

An Analysis of the Use of Restorative Justice and Peacekeeping Programs
With Native American Youth Offenders

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An Analysis of the Use of Restorative Justice and Peacekeeping Programs
With Native American Youth Offenders

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ABSTRACT

An Analysis of the Use of Restorative Justice and Peacekeeping Programs

Among Youth in Native American Communities

Kaylynn Gresham

Under the Supervision of Dedra Tentis

Statement of the Problem

The criminal justice system rarely takes life circumstances of offenders into consideration before sentencing and incarceration proceedings occur, which results in the number of individuals incarcerated increasing. The punitive sanctions imposed by contemporary juvenile justice systems on Native youth have been proven to increase the chances of recidivism of these youth. As a result, Native youth are continually over represented in the Criminal Justice System.

Although rehabilitation has not been a priority of the criminal justice system for some time, it has become increasingly evident that reparative practices need to be implemented in efforts to decrease recidivism. Native American tribes have used principle of restorative justice and peacekeeping practices to address crime within their communities for centuries. Since, Native youth experience life circumstance from a different perspective than the larger population it is important to examine the ways that restorative justice and peacekeeping practices benefit Native youth and how the implementation of programs focusing on these practices will assist in decreasing recidivism rates among Native youth offenders.

Method of Approach

An analysis of secondary data from peer-reviewed journals and scholarly texts was used to examine empirical and theoretical research of criminological behaviors and recidivism rates of Native American youth offenders. Statistics were collected and evaluated from previously performed meta-analyses and data collected by the Office of Juvenile Justice Delinquency Prevention. Limited data on Native American Youth as a population resulted in the cross-referencing and overlapping of information and statistics evaluated concerning non-Native and youth populations at large to ascertain the analysis provided.

Results of the Study

As juvenile court becomes more punitive, they continue to be burdened by increased caseloads of youth offenders. Many jurisdictions are turning to alternative sentencing, dispute resolution and mediation as ways to settle disputes outside of court. The massive backlog of cases and over crowding within the criminal justice system, has helped boost awareness and acknowledgment that there is a dire need for rehabilitative and diversion programs that focus on crime and delinquency.

Restorative justice and peacekeeping programs serve dual purposes by providing assistance to all members of the community and providing the benefit of relieving an overburdened judicial system; while reducing the potential of Native youths further involvement with the juvenile justice system. It is has been demonstrated that it is imperative that these programs be integrated into juvenile response to crime for Native youth. Social influence and support play a much greater role than punishment or fear of punishment in encouraging positive responsible behavior. Therefore, when juveniles are

allowed to participate in rehabilitative programs, that focus on principles of restorative justice and peacekeeping, they gain knowledge and learn to make more effective life choices, thereby lowering their potential of recidivism.

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I. INTRODUCTION

At one time, the term community characterized a typical grouping that featured a dense network of personal relationships based heavily on kinship and on the direct face-to-face contact that occurred in small villages (Pridemore, 2004). Norms were largely unwritten and individuals were bound to one another in a web of mutual interdependence that touched all aspects of life, from family, to work, to their activities (Bayda, 2000). Native American people traditionally resided in these types of communities. Native people have been characterized as having a more close knit form of community and family structure than that of non-Native people (Pridemore, 2004). This type of family support and tightly bound social networks played a vital role in providing resilience against the problems faced by Native American people and communities (Pridemore, 2004).

During the last two decades, many Native American communities have witnessed their rates of unemployment and poverty increase at a rate twice that of non-Native communities (Pridemore, 2004). As a result, Native American youth faced numerous obstacles in their communities; they have experienced exposure to violence, drug and alcohol use, poorly funded schools, discrimination, and racism (Pridemore, 2004). Therefore, learning about and identifying with traditions has assisted in the development of individual and cultural pride for Native youth. Family and community strength have continued to be important to Native American heritage. Although the impacts of tribal culture are not usually direct, the effects can be observed through the strengthening of families and communities that have occurred within the tribal values displayed at gatherings and ceremonies (Pridemore, 2004).

Researchers have documented the importance of families and close social networks that existed in Native American communities, yet criminological research has been slow to discover

the protective value of tribal cultures and traditions (Reingle & Maldonado-Molina, 2012).

Understanding the ways incorporating the values of mainstream society, along with learning how tribal sources of resiliency were vital to the full understanding of the development and delinquency of tribal youth, had become even more important (Pridemore, 2004). Traditional theories, research designs, and response strategies had to be modified to take into account the unique cultural and historical practices and circumstances of Native American people when restorative justice and peacekeeping practices were developed (Pridemore, 2004).

Statement of the Problem

Native American people have consistently been identified as an at-risk population as both victims and offenders (Reingle & Maldonado-Molina, 2012). As a result, examination of Native American involvement in the criminal justice system continued to be of extreme importance. The creation of culturally based restorative justice and peacekeeping practices were not meant to exclude offenders based on race; they were meant to allow Native American tribes to exercise their judicial sovereignty over their people (Reingle & Maldonado-Molina, 2012). Harsh incarceration may have been a proper sentence for a youth offender with a non-cultural background that understands the values of individual punitive punishments. However, that form of punishment was not appropriate for Native offenders whose cultural background valued community and sought to incorporate community-based rehabilitation (Johnson, 2007).

Research concerned with criminal activity and the creation of treatment programs had often been conducted with little or no understanding or consideration for the numerous cultural differences that existed within mainstream society (Pridemore, 2005). This trend had been a long-standing problem in the criminal justice system, especially with youth offenders. As the number of youth entering the criminal justice system continued to rise, it became increasingly

evident that programs needed to be developed and implemented that focused on decreasing youth criminality and recidivism rates (Reingle & Maldonado-Molina, 2012). Although the research available consistently stated that Native Americans are an especially high-risk population for violence and victimization, there was only a small amount of research that focused specifically on Native Americans as a population (Reingle & Maldonado-Molina, 2012). When discussing the implementation of culturally relevant recidivism reduction programs, it became exceedingly important to examine Native youth offenders as a population of their own.

Several programs have been developed and implemented in an effort to decrease recidivism rates among non-Native youth offenders. The use of alternative sentencing, in an effort to decrease the use of punitive sanctions, has become increasingly popular as guideposts to effective corrections policies (Achtenberg, 2000). Restorative justice and peacekeeping philosophies were based on traditional practices of Indigenous Cultures. Restorative justice focused on repairing the harm done to victims and the community through a process of negotiation, mediation, victim empowerment, and reparation. Restorative justice is a process of bringing together the individuals who have been affected by an offense and having them agree on how to repair the harm caused by the crime (Ikpa, 2007). The purpose was to restore victims, restore offenders, and restore communities in a way that all stakeholders can agree is just. Restorative justice was guided by the principle that crime harms both individuals and relationships (Achtenberg, 2000). Peacekeeping, similar to mediation, is a process whereby trained facilitators assist the parties affected in reaching a mutually agreeable resolution through respectful dialogue. The peacekeeping process consisted of defining the problem, discussing solutions, and agreeing to a solution. The purpose was to create mutually agreeable solutions to problems affecting individuals within a community before an offense occurred (Ikpa, 2007).

Through the use of community involvement and problem solving, restorative justice and peacekeeping practices sought to address criminal activity and reduce recidivism rates, instead of using contemporary punitive sanctions.

The use of contemporary punitive sanctions to decrease recidivism, especially among youth, has been consistently proven ineffective (Dembo, Wareham, Schmeidler, & Chirikos, 2005). Although completed research has demonstrated no direct or indirect racial or ethnic effects on recidivism through the use of restorative justice or peacekeeping practices, this paper examined reasons in support of and against the use of restorative justice and peacekeeping practices to address criminality and the reduction of recidivism rates for youths within Native American communities.

Purpose and Significance of the Study

According to the Department of Justice (2011), Native Americans are disproportionately victimized and exposed to violent offending at a rate higher than any other population. As a result, Native American youth are disproportionally represented in the criminal justice system. Although this over representation has been evaluated from the perspective of race, age, demographics, gender, as well as crimes committed, there is little research that has focused on available treatment or programs for Native American offenders (Reingle & Maldonado-Molina, 2012). The purpose of the study was to discuss the impacts of the use of restorative justice and peacekeeping practices on future criminality and recidivism reduction for Native American youth offenders.

Restorative justice and peacekeeping practices sought to build partnerships and to reestablish mutual responsibility for constructive responses to wrongdoing within communities (Meyer, 2011). These programs focused on assisting in providing youth offenders the ability to

see and understand themselves in greater depth by focusing on their strengths, working through their weakness, and assisting with their development in interests and motivations. Through heightened awareness youth were more easily able to acquire academic, problem solving, vocational, communication, social skills, life-management, and transition skills (Cole, 2002).

A discussion of criminological theories, examines how culturally based practices can effect recidivism reduction and delinquency among Native American youth. An increased awareness and sensitivity in relation to the differences that exist between non-Native and Native American individuals can heighten the realization that behavior can be modified through the introduction of programs designed to address cultural differences and perspectives. This type of direct and in-depth discussion can also help bridge the gap of understanding regarding the ineffectiveness that exists with the use of contemporary justice practices upon Native youth (Abrams, 2006). Through discussion, explanations of how, rather than giving the courts all of the decision-making ability, the use of restorative justice and peace keeping practices can be more effective in Native communities in reducing delinquency and recidivism rates through the implementation of culturally focused practices which engage the victim, offender, and their affected communities will be provided (Meyer, 2011).

Limitations of the Study

Considerable discussion has been devoted to reviewing the strengths and weaknesses of programs that focus on measuring recidivism (Dembo et al., 2005). Numerous studies have been performed evaluating youth recidivism rates. Yet, an overall lack of research exists examining Native Americans as a population (Meyer, 2011). There has consistently been difficulty associated with making comparison across populations because of the different ways in which programs have been implemented and the multiple outcomes used to assess program success.

Researchers are finally beginning to acknowledge the fact that not all Native communities are the same and as a result their differences have significant effects on recidivism reduction rates and the amounts of delinquent behaviors that occur within different Native communities. Therefore, any evaluations performed cannot be generalized across the entire Native American population. Although education can significantly affect recidivism rates of delinquent youth, the lack of overall research data makes it difficult to confirm any significant findings (Abrams, 2006).

II. LITERATURE REVIEW

History

Native Americans have always possessed sovereignty that has enabled them to make their own laws to sustain their culture. Native American Sovereignty was incorporated into the U.S. Constitution, under Article I, through the Indian Commerce Clause (Grant, 2002). In the Constitution Congress was given exclusive authority over Native American affairs with the Supremacy Clause. The Supremacy Clause allows Congress to overrule any state or local law enforcement agency that attempts to enforce criminal statutes on Native Americans lands (Grant, 2002). Since Native American's rights to occupy their land are subject to federal government jurisdiction, the federal government, individual states, and Native Americans share criminal law enforcement jurisdiction on many Native American Reservations (Grant, 2002).

Congress gave tribal governments jurisdiction over crimes committed by Native Americans in Indian country. However, some Native American communities are not economically sufficient to staff a police department. Other reservations are located in very rural areas, extend over a very large land base, or are broken into several small communities and, therefore, do not have their own law enforcement agencies (Grant, 2002). As a result, some

reservations do not have a police force at all or the ones they do are severely inadequate (Pridemore, 2004).

To address the lack of adequate tribal law enforcement, Congress enacted Public Law 280. Public Law 280 allows certain states; California, Minnesota, Nebraska, Oregon and Wisconsin, to exercise jurisdiction over criminal and some civil offenses committed by or against Native Americans within reservation boundaries (Grant, 2002). In these states Native American law enforcement agencies work with other local police departments to share information, intelligence and equipment. Non-Native and Native officers respond to neighboring communities, working together to assisting each other when needed (Grant, 2002).

There are approximately 560 federally recognized Native American tribes in the United States with various differences in development, history and culture (Grant, 2002). Although non-Native communities favor punishment, Native communities traditionally put their faith in education, treatment and medicine. Many Native communities embrace the belief that when an offense occurs there is a need for teaching or healings within the community (Donelan, 1999). Native communities favor participation in traditional cultural ceremonies, mentoring by a tribal elder, and community involvement in finding solutions to problems.

Unfortunately, as time has progressed, federal policies have caused a weakening of traditional Native family structures and values. Governmental policy has had a devastating effect on Native communities (Grant, 2002). Therefore, when discussing the implementation of restorative justice and peacekeeping programs it is important to remember to include Native American culture and ceremonies in these practices (Donelan, 1999). Also, those involved with the design and implementation, remain cognizant that Native Americans are a distinct people with a noble heritage (Grant, 2002).

Risk and Protective Factors

The main difference between non-Native and Native American communities is the concept of family. Native American homes are often comprised of the presence of extended family. Grandparents, aunts, uncles, cousins and unrelated people may reside in the same home in the Native American family. The multi-generational nature of the Native American family lent itself to an additional support structure for Native youth. This family structure provided youths with the opportunity to benefit from the teachings and guidance of more than just their parents (Donelan, 1999).

Many Native American youth that enter the criminal justice system have experienced numerous types of trauma throughout their lifetimes. Attempting to rehabilitate youth who have been exposed to repeat trauma can be an enormous challenge. These youth encounter lifelong struggles, especially concerning issues of trust, control, and power. Many of them view themselves in constant danger, having a difficult time trusting others, feeling out of control, disempowered, and overall disconnected (Cole, 2002).

Research has highlighted various problems and challenges that are specific to youth offenders. Youth often face challenges and problems in relation to 1) family and living arrangements, 2) peer groups, 3) mental and physical health, 4) education, 5) vocational training and employment, 6) substance abuse, and 7) leisure interests (Abrams, 2006). The cultural and socioeconomic differences that exist between the Native and non-Native populations can make these challenges even more difficult. Therefore, recognition that cultural differences between the perception of crime, the treatment of offenders, and the concept of family and victimization differ within Native communities needs to be considered (Donelan, 1999). Research findings provide critical information for criminal justice and social service personnel seeking to

implement continuums of effective treatment, transition, and rehabilitative programs for Native youth. The difference in perception and the issue of family and closeness to family members needs to be taken into consideration when designing alternative sentencing and rehabilitative programs for non-Native and Native American youth offenders (Donelan, 1999).

Several Federal Indian policies were enacted between 1868 and 1950 that had devastating effects on Native American communities. During this time frame, Native American children were forcibly removed from their homes and placed in boarding schools. As a result, there are generations of Native American parents who have attempted to raise children with no role models to demonstrate proper parenting (Pridemore, 2004). Many of the Native people subjected to the boarding school era also lost connectedness with their families and their culture; they experienced an overall disconnectedness. Protective factor existing in many Native communities, like the importance of extended family, the role of elders, learning traditional problem-solving techniques, and expectations of interdependence for the good of the tribe were lost to those who were removed from their communities (Pridemore, 2004).

Only a handful of studies have evaluated the causes and origins of risk behaviors among Native Americans (Reingle & Maldonado-Molina, 2012). Despite the documented high risk of violence and victimization among this group, no studies have evaluated the prevalence or predictors of the victim-offender overlap among Native Americans. Evaluating the effects of school, peer, and individual level risk and protective factors for victimization and violent offending, will explore the risk factors unique to Native American adolescents.

The social and economic conditions faced by many Native American youth create numerous risk factors for delinquency. Many Native communities suffer from deep poverty, poor mental health, drug and alcohol abuse, individual and community isolation, and segregation

(Pridemore, 2004). These issues face all races, genders, and ethnicities; however, the ways in which they affect people can be drastically different dependent upon their culture. Native Americans youth face these issues at a higher rate than any other population; yet their culture, traditions, and spiritualities provide unique protective factors in light of these risks (Pridemore, 2004).

Many people believe Native American cultural beliefs and practices are a major source of strength. The adversity that Native people have been exposed to over the past 500 years has been credited for honing their survival skills. There are six specific components of tribal ways of life that have been identified as protective factors for Native people: spirituality, culture, family life and traditions, recreation and celebration, health and medicine, and education/job/life skills (Pridemore, 2004). According to research on risk and protective factors, positive attachments to family, school, peers, and informal support networks provide better chances for successful completion of alternative sentencing and rehabilitation programs focusing on recidivism reduction (Abrams, 2006).

A number of research studies suggested that program supports such as access to cultural and spiritual leaders within the community, the availability of elder mentors, support for school or job placement, and access to supportive networks of community members greatly improved the potential of success for Native youth offender recidivism reduction (Abrams, 2006). Seeking to understand the benefits of protective factors and how they reduced recidivism rates within Native communities, researchers discovered that the importance of forming culturally and spiritually focused peer relationships, unrelated to crime that avoid former delinquent friends and/or gangs, had the most significant impacts (Abrams, 2006). Highlighting the importance of changing former social networks to gain support for positive behavior changes, research has

proven that successfulness in reducing recidivism among Native youth occurred as a result of the access they had to social supports from their informal networks (Abrams, 2006).

Although little is known about risk and resiliency among Native Americans, researchers have suggested it is safe to assume that protective and criminogenic processes are present within Native communities. Recognizing the importance of incorporating tribal culture and realizing that Native people have a greater likelihood of experiencing specific types of risks becomes essential when examining juvenile delinquency among Native American youth (Pridemore, 2004). Therefore, it would be extremely unwise to ignore the culturally specific risks and protective factors present within Native American cultures when developing restorative justice and peacekeeping programs for implementation within Native communities (Pridemore, 2004).

Restorative Justice

Restorative justice and peacekeeping philosophies are based on the concept of crime as a violation of another person's right (Meyer, 1998). Restorative justice and peacekeeping practices use concepts and approaches that have been used for centuries among traditional people (Meyer, 1998). In many Native American communities, restorative justice principles served as the foundation of their legal systems long before an official legal system was developed. The restorative legal perspective used within Native communities viewed crimes as violations of a person's rights and suggested that victims should be compensated for the intentional and unintentional harms they suffered at the hands of others (Meyer, 1998). This historical legal system was centered on a belief that crimes could be forgiven so long as compensation was provided. The lack of blaming and widespread feeling against punishment was used as the core foundation to form restorative justice and peacekeeping practices in Native American communities (Meyer, 1998). These philosophies allowed people's focus to be directed towards

the cleansing of the spirits of the victim and offender in effort to repair the injuries sustained by both and improve their futures as community members (Meyer, 1998).

Native American justice system's viewpoints are based on a holistic philosophy and worldview that there is a circle of justice that connects everyone involved with a problem or conflict (Melton, 1995). The methods used in Native communities are based on the concepts of restorative and reparative justice and the principles of healing and living in harmony with all beings and with nature. These principles are used to assist in the mending process, focusing on renewal of damaged personal and communal relationships. Restorative justice and peacekeeping frameworks focus on repairing the harm done to victims and the community through a process of negotiation, mediation, victim empowerment, and reparation (Melton, 1995).

Studies are just now beginning to address the particular circumstances under which restorative justice and peacekeeping practices can be most effective (Rodriguez, 2007). When addressing juveniles, restorative justice and peacekeeping programs should aim to hold juveniles accountable for their delinquent acts and assist in developing their competencies while protecting the community. The programs need to be guided by the defined principle that crime harms both individuals and relationships; which in turn places emphasis on community involvement in problem solving to address the issue of juvenile delinquency (Rodriguez, 2007).

Restorative justice and peacekeeping practices are more consistent with the philosophy of the juvenile court than with the retributive philosophy that guides criminal justice processing of adult offenders (Chatterjee, 2000). These practices look to foster restoring harmony in the community by undoing or reducing both material and psychological damages to the victim while holding the offender accountable and assisting them in taking active responsibility for causing harm to the victim and the community. The proponents of restorative justice and peacekeeping

practices suggest this approach is more fair, satisfying, efficient and effective than the conventional, retributive, court-based, adversarial approach to justice (Chatterjee, 2000).

It is imperative to change the dynamics of the current justice system from one of force, domination, and control to one centered on restorative methods. Developing programs like restorative justice and peacekeeping, which seek to implement accountability and ensure lower incarceration rates, provide capabilities for improving community dynamics. Improving community dynamics through the use of dynamic security, which is the use of relationships to build more secure environments, when extended to the community becomes known as restorative justice (Achtenberg, 2000).

Building a rapport with youth offenders creates the best form of dynamic security. After building rapport a repatriation process needs to occur focusing on decreasing and removing the harm that has occurred. This repatriation process includes face-to-face dialogues between victims, offenders, and the community, during which all participants discuss their emotions and collaboratively develop ways to repair the harm caused by the youth's offense. Through this process, crime and delinquency present a unique opportunity for youth to build relationships while working collaboratively within their community to reach agreements for rehabilitation and recidivism reduction (Rodriguez, 2007).

According to Braithwaite (2002), an apology, restoration of emotions, a sense of security and empowerment, forgiveness, and reconciliation are *emergent values* of the restorative processes (Rodriguez, 2007). Restorative justice and peacekeeping practices offer the most balanced collaborative approach to dealing with crime and delinquency in Native communities. The community plays an important role in restorative justice. The inclusion of community members in the restorative process provides individuals the opportunity to reflect their values

and norms into the process of restoration and healing within the community. Community members are able to offer suggestions as to how harms caused by an offense can be repaired (Rodriguez, 2007).

If reintegration after incarceration is necessary, community members are able to provide guidance to the youth offender for successful reintegration. Community members are able to assist youth by helping them identify the skills they need for successful reintegration and are able to provide recommendations for the means to acquiring those skills. The youth's successful reintegration is dependent upon the community's clear understanding that their role is to assist in the reintegration process, not to punish the youth offender. This process provides the youth offender the opportunity to recognize the harm caused and come to realize their existence within a larger community that seeks to identify the services and treatment they need to successfully reintegrate without future criminal activity. (Rodriguez, 2007)

The reparative principles of restorative justice and peacekeeping practices focus primarily on the victim. The goal is to heal and renew the victim's physical, emotional, mental, and spiritual wellbeing (Melton, 1995). These reparative principles encompass the process of making things right for the victim and those affected by the offender's behavior. This communal aspect allows for crime to be viewed as a natural human error that requires corrective intervention by families, elders, or tribal leaders (Melton, 1995). Based on the belief that offending is not a *decision of choice* if one is meaningfully connected to the society in which they live; restorative justice and peacekeeping practices seek to find ways to enable offenders to take responsibility for the harm they've imposed, and to correct their behavior on a deeper more meaningful level (Achtenberg, 2000).

Many tribal people view crime, delinquency, and other deviant behaviors as symptoms of bigger family problems; therefore, widening the affected target group to include the offender, parents, siblings, and other extended family members enlists help from those most familiar with the situation to assist in correcting and preventing more serious crime. The distributive nature of this process uses the extended family as a resource for the offender, the victims, and the community to resolve problems to ensure compliance, to provide protection, and to retain ownership of the problems. (Melton, 1995)

Native American justice systems are based on a holistic philosophy; contemporary criminal justice systems are based on a retributive philosophy that is hierarchical, adversarial, punitive, and guided by codified laws and written rules, procedures, and guidelines (Melton, 1995). The contemporary retributive philosophy holds that because the victim has suffered, so too shall the criminal suffer; and does not offer a solution to the problem of reduction in future crime or repatriation to victims (Melton, 1995). Founded on the belief that criminal behavior was primarily caused by the alienation of certain members from society at large; Native American restorative justice and peacekeeping principles were based on the understanding of compassion, that no one is an island, everyone is an equal member of society and has a contribution to make to the greater good (Achtenberg, 2000). Therefore, when a person became alienated from the community, it was seen as the responsibility of the community to help bring that person back into a harmonious state within themselves and with the rest of the community (Achtenberg, 2000).

Seeking to create a dynamic of respect and restoration, all community members are an integral part of the process of developing restorative justice and peacekeeping programs; from assisting in helping establish sentencing alternatives that work directly with the youth offender to

assisting them on their path to healing (Achtenberg, 2000). Providing dynamic security should therefore be one of the primary goals when developing restorative justice and peacekeeping programs. These programs need to be designed to help everyone involved take responsibility for the security of their environment, thereby reducing delinquent behavior in the future (Achtenberg, 2000). As such, the design of future programs for Native American youth offenders should be fashioned after the traditional methods of conflict resolution. Methods would include traditional dispute resolution, talking circles, family and community gatherings, and traditional mediation; all of which focus on solving problems using the traditional philosophies of restorative and reparative justice (Rodriguez, 2007).

Restorative Circles

Restorative justice includes methods such as circle sentencing, which use an approach that involves all stakeholders in a constructive discussion to minimize the harm caused by an offending action (Chatterjee, 2000). Circle sentencing has been said to offer the most holistic approach of restorative justice programming. The restorative circle is generally a facilitated meeting of those who have been involved in a crime or dispute; the offender, the victim, victim's rights organizations, friends and family of the victim, and of the offender (Meyer, 2011). Circles aim to have victims, offenders, community members, friends, and families undertake a *shared search for understanding* of the delinquent offense (Chatterjee, 2000).

Restorative circles are used as alternative forms of dispute resolution, focusing on problem-solving and peaceful solutions in response to violations of legal and human rights (Meyer, 2011). These circles differ from other forms of dispute resolution in that all participants are equal and all decisions are made by consensus. Restorative circles are considered the most inclusive form of restorative justice because any interested member of the community can

participate. The circle creates an environment for an offender to reconcile their behavior and where reparation can occur by community agreement (Meyer, 2011). Circles can be used in prisons, in schools, workplace conflicts, child protection issues, police-community conflicts, and for family group counseling where the primary goal of the circle is to change behaviors (Meyer, 2011).

Restorative circles may possibly be the future of restorative justice and peacekeeping practices; circles allow people to express their feelings to one another in a safe and respectful way which can assist with quickly resolving problems. Restorative circles give the victim a voice and allow them to express what they need to be healed, while allowing the offender to right the harm they inflicted (Meyer, 2011). Researchers suggested that placing emphasis on rehabilitation and repatriation has had promising results in decreasing incarceration and recidivism rates among Native American youth offenders (Rodriguez, 2007).

Canadian courts are encouraged to refer Native offenders to sentencing circles comprised of individuals from their community to decide an appropriate sentence instead of automatically imposing a punitive sanction or prison sentence (Meyer, 2011). Perhaps adopting legislation in the U.S., similar to that enacted in Canada, mandating courts take into account the special circumstances of Native offenders in the sentencing process, could assist in addressing the ever-existent problem of juvenile delinquency within Native communities (Johnson, 2007).

Restorative circles could then be used within the juvenile justice system to implement more appropriate sanctions for Native American youth offenders. Utilizing restorative circles to talk out disputes in a culturally relevant manner by considering the context of the crime could be extremely beneficial in addressing the issue of recidivism (Meyer, 2011).

In order for a restorative circle to occur, the offender must first agree to the circle. The youth must have strong connections to the community in which the circle is held so that everyone involved has a personal interest in striving for effective rehabilitation of the youth (Meyer, 2011). There must be respected elders within the community who are willing to participate and the victim must be voluntarily willing to participate in the circle. The disputed facts of the case must be resolved before hand because disputed issues would undermine the consensus-orientated goals of the circle. Participants sit in a physical circle, which diminishes the hierarchal structure of the contemporary court setting. The physical circle represents the interconnected relationships of all the participants, facilitates active listening and encourages participation (Meyer, 2011). Allowing each person to speak freely about the facts, emotions, fears, and other feelings surrounding the crime, ensures that an appropriate sentence can be achieved for effective rehabilitation of all parties (Meyer, 2011).

Taking into consideration the totality of the circumstances is meant to ensure that the decision reached fits the offense committed. Youth offender sentencing should be a more personalized process, decided on a case-by-case basis taking into consideration the unique social factors that may have caused the youth to commit the offense in the first instance. Finding a mutually acceptable and appropriate sentencing procedure or sanction for the youth based on their heritage or background is more likely to reduce recidivism than a punitive sanction instilled by contemporary court. Assisting the offender in understanding the impact of the offense on the victim and community, recognizing the need for deterrence, and the desire to maintain uniformity of sentencing by collaborating with the community to prevent crime, protect society, and rehabilitate Native youth effectively are the primary focuses of restorative circles. (Meyer, 2011)

The Future of Restorative Justice and Peacekeeping Practices

Today, the approach of restorative justice and peacekeeping practices are entirely consistent with the principles of community policing. Community policing is a more inclusive, collaborative, and pro-active way of making communities safer (Chatterjee, 2000). Restorative justice and peacekeeping practices seek to prevent crime by initiating effective interaction among the key people that aim to heal the youth offender, the victim, and their community. Community policing strives to prevent crime and address public concerns through establishing partnerships between the police and communities, thereby empowering the community to identify problems and to solve them. Both forms of justice seek to empower the community by giving them ownership of designated offences and allowing them to take responsibility for dealing with those offences (Chatterjee, 2000).

Because of the massive backlog of cases and overcrowding of the juvenile justice system, many jurisdictions are turning to differing forms of alternative dispute resolution (ADR) and mediation as a way to settle disputes outside of court (Patrick & Marsh, 2005). All parties should be included in the response to crime and delinquent behavior, the offender, the victim, and the community (Melton, 1995). There has been a great deal of focus on restorative justice and peacekeeping practices in the last few years, attempting to find ways that involves the victim and holds the offender accountable for their behavior. Restorative justice and peacekeeping programs have been suggested as possible solution to the ever existing problem of juvenile delinquency (Pridemore, 2005).

Tribes traditionally believed law was a way of life and justice was a part of life process. As one of the most developed traditional courts, the Navajo Peacemaking Program may serve as a prototype for other Native communities seeking to implement restorative justice and

peacekeeping programs (Meyer, 1998). In different areas of the country, Native American schools are beginning to implement different forms of restorative justice and peacekeeping practices to address issues of violence, truancy, and increased dropout rates. Schools using this process have documented decreased rates of student fights, expulsions, suspensions, and incidents of disruptive behavior (Meyer, 2011).

Governments and local communities should play complementary roles in response to delinquency, since accountability is based on an offenders understanding of the harm caused by their offense, accepting responsibility for that harm, and repairing it. Therefore, when designing restorative justice and peacekeeping programs, designers must keep in mind these programs need to be guided by the use of non-punitive sanctions which ensure the offender makes amends to their victim and their community (Melton, 1995).

III. THEORETICAL FRAMEWORK

For decades researchers have looked to explain the factors that contribute to juvenile delinquency (DeAngelo, 2005). Early criminologists focused on biological traits and factors, while modern day criminologists' focus on environmental and social factors. Dozens of theories can be used to explain juvenile delinquency and the reasons for juvenile offending (DeAngelo, 2005). Bryan-Hancock and Casey (2010) believed it was normal and common for youth to be involved in one or two delinquent acts as they grow and mature. A majority of offenders began committing delinquent offenses during their adolescent years. Most delinquent behavior peaks around age 16, and then starts to decline (DeAngelo, 2005).

Large numbers of Native American youth are exposed to drug abuse, violence, child abuse, and poverty, which can cause them to experience depression and alcoholism (Pridemore, 2005). Yet, researchers rarely focused on relationships between how family experiences and

school experience or possible gang activities affect youth. Since there is no single trajectory that leads to delinquency, theories discussed must be comprehensive and interdisciplinary, incorporating factors from a variety of different perspectives (DeAngelo, 2005). Combining concepts of theories that suggest bonds developed, values learned, and behavior exhibited at one stage of development influences bonds, values, and behavior at later stages of the life-course appear to be the direction from which to start (Pridemore, 2005).

Researchers, to this point, have examined several reasons for juvenile delinquency. Understanding theoretical perspectives of Native American youth behavior and offending can assist in providing suggestions for which programs will be most successful with recidivism reduction as well as provide insight for implementation of rehabilitative and diversion practices within Native American communities (DeAngelo, 2005). Youth are impulsive and lack complex consideration in decision making, which can result in dangerous situations (DeAngelo, 2005). Most youth offenders have yet to develop full moral capability to judge right from wrong. Youth offenders are less culpable and deserve less punishment, no matter the venue because of the fact that they are less responsible for their actions (DeAngelo, 2005). Therefore several theoretical models need to be examined when attempting to understand the ways in which life experiences of Native American youth impact juvenile delinquency (Pridemore, 2005).

Family Violence and Historical Trauma

Violence is defined as “an act carried out with the intention, or perceived intention of physically hurting another person” (Abbassi & Aslina, 2010, p.16). Behavioral theories suggest that impulsivity, or low self-control, characterized by actions without prior thought of ramifications of behavior may increase violent behavior and victimization (Reingle & Maldonado-Molina, 2012). In some communities those of lower class do not have the means or

the resources to obtain their goals. As a result, violence is viewed as a predominant characteristic of certain cultural groups because it appears there are no other alternatives to achieving goals. The lack of socioeconomic resources available in many Native American communities aligns hand in hand with this perspective (Reingle & Maldonado-Molina, 2012).

Native Americans, who live in multigenerational homes and are less mobile than other populations, many see no viable alternative to violence in supporting themselves and their family (Reingle & Maldonado-Molina, 2012). These children then learn violent behaviors and continue to teach these behaviors to future generations. Researchers have discovered that both functional and dysfunctional behaviors are passed from one generation to the next within the family system (Abbassi & Aslina, 2010). As a result, family violence has become a historical problem still observable today in Native American communities.

The trauma caused by continual exposure to violence is an emotional wound that has lasting life-long effects. Understanding how trauma can be passed from one generation to another becomes of vital importance when discussing the use of rehabilitation and diversion programs in Native American communities (Abbassi & Aslina, 2010). Historical trauma, also known as multigenerational trauma and the soul wound, can be described as the continued impact of the trauma experienced within Native American communities over the past several decades (Duran, 2005).

Each family system is said to be affected by at least seven generations of behaviors. Cultural family heritage continues to grow from one generation to the next, which is why when discussing implementation of programs within Native American communities it is important to understand the generational trauma that exists (Abbassi & Aslina, 2010). Although the experiences of trauma were endured a number of years ago, even in the absence of personal

experience, continuing generations display lingering effects of historical trauma from the abuse and violence endured by previous generations (Duran, 2005).

Culturally Informed Developmental Perspective

When applying theories to Native youth, it has been suggested that views on delinquency be evaluated using the developmental theory from a larger cultural and historical context (Pridemore, 2005). Developmental theorists argued that the unidirectional causal structures of traditional theories of delinquency are problematic (Pridemore, 2005). Outcomes at one stage influence risk and protective factors at later stages. Researchers suggested that those individuals in lower classes are more likely to live in situations that put them at risk before their behaviors have an opportunity to have an affect on their situations (Pridemore, 2005).

Native related research used three basic principles to create solid research in Indian Country; practicality and local relevance, community involvement, and cultural sensitivity (Pridemore, 2005). Developmental models often take structural factors such as social class and racial and ethnic status into consideration when discussing risk. Developmental researchers suggested that in spite of the accumulation of risk factors, many Native American youth were able to develop protective elements that inhibit the negative effects of those risk factors. Through the development of protective factors youth develop pro-social attitudes and learn to function successfully in society, learning to show resilience in the face of adversity (Pridemore, 2004).

It has also been suggested that Native American culture and tradition provide additional measures of support, each in their own way and by strengthening normally accepted protective factors, such as healthy families and strong community networks (Pridemore, 2004). Restorative justice and peacekeeping practices focus on the healing aspects of Native justice principles. These principles are slowly becoming merged into criminal law through the practice of

restorative circle sentencing, and community based rehabilitation and diversion programs (Pridemore, 2004). Studies being created are now beginning to address the particular circumstances under which restorative justice and peacekeeping practices can be most effective (Rodrigues, 2007).

Within Native communities, the use of restorative justice and peacekeeping practices allows a repatriation process to occur; this process assists in decreasing and removing harm caused by juvenile offenders (Rodrigues, 2007). It has been documented that the more Native American youth feel *cared for* and *feel connected*, the healthier they feel and will, therefore, display a stronger sense of well being (Pridemore, 2004).

Researchers suggested that ethnic groups, facing an array of risk factors that strongly identify with their respective culture and communities, are less susceptible to prevailing risk factors and are better able to take advantage of the effects of other protective factors (Pridemore, 2004). Strong cultural identification is a protective factor that many Native youth possess. Healthy identification with traditional culture can also be of assistance when individual and community problems have already been developed. Therefore, incorporating tribal members and healers into rehabilitation and diversion programs is imperative for the success of a program. When evaluating theoretical implications of restorative justice and peacekeeping programs, it is important to remember to integrate traditional tribal customs and healing ceremonies as prevention and intervention strategies to ensure successful outcomes (Pridemore, 2004).

Labeling Theory

Labeling theorists hypothesized that delinquent behavior and the act of being labeled delinquent can strongly influence juveniles to believe they are deviant or delinquent, thereby creating secondary deviance (Patrick & Marsh, 2005). The negative consequences of labeling a

youth as delinquent can have direct results on the expectation of continued antisocial behavior and limit access to conventional roles and opportunities (Wilson & Hoge, 2013). Youth often form their identity through associations with families, peer groups, and their community. When youth commit small delinquent acts, believing they are funny or playful adventures, and society labels these as acts of deviance or delinquency, in time, the youth is labeled as deviant as well. In response, the youth adopts a deviant self-identity and further integrates themselves into the deviant culture (DeAngelo, 2005).

Labeling theorists suggested deviant behavior will continue and possibly intensify when negative labels are attached to offenders. Unfortunately, deviant labels are more likely to be applied to members of disadvantaged classes, ethnic minorities, and other groups stereotyped as deviant or criminal (DeAngelo, 2005). Negative labels stigmatize individuals, lower their self-esteem, and isolate them from conventional society. Native youth with negative perceptions of themselves are more likely to adopt a delinquent self-concept, allowing them to participate in deviant acts. Strong social bonds are important in preventing juvenile delinquency. A typical juvenile offender lacks strong bonds to family and community. Previous researchers suggested the national shift of focus from rehabilitation to punishment is to blame for this problem (DeAngelo, 2005).

Numerous researchers have stated that the less involvement juveniles experience with punitive sanctions the less likely they are to recidivate (DeAngelo, 2005; Patrick & Marsh, 2005; Rodriguez, 2007; Wilson & Hoge, 2013). The rise of juvenile rehabilitation and diversion programs is in large part attributed to the popularity of the labeling theory during the 1960s (Patrick & Marsh, 2005). The concepts of juvenile diversion and rehabilitation programs have a long history in scholarly literature, as well as in federal justice policy. The diversion of youth

offenders from the juvenile justice system has been prominently influenced by the labeling theory. The theoretical background of rehabilitation and diversion programs are based on the *labeling* principles, founded in the scholarly work of Becker (1963) and Lemert (1951). Both theorists discussed how negative contact with authority figures could lead to being labeled as a deviant, and the resulting treatment as a deviant can lead to increased criminal activity (Patrick & Marsh, 2005).

Social Control, Social Bonds and Social Disorganization Theories

The social control theory conceptualized by Hirschi (1969), suggested that individuals who engage in crime or delinquency are relatively free from intimate attachments, aspirations and moral beliefs that would bind them to a conventional and law abiding way of life. Hirschi used this theory to explain juvenile delinquency, suggesting that youth commit criminal acts as a result of weak or broken bonds with society (Cullen & Agnew, 2006). Hirschi (1969) in his social control theory, suggested that involvement in conventional activities would provide troubled youth with linkages to the larger society and thus reduce deviant activities.

Social controls are discussed from the perspective of internal and external influences that ultimately restrict deviant behavior (Siegel, 2004). External influences are part of formal social controls; these are the laws that govern society and the criminal sanctions imposed upon offenders. External influences are viewed as the obvious deterrents to criminal behavior. The not so obvious forms of control that deter deviant behavior are referred to as informal social controls. Informal social controls are the influences of other individuals and their conformity to conventional values (Cullen & Agnew, 2006). People can influence each other's behaviors by displaying disapproval and anger towards one another as a result of those behaviors. These responses reinforce the emotions attached to the social stigmas about deviant behavior, which in

turn enables individuals to conform to conventional norms and receive acceptance and approval from others (Conklin, 2007).

Hirschi (1969) suggested in his social bond theory that delinquency and a youth's social bonds are inversely related. It is theorized that youth are less likely to engage in delinquency if they have strong bonds to family community and society, when bonds are strong and present youth are less likely to commit deviant acts (DeAngelo, 2005). Hirschi described four bonds that strengthen resistance to crime: attachment, commitment, involvement, and belief. The social bond attachment refers to a person's sensitivity or attachments with others such as parents, guardians, teachers, and authority. The stronger the attachments, the less likely the youth is to commit crimes (DeAngelo, 2005). A strong attachment to others will likely deter the youth's negative behavior because they don't want to disappoint those they are close to.

If attachments are void than there is little reason to deviate from deviant behavior. An attachment to parents and families is one of the most important social bonds of this theory and is said to have the greatest effect on social control (Siegel, 2004). Juvenile delinquents often have weak familial bonds. Since family is the major socializing agent that influences and helps shape a youth's attitude, values, behavior, and personality, when youth lack strong familial bonds, they may seek to form attachments elsewhere (DeAngelo, 2005).

Commitment is another bond associated with an individual's time and effort toward conventional values like aspiration, investment or ambition. For youth, commitment is often associated with their level of dedication to school and religious institutions. The bond of commitment is important because a strong sense of commitment leads to conformity (Siegel, 2004). If youth are committed to school, then they will be more likely to conform to society's conventional norms; like attending college, pursuing a career and becoming a productive

member of society. Having commitments towards future goals decreases the likelihood of youth engagement in delinquent behavior because doing so would sacrifice their commitment towards obtaining their goals (Hirschi, 1969).

Attachment and commitment influence an individual's belief system; belief suggests that individuals will conform because society views crime as morally wrong. There are numerous informal social controls that attempt to conform youth to societal standards. Labeling and stigmatization by the people they care about can influence a juvenile's behavior. When youth change their behavior because peers, parents, teachers, and authorities view them negatively based on past behaviors, then the imposition of an informal social control occurs (Cullen & Agnew, 2006). This informal social control can be either beneficial or detrimental in attempting to deter youth from participating in deviant acts. Therefore, it is important to recognize that when bonds are absent, the imposition of informal sanctions can actually result in delinquency, with formal controls being the only prevention to future juvenile delinquent behavior (Siegel, 2004).

Building on the theory of social control, theorists of social disorganization stated that social bonds are often weaker in communities that are disorganized and lack cohesive conventional norms (Siegel, 2004). Social control theorists suggested that juveniles were not forced into delinquency, they engage in delinquency because they lack the ties of attachment that would normally prevent them from engaging in such behaviors (Conklin, 2007). Shaw and McKay (1942) theorized that it was the disorganization of communities that leads to juvenile delinquency. When communities were disorganized there was less interest in family and community and social norms and values, resulting in higher crime rates (Siegel, 2004). Collective efficacy, which is the cohesion of families, institution, and schools to maintain social

and moral order that bonds the community together, then begins to deteriorate in the community (Siegel, 2004). Most communities strive to assist youth in obtaining success; therefore juvenile delinquency must be addressed by seeking to change what makes a community disorganized in the first place.

Anomie & Strain Theories

The negative effects of labeling, social control, and disorganization often create an overwhelming number of experiences of anomie and strain among juveniles. Anomie and strain theorists discussed the ways in which the inability to legitimately achieve culturally accepted and societal norms produce strains on juveniles that can lead to criminality or deviant behavior. Robert Merton (1938) associated causation for criminal behavior to culture. He believed that crime occurred as a result of over placed emphasis on cultural goals and a disparity from institutional means of reaching those goals. Merton's (1938) theory lends a great deal of support and understanding for juvenile participation in criminal activity.

A second theorist, Agnew, discussed a general strain theory that described the negative relationships that individuals have with others and how these relationships can lead to different types of strain (Agnew, 2001). Agnew (2006) described three specific situations that can lead to delinquent behavior 1) loss of something 2) mistreatment by others 3) inability to achieve goals. Each of these strains can result in a negative relationship that an individual experiences with others.

The ways in which youth internalize and react to perceived strain depends on the their social constraints obtained through friends, family, belief systems, and conformity to societal norms and values. When these social constraints are lacking or non-existent youth may choose to cope with the strain they experience by resorting to delinquent behavior and crime. Because of

the emotions that are evoked as a result of experiencing strain, youth may have a difficult time displaying self-control. Lack of self-control can result in the participation in criminal activity because of an increased need to obtain expected goals in light of negative relationships experienced (Agnew, 2006).

Anomie theorists led to the development of additional strain theories, such as the social disorganization theory. Anomie theories differ from other theories of strain in that anomie theories explain why crime occurs as opposed to why individuals engage in crime. Juveniles experiencing strain are likely to seek associations with others that perceive stress and strains in the same fashion. Associations with peers whom are experiencing negative relationships can reduce the perceived strains experienced, however, these associations also have the potential to increase the social learning of crime (Agnew, 2006).

Differential Association & Social Learning Theory

The theory of differential association, established by Sutherland during the 1930's provides an alternate explanation as to why individuals deviate from societal norms. Sutherland suggested that criminal behavior is learned through peer and intimate group associations (Cullen & Agnew, 2006). He suggested that learning criminal behavior was no different than learning any other behavior. Sutherland theorized that juveniles learn criminal behavior by associating with other delinquent youth. His work was the first to examine the relationship between criminal behavior and the learning process. Sutherland based his theory on the notion that any person can learn to be a criminal and therefore criminality is not an intrinsic characteristic of a criminal (Paternoster & Bachman, 2001).

Akers and Burgess (1985) later expanded on Sutherland's theory, creating the social learning theory. This theory aligned differential association and differential reinforcements with

imitation and definitions, to explain criminal delinquency and deviant behaviors (Cullen & Agnew, 2006). Imitation is the process of learning through observation and then modeling the observed behavior. Definitions are described as the beliefs and attitudes attached to those behaviors. Social learning theorists asserted that individuals learn from their peer groups or subculture, which can exhibit powerful influences and pressures to conform to group values (Siegel, 2004). Groups are referred to as subcultures because they have their own set of morals and definitions that describe their behaviors (Cullen & Agnew, 2006).

According to Akers & Burgess (1985) the social learning theory could be broken down into seven statements of the theory. First, criminal behavior is learned according to the principles of operant conditioning. Second, criminal behavior is learned through both social and nonsocial situations and is reinforced through social interaction. Third, the principle part of learning criminal behavior occurs in groups in which the individuals associated with are the source or reinforcement. Fourth, the learning of criminal behavior includes specific techniques, attitudes, and avoidance procedures. Fifth, behaviors are learned and their frequency of occurrence is a function of the reinforcements. Sixth, criminal behavior functions as a norm and is highly reinforced; and seventh, the strength of the criminal behavior is directly related to the amount and frequency of reinforcement of the criminal activities (Akers, 1985).

Social learning theorists suggested that juveniles learn how to commit criminal acts from their peers and through behavior observation of individuals in their communities. The basic premise of differential association theory suggested that through association with deviant groups, individuals are more likely to become deviant themselves (Wilson & Hoge, 2013). As such, it is suggested that juveniles who are incarcerated will interact with other juvenile offenders and likely join deviant groups (Patrick & Marsh, 2005). Differential association theorists generally

argued that antisocial attitudes and behaviors are learned through the social learning process (Wilson & Hoge, 2013).

Discussion

Theories discussed suggest that Native American youth are at increased risk for victimization and offending due to a lack of alternative options to settle disputes, low parental monitoring, and impulsivity. Violence and victimization strongly predict each other causing a perpetual cycle of exposure to violence and perpetration of violence, leaving no alternative to defend oneself and one's resources (Reingle & Maldonado-Molina, 2012). Native youth often experience victimization early in life that has a significant effect on the potential of victimization and perpetration of violence throughout their lifetime (Reingle & Maldonado-Molina, 2012). Early victimization resulted in both initiation of violence and continuation of victimization throughout adolescents into young adulthood.

The impacts of referral to a rehabilitation or diversion programs have been considered a way to indirectly examine the validity of labeling theory on Native youth because as youth were exposed to greater processing and official involvement in intervention programs their chance of experiencing labeling increased (Wilson & Hoge, 2013). As theorized by differential association theorists, additional processing of youth through rehabilitation and diversion programs increased youth offender exposure to negative peers and values, which in turn increased risk of reoffending. As a result, providing Native youth with restorative justice and peacekeeping services hoped to contribute to a reduction in recidivism above and beyond the negative labeling and peer exposure experienced (Wilson & Hoge, 2013).

Each of the theories discussed can assist in explaining why Native youth chose to participate in deviant acts. Statistics provided evidence acknowledging that many youth

participate in at least one deviant act before their eighteenth birthday (DeAngelo, 2005). Although the juvenile justice system was originally created because officials realized the difference between adults and youth offenders, and they believed youth were deserving of leniency, this belief does not appear to have been the focus of the juvenile justice system for quite some time. Through the approaches of restorative justice and peacekeeping processes, delinquent youth will receive consequences, while being provided the opportunity to participate in rehabilitative and diversion programs that address the issues of theories discussed. As such, all restorative justice and peacekeeping programs will focus on improving Native youth's social bonds, increasing their self-confidence while striving to decrease recidivism within Native communities (DeAngelo, 2005).

IV. RESTORATIVE JUSTICE PROGRAM DISUCSSION

Current Program Discussion

According to Wilson & Hoge (2013) the risk/need/responsivity model of offender intervention suggests that, under some circumstances, focused therapeutic interventions are required for rehabilitation and diversion programs to effectively address the youth crime issue. Wilson & Hoge (2013) stated in the risk principle that the intensity of interventions should reflect the level of criminogenic risk exhibited by the youth; intensive services should be reserved for high-risk youth, with less intensive services for lower risk youth. The need principle states that interventions should be directed toward the specific criminogenic needs of the youth. The level of intervention is adjusted to the youth's level of risk. They also explained in the responsivity principle, that decisions about programming should take into account the noncriminogenic needs of youth (academic skills, emotional problems) and strengths exhibited by the youth.

The concepts of restorative justice and peacekeeping hold that when a crime is committed the offender incurs an obligation to restore the victim and the community to a state of well-being and balance that existed before the offense. This principle of balance derives from the balanced approach concept, which suggests that the juvenile justice system should give equal weight to 1) ensuring community safety, 2) holding offenders accountable to victims, and 3) providing competency development for youth offenders so they can pursue legitimate endeavors after release (Wilson & Hoge, 2013). The balanced approach has the ability to improve the quality of life in communities by engaging offenders to work on community improvement projects as part of the accountability and competency development components of restorative justice and peacekeeping practices (Wilson & Hoge, 2013).

As programing concepts, restorative justice and peacekeeping practices have advantages over traditional system models. These processes underscore the importance of the victim in the justice process and require the offender to actively pursue restoration of the victim by paying restitution, performing community service or both (Wilson & Hoge, 2013). Currently, restorative justice and peacekeeping concepts are being explored within the criminal justice system assessing their potential to assist in the development of community justice models (Wilson & Hoge, 2013).

The Office of Juvenile Justice and Delinquency Prevention (2011) supported the development and implementation of juvenile justice rehabilitation and diversion programs based on research documenting that properly structured programs reduce recidivism. In the U.S., criminal justice issues closely reflect social and economic justice issues. Mass incarceration, probably the most notable feature of the criminal justice system, perpetuates the longstanding oppressive quality of our justice system (Thomson, 2004). Criminal justice policy and practices

continually affirm the mentality of *us versus them* that exists across the country. Therefore, in an effort to diminish this perspective, through the use of cooperation and collaboration, restorative justice and peacekeeping practices work with the victim, offender and their community to reduce delinquent behaviors among Native youth (Thomson, 2004).

Over the past decade the number of Native American youth incarcerated has increased by almost 50% (Pridemore, 2004). Research data indicated that detention facilities located on reservations face serious overcrowding issues and many jails throughout Indian Country are operating above 150% capacity (Pridemore, 2004). Examining the potential use and implementation of programs that focus on rehabilitation and diversion using alternative sentencing practices has become essential within Native American communities. Through greater understanding, findings, and evaluations of program successes or failures can be appropriately interpreted and utilized in ways that correspond with the specific needs and environments of Native communities.

It has been suggested that, “only when American Indians return to tribal values will there be changes in the environment provided our young people... intervention programs that offer a therapeutic environment and incorporate traditional healing and cultural awareness are most effective in dealing with American Indian juvenile offenders. Programs need to take a holistic approach that offer individual, group, and family counseling. Such promising practices can and should be replicated across tribal communities because of the common challenges that American Indian youth face” (Pridemore, 2004, pp.55). When establishing programs that focus on rehabilitation and diversion for Native American youth, those designing the programs and suggesting implementation must understand the factors Native Americans believe constitute risk and resiliency within their communities and cultures (Pridemore, 2004). Restorative justice and

peacekeeping practices use concepts and approaches that have been used for centuries within traditional Native American communities. In the past, tribal courts have begun to rediscover restorative justice and peacekeeping roots and share them with non-Natives (Meyer, 1998). It was the Native American people who introduced and nurtured the notion of restorative justice and peacekeeping. Restorative justice and peacekeeping practices are applicable not only to Native offenders these practices can be adopted and equally administered to non-Native offenders by making the appropriate changes to the requisite details (Bayda, 2000).

Each Native nation's justice programs may be different however, they share the focus of reparation and making the parties *whole* (Meyer, 1998). This focus has been used in native communities for centuries in response to crime. Traditional justice systems relied more on reestablishing harmony than on punishing offenders. In some Native communities, the word *crime* is referred to as disharmony; as such their justice systems focus on restoring victims, offenders and the community. The overall belief being that those who are brought back to harmony will not continue to misbehave (Meyer, 1998).

Judicial Impacts

Native communities operate in mazes of law and policy well beyond those imposed upon other races in the U.S. Although proposed legislation is meant to protect Native American's from a failing criminal justice system to which they often cannot relate, Native people are restrained from asserting their own jurisdictions and customs to combat racism, violence, and deteriorating social conditions on their reservations (Million, 2006). Jurisdiction is a Western concept for the establishment of law and order that is at the heart of the modern practice of sovereignty. Sovereignty continuously raises the question of jurisdiction because U.S. law *policies* but does not protect Native communities. Western legal order has a poor record of

recognizing Native American spiritual laws and customs. U.S. legal jurisdiction actually has been said to contribute to the social violence and ill health that plagues many reservations and urban Native communities (Million, 2006).

The heightening of jurisdictional struggles creates voids that compromise Native nations' abilities to protect their own people. To survive, Native people have been forced to become skilled negotiators in law and policy (Million, 2006). Therefore, it has been something of a struggle in the judicial world to have restorative justice and peacekeeping approaches recognized and accepted as legitimate, as well as recognized as principal approaches to achieving fairness and dignity for all citizens, and at the same time protection for our society (Bayda, 2000).

Programs with restorative justice and peacekeeping ideals attempt to incorporate victims and community members into the administration of justice. These programs aim to hold juveniles accountable for their delinquent acts and develop their competencies while protecting the community (Rodriguez, 2007). Victims, offenders, and family members collectively respond to crime and delinquency, providing a uniquely different orientation to the administration of justice. Restorative justice and peacekeeping programs provide appropriate alternatives to existing punitive mechanisms found within the juvenile justice system (Rodriguez, 2007).

Researchers have stated that the prosecuting of Native American youth offenders with punitive criminal sentences is inappropriate (Rodrigues, 2007). American courts frequently subject Native youth offenders to unfamiliar and intimidating legal experiences, which fail to correct the underlying problem. Tribal courts are able to provide traditional tribal sentences emphasizing restorative justice and peacekeeping practices, instead of harsh punishments; it has been noted these types of sentences are more successful in decreasing Native youth recidivism rates (Johnson, 2007). When addressing dispute resolution, focus is placed on compromise so

that everyone involved benefits and the youth learns from their wrongful conduct. Tribal court systems promote community harmony and encourage youth offenders to take responsibility for their actions (Johnson, 2007).

Restorative justice and peacekeeping practices can take several forms, including victim-offender mediation, community reparative boards, family group conferencing, and circle sentencing (Rodriguez, 2007). Victim-offender mediation programs place the greatest emphasis on the victim's ability to inform the youth offender of the harm caused by their offense. When community reparative boards are used, community members meet with the offender to discuss the delinquent behavior and relate to the youth offender how the offense has harmed the community. Family and group conferencing and sentencing circle focus on the use of collective efforts to assist juveniles in receiving counseling, educational, and the vocational training they need (Rodriguez, 2007).

Social and Economic Costs

Social and economic cost of juvenile incarceration has been one of the most pressing policy problems facing the criminal justice system for years. According to Abrams (2006), for the past 20 years, the incarceration rate for juveniles has risen at a drastic rate. Juvenile incarceration is the most financially costly of all criminal justice programs in operation today. Reviews of the literature found surprisingly few actual cost-benefit studies of criminal justice programs (Cohen, 2004). The existing literature on costs and benefits of community corrections programs reviewed programs from the *cost effective* or *cost benefit* perspective. There are only a handful of cost benefit studies that have examined crime prevention programs; most of these studies focused on programs that involved prison-based treatment or on programs that were explicitly part of a sentencing decision (Cohen, 2004).

The first step in evaluating program effectiveness is to determine whether or not it leads to a reduction in crimes or other social problems. Previous researchers have evaluated community based crime prevention, family based crime prevention, school-based prevention, labor markets and crime risk factors, preventing crime in specific places, policing for crime prevention, criminal justice and crime prevention (Cohen, 2004). These researchers concluded that very few operational crime prevention programs have been evaluated using scientifically recognized standards and methodologies. The data collected demonstrated minimally adequate evidence to establish a list of what works and what is promising (Cohen, 2004).

Restorative justice and peacekeeping philosophies, based on traditional practices of Indigenous Cultures around the world, are becoming increasingly popular as guideposts to effective corrections policy, both inside prisons and within communities (Achtenberg, 2000). Rehabilitation and diversion programs using treatments focused on addressing the risk factors, deemed significant in reducing juvenile recidivism rates, have been determined to be the most successful. Restorative justice and peacekeeping practices in Indigenous cultures describe justice as a sentencing regime, which pays fidelity to *healing* as a normative value. Healing is a Native justice principle, which is slowly becoming merged into contemporary criminal law through the practice of community based diversion programs (Rodriguez, 2007).

If a program saves the government money and has no offsetting *costs* in terms of increased recidivism or other negative social outcomes, it would appear there is little need for further analysis on costs or benefits (Cohen, 2004). Researchers have attempted to assess the effectiveness, as well as the overall costs and benefits of the use of alternative sentencing for juvenile offenders (Cohen, 2004). Research completed has documented that re-allocating the

money that is normally spent per year imprisoning an offender, to spending it on restoring the offender to society is more cost effective (Bayda, 2000).

An important indication of the success of rehabilitation and diversion program impact is the behavior of youth following completion of the program. Economic impact analysis focusing on the direct costs incurred by various justice system agencies resulting from the youth's recidivism, following the end of the program involvement, found that youth's placed in rehabilitation and diversion programs had significantly lower rates of recidivism (Dembo et al., 2005). Community based mentoring and restorative justice practices have been proven to reduce recidivism and delinquency in juvenile offenders more successfully than any other programs (Cohen, 2002). Involving juvenile offenders in early intervention and community-based programs before trajectories of their offense behaviors escalate is a more cost-effective way of reducing the development of delinquent careers (Dembo et al., 2005).

Methods

Computer searches of numerous criminal justice databases, examining peer-reviewed articles and journals were conducted using search terms that were variations of restorative justice, peacekeeping practices, recidivism, diversion, and alternative rehabilitation programs. These search terms were crossed with terms restricting the search to youth offenders and studies reporting on some form of recidivism. Additional articles were obtained through an examination of reference lists of the collected articles and previous meta-analyses.

Diversion was defined broadly as any program that allows the youth to avoid 1) official prosecution through a screening process prior to being officially charged, 2) full prosecution after the juvenile received a charge, or 3) a traditional sentence after conviction. Victim-offender mediation, community service work, restitution, and treatment and educational programs were

cross-referenced within the main searches to obtain information more specifically in line with restorative justice and peacekeeping philosophies.

Research referenced throughout the study evaluated qualitative field studies, stepwise regression models, and meta-analysis discussing restorative justice and recidivism that focused on youth and Native Americans as populations. The research included interviews with youth offenders examining perceptions of challenges faced within their communities and demographic effects on the potential of juvenile delinquency and recidivism within communities. Other research examined anticipated challenges, experienced challenges, crime temptations, coping strategies, and social supports present among youth offenders. Few studies were found specifically examining Native American youth and in some instances youth as a population; therefore, it was necessary to overlap the information located to provide documentation specific to Native youth as a population.

Future Programing

Investigating the overlapping effects that legal and extralegal variables have on recidivism could advance research by moving beyond the question of whether restorative justice and peacekeeping programs can be successful at reducing crime and addressing the circumstances under which programs can be most effective (Rodriguez, 2007). Examining which characteristics (gender, age, offense type, prior offenses) have more substantial affects on recidivism rates among juveniles participating in restorative justice and peacekeeping programs can provide helpful indicators of ways to create successful programs (Rodriguez, 2007). Thorough knowledge of Native American cultures, characteristics, and histories, with culturally specific individual, family, peer, school, and community factors built into both theory and design

are important when developing programs focused on restorative justice and peacekeeping processes (Pridemore, 2005).

If restorative justice and peacekeeping practices can assist in shifting focus from placing youth offenders in jail to rehabilitative efforts within the community, then perhaps corrections authorities will change their main focus from jail to the community (Bayda, 2000). It has been suggested that the best protection for society is to provide programs that are focused on the community. If this is true, then does it really matter where those programs are administered? What should be considered of greater importance is the administration of programs and providing youth offenders the opportunity to be exposed to them (Bayda, 2000). Restorative justice and peacekeeping programs of this nature could be designed and implemented within the current juvenile justice system (Rodriguez, 2007).

Similar to the ways in which restorative justice and peacekeeping programs seek to create, a criminal justice system that restores the offender, victim and community by empowering the offender to make better choices in the future; the future of effective corrections should be based upon restoring human relationships for the benefit of all. Future restorative justice and peacekeeping programs for youth offenders should be developed inline with the juvenile justice system denoting that, “all available sanctions other than imprisonment that are reasonable in the circumstances, must be considered for offenders, with particular attention paid to the circumstances of Native American youth offenders” (Achtenberg, 2000, pp. 33).

Perhaps implementing programs consistent with the philosophy of the Balanced and Restorative Justice (BARJ) projects of the Office of Juvenile Justice Prevention within the U.S. Department of Justice would be most effective (Rodriguez, 2007). BARJ programs were designed to divert juvenile offenders from formal juvenile court processing by bringing juvenile

cases to the attention of their communities for resolution. Since restorative practices can take place at either the diversion or post adjudication stage, all jurisdictions could benefit from the use of restorative justice and peacekeeping programs (Rodriguez, 2007).

Modeling restorative justice and peacekeeping programs for Native youth in line with the philosophies of the Balanced and Restorative Justice project, would require youth to accept responsibility for their delinquent offense by admitting their role in the offense and agreeing to have their cases heard in front of their communities (Rodriguez, 2007). Through participation in the program youth are held accountable for their actions, and they are provided the opportunity to develop life skills needed to be successful and restore the sense of community that was destroyed by their offense (Rodriguez, 2007). Since many of the adults in US prisons began their criminal careers as juveniles, developing programs focused on breaking this cycle needs to be one of the primary concerns when seeking ways to divert youth offenders from the justice system. Through the development of restorative justice and peacekeeping programs, the criminal justice system can implement a more combative approach to addressing the increasing rate of recidivism among youth offenders (Patrick & Marsh, 2005).

Community based rehabilitation programs have been suggested to achieve better outcomes by providing services to at-risk, non-serious offender youths, at a lower cost, than implementing programs involving formal introduction to the juvenile justice system (Dembo et al., 2005). These programs have achieved success through the use and implementation of community service with little police or probation officer involvement, as alternatives to formal justice system services for non-serious offenders. Restorative justice and peacekeeping programs have been shown to benefit youth by reducing formal immersion into the justice system and reducing recidivism rates in communities where they have been used (Dembo et al.,

2005). The use of restorative justice and peacekeeping programs has also demonstrated a reduction in costs related to the justice system. Programs that provide intensive in-home family intervention services and those that focus on community involvement for restoration of the offender have been proven most cost effective (Dembo et al., 2005).

Restorative justice and peacekeeping concept address the priority of repairing the harm done to victims and the community while still ensuring that the needs of youth offenders are met (DeAngelo, 2005). Restorative justice and peacekeeping programs would provide services that are designed to address community safety, holding youth accountable for their actions and arranging for youth to participate in competency development activities. After-school programs could also be developed, working with local agencies to provide supervision for youths in the community during high-risk crime hours. Effective recidivism reduction and interventions would be developed through the use of community-based programs and college mentoring services, providing advocacy and tutoring for Native youth involved with restorative justice and peacekeeping programs.

Native Americans share community values of the sentencing techniques of restorative justice and peacekeeping practices that can be successful in the reduction of incarceration and recidivism among Native youth offenders (Johnson, 2007). Alternative sentencing and diversion systems for Native youth offenders who commit crimes within Indian country should incorporate statutory provisions that require consideration of unique cultural values of Native people, and allow for the use of culturally-relevant sentences. Community based sentencing is effective in the context of Native youth offenders because the proceedings are less confrontational, rehabilitation of the offender is emphasized, and Native cultural values are recognized (Johnson, 2007).

If formal diversion programs were used they would involve conditions such as an admission of guilt and an agreement to participate in culturally relevant programming if available and deemed suitable (Wilson & Hoge, 2013). Youth who accept responsibility for their actions and agree to participate in recommended restorative justice and peacekeeping programming would undergo no further judicial processing. Successful completion of the conditions of the formal diversion program would result in no further actions within the juvenile justice system and dismissal of the charges against the Native youth offender (Wilson & Hoge, 2013).

From a policy perspective, administrators of restorative justice and peacekeeping programs will need to consider youth offenders prior record in making selections for program participation. Because the success of restorative justice and peacekeeping programs extend beyond reducing crime, it is certainly possible that offenders with extensive prior records will also need to achieve other rehabilitative or diversion goals (Rodriguez, 2007). Researchers have found restorative justice and peacekeeping practices to be effective in addressing offender recidivism. Restorative justice and peacekeeping are intended to reduce crime, but they also work well in granting justice, closure, restoration of dignity, transcendence of shame, and healing for victims (Rodriguez, 2007). Native youth offenders who participate in these programs will be less likely to recidivate than youth subjected to the conventional criminal justice system (Rodriguez, 2007).

Potential Problems with Program Implementation

It can be difficult to prove the success of different programs because of the number of different ways rehabilitation and diversion programs have been implemented and the numerous outcomes that have been used to assess programs (Rodriguez, 2007). To this point, the lack of

available data and/or the failure to include comparison groups has made analysis of interactive effects in restorative justice and peacekeeping research difficult to conduct. So far, the only significant interactions observed were gender and prior offenses. These interactions indicated that the effect of restorative justice and peacekeeping programs on recidivism is significantly impacted by prior offences and mediated by gender (Rodriguez, 2007). Research conducted documented that as the number of prior offenses increases, the probability of recidivating increases for youth offenders, especially males (Rodriguez, 2007).

The possibility for differential treatment of offenders also plagues restorative justice and peacekeeping programs. Community members may recommend more severe sanctions for particular types of youth offenders; thereby, increasing the potential for greater harm and future delinquency (Rodriguez, 2007). Discriminatory decision-making can seep in at any point of the juvenile justice process; therefore, it is important to remind societies of potential racism issues in an effort to decrease unjustified disproportionalities that can emerge. Informalism can also affect those participating in restorative justice and peacekeeping practices, as a result of trying to avoid formal past practices of court processing.

Restorative justice and peacekeeping philosophies attempt to minimize the adversarial approach of contemporary courts as much as possible. As with all alternative programs, restorative justice and peacekeeping efforts have the potential of widening the net of formal social control in destructive ways. If, as the result of the use of restorative justice and peacekeeping, there appears to be a decrease in police discretion when dealing with youth or the desire to use mediation adds unnecessary referrals of weak cases that could have been dismissed, the advantages of restorative justice and peacekeeping practices become non-evident. Youth need restorative justice and peacekeeping programs that nurture their full identity rather than

stigmatizing them as offenders. Therefore, these programs must ensure that youth have the support and guidance to interact appropriately and effectively with parents and other adults (Thomson, 2004).

Using community corrections concepts to address the problems of juvenile delinquency in Native communities is an excellent idea. Although opponents may raise equal protection and leniency counterarguments to this proposal, the challenges can be quickly defeated (Johnson, 2007). The Supreme Court has repeatedly held that the Native Americans can lawfully receive disparate treatment. Restorative justice and peacekeeping sentencing sanctions are not necessarily more lenient than those implemented in a contemporary sentencing hearing (Johnson, 2007). Incarceration is always an option; however, research has proven that non-incarceration sentences are more rehabilitative for Native American youth offenders, and should therefore be the goal of sentencing at the outset of judicial proceedings (Johnson, 2007). Although to this point researchers have only discussed the use of restorative justice and peacekeeping programs for Native youth offenders who commit crimes within Indian country, these programs do have the ability to be implemented within non-Native communities as well (Johnson, 2007).

V. SUMMARY & CONCLUSION

Moral perspectives drive law itself and in turn create the foundations of the juvenile justice system (Skotnicki, 1999). Society demands organized response to juvenile crime by empowering the courts to establish guilt or innocence through the due process format. Although the public is still wary of caving into the dangerous classes, the continual failure of programs using punitive sanctions and incarceration to rectify the ever-existent problem of juvenile delinquency, has reached a crisis of limits (Skotnicki, 1999). As such, the current structure used

to detain and reform youth offenders should be considered the most important component of an effective juvenile justice system (Skotnicki, 1999).

Congress has regulated away most Native American tribes' abilities to govern themselves and replaced tribal sovereignty with an ineffective criminal justice framework that has resulted in high incidences of Native youth incarceration and increased recidivism (Johnson, 2007). Native youth offenders repeat their criminal behavior because the punitive punishments and imprisonment policies of contemporary juvenile justice systems did not promote rehabilitation or diversion. If American jurisdictions applied rehabilitative sentencing methods, similar to those available in the tribal courts, it is likely that recidivism reduction would occur.

Using different forms of culturally relevant sentences are necessary to restore harmony and balance to Native youth offenders and their community (Johnson, 2007). Tribal courts have exclusive jurisdiction over less serious crimes committed by tribal members when the tribe has a justice system in place. Yet to change the future juvenile jurisdictional circumstances of Native youth in the U.S., it would be necessary to adopt legislative practices similar to those adopted in Canada. In efforts to combat high rates of incarceration and recidivism of Native people, the Canadian government adopted a principle in its Criminal Code requiring all courts to pay particular attention to the unique life circumstances of Native offenders, before, automatically enforcing imprisonment as a sanction (Johnson, 2007). The sentencing judge can refer the offender to a culturally sensitive tribal court. The court considers multiple criteria for determining whether tribal court sentences are applicable to the particular facts and circumstances of the case. The court then has the ability to deciding whether to enforce the recommendations of the tribal court or to impose its own sentence (Johnson, 2007).

Following past practices and tradition, these restorative justice and peacekeeping programs serve three valuable functions for Native communities. They represent sound ways to address crime problems, the reduction of recidivism rates within the community and ways of empowering communities to solve their own problems (Meyer, 1998). These traditional approaches require problems to be handled in their entirety. Although over the past several years many Native communities have adopted contemporary forms of punitive justice they would greatly benefit from the reimplementation of restorative justice and peacekeeping programs in tribal court systems. Even though restoration processes that involve a holistic approach to treatment, such as family involvement and community involvement, have demonstrated the most effectiveness. Few restorative programs in the contemporary juvenile justice system are designated for implementation specifically in Native communities (Bayda, 2000).

Restorative justice and peacekeeping programs offer the unique opportunity for offenders, victims, and community members to work in collaboration with the juvenile court system in finding appropriate resolutions for delinquent offenses (Rodriguez, 2007). The current juvenile justice system does not prioritize rehabilitative or diversion programming for youth offenders. Restorative justice and peacekeeping programs can provide offenders with early intervention models that lead to reduced recidivism. These programs strive to involve the whole system in treatment of youth offenders (Abrams, 2006). As such, restorative justice and peacekeeping programs may likely become critical to sustaining treatment effects and reducing recidivism rates for Native youth offenders.

As the criminal justice system continues to face increased pressure to implement more punitive policies, funding for such supportive measures of rehabilitation and diversion continue to decrease (Abrams, 2006). Community corrections will continue to grow in its influence. As it

does, the penal system, government officials, and citizens need to lend support to something promising, something addressing accountability and intervention, something that builds ties to the local community and creates greater autonomy from retributive forms of contemporary criminal justice practices (Meyer, 2011). Restorative justice and peacekeeping practices can be viewed as horizontal forms of juvenile justice, while the current juvenile justice system can be viewed as vertical. This vertical form of justice is centered on coercion and power, with a strong focus on punishment. Horizontal forms of justice focus on the whole community and teaching youth how to live a better life (Meyer, 2011).

The juvenile justice system, founded in 1899, was designed to serve juvenile offenders as an independent population. This justice system was created to protect youth from the stigma of the adult criminal justice system (DeAngelo, 2005). The juvenile justice system took into consideration the special needs juveniles had and the difficult circumstances some of them faced that caused delinquency (Pridemore, 2004). Contemporary juvenile justice deals with delinquency by imposing punitive sanctions instead of seeking ways to help youth through rehabilitative programs. Although the main focus of the juvenile justice system was recidivism, the current status of the juvenile justice system suggests contemporary approaches continue to be ineffective (Pridemore, 2004). As a result, restorative justice and peacekeeping programs need to serve as genuine alternatives to punitive sanctions and judicial sentencing and not as mere add-ons to the existing juvenile justice system (Pridemore, 2004).

The changes will come slowly at first, but if fed by optimism, efforts and collective wisdom brought forward from Native traditions, matched with the deep seeded need for change, then the ways in which youth offenders are addressed in the juvenile justice system will be renewed (Skotnicki, 1999). The use of restorative justice and peacekeeping practices without

transformation of the roots of social injustice and without dismantling the contours of the current retributive system is NOT enough (Thomson, 2004). Communities need to decide what vision, mission, or purpose they want to pursue in committing to restorative justice and peacekeeping practices. Then they need to decide how expansive they want the programs to be and what they wish to focus on. They must decide if the community will be best served focusing on the juvenile delinquents and their victims, by creating sanctions and agreements that are structured in mutually respectful ways, or if they wish to approach restorative justice and peacekeeping from a more broad community building focus, addressing underlying social inequalities and issues (Thomson, 2004).

Social influence and support play a much greater role than punishment or fear of punishment in encouraging positive responsible behavior (Thomson, 2004). When juveniles were allowed to participate in rehabilitative programs such as restorative justice and peacekeeping programs especially designed for them, they gained knowledge and learned to make more effective life choices, thereby assisting in lowering their own likelihood of recidivism (Thomson, 2004). Once the community decides in what ways the programs will work best for them, the next step is to design programs for implementation (Thomson, 2004). Through the use of restorative justice and peacekeeping practices, which balance the needs of victims and offenders with the needs of the community, responsibly addressing all injuries, communities seek to create change within youths current life circumstances.

Restorative justice and peacekeeping programs focus on rehabilitative processes that involve the victim and hold the youth offender accountable for their behaviors. Therefore, future programs need to encompass treatment options and focus on recidivism reduction for youth offenders. The programs need to involve the family, guardians, and other formal support

systems present within the youth's community (Abrams, 2006). Developing programs that focus on harm and risk reduction will provide youth with more realistic roadmaps to staying on a path that encourages successful mental, physical and spiritual healing, and reduces recidivism (Abrams, 2006). As a result, there has been a shift of focus to restorative justice and peacekeeping practices and programs because they are viewed as potential solutions to the ever-existent problem of juvenile delinquency.

It has been acknowledged that there was a dire need for more intensive programs that focus on crime and delinquency among Native youth (Pridemore, 2005). Therefore, understanding there are differences that exist between the 560 tribes in the United States even though their cultures are very similar, is extremely important. It is also important to recognize the significance of understanding the numerous differences that exist between youth who live on the reservation or spend a great deal of time there, and youth who are more urbanized or live in areas that are more densely populated (Pridemore, 2005). Urban Native youth and rural Native youth have very different lifestyles and most often come from very different backgrounds. When developing programs to assist in decreasing delinquency among Native American youth, it is therefore important to remember that all communities have different struggles and weaknesses, as well as differing protective factors and resiliencies. The recognition that not all Native communities are the same is perhaps the most important factor to acknowledge and address when developing and implementing restorative justice and peacekeeping practices and programs for youth in Native American communities (Pridemore, 2005).

Heavy tribal involvement in the delivery of any prevention, intervention, or other rehabilitative activity can only increase the successfulness of a program designed for Native youth (Pridemore, 2005). Through collaboration, the strategies developed can provide attention

to similarities and differences in risk and protective factors of Native youth and the larger population. Paying special attention to risk and resiliency factors present among Native youth will help to ensure successful practical applications of these programs (Pridemore, 2005). During the initial stages of development of programs for Native youth, the restorative justice and peacekeeping practices need to encompass both offending and related social problems, as well as the youth's tribal history, culture, spirituality and community. The later stages of development should encompass background studies and research that involves interviews with elders, tribal leaders, youth, parents, and other community member about their views of delinquency, and the problem behaviors they have witnessed within their communities (Pridemore, 2005).

Developing programs using knowledge of Native peoples own observations about their culture will likely produce more successful programs (Pridemore, 2005). Restorative justice and peacekeeping practices offer the most balanced collaborative approaches to dealing with juvenile crime and delinquency in communities. These practices provide the ability for communities to implement programs that enable youth offenders to meet with their victims, family and community members, and collaboratively respond to crime by repairing the victims' harm, providing consequences for the crime, and holding the offender accountable for their behavior (Rodrigues, 2007).

Restorative justice and peacekeeping practices serve three valuable functions for Native communities; they represent a sound way to address crime problems, the reduction of recidivism rates, and ways to empower communities to solve their own problems. Many jurisdictions are turning to alternative sentencing, dispute resolution and mediation as ways to settle disputes outside of court, as a result of the massive backlog of cases and over crowding within the criminal justice system (Patrick & Marsh, 2005). As juvenile court becomes more punitive, they

continue to be burdened by increased caseloads of youth offenders. Treating youth offenders in Native communities through the use of restorative justice and peacekeeping programs can be viewed as a win-win situation for all involved. The programs serve dual purposes by providing assistance to all members of the community and providing the benefit of relieving an overburdened judicial system; all the while reducing the potential of Native youths further involvement with the juvenile justice system.

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