

Restorative Justice Pulse Check

September 28, 2015

12:00noon – 1:30 pm ET

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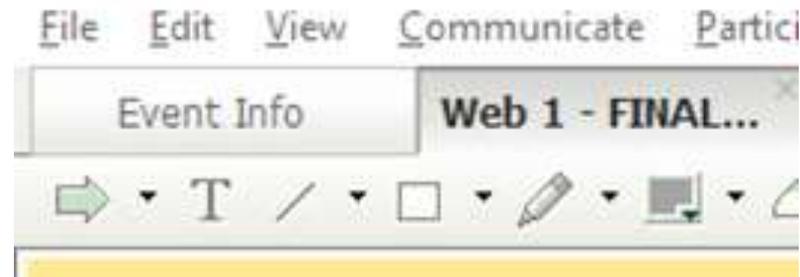
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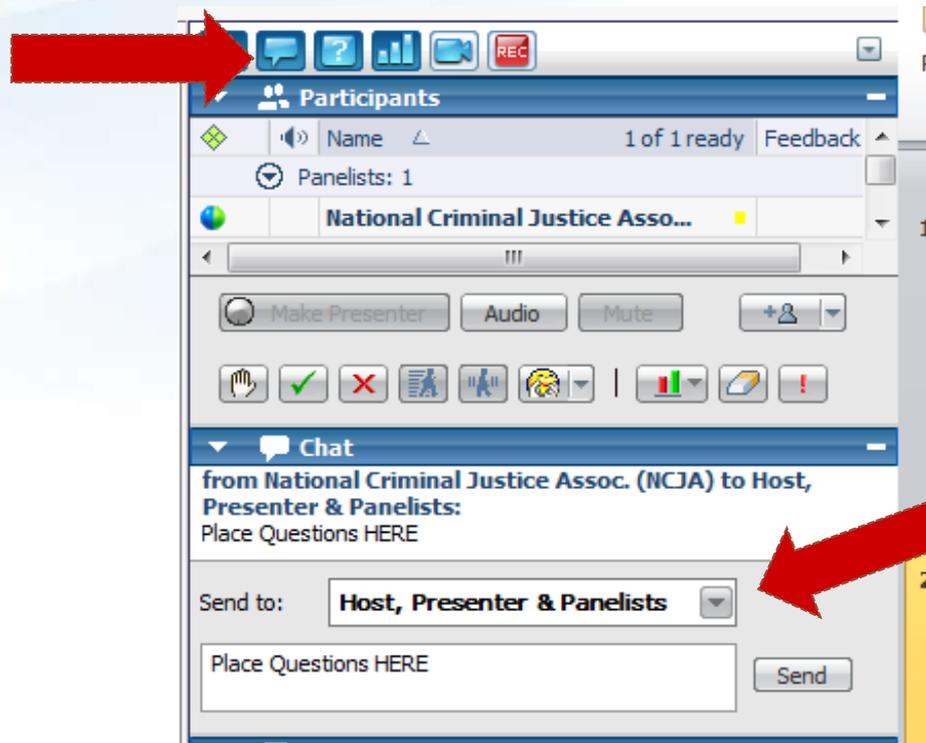
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Moderator

Tom Quinn

Former Visiting Fellow
National Institute of Justice

Presenters

Chief Mike Butler

Longmont Colorado Police Department

Fred Van Liew

Attorney, RJ Consultant
Polk County, IA

Anne Seymour

National Victim Advocate, Justice System
Consultant

Goals of this webinar

- Brief overview of Restorative Justice (RJ) principles and practices
- Summary of relevant research from past NIJ grant (dated 1990s)
- What is status of RJ today? Its future?
 - Discuss 1998 Survey results of informed practitioners: Why should we adopt RJ?

Public dissatisfaction*

- Gallup polls find that the public has less confidence in the CJS than other institutions
- In the CJS, corrections and courts fall behind police in public confidence
- Procedural justice – how the public perceives they are treated – is what controls trust levels
- The public wants change in how the justice system works, with more treatment, and a greater role for victims and community

* Lawrence Sherman “Trust and Confidence in Criminal Justice” NIJ Journal #248, 2002

Restorative Justice ...

- Is not a program.
- Is a philosophical framework.
- Is a different way of responding to crime in communities and criminal justice systems.

Questions Asked*

Traditional CJS questions asked...

- Who did it?
- What laws were broken?
- How will we punish/treat the offender?

RJ questions...

- What is the harm?
- What needs to be done to repair the harm?
- Who is responsible for this repair?

*See Howard Zehr's "Changing Lenses"

Different Philosophies of Justice

Zehr

Traditional Justice

- Crime violates the state and its laws
- Focus on establishing guilt
- Focus on past behavior
- Accountability = punishment
- One social injury replaced by another
- Community sidelined – represented by the state
- Win/lose conflict between adversaries
- State action directed at offender
- Rules outweigh outcomes
- Debt to society
- No opportunities for remorse or amends

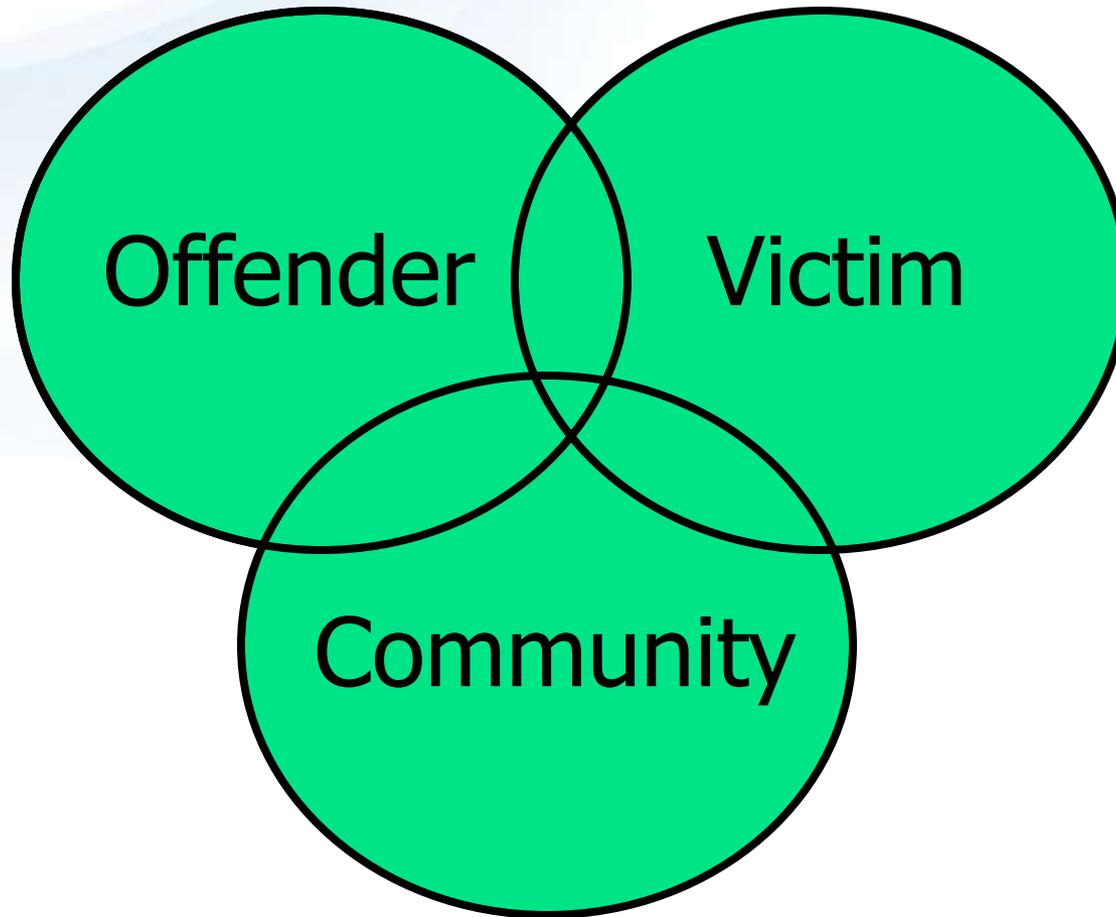
Restorative Justice

- Crime violates people and relationships
- Justice identifies needs and obligations
- Focus on the present and future
- Accountability = understanding impact and repairing harm
- Community involved
- Encourages dialogue, mutual agreement
- Victim, community, offender all have roles
- Offender is responsible for behavior and repairs
- Debt to victim and community
- Stigma of crime removable
- Possibilities for amends and expressions of remorse.

Restorative Justice Stakeholders

- VICTIMS
 - COMMUNITY
 - OFFENDERS

Finding Common Ground



RJ Practices at a Glance

Restitution

Victim Impact Panels/Classes

Circle Sentencing

Victim/Offender Mediation

CONFERENCING MODELS

Family Group Conferencing

Reparation Boards

Letters of Apology

Community Service

*For more explanation of these items, see the "additional sources" at end of the PowerPoint

New Zealand Model

Restorative justice and the Courts are intertwined and support one another.

- Family Group Conference for almost all juvenile cases since 1989
- Voluntary participation of the persons harmed and the persons causing the harm.
- Reduced jail beds used, court days held, and recidivism
- Increased satisfaction and perception of fairness

Durham NC Dispute Settlement Center

McGillis et al in "Handbook of Restorative Justice" edited by Dennis Sullivan and Larry Tifft, 2006, Routledge International Handbooks, NYC

- Worthless check filings reduced while similar neighboring county quadrupled

Conferencing and RJ



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Maxwell et al in "Handbook of Restorative Justice" edited by Dennis Sullivan and Larry Tiftt, 2006, Routledge International Handbooks, NYC

- Families are involved: 93% satisfied with the process, fair, able to express views
- Victims are involved (when desired): reduced anger (60% pre-conf, 30% after); 92% felt the process was helpful
- Offenders are held accountable: more likely to apologize and more likely to pay restitution than with the regular court process
- Offenders less likely to re-offend, with 7%-22% reduction

Law Enforcement and Prosecution

***“The role of Community in securing peace and delivering justice” by TJ Quinn,
NIJ/USDOJ in the Security Journal 9, Great Britain, 1997***

- Law enforcement: referral to conflict resolution **reduced repeat calls** in Harrisburg PA (Sheppard, 1995)
- Prosecution: referral to diversion can reduce case filings; result in greater satisfaction by victim (**92% vs 69%**); and lower recidivism (**2% vs 4%**) (Clarke et al 1992).

Courts

*“The role of Community in securing peace and delivering justice” by TJ Quinn,
NIJ/USDOJ in the Security Journal 9, Great Britain, 1997*

- Increased completion rates for community service (75% vs 50%)
- Quicker Arraignment (18 hrs vs. 35 hrs)
- Increased community satisfaction with reduction of target crimes
- (Sviridoff, 1994)

RJ and Recidivism

Bonta et al in "Handbook of Restorative Justice" edited by Dennis Sullivan and Larry Tifft, 2006, Routledge International Handbooks, NYC

- Deterrence does not work in reducing recidivism
- Rehab can work by ~ 12% (improved with good assessment, individual responsibility)
- RJ can work by 3%-7% (better with lower risk offenders and in community settings with victim involvement)
- Victims are satisfied with the process (81%)
- Offenders are satisfied with the process (87%)

Summary of RJ Research findings:

- Involves persons harmed and community more directly
- Reduces recidivism (or no difference)
- Gives choices to persons harmed
- Increases plea negotiation options
- Improves payment of restitution
- Can reduce caseload
- Increases perception of fairness
- Resolves minor cases outside system
- Give person harmed a sense of control
- Allow person causing harm to express sorrow
- Address harm directly
- Create meaningful community service

Needs/Wants of Victims

- To express their trauma and have others acknowledge it;
- To understand why it was done to them;
- To hear the offender express remorse;
- To be heard and to give input at all points in the system;
- To participate in own healing and in the justice process;
- To receive assistance, compensation, information, services;
- To receive reparation from offender and to help decide how the offender repairs the harm;
- To speak directly with the offender, if victim desires, to let them know how the crime affected their life, and to learn more about the offender and the crime.

Restorative Justice: What's in it for Crime Victims and Service Providers?

- Victims traditional roles as "witnesses" are expanded to incorporate them as CJS clients with an active voice in the system.
- RJ offers victims choices, which can help return a sense of control to their lives.
- The 4 core victims' rights: information, input, restitution, protection are all afforded.
- Victim satisfaction is related to the participation and respect they are afforded, which is increased through RJ. (Umbreit, 1994 and Roberts, 1995)
- Victim/offender programs offer victims the opportunity to seek answers to crucial questions
- Offender accountability to the victim provides opportunity for remorse from the offender.
- RJ helps offenders understand the harm they have inflicted upon victims, their own families, communities, and themselves.
- RJ approaches provide opportunities for communities to learn about and support helpful responses to victims of crime.

Restorative Justice: What's in it for Law Enforcement?

- Minor cases from problem addresses are more effectively handled by referral to a community dispute resolution center (Harrisburg, PA). This puts police back on patrol faster and with less time in court.
- With police-based family group conferences, there was a reduction of 27% in crime. (Wagga Wagga, Australia).
- Community policing is a natural partner to restorative justice. Both emphasize problem solving and viewing the big picture and can help police share power and control with the community.
- Supervised inmate crime repair crews can help secure a victims home (fix broken doors, windows, etc.) after a crime, to help the officer protect the household from further victimization.
- Some restorative justice practices (like victim impact panels) can work even if the perpetrator is not apprehended.

Restorative Justice: What's in it for Prosecution?

- Referral to a community dispute resolution center (Harrisburg, PA) can resolve cases without court time.
- A reduction in court caseload can be measured when victim offender mediation is offered.
- More options will enhance the plea negotiation process.
- Victims are demanding a fuller role; restorative approaches provide it, and leave victims more satisfied.
- Restitution agreements are reached and met more fully with RJ approaches.

Restorative Justice: What's in it for Defense?

- Research has demonstrated that in control group situations, offenders are sent to jail less often (New Zealand) or for shorter periods of time (Ohio).
- Offenders perceive RJ processes to be fairer than traditional criminal justice processes.
- Offenders better understand the nature of the offense and their impact on the victim.
- Some diversionary approaches can avoid a criminal record.
- More options will enhance the plea negotiation process.
- Victims who confront their offenders to discuss the incident often are less desirous of retribution and increase their concern for offender treatment.

Restorative Justice: What's in it for Judiciary?

- With restorative justice principles, victims and community will be more directly involved in the judicial process.
- Giving victims choices at all stages returns a sense of control to them, and decreases fear. They (and offenders) rate RJ approaches as fairer than the criminal justice process, and report greater satisfaction.
- Reduction in court caseload can be measured when victim offender mediation is offered.
- More options generally will enhance the plea negotiation process, thereby saving court time.
- Restitution agreements are reached and met more fully with RJ approaches.

Restorative Justice: What's in it for Corrections?

- The cost of corrections is skyrocketing and options are sought after.
- RJ provides approaches for some offenders that do not require incarceration, and are cost-effective compared to jails or prison.
- RJ holds offenders accountable to victims and communities.
- Crime victims are viewed as "clients" of corrections, and their involvement improves their opinion of corrections.
- RJ responses to staff victimization provide greater opportunities for victim involvement, offender accountability, and correctional community support.
- Correctional programs can be supported with community volunteers and advisors.
- Model RJ programs currently sponsored in corrections have been well received and have been positively highlighted by the news media.

Restorative Justice: What's in it for Elected Officials?

- The future will involve victims and community more directly in the justice process. RJ principles offer a template to structure that evolution.
- Reducing recidivism is viewed positively by voters.
- Victims and offenders rate RJ approaches as fairer than the criminal justice process, and report greater satisfaction.
- With high costs of corrections and little to show for it in terms of citizen satisfaction or lowered recidivism, a more innovative approach is needed.
- The politically powerful victim movement can be allies for positive system change.
- All elected officials have some responsibility to improve the justice system, and RJ offers a common umbrella under which many disciplines and the community can work together.

What is in it for all involved?

- Important partnerships are forged among crime victims, victim advocates, justice professionals, and community to prevent and respond appropriately to crime.
- The politically powerful victim movement can be allies for positive system change.
- Studies of restorative practices indicate that recidivism decreases.
- RJ offers promise of moving away from the oversimplified "lock 'em up" approach.

1998 Survey*

- 504 Surveys sent to RJ workshop attendees (elected officials, prosecutors, law enforcement, defense bar, judges, corrections, victim advocates); 208 returned (42%)
- Purpose: to ID assets and obstacles to implementing RJ in a community or system

1998 Survey: Top assets

- A focused broad coalition
- Community representatives
- A dedicated, knowledgeable RJ advocate
- Victim advocates
- A clear vision

1998 Survey: Top obstacles

- Lack of funding
- Resistance to change
- Prosecutors
- Defense bar
- The lack of a clear vision

1998 Survey Response Conclusions*

- For change to occur, community and victim reps must be involved
- Reps of the formal CJS should be involved and play a leadership role
- A clear vision should be created

And the next 20 years?

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Additional Source Material

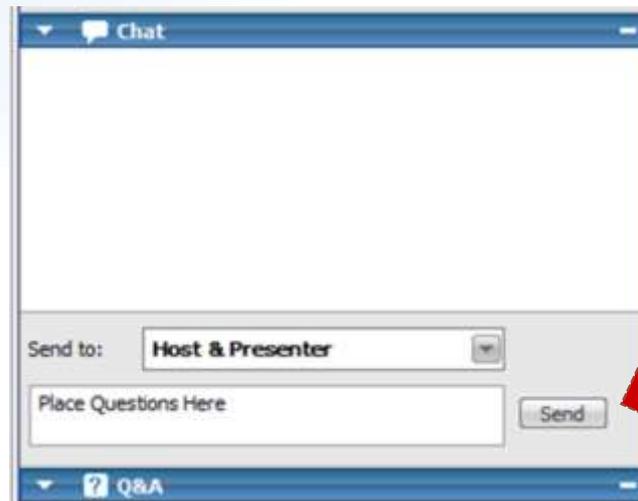
- NIJ research summary from mid 1990s:
<http://www.nij.gov/topics/courts/restorative-justice/pages/welcome.aspx>
- “Handbook of Restorative Justice” ed. by Dennis Sullivan & Larry Tifft, 2006, Routledge Int’l Handbooks, NYC
- “Zehr Institute for RJ” <http://www.emu.edu/cjp/restorative-justice/>
- RJ on the Rise website <http://restorativejusticeontherise.org/>
- Link to: [“The role of Community in securing peace and delivering justice”](#) by TJ Quinn, NIJ/USDOJ in the Security Journal 9, Great Britain, 1997
- Link to: [Promising Practices in Restorative Justice](#)
- Navajo Peacemaking Program
<http://www.navajocourts.org/indexpeacemaking.htm>

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Tom Quinn

Former Visiting Fellow
National Institute of Justice

Presenters

Chief Mike Butler

Longmont Colorado Police Department

Fred Van Liew

Attorney, RJ Consultant
Polk County, IA

Anne Seymour

National Victim Advocate/Justice System
Consultant

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