

# Anxiously Awaiting the Future of Restorative Justice in the United States

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**Abstract:** The problems of mass incarceration and other criminal justice system failures in the United States—such as racial disparities, wrongful convictions, and high recidivism rates—have reached a tipping point. For the first time in decades, coalitions of politicians on the left and right are seeking criminal justice reform. What is the place of restorative justice in these efforts? What is the depth and breadth of restorative justice implementation? How familiar is the American public with restorative justice? How successful is the restorative justice movement? In this article, we seek answers to these questions as we try to assess the future of restorative justice in the United States.

**Keywords:** restorative justice, criminal justice reform, United States

## INTRODUCTION

Sociologists do not use crystal balls, so predicting the future of restorative justice (RJ) in the United States cannot be so easily divined. With much activity underway in the United States, but few studies, clearinghouses, or organizations that summarize it, it is challenging to assess the movement's current standing—let alone its future. Generally, RJ refers to a philosophy of punishment that focuses on stakeholder dialogue and efforts toward reparation and reconciliation as a response to the harm caused by crime and misconduct. As will be seen below, there is general agreement that an RJ movement is underway—and if not yet realized, the potential exists for widespread adoption of RJ principles and practices.

Daly and Immarigeon (1998, p. 22) noted, in an article aptly entitled, “The Past, Present, and Future of Restorative Justice,” that “global networks of academics, system workers, and activists have fostered a multinational stew of ideas,” which even then was recognized to be “a complex enterprise, reaching

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into longstanding debates about the purposes of punishment . . . and provoking a reconsideration of the relationships between citizens, the state, and ‘the community’ in creating justice system policies and institutions.” Seventeen years later, this global social movement has much expanded, which may hint at an answer about RJ’s future in the United States, but does not simplify the task of prediction.

In this article, we evaluate the future of RJ in the United States. Our multimodal approach examines academic critiques of the RJ movement as well as its trajectory in the media, legislation, and in academia. We were further informed by interviews with leaders of RJ initiatives in criminal justice, juvenile justice, schools and universities, and community-based projects.

Before making predictions, we must note that there is no unified theory of RJ that explicitly defines it conceptually, nor how it is applied. Therefore, we are forced to make predictions about a “stew” without knowing its exact ingredients (Sharpe, 2004). Narrow definitions tend to limit RJ to victim/offender dialogues, whether they take the form of circles, conferences, or boards. Broader definitions include other practices that do not involve such dialogue, but may make use of some RJ tools (such as the talking piece) or embrace principles of RJ to address noncriminal transgressions. Green et al. (2013, p. 449) argue the RJ movement has expanded significantly in different directions from its traditional criminal justice roots: “The first is upwards from ‘ordinary’ crime and includes using restorative justice in response to acts of genocide, gross violations of human rights, transitional justice in post-conflict societies, and the repairing of historical injustices such as slavery . . . . The second direction is downwards from crime and includes the application of restorative principles in schools, workplaces, and everyday life.” In our approach, we are inclusive in our conception to embrace a variety of practices and applications, but are often constrained methodologically by conducting various searches using the phrase “restorative justice,” restricting our findings far more than we would wish.

## **CONTEXT: IS THERE MOMENTUM FOR CRIMINAL JUSTICE REFORM IN THE UNITED STATES?**

We begin with the argument that the future of RJ is predicated not only on its positive support, but also with the significant public opposition to the retributive sentencing and zero-tolerance policies that have led to mass incarceration, the school-to-prison pipeline, and pernicious racial disparities (Alexander, 2010). For the first time since the 1970s, the political will for punishment appears to be declining. According to Muller and Schrage (2014, p. 155), public opinion, including white America, shows more disillusionment with the criminal justice system: “Although racial disparity persists and racial gaps in beliefs

about the harshness of the courts remain, growing white dissatisfaction with criminal justice institutions may increase the size of the political constituency opposing mass imprisonment.” Other public opinion studies show both opposition to strict retributivism and support for both rehabilitation and, to the extent the public is aware of it, for RJ (Cullen, 2013; Greene & Doble, 2000; Pew Charitable Trusts, 2012; Roberts & Stalans, 2004).

Recent political will for reform appears to be coming from the right as well as the left. Unexpected bipartisan coalitions have formed specifically to change the course of prison policy. Dagan and Teles (2014) argue that important political changes have taken place to explain this bipartisanship. First, perhaps due to significant crime decline and the rise of other serious concerns such as terrorism and economic recession, Americans who believe crime is the country’s most important problem have declined from 37% in 1994 to only 2% in 2012 (Dagan & Teles, 2014, p. 269). Second, in the last two decades, Democrats have become more punitive in their positions, no longer giving Republicans a distinctive “get tough” political advantage. Instead, Republicans have shifted their politics of fear toward immigration and terrorism and away from crime. Third, coinciding with federal and state budget crises, the Tea Party wing of the Republican Party has pushed an antigovernment austerity platform that has undermined support for exorbitant correctional spending. Finally, and particularly relevant for the RJ movement, some conservative activists have worked to rebrand their perspective on criminal justice:

They tied what had been a handful of scattered state-level reforms into a broader narrative that cast decarceration as a matter of conservative principle . . . . These reformers have made cost, efficacy, and redemption central parts of the conservative framing of corrections, largely displacing the rhetoric of retribution and “take no chances” absolutism. Dagan and Teles (2014, pp. 270–273)

Sometimes independently, yet increasingly in concert, liberal and conservative activists have orchestrated a string of legislative victories toward criminal justice reform. Federally, the Second Chance Act of 2007 increased support for reentry services and the potential for some ex-offenders to have their records expunged. The Fair Sentencing Act of 2010 reduced the sentencing differences between crack and powder cocaine, recognizing its effect on racial disparities in incarceration. The Criminal Justice Reinvestment Act of 2010 funded efforts to control correctional spending. Additionally, there have been a “slew of criminal justice reforms enacted over the last decade or so, including measures to expand the use of alternative sentences and drug courts, loosen restrictions on parole eligibility, reduce revocations of parole and probation for minor infractions, and dial down the war on drugs” (Gottschalk, 2014, p. 291).

Despite the progress, observers are unsure that these reforms are sufficient and that there will be continued political will to reverse mass incarceration. Cadora (2014) points to a failure in developing essential partnerships at the community level, since transformation is most likely when multi-issue strategies are implemented cooperatively. Gottschalk (2014) notes that while budget crises may stimulate reform in the short term, a strong correctional lobby coupled with continued social unrest may bring a resurgence of punitive measures. However, these reforms appear to have caused a slight decline in the rate of incarceration, which had risen consistently for decades. For example, the rate rose from 139 inmates per 100,000 U.S. residents in 1980 to 478 in 2000 (Sourcebook of Criminal Justice Statistics, 2003) and plateaued at 506 in 2007 (Carson, 2014). Since then, the incarceration rate has begun a slight decline to 478 in 2013 (Carson, 2014).

Is there momentum for criminal justice reform in the United States? We think the answer is yes. It does appear that the “get tough” era is waning and there is new political will for criminal justice reform. However, it is not clear that RJ is part of this new agenda.

## **IS RJ A PART OF THE CONTEMPORARY CRIMINAL JUSTICE REFORM EFFORTS?**

Three problems emerge when we try to couple RJ with the current reform movement. First, RJ does not appear to be on the radar of policy makers actively engaged in these reforms. For example, Chettiar and Waldman (2015) edited a collection of platforms by 22 policy leaders, including policy recommendations by leading Republicans (e.g., Ted Cruz, Scott Walker, Rand Paul, Marco Rubio) and Democrats (e.g., Joe Biden, Cory Booker, Janet Napolitano, Martin O’Malley). Yet a word search reveals that the phrase “restorative justice” only appears once in this volume, referring to one particular conservative reform initiative based in Texas called Right on Crime (p. 68).

Second, reducing mass incarceration does not really appear to be a priority of the RJ movement. Wood (2015) argues that although evidence suggests RJ can reduce recidivism, most people referred to RJ programs are low-level offenders and/or youth and not likely to be incarcerated. With a few notable exceptions, such as Common Justice in New York City (Sered, 2011) and the Community Conferencing Center in Baltimore (Mirsky, 2004), RJ programs have not been implemented as direct alternatives to incarceration. Moreover, RJ programs have not strategically focused their referral streams on the drivers of prison growth, particularly drug offenses.

Third, Greene (2013) argues that through a series of strategic missteps, the RJ movement might simultaneously “achieve considerable gains, including the institution of new practices and the creation of legislation . . . [and

leave the United States] more attached to, and entrenched in the very ideals the movement set out to supplant” (p. 362). For her, these missteps include insular and limited organizing by a relatively small, homogeneous group of actors; overly grandiose claims about RJ’s potential to “cure crime and generate a more cohesive society” (p. 373) without mechanisms to address structural causes of crime and disorder; overreliance on training volunteers to provide direct service to underfunded programs that receive negligible caseloads; and a failure to educate and garner widespread public support or build the political coalitions necessary for anything more than marginal success.

These perspectives prompt us to assess the state of RJ in the United States through a critical lens. It does not appear that RJ is a part of the current criminal justice reform efforts, which could doom both the success of those efforts and the RJ movement. However, the politics of criminal justice reform are only part of the story. We have taken a multifaceted approach to assessing the state of RJ in the United States, identifying overarching themes, obstacles, and opportunities.

## **METHOD**

### **Expert Interviews**

We identified 27 well-known academics and practitioners who have been actively involved in RJ work, contacting them to request interviews. These requests culminated in 15 interviews during the months of June and July 2015. We spoke with 8 males and 7 females; 13 are white, and 2 are African American; 5 are from the Southeast, 3 from the Northeast, 3 from the Midwest, and 4 from the Southwest; 5 of these participants are academics, 2 are representatives from different state governments, and the rest are community practitioners. Most have multifaceted involvement in RJ, providing a rich array of experiences as facilitators, consultants, trainers, activists, program directors, and movement leaders.

Thirteen interviews were conducted using the virtual conferencing software WebEx, and two were conducted in person. We used Dragon Dictate to transcribe the recordings and organized the transcripts into categories regarding different forms of expansion, obstacles and factors of support, impact on the traditional justice system, and concerns and recommendations for the movement’s future.

### **Academic and Media Searches**

Using the research database Criminal Justice Abstracts, we searched for peer-reviewed journal articles in English (excluding editorial introductions and book reviews) using “restorative justice” as the key term. We had no practical

way to limit this search to publications with a U.S. focus or by U.S. academics, but we have no reason to believe there is less academic interest in the United States than elsewhere.

For our media search, we used the database Lexis-Nexis, which archives news stories. We identified 22 newspapers, selected for geographical diversity and consistent archiving by Lexis-Nexis from 2005 to 2014. Some newspapers provided national coverage, such as *USA Today* and the *New York Times*, while others have a regional presence, such as the *Minneapolis Star Tribune* and the *Tampa Bay Times*. The combined average daily circulation of these papers is 7.8 million. Using the search terms “restorative justice” and “restorative practice,” we identified news articles and opinion articles, including letters to the editor and op-eds. Although various regions of the United States are represented, this is a convenience sample of newspapers and is not intended to reflect the totality of news coverage about RJ in the United States over the study period. Instead, it was designed to reflect the growth and nature of RJ news coverage over the study period.

### **Nonprofit Growth and Funding**

In the United States, all nonprofit organizations must submit a tax form (990) that provides data on their annual revenue. The Foundation Center is an organization that maintains a database of nonprofit organizations and their 990 forms. We conducted an online search of the Foundation Center’s database for all organizations with “restorative” in their titles that have RJ central to their mission. This approach clearly overlooks many organizations that provide RJ services, but it also ensures that RJ is central to their mission. For example, in New York State, legislation requires that every county provide community dispute resolution services. A variety of nonprofit organizations receive contracts from the Office of Court Administration to deliver these services. Each organization has a different name—for example, Mediation Matters in upstate New York and The New York Peace Institute in New York City. Both organizations run RJ programs, but are not captured in our data search as RJ is only a small fraction of the services these organizations deliver—so an analysis of their total assets would not reflect what is allocated to RJ and the 990 forms do not specify such allocations. Although many 990 forms for individual years were missing from many of the organizations, we analyzed data from 2003 to 2013. We conducted website searches to cross-reference the organizations. However, we could not always determine if the database did not obtain the forms, if the organization had not yet been founded, or if it had closed its doors.

## RESULTS

*There is increasing academic interest and empirical support for RJ, which is especially needed to address tensions within the movement between “keeping it real”—local, grassroots, volunteer-driven—and professionalizing and institutionalizing RJ initiatives.*

“I think it’s also helpful to have research, studies and publications and outcomes that can back us up instead of just saying, ‘I do this touchy-feely thing that makes everybody feel good’—having that hard data to back it up.” (RJ practitioner)

Many of our interview participants referred to the importance of evidence-based practice. Some were critical of academics who had no practical experience with RJ, and some were critical of practitioners who were unfamiliar with research findings—or worse, institutions that invest in programs that lack a supportive research base. Increasingly, evaluation is tied to funding, and implementation grants are expected to include research components. Therefore, we examined academic interest in RJ as a foundation for implementation.

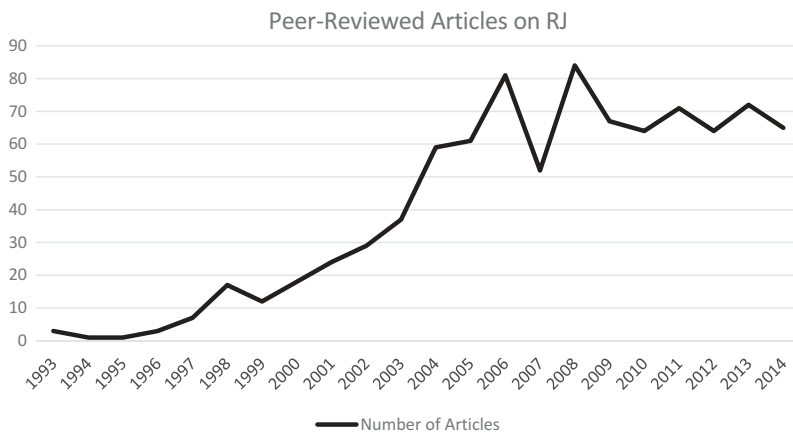
We conducted an Internet search for RJ-focused research centers housed in universities. [Table 1](#) provides a list of these centers and when they were founded. Generally, these centers are clearinghouses for information about RJ and sites for coursework (some offering certificates or degrees), research projects, training and technical assistance for practitioners, and sometimes direct service—such as law clinics. We identified 14 academic programs, 4 associated with law schools; 4 were launched in the 1980s or 1990s, 5 more in the 2000s, and 5 since 2010. In addition to these research centers, RJ has become a topic frequently taught in the university classroom. For example, the journal *Contemporary Justice Review* published a special issue in 2013 specifically dedicated to RJ pedagogy. Apparently, there is growing commitment to RJ as an academic enterprise.

We also analyzed the evidence-base for RJ. Although the first RJ program in the United States was implemented in 1978 (Umbreit & Armour, 2011), it took some time before RJ became a focus of academic attention. Howard Zehr’s seminal book, *Changing Lenses*, was published in 1990 (Zehr, 1990). Dozens of books about RJ have been published since, including narrative accounts, policy analyses, models of practice, and research reports. [Figure 1](#) charts the results of our search for peer-reviewed articles on RJ in Criminal Justice Abstracts. Few articles were published in the 1990s, but publishing increased dramatically in the 2000s, and seems to have stabilized at about 60–70 articles per year as of 2014.

While we did not conduct a review of this research, several meta-analyses of criminal- and juvenile-justice-based RJ have been published (e.g., Bradshaw, Roseborough, & Umbreit, 2006; Latimer, Dowden, & Muise, 2005; Mullane,

**Table 1:** Academic programs in restorative justice.

<i>Academic Program</i>	<i>Founded</i>
University of Wisconsin Law School Restorative Justice Project	1987
Fresno Pacific University Center for Peacemaking and Conflict Studies (Graduate) and Criminology and Restorative Justice Studies (Undergraduate)	1990
University of Minnesota Center for Restorative Justice and Peacemaking	1994
Suffolk University Center for Restorative Justice	1998
International Institute for Restorative Practices	2000
Marquette University Law School Restorative Justice Initiative	2004
Northeastern University Law School Civil Rights and Restorative Justice Project	2007
University of Texas Institute for Restorative Justice and Restorative Dialogue	2008
Loyola Marymount University Restorative Justice Project	2009
University of California–Berkeley Restorative Justice Center	2010
John Marshall Law School Restorative Justice Project	2011
Eastern Mennonite University Zehr Institute for Restorative Justice	2012
Governors State University Restorative Justice Certificate Program	2013
Skidmore College Project on Restorative Justice	2015



**Figure 1:** Peer-reviewed articles on restorative justice, 1993–2014.

Burrell, Allen, & Timmerman, 2014; Nugent, Williams, & Umbreit, 2004; Poulson, 2003; Sherman & Strang, 2007; Sherman, Strang, Mayo-Wilson, Woods, & Ariel, 2015) as well as new, ongoing, well-funded empirical studies of RJ in schools that use quasi-experimental designs (e.g., National Institute of Justice, 2014; Wachtel, 2013, 2014). Based on this search, we find substantial, ongoing interest in RJ that we predict will continue in the future, providing ongoing evidence-based support for RJ implementation.



As the research evidence mounts, we have increasing confidence that RJ can increase victim satisfaction and reduce reoffending. However, many questions remain. Does RJ work better for some than for others—for example, those with language impairments or mental illness? At what stage of the process is RJ most effective: diversion, sentencing, postadjudication? Does it work as well (or better) in combination with retributive sanctions? Are microlevel RJ interventions cumulatively able to impact community trust and collective efficacy—the markers of strong communities (Sampson, Raudenbush, & Earls, 1997)? Can RJ effectively address racial and other social inequalities? Sherman and Strang (2009) raise a series of additional questions at the community level, such as: Would RJ encourage more trust in the criminal justice system, leading to more reporting and more opportunities for reconciliation? What impact does RJ have on general deterrence? As RJ becomes more familiar, will a greater percentage of victims and offenders choose to participate? There are also many questions regarding practice. Does the effectiveness vary across RJ practices such as conferencing, circles, and boards? Who are the best facilitators and why? Does, or how does, the practice need to be adapted cross-culturally? Answers to these and other questions will further strengthen the foundation for implementation.

Our interviews revealed a significant, ongoing tension within the movement about the implications of professionalizing and institutionalizing RJ. This is consistent with critical self-reflection among academics and practitioners (Gavrielides, 2008; Green et al., 2013; Roche, 2003; Umbreit, Vos, & Coates, 2005; Zehr & Toews, 2004). One issue is ensuring quality practice amid the rapid growth of restorative programs. As one participant stated, “We don’t want to turn into a fast food burger joint while we just crank out RJ cases, purely to deflect people from the other system.” This concern was echoed by several others who expressed the need to regulate RJ’s scattered breadth and promote authentic representation of its principles. Consequently, a few participants predicted a rise in credentialing bodies.

Potential challenges arise from such professionalization. On an individual level, some practitioners, particularly those from low-income backgrounds, may lose access to the work if expensive schooling is required or if participation in national conferences is necessary for recruitment. Exclusivity also manifests on a group level: if “experts” and professionals define and measure RJ, they may lack the perspective of what community members truly need from a justice process. Increased governmental involvement could give programs crucial support, but it could also disempower grassroots support and implementation—particularly in indigenous and communities of color where trust in the system is very low. Government control could also co-opt or dilute practice and preserve its offender-centric orientation to the detriment or exclusion of victims as well as the crucial role of family participation in RJ practices

for cases of intimate partner violence and child welfare. Research on these movement issues may help clarify next steps for the RJ movement.

*The public is slowly becoming aware of RJ, especially in the context of K-12 schools, and supports it.*

“Things have happened that put RJ on the map in ways that it simply was not five or eight years ago. You can actually say RJ and there is a greater likelihood that people have at least heard of it, even if they don’t know quite what you’re talking about . . . I think we talk about it more and we use it more and it’s becoming more common vernacular.” (RJ academic)

Our Lexis-Nexis search for news coverage of RJ yielded a sample of 505 stories from 22 newspapers across the United States from 2005 through 2014. We coded these stories according to their type (news, editorials, or letters to the editor) and by focus (schools, juvenile justice, criminal justice, or other). Some national newspapers, like the *Washington Post* and the *New York Times*, have provided substantial coverage of RJ—52 and 43 stories, respectively—while the newspaper with the largest national circulation, *USA Today*, only had 2 stories. Not surprisingly, newspapers in cities with well-known RJ programs, such as the *Minneapolis Star Tribune* and the *Boulder Daily Camera*, had disproportionately high coverage of RJ. As one of our interview participants observed, there is regional variation in interest: “Some of the places I’ve lived geographically just don’t embrace the work. To be honest, when I left Minnesota, I never realized how difficult it would be to find people who respect the work enough for me to get hired in a full time capacity.” Figure 2 shows the trajectory of coverage. Clearly, coverage has recently risen; 2014 represents 26% of the sample’s total news coverage (129 stories) and doubled the coverage of the previous year. While news stories about RJ in juvenile and criminal justice remained relatively stable over the time period, schools have garnered most of the recent attention. As one practitioner observed, “Suddenly we’ve been found. It feels like the education world has decided this is something they certainly want to look at.” Finally, we analyzed the content of stories expressing support or opposition to RJ, including 17 letters to the editor and 66 editorials (or op-eds). Of these, 96% expressed support for RJ ( $n = 80$ ) and 4% showed opposition ( $n = 3$ ).

Our data does not reveal how much the public is aware of RJ, but it does show a recent increase in coverage and generalized support when expressed. Notably, only 18 of the 505 stories specifically linked RJ to criminal justice reform. We suspect that RJ must become more widely understood for it to gain significant political support; emerging movement organizations, such as the National Association of Community and Restorative Justice, should prioritize the development and implementation of a national media strategy.

*Federal mandates and state legislation are increasingly supporting RJ, but they have not led to widespread implementation.*

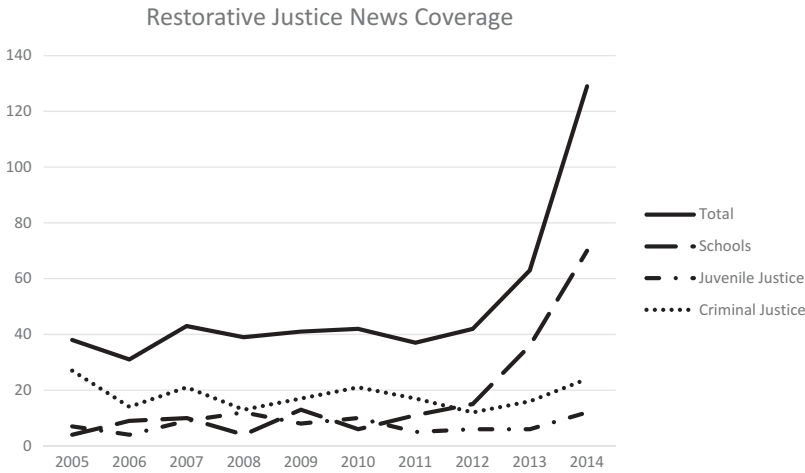
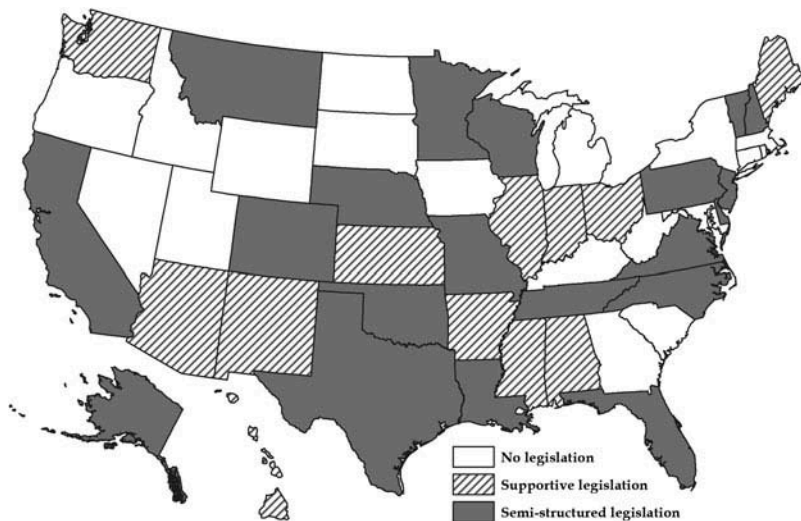


Figure 2: Newspaper coverage of restorative justice, 2005–2014.

“There are laws being passed—some saying you have to start integrating restorative practices into what you are doing . . . . It helps when the courts and the legal bodies are calling for it.” (RJ academic)

Political support for RJ appears to be growing in a number of arenas. The Obama administration has brought increasing attention to zero-tolerance policies in K–12 schools that have led to high rates of school suspension and the creation of the school-to-prison pipeline, especially for students of color (Duncan, 2014). Recent guidance from the U.S. Department of Education (2015) specifically encourages the implementation of restorative practices in schools. Additionally, the federal government is supporting multimillion dollar research projects to evaluate the effectiveness of RJ in schools (National Institute of Justice, 2014; Wachtel, 2013, 2014). One of our participants argued this focus has been the biggest influence on RJ’s growth in the United States: “I think the largest crucial factor has been the attention to discipline disparities, the degree to which kids of color are getting more harshly punished than white kids . . . . Advocacy groups and policy groups got the attention of government as well as states and other organizations . . . . I think that has spurred school districts to feel pressure from federal agencies, which has trickled down also into state and local agencies.”

In 2002, 29 states had legislation that supported victim-offender mediation programs (Lightfoot & Umbreit, 2004). A new study by Sliva and Lambert (2015) reviewed state-level legislation that supports RJ in juvenile and adult criminal justice. Based on their findings, Figure 3 reveals that in 2014, 32 states had RJ legislation: 20 states have legislation that specifically encourages RJ, providing some or extensive structure for funding and implementation. An additional 12 states have legislation that is supportive of



**Figure 3:** Restorative justice legislation at the state level in juvenile and criminal justice.

RJ by listing it as acceptable or desirable, but provides no mandates, funding, or structure for its implementation. The remaining 18 states have no RJ legislation. Despite the breadth of legislation, Sliva and Lambert caution:

While many states' criminal and juvenile codes contain references to restorative justice generally or specific restorative justice practices, few provide detailed support and structure to ensure implementation. According to our findings, only Colorado, Minnesota, Missouri, Montana, New Hampshire, Texas, and Vermont have structured support for a restorative justice practice within their code. It should be noted that even these seven states . . . do not mandate restorative justice as a system-wide criminal justice response. Nationally, restorative justice remains a marginally supported justice practice at the level of state policy. (p. 88)

Although progress is being made at the federal and state levels, legislative challenges remain significant. Verrecchia and Hutzell (2014) analyzed the Balanced and Restorative Justice Project implementation in Pennsylvania and noted significant variation at the county and municipal level. In addition, as legislators seek support, compromises often lead to problematic exclusions, such as using RJ for youth, but not for adults; violations and misdemeanors, but not felonies; or prohibitions against using RJ for sex offenses or domestic violence. One participant lamented, "I do a lot of work in the domestic violence area where we have seen prohibitions. I quite understand not wanting to use mediation in situations of domestic violence, but these prohibitions get transferred to approaches in restorative justice, such as family group conferencing, and that can limit what we are able to do."

One participant argued this may be a rare moment for bipartisan support: “One of the exciting things that’s happening is that politicians are finally becoming more bipartisan over restorative justice, which means that the hard-on-crime, soft-on-crime language is no longer working for politicians. Everyone is realizing our system is broken . . . so it is an exciting time politically where conservatives and progressives alike are opening up to restorative justice measures.” Since plea bargains account for 90-95% of all state and federal criminal case dispositions in the United States (Devers, 2011), we believe bipartisan efforts may be most effective if directed toward presentence RJ legislation in the state and federal courts as part of omnibus plea-bargaining reform (Zarro, 2015). Such legislation would call for a mandatory court hearing to consider a voluntary RJ process before going to trial or finalizing a plea agreement.

*RJ organizations and programs may be expanding across the country, but funding remains a central obstacle to the growth of RJ.*

“One of the big challenges from my perspective is just funding. People love restorative work. They love the idea of it because it’s so powerful and it often attracts people who want to give their time. But one of the obstacles has been that it is hard to have sustainable programming when you are always struggling for funding and you are always dependent on volunteers. So one of the obstacles is creating the organizational infrastructure that can support these kinds of programs.” (RJ practitioner)

One consistent theme we heard in our interviews is the mismatch between perceived support for RJ and actual support in terms of funding for implementation. One participant, who directs an RJ nonprofit organization that has been highly successful in schools, has found expanding their work into the juvenile justice system to be more difficult: “With respect to juvenile justice, the work has gone much more slowly even though we got a policy commitment from the juvenile justice stakeholders—the courts, the juvenile district attorney, the juvenile public defender office, the juvenile hall . . . . We met together for a year in a restorative juvenile justice task force and there was a lot of education going on about restorative justice . . . . Even though we got just incredible buy-in, the actual adoption of restorative justice and financial support of restorative juvenile justice by the system in our county has not happened as rapidly as we’ve seen in the schools.”

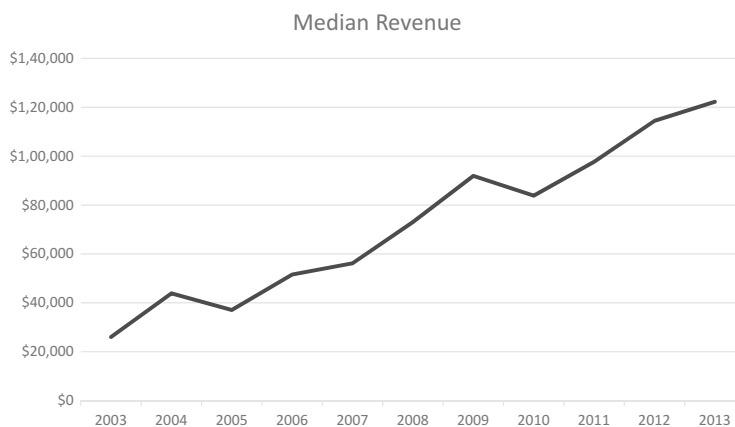
While all of our interview participants acknowledged the problem of funding, some noted that once institutions committed to RJ, they could find ways to make implementation possible. One, an academic with a focus on RJ in schools, has observed a shift from schools depending on external funding to building support within their own budgets: “It is very different when it comes from outside of the school and is a resource that the school district does not have to put its own money or other resources towards. It is seen as an add-on and something that they don’t really have to buy into. The districts that I’m working

with now, they came to me and said please help us—with an internally generated effort. And they are finding the money within the school district budget itself to push RJ. I think that is significantly different. So while they want outside resources and they would love for me to bring them, they are willing to put their own money where their mouth is, and that’s huge.”

Unfortunately, there are no current analyses of justice system, school district, or RJ nonprofit funding in the United States. A national survey in 1996 by Umbreit and Greenwood (2000) found 315 victim-offender mediation programs throughout the United States, 65% of them operated by nonprofit organizations. These programs had an average annual program budget of \$55,077, ranging from entirely volunteer efforts without budgets to \$413,671.

Our search of the Foundation Center database identified a sample of 56 RJ nonprofit organizations nationwide. These varied from the Center for Restorative Justice Works in California to the Restorative Justice Project of the MidCoast in Maine. In 2003, the database listed 10 RJ nonprofits, with annual revenues ranging from \$600 to \$152,000. Because of outlier organizations, we present the median revenue, with half the organizations below this line and half above. The median revenue was \$26,039. In 2013, the database listed 30 organizations, with revenues ranging from \$0 to \$1,059,848, and a median of \$122,235. [Figure 4](#) provides the median annual revenue for each year. We draw two conclusions from these data. Average RJ nonprofit funding has increased five-fold over the last decade. However, it remains unsustainably low. A nonprofit organization with \$120,000 in annual funding can barely pay for a small office and one or two staff.

Many of our interview participants referred to the challenges of sustainability. Traditionally, many programs have been launched with the support of private foundations, but these private grants generally do not provide ongoing



**Figure 4:** Median annual revenue for 56 restorative justice nonprofit organizations (2003–2013).

support. And government agencies, from criminal justice agencies to schools, have limited budgets. Without tax increases and supportive legislation, finding resources to support RJ initiatives may be the single greatest obstacle to their future.

One promising approach is the use of social impact bonds (SIBs; Bolton & Palumbo, 2011). SIBs make use of private capital to fund public projects. Based on a partnership between a private investor, a service provider, and a government agency, capital is invested in a project with a predicted socially beneficial outcome. If, for example, an RJ program is able to reduce recidivism and therefore reduce criminal justice expenditures, the investors will get a share of those savings as a return on their investment. The first SIB project was launched in England for a prison rehabilitation program in 2010. In the United States, the National Council on Crime and Delinquency (2015) conducted a feasibility study for using SIBs (also called social impact financing and pay-for-success models) for an RJ program in Oakland, California, and concluded that it was a viable economic model. Unless the RJ movement embraces such innovative funding models, we fear that funding will remain a significant obstacle to growth.

*The future of RJ is closely tied to the movement for racial justice.*

“The extent to which we [address race] I think will determine who is in our movement, who is in our work, what our movement does and doesn’t accomplish. And I think any social change effort in this country that doesn’t grapple directly and deeply with structural racism is of very limited value and will not produce large-scale transformative results.” (RJ practitioner)

As we write this article, the United States is reeling from the racially motivated murders of nine African Americans in a South Carolina church (Costa, Bever, du Lac, & Horwitz, 2015). A stream of books—such as Michelle Alexander’s (2010) *The New Jim Crow*, Ta-Nehisi Coates’s (2015) *Between the World and Me*, and Bryan Stevenson’s (2015) *Just Mercy*—underscore that criminal justice reform cannot occur without addressing this country’s profound problem of racial bias and discrimination. Several RJ leaders have cautioned that the RJ movement must be attentive to racial justice (Davis, Lyubansky, & Schiff, 2015; Gavrielides, 2014; Jenkins, 2004; Pranis, 2001; Umbreit et al., 2005).

Some of our participants warned that restorative practices are vulnerable to the same implicit biases that taint our current justice system, and therefore must be navigated with an enhanced racial consciousness. For instance, one participant argued that “any movement that is seriously addressing justice issues and has no consciousness about race is doomed to fail. It will also be perceived as callous or racist by people of color who are the prime targets of the injustice of the system.” Another participant worried, “if restorative systems are set up to have gatekeepers, with some authority figure to decide what is



handled restoratively and what isn't, then most likely there will be racial bias in the way that gatekeeping is done." Some empirical evidence confirms this as a legitimate concern: Rodriguez (2005) found that white youth were more likely to be referred to an Arizona RJ program than black or Latino youth. Payne and Welch (2015) found that RJ is more likely to be implemented in schools with a higher percentage of white students.

Despite this, several participants expressed optimism about the direction of this cause. They remarked that the RJ movement had been lacking in racial engagement until just a few years ago: there was minimal discussion about race, few empirical studies, and representation at national conferences was predominately white. However, several participants acknowledged that the 2015 National Association of Community and Restorative Justice (NACRJ) conference was much more diverse than in the past: "It was a far cry from what we saw in 2011 where there was only one or two workshops that mentioned race." A few participants said they have begun to train in collaboration with racial justice organizations, one saying "it is critical that I incorporate conversations about cultural competence and implicit bias in my restorative justice training."

As the RJ movement begins to deepen its racial consciousness, its practices are expanding into new realms of justice and healing. As one participant said, "I'm hoping ultimately to transform structural racism and historical harm, the application of restorative justice to address social harm rather than interpersonal harm." Truth and reconciliation initiatives, such as the Civil Rights and Restorative Justice Project at Northeastern University Law School, are beginning to develop across the country—projects that give community members an outlet to examine shared intergenerational harms, and public representatives a chance to hear and repair those entrenched injustices.

Although we are relying on anecdotal information, our assessment aligns with one of our participants: "I think it is not just restorative justice, it's the country. We are now being forced to pay attention to those issues in ways that we were not in the past. And that has implications for restorative justice, in restorative justice being seen as a viable possibility for talking about difficult subjects like racial justice or injustice." We believe the RJ movement must be closely tied to the movement for racial justice. It should effectively employ RJ methods to highlight present and historical racial harms and identify strategies to address them. It should build a strong, diverse leadership within the movement and forge coalitions with race-focused organizations and campaigns.

## CONCLUSION

Our interviews and data analysis identified five themes that resonate with prior critiques of the RJ movement (Greene, 2013; Sherman & Strang, 2009;



Umbreit et al., 2005; Zehr & Toews, 2004). In relation to these themes, we offer some recommendations oriented toward the future:

- There is increasing academic interest and empirical support for RJ, which is especially needed to address tensions within the movement between “keeping it real”—local, grassroots, volunteer-driven—and professionalizing and institutionalizing RJ initiatives. Amid the growing body of research in RJ, it will be especially important to identify processes that advance RJ so that it can be central to criminal justice reform, while maintaining its central principles.
- The public is slowly becoming aware of RJ, especially in the context of K–12 schools, and supports it. The RJ movement needs a media strategy in order to raise more public awareness and gain widespread public and political support for RJ.
- Federal mandates and state legislation are increasingly supporting RJ, but they have not led to widespread implementation. Legislative efforts should focus on areas where systemic impact is possible, such as incorporating mandatory court hearings to consider voluntary RJ diversion or dispositions.
- RJ organizations and programs may be expanding across the country, but funding remains a central obstacle to the growth of RJ. RJ initiatives should seek funding through SIBs and other instruments that bring private capital into partnerships with RJ organizations and government entities.
- The future of RJ is closely tied to the movement for racial justice. The RJ movement should seek partnerships and coalitions with groups focusing on reducing racial disparities in school discipline and the criminal justice system as well as efforts to address historical harms and systemic marginalization of communities of color.

What is the future of RJ in the United States? Our crystal ball remains cloudy. In an anti-intellectual era, the public and policy makers could ignore the growing and supportive research base. The RJ movement could cling to localized, grassroots efforts that feel authentic, but not catalyze systemic change. It might make further inroads within the system, but its project could be co-opted and diluted. It could pass more legislation, but not of the kind that leads to widespread implementation. Or, perhaps, the empirical support and lessons from overseas will offset ideological resistance. Bipartisan coalitions for criminal justice reform may embrace RJ as an inexpensive and effective replacement for traditional punitive practices and a means to address racial

inequality. Though we cannot know the future, the current trajectory is promising. Even so, the RJ movement has some hard work ahead if it is to become central to contemporary criminal justice reform.

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