found that it does not:

“It [restorative justice] has met the burden of proof for benefiting one stakeholder [victim] in the process of justice. It might arguably lose that status if it is found that restorative justice also hurts offenders or communities. But in thousands of restorative justice conferences on three continents, no clear evidence has yet emerged that restorative justice has such negative side effects” (42).

Strang and Sherman’s research suggests that victim-first strategies benefit the offender and community in restorative justice. Although offenders often experience more stress during restorative justice, this often leads to a greater sense of respect of people’s rights, interconnection between family and friends, and future advancements (e.g., by not having more of a criminal record) in society (Strang and Sherman 2003). In addition, in seven out of seven randomized diversions to restorative justice from criminal justice, all programs have worked at least as well as the criminal justice system to prevent future crime in the community (Strang and Sherman 2003; Strang 2000; McGarrell 2000). However, securing these outcomes are not easy and often depend on the offender’s level of accountability to the harm caused, the community’s ability to renew the social norms damaged by an offense, and the expertise of facilitators managing a participatory deliberative process (Walgrave 2011; Menkel-Meadow 2007; Roche 2003). Once the victim is restored, the process can move to restoring damaged human relationships (Maximizing Standard #4).

Restorative justice emphasizes “strengthening or repairing relationships between people, and using the power of healthy relationships to resolve difficult situations” (Johnstone and Van Ness 2007, 7). This is not evident in the criminal justice system. Using a biological simile, Braithwaite (2002, 16) explains the ‘healthy’ facade of retribution. Human gluttony, much like retribution, has immediate rewards; however, the ultimate outcome damages the human body. Restoration, through constructive (i.e. think ‘empowering’) processes, mends torn social relationships (Elliot 2011; Ashworth 2002; Johnstone 2002). If damaged relationships cannot be fixed, restorative justice should take a page out of the Hippocratic Oath—first do no harm<sup>4</sup>.

Undamaged human relationships build networks of trust between people and ultimately a healthy community. When understood as more than just a geographical space, community “exists only where individuals perceive they are connected or linked to others” (Pavlich 2005, 86). Braithwaite’s restoration of community (Maximizing Standard #5) relates to restorative justice’s ability to heal the harm of broken interpersonal relations within a community and regain the trust between its citizens (McAlindon 2011). Networks of trust in communities foster social capital (Schneider 2004), and can ultimately lead to restoring the natural environment (Maximizing Standard #6). Social capital, defined as community members’ general trust for one another and their resources, leads to sustainable economic development (Schneider 2004, 8; Braithwaite 2002, 212).

Moving on to Braithwaite’s seventh standard, emotional restoration (Maximizing Standard #7) may occur when participants by their own freedom of will decide to ‘readjust’ their emotive attitudes to best heal the harm caused by an offense (Braithwaite 2002; Marshall 1999).

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<sup>4</sup> See (Edelstein, Ludwig. *The Hippocratic Oath: text, translation and interpretation*. No. 1. The Johns Hopkins Press, 1943) for further interpretation.

Strang and Sherman (2003, 23) suggest that emotional restoration can only occur when a “distinction is made between the immoral act and the immoral actor, forgiving the one without tacitly approving of the other so that forgiveness can be squared with self-respect.” When participants in a restorative process can separate the criminal act from both the victim and offender, they can then begin to restore their emotions. When only the criminal act remains in contempt, and not the actors, participants are able to move forward and restore their freedom (Maximizing Standard #8) in society (Ashworth 2002). When individuals are free to act on their own they can begin to restore care and compassion (Maximizing Standard #9), which cannot be coerced.

Care or compassion from others forms support systems that help victims and offenders restore their sense of self within the community (Walgrave 2011; Johnstone 2002; Braithwaite 1989). Without some sense of care or compassion for the other, the victim and offender are unlikely to benefit the community and maintain a sense of peace. Restoration of peace (Maximizing Standard #10) implies a level of closure between the victim, offender, and community (Braithwaite 2002). Satisfied participants of restorative justice often feel at peace and have obtained necessary tools to move forward and begin restoring their sense of duty as a citizen (Maximizing Standard #11). Participants who have completed a restorative process should be equipped to help others develop their human capabilities (Roche 2003). These individuals help developmental institutions provide (Maximizing Standard #12) social support for others in the community (Braithwaite 2002, 570). These institutions, along with all the standards of restorative justice, prevent future injustices (Maximizing Standard #13).

Braithwaite’s standards of restorative justice are in their nascent stage of development. However, Bolitho (2012) has recently tried to measure Braithwaite’s ‘empowerment’

(constraining standard) and ‘restoration of community’ (maximizing standard) with an observational dataset of a Youths Conferencing Program in New South Wales, Australia. Bolitho (2012, 68) gauges empowerment by measuring participants’ stories in regards to clarity, coherence, detail, relevance, and succinctness. The attendance of victims and offender-support persons were used as measures of restoration of community. Using non-participant observations, Bolitho found that 76% of youths failed to tell their stories with clear and coherent facts or details (69). Although victim attendance was sparse in these conferences, offender-support persons were in attendance over 50% of the time, providing some evidence to the restoration of communities (Bolitho 2012, 76). Although Bolitho believes that these findings are the first steps in measuring Braithwaite’s standards, she remains apprehensive of the future of restorative justice research.

“Because of some ambiguity of key terms and the lack of solid links between restorative justice theory and standards...best practices have been less often made” (Bolitho 2012, 76). Researchers must ‘fall back’ and use typical criminal justice measures to judge restorative justice (Bolitho 2012, 76). Thus, Braithwaite’s prevention of future injustice through recidivism has been the most prevalent measure in restorative justice research (Rodriguez 2007; Bradshaw, Roseborough, and Umbreit 2006; Latimer et al. 2005). Though scarce, participant satisfaction, restitution compliance, and financial assessments have also been utilized to assess restorative practices (Beus and Rodriguez 2007; Latimer et al. 2005; Marshall 1999). However, only recidivism has proven to be a direct measurement of Braithwaite’s maximizing standard of prevention of future injustice (Bolitho 2012).

### *Applying Restorative Justice*

The principal values of restorative justice are applied through creative methods largely classified as circles, conferences, and victim-offender mediations (Walgrave 2011; Menkel-Meadow 2007; Johnstone and Van Ness 2007; Latimer et al. 2005; Marshall 1999). As mentioned earlier, these applications have been utilized before, during, or after encountering the criminal justice system. Zehr (2002, 55) suggests that many restorative applications exist in a continuum—using few, some, or most restorative principles. For example, victim representation through peer groups (i.e. impact panels) who relay the harm of an offense to an offender and community are considered partially restorative (Zehr 2002, 56). However, as Daly (2002) warns, there are some applications framed in restorative language that do not meet any of Braithwaite's standards of restorative justice. The legitimacy of a restorative application often rests upon the question—how is the harm of a criminal offense addressed (Strang and Sherman 2003; Ashworth 2002)? The following section reviews the applications proven to address harm with the standards of restorative justice.

### *Victim Offender Mediation*

Victim offender mediation (VOM) is the most popular application of restorative justice (Umbreit 2001; 1994). VOM is the process of facilitated meetings between an offender and a victim, in which the offender is held accountable, the victim's needs cared for, and the community recognized (Bradshaw et al. 2006; Umbreit 2001). Serving largely property crimes and minor assaults in the past, this practice has recently expanded to more serious and violent crimes<sup>5</sup>. Within the *Handbook of Victim Offender Mediation* (2001), Umbreit provides some necessary guidelines for VOM applications.

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<sup>5</sup> See Umbreit 2003; Strang and Braithwaite 2002 for research on restorative justice and violent offenders.

Umbreit advocates first for victim safety, and then for victim choice, which ensures victim safety (2001, 21-24). “Crime victims’ needs are especially likely to be overlooked unless victims are given a direct choice in decision-making” (Bazemore 1998, 781). Next, Umbreit (2005, 31; 2001, 25) suggests the use of ‘victim-sensitive language,’ which he later refers to with Coates and Vos as ‘respectful interaction.’ Respectful interaction allows all parties (victims especially) to feel more judicially satisfied (Johnstone 2002, 15). “Practitioners should strive to identify and remove insensitivity [insincerity] towards victims in all phases of restorative justice practices” (Choi et al. 2012, 41). However, offenders and victims are rarely taught before the VOM process how to respectfully interact; instead, they are screened or judged beforehand in regards to how well they *may* be able to respectfully and sincerely interact (Roche 2003; Lowenkamp and Presser 1999). These aforementioned reasons may indicate that individual ‘preparation’ may be the most compromised principle of the restorative justice process (Sivasubramaniam 2012; Choi et al. 2012; Daly 2002; Roche 2003; Lowenkamp and Presser 1999).

VOM, similar to many other restorative applications, has received a bag of mixed reviews. Through an analysis of past literature, Choi et al. (2012) found victim dissatisfaction uncommon, yet consistently present in most studies. Some studies have shown relatively high levels of satisfaction and restitution for participants but vary widely on the effect of offender recidivism (Bradshaw et al. 2006; Umbreit et al. 2001). However, using a meta-analysis, Latimer et al. (2005) found that restorative practices (largely VOM) were more effective at lowering recidivism and increasing victim/offender satisfaction rates when compared to traditional criminal justice practices. Choi et al. (2012) recently suggested a reemphasis in training,

preparation, and restructuring of VOM practices with restorative principles and values in order to secure more victim satisfaction and less recidivism.

### *Restorative Conferences and Family Group Conferences*

In an expansion of a typical VOM, family group conferences and restorative conferences include family members of victims and offenders as well as their closest supporters (Ray and Roberts 2007). Often, these conferences target youths along with their parents or guardians (Hayes 2006). One or more facilitators guide this sometimes scripted process. Cook (2006, 111), a researcher and practitioner, explains the conference process as such:

“First, the facilitator opens by asking the ‘offender’ to describe his/her actions and motives to the group; then the facilitator moves on to ask victims and supporters to describe their reactions to the event and the impact it has on their lives; and finally, the group collectively articulates an ‘agreement’ for the offender to complete within a specified timeframe in order to make restitution (materially and/or symbolically) to the victim(s) and to the community.”

This process does not necessarily require a victim to be present, but research suggests victim presence does lower recidivism (Ray and Roberts 2007, 215). Ideally, if victim presence is lacking in a restorative conference, other participants should reflect the possible concerns a victim would have. However, additional participants can present challenges to a restorative process.

By having more than a victim, offender, and facilitator present, conferencing hopes to place more accountability on the offender (Hayes 2006, 78; Roche 2003; Strang and Sherman 2003). Unfortunately, when numerous participants seek to assign accountability, restorative processes can become power struggles (Cook 2006, 120). These powers manifest differences:

“Class, gender and ethnicity are prisms of scrutiny within RJ conferences; thus RJ is a venue for ‘doing difference’ where, for the most part, the socially constructed categories of difference are not eliminated, but instead are used as subtle devices of domination (126).”

The use of these different devices (i.e. gender, class, ethnicity, and age) in conferences has been used to overshadow other participants, such as adults interrupting youths on the basis of seniority (Daly 2002). The more participants present often requires more active management by conference facilitators (Hayes 2006).

Restorative conferencing has an inherent flexibility in its structure, and allows for victim representation, whether or not the real victim is present. “Sometimes, if an encounter between a matched victim and offender is impossible or inappropriate, representatives or surrogates may be used” (Zehr 2002, 45). In 2005, Pavlich (54) claimed that restorative justice ‘requires victims who will actively participate in the process, only those really victimized are good candidates.’ When considering restorative conferences, this argument lacks evidence. However, a better question may be—does conferencing work?

Latimer et al. (2005) examined eight conferencing programs and found they were significantly reducing recidivism when compared to the traditional criminal justice system. Low-risk offenders with fewer psychological and social deficits are more likely to benefit from restorative practices (Ward and Langlands 2009, 213). Hayes (2006) found that violent offenders reoffended less when referred to a conference instead of a court. Assessments and comparisons of these studies are difficult as their samples range from North America to Australia, New Zealand, and Europe, and contain multiple methodological difficulties (see *Some Concerns about Comparisons* in Hayes 2006). Walgrave (2011, 97) suggests that the scope of research is too diverse to compare and integrate. Research using comparative methods has been woefully inconsistent. “Studies that compare restorative justice conferences to other interventions show that restorative justice conferences may reduce crime, may have no effect on crime, or may

increase further offending” (Hayes 2006, 86). Therefore, the easiest answer to does restorative conferencing work is—it depends on the program.

### *Restorative Circles*

The demarcation between restorative conferences and circles is unclear. Restorative circles have taken the foundations of conferences and intertwined them with the “values and traditions of North American aboriginal peoples” (Ray and Roberts 2007, 215). They are highly inclusive processes (Rodriguez 2007). Sometimes law enforcement, court officials, even people from community organizations like *Neighborhood Watch* or *Helpful Citizens* can join conferences to share their concerns about a criminal activity. Using qualitative interviews of circle participants in Saint Paul, Minnesota, Coates et al. (2003) found that circles effectively held offenders accountable, assisted the needs of victims, and empowered the surrounding community. As a result of the involvement of numerous participants from the community, Coates et al. (2003, 277) suggest that restorative circles internalize values and norms of its particular community. By emphasizing community participation, some critics warn that some restorative circles are quite exclusionary.

The word community is ambiguous and conditioned by two questions: Where does it begin? Where does it end? A more social reframing of the question may be—who is in and who is out? “There is no consensus regarding what encompasses a community within restorative justice” (Rodriguez 2007, 358). For this study, a restorative community will be a location where members informally concern themselves with judicial matters of the state and interpersonal relationships with their neighbors (Pavlich 2005). Often, restorative circles are practiced in strong communities, because these offer the most volunteers and support for such operations (Menkel-Meadow 2007; Johnstone 2002). But Pavlich (2005, 100-101) cautions that some

strong or ‘tightly knit’ communities proffer the most exclusionary tactics. “A community’s members are always distinguished from outsiders; to identify any given community is to distinguish insiders from those who live outside that community—strangers, offenders, etc.” The irony is this; circles are considered the most inclusive restorative practice, but may operate in the most exclusive conditions. Once researchers, practitioners, and community members are aware of this possible phenomenon, Marshall (1999, 8) suggests that community members should spend equal time between judicial matters and community development like housing, education, and employment.

### *Recent and Emerging Applications*

Recent restorative justice programs have fused particular characteristics of VOM, conferences, and circles to fulfill the needs of their stakeholders. Zehr (2002, 56) argues these restorative hybrids should play an essential role in the overall system of justice. For decades, victims’ assistance and advocacy groups have practiced partial restorative justice by solely attending to victims’ needs. These programs are vital when offenders are not apprehended or unwilling to listen to the victim’s requests (Zehr 2002, 55-56). Inversely, semi-restorative practices, such as panel discussions, have adapted to the instability of victim-presence and become irreplaceable to the offender and community. Many of these emerging restorative practices change frequently based on the evidence of best practice. “It is extremely important that the restorative justice movement listens carefully to this critical discourse, heeds it and adjusts its proposals, claims, and language in its light” (Johnstone 2007, 610). An emerging practice, once criticized by restorative advocates, is the combination of criminal justice strategies and restorative justice strategies. Haley (2011) and Walgrave (2007) call this an integrated approach, where features of both systems are utilized to incapacitate a high risk offender and

heal a victim. The lack of clear procedures in these new applications of restorative justice has frustrated researchers who want to measure their efficacy; however, recent ideas have emerged.

### *Measuring Restorative Justice Applications*

In 2012, the journal of *Critical Criminology* released a special issue devoted to the subject of restorative justice, hoping to “unravel the mystery” behind how to verifiably measure the success of different restorative justice programs. Almost two decades ago, Polk (1994) asked researchers if restorative justice was working in its desired fashion, and whether it works differently for different people (as cited in Sivasubramanian 2012, 1). There is general consensus that the whole process of restorative justice works; however research has largely failed in answering Polk’s questions (Sivasubramanian 2012; Walgrave 2011; Menkel-Meadow 2007; Braithwaite 1999). As mentioned earlier, the most common outcome variable in restorative studies is recidivism, not because it is the best way to measure efficacy, but the most convenient and pragmatic. However, the words “convenient” and “pragmatic” should not dilute the significance of recidivism. Without mentioning recidivism’s impact on social policy, some researchers have stated that lower recidivism rates do signify higher levels of accountability, and victim satisfaction (Hayes 2006; Latimer et al. 2005; Braithwaite 2002; 1999).

When using the outcome of recidivism to determine restorative efficacy, researchers have taken two methodological approaches. The most longstanding and arguably most rigorous studies are the experimental-comparative ones with randomly assigned treatment groups (restorative justice) and control groups (criminal justice). However rigorous these studies may be (Hayes 2006; Latimer et al. 2005; McGarrell 2000), they are still plagued by a self-selection bias due to many randomly selected restorative participants ‘opting out’ of restorative treatment (Hayes 2006; Hayes and Daly 2003). Thus recently, a small number of researchers have decided

to focus on variation analysis (Hayes 2006; Hayes and Daly 2003; Maxwell and Morris 2001). This methodology assumes that most restorative justice programs are unequal, and researchers should look within each program to ascertain what variables are affecting future reoffending (Hayes 2006). Though variation analysis will always be regarded as methodologically weak by some (i.e. it lacks comparative abilities), Hayes (2006, 82) explains that this type of research will offer policy makers and practitioners information on key components to implement within restorative justice programs that help prevent future injustice.

Variation analysis may help get to the heart of what Polk was asking nearly two decades ago. However, both comparative and variation research have much to offer the theory of restorative justice. Hayes (2006) acknowledges this fact by using both variation and comparative methods to examine the judicial system in Bethlehem, Pennsylvania. Basically any research that examines a restorative justice program in an effort to find what works for them can be classified as variation analysis. Even the most rigorous comparative methods of research suffer from restorative justice's reliance on voluntary participation (Latimer et al. 2005); thus, since we cannot start changing the foundations of restorative justice, it is time researchers examine other methods (like variation analysis) of measuring restorative applications. Maybe then, researchers can start finding what it is about restorative justice that helps shoplifters stop stealing.

### *History of Shoplifting*

Shoplifting was first codified in 1698 under Henry III (Act 10, Section C12) in British Parliament (Gamman 1999, 7). The law states, “[It is] the crime of stealing goods privately out of shops and warehouses commonly called shoplifting.” Before this law, public accounts and crime historians find shoplifting was often punished by the loss of a bodily appendage or public hanging (Gamman 1999). In much of Europe until 1820, shoplifting was considered a capital

offense (23). *Weekely's Entomology of Modern English* (2012) suggests 'shoplifting' is derived from lifting a person on one's shoulders to allow them to break in and steal. Other, perhaps less credible sources (i.e., blogs and internet discussion forums), suggest the term comes from lifting ancient Babylonian tent-stores in efforts to crawl under and steal merchandise. Present semantics denote shoplifting as the behavior of stealing from a store (Blanco et al. 2008). Basic forms of theft, larceny and shoplifting are often used synonymously; however larceny is defined as a theft from a specific person, whereas shoplifting is defined as a theft from a store or shop.

Shoplifting rose steadily in relation to consumerism in the United States. Before 1971, the behavior was more covert and treated with an air of disapproval. The social tides turned with the release of *Steal this Book* by Abbie Hoffman; the act of shoplifting became cool. The book reiterated familiar Robin-Hood-like themes, explaining how theft was an act of revolutionary love (Schteir 2011). By revealing nasty big-business methods (i.e. price gouging), this how-to-steal book seductively illustrates the victimized American consumer. It asks, "Why not steal?" Most importantly, the book transformed the public's perception of the harms incurred by shoplifting. Presently, 11.3% of U.S. citizens self-reported to shoplifting at some point in their life (Egan and Taylor 2010; Blanco et al. 2008). The following, starting with social class, is a review of some typical societal perceptions that have arisen in relation to the most prevalent crime in U.S. history (Egan and Taylor 2010; Krasnovsky and Lane 1998).

#### *Perceptions and Realities of the Past and Present Shoplifter*

There are three main academic discourses surrounding the question of why people steal from stores. The first proposes that "shoplifting is an offense committed by persons too timid to take other criminal risks" (Egan and Taylor 2010, 878). The second discourse suggests shoplifting is a broader pattern of offending and possible indicator of antisocial or substance

abuse disorders (Egan and Taylor 2010; Blanco et al. 2008). The third perspective contends that shoplifting is ‘situational’ and depends on physical or environmental opportunities to steal (Cardone and Hayes 2012). Historically, these three discourses have not been the prevailing perspectives as to why people steal overall. The first perspective, involving the inability to not steal, is simply an unfounded concept promoted by the wealthy.

To paraphrase the *Diagnostic and Statistical Manual of Mental Disorders* (DSM, 4<sup>th</sup> Edition), kleptomania is a failure to resist impulses to steal things that are not generally needed; the disorder usually involves a sense of anxiety before and gratification after (2000). This term has long since been a fashionable excuse used by the rich to explain their shoplifting behavior (Blanco et al. 2008, 905; Segrave 2001). “The rich have kleptomania while the poor are taken down with larceny” (Segrave 2001, 1). Generally, kleptomania should be cut from the discussion of shoplifting. “The relationship of shoplifting to other behaviors is poorly understood, and the prevalence of psychiatric disorders among people who shoplift is unknown” (Blanco et al. 2008, 905). The perception of the kleptomaniac is a societal neutralization technique given to the upper class. After interviewing 137 apprehended shoplifters, Cromwell and Thurman in *The Devil Made Me Do It* (2003) found 9 neutralization techniques amongst shoplifters including denial of injury, denial of victim, and denial of responsibility. Not one of the shoplifters used the most longstanding technique that society has errantly given the rich—they just couldn’t help themselves! However, social class can affect shoplifting behavior, but only in regards to financial gains.

“It appears evident that economic disadvantage serves as a motivational factor for shoplifting in many cases. As a major psychosocial stressor, it also enhances one’s vulnerability to engage in such behavior, perhaps particularly if one has acquired the experience of being unfairly treated and deprived by others, yet lacks available channels by which to express or relieve this pain and frustration” (Krasnovsky and Lane 1998, 226).

Recently, these findings have come under scrutiny. Blanco et al. (2008, 909) found that shoplifting was significantly more common among those with incomes over \$35,000 and family incomes over \$70,000. This finding relied on face-to-face random surveys of those who had and had not been caught stealing. Other than the wealthy kleptomaniac, shoplifting perceptions have changed with time.

According to Segrave (2001), the changing perceptions of who shoplifts can be characterized in the 1800s as a lower class problem, 1900s as a nonsensical upper-class woman or bare-boned lower-class woman problem, and most recently, a frightful adolescent problem. While some research does support the prevalence of the female shoplifter, these studies do not account for the higher proportion of women who shop (Krasnovsky and Lane 1998, 227). Most self-reported studies indicate gender equality in shoplifting (227). Historically, this gendered stereotype has little credence. In fact, many store owners allowed women to casually pick items from a store and walk out without paying; the owners settled the costs with the husband or family members at a later date (Gamman 1999). Further, store owners held relatively high-class social positions during these times, and would occasionally look the other way when peasant women stole small, need-based items; men were not treated with such indifference (Gamman 1999). Research now reports that the odds of men shoplifting are higher than those of women (Blanco et al. 2008, 909). The current social perception that women shoplift more lacks substantive evidence.

Because the same racial and ethnic prejudices functioning in our society also exist within our criminal justice system, researchers rarely find conclusive evidence linking shoplifting to racial and ethnic characteristics (Krasnovsky and Lane 1998). And yet, society has long perceived minorities as having criminal characteristics (Gamman 1999). Several studies have

found that Black shoplifters are more likely than Whites to be caught and prosecuted (Krasnovsky and Lane 1998; Klemke 1992; Robin 1963). Using a nation-wide random survey, Blanco et al. (2008, 909) found that Blacks, Hispanics, and Asian Americans had lower self-reported odds of shoplifting than non-Hispanic Whites. They suggest some type of racial or cultural roles functioning within shoplifters, but fail to provide anything conclusive (911). Thus, the modern perception that minorities shoplift more is false.

The teenager stole it! This public perception has some validity in the literature. “There is a high degree of consensus within the shoplifting research that individuals under 20 are most likely to be apprehended for shoplifting, as 40% of those apprehended are adolescents” (Krasnowski and Lane 1998, 227). Robin (1963) found that shoplifting is primarily a juvenile activity. Lo (1994) postulated that teenagers’ opportunistic and thrill-seeking behavior led to a higher likelihood of shoplifting behavior. Others argue that adolescents are opportunistic and situate themselves around accessible merchandise (Cardone and Hayes 2012; Cox, et al. 1990). Recently, Blanco et al. found that two-thirds of their shoplifting sample (N=4,422) were under the age of 15 (2008). The perception that youths steal more than adults is a likely reality.

Before 1990, only five studies existed on consumer fraud and shoplifting (Cox et al. 1990, 149). Since then, researchers have found inconclusive factors pertaining to who shoplifts (see Krasnovsky and Lane 1998 for list of possible factors); thus, what is conclusive? Mary Cameron’s *The Booster and the Snitch* (1964) concluded that shoplifting was typically a non-professional (i.e., it was not stealing to sell) behavior, performed by the masses. In validation of Cameron’s conclusion, Blanco et al. (2008) found a high association between White, middle-class Americans and shoplifting. Since 1964, the only addition to Cameron’s work, as it pertains to characterizing a typical shoplifter, may be that shoplifters tend to be youths (Blanco et al.

2008; Klempke 1992). How do we treat such vast yet vague population? What do these past and present methods look like?

### *Responses to Shoplifting*

Why respond to shoplifting? At a personal or micro-level, Blanco et al. (2008, 911) found shoplifting often occurs at an earlier age than other impulsive behaviors and may serve as a marker to identify individuals at risk for impulse control disorders. Through a frequent/infrequent cross-tabulation of shoplifters and burglars, Schneider found that frequent shop thieves may be frequent burglars (2005). Schneider's finding could suggest that shoplifting is a gateway to more serious crimes. At an institutional or meso-level, shoplifting destroys small community businesses. Approximately 50% of new shops and stores fail within the first five years (Small Business Association, 2012). One or two thefts a day severely affect the minute profit margins of small businesses. In addition, shoppers who witness a theft often feel unsafe, and consequently stop shopping at that location (Hayes 1997). At a national or macro-level, shoplifting costs the U.S. approximately \$13 billion a year (Blanco et al. 2008, 905). At any level, shoplifting demands intervention and treatment. Clinicians, researchers, and store owners have imposed both indirect and direct strategies.

Most indirect strategies are based on the theory of situational crime prevention or place-based crime prevention. "Situational crime prevention provides an action research framework to explore how the environment in which shoplifting occurs—the retail interior—can affect a potential offender's decision to steal" (Cardone and Hayes 2012, 24). Some contexts attract criminal activity, others do not. Lo (1994) reported that large stores with certain spatial layouts and low to moderate circulation attract teenage shoplifters. Using a content analysis of shoplifting interviews, Cardone and Hayes (2012, 55) found that potential shoplifters would

consistently assess levels of natural surveillance, guardianship levels, formal surveillance, and target accessibility when entering a retail environment. Store layouts and blind corners are forms of natural surveillance. Employee cameras and corner mirrors are types of guardianship levels. Undercover employees and storefront guards are examples of formal surveillance. Product encasements and over-the-counter items decrease target accessibility. “Through design principles, one should be able to control shoplifting without incurring the criminal justice system” (Lo 1994, 637). Little to no research has examined the financial and societal costs of these design principles. However, Clark (2008) found that many criminals adapt to situational countermeasures. Although many indirect strategies are effective, direct approaches are needed.

Both Cameron (1964) and Moore (1984) found that the majority of snitches or amateur shoplifters developed regular or habitual habits of stealing items. Whether confronted their first time or their hundredth time, apprehended shoplifters must be treated as if they are likely to steal again unless proper intervention is applied. However, interventions specific to shoplifting are still under development and lack empirical support. “Future research should identify...and develop effective screening tools and interventions for individuals with shoplifting problems” (Blanco et al. 2008, 912). Since the late 1970s, the NASP has offered education and public awareness to shoplifting (2012). Their outreach to criminal justice, alternative sentencing, retail businesses, and communities has not been lost on researchers.

Using education and clinical psychotherapy to treat shoplifters, Edwards and Roundtree (1982) found little differences between their treatment and control groups. Solomon and Ray (1984) also used a mixture of education and psychotherapy to address shoplifters’ irrational beliefs about the implications of their crime. Their purported 1% recidivism rate for the 94 treated offenders had two serious selection biases. First, the program only accepted adults (17

and up), which does not take into account a juvenile population that is most likely to reoffend. Second, they accepted only first-time offenders, disregarding habitual shoplifters who are more likely to reoffend. Kolman and Wasserman (1991) targeted female shoplifters through group informational conferences similar in many ways to restorative circles. Though they reported a 6% recidivism rate in a 1 year follow-up, their rates were, self-admittedly, not reliable. “However, caution should be used in drawing firm conclusions regarding this data because of the way in which misdemeanors are noted in the court records” (Kolman and Wasserman 1991, 48). Kolman and Wasserman explain that many misdemeanors are deferred and thrown out if the shoplifter complies with all court obligations.

A prominent and highly visible (e.g., top of first page on multiple internet search engines) shoplifting intervention in the U.S. is the Youths Educational Shoplifting (Y.E.S.) Program run by the NASP. This program employs on-screen interactive media guided by a trained facilitator and other apprehended and remorseful shoplifters (NASP 2012). According to their mission statement, the program helps youths understand the personal and social pressures, the real consequences, and their own thoughts and attitudes that may have led to their theft. In addition, this 5-6 hour program encourages youths to create a personal program to help deter them from future shoplifting behaviors. The largest study on Y.E.S. was conducted in King County, Washington State, where 1,040 youths (11-18 years of age) who completed the program were checked for criminal re-offenses (at the county level) two years after completing the program. An external consulting group (no explicit names were given) determined the program’s overall recidivism rate was approximate 30%. Although education programs like Y.E.S. are available and visible, many persons caught shoplifting are not diverted to these programs.

Sending shoplifters through the traditional criminal justice system does occur, especially if aggravating circumstances or recurrent criminal histories are involved. According to Sweet and Maxwell (2006, 1018), treating habitual shoplifters with incarceration is on the rise and this concerns them; “No one would deny that persistent low-level offenders are a considerable social nuisance, but the increasing use of short periods of custody to deal with them seem muddled and wasteful.” Sweet and Maxwell (2006) suggest, if shoplifters come into contact with the courts, they should immediately be deferred to an alternative judicial program. But what effective alternatives exist for shoplifters? “Treatment program development [for shoplifters] appears to be generally in the nascent stage...” (Krasnowski and Lane 1998, 233). Since 1998, the U.S. has experienced a dramatic rise in restorative justice and its ability to treat various types of offenders (Menkel-Meadows 2007). However, restorative justice research offers little in terms of shoplifting intervention. This research begins addressing this gap in the literature.

### *Restorative Justice, Youths, and Shoplifting*

Currently restorative justice remains an appendage of, or integrated within, the criminal justice system (Haley 2011; Pavlich 2005). McAlindon (2011, 396) explains why:

“In the context of contemporary penalty, restorative justice remains wielded to the criminal justice system chiefly because of the concerns of critics in the absence of state involvement in restorative processes, particularly where serious forms of offending, such as sexual offending, are concerned.”

Shoplifting treatment and interventions need little, if any, state involvement due to the general lack of concern from critics. Without a high level of state involvement, restorative justice programs that treat strictly shoplifters should be more inclined to freely seek evidence-based answers to the question—what works for a shoplifter? Small programs, like RESTORE, specifically designed to treat shoplifters through restorative principles, continue to seek this evidence.

The RESTORE program is integrated within Colorado's criminal justice system as evident when non-compliant participants are sent back to the criminal justice system for adjudication. However, RESTORE maintains a relatively high amount of autonomy. Some shoplifters never even contact the criminal justice system as they are referred by school districts, retail officials, even parents and friends (as can be seen from the RESTORE program description in the next chapter). Past descriptive findings on RESTORE may support the idea that shoplifting can be more effectively treated with restorative practices than other judicial means. The following is a review of a past analysis of RESTORE by Vogel and Ochsner in 2008<sup>6</sup>.

From 2002-2008, 969 participants including youths, parents, and guardians completed RESTORE, and 99% said the program helped them. The three features of RESTORE that participants felt most helpful were education on harmful impact (44%), circle interactions (22%), and being held accountable (20%). Only one participant during these years felt the process was 'not fair.' These findings mirror previous research suggesting some theoretical similarities between procedural justice and restorative justice (Tyler 2006). There was no review of RESTORE participant recidivism. Programs like RESTORE may have the answer to 'what works' in efforts to divert young shoplifters. And yet, even though most shoplifters are never convicted, they were (as of 2006) the most criminally sentenced (Sweet and Maxwell). Programs like RESTORE, that only treat adolescent shoplifters with known restorative practices and trained facilitators help provide a systematic approach or foundation on which researchers can begin to make more evidence-based claims on shoplifting intervention.

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<sup>6</sup> Visit url: [fcgov.com/restorativejustice](http://fcgov.com/restorativejustice) for additional information

## CHAPTER 3: PROGRAM DESCRIPTION

This chapter investigates the processes young people encounter after they are caught shoplifting in the jurisdiction where RESTORE operates. Young shoplifters (age 10-20) often encounter a discretionary referral process and may or may not have a structured introduction to the RESTORE program. The structure of introduction depends on whether they are referred from the Fort Collins Municipal Court (Municipal Court) or the Eighth Judicial District Attorney's (DA's) Office. If youths choose to handle their shoplifting charge through RESTORE, they begin a three stage process involving victim/community impact panels, restorative community conferences, reparative contract obligations, and a completion interview. After RESTORE completion, the referring court is informed of the offender's completion of the program. At that time, the court determines what to do with the charges. Typically, for cases referred by Municipal Court, the charges are dismissed upon completion of the program. Cases referred by the DA's Office are diverted prior to the filing of charges, so typically charges are not filed upon completion of the program. While the RESTORE program can never guarantee what the courts, judges and prosecutors will do (see above), in 12 years the Municipal Court judge has dismissed charges for every young person who successfully completed the program; and, the DA's Office has never filed on a youths who successfully completed. However, the final decision does belong with the referring agency.

### *Mission of RESTORE*

If completed, RESTORE helps participants learn more about shoplifting and how it affects victims and the community. The program will help repair the harm done by the incident in a meaningful way, and allow youths to make choices and learn about the consequences of their actions. The general requirements of this program are on-time appearances at two restoratively structured meetings and the completion of a contract. Restorative Justice Service's

(RJS) Mission Statement believes this process will promote justice and resolution for all stakeholders.

RJS Mission Statement:

“We are committed to a restorative and balanced approach to crime and conflict that promotes justice and resolution for victims, reparation for the community, and accountability, personal development and re-integration of the offender into productive community life, with respectful treatment of all involved.”

*Referral to RESTORE*

According to Perrie McMillen (Director of RJS in Fort Collins 2013), apprehended young shoplifters are most often referred to RESTORE from the Fort Collins Municipal Court or the Eighth Judicial District Attorney’s Office. At the Municipal Court, charges are filed and a future arraignment date is set to allow enough time for the young person to participate in RESTORE. At the DA’s office, no charges are filed if the young person chooses RESTORE. This is called a pre-file diversion program (Perrie McMillen 2013). Also, an officer can refer an apprehended shoplifter directly to RESTORE, but will be asked to cite the youths if they do not comply with or complete the requirements of the program. The officer who apprehends the shoplifter has discretion over whether he or she goes to the Municipal Court or the DA’s office. As yet, no regular patterns have been identified by the RJS staff regarding the nature of these referrals. The following is a description (via telephone interview with Director Perrie McMillen 2013) of apprehended young shoplifters referred to the Municipal Court.

Young shoplifters and their parents or guardians who first come into contact with the Municipal Court are gathered (usually in groups of 2-6) twice a month at Municipal Court and given a presentation by trained RESTORE volunteers. Based upon the needs of the youths, families, victims, volunteers, facilitators, and growth of restorative theory, this scripted presentation has been revised throughout the existence of RESTORE (2002-Present). The exact

script (updated in 2012) of this presentation can be found in *Appendix 1*. The following is a brief synopsis of the script presented by trained RESTORE volunteers.

- RESTORE is a voluntary diversion program for shoplifters and does have explicit rules and obligations for completion. Meeting times, payments, and multiple stages of RESTORE are part of the process. Those who acknowledge and take accountability for their theft may participate in the RESTORE program. If you do not, please work with the Municipal Court to resolve your charge. Each one of you will have to complete a contract specific to your shoplifting incident (the volunteers then go through a lengthy explanation of the RESTORE program and answer any questions). Here is an advisement form (see *Appendix 2*). The first section of the advisement form explains what you are charged with; the next section covers your rights. If you understand this and want to participate please sign and date it. If you do not want to participate in the program, please work with the Municipal Court to resolve your shoplifting offense.
- To all participants still here, we will now fill out all the necessary paperwork for participation in RESTORE (volunteers read through all paperwork, answer any questions, collect the signed copies and review the time, location and other details of program participation). Here is a voluntary pre survey (see *Appendix 3*) for statistical measures and grant writing purposes. After you are done, please wait for individual meetings to read and sign various intake forms. At home, please fill out an asset list of your positive characteristics to be used during restorative justice circles. Also, take this final questionnaire (see *Appendix 4*) and identify any challenges that you or those closest to you are dealing with in order for RESTORE to secure a greater possibility of successful program completion. If there are no further questions, thank you, and we will see you at the first meeting.

Shoplifters who are referred from the DA's Office are not given this standardized presentation made at the Municipal Court. Instead, they are assessed by the DA's Office juvenile investigator to determine which diversion program or combination of diversion programs is most appropriate for the juvenile. The juvenile investigator uses the same questionnaire used at Municipal Court (for individual interviews) and a personal interview with the youths and parents to make this decision. The RESTORE program is one of three diversion options considered by the DA investigator. RESTORE staff are present and part of these interviews as well as representatives from the other diversion programs. This collaborative effort is designed to

provide the best services or combination of services based on the needs and issues of the offender and family. The youths and their guardian(s) are given all the same information as the Municipal Court presentation in an individual, face-to-face meeting with the juvenile investigator and a RJS staff member. The youths and parents then fill out the appropriate paperwork for the RESTORE program, and sign up to attend the next session. Once that is finished, the participant is given a pre survey (see *Appendix 3*) to fill out immediately.

The other main diversion program focuses on drug and alcohol education and monitoring, and other types of teen development classes. In late 2010, the DAs Office began to send some youths to two diversion programs simultaneously, however, there are only a few included in the data of this report.

#### *Process of RESTORE*

After referral, the process of RESTORE is split into three stages. The first stage contains three parts that include a panel discussion, a group conference, and the development of a restorative contract. The second stage is where the offender completes his/her contract requirements. In the third stage, typically 1-2 months later, the participant demonstrates that they have fulfilled the requirements of their contracts in an individual interview with RJS volunteers and/or staff. The following is an elaboration on the processes of these three stages.

#### Stage 1 -

Part 1 - Youths and their parents or guardians—mandatory for those under 18 years of age—listen to a panel of speakers (program officials, merchant/merchant representatives, community members, law enforcement, and previous RESTORE participants) discuss the impact of shoplifting on the retail business industry, as well as the larger community. They also hear from other youths who speak about how shoplifting has affected them, their peers, and their families.

According to the restorative justice literature, these presentations are characterized as victim community impact panels. These panel presentations are a hybrid or variation of victim impact panels that gained public recognition when VOP's were found to significantly change offender attitudes and lower recidivism rates as part of the Mothers Against Drunk Driving (MADD) program (Van Ness and Strong 1997; 2007).

Part 2 - The participants, including an offender, other young persons, parents or guardians, a trained facilitator, merchant representatives, community members, and other volunteers, meet in smaller groups or circles to talk about the shoplifting incident and how they have been either directly or indirectly affected by this crime (for the facilitator's script with the general structure and talking points of these conference circles see *Appendix 5*). RESTORE participants within these group circles are of similar age. Youths are required to admit their responsibility and to discuss the incident within a circle conference. The parent or guardian is also required to speak about the incident to the group.

According to the restorative justice literature, these smaller groups are characterized as family, circle, or restorative justice conferences. Restorative justice conferences provide an atmosphere where reintegrative shaming can hold offenders accountable, while still respecting their personhood within the community (Braithwaite 1999; 1993; 1989). Proponents believe this atmosphere "addresses the needs and tangible losses of victims [or their representatives], holds youths accountable, and creates a supportive community for offending youths" (McGarrell 2001, 2).

Part 3 - When the group sessions are completed, each young person, along with his or her guardian, develops and signs a contract that contains the necessary provisions to repair the harm to the victim (or their representative), the community, their families, and themselves. The

contract is subjective, depending on the necessary reparations and restorations. For guidance, a list of options such as poster designs, apology letters, or even returning to RESTORE as a volunteer (see *Appendix 6* for full list) are given to participants to help them through this process. A few illustrations from RESTORE participants' completed contracts can be found in *Appendix 7*. As part of the contract, they also establish a program completion date and a time to return to the RESTORE council to present their completed contract.

Consistent with restorative justice literature, Braithwaite suggests that any restorative justice program should always try to “assemble all stakeholders” and “secure through local democratic deliberation a set of local commitments” (2002, 574-575). Without the respectful commitment of all stakeholders involved, restorative justice cannot run its full course (Umbreit 2001).

#### Stage 2 –

The participant works at home and in the community to fulfill the requirements of his or her contract. A typical contract takes the youths approximately 20-26 hours to complete (Perrie McMillen 2013).

#### Stage 3 –

In the third and final stage of RESTORE, participants demonstrate to the RESTORE Council that they have completed the contract provisions. The participants meet with a panel of RJS volunteers and/or staff to review their contract items and discuss what they have learned in going through the process. Family members are included in this interview and are asked about changes and improvements in the participant's life as part of the interview.

If deemed successful, the referring court is notified of the offender's completion, and the case is handled accordingly (see above). If not deemed successful, RESTORE's staff will work

with the participant to find the causes of their incompleteness and offer extensions to complete his or her contract (Perrie McMillen 2013). However, if a young person and their guardians do not show up, do not respond to inquiries, or do not comply after repeated attempts to assist them, they are sent back to court.

After completion, the RESTORE participant is given a voluntary post survey (see *Appendix 8*), similar to the pre survey for statistical and grant writing purposes. This survey contains additional questions not included in the pre survey to assess the participant's perception of the RESTORE program as a whole. Post survey administration is performed by Perrie McMillen (Director of RJS, Fort Collins), Bernadette Martinez (Eighth Judicial District Probation Department), Mary-Claire Geiss (Case Manager for Restorative Justice Services, Fort Collins), and a number of city-certified facilitators who have been interviewed, background checked, and restoratively trained. Additional information on the pre and post surveys, such as content and measures, are detailed in the next methods chapter.

## CHAPTER 4: METHODS

This chapter examines the research setting and social context of the RESTORE program. After an overview of the sample, the research questions are explained, as well as the variables and analytical procedures used to operationalize these questions. Possible expectations are explored and any known methodological limitations are described.

### *Research Setting*

This sample of RESTORE participants was taken from Larimer County in the eighth Judicial District of the state of Colorado. According to the 2010 Larimer County Census<sup>7</sup>, this region contained approximately 300,000 people from seven major communities: Berthoud, Estes Park, Fort Collins, Laporte, Loveland, Timnath, Wellington. Fort Collins accounted for almost half (approximate 140,000) of the Larimer County population. Gender distribution was split equally among these communities. Approximately 21% of residents in Larimer County were under 18 years of age, a percentage slightly lower (by 3%) than the Colorado average. The majority of residents in Larimer County were White/non-Hispanic (90%). Hispanics and Latinos accounted for 9% of the population, and less than 1% of residents residing in Larimer County were African American/Black. The majority of county residents in 2010 were classified as middle to high socio-economic status (i.e. with incomes ranging between \$50,000 and \$99,000).

According to the Larimer County Indicators Report (LCIR 2011), the Larimer County crime rate was 35 crimes committed per 1,000 residents. The juvenile (10-17 years of age) arrest rate was 74 arrests per 1000 youths. In 2010, Larimer County's rate of recidivism was 25.15%, (Gary Darling 2012). This rate was based on those who returned to the community detention center within a year. Since 2003, the Larimer County Jail (LCJ) has been functioning at capacity (LCIR 2011, 71). Some 37% of those incarcerated were under 25 years of age. In 2011, it was

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<sup>7</sup> This past census best reflects the 2008-2011 sample being reported on here.

reported that 6,364 offenders were sentenced to some form of alternative (non-incarceration) sentencing. This figure indicated a 41% increase in alternative sentencing since 2001 (LCIR 2011, 68). Traditionally, alternative sentencing in Larimer County has largely relied on programs such as work release, community service, and home detention. However, restorative justice has become a viable, and most importantly, a legal means of alternative sentencing in Colorado (LCIR 2011).

### *Social Context*

The RESTORE program (since 2002) has functioned long before many Colorado communities began experiencing the public and legislative support for restorative justice practices. However, the timeframe of this sample does warrant a brief look at the rise of restorative justice in Colorado between 2008 and 2011. Although many public figureheads who have previously worked within the criminal justice system have publically endorsed restorative justice as an alternative form of sentencing during this time, it has been Colorado's governors and legislatures who have secured it through law (Hardin, *Colorado Spring Independent*).

Successive Colorado Governors Bill Ritter and John Hickenlooper have called for the implementation of restorative justice by the Legislative Assembly. In 2008, Governor Ritter signed House Bill 08-1117, giving judges the authority to offer accused young offenders the legal option to voluntarily participate in restorative justice practices (International Institute of Restorative Practices 2012). The sponsor of this bill, State House Representative Michael Merrifield stated, "It cuts down on recidivism; it gives kids a second chance; it gives victims a chance to come to closure; and it gives offenders opportunities to acknowledge their crimes and make amends" (International Institute of Restorative Practices 2012). Governor Hickenlooper

continued the pursuit of restorative justice with the signing of House Bill 11-1032 on June 7, 2011.

“Any defendant who, in the determination of the court, is a candidate for an alternative sentencing option and who would otherwise be sentenced to imprisonment pursuant to paragraph (b) of this subsection (1) may, as an alternative, be sentenced to a specialized restitution and community service program pursuant to section 18-1.3-302, which may include restorative justice practices” (Section 7, 18-1.3-104.)

House Bill 1032 has initiated a social context conducive to anyone, after the determination of the court, to receive restorative justice. This bill resulted in some community officials and politicians declaring it a transformative judicial method that ‘restores hope’ to a strained and often publicly maligned Colorado Judicial System (Hardin 2011 *Colorado Springs Independent*). Liz McDonough (Division of Youths Corrections spokesperson 2011) believes Colorado’s restorative climate will eventually lead to offenders doing less harm after going through treatment:

"Restorative justice helps offenders have a better understanding of the harm that they have done to the community, they will have a better foundation to build in themselves better behavior. They understand that their actions have consequences. The idea is that then it makes it harder for the individual to do harm to the community after they are released” (*Colorado Springs Independent*, 2011).

Only future research will determine whether McDonough’s beliefs are accurate. The program being studied, RESTORE, provides this alternative sentencing option for young shoplifters in Larimer County, Colorado.

#### *Overview of Sample and Research Questions*

From January 2008 to March 2011, three hundred and eleven (311) adolescent shoplifters 10-20 years of age were given the opportunity to participate in RESTORE to ultimately have their charge dismissed. RESTORE participants were required to: (1) take responsibility for their

actions, (2) the offenders' parent or guardian had to agree to participate in the program along with the offender, and (3) the victim or victim's representative (often a merchant representative) had to agree to participate in the conference. As mentioned, the RESTORE program only treats shoplifting (theft) charges. These participants were given pre and post surveys to track their socio-demographic status and perceived pre and post awareness of their thoughts, feelings, and experiences as they pertain to being caught stealing and their recent involvement with RESTORE (see *Appendix 3 and 8*). This data was logged into an FJS database using random participant identification numbers to preserve anonymity. Within the sample, 230 participated and completed RESTORE, and also agreed to take both the pre and post survey. The data for these 230 participants, along with a Larimer County-wide recidivism check of each participant, was used to assess the association of the socio-demographic, prior legal history, and awareness indicator variables contained within RESTORE's pre and post surveys. During preliminary data collection, the harm awareness indicator was averaged from several separate, but highly similar, survey questions<sup>8</sup>. The same was true for the decision-making indicator<sup>9</sup>. To capture the extent to which RESTORE participation may affect future offending, the following research questions are examined:

- 1) Does participant awareness of restorative justice principles (i.e., harm and decision-making) reduce participant recidivism?

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<sup>8</sup> The harm indicator was derived from the four questions: "My shoplifting hurt my community." "My shoplifting hurt the store I stole from." "My shoplifting hurt my family." "My shoplifting hurt me." These questions were asked in both the pre and post survey.

<sup>9</sup> The decision-making indicator was derived from the three questions: "How often do you stop to think about your options before you make a decision?" "How often do you stop to think about how your decisions may affect others' feelings?" "How often do you stop and think about all of the things that may happen as a result of your decisions?" These questions were asked in both the pre and post survey.

- 2) Are participant characteristics (socio-demographic and prior criminal history) associated with changes in awareness of key restorative justice principles?
- 3) Does RESTORE reduce participant recidivism?

Question one examines participants’ self-reported post awareness of harm and decision-making to their likelihood to recidivate. This question controls for participants’ socio-demographic and prior criminal history. Question two examines participants’ socio-demographic characteristics and prior criminal history to their self-reported change in harm and decision-making during their time with RESTORE. Question three examines the recidivism rate of those who have completed RESTORE within this sample. The next section provides a description of the variables incorporated within these research questions.

*Variables*

As illustrated in Table 3, the variables listed below were chosen to examine this study’s research questions (see *Analytic Procedures* in the next section for additional information).

Table 3. Variable Measures in Regression Models

Variable Name	Type	Measurement	Source
Recidivism	Dependent	Binary	Larimer County/RESTORE
Change in Awareness to Harm	Dependent	Interval	Pre/Post Survey
Change in Awareness to Decision-Making	Dependent	Interval	Pre/Post Survey
Post Awareness of Harm	Independent	Ordinal	Post Survey
Post Awareness of Decision-Making	Independent	Ordinal	Post Survey
Gender	Control	Binary	Post Survey
Age	Control	Interval	Post Survey
White/Non-White	Control	Binary	Post Survey
Number of Priors	Control	Interval	Larimer County/RESTORE

Three dependent variables were examined in this study. The first dependent variable recidivism<sup>10</sup> was labeled and coded as one (1) for those who recidivated within one to four years of completing RESTORE and those not recidivating as zero (0). Due to the timeframe that the sample (2008-2011) was derived from, and the timing of this study (2012), the majority of participants (60%) had more than a two-year window to reoffend. However, 20% had 1 year, while others (approximately 20%) had almost 4 years. The second and third dependent variables examined RESTORE participants' change in the awareness of harm caused by their crime and their change in decision-making awareness. The participant change variables for harm and decision-making were calculated by taking the difference between each individual RESTORE participant's pre and post awareness of harm and decision-making indicator scores. This calculation created an interval change score for each RESTORE participant. The range for change in participant harm awareness was -3 to 2.75, whereas the change in participant decision-making processes was -1.7 to 2.

The independent variables of interest were participants' post RESTORE awareness of the harm caused by their crime and of decision-making processes. Post awareness of harm was composed from four different survey questions to capture participants' overall understanding of the harm their theft caused. This indicator variable (Cronbach's Alpha = 0.88) was averaged from the four following questions:

1. "My shoplifting hurt my community"
2. "My shoplifting hurt the store I stole from"
3. "My shoplifting hurt my family"
4. "My shoplifting hurt me"

These questions were answered: *strongly disagree*, *disagree*, *agree*, and *strongly agree*. These questions were re-coded 1-4 respectively. The higher a participant's score, the more likely a

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<sup>10</sup> The recidivism definition was based on any re-arrest, summons, or citation in Larimer County.

participant agreed that there was harm caused by their shoplifting crime. Restorative theory stresses that in order for any reparation or restoration to be made to the victim, community, and offender, the harm must first be acknowledged and understood by the offender (Walgrave 2011; Strang and Sherman 2003; Braithwaite 2002; Umbreit 2001; Zehr, 1990). As seen above, community was represented by ‘community’ in question 1 and ‘family’ in question 3. Victim was represented by ‘store’ in question 2. And the offender was represented by ‘me’ in question 4.

The second independent variable of interest was the post awareness of participants’ decision-making. This indicator variable (Cronbach’s Alpha = 0.74) was averaged from the three following questions:

1. “How often do you stop to think about your options before you make a decision?”
2. “How often do you stop to think about how your decisions may affect others’ feelings?”
3. “How often do you stop and think about all of the things that may happen as a result of your decisions?”

These questions were answered: *never*, *sometimes but not often*, *often*, and *all of the time*. The answers were re-coded 1-4 respectively. The higher a participant’s score, the more likely that an individual may have understood their decisions and the consequences involved during his or her time with the program. This variable has some consistency in both restorative justice theory and shoplifting research. Blanco et al. (2008) found that impulsivity (lack of decision-making awareness) was a significant determinant in shoplifting behavior. If RESTORE participants in questions 1-3 (all used the verbiage stop and think) scored a high level (3 or 4), they may have been better equipped to not steal when opportunities arise. Zehr (2002) proposed that restorative justice changes the focus of crime from the offender to the others directly and indirectly affected by criminal behavior. Participants who scored highly on question 2 may have learned that their crime affected not only them, but ‘others’ as well.

The first control variable was Gender. This variable was measured and coded as female (1) or male (0). The majority of participants in 2008-2011 were females. This should not surprise researchers, considering that the Court and DA's office refer shoplifters to RESTORE. Shoplifting is not gender-specific (Blanco et al. 2008); however, society does view women shoplifters as 'sick' and men as 'bad' (Krasnovski and Lane 1998). Thus, women are more likely to be sent to alternative sentencing; whereas, men are more likely to be sent to the court.

Although the variation in age was only 10-21 years of age, this control variable provided a unique window into an age group highly susceptible to shoplifting behavior (Krasnovsky and Lane 1999; Lo 1994). For this study, participants' age was derived from when they completed the program. In restorative justice research, age has been shown to affect participants' likelihood to recidivate (Rodriguez 2007; Hayes 2006). In addition, Daly (2002) reiterated the findings of Piaget (1972) and speculated on whether those under 15 years of age have developed the ability to learn complex restorative principles. These findings and speculations are examined further in the discussion and conclusion chapter, and give additional credence to controlling for age in any restorative justice study.

The third control variable labeled and coded as White (1) or non-White (0) was derived from the options of *White*, *Black/African American*, *Hispanic or Latino*, *Asian or Other Pacific Islander*, *Native Hawaiian*, or *Other* in the survey. These were re-coded because of the lack of variation between each option. The non-White participants (30% of total sample) were composed of approximately 18% Hispanic/Latino, 7% multi-racial, 2% African Americans, and 3% other. These proportions of non-White participants somewhat mirrored county percentages. According to the 2010 census for Larimer County, the majority (84%) of persons reported as White (non-Hispanic). Of the 16% self-identifying as non-White, 11% reported as

Hispanic/Latino, 2% multi-racial, 1% African Americans, 1% Native Americans, and 1% Asian Americans. Recently, Blanco et al. (2008) found that White, non-Hispanics shoplift more than non-Whites; however, race and ethnicity have shown little association to participants' likelihood to recidivate after receiving restorative justice (Beus and Rodriguez 2007; Rodriguez 2007; Hayes 2006). Therefore, this variable was controlled for more with respect to shoplifting research than with regards to restorative justice.

The number of prior crimes a participant had when entering the program controlled for those with a repetitive history of crime who may be more prone to reoffend after RESTORE. The literature has consistently shown that the number of prior crimes is positively associated with the likelihood to recidivate (Rodriguez 2007; Hayes 2006; Latimer et al. 2005). When using the measure of prior crimes in programmatic evaluations, caution should be exercised because of the possibility of referral differences. For example, the present-day Court or DA's office may refer more or less shoplifters with long histories of criminal activity to RESTORE than in years past, due to increases or decreases in the number of defendants being processed by the courts. To validate this speculation, further research is needed.

### *Analytical Procedures*

Descriptive statistics were used to identify the general constitution of the sample, the proportions of each variable measure, and the recidivism rate of those who completed RESTORE. A basic two-group significance test (T-test) was used to assess whether or not participants' mean post awareness of harm and decision-making variables were statistically greater than their pre mean equivalents. An ordinary least squares (OLS) linear regression model examined the association between participants' change scores in awareness of harm and decision-making to their socio-demographic and legal characteristics. For the main model in this

research—as determined by the binary (yes/no) variable of recidivism—this study used a logistic regression model to assess possible associations between participants’ likelihood of reoffending in the future and their post levels of harm and decision-making awareness.

### *Expectations*

Consistent with the literature, this research expects to find some association between each socio-demographic and prior criminal history variable except race and ethnicity (i.e. White/non-White). An increase in age and number of prior offenses is expected to increase recidivism (Rodriguez 2007; Gendreau 1996). And, males are expected to recidivate more than females (Rodriguez 2007; Gendreau 1996). Race and ethnicity has never consistently shown any significant association to recidivism in restorative justice research (Rodriguez 2007; Hayes and Daly 2003). However, a slight positive association with White/non-Hispanic participants and recidivism is possible due to White/non-Hispanic’s propensity to shoplift more than non-Whites (Blanco et al. 2008).

This study found no past empirical findings that suggest that participant change in harm or decision-making awareness are associated with socio-demographic, prior criminal history, and future criminal encounters. Thus, there are no expectations for this analysis. However, this is not the case for the logistic model containing the variables of interest—post participant harm and decision-making awareness. An increased level of offender accountability is associated with higher levels of victim satisfaction and decreased likelihood of recidivism in some cases (Menkel-Meadow 2007; Roche 2003). In order to promote accountability, offenders must recognize the *harm* they caused and that their *decisions* ultimately affected themselves and those around them (Walgrave 2011; Menkel-Meadow 2007; Strang and Sherman 2003; Zehr 2002; Braithwaite 1999; Marshall 1999). Therefore, this study expects that higher levels of participant

awareness to harm and decision-making should result in a lower likelihood of reoffending in the future. In the next section, a description is given of some of the limitations of these measurements and analyses.

### *Methodological Limitations*

These foreseen limitations and other unforeseen challenges that arose during the study will be discussed at greater length in the discussion and conclusion chapter. This research lacks a control group of those who did not go through RESTORE, making comparisons to the criminal/juvenile justice system in Larimer County impossible. In addition, the environment in which the pre and post surveys were administered was drastically different (see program description chapter). The pre surveys were administered under the possibly punitive shadow of either the DA's office or the Municipal Court; the post surveys were administered in a restorative justice context under the roof of a public building. These varying environmental contexts could affect participants' awareness of their crime and its consequences. Also, by deriving the variables of interest (indicator variables) from the mean of several survey questions, this study assumes that each of these questions contributed equally to harm and decision-making awareness.

As with any component in a restorative justice program, these surveys were considered voluntary. Thus, these measurements may not capture the most frustrated participants (i.e. those who declined to take the post survey) who would have reported low amounts of harm and decision-making awareness. Considering the content of the survey, the questions pertaining to harm were simple and easy to understand; however, the decision-making questions appear wordy and somewhat similar to each other. These questions may confuse some young participants. In addition, during data entry, some participants' identification numbers were

mislabeled, making pre/post comparisons impossible. Most of these were discovered and corrected through various statistical programs. A few (4 participant surveys) could not be corrected and were counted as missing. Lastly, this study attempts to explain complex restorative ideals with relatively uncomplicated regression models. As with any restorative justice research, the results will only explain one facet of a multi-faceted operation.

## CHAPTER 5: FINDINGS

This chapter first reviews descriptive statistics of the entire 311 participant sample. Subsequent findings examine results derived from the 230 participants who agreed to take the pre and post surveys, and completed the RESTORE program. The results of an OLS regression show some relationship between participant variables and change in harm awareness and decision-making processes. In addition, the results of the logistic analysis reveal little effect of program variables on participant recidivism.

### *Descriptive Findings*

As previously discussed, a sample of all juvenile shoplifters who voluntarily chose RESTORE from 2008-2011 comprise the sample for this study. As shown in Table 4, 70% of program participants were White (non-Hispanic), 70% were female, with an average age of 16.24 years.

Table 4. Descriptive Independent Variables (All RESTORE Participants)

Variable	N	Type	Min.	Max.	Mean	Std. Dev.
Age	311	Interval	10	21	16.24	2.54
White / Non-White	311	Binary	0	1	0.70	0.46
Female / Male	311	Binary	0	1	0.70	0.46
Number of Priors	311	Interval	0	4	0.29	0.72

The majority (85%) of participants were first-time offenders. The mean number of prior offenses a RESTORE participant had before entering the program was 0.29 offenses. Eighteen percent (18%) of females and 10% of males had prior crimes. For those with a prior offense, most had committed two prior crimes.

Of the 311 total participants, 74% or 230 participants completed the RESTORE program<sup>11</sup>. The descriptive statistics for those who completed RESTORE and who took both surveys are presented below in Table 5. The typical RESTORE graduate was 16.5 years of age. White, non-Hispanics showed a higher rate of program completion than minority participants, evidenced by the mean increase in White participant presence from start (70%) to finish (77%). Females had a higher rate of program non-completion than males, as the female presence decreased by 5% from start (70%) to finish (65%). Those with less prior crimes were more likely to complete the program.

Table 5. Descriptive Statistics: Independent Variables (Only RESTORE Completers)

Variable	N	Type	Min.	Max.	Mean	Std. Dev.
Age	230	Interval	11	21	16.5	2.57
White / Non-White	230	Binary	0	1	0.77	0.45
Female / Male	230	Binary	0	1	0.65	0.48
Number of Priors	230	Interval	0	4	0.12	0.55
Pre Harm Indicator	226	Interval	1	4	3.04	0.64
Pre Decision-Making Indicator	224	Interval	1	4	2.71	0.57
Post Harm Indicator	204	Interval	1	4	3.58	0.55
Post Decision-Making Indicator	202	Interval	1	4	2.82	0.53

*\* Harm and Decision Indicators were averaged from Ordinal/Likert Measures*

After averaging the pre harm and pre decision-making questions (alpha = 0.78 and 0.72 respectively), the indicator mean for harm was 3.04 and the indicator mean for decision-making was 2.71. These indicator means increased after RESTORE completion to 3.58 for harm and 2.82 for decision-making (alpha = 0.88 and 0.74 respectively). The indicator of 3.04 on the pre

<sup>11</sup> Although 230 participants completed RESTORE, some voluntarily did not answer all questions on the surveys. This accounts for the varying levels of N.

harm score indicates that the majority of participants recognized or ‘agreed’ that their shoplifting behavior caused some harm. The indicator of 3.58 on the post harm score indicates a higher likelihood to ‘strongly agree’ than ‘agree’ that their shoplifting behavior caused some harm. As illustrated in Table 6, the difference between mean scores for pre and post harm awareness was statistically significant.

Table 6. Variables of Interest, T-Test Difference of Pre/Post Means

Variable	Pre Treatment Mean	Post Treatment Mean	Difference	T Score	P Value.
Awareness of Harm	3.04	3.58	0.54	-9.91	***0.00
Awareness of Decision-Making	2.71	2.82	0.11	-2.12	*0.03

\* p < .05, \*\* p < .01, \*\*\* p < .001

The indicator of 2.71 on the pre decision score indicates that most participants were slightly less than ‘often’ aware of the decisions they make and the consequences of those decisions on others. Following program completion, this score increased to 2.82, indicating that post program participants were slightly more aware of the decisions they make and the consequences of their decisions. The difference between mean scores for pre and post decision-making was statistically significant. Although both restorative variables of interest significantly changed<sup>12</sup>, these variables do not predict participants’ chances of reoffending in multivariate models.

The dependent variable of recidivism was measured as yes or no and had a mean of 0.177 as illustrated in Table 7. This finding indicates that 17.7% or 40 RESTORE young graduates reoffended as of April 1, 2012. This date means that for 60% of participants a two year

<sup>12</sup> During preliminary analysis, the mode of the pre/post harm and decision-making indicators were examined. They did not offer additional insight. Using the mean instead of the mode in interval responses is contested in the literature and will be discussed in the next chapter.

timeframe was used to assess recidivism, while 20% had a four year timeframe and another 20% had a one year timeframe.

Table 7. Descriptive Statistics: Recidivism for Program Completers

Variable	N	Type	Min.	Max	Mean	Std. Dev.
Recidivist / Non-Recidivist	230	Binary	0	1	0.177	0.38

It was found that males reoffended more than females (by 4%), as did those without a prior history of criminal activity; and that participants between the ages of 14-17 years reoffended more than those 11-13 and 18-21 years of age, though these differences were not statistically significant. The possible meaning of this recidivism outcome will be discussed further in the discussion and conclusion chapter. However, this study’s main objective was to find RESTORE participants who experienced cognitive changes in restorative justice principles and investigate: (1) if these changes were associated with their characteristics, and (2), if their post levels of reported restorative principles were associated with future criminal behavior.

*Effects on Change in Harm Awareness, and Decision-Making*

This section of findings will focus on a different dependent variable—that of change on participant awareness of harm and decision-making processes associated with their characteristics. To better understand the restorative variables of harm and decision-making, OLS regression was used to examine the relationship between socio-demographic and prior criminal activity on changes in respondent awareness of harm and decision-making pre/post program participation. Derived from pre *and* post observations, only participants who completed RESTORE were analyzed.

**Table 8.** Unstandardized Slope Coefficients of Harm and Decision-Making on Socio-demographic and Prior Criminal Activity

Variable	Model 1	Model 2
<b>Socio-Demographics</b>	Harm	Decision
Age	0.04†	-0.01
White / Non-White	0.07	0.02
Female / Male	-0.22*	-0.09
<b>Legal Variable</b>		
Number of Priors	0.04	-0.12
R-squared	0.05	0.02
F-Statistic	1.96*	0.99
N	193	190

† p < .1 \* p < .05, \*\* p < .01

As illustrated in Table 8, Model 1 shows the relationship between socio-demographic and prior criminal history on the change in respondent harm awareness, while Model 2 examines the change in decision-making.

In Model 1, age proved close to significant ( $p < 0.1$ ), indicating that an increase in a participants' change in harm awareness was positively associated with their increase in age. In addition, the significant association ( $p < 0.05$ ) between respondent's awareness to harm and gender indicated that females (coded as 1) may experience 0.22 less change in harm awareness than males. The remaining variables were not significant. The R-squared statistic was 0.05 which indicates that this model struggled to explain any variation of harm awareness.

Model 2, with an R-squared of 0.02, indicated that participants' change in decision-making processes were not associated with socio-demographic or prior criminal history. As will be discussed in the next chapter, any 'non-findings' between participant characteristics and their

change in harm awareness and decision-making processes may indicate that it is RESTORE that affects participants, not their own socio-demographics or past criminal history.

*Effects on Recidivism*

Table 9 demonstrates the bivariate relationship between the restorative justice, socio-demographic, and prior criminal history variables on recidivism. None of the restorative justice variables or any of the control variables were significant predictors of recidivism at the bivariate level.

Table 9. Bivariate Odds Ratio for Recidivism (Only RESTORE Completers)

Variable	N	Odds Ratio	Std. Err.	Wald Value	P Value
Age	230	0.94	0.06	-0.94	0.35
White	230	1.14	0.44	0.33	0.74
Female	230	0.74	0.26	-0.88	0.38
Number of Priors	230	1.01	0.31	0.05	0.96
Post Harm Indicator (Alpha 0.88)	204	0.98	0.33	-0.07	0.95
Post Decision Indicator (Alpha 0.74)	202	0.88	0.3	-0.36	0.72

† p < .1 \* p < .05, \*\* p < .01

Only participants who completed RESTORE and voluntarily took both the pre and post surveys were included in the main effect models as shown below in Table 10. In Model 1, an increase in age slightly decreased participants’ chances of reoffending. Being a White, non-Hispanic participant increased the likelihood to recidivate when referenced with non-Whites. Model 1 also indicated that females were less likely to recidivate than males. Number of prior crimes showed little association to reoffending. Given the lack of statistically significant results in this model, caution is prudent when interpreting these results. As shown in Table 10, the restorative variables were added to Model 2. Post participant harm awareness slightly increased

the likelihood of reoffending. Post participant decision-making decreased the likelihood of reoffending. Due to the lack of statistical significance, the results suggest that none of the independent variables of interest, nor any of the control variables, offer any predictive value for explaining participant recidivism.

Table 10. Logistic Regression Results (Odds Ratio with Recidivist)

Variable	Model 1 Odds Ratio	Model 2 Odds Ratio
<b>Socio-Demographic Controls</b>		
Age	0.93	0.94
White	1.2	0.99
Female	0.73	0.73
<b>Legal Variable</b>		
Number of Priors	1.06	1.15
<b>Restorative Variables of Interest</b>		
Post Harm Indicator		1.05
Post Decision-Making Indicator		0.85
Model chi-square	1.95	1.51
Pseudo R-square	0.01	0.01
N	214	202

† p < .1 \* p < .05, \*\* p < .01,

In sum, nothing was statistically significant at the bivariate or multivariate level. This puzzling pattern of findings will be discussed further in the discussion and conclusion chapter.

## CHAPTER 6: DISCUSSION AND CONCLUSION

This last chapter summarizes effects of restorative, socio-demographic, and prior criminal history on recidivism for the RESTORE program. These effects are discussed and compared to past research findings. In addition, the OLS regression models regarding the change in participants' harm and decision-making are reviewed. Throughout the chapter, participants' open-ended responses are used to add insight to the discussion. Also, research recommendations are made to facilitate the growth of restorative practice and theory. And lastly, the many challenges and limitations of this study are laid out to investigate whether these can be corrected for future research.

### *Summary of Findings*

This study examined the effect of restorative justice principles on recidivism in the RESTORE program in Fort Collins, Colorado. This research utilized a sample of juvenile shoplifters who chose to participate in RESTORE from 2008 to 2011. Descriptive results suggest that RESTORE appears to be successful at treating youths shoplifting with principles derived from restorative justice. However, the multivariate analysis, examining the relationship between participants' restorative characteristics (e.g. harm awareness and decision-making indicators) and recidivism revealed no statistically significant results. A participant's change in harm awareness increased after completing RESTORE as did change in decision-making processes, but multivariate results indicated that this had little relation to their socio-demographic or prior criminal history. The source of the program's relative success was not detected in this study. However, this is not unusual, given that only a few prior restorative justice studies have found participant characteristics—those had before entering a restorative justice program and/or

achieved during treatment—to be related to his or her chances of successfully reintegrating within the community (Beus and Rodriguez 2007; Hayes and Daly 2003; Hayes 2006).

*Socio-demographic Characteristics, Prior Criminal History, and Recidivism*

This study found little relationship between race/ethnicity and recidivism; thus replicating Rodriguez's (2007) findings of no significant difference between Whites and non-Whites. Also similar to Rodriguez's findings, males had a higher likelihood of reoffending than females, though this relationship was not statistically significant. Unlike Rodriguez's findings, respondent age had no effect on recidivism. However, RESTORE only allowed shoplifters who were between 10 and 20 years of age to enter the program, whereas Rodriguez's sample was anyone under 18 years of age. No contradiction really exists considering RESTORE's inclusion of an age demographic highly prone to petty crimes such as shoplifting (Cox et al. 1990). This study also found that the number of prior offenses was positively associated with recidivism—though it was not a statistically significant relationship either. This may be a consequence of RESTORE's vision of 'respectful treatment for all' (RJS Vision 2012). This diverges from studies that have found the relationship closer to statistical significance (Rodriguez 2007; Hayes 2006).

To expect veritable significance of number of prior crimes on recidivism would overtly detract from the initial process of restorative justice—finding offenders who voluntarily participate by at least partially accounting for their crime and are willing (this self-evident selection bias is discussed later) to go through the necessary steps of restitution (Pavlich 2005; Latimer et al. 2005). These findings, along with past studies, may suggest that the number of prior crimes, or other legal variables, have little relation to a youth's chances of reoffending

when entering a restorative justice program. This is much like the old cliché—it's not where you have been but where you want to go.

### *Change in Harm Awareness*

The process of offenders accounting for their harm is a central tenet to successful restorative justice practice and treatment. “Restorative justice is the name given to a variety of different practices including...the acknowledgement of *harm and injury*, as well as to other efforts to provide healing and reintegration of offenders into their communities” (Menkel-Meadow 2007, 162). Although choosing to participate in RESTORE may reflect partial accountability within the offender, the level of accountability necessary to successfully reintegrate within the community is greater. Thus, because accountability starts with becoming more aware of the harm, the significant change in participants' pre to post mean scores for harm awareness should be viewed optimistically for RESTORE.

The older the respondent, the more observed change in pre to post harm awareness. This finding corresponds to the seminal work on human development by Piaget (1972, 1-12). He found that adolescents who had not reached the age of formal cognitive development (often between 12-15 years of age) lacked the ability to adopt the point of view from the 'other' and, consequently, could not interest themselves beyond their own immediate experiences. These findings have been reiterated in restorative justice theory by Daly (2002) who found that younger participants in restorative justice programs lack the empathy and moral maturity to actively participate in restorative interactions. When they do participate, they will only do so to save face and be viewed positively by others. Though unanalyzed in the findings, this would seem to be the case with some RESTORE participants. When asked, *why did you decide to*

*participate in RESTORE* and, *what did you like best about RESTORE*, many participants answered in accordance to both Piaget and Daly's findings:

- (10 years of age) *"I had to."*
- (11 years of age) *"So I can get it off my record so it won't negatively impact my future."*
- (14 years of age) *"To show my parents I'm not that bad."*

However, many older participants did answer with empathy, moral maturity, and selflessness:

- (18 years of age) *"To interact with my fellow peers, to see their side as well, and to believe that I'm not alone."*
- (18 years of age) *"Because of my wrong doings I feel this program will be necessary to help me realize how this negatively affected others as well as me."*
- (20 years of age) *"I know what I did wrong and would like to do something right. I feel very stupid and very bad about stealing and will never do it again. Through RESTORE, I hope to help give something back through community service."*

Though further analyses are necessary, it is plausible that many of the younger participants of RESTORE (those closer to age 10 than 20) responded in kind to Daly's misgivings about adolescent participation.

In the same awareness of harm model, females were significantly ( $p < .05$ ) less likely than males to experience a pre to post change in harm awareness. Ideally, most restorative justice researchers would prefer no gender difference, as it might suggest some form of partiality (Cook 2006; Daly 2002). This finding disputes some literature that suggests that females may experience more harm awareness than males in a setting like RESTORE. On the premise that many women caught stealing were really asking for help, Kolman and Wasserman (1991) suggest group therapy for female shoplifters. "The type of treatment recommended by the literature for women who shoplift includes group therapy since it can facilitate the creation of support systems and begin to break down the social isolation of participants" (Kolman and Wasserman 1991, 2). However, because Kolman and Wasserman did not study, or even cite, any

research on the best approach for men, this suggestion appears as applicable to men as it is to women.

Even though females were less likely to experience change in awareness of harm, this finding may not be reflective of the RESTORE process. Because females were more aware of the harm their crime caused before beginning RESTORE, they had less ‘room’ for change than males during the process. However, ‘doing difference’ on the basis of gender in restorative justice programs should be acknowledged. “Restorative conferences set up a smokescreen where the invisible privileges around gender, race, and class are reproduced” (Cook 2006, 121). As with most restorative justice research and evaluations, these findings suggest further analysis and greater emphasis on standards, procedures, and training for restorative justice facilitators (Choi, Bazemore, and Gilbert 2012; Cook 2006; Ashworth 2002).

#### *Harm Awareness and Recidivism*

After controlling for socio-demographic variables and the number of prior crimes, the level of reported post harm awareness appears unrelated to whether or not a participant will reoffend. Though a somewhat surprising finding since awareness, accountability, and ultimately restoration of harm by the offender remains paramount to restorative justice, researchers have recently admitted that there is a lack of understanding of the restorative functions that influence offenders and their behaviors (Bolitho 2012; Hayes 2006). Thus, finding no relationship between levels of post harm awareness and future criminal behavior suggests either faulty measures, or other restorative or non-restorative factors at work.

Because shoplifting is a property crime, the actual presence of a victim (a restorative factor) is decidedly lacking in the RESTORE program. However, RESTORE does employ ‘victim representatives’ and ‘victim panels.’ Victim representatives are merchant representatives

with knowledge of how shoplifting has hurt people and shops, while victim panels are facilitators, volunteers, law officials, RESTORE graduates, and others who give a structured presentation on the potential consequences of shoplifting. As witnessed, these panel presentations, albeit sometimes worst-case-scenario, are real and do evoke an emotional impact on those watching. However, these presentations are not a “direct and personalized participation” between the victim and the offender (Menkel-Meadow 2007, 164). This foundational tenet of restorative justice begs the question: could the lack of real victim presence be the missing ‘link’ to the level of harm awareness and reoffending? “At the heart of restorative justice is the opportunity for the victim and offender to discuss directly the offense, its consequences, and the remedies for the offense that the offender might perform” (Strang and Sherman 2003, 38). Though researchers acknowledge that many creative and novel ideas have circumvented the need for a victim in the restorative process (Hayes 2006; Strang and Sherman 2003; Zehr 2002), very few have measured the success of such practices. “A challenge for future research will be learning how young offenders understand diverse restorative processes and this effect on them and their behavior” (Hayes 2006, 96).

In regard to possible non-restorative factors involved, Tyler (2006, 316) at New York University recently proposed that restorative justice and procedural justice interact by sharing a core value of “developing informal and formal procedures that influence the social values of peoples law related behavior.” Hayes and Daly (2003, 740) suggested that restorative justice brings victims and offenders together to be restored through a fair and equitable process. This study cannot speculate on any definite relationship between procedural justice and restorative justice, but it does acknowledge past research that shows procedural justice to be quite effective in crime prevention (Tyler 2006; 2003; Sherman 1998). Instead of the post levels of harm

awareness that do not predict if a RESTORE participant is likely to reoffend, it is possible that perceived procedural justice experienced during the RESTORE process could influence future criminal behavior. Several questions in the post survey instrument did address perceived fairness and could be used in future studies to examine this relationship (see *Appendix 8*). In addition, when respondents were asked what they liked best about the RESTORE program, they mentioned restorative ideals like awareness, accountability, and restoration of harm; however, many also revealed aspects of procedural justice, like a fair process. This anonymous participant from the empirical sample actually mentions both harm and fairness—“*It was really fair, and I definitely learned that I am not the only one who gets hurt when I do something wrong.*”

Menkel-Meadow (2007) surmises that participants perceive that they are treated more often with fairness in restorative justice environments than in court situations. With Tyler’s theoretical suggestions linking restorative justice with procedural justice and these recent findings, it may be necessary to control for procedural justice in future restorative evaluations on recidivism.

#### *Change in Decision-Making Awareness*

There was very little difference found between the pre and post mean scores of decision-making awareness, which could account for the insignificant association between the change in decision-making awareness and participant characteristics. For RESTORE, these findings could indicate that volunteers and facilitators are educating different types of people on decision-making equally. However, this optimism would gloss over the fact that the majority of RESTORE participants are first time offenders who, even when caught, still believe they mostly make good decisions. In addition, the high levels of pre decision-making (mean was 2.72, indicating that participants were mostly aware) may also be affected by, once again, RESTORE’s inherently voluntary process in which participants can decide whether or not to

handle their theft in the courts or in a restorative setting. By choosing the latter, participants forego court sanctions and the threat of having a criminal record, which at least in their minds, is perceived as making a good decision. It is the suggestion of this study that these questions on decision-making awareness need more specificity in regards to adolescents' awareness of decision-making at the specific time or context of their crime.

#### *Decision-making Awareness and Recidivism*

Post decision-making awareness showed some relationship to a participant's likelihood to reoffend, though not statistically significant. Participants who were less aware of their options and the consequences of their decisions after completing RESTORE had a 15% greater likelihood to reoffend. These findings aligned with Blanco et al.'s (2008) findings on the association of shoplifting and high deficits of impulse control or lack of decision-making processes when confronted with the possibility of gratification. Similar to most crime, shoplifting is an act of agency outside the normative order of society. These acts of agency, like deciding to steal, if discovered, can ultimately limit a person's agency in the future. When RESTORE participants experience a limitation in personal agency by having to attend meetings on early morning weekends and complete intricate projects of reparation within the community, they may begin to realize that some decisions can become limitations in the future.

Seen as a constructive process of accountability, RESTORE helps educate and enlighten a participant to the social consequences of their previous decisions that have led to these immediate limitations. The process of RESTORE seeks to empower each stakeholder, including the offender, in order for him or her to reintegrate into the community emboldened with additional agency, yet tempered by the awareness of the societal other (Ward and Langlands 2009; Braithwaite 2002).

“We propose that an indirect effect of restorative practices may be increases in confidence, agency, and well-being following restorative encounters. This can occur because in addition to being confronted with their ethical transgressions and the need to make amends in some way, offenders also become aware that other people care about them and that they have some *meaningful choices* about how best to proceed” (Ward and Langlands 2009, 213).

According to theory, participants who complete RESTORE will make more meaningful choices that will ultimately benefit those around them. Therefore, even though no significant findings were found, this study suggests that participants’ decision-making abilities should continue to be examined to see if more ‘meaningful choices’ relate to less criminal behavior.

### *Recidivism*

To help contextualize the recidivism findings it is worthwhile to examine RESTORE’s outcomes with the Larimer County rates, and the rate of a leading treatment strategy for young shoplifters. As illustrated in Figure 2 below, RESTORE’s rate of recidivism from 2008 to 2011 was 17.7%, Larimer County’s rate for 2010 was 25.15%, and Youths Education Shoplifting Programs (Y.E.S.) rate from 2004 to 2007 was 30%. Although Larimer County’s recidivism timeframe is smaller (1 year), the Criminal Justice Coordinator for Larimer County, Gary Darling, stated that the County rate has ‘hovered around 25.15% for the past several years.’ The Y.E.S. program run by NASP in King County, Washington State uses interactive educational media strategies for youths 11-18 years of age caught shoplifting. Because RESTORE and the Y.E.S. program treat similar ages and offense types, Y.E.S.’s recidivism rates help illuminate RESTORE’s ability to prevent shoplifters from stealing again. Larimer County recidivism rates, though not directly comparable since the age demographics, offense types, and recidivism definitions are quite disparate, do provide the locational context in which RESTORE operates.

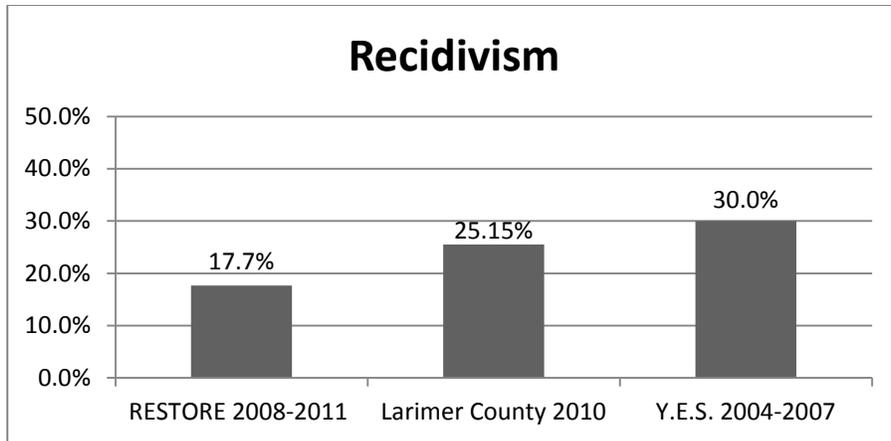


Figure 2. Recidivism: RESTORE, Larimer County, and Y.E.S.

Though more research is necessary to draw definitive conclusions, it may be safe to perceive RESTORE’s recidivism rate in a positive light.

RESTORE’s recidivism rate of 17.7% was found despite three major detractors: the majority of RESTORE participants having more than two years to reoffend (some 20% had almost four years), the heightened propensity of shoplifters’ to repeat their crime even after being caught (Krasnovsky and Lane 1998, 229), and adolescents’ increased tendency to shoplift (Blanco et al. 2008; Cox et al. 1990). Although a one year check of reoffending is acceptable in most recidivism research, a two year check of reoffending remains an ‘unwritten rule’ of good practice (Unnithan 2012; Beus and Rodriguez 2007; Rodriguez 2007; Latimer et al. 2005). For future comparative research, one would expect RESTORE’s rate to be lower if the re-offense timeframe was less. In addition, this program only treated apprehended young shoplifters—both a crime and age that have proven less responsive to intervention. Though it was once thought that amateur shoplifters were unlikely to continue shoplifting after being caught (Cameron 1964), it is now known through self-report studies that over 50% of apprehended shoplifters repeat their crime (Klemke 1978). In addition, treating shoplifters between 10 and 20 years of age is an unpredictable business. Similar to the general age-crime curve, shoplifting occurrences

peak during ‘middle adolescence’ or around 14-17 years of age (Cox et al. 1990, 152). This study reconfirmed this by finding that, among the few repeat offenders, it was those in the 14-17 age group that were most likely to reoffend. As RESTORE continues to develop its practices with additional shoplifting and evidence-based restorative research, participant reoffending may decrease in the future.

### *Challenges and Limitations*

Even though RESTORE intervenes and prevents many apprehended young shoplifters from reoffending, this study’s main interest lies in what restorative dynamics researchers can measure to predict future criminal behavior. “Variation studies may tell us what it is about restorative justice conferences that effects reductions in future offending” (Hayes 2006, 82). Because only small relations of sound theoretically restorative dynamics were found, it is possible that the instrument was unreliable and the measures were poor indicators of participant harm and decision-making awareness. In the survey instrument, there were no repeat or ‘catch’ questions to assess the reliability and validity of respondent answers. These filler questions often catch respondents who do not care or are superficially (without consideration) answering questions in order to simply complete the task. These respondents are often characterized as, ‘going through the motions.’

In regard to the measures, some words within the questions and answers were ambiguous. While the harm awareness questions were fairly straightforward and utilized basic Likert-scale answers (strongly agree, agree...etc.), the decision-making questions and answers were verbose and ambiguous. Words like ‘options, things, others, sometimes, and often’ (see *Appendix 3 or 8*) can have separate meanings for different persons. For example, the word ‘often’ may mean once a month to one participant and twice a week to another participant. In

addition, many of the harm and decision-making questions were not framed to the specific context of when the participant was caught shoplifting. As is the case in most quantitative research, any kind of generality in measures (i.e. lack of specificity) can lead to confounding empirical findings. Lastly, considering this was secondary data analysis, these measures were not pre-tested. This means that without additional study, these measures may or may not be reflective of their restorative justice concepts.

Because this study used secondary data from RESTORE, this survey was neither designed nor administered by researchers. The pre surveys given to the young shoplifters were often administered at either the Fort Collins' Municipal Court or the District Attorney's Office. It is possible that youths found it difficult to accurately report on issues that reflect restorative ideals when sitting in a highly controlled, retributive environment. Participants were likely to report higher levels of awareness to their crime when under such guarded, watchful conditions. Pavlich (2005, 82) characterizes this situation best by stating, "One can detect the omniscient shadow of direct control prowling silently but restlessly at the foundations of [restorative justice]." If youth shoplifters could be diverted straight to a restorative setting and given a pre survey, their reports on decision-making and harm awareness may be less affected by the criminal justice system's view on their behavior. Without this limitation, it is plausible that both pre treatment means of harm and decision-making awareness would be lowered, thus providing a greater difference between the pre and post variables of interest.

Turning to this study's methodological weaknesses, the use of recidivism as an outcome variable really understates what restorative justice can do. Braithwaite's work (see literature review chapter) included numerous standards of successful practices and outcomes of restorative justice (2002). However, Braithwaite and other restorative justice researchers continue to neglect

the methodological practices necessary to measure such restorative standards; thus, most restorative evaluations (like this one) use the outcome of recidivism. Hayes and Daley (2003) and Bolitho (2012) attempted to measure some of Braithwaite's restorative standards, with some success. Yet their attempt relied solely on the observations of a researcher and remains untested by additional research. These recidivism evaluations only examine a third (i.e. lacking evaluation of the victim and the community) of the restorative dynamics occurring within RESTORE.

In addition, there are two major weaknesses pertaining to this study's use of averaged harm and decision-making indicators. First, the use of averaged harm and decision-making indicators assumes that each question contributed equally to the composite score. And second, some researchers believe that either the mode or median should be used to create composite indicators because it does not assume that each ordinal answer is equidistant from its neighboring answers (Jamieson 2004). Both the mode and median were tried in preliminary analysis; however neither differed significantly from the mean scores.

The last limitation is the lack of a control group despite repeated attempts to obtain one<sup>13</sup>. By focusing on one restorative justice program and its participants, comparisons to the criminal justice system or any other alternative judicial program are impossible. However, variation analysis (the form of methodology used in this study) concludes that no two restorative programs are the same, and that restorative justice treatment *and* control groups are difficult to obtain (Hays 2006; Hays and Daly 2003; Maxwell and Morris 2001). Thus, it is sometimes necessary to draw conclusions on just the program itself.

Restorative justice research must acknowledge the benefits of both comparative and variation analysis. It is this researcher's opinion that far too much gravity has been levied on the

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<sup>13</sup> Comparison sites in Larimer County did not have the personnel to draw the required data for this study.

insignificance of comparative methods due to selection bias or voluntary participation. Whether a participant chooses the criminal justice system or the restorative justice system should not overshadow the fact that one group is receiving different treatment than the other. Thus, using comparative analysis should never be viewed as an attack on the foundational principles of restorative justice theory; but rather an achievement that could add additional insight into the growing number of variation studies.

#### *Additional Discussion and Further Research*

In 2003, Hayes and Daly examined restorative factors such as offender responsibility, clear communication, victim impact, and active involvement, and found that remorsefulness by the offender was a significant predictor of future criminal behavior. Remorse was defined as: not defiant to the effects of the crime and the processes of restorative justice (Hayes and Daly 2003). This definition is similar to the accountability process—to accept responsibility of the harm from the crime (Roche 2003; Marshall 1999). This begs the question, why was remorse a better measure of accountability than harm awareness or possibly decision-making? Casting aside the aforementioned limitations, this research suggests that remorse (i.e. saying sorry or apologizing) is easier to understand, especially for youths, than complicated words and concepts such as responsibility, accountability, decision-making, and even harm. For the majority of young people in our society, remorseful terms such as “say you are sorry” or “apologize for your actions” are far more prevalent than terms like “accept responsibility” or ‘are you aware of the harm you caused?’ Thus, further research (especially with youths) should examine if remorse is a good indicator of accountability, which would then be a good indicator of recidivism. In regards to RESTORE, the survey allows a response to: *I think it is wrong for me to steal*. Although a good start, this question does not directly refer back to the time the participant was

caught. Thus, this study suggests that more questions like this should incorporate other remorseful phrases like “feel sorry” or “want to apologize,” and couch these questions in the specific context of the participants’ crime and during or after RESTORE completion.

In addition to remorse measures, levels of procedural justice should be more specifically accounted for. In the survey there are questions like, *the RESTORE program staff treated me fairly* and *the RESTORE program facilitators treated me fairly*, but these questions do not fully address the internal processes of procedural justice within RESTORE. To examine the effects of procedural justice within restorative justice processes (Tyler 2006), RESTORE could add a question like: *In the group circle, were you given a fair amount of time to discuss your side of the story?* Adding procedural justice and remorse questions to the survey instrument may help researchers find the restorative dynamics affecting participants’ future criminal behavior.

Krasnovsky and Lane (1998) found that most cases involving young shoplifters, especially those with one or no prior crimes, were either dismissed or given a fine and some sort of community service by the courts. According to Deputy Court Clerk 1 of Fort Collins’ Municipal Court in Larimer County, first-time young shoplifters (who do not choose RESTORE) are given a \$300 dollar fine and dismissed (2013). This amount doubles for each additional theft. Depending mostly on the affluence of the youths and their guardians, these court sanctions may seem somewhat trivial to the rigorous process of RESTORE, involving early mandatory weekend meetings and restitution projects with letters of remorse, community service, and other creative (yet time consuming) acts of reparation. Although many RESTORE participants responded positively to the question of, *how can we make RESTORE better*, some reflected on how rigorous the restorative process was for them:

- “*We shouldn’t have to do so much work.*”
- “*Shoplifting is not the worst thing you can do.*”

- “*Make it shorter because it is 6 hours long.*”

In addition, RESTORE requires an adolescent’s parent or guardian to be present for most of the process which, in theory, adds additional responsibility to not only the offenders but also to those around them. As Daly (2002) so eloquently points out, there is a thin line between intended deprivations (retributive justice) and constructive deprivations (restorative justice), especially for restorative programs involving adolescents. So what does this all mean for RESTORE and further research? Three ideas are shared.

First, all restorative justice programs like RESTORE must constantly scrutinize their practices under the lens of what is constructive and what is not. It must be noted here that RESTORE acknowledges this challenge, and self-evaluates its practices *every* session by having a facilitator and volunteer only meeting to identify better methods of constructive restorative justice. Further research is needed to examine how these meetings affect the overall success of RESTORE. Secondly, based on Piaget’s (1972) findings on adolescent development and Daly’s (2002) concerns of young restorative participants, RESTORE should continue to separate those who have not reached formal cognitive development<sup>14</sup> during the majority of their processes<sup>15</sup>. Thirdly, because the RESTORE program does not simply give a fine and dismiss shoplifters, further research is needed on how the entire process (restorative participation, length of time, \$50 entrance fee, guardian involvement, and contract obligations) affects a youth’s future criminal behavior. For example, when a young person contemplates stealing merchandise, how does one’s knowledge of RESTORE as opposed to one’s knowledge of the courts effect his or her ultimate decision?

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<sup>14</sup> Piaget (1972) found that, depending on their social environment, most adolescents reach formal cognitive development between 12 and 15 years of age.

<sup>15</sup> As mentioned in the program description chapter, RESTORE groups participants by age in the circles, but not during the panel presentations.

## *Conclusion*

This is the first known study to examine a creative method of restorative intervention for young shoplifters. Although studying shoplifters has been rare in research, the rise of restorative justice has provided alternative judicial methods to address this repetitive, youths-prone crime. In finding little association between participants' awareness of restorative ideals and future criminal behavior, this study did not ascertain the reasons why RESTORE may be preventing future criminal behavior. This study does recommend stricter measures, implementation strategies, and additional survey questions in order to validate these findings. Moving forward, additional research on shoplifting and restorative justice will help a program like RESTORE address the problem of youths shoplifting.

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## APPENDIX 1

### Presentation Script

For Reference: In *Appendix 1*, italics within the script are used to guide and instruct the RESTORE volunteer during the presentation. Bolded and capitalized sections of the presentation are used to add emphasis to the instructions and verbiage.

#### Fort Collins Municipal Court Arraignment

#### RESTORE ORIENTATION

Good morning, my name is \_\_\_\_\_. I am a volunteer with the RESTORE program. The reason you are here today is for your Court Arraignment. An Arraignment is when you enter a plea. You are all charged with theft. I want to explain the RESTORE Program before you receive your Advisement Forms to review and sign. If you choose not to go through the RESTORE program you will be referred to Court.

*(Check to make sure everyone can hear. Make sure everyone has one of the Information Sheets. Ask if anyone needs these forms in Spanish. If so give them the correct Spanish forms. Ask if there are questions.)*

About the RESTORE program:

The RESTORE program is a voluntary diversion program for Municipal and District Court. It allows a young person to take responsibility for his/her actions without going through the Court system. As you have reviewed the Information Sheet sent to you, you know there is a contract to sign and conditions to be met with this agreement. The program fee for RESTORE is **\$50.00**.

This is a one-time fee for the **offender only**. There are no additional Court fees or fees for family members/support people who attend. If you reschedule any session there will be an additional \$25 administrative fee. The program fee is due at the first Saturday RESTORE session. Payments **MUST BE** in cash or money order. Money orders are to be made out to:

**“City of Fort Collins: RJ.”** Personal checks **will not be** accepted. If you and your family want to apply for the sliding scale, contact **Bernadette Martinez**, phone number 498.5844, before the first RESTORE session. This number is at the bottom of the Information Sheet.

The RESTORE program involves two (2) Saturday mornings approximately one month apart. There will be contract obligations to complete between the two sessions.

**ATTENDANCE AT BOTH SESSIONS IS MANDATORY.**

The first session is the longest. It begins with a panel of people explaining how shoplifting affects different aspects of the community. You then break into groups or “Circles”. The “Circles” include other young people, their parent/guardian or a support person for those offenders over 18 years of age, a trained facilitator, a merchant representative, community members and a peer. Each of you and your parent/guardian or support will be required to talk about your particular incident. Admitting your guilt is part of this program. When finished in the “Circles”, you will develop a contract to be completed before the next Saturday session.

**RESTORE** does not deal with issues of guilty or not guilty. If you believe you are not guilty you do not belong in the **RESTORE** program. Does anyone have a problem admitting their guilt?

*(If anyone does have a problem admitting their guilt immediately takes them to the Clerk of Court along with all of their paperwork.)*

The second session is on the second Saturday of the following month. You will schedule the appointment time when you check out at the first session.

This appointment will be between nine (9) and eleven (11) in the morning and take approximately one hour. This session will require a parent/guardian to be present as well if you are under eighteen.

*(Hand out copies of contracts.)*

We will briefly review the copy of the contract you were just given so you can become familiar with the expectations of the RESTORE Program. You must wait until after the first session to begin working on contract items.

*(Read through the contract with them. Explain each section of the contract including the different information on each section. At the end of the "Circle" you will each be given a packet with the expectations for each item listed in the contract. Explain they can line up community service with a non-profit organization but it will have to be approved when they check out at the first session. Ask if there are any questions about RESTORE.)*

You will now be given your Advisement Form to review and complete. The first section of the Advisement Form tells you what you are charged with; the next section covers your rights. You will need to check one of the options in the last section, sign and date it. If you want to participate in the RESTORE Program check option A. Please take a few moments to read through this Advisement Form. Raise your hand if you have a question?

*(Give them about five (5) minutes and then collect the advisement forms.*

*If an offender does not select RESTORE, take them to the Clerk's office along with all their paperwork.)*

All of you have selected the RESTORE Program so you will not enter a plea today. If you complete the RESTORE Program satisfactorily, we will refer your case back to court for dismissal. If, however, you do not complete the program satisfactorily, you **MUST** come back to

Court and go through the Court system. If you would not appear for Court, the end result is a warrant will be issued for your arrest. We will now have you complete the paperwork necessary for the RESTORE program and the young people entering the program will take a survey. After the paperwork and survey are completed, each young person and their parent/guardian or support will meet individually with one of us. The next form involves Statistical Information, which will be used for grant reporting purposes. The RESTORE Program is basically funded by grants. You may start completing the information as soon as you receive the form. Please be sure the information is easy to read.

*(Give adequate time to complete the form, and then collect the forms.)*

Next you will fill out the RESTORE Intake Forms. These will be completed as a group.

*(Give them their Intake Forms. Each Intake Form should already have the referring agency information, correct offenders name, referral date, and case number.)*

The white Form will be for the Court and the yellow copy will be for you to keep and bring to your first session.

*(Read through the Intake Form with them. Have each youths complete the rest of the Form, including DOB [date of birth] and age.)*

If your parent/guardian's address and home phone number is the same as yours, you may write SAA in the appropriate areas. We **MUST** have a working parent/guardians work phone number or if you are over 18 years of age, you may use your permanent address, your phone number and your work number. You also need to list your cell phone number and your parent/guardian cell phone number. If you are over 18 and do not have a parent/guardian to attend with you, we recommend you bring a friend or other support person. It is important you choose someone who cares about you and will support you through the process.

*(If the offender is over 18, he/she does not have to put down parent/guardian information. Read aloud the information below the dotted line. Have all offenders fill in the date for their first scheduled session. Indicate the date they are to fill in, which should be the next RESTORE date unless you are otherwise directed. [If you have any questions about this date check the RESTORE session assignment sheet/file in the RESTORE drawer of the file cabinet in the Clerk's Office.] Collect the white copy of the Intake Form from each offender.)*

**Attendance at the scheduled sessions is mandatory! You must attend your scheduled session as indicated on the intake form.**

Are there any questions?

(Asset Survey)

Next is the Asset Survey Form. Take this home, fill it out and bring it to your first session. This survey asks you and your parent/guardian or support person to list positive qualities, strengths, talents, skills, resources, relationships and other positive aspects of you and your life. This survey should be filled out by the youths and the parent/guardian before the first session and should include thoughts and ideas from both. We have included a list of positive character qualities with this survey. Please look through this list and find the ones that describe you/your youths. We believe this information is important for two reasons: it is important for you and others to see you as a whole person, not just a bad decision. Knowing your strengths will help you and your support person make contract choices that rely on these strengths.

(Hand out the surveys.)

Remember to take time at home to fill these out, and bring them with you to your first RESTORE session. You will hand the survey in when you check in and both the youths and parent/guardian will be asked questions regarding these assets as part of the program.

Younger Siblings: Younger brothers and sisters can attend RESTORE **if they are old enough to sit in a group and listen for 3 hours**. This means the child should be at least 8-10 years old.

Younger children, toddlers and babies **may not** attend RESTORE. Please make other arrangements for your younger children. Before we move on to the final paperwork, we will summarize what you need to remember for attending the first session:

- 1. Bring only cash or money orders - NO personal checks.**
- 2. No babies, toddlers or children younger than 8 -10 are allowed to attend – please make other arrangements.**
- 3. Bring your assets sheets, already filled out.**
- 4. Remember the location of the RESTORE session is the Life Point Church at 900 East Prospect.**

The RESTORE Program is primarily funded by grants. The agencies that provide these funds require us to collect data that demonstrates the work we are doing. Therefore we survey young participants as you come into the program, and as you exit the program. There are also two consent forms: one gives consent for the survey, and one is for participation in the RESTORE program. This survey will take about 15 minutes to complete, and it requires that we have the parents/guardians or support people wait in the adjoining room while the young people complete the survey in this room. The information on this survey will be kept private. Names will **not** be associated with any of the findings. Are there any questions about the survey?

*(Give a moment for questions.)*

First we will hand out the consent forms and go over them with you. Both consent forms require a parent/guardian signature for youths under 18.

*(Hand out the consent forms. Read aloud the consent forms with them. Just say RESTORE – do not include RJCP when reading the consent forms; give them a few minutes to complete. When they are finished, collect the forms and attach BOTH forms to the correct individual offender's files. The consent forms are not confidential; only the surveys are.)*

When you complete your survey an additional questionnaire will be given to you to fill out. This questionnaire is designed to help us understand you and any challenges you are having so we can better support your success in the RESTORE program. This questionnaire will be used as a guide during your individual interview. If you are 18 or older, you can choose whether to include your support person in this interview. Next we will take the parents/guardians and support person to another room while we administer the survey. They will return to this room when the surveys are complete and while you are filling out the questionnaire. After you complete the questionnaire, we will take you to another room for your individual interview.

Are there any questions before we continue to the survey?

*(One volunteer guides the parents to the waiting room, while the other volunteer hands out the surveys. Check the ages and maturity of the participants. If there is anyone who has an obvious comprehension problem move them to the back of the room. There a volunteer can read the survey aloud and be available to answer any questions. [Volunteers – make sure you keep your tone neutral and do not look over the youths' shoulder or influence him/her in any way.] Read the survey directions aloud to everyone in the group. Do not read to just one individual. Upon completion gather each survey and immediately attach the survey to the correct offenders file.*

*As each youth finishes the survey, hand him/her a questionnaire to begin filling out. When all the surveys are collected, one volunteer will bring the parents back into the courtroom.)*

Thank you all for coming and thank you for taking the time to complete our survey.

As soon you finish the questionnaire we will take each youths and their parent/guardian or support person for individual interviews. When you complete your interview, you are finished for today and free to go. We will see you at your next scheduled RESTORE session. We look forward to each of you having a positive experience as you complete the RESTORE process.

(Volunteers will take each youths and parent/guardian or support person to the assigned rooms for their individual interviews when they complete the questionnaire. Take the interview file, notepaper, pen and resource guide with you. One volunteer will stay behind and copy the Intake Files for RESTORE following the procedures in the ARRAIGNMENT CHECKLIST.

Remember the Court closes at 11:30 so the files have to be copied and filed by then. Interviews may not be completed by 11:30, so plan to drop off any Intakes Files, paperwork and resource guides at the RJ Office when you leave. Be sure to remove any personal items from the Court before the Court locks up at 11:30 am.)

Revised March 27, 2012

APPENDIX 2

Advisement Form

ADVISEMENT

JUVENILE DIVERSION

You are advised that you have been referred to the juvenile diversion program checked below. Juvenile Diversion is a privilege, not a right. Whether you are allowed into the program is strictly a decision of the District Attorney.

Since this program will insist that you perform certain tasks, refrain from acting in a particular way, or other requirements, you have a right to refuse to participate. You do not have to agree to juvenile diversion, but rather you can have your case prosecuted by the District Attorney. By requesting prosecution, the court will make the decision as to whether or not you actually committed the offense that you are being accused of, and assess certain penalties or sanctions if found guilty.

If you agree to juvenile diversion, you acknowledge that you committed the offense you are being accused of and would like to take advantage of the diversion program rather than have the case prosecuted in court.

If you successfully complete the juvenile diversion program the charges that placed you in the program will not be filed and the case will be closed. The record of you successfully completing the juvenile diversion program will be kept on file with the District Attorney.

If you are unsuccessful in the diversion program, your case will be referred back to the District Attorney for full prosecution of the charges.

The juvenile diversion program you are being referred to:

\_\_\_\_\_ Restorative Justice

\_\_\_\_\_ Restore

\_\_\_\_\_ The Center

\_\_\_\_\_ Other: \_\_\_\_\_

I have read and understand the above advisement.

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Juvenile

Parent/Guardian

## APPENDIX 3

### RESTORE Pre Survey



## RESTORE SURVEY(pre)

As part of being in the RESTORE program, we would like you to answer some questions about your thoughts, feelings, and behaviors. There are no right or wrong answers so choose the answer that is closest to what you really think or feel. This survey will help make the RESTORE program useful for other people your age who shoplift so please answer each question as thoughtfully and honestly as possible. Your responses will help make the RESTORE program better.

**Please DO NOT put your name anywhere on this survey.** All of your answers will be kept private and will only be seen by the RESTORE program staff and researchers.

Completing this survey is completely voluntary so you may skip any question that you do not wish to answer. Whether or not you answer the questions will not affect the services you receive from the RESTORE program.

Please read every question carefully and choose only one answer for each question unless the directions say you can pick more than one answer. If you don't find an answer that fits exactly, use the one that comes closest.



If you have a question, it is okay to raise your hand and ask for help.

The RESTORE staff members will tell you when it's time to stop. If you don't finish the entire survey, that's okay.

**Thank you very much for completing this survey!!!!!!**

## About you...

- 1) What is your birth date? (Month / Day / Year) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_
- 2) Are you:  Male  Female
- 3) What is your race/ethnicity? (you may fill in more than one bubble)
  - White  Hispanic or Latino
  - Black/African American  Native Hawaiian
  - Asian or Other Pacific Islander  Other: \_\_\_\_\_
- 4) Please tell us more about your education **by filling in each bubble that matches for you.**
  - I am currently in school, in grade: \_\_\_\_\_
  - I am expelled
  - I am suspended
  - I dropped out of school
  - I graduated high school
  - I am pursuing a GED
  - I have a GED
  - I am in college (including community college, trade or vocational schools, etc.)
  - Other: \_\_\_\_\_
- 5) In your life, how many times have you shoplifted (nicked, stole, pinched), including this time and times when you did not get caught? \_\_\_\_\_
- 6) How often do you shoplift?
  - I have only shoplifted this one time
  - Less than once a year
  - Once a month or less
  - 1-4 times a month
  - 2-3 times a week
  - 4 or more times a week
- 7) Have you ever wanted to stop shoplifting but felt you could not stop?  Yes  No
- 8) Have your friends or family annoyed you by complaining about your shoplifting?  Yes  No
- 9) Have your ever felt guilty about your shoplifting?  Yes  No
- 10) Think back to a time when you wanted to take something that did not belong to you but did not take



***Remember: Your answers are private!***

it. What stopped you from taking it?

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### About your thoughts and feelings...

11) Please fill in the bubble that best matches how much you agree with each item. Please fill in only one bubble for each item.

I shoplifted because...	Strongly Disagree	Disagree	Agree	Strongly Agree
a) I was bored.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) My friends wanted me to.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) It was exciting.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) I was angry.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) I was sad.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) I <u>wanted</u> what I took but couldn't pay for it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) I <u>needed</u> what I took but couldn't pay for it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

12) Please fill in the bubble that best matches how much you agree with each item. Please fill in only one bubble for each item.

	Strongly Disagree	Disagree	Agree	Strongly Agree
a) My shoplifting hurt my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) My shoplifting hurt the store I stole from.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) My shoplifting hurt my family.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) My shoplifting hurt me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) I think it is wrong for me to steal.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) My family thinks it is wrong for me to steal.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

g) I think it is okay to take something without asking if you can get away with it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) I think sometimes it's okay to cheat at school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) It is all right to beat up people if they start the fight.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) It is important to be honest with your parents, even if they become upset or you get punished.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Just one more page...

### More about your thoughts and feelings...

13) Please fill in the bubble that best describes how you feel about adults in your community. Examples of adults in your community include parents, teachers, store owners, etc. Please fill in only one bubble for each question.

	Strongly Disagree	Disagree	Agree	Strongly Agree
a) I care what adults in my community think of me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) I do not get along with some adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) I want to be respected by adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) I try to get along with most adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) I always try hard to earn the trust of most adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) I usually like the adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

14) For each item below, please fill in the bubble that best matches how often you do the following. Please fill in only one bubble for each item.

	Never	Sometimes, but Not Often	Often	All of the Time
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

a) How OFTEN do you stop to think about your options before you make a decision?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) How OFTEN do you stop to think about how your decisions may affect others' feelings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) How OFTEN do you stop and think about all of the things that may happen as a result of your decisions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) I make good decisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Why did you decide to participate in the RESTORE Program?

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***You're done!***

APPENDIX 4

Questionnaire

## Restorative Justice Services Questionnaire

(This form is strictly voluntary. Do not fill this out if you intend to go to court and enter a formal plea.)

Name: \_\_\_\_\_ Today's

Date: \_\_\_\_\_

Please be honest with your answers. Fill in the blank or circle the right answer.

1. The school I attend is called \_\_\_\_\_. I am in the \_\_\_\_\_ grade.

2. My GPA is \_\_\_\_\_.

3. I am failing \_\_\_\_\_ classes at this time.

4. My relationships with people at school, the same age are:

great most of the time    good    fair    could use some work    horrible

5. My relationships with teachers, principals and other adults at school are (If applicable):

great most of the time    good    fair    could use some work    horrible

6. I have spoken to an assistant principal or dean about the following problems or discipline issues:

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7. I have been suspended (in school/out of school) or expelled from a school.

Yes, because of \_\_\_\_\_.

No

8. I live in a:

house      apartment      trailer      shelter      other (explain)

\_\_\_\_\_

9. These are the people who live in my home:

\_\_\_\_\_

\_\_\_\_\_.

10. My relationship with my mom is:

great most of the time      good      fair      could use some work      horrible      non  
existent

11. My relationship with my dad is:

great most of the time      good      fair      could use some work      horrible      non  
existent

12. The relationship I have with my brothers/sisters is:

great most of the time      good      fair      could use some work      horrible

13. I have snuck out of the house before.      Yes      No

14. I have run away from home before.      Yes      No

15. I have received mental health treatment (have seen a counselor,  
therapist, psychologist or psychiatrist) in my life.      Yes

for \_\_\_\_\_ No

16. I have been prescribed medication for

\_\_\_\_\_.

17. I have purposely injured myself before.      Yes      No

18. I have thought about committing suicide.      Yes      No

19. I have attempted suicide in the past. Yes No

20. I feel depressed:

Never Once in awhile Often All the time

21. When I get sad or depressed I usually

\_\_\_\_\_.

22. \_\_\_\_\_ makes me angry.

23. When I get angry I \_\_\_\_\_.

24. I am an honest person Yes, most of the time No

25. In my lifetime I have used alcohol \_\_\_\_\_ times.

26. In my lifetime I have smoked marijuana about \_\_\_\_\_ times.

27. At least one time I smoked marijuana that came from a person who had access to the marijuana because of someone's medical marijuana license.

Yes No

28. I have a relative or close friend with a medical marijuana license.

Yes No

29. Other drugs I have experimented with (even one time) \_\_\_\_\_

\_\_\_\_\_.

30. Some of my close friends are involved in a gang.

Yes No

31. When it comes to my friends, I am a leader /follower. (circle one)

32. My friends are a positive or negative influence on me. (circle one)

33. I have received other charges in court. (traffic court, district, municipal, or county court)

Yes

No

34. I work at a paid job \_\_\_\_\_ hours a week.

28. These are the things I like to do for fun or in my spare time:

(Include any hobbies, after school activities, or clubs.)

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## APPENDIX 5

Facilitator Circle Script

*A Restorative Justice Program for Merchants, Community and Young Shoplifters.*

**Facilitator Script for group sessions with young shoplifters, parents, merchant representatives, youths representatives and community.**

### **Welcome**

Welcome. I want to thank all of you for choosing to participate in the RESTORE Program. The purpose of the RESTORE Program is to bring people together to discuss the harm caused by shoplifting and to give youths who have shoplifted the opportunity to repair that harm in a meaningful way.

In this circle, it is not our intention to decide whether or not someone who has shoplifted is a good or bad person, but to discuss that person's actions and how they have caused harm.

It is important to understand that this is a voluntary process. Those of you charged with shoplifting do not have to participate, and may leave at any time. If you do choose to leave, the case will be given back to the referring agency. They will then proceed as usual with the pending charge. Does everyone understand this? *(Look around to assess agreement.)*

We hope that by participating, you will be able to address any questions you may have, and move beyond this incident toward healing and understanding. Does everyone understand and agree to this? *(Look around to make sure everyone agrees)*

First, I'd like to go around the circle and have everyone introduce themselves, and state briefly why you chose to participate in this program.

*(Start with yourself and then go around the circle....)*

### **Privacy**

Thank you. Now, we'd like to ask that everyone here agree to respect each others' privacy. You may see people here that you know, or may see them later at

school or other places in our community. It's important that this process is kept private, and the people involved agree not to speak about others present here to anyone not in the circle today. We realize that you may need to share information with family and close friends, but we ask that you not talk about what happens here in public or speak about it casually. Does everyone understand and agree to this? *(Look around to assess agreement.)*

## **Ground Rules**

Let's take a moment to review our ground rules. \_\_\_\_\_, *(the community representative)* would you read aloud the ground rules? *(After the Ground rules are read, ask...)* Does everyone agree to this? Are there any questions?

## **Preparing the Conference**

To help you prepare, I'll describe the sequence we'll follow in this conference.

First we'll have the young people who are here with charges speak, and tell us about the incident including their thoughts and feelings about what happened. We'll next go to (name: merchant rep.) to explore what happened from the merchant point of view. Then we will have each of the community members give their perspectives on the incident and last, we'll have the parents speak about the impact to themselves and the families.

Please remember that after we have discussed the incident from all perspectives, we will move on to the assets portion of the conference. This is where we explore the strengths and positive attributes of the young people here today. Did all the youths fill out one of these surveys? *(hold up survey)* Did parents participate too? Good. So please, parents, youths and everyone, be prepared to address these as well. *(If a parent did not participate, hand the survey to them and ask them to look through it briefly to help prepare.)*

And finally, we will review the contracts designed to repair the harm caused by the incident.

## Conference

### *Tips*

**\*\*\*Question Tip for Facilitators:** *If the respondent answers all the questions immediately, without you asking, then you don't have to go back and ask questions he has already answered. Just make sure he's covered them all, and end by asking an open-ended question, like "Is there anything else you'd like to add?" Feel free to ask open-ended questions not listed here if they are appropriate to the circle and the participant.*

**\*\*\*Circle Tip for Facilitators:** *Start questions with the youths you think will be most forthcoming, to help set a tone of openness in the circle. Look for body language and other cues to make this call.*

Now, we'll start by going around the circle and have each youths answer a few questions. Let's start with \_\_\_\_\_.

(Questions for each youths)

1. Could you tell us what happened that day at the store, focusing on your actions?
2. What were you thinking and feeling when you made the decision to take the item? *(Change wording based on circumstances: Conceal the item? Participate in the theft?)*
3. What were you thinking and feeling when you were stopped? When you made the call to your parents?
4. What do you think contributed the most to your decision to take the item/s? *(Change wording based on circumstance: Conceal the item? Participate in the theft?)*
5. When you look back on the incident, how do you feel about it now?
6. Who do you think has been affected by the incident? How have they been affected?

Thank you, \_\_\_\_\_. *(Go to each youths and ask same questions.)*

**\*\*\*Question Tips for Facilitators:** *You can refer to the brief write-up in your file to determine if the youths is telling a story that matches what is in the file. You can start by looking at the file as you begin questioning to let the youths know you have the facts; and to help them be more forthcoming. If a youths gives dramatically different information, just say to him that information does not match the info in the file, and explore why that is. It may be a mistake in the file, or he may correct his story.*

**\*\*\* Not Guilty Offender: if an offender is not admitting to the theft (concealment or complicity), stops the circle and come and gets one of the program coordinators.**

*(To the Merchant / Business Representative)*

\_\_\_\_\_ is here representing the merchant community. While he/she may not be from the store where you shoplifted, he/she has agreed to speak with us today to describe the effects of shoplifting.

*(Questions for the merchant / business representative)*

1. We have heard these youths describe different shoplifting incidents. Could you tell us how you feel about the types of incidents they have described?
2. How does shoplifting affect the store owners, managers, their employees and others associated with the store?
3. Are there any other ways the merchant community is affected?
4. What do you feel could be done to repair the harm caused by shoplifting?  
What do you think these youths specifically could do to repair the harm?

Thank you, \_\_\_\_\_

*(To the Community Member)*

\_\_\_\_\_ is here representing our community. He/she is here to speak to issues that concern the larger community about shoplifting.

*(Questions for community member)*

1. How do you feel about what has been shared here in the circle?
2. In what ways is our community is affected by shoplifting?
3. How do you think our community would be different if we had no shoplifting?
4. What do you feel could be done to repair the harm of shoplifting? What do you think these youths specifically could do to repair the harm?

Thank you, \_\_\_\_\_

*(To the peer community)*

\_\_\_\_\_ is here representing other youths in the community, and to speak to how they are affected by shoplifting.

*(Questions for peer community.)*

1. How do you feel about the incidents that have been described here today?
2. How do you think shoplifting affects you or your friends?
3. How do you think youths younger/older than you may be affected by shoplifting?
4. How do you think our community would be different if we had no shoplifting?
5. What do you think these youths could do to repair the harm of shoplifting?

Thank you, \_\_\_\_\_

*(To the parents/guardians)*

Now, we'd like to hear from the parents and guardians about how this shoplifting incident has affected them and their families. Let's start with

\_\_\_\_\_.

*(Questions for each parent/guardian)*

1. Could you tell us how you reacted when you heard about the incident?
2. How did this affect you personally and other members of your family?
3. How has this affected your relationship with your son/daughter?
4. How have things changed in your home because of the incident?
5. What would you like to see come out of this experience for your son/daughter, yourself and your family?

Thank you, \_\_\_\_\_. *(Go to each parent/guardian and ask same questions.)*

*(To friends present to support young adults without family/parents)*

Now, we'll check in with those of you who are here as support.

1. Could you tell us how you feel about what you've heard in the circle today?

2. How has this incident affected you and your relationship with \_\_\_\_\_(the offender)?
3. How have others been affected by the shoplifting incident?
4. What would you like to come out of this experience for yourself and for \_\_\_\_\_ (the offender)?

## **Final Statements**

Now everyone in the circle has had a chance to speak. Thank you all for sharing. I'd like to go back to the young people here for a moment. Is there anything more, any of you would like to say to \_\_\_\_\_ (merchant / business representative) or anyone else in the circle?

*(Silence. Give a few moments for the youths to think. Thank each speaker)*

Before we move on to the next phase, would anyone else in the circle like to make a statement or ask a question of anyone in the circle?

*(Silence. Give everyone a few moments to think. Allow brief statements. Thank each speaker.)*

## **Assets**

We've spent time on the decisions and actions that led to these incidents, and the harm that was caused. Now, we'd like to spend a few moments looking at the strengths or positive attributes of the young people here today. We believe this is important for two reasons: it is important to see these young offenders as whole people, not just bad decisions; and knowing these young people's strengths can help to build stronger contracts that they can fulfill using the best they have to offer.

*(Keep this part of the circle more casual. Go to each young person, one at a time.)*

Let's start with \_\_\_\_\_(offender). Beginning with the parent/s and other support people: What strengths or positive qualities does your daughter/son/friend have? Could you give an example?

*(If the parent/friend is struggling, you can ask leading questions, like: What is he/she good at? What do they enjoy? Talents? Skills? Character qualities, like*

*honesty, helpfulness, compassion for people or animals, loyalty, hard-working, etc. Refer to the Strength Survey. Use these same tips for the youths.)*

*(Next go to the youths)*

What are some of your strengths/skills? What do you do well, or enjoy doing?  
What strengths did you identify in your survey?

*(Go through these questions for each offender in the circle.)*

*(Then open the discussion up to the circle.)*

Is there anyone else in the circle who would like to add to this conversation about the strengths of these young people?

*(The facilitator can make observations at this point, as well as the community, merchant and peer community)*

Thank you all. I would encourage the youths and families here to think about these strengths when making choices to fulfill the contracts. Just as negative words and behavior affects you and others, so does positive behavior. We ask you to consider how you can have a positive effect on others as you move forward in repairing harm to all affected by this incident.

## **Final/Final Statement**

Before we move to the contract phase, would anyone like to make a final statement to any individual or the whole circle?

*(Silence. Allow a few moments for people to think. Thank anyone who responds)*

## **Contract**

Next, we will enter the contract phase. I will give each youths a packet including the contract worksheet, guidelines, and actual contracts. Let's take a few moments to go through the information in your packet. It's very important that you become familiar with the information in this packet. *(Facilitator should give a*

*copy of the contract to the merchant representative, and a copy of the contract work packet to the community representative.)*

Now \_\_\_\_\_ the merchant representative will read through the contract with you.

Merchant Representative: Let's take a moment to review the contract itself.

*(Hold the contract up, and read through each section. Be sure to emphasize that they "choose 2" in the last section. Be sure to explain the "My idea" option on the contract – my idea must be comparable in time involved to other options in that section AND must be approved by RJ staff.)*

There is an explanation for each contract item. Be sure to read through all this material before making your contract choices.

Facilitator: Now the community representative will go through the contract work packet with you.

Community Representative: I won't read through everything here, but let's look together at all the items that are included in your packet. *(Hold the work packet up, and indicate the youths and parents should follow along with you. Point out each section – be sure to emphasize where the "First Call" website information is for community service.)*

Be sure to read through each of these items thoroughly so you know what you are signing up to do. The next few pages include guidelines for projects, and forms for verification.

*(Hold up each page, and point out what is included on that page: Guidelines for posters, guidelines for essays, etc. Then on to the forms: form for community service, form for support groups, etc.)*

You must have written verification for each item you choose on your contract. Be sure to read the guidelines for each project you choose to do on your contract.

You must follow these guidelines or your project will not be accepted. Does everyone understand? (*look around for nods*)

Facilitator: You will be making your contract selections in the large room where we had the panel presentation. We also have resources on the tables there to help you. We recommend you take copies of the community service resource book with you (*hold up example*). We also recommend that you start making calls to line up your community service right away. It often takes time and effort to find community service that is available for you. Remember that community service with our program is an option if you are interested in doing work like the peer representatives with this program. In the other room, the resources available are:

- Volunteer/community service booklets (you can take one with you)
- Most Recent volunteer opportunities (1 photocopy on each table)
- Flyers for theft classes (take with you)
- Resource notebook (community resources for many needs for the youths and/or family)
- Notepads to make notes
- Pens

Facilitator: Before we close this circle, I'd like to ask everyone here if you have any ideas about how these youths could repair the harm done by shoplifting, or if you have thoughts about what specifically should go into the contracts. Who would like to go first?

(Invite anyone in the circle to step forward at this point. Allow time for anyone who wishes to speak)

And finally, I'd like to see if there are any final statements that anyone would like to make? (Again allow time for anyone who wishes to speak)

As I said, you will fill out your contracts in the other room at tables set up for you. There is resource information on these tables to help you with your contract. In a minute, you will take your chairs and return to the main room. There, work with

your parent/guardian or friend to go through the contract options from the worksheet and choose the ones that work for you and your family. Put your selections on the actual contracts. When you are done, go to the check out table to have your contracts reviewed and signed. If you have any questions or need help, just raise your hand.

If you need a short break to use the restrooms or have a snack before returning to work on the contract worksheets, please feel free to do so. But please be back within ten minutes.

Again, thank you everyone.

## APPENDIX 6

### Contract Worksheet

*A Restorative Justice Program for Merchants, Community, and Young Shoplifters*

## CONTRACT WORKSHEET

A vital aspect of any restorative justice practice is repairing the harm done by the incident (in this case, shoplifting). For shoplifting incidents, the restorative focus is on giving back or making things right with the victim(s) of the offense, the community, self and family. To guide you in deciding how best to give back to the different people who have been affected by the incident, we have compiled a menu of choices that are ideas on how to give back in each of these areas.

Directions:

- a. Review this contract worksheet.
- b. Make your choices in each section.
- c. Transfer your choices to the attached contract.
- d. Proceed to the checkout table.
- e. Your contract will be reviewed and you will select a time to return in 1 – 2 months.

### 1. RESTORE FEE PAID

\_\_\_\_\_ YES – date \_\_\_\_\_

\_\_\_\_\_ \$25 Rescheduling Fee

\_\_\_\_\_ NO – date to be paid \_\_\_\_\_

Date to be paid \_\_\_\_\_

### 2. GIVING BACK TO THE VICTIM AND COMMUNITY

Section A. **Choose one**

\_\_\_\_\_ Apology letters

Write **three** letters of apology – to the **store owner/manager** and any other store personnel who were involved in the incident, to **community members** who shop at the store where you shoplifted, and to **other young people**. The idea is to apologize for how you may have affected them, whether or not they know it. Each letter should be different and address the impact to each individual person (do NOT write one letter and change the name at the top!). Sign each letter. Submit the letters to the RESTORE Program and include addressed and stamped envelopes for the store letters. The RESTORE Program will mail the letters. (See attached apology letter guidelines.)

\_\_\_\_\_ Public Awareness

Write a letter to the editor or an article on shoplifting for the community newspaper. The purpose is to help the community by sharing what you have learned with others. A copy of the letter or article and proof of submission must be provided. (See attached guidelines for letters and articles.)

\_\_\_\_\_ Essay – 500 word minimum

Write a 500 word essay on shoplifting to be submitted to the RESTORE Program. The RESTORE Program will use the article for educational purposes. Attach copies of articles and/or bibliography of articles, websites, etc. used to write the essay.

\_\_\_\_\_ Poster Design

Design a poster that addresses the harm done by shoplifting or that discourages others from shoplifting. The poster should be submitted to the RESTORE Program for use at the store from which you shoplifted or for educational purposes. (See attached poster requirements.) Note: a 75 word essay explaining the poster is also required.

\_\_\_\_\_ Shoplifting Speech

Write a speech, approximately 5 – 10 minutes long, and present it to one of your classes at school. A form verifying that you made the presentation must be signed and dated by the teacher, along with his/her phone number. You must submit the teacher's signed form along with the written copy of the speech. The speech should be about what you learned through your experience in shoplifting and the RESTORE process.

\_\_\_\_\_ My Idea (must be comparable to the other items in this category and be approved by RESTORE):

Section B. **Choose one.**

\_\_\_\_\_ Community Service – 8 hours

Select a nonprofit agency from the Volunteer Resource Guide, any non-profit agency, United Way agency, school or church. You can call FirstCall United Way at 211 or check online at [www.uwaylc.org](http://www.uwaylc.org) . Complete 8 hours of community service. Have the person supervising the hours sign and date the attached Community Service Verification Sheet. Submit sheet to RESTORE.

\_\_\_\_\_ Neighborhood Community Service – 8 hours

Work 8 hours for an *elderly or disabled* neighbor. Provide written verification of the hours. The verification must signed and dated by the person supervising the

hours, including his/her phone number. You may use the attached Community Service Verification Sheet. Submit sheet to RESTORE.

\_\_\_\_\_ RESTORE Session Volunteer – 8 hours

Return to the RESTORE Program as a peer representative for two future sessions –

4 hours each session. Arrive at 7:30 am each session to help set up, give a brief presentation at 8:30 as a member of the Panel, and participate either in the circle with other youths going through this shoplifting program or on Interview Teams for youths presenting their completed contracts. You will be done at approximately 11:30 am each session.

\_\_\_\_\_ My idea (must be comparable to the other items in this category and be approved by RESTORE):

### 3. GIVING BACK TO SELF AND FAMILY *Choose two.*

\_\_\_\_\_ Apology Letters

Write **four** apology letters - to **yourself, parents and/or guardians, siblings, grandparents, aunts, uncles, other relatives, friends, roommates, and/or employers** who were affected by the incident. Each letter should be different and address the impact on each individual person (do NOT write one letter and change the name at the top!). Be sure to sign the letters. **Give or mail the letters to the designated persons.** (See apology letter guidelines.) Copies of letters are to be submitted to the RESTORE Program.

\_\_\_\_\_ Counseling Sessions

Attend at least **three** counseling sessions with a counselor selected by you. The counselor can be a therapist, psychologist, or clergy. Written verification of your counseling sessions must be signed by the counselor, dated and submitted to the RESTORE Program. The sessions must address any issues surrounding the shoplifting incident.

\_\_\_\_\_ Family Community Service

Do extra work, chores or special requests for your family (parents, grandparents, etc.) per their request. These chores should be documented and signed by the family members who requested and received the services. **6 hours minimum.**

\_\_\_\_\_ Support Groups Meetings

Attend a minimum of **four** support group meetings. These can be addiction type meetings, such as:

Alcoholics Anonymous (AA) – for recovering alcoholics (970) 224-3553 or

[www.northcoloradoaa.org](http://www.northcoloradoaa.org)

Narcotics Anonymous (NA) – for recovering drug addicts [www.fortnet.org/na](http://www.fortnet.org/na)

Al-Anon – friends and family members affected by another’s drinking (970) 2AL-ANON

Alateen – for teens age 13 – 18 who are affected by someone else’s drinking

(970) 2AL-ANON

Nar-Anon – for friends and family of the legal or illegal drug abuser [www.nar-anon.org](http://www.nar-anon.org)

Or attend other types of support group meetings, such as gamblers, obsessive compulsive disorders, victim, grief, medical or health, mental health, etc. You can locate meetings by looking in the phone book, on the internet, or call First Call at 211. Complete the attached Support Groups Meeting Log and submit it to the RESTORE Program.

\_\_\_\_\_ Personal Journal

Write a personal journal about your reflections on your shoplifting experience. The journal can include how you feel about yourself, how you have grown as a person since the shoplifting incident and your involvement in the RESTORE program. It can also include how it feels doing community service and other contract items, and how it felt telling family, friends and others about your shoplifting experience, or maybe why you have not told many people. The journal must have a minimum of 15 entries, be dated, and be a minimum of six pages, neatly handwritten or typed double-space.

\_\_\_\_\_ Theft Class – ISAE (Institute for Substance Abuse Education)

Cost is \$30. Attend a seven-hour theft class (held locally on weekends) and pay for the class yourself. Provide written verification of completing the class, signed by the instructor. (Regular cost is \$60, but is only \$30 for RESTORE participants. Be sure to tell them that you are with RESTORE or they will charge you \$60!!!)

Contact # is toll free – 1(888)565-1900.

\_\_\_\_\_ Juvenile Court Project (for youths under age 18)

Observe Juvenile Court for a minimum of 2 hours. Make a list of each case and a brief description of what happened with each individual case. Then, write a reaction paper to what you observed in Juvenile Court. The paper must be a minimum of 500 words, typed or legibly written. Juvenile Court is located in the Larimer County Justice Center, 201 Laporte Ave. Fort Collins. An instruction sheet is available at the checkout table.

\_\_\_\_\_ My idea (must be comparable to the other items in this category and be approved by

RESTORE):

APPENDIX 7

Contract Examples

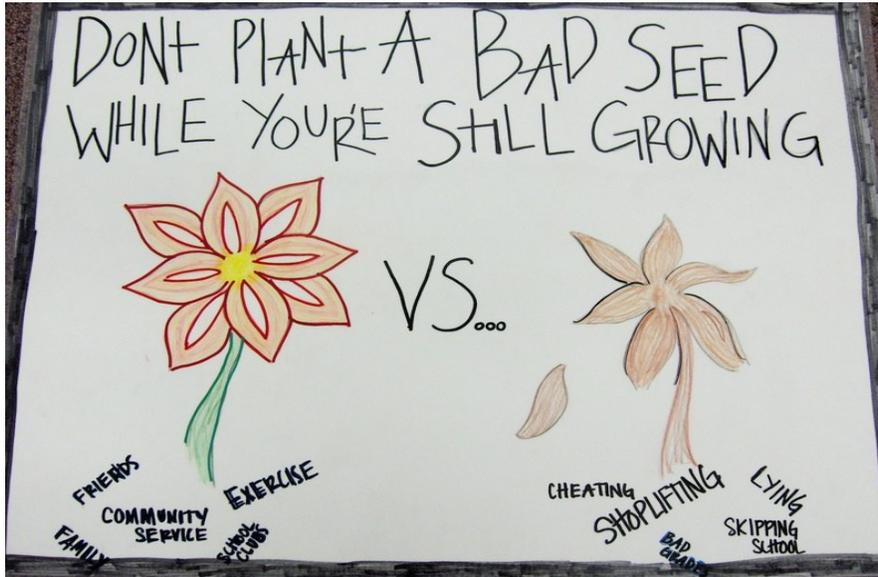


Figure A7.1



Figure A7.2

## APPENDIX 8

### RESTORE Post Surveys



## RESTORE SURVEY(post)

As part of being in the RESTORE program, we would like you to answer some questions about your thoughts, feelings, and behaviors. There are no right or wrong answers so choose the answer that is closest to what you really think or feel. This survey will help make the RESTORE program useful for other people your age who shoplift so please answer each question as thoughtfully and honestly as possible. Your responses will help make the RESTORE program better.

**Please DO NOT put your name anywhere on this survey.** All of your answers will be kept private and will only be seen by the RESTORE program staff and researchers.

Completing this survey is completely voluntary so you may skip any question that you do not wish to answer. Whether or not you answer the questions will not affect the services you receive from the RESTORE program.

Please read every question carefully and choose only one answer for each question unless the directions say you can pick more than one answer. If you don't find an answer that fits exactly, use the one that comes closest.



If you have a question, it is okay to raise your hand and ask for help.

The RESTORE staff members will tell you when it's time to stop. If you don't finish the entire survey, that's okay.

**Thank you very much for completing this survey!!!!!!**

## About you...

15) What is your birth date? (Month / Day / Year) \_\_\_\_ / \_\_\_\_ / \_\_\_\_

16) Are you:  Male  Female

17) What is your race/ethnicity? (you may fill in more than one bubble)

- |   |  |
|---|--|
| <input type="radio"/> White                           | <input type="radio"/> Hispanic or Latino |
| <input type="radio"/> Black/African American          | <input type="radio"/> Native Hawaiian    |
| <input type="radio"/> Asian or Other Pacific Islander | <input type="radio"/> Other: _____       |

18) Please tell us more about your education **by filling in each bubble that matches for you.**

- I am currently in school, in grade: \_\_\_\_\_
- I am expelled
- I am suspended
- I dropped out of school
- I graduated high school
- I am pursuing a GED
- I have a GED
- I am in college (including community college, trade or vocational schools, etc.)
- Other: \_\_\_\_\_

19) In your life, how many times have you shoplifted (nicked, stole, pinched), including this time and times when you did not get caught? \_\_\_\_\_

20) How often do you shoplift?

- I have only shoplifted this one time
- Less than once a year
- Once a month or less
- 1-4 times a month
- 2-3 times a week
- 4 or more times a week



**Remember: Your answers are private!**

21) Have you ever wanted to stop shoplifting but felt you could not stop?  Yes  No

22) Have your friends or family annoyed you by complaining about your shoplifting?  Yes  No

23) Have you ever felt guilty about your shoplifting?  Yes  No

24) Think back to a time when you wanted to take something that did not belong to you but did not take

it. What stopped you from taking it?

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### About your thoughts and feelings...

25) Please fill in the bubble that best matches how much you agree with each item. Please fill in only one bubble for each item.

I shoplifted because...	Strongly Disagree	Disagree	Agree	Strongly Agree
h) I was bored.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) My friends wanted me to.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) It was exciting.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k) I was angry.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l) I was sad.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m) I <u>wanted</u> what I took but couldn't pay for it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n) I <u>needed</u> what I took but couldn't pay for it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

26) Please fill in the bubble that best matches how much you agree with each item. Please fill in only one bubble for each item.

	Strongly Disagree	Disagree	Agree	Strongly Agree
k) My shoplifting hurt my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l) My shoplifting hurt the store I stole from.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m) My shoplifting hurt my family.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n) My shoplifting hurt me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o) I think it is wrong for me to steal.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p) My family thinks it is wrong for me to steal.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

q) I think it is okay to take something without asking if you can get away with it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r) I think sometimes it's okay to cheat at school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
s) It is all right to beat up people if they start the fight.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
t) It is important to be honest with your parents, even if they become upset or you get punished.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



**Good Job You're Almost Done!**

**More about your thoughts and feelings...**

27) Please fill in the bubble that best describes how you feel about adults in your community. Examples of adults in your community include parents, teachers, store owners, etc. Please fill in only one bubble for each question.

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>
g) I care what adults in my community think of me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) I do not get along with some adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) I want to be respected by adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) I try to get along with most adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k) I always try hard to earn the trust of most adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l) I usually like the adults in my community.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

28) For each item below, please fill in the bubble that best matches how often you do the following. Please fill in only one bubble for each item.

	<b>Never</b>	<b>Sometimes, but Not Often</b>	<b>Often</b>	<b>All of the Time</b>
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

e) How OFTEN do you stop to think about your options before you make a decision?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) How OFTEN do you stop to think about how your decisions may affect others' feelings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) How OFTEN do you stop and think about all of the things that may happen as a result of your decisions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) I make good decisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Just one more page...

### About your experience in the RESTORE program...

29) Please fill in the bubble that best matches how much you agree with each item. Please fill in only one bubble for each item.

	Strongly Disagree	Disagree	Agree	Strongly Agree
a) The RESTORE program helped me understand why I shoplifted.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) The RESTORE program helped me understand why I should not shoplift.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) The RESTORE program staff treated me fairly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) The RESTORE program facilitators treated me fairly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) The community members treated me with respect.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) The RESTORE program provided a safe place for me to share my feelings and experiences.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) The RESTORE program helped me talk to my parent/guardian about the crime I committed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) The RESTORE program helped me build trust with my parent/guardian.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) I feel the RESTORE contract I signed was fair.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) I would recommend the RESTORE program to other people my age who shoplift.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

k) I am happy with my RESTORE program experience.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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30) What did you like the best about the RESTORE program?

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31) How could we make the RESTORE program better?

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***You're done!***