

# Restorative Justice: An Examination

A Report to the  
Maine Legislature



**Permanent  
Commission**  
RACIAL, INDIGENOUS  
& TRIBAL POPULATIONS

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# Executive Summary

In 2021, the Maine State Legislature directed the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations to examine the state of restorative justice in Maine and possible channels through which this work could be enhanced. Through research and outreach with restorative justice practitioners, state agency officials, and advocacy organizations, the Permanent Commission learned the following:

- ***Despite its massive scale and expense, the current system is not adequately serving victims of crime or effectively preventing harm within our communities.*** Research across multiple jurisdictions suggests that the benefits of restorative justice can extend out in multiple directions, including to those who are harmed through improved healing, to those who enact harm and their communities through reduced recidivism and downstream impacts, and to the state through reduced expenditures.
- ***Some other states—most notably Colorado and Oregon—are more advanced along the path of having statewide restorative justice diversion programming than we are in Maine.*** Practitioners from these states noted that the most impactful programs were those that were adaptive and responsive to the needs of local communities, and prioritized cultural change alongside a state statutory framework and funding.
- ***Maine’s Departments of Corrections (DOC), Division of Juvenile Services funds community-based alternatives to the criminal legal system for youth*** as a means to reduce the use of secure confinement, reduce recidivism, and divert youth from entering the criminal legal system.
- ***Restorative justice programs that focus on diverting adults (aged 18+) from the criminal legal system do not currently have consistent or stable sources of funding in Maine,*** though they are periodically funded through grants, donations, or contracts with local or county governments. In some areas, local law enforcement and prosecutors enthusiastically support such diversion programs and actively make referrals, while in other areas there is a lack of awareness of the potential benefits or philosophical differences about the appropriate response to adult criminal behavior.
- ***Restorative justice practitioners across Maine differ in their interpretations of what restorative justice can and should look like,*** which is posing a challenge for the state in knowing where, whether, and how best to activate support for this work.

From this work, the Permanent Commission’s Policy Committee recognizes the potential for deeper investment and engagement in restorative justice programs throughout the state of Maine. We also acknowledge the need for such efforts to be led by impacted communities, and to be part of a broader effort by the state to address issues of racial disparity and build stronger, more connected communities across Maine. Based on what we have learned, the Policy Committee recommends the following actions be taken:

## **RECOMMENDATION 1: Expand support for programs that build strong and healthy communities.**

As the state of Maine explores opportunities for enhancing restorative justice, it is important to continue supporting upstream interventions that prevent initial contact with the criminal legal system. This includes programs that build strong communities, ensure people have sufficient access to nutritious and culturally appropriate food, and support efforts to ensure everyone has access to appropriate housing, transportation, and employment opportunities. One way to accomplish this goal could be creating partnerships with the Maine Department of Health and Human Services to promote opportunities for Supplemental Nutrition Assistance Program (SNAP) recipients to purchase culturally appropriate food. Another example could be working with MaineHousing to identify and revise policies to mitigate barriers to housing as a collateral consequence of past criminal convictions.

## **RECOMMENDATION 2: Build momentum among practitioners and the broader restorative justice community.**

The Policy Committee encourages the Permanent Commission to identify funding to create a two-part symposium intending to bring together those with an interest in restorative justice in Maine. This symposium series would create space for practitioners to gather to build stronger coalitions and identify desirable areas of state support, while also creating space for broader learning and action among a wider range of actors, including practitioners, legal scholars, victim advocacy organizations, prosecutors, system-impacted people, and government officials.

## **RECOMMENDATION 3: Prioritize efforts to use restorative justice to divert adults and youth prior to the point of incarceration.**

Those in the DOC are doing important work currently to integrate restorative justice processes into the criminal legal system. In addition, the DOC is encouraged to work closely with impacted populations and prosecutors to mitigate the use of juvenile facilities such as Long Creek and the use of prisons for adults by diverting prior to the point of incarceration. Catalyzing this change likely requires coordination among a large number of actors, including but not limited to juvenile defense attorneys, legal scholars, prosecutors, and formerly impacted youth in the justice system from across the state. We encourage increased collaboration to create opportunities that prioritize the needs of victims, system-impacted people, and communities as a whole.



# Introduction

In 2021, the Maine State Legislature enacted [PL 2021, Ch 101](#), which directed the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations (the Permanent Commission) to examine the state of restorative justice in Maine, including:

- A review of proposed and passed national restorative justice legislation.
- Recommendations in the areas of education, juvenile justice, adult diversion and correctional settings for advancing restorative justice legislation.
- Questions of race and ethnicity equity, concerns of confidentiality, victim and perpetrator rights, the readiness for engagement in restorative justice, and restorative justice as a sustainable form of justice.

To gain an understanding of the current status of restorative justice in Maine and its potential, the Permanent Commission contracted Jeremy Mack, a former restorative justice practitioner and policy manager with the Restorative Justice Institute of Maine. Jeremy examined the current status of restorative justice efforts and spoke with practitioners across and beyond Maine about the opportunities and challenges associated with advancing this work in our state. Jeremy also worked closely with the Maine Restorative Justice Coalition (MERJ), which has been an instrumental partner in assisting with this inquiry and helping to bring the report to publication.

In the pages that follow, we outline our findings, explore initiatives in other states that could shed light on how to move forward, and outline key themes from discussions with Maine-based practitioners about current opportunities and challenges. Our investigation points to notable benefits associated with restorative justice practice, but also finds deep cultural differences in what public safety and community healing require across our state, and points to a tension in what role the state should play, if any, in advocating for, funding, or otherwise supporting structural interventions.

We believe these are important conversations to have, and they are ones the Permanent Commission is enthusiastic to support. We also believe that it is the communities most impacted by our current punitive legal system that should be empowered to lead this charge. We hope this report offers a foundation for understanding where we as a state are today with regards to restorative justice, its tangible and systemic relationship to racial equity, and possible pathways and roadblocks to moving things forward.

## Why Restorative Justice?

America's criminal legal system is far and away the largest in the world. Today, the US is home to only 4% of the world's population but houses 16% of the world's inmates<sup>1</sup> at great expense to taxpayers. While the multi-jurisdictional nature of criminal justice makes calculating costs difficult, in 2021, estimates show that state and local governments across the US spent upwards of \$87 billion on corrections, not accounting for other parts of the criminal legal system such as police (\$135 billion) and courts (\$52 billion).<sup>2</sup> Perhaps most importantly, this system simply doesn't achieve consistent results. Today, lack of faith in our criminal legal system has resulted in nearly half of crimes in the US<sup>3</sup> and around two-thirds of crimes in Maine<sup>4</sup> going unreported for fear of long-term community impacts, retribution, or even violence at the hand of those sworn to protect and serve.

Of those currently in federal or state detention facilities, more than half are Black, Indigenous, or Latino.<sup>5</sup> Today, we know well that our existing legal system disproportionately and systematically criminalizes people of color. In 2021, Maine ranked 6th out of 50 states for the highest rate of racial disparities in state prisons,<sup>6</sup> with Black Mainers incarcerated at over nine times, and Indigenous people incarcerated at over six times the rate of white Mainers.<sup>7</sup> We also know that is not due only to differences in criminal behavior. National research in the area of illicit drug use, for example, shows white and Black people use and sell drugs at similar rates. However, Black people are incarcerated in federal prisons for drug offenses at ten times the rate of white people.<sup>8</sup> This pattern holds in Maine as well.<sup>9</sup> And we know that disparities in who enters the criminal legal system start early. Data from Maine's Department of Education from 2011-2018 shows clear racial disparities in both suspensions and expulsions from school, and police referrals and arrests by schools, with Black students often being pulled from their education at nearly twice the rate that they are being enrolled.<sup>10</sup>

Addressing these disparities in the criminal legal system today is complex. The institutions that govern our current approach to criminal justice across the US have long and deep histories, tied into multiple overlapping structures of racial discrimination and connected to histories of enslavement and segregation.<sup>11</sup> Even as we look to build more just institutions today, decoupling from this historic legacy poses significant challenges, especially as our nation has in recent history used the carceral system to criminalize those without housing<sup>12</sup> and those struggling with mental health issues<sup>13, 14</sup> and substance abuse disorder.<sup>15</sup> At the same time, we as a

society have come to view these institutions as part of the social fabric of our lives. From parenting to education to policing, many of us see crime and punishment as intertwined, thinking a great deal about behavioral correction for those who offend, but thinking very little about the broader systems and structures that shape why people may end up in situations where they cause harm in the first place.\* The dual need for structural and cultural change significantly complicates how and where these transformations are occurring today.

Restorative justice offers a unique opportunity to think about how we may address both of these considerations simultaneously, building a more equitable and just system that benefits all Mainers. We begin this report by defining restorative justice and exploring what evidence exists to support its applications as an alternative and/or complement to the existing criminal legal system. We then explore how restorative justice approaches are being used across the US, focusing in particular on two complimentary case studies. Finally, we shift our focus to Maine, outlining currently existing structures for restorative programs in the state, and concluding with insights gathered from interviews with practitioners working in Maine about the opportunities and limitations for moving this work forward.



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\* While the Permanent Commission is excited to explore opportunities for cultural change to expand restorative practices throughout all social and community spaces, we think this work sits beyond the scope of PL 2021, LD 101.

# Part I

## What is “Restorative Justice?”

Restorative justice describes a wide range of formal and informal practices focused on repairing harm to people who commit crimes and people and communities who are impacted by them. Restorative justice processes can be integrated into the criminal legal system as both a compliment or alternative to existing structures, and it can be used in other rule-based environments such as in schools or workplaces as a means of addressing social and interpersonal conflict or behavioral concerns.

In order for a restorative justice program to be successful, the person who experienced harm must voluntarily participate in the process (or at least consent to the process), and the person who caused harm must voluntarily participate and recognize the impact of their behavior.<sup>16</sup> Restorative justice is also a process that is often driven from the bottom up (by a community, for example), rather than being mandated from the top-down. This is both a source of strength and authenticity for these practices, and a potential source of complication when considering how states may engage with restorative justice, as the definitions, meanings, and practices themselves emerge differently in different cultural and community contexts.

Given this complexity, we rely primarily on the United Nations’s definition for the purpose of this report, which defines “restorative justice programs” as any program that uses restorative processes and seeks to achieve restorative outcomes.<sup>17</sup>

Restorative justice processes have been used widely throughout history. Drawing on Indigenous practices that pair accountability with support through community dialogues and gatherings, institutionalized restorative justice programs emerged across the US in the 1970s. Restorative justice programs have since evolved into both an applied alternative to punitive justice and a broader cultural philosophy for how to be in good relationship with oneself and community.

Today, restorative justice programs are used:

- **Within** the legal system, as a means of redressing harm among incarcerated populations or diverting cases prior to the point of incarceration or conviction.

A **restorative process** is any process in which the victim and offender – and where appropriate, any other individuals or community members affected by a crime – engage with one another in the resolution of matters arising from a crime, generally with the help of a facilitator.

A **restorative outcome** is an agreement reached as a result of a restorative process. Agreements are aimed at meeting the individual and collective needs and responsibilities of the involved parties and achieving the reintegration of the victim and the offender within the community.

The broader concept of **restorative practice** encourages conversation, connection, and community building. Restorative practices can be integrated into communities, whether or not an individual has breached rules.

Source: United Nations. (2020). *Handbook on Restorative Justice Programmes: Second Edition*.

- As an **alternative** to interaction with the established criminal legal system, including in cases where the person harmed is not comfortable reporting a crime to the police, when a school administrator refers a case as an alternative to filing a police report, or if a district attorney or police officer wants to divert the case away from reaching the courts.
- **Beyond** the established criminal legal system in public schools, workplaces, and community settings. The form and character of these programs differs significantly, and can be catered to the specific needs of individuals and impacted communities.

Across all of these cases, restorative justice focuses on healing and community repair, as opposed to punishment and separation from society. Restorative justice processes seek to create a non-adversarial environment where the interests and needs of all parties can be addressed. While significant variability exists in the forms that restorative justice programs take, two prominent examples illustrate the sort of interactions

**For a process to be truly restorative, neither party should be coerced into participating.**

that often occur (referred to as “restorative circles,” “harm repair circles,” or “community repair processes”):<sup>18</sup>

- **Victim-offender mediation:** A trained facilitator supports “victims” and “offenders” to reach an agreement that will help bring closure to the incident. This generally requires that the person who caused harm accepts responsibility for the crime, and agrees to a path forward which might include support services for those impacted, financial compensation, and/or actions such as community service.

- **Community and family group conferencing:** Similar to a mediation process, but inclusive of broader participants such as family and friends, and/or teachers or faith leaders. The wider circle of concerned people can create additional accountability by ensuring that the person who caused harm complies with the rehabilitative and reparative outcomes agreed to in the process.

## MAINE-BASED CASE STUDY PROVIDED BY A COMMUNITY ORGANIZATION

A 17-year-old boy who lived with his grandmother faced charges of aggravated criminal mischief and burglary after being arrested for breaking into and entering a store. The store owner, who had participated in a restorative conference in the past for another youth, said:

*“I know the family and what they’ve been through and when I saw him that night when he was caught, the damage to the door, and the police officers surrounding him, I thought this kid hasn’t had much of a chance.”*

The case was referred by the police to the a Maine-based restorative justice organization, which set up a harm repair process that **included the grandmother, mother, the teen, and the store owner**. Ground rules created an environment of **confidentiality** and **openness**. The youth was asked what he was thinking at the time of the incident, what he had thought about since, and what could be done to make things right. At first, the teen said little, anxious about the prospect of criminal punishment. The store owner **eased the tension** by asking *“what is the stupidest thing we did as a youth that we wished we hadn’t done?”* Each shared a story, which **created an environment of safety** for the teen to share his story and **completely own his wrongdoing**.

The facilitator guided the conversation about **how the teenager could repair the harm**. The obvious was to fix the door at a cost of \$1,200, a sum out of reach for him and his family. The store owner offered that, in lieu of the money, the youth would think about **positive ways he would change his life** and how he might help himself and his family. From that thinking, **an agreement for repairing the harm was created**. The teen would create a list of items over a four-month period, to be submitted weekly to the store owner. Each item was worth \$25 to a total of \$1,200. His list included cleaning the cat litter, graduating from high school, getting his driver’s license, volunteering at an animal shelter, and finding a job.

The outcome was that **the youth remained out of trouble**, graduated from high school, worked towards getting his driver’s license, and felt optimistic about his life. His grandmother said, *“This was a wake-up call. Both the store owner and the facilitator gave him a chance and showed that they cared.”*



# Part II

## The Effectiveness of Restorative Justice

Government-sponsored restorative justice programs have been in place across the United States for several decades, offering valuable insight into the efficacy of these approaches as a supplement to our current structures, which face a multitude of challenges from the high costs to the state to racial disparities in system impact. Since 1980, Maine alone has experienced a 163% increase in its incarcerated population overall and a 794% increase in the incarceration rate for women.<sup>19</sup> These impacts fall particularly hard on Black and Indigenous people. In 2023, Maine had the 6th highest rates of racial disparities in state prisons,<sup>20</sup> with Black Mainers incarcerated at over nine times, and Indigenous people incarcerated at over six times the rate of white Mainers (see Figure 1).<sup>21</sup>

These inequalities in the system matter. While some instances of harm may stem from individual choices or malicious intent, the data above also suggests that upstream systemic inequalities create vulnerabilities that drive individual behavior and disparate treatment under the law. Higher rates of incarceration and convictions also have significant downstream impacts that lock communities of color into cycles of poverty, including through long-standing legal restrictions in employment and home ownership.

Ironically, the over-use of our criminal legal system appears to do little to improve public safety. Today, as many as half of violent crimes in the US<sup>22</sup> and more than two-thirds of all crimes in Maine<sup>23</sup> are believed to go unreported due to concerns or feelings of disillusionment with the criminal legal system, leaving impacted parties without appropriate channels for remedying interpersonal and systemic harm.

While restorative justice is no silver bullet, the availability and flexibility of these programs may offer viable and meaningful pathways through which we can begin to address the flaws in our existing systems. Studies have shown higher rates of satisfaction among people who are harmed by crimes following participation in restorative justice programs,<sup>24</sup> and some indications of improved satisfaction,<sup>25, 26</sup> reduced recidivism,<sup>27</sup> and depending on the context, possibility for reduced downstream impacts among those who cause harm. Further evidence suggests that these opportunities could be particularly powerful for people involved in violent crime.<sup>28</sup> Based on existing evidence gathered over the past three decades, benefits

### Maine Incarceration Rates by Race and Ethnicity

Maine Prison Rates per 100,000 residents (2021)

White	101
Black	929
Indigenous	618

Maine Jail Rates per 100,000 residents (2019)

White	109
Black	955
Latino	205

**Figure 1. Maine incarcerates people from racial and ethnic minority communities at higher rates than white people. Adapted from the Prison Policy Institute (2023).**

from restorative justice programs appear to flow in not just one, but three directions: *to those impacted by crime; to those who commit crimes and the communities they are a part of; and to the state.*

### Benefits to Those Who Are Harmed: Healing and Restitution

Existing criminal justice practices in the US focus significantly on holding “offenders” accountable for crimes, but focus little on healing for those who are hurt by them. Restorative justice programs, by contrast, “promote social harmony through the healing of victims, offenders and communities”<sup>29</sup> through a framework that brings responsible parties and those who are impacted by crimes into conversation with one another. Research over past decades has shown that there is significant demand for restorative programs among crime victims.<sup>30</sup> For those who have participated in such processes, results are overwhelmingly positive, especially when compared to experiences in traditional court processes.<sup>32</sup>

Today, only one in four people impacted by crime generally report the criminal legal system as being helpful in finding information to support their recovery

or for needed referrals for support services. In contrast, studies have consistently found that victim satisfaction following restorative justice program interventions are significantly higher than those assigned to traditional criminal legal proceedings.<sup>33</sup> Looking at evidence about the benefits of restorative justice programs for impacted people helps to explain these results. Restorative justice programs improve compliance with restitution so that those impacted can heal and move forward.<sup>34</sup> Individuals who cause harm are also significantly more likely to apologize to those they have hurt in a restorative setting than in court,<sup>35</sup> which is central to the process of recovery.<sup>36</sup> Restorative justice programs appear to reduce the emotional impacts of victimization and the frequency and severity of post-traumatic stress disorder (PTSD) and other forms of psychological trauma among crime victims, creating space for them to communicate about impacts on their lives and their needs for recovery.<sup>37, 38, 39, 40</sup>

While restorative justice processes may not be an appropriate alternative for every instance of harm, evidence appears to suggest that it can provide more opportunities for healing than are often available in “offender-focused” punitive legal proceedings.

## **Benefits to Those Who Commit Crimes and the Communities They Are Part of: Reducing Collateral Consequences**

Opportunities to engage in restorative justice programs may also extend benefits directly to those who commit crimes and the communities they live in. This primarily comes in two forms:

- Retaining structures that keep individuals connected to their communities, thereby reducing recidivism.
- Reducing the collateral consequences that linger after a conviction occurs.

Research from multiple jurisdictions where restorative justice programs have been used suggests that while recidivism is a complex social issue, participation in restorative justice programs may help to reduce the frequency and severity of reoffending by placing the crime in a broader social and community context within which the offender is embedded.<sup>41, 42, 43, 44, 45</sup> Following Colorado’s youth diversion program for example, researchers found that measures of accountability among those who cause harm, as well as empathy and remorse, increased after participation and resulted in statistically significant lower rates of recidivism; approximately 90% of program participants had not reoffended by the one-year mark.<sup>46</sup>

Reduced recidivism and improved reintegration into society helps to disrupt the cycles that lead people toward criminal behavior and reduce collateral consequences that lead to long-term negative outcomes for people involved in crimes, their families, and others in their community. This is especially beneficial if restorative

justice programs are used prior to (and instead of) a criminal charge or conviction. Such benefits may be particularly important in Maine, which in 2022, ranked 44 out of 50 states in laws restoring rights and opportunities after arrest and conviction.<sup>47</sup> Because of the disproportionality in arrests and convictions for Black and Indigenous people in Maine, these collateral consequences compound alongside disparities that already exist, further driving unequal access to housing, healthcare, and employment.<sup>48</sup> Restorative justice may offer a valuable opportunity to disrupt this cycle, with ripple effects out to the broader well-being of communities of color.

## **Benefits to the State: Cost Reduction**

The current cost of the criminal legal system to the state is significant and growing. Real (inflation-adjusted) national justice system expenditures increased 62% from \$188 billion in 1997 to \$305 billion in 2017. During the same period, states themselves spent nearly \$50 billion for corrections activities, 88% of which were for correctional institutions.<sup>49</sup> The most recent data shows that number to have jumped up to around \$87 billion in 2021, showing that these costs are not immune to impacts of inflation, as costs for goods, utilities, and services have continued to increase criminal legal system expenditures. In 2022, the average annual cost for housing an inmate in a Maine prison was approximately \$78,000.<sup>50</sup> For drug-related arrests alone, Maine spent an average of \$9,000 in 2019 on investigations, detention, adjudication, and incarceration among other costs.<sup>51</sup>

Costs for restorative justice programs, by comparison, are reported to be significantly lower in a number of studies from both within and beyond the United States. A study from the United Kingdom found an 8 to 1 cost benefit ratio, where for every £1 spent on restorative justice conferencing, the criminal justice system saved £8 from reduced costs of reconviction.<sup>52</sup> Restorative justice programs likewise reduce healthcare costs to the state and impacted communities by more effectively addressing crime-related trauma, especially for victims.<sup>53</sup> And more broadly, by keeping people who have committed crimes connected to family and able to remain engaged as citizens and members of the workforce, restorative justice programs may provide substantial cost-benefits to society at large. A UK study found restorative justice conferencing for youth aged 18-24 was nearly 10 times more cost-effective than traditional criminal legal processes.<sup>54</sup> While costs may differ in the US, and would very likely be specific to the jurisdiction and details of each individual case, the evidence supports a general understanding of reduced costs associated with restorative justice opportunities. With those cost savings, the state could fund upstream interventions to support communities and reduce the likelihood that crime may occur, including through increasing support for mental health care providers, substance use disorder programs, housing support, social capital opportunities, and improving food access.

# Part III

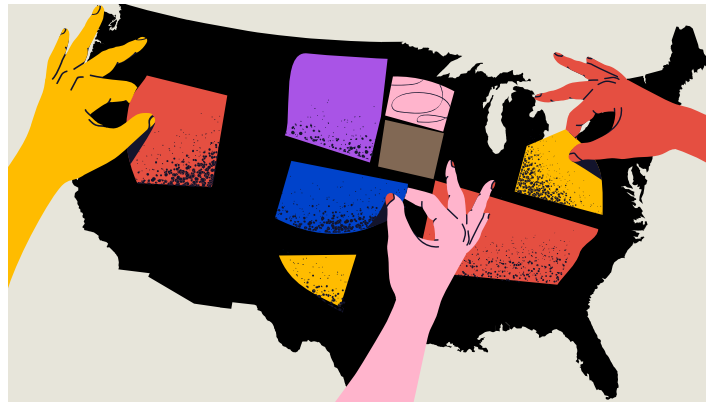
## The National Landscape

Since the 1970s, restorative justice has been gaining momentum across the country. Most states now have specific statutes that support restorative justice programs in some form, though tracking and cataloging this information has presented some significant challenges. As noted previously, the bottom-up nature of restorative justice programs means that a wide range of terminology is used to describe these processes, including some that do not meet the UN definition of restorative justice provided in Part I of this report. In other cases, experimental programs, and the expanding and amending of existing programs, presents a challenge for comprehensively assessing all proposed and passed restorative justice legislation. For the most up-to-date information about developments in restorative justice policy, the University of Denver School of Social Work hosts a comprehensive database of restorative justice laws by state,<sup>55</sup> and the National Conference for State Legislators hosts a juvenile justice legislation database, which includes many restorative justice programs.<sup>56</sup>

While many jurisdictions across the US today have restorative justice statutes in place, there is great variety in the ways that state and local governments provide support and resources to these initiatives. Below, we explore insights from two case studies—Colorado and Oregon—which have developed statewide frameworks for integrating restorative justice programs as a complement and alternative to the criminal legal system. These case studies were suggested to us by the Vera Institute of Justice as models for how state-level policy can inform the development of restorative programs locally. We do not present either of these cases as models to follow in Maine, and in fact, we heard from many practitioners about the importance of cultivating place-based solutions. Instead, we find their contrasting approaches to highlight the range of possibilities and limitations of a public policy approach to expanding restorative justice. Because this report was commissioned by the Maine Legislature to help it understand the extent to which legislative changes might be able to advance restorative justice in Maine, we focused on two states that have codified restorative justice within their *state statute*.

### Colorado's Restorative Justice Structure

Colorado has the most comprehensive statutory framework for restorative justice in the United States, where it has been thoroughly integrated into the juvenile



criminal code and is increasingly expanding into the adult criminal legal system.

The state relies on a Restorative Justice Coordinating Council (RJ Council), established in 2007 and housed within the State Court Administrator's office.

The RJ Council serves as a central repository for information on restorative justice; supports the development of programs and practices; assists with education and training statewide; and provides technical assistance as needed.<sup>57</sup> The RJ Council includes representatives from within and outside state institutions, including representatives of relevant state agencies, restorative justice organizations, victim's advocate organizations, the courts, public defenders offices, prosecutors, and law enforcement.

**Colorado statute defines restorative justice as** “practices that emphasize repairing the harm to the victim and community caused by delinquent acts. Restorative justice practices may include victim-offender conferences attended voluntarily by the victim, a victim advocate, the offender, community members [...] that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the crime and to participate in setting consequences to repair the harm.”

In Colorado, the work of the RJ Council benefited significantly from a strong informal network of organizations that practice restorative justice in the state. This network of practitioners joined together in 2012 with members of the RJ Council to produce the Model Standards for Restorative Justice Facilitator's



Code of Conduct and Standards of Training and Practice, a guidebook for practitioners that was subsequently adopted as a statewide document by the RJ Council.<sup>58</sup> Importantly, the standards created a voluntary framework for mutual support and accountability amongst practitioners, rather than codifying a formal process for practitioner licensing or certification.

Practitioners across Colorado continue to be engaged in the work of the RJ Council, particularly through naming the key set of values to be held at the center of restorative justice efforts, such as victim centeredness, inclusive and collaborative process, and harm repair—both at the individual and community scales. They are also working towards creating community-based restorative hubs that can receive referrals for a restorative justice program from any person or system (for example, the criminal legal system or education system), expanding the reach of opportunities available.

**“One thing that’s working really well in Colorado is coalition building. The more we build bridges, instead of an us versus them mentality, we start deconstructing those binaries, and finding the partners and allies. Traditionally, as a public defender, I’m not supposed to like victim advocates. But you know what, my best allies right now are victim advocates.”**

**-CO public defender**

## Oregon’s Restorative Justice Structure

In contrast to Colorado’s broad statutory restorative justice framework, restorative justice laws in Oregon are narrow in scope and intended to support conditions for programs to be designed and led by communities with relatively limited state oversight. Oregon’s restorative justice structure consists of two primary parts: a broad confidentiality statute<sup>†</sup> and a grant program.

In addition to the confidentiality statute, Oregon’s Restorative Justice Grant Program was passed into law in 2021 and appropriated a \$4 million two-year budget. The grant program was conceptualized by the Racial Justice Council within the Governor’s Office as a means of supporting alternatives to Oregon’s traditional criminal and juvenile legal systems, which struggle with racial disparities.

<sup>†</sup> In contrast, Colorado’s confidentiality statute is narrow and focused on juveniles only: “Any statements made during the restorative justice process are confidential and must not be used against the juvenile, or as a basis for charging or prosecuting the juvenile, unless the juvenile commits a chargeable offense during the process.” (CRS 19-2.5.102)

## OREGON CONFIDENTIALITY STATUTE

“Except as provided in this section, restorative justice communications are confidential, exempt from public disclosure and:

May not be used or disclosed by any restorative justice program staff members, facilitators, participants or any community members or persons who provide support to the restorative justice program, for any purpose unrelated to the program.

Are not admissible as evidence in any administrative or judicial proceeding.”

(SB586 2023 Regular Session)

The grant program defines restorative justice as, “a community based alternative to the criminal and juvenile legal systems that aims to center the needs of the harmed party and foster accountability within the responsible party without resorting to incarceration or criminal conviction.”

Grants are directed to programs that lead to the **dismissal of pending cases** rather than those that supplement ongoing criminal legal processes (such as restorative justice programs that are attached conditions of probation). The grant program requires that all applicants demonstrate a willingness and ability to

## FUNDED PROGRAMS IN OREGON

**Restorative Roots Project (RRP):** RRP operates a pre-indictment restorative justice program called “Survivor-centered Alternative to Prison Program.” It is a Black-led organization that also intentionally collaborates with local systems and institutions, including the public defender’s office, the county district attorney’s office, and county government victim and survivor services.

**Six Rivers Dispute Resolution Center (Six Rivers):** Six Rivers is a community dispute resolution center that provides a range of mediation services, along with the “Circles of Peace” restorative justice program, which is an evidence-based approach to domestic violence cases. Before implementation, the Six Rivers team conducted a community readiness assessment by interviewing community leaders in law enforcement, victim advocates, the criminal legal system, agencies that provide essential services, along with direct input from community members - this process allowed for an assessment of community strengths and areas that required additional options and resources.

coordinate with both community-based organizations and system partners (such as law enforcement, courts, district attorneys, and defense attorneys) and adherence to restorative justice principles such as victim-centered designs, accountability, and harm reduction. The evaluation of applications and awarding grants is conducted by an advisory committee that largely consists of non-government representatives. In the grant program's first cycle, eight programs received funding. Of those eight programs, only two recipients were already established while six were created as a result of the grant program.

Oregon is also in the early stages of developing a community referral program to allow individuals who have experienced harm to make a referral when they do not wish to report a crime to the police.

## Lessons Learned from Oregon and Colorado

In preparing this report, Permanent Commission staff spoke with individuals working in restorative justice spaces in Colorado and Oregon. These discussions conveyed the complexity and dynamic nature of creating a collaborative environment for the state and practitioners to develop policies, standards, and relationships. The following key insights emerged from these conversations:

- **Restorative Justice requires legislation AND cultural change.** In Colorado, practitioners noted that statutory frameworks helped to legitimize and build momentum for restorative justice efforts, especially when dedicated funding streams were attached. They also helped to ensure confidentiality and protect participants in the process. However, practitioners noted that it was the unique combination of legal and cultural alignment that actually allows restorative programs to flourish.
- **Restorative Justice must be adaptive and responsive to local community needs.** Individuals from both states noted the value of naming core values that guide restorative justice work across the state, rather than relying on rigid standards or licensing requirements. In Colorado, practitioners attributed program success to the community-driven nature of the process, while individuals in Oregon noted that the flexibility provided by the grant process let practitioners on the ground drive programs in a way that fit with the needs of diverse communities.

**“We abandoned the idea of standards, but looked more at: what are the underlying values of restorative justice? And can we have alignment on those? And how can we apply those values in our work?”**

**-OR Practitioner**

- **Credible leaders and messengers were crucial to public buy-in.** In Oregon, it was clear that restorative justice efforts were most effective—especially in minority communities—when they were led by well-trusted community members. Engaging previously incarcerated people in the process was also beneficial. When it came to training and technical assistance, however, outside organizations like Equal Justice USA and New York University Center on Violence and Recovery offered important outside perspectives.
- **Restorative Justice can help to address racial disparities, but cannot solve them.** In Oregon, there was a belief that restorative justice could help address racial disparities in the criminal legal system, especially by diverting people away from prosecution. However, state actors and practitioners highlighted the need to be realistic about what can be achieved, as this alone does not remove racialized injustices from the legal process.

**“[Restorative Justice] is thrown around as this answer to everything. And I think that is really problematic. We see a lot of people kind of pinning RJ as the solution to all of our social challenges and ills and problems and inequities. And racism is kind of pinned on too, that it's like RJ will solve all of these things. And that's putting a huge weight and onus on RJ, which can help a lot, but it won't help everything.”**

**-OR Practitioner**



# Part IV

## Restorative Justice in Maine

### Restorative Justice Related Statute

While Oregon and Colorado have advanced significant restorative justice policy in recent years, Maine's formal initiatives appear to be much less developed. Wabanaki Nations have used restorative approaches for conflict resolution, community building, and collective healing strategies since time immemorial, but formal state-sponsored efforts largely began in 1997, with *An Act to Establish and Implement a Pilot Program for Restorative Justice*.<sup>59</sup> The act produced two separate processes: one for juveniles and another for adults.

The juvenile process allowed DOC juvenile caseworkers to create Community Resolution Teams. These teams included a facilitator, the young person who committed a crime, the juvenile caseworker, parents or guardians, the complainant, the victim, a law enforcement officer, and anyone else considered relevant to the case. The Community Resolution Team's role was to recommend alternative sentencing to the juvenile caseworker. This practice ended in 2007 when the statute related to juvenile Community Resolution Teams was repealed.<sup>60</sup>

In the adult criminal legal system, an adult could be required to appear before a Community Reparations Board as a condition of probation. These boards were empowered to impose additional sentencing options, such as paying restitution, performing community service, completing a counseling or educational program, and providing a written apology. Failure to abide by a board's decision constituted a breach of probation. Although statute related to Community Reparations Boards remains in force,<sup>61</sup> the absence of funding has limited their potential reach. The 1997 statute did not allocate any general funds and noted that implementation was contingent upon federal funding or other special revenue. While these efforts were significant in expanding sentencing options and integrating victim and community voices into sentencing decisions and probation activities, they do not offer any of the benefits described above that come with programs that divert people from the criminal legal system.

### Restorative Justice Programs and Efforts

Currently, Maine statute includes a patchwork of references to restorative practices, interventions, and justice (summarized in Table 1 on page 12).

This patchwork of restorative justice efforts across the state works with various degrees of formality. These programs are primarily led by nonprofit organizations,

and operate along a spectrum from restorative practicing organizations (eg, using restorative principles but not offering restorative justice programs) to more formal restorative justice organizations working in partnership with state actors to divert people from the criminal legal system. The fluidity of this space makes it difficult to provide a comprehensive picture of all restorative justice programs, processes, and activities in Maine.

In general, the organizations undertaking restorative justice programs, processes, and activities are funded through a combination of sources, including:

- Contracts with the Maine Department of Corrections (DOC), Division of Juvenile Services to provide restorative justice programs as an alternative to the criminal legal system for youth who have committed criminal offenses.
- Contracts with the Maine Department of Education (DOE) to provide restorative justice educational programs for youth.
- Contracts with local government agencies (county and city) and school districts, including law enforcement and education.
- Philanthropic and federal grants, private donations, and other fundraising mechanisms.

### Department of Corrections Support for Restorative Justice

#### ADULT DIVERSION

Restorative justice programs that focus on diverting adults (aged 18+) from the criminal legal system do not currently have consistent or stable sources of funding in Maine, though do on occasion arise through periodic funding for local organizations from grants, donations, or contracts with county governments. When funded and operational, these programs rely on the awareness and willingness of local law enforcement and prosecutors to make referrals. In some areas, local officials may enthusiastically support restorative justice programs and actively make referrals, while in other areas, there may be a lack of awareness of the potential benefit of restorative justice programs or there may be philosophical differences about the most appropriate response to adult crime.

While the availability of adult diversion programs in Maine is transient, the DOC does fund programs related to restorative practices for currently incarcerated adults.

This is partly due to the position of the DOC within Maine’s adult criminal legal system, where the DOC only becomes involved with adult cases after sentencing, and therefore does not have any involvement in the funding or administration of diversion-focused restorative justice programs. The restorative practices the DOC does fund are intended to help incarcerated adults:

- practice effective communication and conflict management skills;
- enhance offender understanding of the impact on those harmed; and
- address damage to a resident’s family and community structure, and to identify healing opportunities prior to transition out of the facility.

The DOC’s Office of Victim Services offers and facilitates victim-initiated conversations with incarcerated individuals.<sup>‡</sup> The goal of these conversations is to provide space for victim healing and an opportunity to be heard and seek answers to their questions. Those who engaged in the harmful behavior also stand to benefit by gaining insight into the impact of their actions and taking responsibility for their behavior.

## YOUTH DIVERSION

In contrast to the adult criminal legal system, the DOC interacts with youth prior to sentencing. Since 2015, the DOC Division of Juvenile Services has been a prominent advocate and funder of community-based alternatives to the criminal legal system for youth. The DOC views youth access to these community-based programs as a means to reduce recidivism and the use of secure confinement, and generally divert youth from entering in the criminal

Title	Summary
Title 15 Part 6: Maine Juvenile Code	<p>Defines “<b>restorative justice program</b>” as a program in which offenders take responsibility for causing harm and engage in a facilitated process with victims, family members, community members, or others impacted by the harm that focuses on repairing the harm, addressing needs, and preventing future harm.</p> <p>Provides that statements made by a juvenile or their legal guardian during a restorative justice program are not admissible in evidence during the State’s case based on the same facts.</p>
Title 34-A: Corrections	<p>Defines “<b>restorative justice</b>” similarly to Title 15. Requires the Office of Victim Services to assist victims in obtaining compensation, restitution, and other benefits of restorative justice.</p> <p>Requires the Commissioner of Corrections to ensure that any restorative justice programs serving juveniles provides for culturally informed services, including referrals to community based services and supports, housing, case management, education and employment resources, and provides language services as necessary.</p>
Title 20-A Education	<p>Defines “<b>restorative interventions</b>” as school practices that are designed to strengthen relationships, improve the connection to school, promote a strong sense of accountability, and help students learn from their mistakes, understand the impact of their actions on others, and find opportunities to repair the harm they have caused.</p> <p>Requires school boards to consider districtwide disciplinary policies that focus on positive and <b>restorative interventions</b> that are consistent with evidence-based practices rather than set punishments for specific behavior.</p> <p>Requires the Department of Education to provide technical assistance to support evidence-based programs that reduce the likelihood of physical restraint or seclusion, such as <b>restorative justice programs</b>.</p> <p>Defines “alternative discipline” as disciplinary action other than suspension or expulsion that is designed to correct and address the root causes of a student’s behavior while retaining the student in class or school. This includes <b>restorative school practices</b> to repair harm to relationships, specifically <b>resolution circles and restorative conferencing</b>.</p> <p>Requires the Maine School Safety Center to provide schools with <b>restorative justice assistance</b> and assistance regarding alternatives to traditional discipline.</p>

**Table 1. Summary of current Maine criminal, corrections, and education statute that refer to restorative justice or restorative interventions. See Appendix B for a compilation of relevant statute.**

<sup>‡</sup> The frequency with which these services are used is not known. The DOC’s policy can be found here: [https://www.maine.gov/corrections/sites/maine.gov/corrections/files/inline-files/Policy%206.8\\_.pdf](https://www.maine.gov/corrections/sites/maine.gov/corrections/files/inline-files/Policy%206.8_.pdf)

legal system. More recently, the DOC has focused specifically on funding “evidence-based, gender-responsive community programs to front-end youth, high-risk youth, youth of color, and female youth” with the goal of reducing recidivism and diverting young people at a higher rate.<sup>§</sup>

In state fiscal year 2024 (FY24), the Division of Juvenile Services contracted with six restorative justice program providers to provide restorative circles, mediation, conferencing, mentoring, and case support.

In addition to current funding, the DOC and Maine’s Juvenile Justice Advisory Group<sup>¶</sup> announced a new grant opportunity in March 2024 to support organizations working within marginalized communities, specifically “funding to support the work of small, racially diverse, community-based organization(s) that work with marginalized populations of youth involved in or at risk of becoming involved in the juvenile justice system.”<sup>\*\*</sup> This opportunity provides up to \$100,000 in grants to support youth, including delinquency prevention and positive youth development, cultural broker services to help youth and families navigate systems, and alternatives to juvenile criminal legal system processes for dispute resolution and community healing and accountability (in other words, restorative justice programs).<sup>¶¶</sup>

## Department of Education Support for Restorative Justice

The extent to which individual school districts across the state may or may not use formal restorative justice programs as a means to avoid student suspension or expulsion would require a more in depth analysis than could be undertaken for this report due to the localized nature of school decision making. As a result, this section focuses on statewide efforts advanced by the Department of Education related to restorative practices, rather than a school-by-school analysis of the extent to which restorative justice programs are in use.

Although not within the definition of restorative justice programs used in this report, Maine schools (with the support of the Department of Education) are beginning to advance restorative practices within educational structures. The shift toward a culture of student care and belonging – and away from a primarily punitive disciplinary system – was precipitated at the state level by the Maine School Safety Center, an office within the Maine Department of Education. The office was established in 2020 to provide training, guidance, and technical support for issues related to school safety and security.<sup>¶¶</sup> Shortly after its creation, the Maine School Safety Center launched a training program designed to guide schools through the process of integrating

Provider	FY 22	FY 23	FY 24
Aroostook County Action Program	\$165,000	\$165,000	\$100,000
Restorative Justice Midcoast	\$125,000	\$228,000	\$225,000
Restorative Justice Institute of Maine	\$200,000	\$227,000	\$292,500
Youth LED Justice (Maine Youth Court)	\$365,000	\$467,000*	\$375,000
Penquis Community Action Program	\$100,000	\$100,000	\$67,500
Downeast Restorative Justice	No contract	\$30,000	\$54,000
<b>Total</b>	<b>\$955,000</b>	<b>\$1,217,000</b>	<b>\$1,114,000</b>

Table 2. Maine Department of Corrections, Division of Juvenile Services contracts for restorative justice programs. Source: Department of Corrections.

\*Inclusive of an additional \$57,000 in one-time funding.

restorative practices.<sup>¶¶</sup> The “Creating A Culture of Care in Schools Using Restorative Practices” program is designed to:

- Help schools prioritize safety and mattering as foundations of the school culture in an equitable and inclusive manner. This includes reducing suspensions, expulsions, and arrests at school; improving school attendance; increasing graduation rates; and helping students learn to be accountable for their choices and repair harm to relationships and community.
- Support staff in developing the tools and confidence to respond to unwanted behavior in the classroom, with the ultimate goal of improving collegial relationships, building trust, and reducing staff turnover.

Restorative practices covered in the training include community building circles, navigating relationships, restorative conversations, and de-escalation techniques. Emphasis on the commitment and time required to build a restorative culture is maintained throughout the training – the Maine School Safety Center estimates that such a culture shift takes an average of three to five years. Of the 100 schools that expressed interest in the training, 19 schools are currently participating in the program’s pilot cohort.

In addition to advancing restorative practices in schools, the Department of Education is working with external partners to establish restorative community review boards for Maine youth. The boards are intended to help struggling youth access support, mentoring, and career development services, and when appropriate, offer restorative diversion away from the criminal legal system. Department partners collaborating on this effort include law enforcement, district attorneys, as well as other partners and agencies.

§ Maine Department of Corrections. (2020). Division of Juvenile Services, 2021-2022 Action Plan. <https://www.maine.gov/corrections/sites/maine.gov/corrections/files/inline-files/DJS%20Action%20Plan.pdf>

¶ The Maine Juvenile Justice Advisory Group is the State Advisory Group established under the federal Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA), which was most recently reauthorized in 2018 and has been codified in Maine law (Title 34-A M.R.S. §1209).

\*\* List of recipients available at: [https://www.maine.gov/dafs/bbm/procurementservices/sites/maine.gov/dafs/bbm/procurementservices/files/rfps/RFA%20202402022%20Selection%20Package\\_Final.pdf](https://www.maine.gov/dafs/bbm/procurementservices/sites/maine.gov/dafs/bbm/procurementservices/files/rfps/RFA%20202402022%20Selection%20Package_Final.pdf)

# Part V

## Advancing Restorative Justice in Maine

Considering Maine’s current restorative justice status, as well as documented disparities embedded within our criminal legal system, it is vital that Maine begins to consider new and alternative models of healing for communities impacted by crime. To gain insight from practitioners working in this space about possible paths forward, we conducted interviews with key Maine-based restorative justice stakeholders and analyzed the results to identify common themes across these conversations.††

In total, fifty-six interviewees shared their experiences and expertise in restorative justice. Interviews were held in semi-structured one-on-one and focus group formats, and occurred over the summer of 2022. Participants included those working within and alongside Maine’s existing restorative justice infrastructure, including those with direct experience of Maine’s criminal justice system; individuals working toward reform within the state’s legal and educational system; individuals who practice restorative and care-based relational work within their own communities, with an emphasis on Indigenous and Black individuals; and those currently working within Maine’s network of non-profit organizations focused on racial justice, immigrant advocacy, legal advocacy, trans youth justice, and reentry support.

Analysis of these interviews revealed wide-ranging themes and a diversity of orientations toward restorative justice. While it is beyond the scope of this report to highlight every theme, we have identified four prominent themes that we believe are worthy of further discussion because of their connection to the directive under PL 2021, Ch 101. Below we outline these themes and, where appropriate, use quotes from interviews to bring the authentic voice of practitioners into this analysis.‡‡

**“Restorative justice in my mind is about changing the way schools funnel kids into the juvenile justice system and contribute to the school to prison pipeline. We’ve tackled that very directly by removing School Resource Officers from our schools – the first major step towards saying, we recognize [the harm] and will not be complicit in it.”**  
(ME012)

### **THEME 1: Multiple definitions of restorative justice are being used across Maine’s various practitioner communities.**

From these interviews, it is clear that multiple definitions and interpretations of restorative justice exist among Maine’s practitioners today. Two prominent interpretations were particularly notable:

- 1** The first interpretation sees restorative justice as a technical mechanism for diverting people away from the criminal legal system. This interpretation sees restorative justice as a legal tool that can be assessed quantitatively to measure success, and is capable of being integrated into the existing structure of the state. In doing so, restorative justice under this definition seeks to **“reduce the stigmatism and humanize our interactions”** (ME014) within the broader established frameworks of the criminal legal system.
- 2** The second interpretation sees restorative justice as a process of truth-telling, community building, and collective healing that is always and has always been occurring within marginalized communities. This view sees interpersonal harm as a normal part of social relations that requires restorative action to make a community whole again. In this interpretation, restorative justice is a way of being in community with one another and therefore culturally specific, unquantifiable, and necessarily outside of the state. This perspective is evident as one interviewee stated: **“Restorative justice doesn’t live with the state Legislature because it is a philosophy. It’s a way of being together. And I think that that really needs to happen in a community — people need to grow strong communities together.”** (ME002)

†† Interviews were conducted by Jeremy Mack, while the analysis was completed by Permanent Commission research staff.

‡‡ Quotes have been slightly edited for clarity or to protect anonymity of respondents.



Which of these definitions an individual holds depends in large part on where they operate within the current system. Those doing work in communities — especially in marginalized Indigenous, Black, Latino, and Queer communities — tend toward the latter definition, while those working within the system tend toward the former. In some cases, individual practitioners may hold both interpretations in tension, seeing them as necessary ways to relieve harm that is occurring right now within the existing legal system: **“I do think... reasonable minds can disagree about the extent to which a place like a prison shouldn’t be allowed to join the restorative justice movement...Let’s say if there’s harm inside the prison, and there’s a choice between a prosecutor piling on charges to people who are already doing time. Should we take a restorative approach, and not take a criminal legal approach? I think that could be perfectly valid.”** (ME016)

While interviewees were aware of these differences, they also saw diversity among practitioners in their approaches as an asset and natural feature of restorative justice in practice. Many articulated the importance of both perspectives, but also noted that their own values or cultural traditions made one or the other more relevant to their work, or changed the arrangement of partnerships they saw as available to them in advancing their specific vision in their specific community.

## **THEME 2: These differences shape perspectives on what role the state should play in advancing restorative justice.**

Stemming in large part from the semantic differences identified above, interviews showed that a wide range of beliefs exist among stakeholders about what role the state specifically should play in advancing restorative justice. For those who conceptualize restorative justice as a practice of relationality — especially among those already marginalized by the criminal justice system — the state is often seen as not having a significant role to play in advancing restorative justice in practice. In some cases, attempts by the state to set standards of behavior or otherwise influence these processes was seen by interviewees as a problem: **“Putting something in statute that governs how Black folks who are organizing together — what they can and can’t do — that’s going to be oppressive.”** (ME003)

This concern — that state intervention posed some risks to restorative justice practicing communities — was brought up in a majority of interviews, even by those who are generally supportive of state efforts to advance restorative justice. At the same time, many interviewees raised the necessity of state engagement in this work because of the state’s role in perpetuating systemic harm through existing punitive legal infrastructure. Many interviewees noted a desire for the state to actively participate in criminal justice reform efforts,

address existing practices in policing and incarceration, or even shutter its facilities, as expressed by one individual who stated: **“I think the state should kind of make up its mind where they’re at with this. Right? So if it is acknowledged that [restorative justice] is a true alternative path, particularly for youth, for all the reasons that we just discussed, then we need government support for that, right? Because how can you have an extra system of dealing with wrongdoing that isn’t recognized by the existing power structure?”**(ME023)

The most frequently cited topic around state intervention was related to funding. One interviewee summed up this theme succinctly by articulating that **“restorative justice is essential for public well being, so therefore the state has a responsibility to help create the structure of the thing. I mean, it created this structure of policing, and surveillance, because it felt like that was in the public well being and has dumped a tremendous amount of resources to do so. And I think that if we value restorative practices in that same way, then it’s going to take that same type of lift and definitely needs to be resourced.”** (ME025)

The question of funding was identified by the majority of interviewees, but it also proved to be a complicated and contentious topic. Those who call for state funding widely noted the need for funding to be sustained — not in the form of pilot projects that exist for a few years and then disappear. Others also highlighted that funding needed to be significant and widely available so that it didn’t result in further competition among restorative justice organizations. **“[It would be good if] we all are part of this bigger broader funding package and we’re not competing with each other. Policy to me needs to head in that direction instead of stinking RFPs, where it’s like, whoever can bid the lowest or whoever can give the most for the least amount of money is [who gets the bid]. That’s not the way we should be doing things.”** (ME004)

Concerns also arise, moreover, about who should control and distribute funding, with some interviewees expressing a desire to have that funding exist beyond the Department of Corrections. And while almost all interviewees noted the need for more funding, many also say this as a complicated issue to navigate, especially given concerns that dedicated streams of state funding could:

- Have a moderating influence, where more funding would go to (primarily white-led) organizations that have “professionalized” their approach to restorative justice work, further entrenching racial disparities in access to diversion programs. **“[With funding from the] state comes certifications, degrees, standardization, all things that RJ and restorative practices like, that’s not the way that we want to do things. It’s for everyone, it doesn’t matter where you come from, it doesn’t matter if you have degrees or**



certifications. So I think that one of the things that I'm most afraid of is RJ turning into something that communities can't even access anymore, or even less so than they can already." (ME030)

- Allow the state to avoid addressing underlying harms, thereby washing its hands of culpability. "We're doing this thing with like a few people. And that's great. You know, it's great for those few people. But is it really affecting the system?" (ME004)
- Make restorative justice vulnerable to changing political administrations or individuals who come into positions of power holding more punitive ideas of justice. "I don't begrudge anybody that's taking funding from the state. But it makes it a lot harder to do what you want to do...The weird thing about DOC is that there are people that are not at the highest level in DOC that have way more power than you would ever imagine. And they can throw a monkey wrench into anything." (ME004)

This does not, however, mean that interviewees saw no role for the state in advancing restorative outcomes. In fact, an overwhelming number recognized the very important role of the state in directing funding toward the sort of social programs that could allow restorative justice to have more of an impact. As one interviewee stated, "in an ideal world, [the state] would be putting money and funding towards community services. So, that doesn't mean just restorative justice organizations, that means food cupboards, it means teen shelters, and homeless shelters and places that really are there for community members. That is one of the things that the state can do to help support the growth of restorative justice." (ME030)

By creating the social infrastructure to build strong communities, to feed people, to ensure adequate pay for teachers, and to ensure that everyone is housed in a safe and stable environment on the front end, interviewees perceived that the state can be more impactful in reducing contact with the justice system than it can by instituting diversion programs on the back end alone.

### **THEME 3: Practitioners express concern that without intentional action, restorative justice programs risk perpetuating many of the same systemic inequalities in the existing criminal legal system.**

Many interviewees acknowledged the systemic injustices embedded in Maine's current criminal justice system that disproportionately impact people of color. Overwhelmingly, they also pointed to restorative justice as a better alternative for marginalized communities

who have historically been targeted and harmed under these systems. However, our interviews also widely noted that disparities exist today in who can access these opportunities. "I just feel like people with means are disproportionately given access to restorative justice. Because poor people have already been criminalized. So perhaps they're prohibited from engaging, or they're just not seen as a good fit for the program or because their criminal charges are elevated because of priors or whatever it is. I think unless people are making it a priority to track who is being included, and who is being excluded, and really correcting for that problem in the moment, it's just going to replicate those disparities. And the same people who usually get out of trouble will get out of trouble. And the same people who get the boot crushed on them will still have the boot." (ME039)

Increasing access to restorative programs, especially for people of color, was a major theme across our interviews. However, respondents also noted that Maine's restorative justice organizations (especially those receiving referrals from the state) are overwhelmingly white-led, that practitioners are overwhelmingly white, and that the racial chasm between who facilitates and who participates in a restorative process matters for whether or not these opportunities are effective. "If a person of color finds when they enter a courtroom, they tend not to look like the judge, and the judge doesn't look like them, there's this natural chasm that exists without time to build a relationship between the two. Those outcomes are going to be negative. However, equally so, if the restorative practice is being performed by an entity that is all of one race, and then the individual comes in and they're from another race, you might have those same negative outcomes." (ME015)

Interviewees also noted the very real challenges of diversifying the practitioner pool. Many individuals doing restorative justice work within communities, for example, hold a more transformative orientation toward criminal justice work, and choose not to participate in work alongside the criminal legal system. Others note that their lived experiences make restorative justice work particularly difficult to sustain. "This is not just a movement, it's our livelihood. This is our reality. And a lot of us didn't have a choice to be working in racial justice movements. These are issues we were born into and forced us into a lot of spaces where we had to fight for our lives or fight for the lives of our loved ones, or fight, fight for rights, and all this stuff... In this field of work, a lot of people are doing this because they have to, or because they've been really harmed by inequities. And so it's, it becomes really personal, which can be even harder and more of a burden to carry." (ME046)

Because of this, a number of interviewees noted that while restorative justice organizations are not necessarily responsible for the racial make-up of

their staff, they do hold the primary responsibility in ensuring that restorative justice work elevates people of color, especially into leadership positions. In addition, participants noted the need for restorative justice organizations to uplift ongoing efforts within system-impacted communities, and support their work through multiple channels within and beyond restorative justice.

## **THEME 4: Advancing restorative justice is a balancing act between legislation and cultural transformation.**

The vast majority of individuals we spoke with noted that for restorative justice to take hold in Maine, we need more than legislation — we need cultural and structural change. Interviewees noted that our existing legal system is not an accident of history, but the result of cultural norms and practices steeped in long histories of systemic racism. **“Really what’s underneath, are oppressive systems that were born out of a painful history in this country, that are inherently unjust and racist. And we can’t not talk about those things as we try and create something new.”** (ME009)

In this sense, restorative justice for many of our interviewees **“is not necessarily a thing, an event, a noun. It’s a philosophy, it’s a paradigm that has to be embraced”** (ME022) and one that is frequently framed as sitting outside of — and often in contrast to — our existing culture that prizes punitive justice in schools, in workplaces, and in our legal system.

Many interviewees noted that punitive mentalities toward criminal behavior are widespread, both within the structures of the legal system and within the broader population, including in some cases within marginalized communities themselves. As one respondent noted, advancing restorative justice practices today is sometimes a hard sell in part because of how embedded

current power structures are in the punitive model of justice. **“[Police] are people who carry hammers and have seen the whole world as nails for 40 years. Offering this restorative justice perspective, [they] construct them as newfangled, too risky.”** (ME016) Who sits in these positions of power impacts when, where, and how they are implemented, and has resulted in part, according to interviewees, in the uneven distribution of restorative justice programs across the state.

As a result, many interviewees talked about the importance of presenting restorative justice as a realistic, practical, and ethical alternative to the current system — both the result of AND an important part of undertaking such cultural change. Many framed restorative alternatives to criminal justice as common sense solutions, including one interviewee who stated that **“if we find harm reduction is important, then we’re going to invest in the things that reduce harm. Incarceration does not reduce harm. Jailing people does not reduce harm. Probation does not reduce harm. Mass surveillance and setting people up to fail without the support they need. But if restorative justice is a component of what my concept of public safety and harm reduction would be, then we should fund that. We should try something new. Because what we’ve done is not working.”** (ME039)

Others articulated that this transition will require a reframing of what “successful” restorative justice programs look like, noting the need to move away from quantitative metrics of diversion and recidivism and toward stories that capture the human impact to people and communities who move through the restorative justice process. As stated by one interviewee, **“whether it’s called transformative justice, restorative justice... peer-to-peer—whatever it’s called—I think it’s really part of a return to relationships that I think we’re really hungry for.”** (ME015)

# Part VI

## Conclusions and Next Steps

Findings from this research showcase that restorative justice is a complex set of practices, the meanings and boundaries of which are still being negotiated across communities in Maine. Undeniably, the richness and diversity of restorative justice spaces that have emerged organically throughout the past 50 years is an asset to community-centered healing, creating entry points for people, communities, and practitioners to advance an alternative vision to the harm caused through a punitive system. At the same time, these differences create a challenge for the state as it looks to navigate the best possible pathways of support.

The Permanent Commission's Policy Committee acknowledges that there are no "quick-fixes" to the current racial disparities within the criminal legal system and that the perspectives explored in this report to date are complex and always evolving. We see this report as the start (rather than the end) of an ongoing and long-term discussion about opportunities to build a more equitable and just system that benefits all Mainers, by prioritizing strong community connections and collective healing and humanization over punishment.

Based on findings from this report, the Policy Committee of the Permanent Commission draws the following conclusions:

- Within and beyond restorative justice opportunities, it is essential that we continue to explore opportunities for addressing the disproportionate impact of the criminal legal system on communities of color. While restorative justice alone is unlikely to fix racial inequalities embedded within the system, coupled with broader efforts for criminal justice reform, it may create opportunities to mitigate the collateral consequences associated with conviction and incarceration, leading to downstream benefits for racial equity.
- Maine's efforts to enhance restorative justice would not need to start from scratch. Where the formal structures for restorative justice within Maine may fall behind those in other states like Colorado and Oregon, we have a rich and thriving network of community-based organizations engaged in restorative work who

can lead efforts within their own communities toward systemic change (for a sample of these organizations, see Appendix D).

- Although there are restorative justice programs designed to divert youth offenders from the criminal legal system in most counties in Maine, more work still needs to be done to mitigate the use of Long Creek and to improve sustained funding for adult diversion prior to incarceration. This will likely require improved coordination among a large number of actors, including but not limited to juvenile defense attorneys, legal scholars, prosecutors, and formerly impacted youth in the justice system to effectively balance the needs of victims and system-impacted people.
- The pipeline to prison is often begun through disciplinary actions in schools. There is supporting data to show that students of color are being disciplined more and at times receive harsher suspensions or are expelled at higher rates than their counterparts of other races and ethnicities within Maine. This is an area where restorative justice programs may have significant positive impacts on individual lives while also disrupting systemic inequalities over the long term.
- Opportunities for restorative justice practitioners to gather together in recent years have been limited, resulting in few meaningful conversations about how best to advance this important work. Bringing practitioners together could help to build renewed energy in restorative justice initiatives and foster pathways toward broader cultural change toward a restorative ethos in Maine.
- Effective restorative justice starts in communities and is responsive to community needs. As a result, specific proposals to advance policy frameworks for a statewide approach to restorative justice should be led by those communities that are most impacted and that have the lived experience and subject matter expertise in this area.<sup>§§</sup>

§§ See Appendix F for policy recommendations provided by the Maine Restorative Justice Coalition.

# Recommendations of the Policy Committee

The Policy Committee of the Permanent Commission intends to continue monitoring and supporting legislation at the state level that we believe will effectively advance restorative justice opportunities and efforts towards broader criminal legal system reform. We also continue to commit ourselves to programs, activities, and policies that disrupt the systemic inequalities that drive people towards contact with the criminal legal system in the first place. With this in mind, we propose the following recommendations to advance this work:

## **RECOMMENDATION 1: Expand support for programs that build strong and healthy communities.**

As the state of Maine explores opportunities for enhancing restorative justice, it is important to continue supporting upstream interventions that prevent initial contact with the criminal legal system. This includes programs that build strong communities, ensure people have sufficient access to nutritious and culturally appropriate food, and support efforts to ensure everyone has access to appropriate housing, transportation, and employment opportunities. One way to accomplish this goal could be creating partnerships with the Maine Department of Health and Human Services to promote opportunities for Supplemental Nutrition Assistance Program (SNAP) recipients to purchase culturally appropriate food. Another example could be working with MaineHousing to identify and revise policies to mitigate barriers to housing as a collateral consequence of past criminal convictions.

## **RECOMMENDATION 2: Build momentum among practitioners and the broader restorative justice community.**

Building on the findings of this report, the Policy Committee encourages the Permanent Commission to identify funding to create a two-part symposium intending to bring together those with an interest in restorative justice in Maine.

Part one of the symposium would create space for practitioners to come together to:

- strengthen ties among their existing organizations;
- build coalitions to advance restorative justice locally and regionally;
- identify desirable areas of state support or intervention.

Part two of the symposium would invite a broader range of actors together—including restorative justice practitioners, legal scholars, victim advocacy organizations, system-impacted people, and government officials—with the goals of:

- advancing education around the principles and practices of restorative justice;
- building enthusiasm and support for restorative justice interventions and community healing;
- thinking creatively about how restorative justice can be leveraged to address racial and class-based inequalities.

## **RECOMMENDATION 3: Explore opportunities for using restorative justice to divert adults and youth from the carceral system.**

Those in the Department of Corrections (DOC) are doing important work currently to integrate restorative justice processes into the criminal legal system. However, we encourage the DOC to work closely with impacted communities and prosecutors to mitigate the use of juvenile facilities such as Long Creek and the use of prisons for adults by diverting prior to the point of incarceration. Catalyzing this change likely requires coordination among a large number of actors, including but not limited to juvenile defense attorneys, legal scholars, prosecutors, and formerly impacted youth in the justice system from across the state. We encourage increased discourse among these actors to create opportunities that prioritize the needs of victims and system-impacted people. These conversations may be part of the symposium proposed above or a separate session running concurrently, but will likely require long-term sustained interactions between the involved parties to bring about sustainable change.

This report lays out what we currently know about the status of restorative justice in Maine. Although its drafting generated more questions and areas for further exploration than it provided clear answers, it also made clear the immense value in an open and honest dialogue about the shortcomings of our current criminal legal system and the diversity of opportunities before us to resolve them. As practitioners and communities continue to advance restorative justice initiatives in Maine, we hope that this report serves as a continuing resource and a benchmark against which future progress towards equitable outcomes can be measured.

# Appendix A

## Acknowledgements

The Permanent Commission is eager to acknowledge the meaningful contributions to this report by Jeremy Mack, with particular support from Leo Hylton, Sarah Mattox, Leslie Ross, and Tim Hughes. This effort would not have been possible without the support of the Maine Restorative Justice Coalition, and all restorative practitioners who work in communities across the state. Thank you as well to everyone who took the time to share their wisdom with us through the writing of this report. In particular, thank you to members of the Juvenile Restorative Justice Council, the Juvenile Justice Advisory Group, the Data Innovation Project, as well as restorative justice practitioners and advocates in Vermont, Colorado, Oregon, and New York. Thank you also to the more than 50 people who agreed to be interviewed throughout the process of researching this report, whose insights and perspectives were so meaningful in bringing shape to this work.

Finally, we would like to thank and acknowledge the work and community building happening within Wabanaki Nations, legacy African American, African diasporic, Latine, Asian-American, and other Maine-based communities of color that use modalities of restorative, reparative, and peacemaking circles. This report-writing process has shed light on the ways that communities continue to use and innovate long-standing conflict mediation and healing processes outside of the formal criminal legal system.



# Appendix B

## Current Maine Statute

### TITLE 15: COURT PROCEDURE—CRIMINAL

#### Part 6: Maine Juvenile Code

##### §3204. Statements not admissible in evidence

Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a juvenile community corrections officer ... during a restorative justice program ... are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts[...].

[...]“restorative justice program” means a program in which offenders take responsibility for causing harm and engage in a facilitated process with victims, family members, community members or advocates and others impacted by the harm that focuses on repairing the harm, addressing needs and preventing future harm.

##### §3308-C. Confidentiality of juvenile case records

10. Juvenile case records sealed. This subsection governs the sealing of juvenile case records of a person adjudicated as having committed a juvenile crime. [...]

C. At the time a person adjudicated to have committed a juvenile crime ... is finally discharged from the disposition imposed for that juvenile crime, the court ... shall ... enter an order sealing from public inspection all records pertaining to the juvenile crime and its disposition. Appropriate notice that the juvenile is discharged from the disposition: [...]

(2) Must be provided to the court by the office of the prosecuting attorney if disposition included ... a restorative justice event and the court ordered that proof of completion of the obligation [...]

### TITLE 20-A: EDUCATION

#### Part 2: School Organization

##### §1001. Duties of school boards

School boards shall perform the following duties.

15. Adoption of student code of conduct. With input from educators, administrators, parents, students and community members, they shall adopt a districtwide student code of conduct .... The student code of conduct must:

I. Provide that recess may not be withheld as a consequence of a violation of the student code of conduct by any student enrolled in grade 5 or below, except that when there is no alternative time available, recess time may be used for restorative interventions ... related to the student's behavior;

15-A. School disciplinary policies. When revising the prescribed consequences for violation of the student code of conduct ... a school board shall consider districtwide disciplinary policies that:

## TITLE 20-A: EDUCATION (CONTINUED)

B. Focus on positive and restorative interventions that are consistent with evidence-based practices rather than set punishments for specific behavior and avoid so-called zero-tolerance practices unless specifically required by federal or state laws, rules or regulations. For the purpose of this paragraph, “restorative interventions” means school practices that are designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior;

### Part 3: Elementary and Secondary Education

#### §4014. Use of seclusion and physical restraint

4. Technical assistance. The department shall, using existing resources, provide technical assistance to covered entities by developing, implementing and providing technical assistance to support evidence-based programs that reduce the likelihood of physical restraint or seclusion, and support students in reducing behavior that can result in physical restraint or seclusion, such as ... restorative justice programs, trauma-informed care and crisis and de-escalation interventions.

#### §6554. Prohibition on bullying in public schools

2. Definitions. As used in this section ... the following terms have the following meanings:

“Alternative discipline” means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student’s specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student’s misbehavior. “Alternative discipline” includes, but is not limited to:

(8) Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;

#### §6555. Dangerous behavior prevention and intervention[...]

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. ... If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to: [...]

D. Restorative practices and restorative interventions; [...]

#### §6557. Maine School Safety Center

The Maine School Safety Center, referred to in this section as “the center,” is established within the department to assist schools in their efforts to provide for the overall safety of their school community. The primary role of the center is to provide training, guidance and technical support to schools in this State regarding their efforts to safely mitigate against, prepare for, respond to and recover from all hazards and threats.[...]

3. Services to schools. The center is responsible for providing the following services to schools in the State: [...]

H. Restorative justice assistance and assistance regarding alternative discipline;

## TITLE 28-B: ADULT USE CANNABIS

### Chapter 1: Cannabis Legalization Act

#### §109. Enhanced training for criminal justice agencies and municipalities

The department shall develop and implement ... programs or initiatives providing enhanced training for criminal justice agencies and municipal officers and employees in the requirements and enforcement of this chapter ... including, but not limited to, programs providing grants to regional or local criminal justice agencies or municipalities to train law enforcement officers and, if applicable, municipal officers and employees ... in restorative justice, jail diversion, cannabis industry-specific technical assistance and mentoring for economically disadvantaged persons in communities disproportionately affected by high rates of arrest and incarceration for cannabis-related offenses....

## TITLE 34-A: CORRECTIONS

#### §1001. Definitions

As used in this Title [...] the following terms have the following meanings.

15-B. Restorative justice. “Restorative justice” means a practice in which offenders take responsibility for causing harm and engage in a facilitated process with victims, family members, community members, advocates and others impacted by the harm that focuses on repairing the harm, addressing needs and preventing future harm. [...]

#### §1214. Office of Victim Services[...]

3. Duties. The office, through the Victim Services Coordinator and other victim advocates, shall: [...]

F. Assist victims with obtaining victim compensation, restitution and other benefits of restorative justice; [...]

#### §1402. Duties

In addition to other duties set out in this Title, the commissioner has the following duties.[...]

10-B. Culturally informed prevention, diversion and restorative justice programs. The commissioner shall ensure that any prevention, diversion or restorative justice programs established by the commissioner and serving a juvenile who has been adjudicated of a juvenile crime and who has not attained 21 years of age provide for that juvenile culturally informed services, including, but not limited to, referrals to community based services and supports, housing, case management, education and employment resources, and provide language services for that juvenile and the juvenile’s family and support system, as necessary.

# Appendix C

## LD 1226

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IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

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H.P. 897 - L.D. 1226

**Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice**

**Sec. 1. Restorative justice review. Resolved:** That the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-J, shall conduct a review of proposed and passed national restorative justice legislation and make recommendations in the areas of education, juvenile justice, adult diversion and correctional settings for advancing restorative justice legislation in this State. In conducting the review, the commission shall pay particular attention to race and ethnicity equity and to concerns of confidentiality, victim and perpetrator rights, the readiness for engagement in restorative justice and restorative justice as a sustainable form of justice. The commission shall provide a copy of its recommendations to the Joint Standing Committee on Judiciary.

**Sec. 2. Legislation. Resolved:** That the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations is authorized to submit legislation based on its recommendations under section 1 to the Second Regular Session of the 130th Legislature.



# Appendix D

## Maine-based Organizations Offering RJ Programs Through DOC Contracts

Organization	Description of Program
Penquis* Counties served: Penobscot Piscataquis	<p>The Restorative Justice Program provides prevention and intervention services to prevent youth from entering the juvenile justice system and reduce recidivism. Prevention includes working with at-risk youth to learn skills surrounding behaviors and the impact of behaviors. Intervention includes a restorative process once harm has been done, including re-entry circles, restorative conversations, and circles involving all those involved in an incident.</p> <p>Referrals are made by Juvenile Community Corrections Officers, school resource officers, school administration, and local law enforcement.</p>
Youth-LED Justice† Counties Served: Cumberland, Androscoggin Sagadahoc	<p>Youth-LED (Learning, Education, Diversion) Justice is a youth-led restorative diversion program that uses restorative circles to develop a restorative plan that the youth is responsible for completing by the end date.‡ They work with youth (aged 11-18) who are facing a civil or criminal charge, or a school disciplinary measure.</p> <p>Referrals are received from juvenile court, officers of the law, school districts, or a community organization.</p>
Downeast Restorative Justice§ Counties served: Hancock	<p>DRJ facilitates a range of community based harm repair processes. DRJ provides presentations, trainings, coaching, facilitation and ongoing support of restorative practices to schools.</p> <p>DRJ accepts referrals from anyone: from individuals, organizations, case managers and other professionals, to the Court, Office of the District Attorney or Department of Corrections, our trauma informed and healing centered facilitators will support and guide participants through our processes.</p>
Restorative Justice Project Maine / Restorative Justice Midcoast¶ Counties served: Knox Waldo	<p>The Restorative Justice Project hosts a Community Harm Repair Program that engages “community members who are entangled in conflict, perhaps have been harmed by crime or charged with a crime, caused harm.” They also have other programs aimed at community building and community reentry.</p> <p>Referrals are made by law enforcement in lieu of summons or arrest.</p>
Restorative Justice Institute of Maine**	<p>Facilitates processes with youth and young adults who are at risk for involvement in the criminal justice system, survivors of sexual harm and people with disabilities in residential settings. Also partners with the Cumberland County District Attorney’s Office on voluntary diversion and rehabilitation programs.</p>
Aroostook County Action Program†† Counties served: Washington Aroostook	<p>Offers County Restorative Practices, which provides support and training to schools and organizations across Aroostook County and provides diversion for justice-involved youth in Washington and Aroostook Counties.</p>

\* <https://www.penquis.org/services/youth-services/>

† <http://www.youthledjustice.org/diversion.html>

‡ <http://www.youthledjustice.org/what-is-a-ylj-harm-circle.html>

§ <http://downeastrestorativejustice.org/>

¶ <https://www.rjpmidcoast.org/>

\*\* <https://www.rjmaine.org/overview>

†† <https://acap-me.org/programs/preventionwellness/>

# Appendix E

## Maine DOC Restorative Practices Programming for Adults

Practice	Summary	Mission/Vision
BE HEARD (BH) Resident Group	This is a 9-circle course with a curriculum designed to introduce the philosophy of Restorative Practices and how it applies individually, relationally and in daily life. Voluntary only. (8-10 Residents Max)	The mission of this activity is two-fold: 1) Provide the philosophy and skills to internalize concepts to benefit residents in growth and healthy relationships. 2) Prepare residents for use in units and other areas where RJ could be useful within and outside of the facility.
Circle Keeper Training (CKT)	This is a 3-day (24 hour) course designed to train participants in the fundamentals of basic circle keeping techniques. Available to staff and residents.	The mission of this training is to prepare participants for leading community building, decision making, and listening circles. It is a pre-requisite to Repair/Harm Circles and Healing Circles.
Advanced Circle Keeper Training (ACKT)	To be determined. Course will provide the next level of Circle Keeping Training to include Repair/Harm Circles and Healing Circles. Staff only at this time.	The mission of this training is to prepare participants who have completed CKT along with a to be determined number of basic circles in providing Repair/Harm Circles within facilities.
Application Circles	This is a circle for targeted resident groups (such as individual unit walks) to build community, address issues, and support/celebrate participants.	The mission of these circles is to provide an avenue to practice effective communication, decision making, concerns, and explore conflict management, and pro-social opportunities.
Exploration Circles	This is a four-session circle covering resident chosen topics to explore as a group. (Maximum of 6-8 residents)	The mission of these circles is to explore topics of resident interest that provide a forum to discover ways to decrease barriers to success.
Adult Harm/Repair Circles	These are highly specialized circles upon referral and include safety assessment, pre-conferencing, and post-conferencing within facilities.	The mission of these circles is to enhance offender understanding of impact, discover avenues of repair/healing for those harmed, and develop opportunities to restore community within facilities.
Juvenile Harm/Repair Circles	These are highly specialized circles upon referral and include safety assessment, pre-conferencing, and post-conferencing within facilities.	The mission of these circles is to enhance offender understanding of impact, discover avenues of repair/healing for those harmed, and develop opportunities to restore community within facilities.
Healing Circles	These are highly specialized circles upon referral and include safety assessment, pre-conferencing, and post-conferencing with resident and approved family members and natural supports.	The mission of these circles is to address damage to a resident's family/community structure and identify healing opportunities prior to transition out of facility.
Listening Circles	These are specialized circles facilitated to provide opportunity to share perspective, experience and give empathy and to contribute to a collective voice for developing positive solutions or processing difficult topics.	The mission of these circles is to build mutual space to process difficult topics/events or build community/team from those experiencing conflict or discontentment. These are effective for exploring areas of disunity in groups.
Transition Circles	These are highly specialized circles upon referral and include safety assessment, pre-conferencing, and post-conferencing to support residents who are transferring to the community.	The mission of these circles is to bring together natural and professional supports from within and outside of the facility to review transition plans, communicate concerns, needs, and resources. If resident is transitioning to probation, ACC is included.

Victim Impact Dialogue (Victim's Services)	These are opportunities for victim-initiated conversations with the offender who is incarcerated. This is EXCLUSIVELY run through the Victim's Services Office with MDOC.	The purpose of a VID is to provide a space for victim healing. It allows victims to have a voice, be heard, and seek answers to their questions, while offenders can gain insight into the impact of their actions and take responsibility for their behavior.
Impact of Crime Class	This is a nationally offered curriculum from the Office of Victims of Crime.	The purpose is to provide an educational look at how particular crimes impact victims in a holistic view allowing residents to empathize with those who have been harmed. This is a voluntary class.
Stay Free Juvenile Resident Curriculum	This is an 8-10 circle course with a curriculum designed to introduce the philosophy of Restorative Practices and how it applies individually, relationally and in daily life designed specifically to meet the developmental needs of adolescents.	The mission of this activity is two-fold: 1) Provide the philosophy and skills to internalize concepts to benefit residents in growth and healthy relationships. 2) Prepare residents for use in units and other areas where RJ could be useful within and outside of the facility, including Harm/Repair Circles.
RJP Internship with Mediation Students - UMA	This is a credit bearing program through UMA that allows students, both incarcerated and not to co-facilitate BE HEARD using Non-Violent Communication Mediation skills.	The purpose of this program is to provide opportunity for performing Restorative Practices in the incarcerated setting. Interns reinforce RJP and mediation through supporting curriculum, research, and training.
Team Building Circles - Staff or Residents	This is designed for teams of MDOC staff or residents who want to develop vision and strategy for the goals of their work. The practice is designed on the needs and availability of the team.	The purpose of this program is to create stakeholder ownership of team direction, improve communication, and build healthy working relationships.
RJP Foundational Training	This is designed to provide foundational knowledge of the philosophy and practices of Restorative Justice while giving participants the experience of participating in a Circle.	The purpose of this program is to support the Maine Model of Corrections Mission, Vision, & Values, while providing a common restorative language to those in the field.
Restorative Mentoring Programs	These are highly specialized programs that permit exceptional residents the opportunity to participate in strictly designed and monitored mentoring programs for youth and peers.	The purpose of this program is to provide opportunity for residents who have illustrated understanding, application, and skills to support others in a Restorative fashion.
Restorative Curriculum Mentoring	These are programs designed by residents who are interested in providing opportunities for others in a Restorative manner. Staff trained in curriculum design mentor the residents.	The purpose of this program is to allow residents with previous skillsets and expertise the opportunity to provide spaces for peers to learn, practice and explore pro-social activities.
RJP Facility Advisory Committees	The facility committees are designed to include resident and staff input into the implementation and application of RJP within the individual facility.	The purpose of these committees are to assess, analyze and plan the direction of how RJP is included in the facility community and provide recommendations based on needs.
MDOC RJP Steering Committee	The MDOC Steering Committee is designed to include stakeholders from across the Department to incorporate the needs, goals, and opinions of all.	The purpose of this committee is to guide the direction of Restorative Practices within corrections to increase fidelity and sustainability of the processes,

ACC – Adult Community Corrections, Statewide

JCC – Juvenile Community Corrections, Statewide

LCYDC – Long Creek Youth Development Center, South Portland, Maine

MCC – Maine Correctional Center, Windham, Maine

MDOC – Maine Department of Corrections, Central Office, Augusta, Maine

MSP – Maine State Prison, Warren, Maine

MVCF – Mountain View Correctional Facility, Charleston, Maine

SMWRC – Southern Maine Women's Reentry Center, Windham, Maine

UMA – University of Maine, Augusta

WC – Women's Center at the Maine Correctional, Windham, Maine

# Appendix F

## Recommendations From The Maine Restorative Justice Coalition

The mission of the Maine Restorative Justice Coalition (MERJ) is: *to collaboratively establish and sustain restorative practices and principles across Maine through building resources, advocating for legislation, promoting education, and fostering cooperation among restorative justice practitioners.* Members include representatives from community-based restorative practicing organizations and individuals who are facilitating independently. This Coalition has met weekly since 2020 and its vision is: “MERJ stands as a collective of voices for healing, truth telling, and accountability, and is committed to building relationships and strengthening communities; MERJ seeks to transform Maine into a Restorative State where alternatives to punishment, carcerality and isolation are widely practiced and accessible.”

For more information on MERJ, please check out the forthcoming website with an intended publication date of February, 2025.<sup>¶¶</sup>

MERJ members deeply appreciate the work of the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations for undertaking this report. We stand together in acknowledging that *there is no justice without racial justice.* MERJ members were honored to have been active participants in the national literature review on restorative justice legislation, as well as in conducting Participatory Community Action-based interviews of Maine-based stakeholders. While this project has been slow-going at times, it is appropriate given the ethos of restorative ways of being and the dedication to first causing no additional harm. Many states have enacted restorative legislation that has ended up inadvertently hampering the development of the field, has been repealed due to lack of resourcing, or exists but is hollow because there is no infrastructure to enforce it. As our friend, Bruce

King, at the Commission is fond of saying: “culture eats policy for lunch.” Legislation is only as powerful as the collective will to enact it.

MERJ members look forward to future dialogue with a diversity of thought-leaders on what restorative-minded legislation will best serve Maine. In our research and conversation, there are some clear ‘next-right steps’ that merit consideration. These include:

- 1. Notification for persons harmed that restorative options exist.** This notification should be trauma-sensitive and include how to access these options, as well as what the benefits of restorative justice may offer them.
- 2. Sustainable funding for restorative justice programming in response to adult harm.** Several states (e.g. Oregon, Colorado) have a grant program that delineates clear standards of practice, has outcome measures in place to assess both equity of access and equity of outcome in RJ processes, and which allows both existing and new programs to offer restorative opportunities in their communities.
- 3. Protection for what is said in restorative justice processes.** While there are myriad models across the nation of how to go about doing this, a fundamental need for participants in RJ processes is to be able to speak from the heart, honestly and openly, about what their experience was. Without protection of some form in place that prohibits the criminal legal system from utilizing what is said in the RJ space against the participants, then the healing potential of a restorative justice process is severely limited.

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¶¶ <https://www.MaineRJ.org>



# Appendix G

## Continued Learning about Restorative Justice in Maine

Many resources exist to learn about the current state of incarceration in Maine, including through insights from those who are currently and formerly incarcerated. Many of the resources below are drawn from [the Place Matters project](#),\*\*\* housed within the Justice Policy Program of [Catherine Cutler Institute](#) at the [University of Southern Maine](#). The Place Matters team aims to support the state of Maine and its communities in redesigning, implementing, and evaluating a community-based continuum of care through systems innovation, data resources, and community inclusion. Below are some resources related to youth, families, and incarceration.

Article: [What Are We Waiting For?](#)

This collection tells the stories and poems of women and their families who have been impacted by incarceration in Maine and New York, the pathways that brought them to justice system involvement, and what inspires them to remain hopeful.

Article: [Breaking the Cycle](#)

This report provides a snapshot of the number of children who were impacted by parental incarceration in the state system over a 5-year period (2015-2020). By ensuring Maine families have access to appropriate services and a community-based network of support we can stop the cycle of intergenerational incarceration and improve outcomes for Maine's children.

Article: [From Pipelines to Informing Place-Based Strategies](#)

This report challenges the notion that individual choices drive delinquent or criminal behavior. Rather, key community characteristics have been consistently identified as determinants of youth vulnerability, risky behavior, and poor outcomes. Examples of these community level determinants include concentrated poverty, housing stability, school quality, and social capital.

Article: [Maine Regional Care Teams: Collaborating to Improve Youth Wellbeing in Maine](#)

This report provides a recap of the past three years of the Regional Care Team initiative, which helped connect 165 youth to community-based resources in those first three years through a collaborative multi-systems model. The report details the extent of cross-system collaboration that continues as a part of this initiative and summarizes feedback from partners, examines data on youth referrals, their histories of system involvement, and funding.

\*\*\* <https://placemattersmaine.org/>

Initiative: [Opportunity Scholars—The Center for Effective Public Policy](#)

Opportunity Scholars is an initiative that supports people with lived experience in the carceral system to grow personally, professionally, and academically through access to higher education and fulfilling careers. The program in 2024 sponsored the Beyond the Bars Maine: Transformation Through Innovation conference which brought together local and national activists, advocates, community leaders, policymakers, academics, and the public to gather and engage in important conversation around best practices, coalition building, and initiatives to address mass incarceration. Led by those directly impacted by the criminal legal system and supported by the The Center for Justice at Columbia University, the two-day event brought both in-person sessions and virtual engagement opportunities.

In addition to the work being done through Place Matters, there are a number of other resources available through organizations dedicated to advancing restorative practice in Maine. The list below is likely not conclusive, but may offer a starting point for learning more.

[Reentry Sisters](#)

[Maine Prisoner Advocacy Coalition](#)

[Maine Coastal Regional Reentry Center—VOA Northern New England](#)

[Maine Reentry Network](#)

[Restorative Justice Institute of Maine](#)

[Restorative Transformation & Collaborative Restorative Reentry Programming with the Maine Coastal Regional Reentry Center | Restorative Justice Project Maine](#)

[Restorative School Culture, LLC](#)

[Downeast Restorative Justice](#)

[Maine Youth Justice](#)

[Maine Inside Out](#)

There are also a number of national organizations doing work related to incarceration, policing, and restorative justice that have a wealth of information, including on language choices that can support people who are system impacted. Some of these include:

[Vera Institute of Justice](#)

[Prison Policy Initiative](#)

[The Sentencing Project](#)

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