

# United States Probation & Pretrial Services District of Massachusetts

## *An Introductory Guide to the Restorative Justice Program*



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**I. Introduction**

This introductory guide provides a snapshot of the United States Probation & Pretrial Services, for the District of Massachusetts', Restorative Justice Program ("RJ Program"). The RJ Program was created in 2015 as a component of the District of Massachusetts' RISE<sup>1</sup> program to incorporate restorative practices into Court programming. It began as one component of the RISE program and has expanded to offer participation to persons under pretrial and post-conviction supervision.

Within criminal justice systems, restorative practices have numerous applications and can appear in various formats. The RJ Program is rooted in the teachings of indigenous peoples throughout the world. It has been developed, executed, and administered by the U.S. Probation & Pretrial Services Office to fit our community's needs. Ideally, such a program would be executed by a community agency with experience in restorative justice work. If such resources are not readily available, a court-based restorative justice program can be successful when overseen by individuals in the Court family with commensurate skills, provided there is substantial community involvement throughout the process. Since the RJ Program involves responsible parties, those who have been harmed, and community members, it is incumbent upon the program administrators to ensure that it is delivered in a purposeful manner by capable practitioners. Continued high levels of support and oversight for all has contributed to its success.

The RJ Program provides a robust, yet manageable, experience that: evokes a deeper understanding of all crime as harm; encourages meaningful acceptance of responsibility; emphasizes the connection between one's actions and their harms on others; and provides victims, survivors, and community members opportunities to engage in the justice system in impactful ways. Our objective is to provide a restorative lens through which past, current, and future behavior can be processed to prevent future harms. The RJ Program was developed in a manner that honors the principles of restorative justice, while meeting the needs of our Court. It can be delivered as a stand-alone program or "fit into"/complement problem-solving or high-support programming. This guide is in no way an exhaustive reference for program development.

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<sup>1</sup> The RISE program is a front-end specialty Court program in the District of Massachusetts for defendants who: are on pretrial supervised release; voluntarily apply for participation; are selected by a joint committee based on qualifying criteria; have sentencing deferred for one year; work towards achieving a number of set short and long term goals while partnering with officers in high levels of supervision; and report their progress to Court monthly in an in-person session. There are no set or guaranteed rewards for program completion, but participants hope for a favorable sentencing outcome based on their successful program participation.

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## **II. Definitions & Core Values**<sup>2</sup>

*Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible. -Howard Zehr*

There are various definitions used in the field of restorative justice. For our purposes, the following definitions are utilized:

- **Restorative justice** is a theory of justice that emphasizes a meaningful acceptance of responsibility for a harm caused or a crime committed and making amends for that harm. It entails bringing together responsible parties, harmed parties, and community members to: explore the decisions and behaviors that led to the harm; process the harm caused; identify and acknowledge the impact the harm has had on all parties (including the harmed party and the community); and develop ways to repair the harm, to the extent possible.

*Restorative justice and practices are rooted in indigenous traditions. They seek to honor the interconnectedness of human relationships and repair harm caused by wrongdoing.*

*Restorative justice views crime as more than just breaking the law - it causes harm to people, relationships, and the community. A just response must address those harms.*

- **Restorative practices** are a variety of practices based in the tenets of restorative justice. They typically involve a facilitated encounter between the responsible party, harmed party, and community members. They include but are not limited to: restorative conferences; circles; victim-offender dialogues; and family group conferencing. Restorative practices are specific in their intent and designed to be inclusive and transformative. The processes are non-judgmental and respectful to all.
- **Responsible party or participant** is an individual responsible for the harm.
- **Harmed Party** (victim/survivor) is an individual directly impacted by the responsible party's wrongdoing or an individual who has been impacted by a similar wrongdoing perpetrated by another responsible party.

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<sup>2</sup> See Y. Dandurand & C. Griffiths, United Nations Office on Drugs & Crime, *Handbook on Restorative Justice Programmes* (2006); Ted Watchel, IIRP, *Defining Restorative* (2013); Howard Zehr, *The Little Book of Restorative Justice* (2002); K. Pranis, B. Stuart, & M. Wedge, *Peacemaking Circles: From Conflict to Community* (2003); Fania E. Davis, *The Little Book of Race and Restorative Justice: Black Lives, Healing, and US Social Transformation (Justice and Peacebuilding)* (2019); <http://restorativejustice.org>; and Restorative Justice Council, *Principles of Restorative Practice* (2012).

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***You can't get to a good place in a bad way.*** -Navajo Chief Justice

Restorative practices are values-driven processes. These values are layered into each aspect of the RJ Program and *must* drive every interaction. Such a practice:

- Does no *more* harm. (*Recognizes its potential to cause harm and acts responsibly to mitigate the same. Never re-victimizes or perpetuates harm.*)
- Focuses on the harm caused by the crime and understands that no crime is victimless. (*Does not assign judgment to different crimes, minimize, or excuse the harm. Refrains from blaming or chastising the responsible party.*)
- Keeps the needs of the harmed parties, community members, and responsible parties at the forefront. (*Although the needs of the victims are vital, does not negate the needs of the other stakeholders.*)
- Maintains all participants' physical and emotional safety and recognizes limitations. (*Never places any participant at risk for the benefit of others.*)
- Honors that participation from the responsible party should be voluntary and invites full participation through cooperation rather than coercion. Harmed parties' participation is always voluntary. (*At no time orders or instructs participation in an individual restorative practice.*)
- Recognizes that the work cannot be achieved without the key stakeholders—the responsible party, the harmed party, and the community—and values their decisions as the right decisions. (*Does not devalue the self-determination of those most impacted by the harm and does not override them.*)
- Creates safe spaces for processes with all stakeholders to occur, anchored in deep listening, respect for all perspectives, and capacity for difficult conversations. (*Does not: script the process; value "professional" or certain perspectives over others; or discourage disagreements.*)
- Meets participants "where they are" in their journey without judgment. (*Under no circumstances judges participation or uses participation in restorative work, or lack thereof, as a basis for punishment or sanctions.*)
- Values the power of storytelling as a tool to build community and emphasize human interconnectedness.
- Fosters meaningful acceptance of responsibility by the responsible party. (*Avoids demanding or prescribing accountability.*)
- Ensures that all participation is based on informed consent and that the processes are equally accessible. (*Never withholds information from participants or creates barriers for participation.*)
- Enables repair or restoration wherever possible.

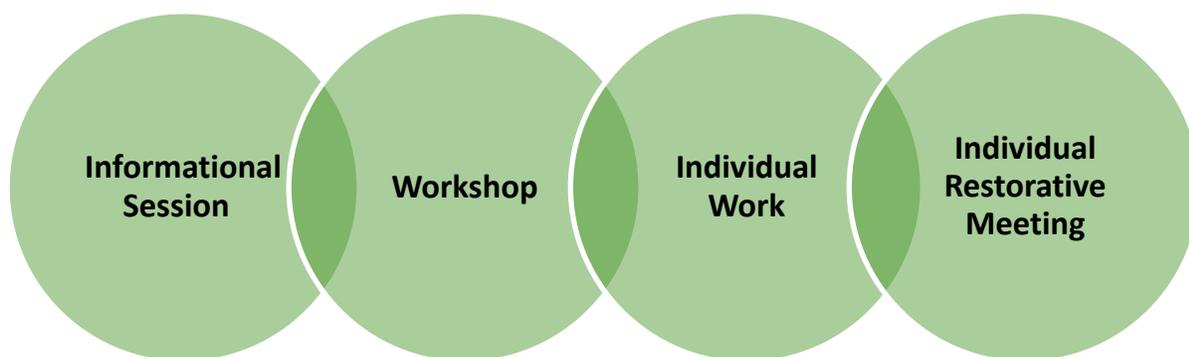
### **III. The Restorative Justice Program Description**

The RJ Program is modeled on the teachings of peacemaking circles.<sup>3</sup>

*The peacemaking circle tenets that inspired the RJ Program originate from the teachings of Indigenous and First Nations people from the Yukon Territory and the Tagish/T'lingit Nation who, in collaboration with ROCA (a non-profit organization in Chelsea, MA), gifted / shared these traditional teachings for use in Western society systems.*

*While we recognize that restorative justice and peacemaking is a world view and way of being in the world, we hope this program honors those teachings and moves our community towards behaving more restoratively.*

It consists of four components: informational session; workshop; individual work; and individual restorative meeting. They should be delivered in consecutive order because, among other things, each component builds off the previous one. The first two components are foundational, and participation is required. Although they have the potential to be transformative, they are at minimum educational. Because they are required, mere attendance satisfies the requirements. The second two components are individualized and lead to the individual restorative meeting. The second two components are always voluntary. Participation of harmed parties and/or community members in parts two, three, and four are crucial for success.



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<sup>3</sup> See Carolyn Boyse-Watson, *Peacemaking Circles and Inner-City Youth: Bringing Justice Home* (2008).

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The timing of the RJ Program has remained flexible because it has rolling admission—that is, participants begin at different times. If part of a twelve-month program, such as RISE, participants should begin the RJ Program after having some period of stability in their overall program, approximately three months.<sup>4</sup> All four components can be completed in six to eight months.

The informational session should occur close enough in proximity to the workshop so that the concepts remain familiar and the participant’s circumstances do not change dramatically (one month prior to the workshop). The individual work begins approximately six weeks after the workshop, so that participants have time to process their experience. This also alleviates pressure to continue that may be experienced immediately after the workshop. Individual work can take between one to two months to complete and may overlap with preparation for the individual restorative meeting, which is the end goal.

A. Program Coordinator

General Description: The restorative justice coordinator (“coordinator”) should be a skilled restorative justice practitioner. The coordinator is responsible for overseeing a participant’s progress through the RJ Program and delivery of the four components. It is imperative that the same coordinator deliver or participate in each component with the same participant. The coordinator anchors the participant through the RJ Program and, in accordance with the tenets of restorative justice, begins building a relationship with the participant from the first interaction, so that the intense work required for the individual restorative meeting is possible. In addition, the coordinator is responsible for cultivating relationships with harmed parties and community members for potential participation in the RJ Program.

The Restorative Justice Council’s *Best Practice Guidance for Restorative Practice* is a resource that delineates core competencies and skills useful to be an effective coordinator.<sup>5</sup> There is not a standard course of training for restorative justice practitioners. The coordinator must have an in-depth knowledge of restorative justice literature, completed various trainings, observed other practitioners, participated in restorative practices, and have a working knowledge of the Court system. Given the complexities and potential issues of working with harmed parties, responsible parties, community members, and court officials, it is imperative that the coordinator is skilled and capable.

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<sup>4</sup> This allows the participants time to acclimate to the overall program expectations and requirements, secure treatment services if needed, and stabilize other aspects of their lives (e.g. housing, employment). Participants that are in acute need of mental health or substance abuse treatment, or have other immediate basic needs, should be encouraged to stabilize prior to participating in the RJ Program. Those needs are real and will overpower the participants’ ability to fully engage in the RJ Program despite best intentions.

<sup>5</sup> See Restorative Justice Council, *Best Practice Guidance for Restorative Practice* (2011); <https://restorativejustice.org.uk/sites/default/files/resources/files/Best%20practice%20guidance%20for%20restorative%20practice%202011.pdf>

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The coordinator should be an independent party, should have no previous experience with the participant, and should recuse themselves from any interaction with the participant outside of the RJ Program, including in any clinical, legal, or official capacity. This independence is necessary to maintain the integrity of the restorative work and uphold the promise of confidentiality. The main types of facilitation used by the coordinator in the RJ Program are circle keeping and conference facilitation.<sup>6</sup> In preparation for circles and restorative conferences, a significant amount of pre-work occurs with all involved. In the RJ Program, the workshop is designed to replace most of the pre-work, but additional individual work may be necessary to ensure a successful individual restorative meeting.

Circle Keeping & Facilitation Roles

During a circle, the coordinator is a circle keeper and creates a safe space through ceremony and tradition<sup>7</sup>. The circle keeper's role is to: 1) protect the integrity of the process and honor the tenets of restorative justice; 2) serve as a guide for the process rather than facilitate it; 3) skillfully weave in and out of the group process as an active participant; 4) ensure a safe space is created capable of holding deep dialogues; 5) move the group discussion along, but allow the group process to evolve organically; and 6) ensure the safety of all.

During a restorative conference, the coordinator is a facilitator and follows a set script<sup>8</sup>. A facilitator's role is to: 1) control and guide the process; 2) actively facilitate the process; and 3) ensure that the goals are met. The role of a circle keeper may be distinguished from that of a facilitator of a restorative conference as follows:

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<sup>6</sup> There are specific trainings offered through various agencies, including the International Institute for Restorative Practices and Suffolk University's Center for Restorative Justice, for restorative conferencing and circles.

<sup>7</sup> Kay Pranis, *Circle Keeper's Handbook* (2014); <https://www.edutopia.org/sites/default/files/resources/stw-glenview-circles-keeper-handbook.pdf>, and ROCA, Inc., *Circle Keeper's Manual*, ROCA (2004); [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjZvMiKrZviAhVEop4KHRigCkEQFjAAegQIABAB&url=https%3A%2F%2Fwww.nacri.org%2Findex.php%3Foption%3Dcom\\_easyfolderlistingpro%26view%3Ddownload%26format%3Draw%26data%3DeNpNj91uwjAMhV9I8guQDsSYuZq442zRN4gWikLrFUtPE-WFliHfHbai2qziH\\_s6xDTYN3hJuETrvWoqwT7hZI\\_BgekqrSMmXaKUK5eTYro6Uso8m84VePkvKbGICxAVKolhN0iwhqKXVF8H-At4QtJ616ber6GiG2UohTM-2qtzCnIFVKJILjp\\_TQnbsaOFXYt84Ggd6S-iQFF\\_m7EYp48\\_hw\\_9qtRmnkKga35Woe2eK9E1sNy75DXiZXI29jzQKNNcJ2xEfRdcltKF6beeXCJr9t73TuLvD-RhayY%2C&usg=AOvVaw2RMIA9CwFLL-UKmqRvklj-](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjZvMiKrZviAhVEop4KHRigCkEQFjAAegQIABAB&url=https%3A%2F%2Fwww.nacri.org%2Findex.php%3Foption%3Dcom_easyfolderlistingpro%26view%3Ddownload%26format%3Draw%26data%3DeNpNj91uwjAMhV9I8guQDsSYuZq442zRN4gWikLrFUtPE-WFliHfHbai2qziH_s6xDTYN3hJuETrvWoqwT7hZI_BgekqrSMmXaKUK5eTYro6Uso8m84VePkvKbGICxAVKolhN0iwhqKXVF8H-At4QtJ616ber6GiG2UohTM-2qtzCnIFVKJILjp_TQnbsaOFXYt84Ggd6S-iQFF_m7EYp48_hw_9qtRmnkKga35Woe2eK9E1sNy75DXiZXI29jzQKNNcJ2xEfRdcltKF6beeXCJr9t73TuLvD-RhayY%2C&usg=AOvVaw2RMIA9CwFLL-UKmqRvklj-)

<sup>8</sup> IIRP, Restorative Conference Facilitator's Script; <https://www.iirp.edu/news/restorative-conference-facilitator-script>

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<b>Circle Keeper</b>	<b>Conference Facilitator</b>
Balances being an active participant and serving as a guide; uses self as needed	Maintains total neutrality and does not participate
Establishes safe space through use of values, ceremonies, and traditions	Follows the script and may use an opening and closing consistent with pre-meetings
Talking piece regulates the dialogue	Facilitator directs the dialogue
Group creates the guidelines and determines the outcomes	Facilitator provides ground rules and asks group for additions; goals are predetermined
Never goes directly to issues, spends time on introductions and trust building	Goes directly to the participants to identify the issues after brief introductions
Does not control the process	Controls and is responsible for the process

Both processes are valuable and may be better suited for certain circumstances. Conferences are focused on the issue at hand. Circles can be utilized in a variety of ways and have the potential to foster deep transformational change and healing.

**B. Program Components**

**1. Informational Session:** *Planting seeds and assessing needs*

**Goals:** The main objectives for the informational session are to 1) begin building a relationship with the participant; 2) introduce the concepts of restorative justice; 3) assess the participant’s individual needs and openness to the concepts; and 4) identify potential harmed parties and/or community member matches.

During the informational session, a PowerPoint presentation is utilized to guide the session. It is concise but highlights key concepts and thinking points. This session should invite participants to begin thinking about:

**Harm and harmed parties:** Understanding crime as harm; re-defining the idea of “victimless” crime; and considering direct victims, indirect victims, surrogate victims, stakeholders, and the community.

**Meaningful Acceptance of Responsibility:** How does one come to an understanding of why they chose to commit the crime; what does accepting responsibility mean to the responsible party?

**Repair & Reintegration:** Thinking about forgiveness, healing, and making amends; what making amends means to the responsible party; a person is not defined by their worst action.

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A hard copy of the slides should be provided to the participants. During the presentation, encourage discussion by remaining curious about the participant's thoughts on the concepts.

Tips: Our goal is to make this information as accessible as possible. By providing a dialogue, a visual presentation, and a hard copy, we hope to reach many types of learners.

Pause after each slide or two and ask open-ended questions (e.g., "What do you think about...?"). Welcome disagreements or differences in opinions and avoid engaging in arguments or attempts to disprove or convince. Validate their perspectives and appreciate their openness to disagree. For example, people often struggle with the idea that no crime is victimless and may categorize their crime as only hurting themselves. Respond by saying something like, "I can understand why you think that way" or "another way to think about it might be" and let them know we will explore these concepts further at the workshop.

Preparation: It is useful to review as much information about the participant as possible. Doing so should not skew your opinion of the participant in any way, but rather provide information that you may use to connect with the participant or prompt dialogue.

Tips: You may learn that the participant has a desire to reconnect with estranged family, so asking about current support network and anyone missing in their current support network may be fruitful. Other questions about specifics may be phrased as "I read in your record that...would you mind telling me about it in your own words?" It may also be helpful to contact the assigned probation officer to inquire about the participant. In addition to providing information not available through a review of records, the probation officer may provide insight as to the participant's current relationship with court officials.

Execution: Since this is the first interaction with the participant, it is important to set the tone as different.<sup>9</sup>

Tips: When making the first telephone contact, ask "is this a good time to talk or would you rather I call at a later time?" Address the participant formally and ask permission to use their first name or ask what the best way to address them is. Rather than setting an appointment for the participant, schedule the meeting around their needs and offer to meet evenings or on the weekends for their convenience. Offer to meet at their residence, a local coffee shop, or restaurant.

Once the informational session begins, refrain from jumping right into the presentation and model the peacemaking circle process which values introductions and trust building.

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<sup>9</sup> Participants may have had prior interactions with court officials where clear power differentials existed, the relationships felt adversarial, or the experience was otherwise negative. Simple and subtle courtesies and language shifts begin to denote this experience as different emphasizing that the participant has an equal and important role in the process.

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Tip: Spend time checking in and introducing yourself to the participant. Invite the participant to tell you about themselves, but don't insist.

At the end of the session, set clear expectations for attendance at the workshop.

Tips: Reinforce the requirement of attending both days. Briefly explain that as a group, we will set guidelines for the workshop together and that the work in the workshop is generally confidential (barring mandatory disclosures, such as current or future harm to a child, oneself, other). Acknowledge the potential hardships participation might cause (i.e. travel, time off from work, childcare, etc.), but that we value their time equally as our time.

Assessment: Throughout the session, the participant's needs and openness to the concepts should be assessed. Identifying any barriers to participation is crucial and, as previously noted, participants with acute mental health, substance use, or other urgent needs should be re-evaluated for participation.

Tips: Most participants will have chronic needs including mental health and substance use disorders and they may be in the early stages of addressing their needs or recovery. This does not prohibit their participation. The coordinator should attempt to mitigate their needs to allow for participation where possible. For example, if a participant demonstrates a mental health concern, reaching out to the PO to coordinate with their providers and explore safeguards, such as having a scheduled appointment for the participant and the provider to meet immediately following the workshop, is helpful.

Identifying potential harmed parties or community member matches, is another important goal of the informational session. Having participants share commonalities with harmed parties and community members will help everyone relate to one another during the workshop, and may also lead to a pro-social connection for the participant following the workshop. Particularly for participants who are struggling, identifying a potential match or connection can make a significant difference in their ability to internalize the concepts of restorative justice.

*Using the information gathered during this meeting, harmed parties and community members will be sought out to match the needs of the participant.*

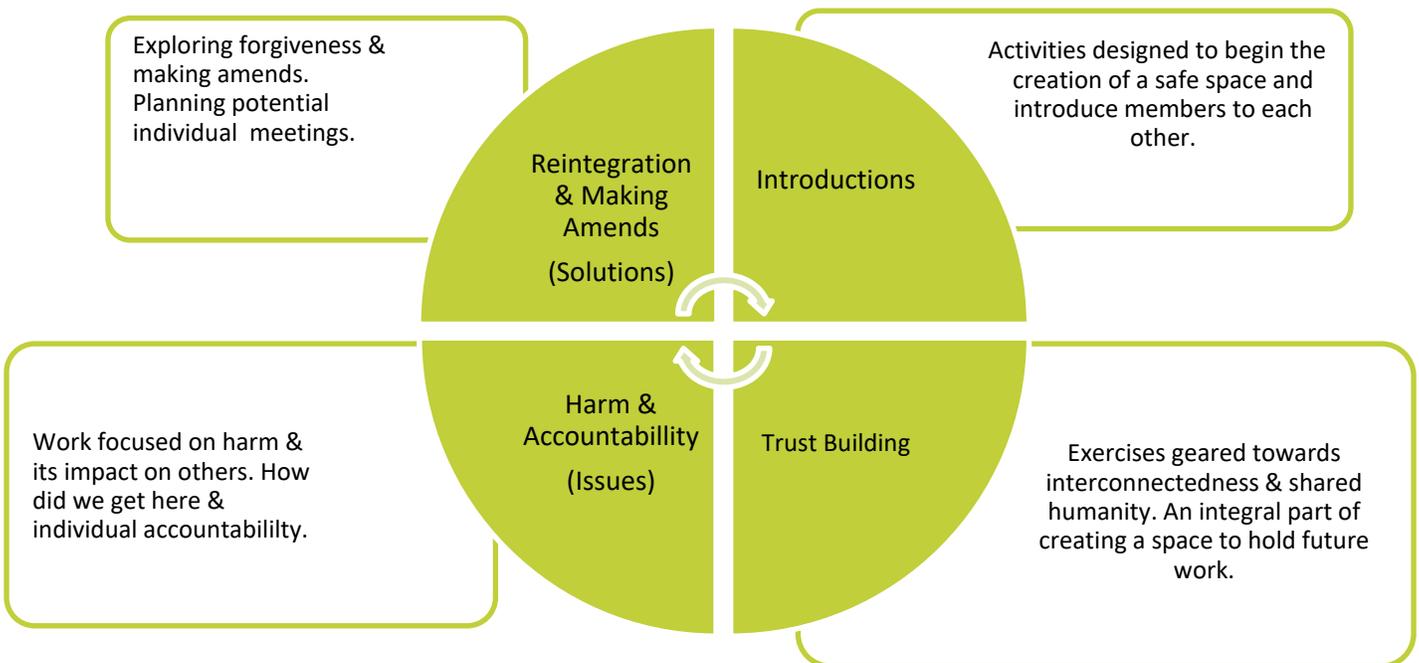
*For example, if the participant is charged with Trafficking in Firearms, think about securing individuals impacted by gun violence for the workshop. If the participant is working on repairing relationships with their children, a community member associated with a parenting program may a good match.*

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**2. Workshop: Experiential learning**

**Goals:** The main objectives for the workshop are to 1) educate on the principles of restorative justice and practices; 2) evoke a deeper understanding of crime as harm and redefine the idea of victimless crime; 3) explore meaningful acceptance of responsibility; and 4) emphasize the connection between the impact of one’s harms and others through building relationships among responsible parties, harmed parties, and community members. This is accomplished through experiential learning—partaking in the restorative practice of a peacemaking circle.

A workshop outline is utilized as a guide for the workshop. It includes exercises, activities, presentations, videos, and prompts that can be used during the workshop. However, based on the participants, personalization of the exercises may be needed, and “on the fly” changes will be crucial to ensuring a natural and effective flow specific to the group. As previously noted in the provided references, the workshop is modeled on a peacemaking circle practice that is anchored in teachings that emphasize equal value and time devoted to introductions, trust building, issues, and solutions and the power of storytelling.



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Honoring these principles is paramount. It distinguishes restorative practices from other programming, meetings, and interactions. Indigenous teachings invite us to learn from their traditions and value the importance of building relationships as a vehicle through which meaningful change and true solutions are accomplished. This requires an extraordinary amount of patience and trust in the process.

The workshop is delivered by two circle keepers. One circle keeper should be a harmed party and/or community member and the other should be the coordinator. If the coordinator is not one of the circle keepers, they should, at the least, be participating in the same workshop with their assigned participants.

Tips: This duality and shared responsibility between the two keepers represents a balance between the system and the community. During the workshop, there will be prompts that are better received by one keeper than the other and times when one keeper will be able to evoke deeper experiences from the group than the other.

Preparation: It is essential to prepare for the workshop.<sup>10</sup> Much of the success of the workshop relies upon the coordinator's preparation and familiarity with the workshop participants. What follows are some of the key aspects of a coordinator's preparation for any workshop.

- *Scheduling:* Set the date as far in advance as possible. Recognize that 16 hours (four 4-hour sessions virtually on consecutive days, or two 8-hour sessions in person on consecutive days) is a significant commitment for all participants. Advance notice is necessary to allow for planning. Remind participants to notify employers, arrange for childcare, and make travel plans.
- *Location:* Secure a space that will be conducive to the workshop. Take into consideration parking, access to public transportation, the need for privacy, and the ability to prevent interruptions. If conducting virtually, ensure participants' IT needs are addressed.
- *Participants:* Individuals participating should be identified and confirmed.
  - Generally, including the circle keepers, workshops should have at least 10, and typically no more than 20, participants.<sup>11</sup>
  - Half or slightly more than half (50-60%) of the participants should be responsible parties.

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<sup>10</sup> Hope for the best. Plan for the worst.

<sup>11</sup> Too many participants makes it difficult to get through all of the material due to the length of the rounds. Too few participants minimizes the value of the service, given the amount of resources it takes to execute a workshop, and may also lessen the experience for the participants.

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- The other participants should be community members, harmed parties, and court personnel. Note: Court personnel should be the most limited group (approximately two). Court personnel participate in the same manner as other participants. This is a unique opportunity for court personnel to explore the systemic harms caused by our group and acknowledge the same to those who have been most impacted.
- Match the community members and harmed parties to the responsible parties. Find common threads that may connect the participants to one another. This will be important when completing the seating arrangement and for small group work. For example, if responsible parties are charged with gun crimes, at least one or two of the harmed parties should have a connection to gun violence. If you learn during one of the informational meetings that one of the responsible parties is committed or working on repairing relationships with children, consider having someone from a parenting program participate. If a responsible party is in recovery, one of the community members should be a substance abuse clinician, recovery coach, or other person working in the recovery field.

*If any of the participants appear to have acute mental health needs or you are otherwise concerned about their well-being, plan with the participant to connect with their clinician or support person both before and after the workshop.*

- *Comfort:* Provide refreshments, snacks, and/or meals. It is important to take care of the participants' needs as much as possible so that they can focus on the experience. Providing breakfast, lunch, and snacks is ideal. Breaking bread together initiates organic trust building. Providing meals and snacks also allows for more time in the workshop; when participants must leave for refreshments or meals, breaks inevitably take longer. At the least, water and light snacks should be available throughout the day, especially in the afternoon when energy and focus can wane.
- *Environment:* Set the tone of the space as inviting by setting up a table with reference materials (books, articles, poems), drawings, extra paper, pens, and tissues. Consider adding flowers or other elements that will mark the space as welcoming or different than a traditional court meeting.
- *Technology:* Coordinate and arrange for any IT needs. Do a dry run to ensure that all equipment is working properly and that any videos or PowerPoints function well.

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- *Supplies:* The following items generally should be secured in advance.
  - Name tags (used for the seating arrangement)
  - A set of materials for each participant (a folder containing paper, a pen, hard copies of PowerPoints, exercises, and readings)
  - Easel, pad, markers (used for guidelines and small group work)
- *Seating:* Although having participants choose their seats upon arrival is an option, a thoughtful seating arrangement to mix responsible parties and community members is beneficial. Placement of more or less talkative participants in certain seats may assist the flow of the circle rounds.
- *Miscellaneous:* Anticipate and consider potential problem areas and how you would deal with them. Visualize how rounds may go. Role play potential issues. Review the RJ values and principles (see page 5) and hold yourself to them.

Execution: The workshop is conducted in accordance with the traditions of a peacemaking circle including all its intentional elements, practices, focus on storytelling, emphasis on interconnectedness, and value of relationship building<sup>12</sup>.

Tips: The coordinator and circle keepers should be skilled in circle keeping. Adherence to the practice of circles—beginning and ending with an opening and closing, offering a grounding exercise, displaying a centerpiece, creating group guidelines, and using a talking piece—is key.

The circle keepers should be familiar with the workshop outline and the various exercises that coincide with the parts of the circle process (introductions, trust building, issues, solutions).

*Above all else, honor the circle values  
and trust the process.*

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<sup>12</sup> See Kay Pranis, *The Little Book of Circle Processes* (2005).

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**3. Individual Work:** *Deepen understanding and make connections*

Goals: The main objectives for the individual work are to 1) deepen the participant's understanding of restorative justice, acceptance of responsibility, and accountability; 2) make connections between personal behaviors, harms, and impact on others; 3) prepare for an individual restorative meeting; and 4) plan for making amends and repair.

Preparation: Individual work should be tailored to each participant. During the workshop, the coordinator and/or circle keepers should pay attention and notice each participant's needs. This can guide the individual work assigned to each participant.

Execution: A number of different assignments or work can be utilized. Typically, four readings and reflections are assigned (one reflection per reading). However, this can vary and be made more easily accessible for each participant. For example, individual work can involve visual assignments such as videos and recorded responses. A small reading group can also be utilized where participants read the same text and meet weekly to share reflections in a circle. Other individual work may include writing a victim impact statement or role playing with the coordinator what their individual meeting may be like. Emphasizing that there are no correct or wrong responses and encouraging genuine reflection are very important.

*The same principles of confidentiality that apply to the workshop, extend to the individual work and individual restorative meeting components. The coordinator does not disclose a participant's progress or specific reflections. Rather, they share only whether the participant completed the process.*

Assessment: If a participant is continuing on to an individual restorative meeting, the coordinator and participant should decide together when the individual work is complete and when a participant is prepared for an individual restorative meeting.

Tips: While the participant is completing the individual work, the coordinator should begin planning the individual meeting. If it is likely one will occur, the coordinator should begin identifying and reaching out to potential harmed parties.

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**4. Individual Restorative Meeting: *Accountability, repair, & reintegration***

**Goals:** This is the culmination of the RJ Program. We hope each participant completes all four components. Engaging in this experience will be transformational for all. By engaging in an individual restorative meeting, participants will have made specific connections between their actions and harms they caused and their impact on others and the community. In addition to the connections the responsible party will have made regarding acceptance of responsibility, this experience should be reintegrative and provide a high level of support for the participant reinforcing that they are an important and valuable member of their community. Similarly, the harmed party will have a unique opportunity to dialogue and process the harm they have experienced with a responsible party.

**Preparation:** The work completed by the participant in the three preceding components of the RJ Program will have prepared them for this final meeting. It is essential that the coordinator thoroughly and carefully prepares for the individual restorative meeting for the same reason that preparation was important before the workshop—much of the success of the individual restorative meeting depends on the extent to which the coordinator has prepared all the participants.

- The participants should drive the planning for the meeting with support from the coordinator. Together, they can determine the best course of action for the individual meeting. If an identifiable harmed party is available, they should be the intended harmed party for the meeting. When no identifiable harmed party is available, the participant should identify:
  - individuals in their life they believe have been harmed or impacted negatively by their actions;
  - individuals that represent the community that may have suffered a proximate harm; or
  - a surrogate harmed party<sup>13</sup> who has suffered harm related to the participant's behaviors.
- A meeting may include: the responsible party; a harmed party; a community representative; a support person for each participant; and the coordinator.

Tips: Every meeting is unique. Encourage participants to “think outside the box” and consider community impacts when identifying people for their individual meeting, but refrain from imposing your own expectations or judgments on them.

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<sup>13</sup> Given the landscape of federal cases wherein many do not have identifiable victims per the statute, the RJ Program has involved surrogate victims that have suffered a proximate or related harm. Although involving surrogate harmed parties is less commonly used, these experiences have been equally valuable and impactful for all involved. Despite having no connection to one other, when prepared for the experience, the responsible party and harmed party can achieve a meaningful and mutually beneficial connection.

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- Contact with any harmed parties should be done thoughtfully. Understanding their particular circumstances will be necessary before even the first attempt to contact them. If they are willing, meet with them in person to explain the process and discuss and process the harm they have experienced. Harmed parties should not be expected to eagerly support or want to participate in a restorative practice and should not equate their participation with being prepared to “forgive” or “move on.” Ultimately, we ask harmed parties to be able to share their story and listen with an open heart in a good way, all the while understanding that the hope is for the meeting to be a positive experience for all. Multiple meetings may be required.

*Restorative practices are harmed party-centered. Participation by a harmed party is always voluntary.*

*It is important to remember that we do not want to cause more harm to either the responsible party or the harmed party.*

*Some harmed parties may not be at a place in their journey, where this type of encounter can occur. Thank them for their consideration and leave the option for future participation available.*

- Identifying a support person for the responsible party and the harmed party is helpful. Support people may participate in the individual restorative meeting or be available to connect individually with someone after the individual meeting. If participating in the meeting, the coordinator should have prior contact with them and discuss the process, their participation in the meeting, and how best they can support their loved one in the meeting.
  - Tips: Ensure that all participants have an informed support system before and after the meeting.
- *Process:* Based on the needs of all involved and on their familiarity with the participants, the crime, the harms, and what has transpired during the earlier components of the RJ Program, the coordinator should decide which format is most appropriate: a restorative conference or a circle. These processes, and the coordinator’s distinct role in each, are discussed above (see pages 7-9). The coordinator will prepare the dialogue prompts and/or questions for the meeting. All participants should understand that the meeting intends to foster both a deep acceptance of responsibility and a healthy opportunity to repair (to the extent possible) the harm.

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- *Other logistics:* Many of the same logistical arrangements that were required for the workshop are necessary when preparing for the final restorative meeting. For example, the coordinator must:
  - Finalize the selected process;
  - Select a date and location for the process convenient to all;
  - Arrange for refreshments;
  - Prepare the physical environment by setting an inviting and comfortable tone;
  - Consider what measures are required to ensure the safety and privacy of the participants;
  - Consider assigning seats and providing nametags; and
  - Review the RJ values and principles (see page 5) and recommit to them.

Execution: The individual meeting will be a restorative meeting, typically a circle or a conference, during which the harmed party, community members, responsible party, and support people meet to process the harm and share their stories. The meeting often culminates in the creation of a plan for making amends/repair or in promises through which the responsible party can make amends for the harms caused. All decisions are reached through consensus; no one participant has a final or ultimate say. The coordinator may offer guidance if necessary, but those most impacted by the harm should be the key decision makers. The coordinator is responsible for offering support and overseeing the completion of any plan created.

*The creation of a plan or promises should be organic and not forced. They may be as involved as multiple specific actions or projects with timelines or can be as simple as a promise to do no more harm.*

*Trust that those most impacted by harm will self-determine the most impactful and appropriate plan.*

#### **IV. Special Considerations**

##### **Participation: Voluntariness & Confidentiality**

Participation in the first and second components of the RJ Program satisfy the program requirements. The RJ Program maintains strict adherence to our definition of participation: “being present.” We encourage all participants to be present with an open mind, but each individual self-determines their level of active or passive participation. Silence is acceptable, and there is no gradation or scale used for judging participation.

Confidentiality is maintained throughout the RJ Program.<sup>14</sup> In line with our working definition of participation, participants are not required to confess, divulge, or detail any of their actions including those for or of which they stand accused or have pled guilty. Certainly, the processes encourage acceptance of responsibility and accountability through sharing and storytelling; while a participant may share their actions in this context, skilled coordinators and circle keepers redirect individuals as needed. Completion of the first and second components of the RJ Program are reported back to the Court as completed, but no further details are disclosed. Thereafter, participants are encouraged and supported to volunteer to complete the third and fourth components, but should not be forced, coerced, or otherwise required to do so. But for whether or not a participant completed the RJ Program components, no further details are disclosed to the Court, counsel, or the probation office.<sup>15</sup>

It is the responsibility of the participant, along with their legal counsel, to detail for the Court where appropriate a participant’s personal experience. Participation or lack thereof in restorative practices should never adversely impact a participant.

These measures, along with others, are purposeful and intend to mitigate the implicit coercion embedded in conducting a restorative justice program within a traditional justice system and to protect, to the extent possible, the participant, harmed party, and community members from incurring further harm.

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<sup>14</sup> During the guidelines portion of the workshop, mandatory reporting disclosures required by law (imminent harm to oneself, abuse or neglect of a minor or an elder, etc.) are discussed with all participants.

<sup>15</sup> In some instances, a factual account of the individual restorative meeting (who, when, what agreements were reached) may be provided to the Court with the prior permission of all involved. Details regarding the content of the dialogue are not disclosed. Upon request, the RJ coordinator may of course generally educate the Court or counsel (both for the government and the defendant) on the RJ Program and its components.

United States Probation & Pretrial Services  
District of Massachusetts

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**V. Further Information**

We offer opportunities to observe our programming and welcome questions and requests for additional information or guidance. Please contact Maria V. D'Addieco, Sr. USPO (maria\_daddieco@map.uscourts.gov); AUSA James Herbert (James.Herbert@usdoj.gov); Jessica Hedges (hedges@htlawyers.com); and/or The Honorable Leo T. Sorokin for more information.