



# Restorative Justice

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# Learning Objectives

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- Understand victim-centered restorative justice and the benefits of such programs.
- Understand core principles of survivor-centered restorative justice.
- Review Tennessee Restorative Justice Program.
- Review a new victim/survivor needs assessment instrument designed specifically for restorative justice programs.

THINK  
OUTSIDE  
THE BARS



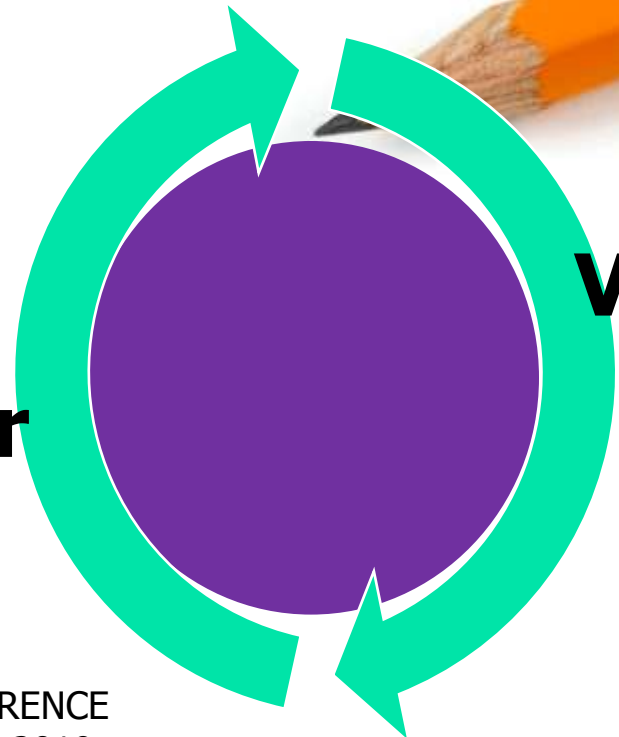
# Restorative Justice

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- Humanistic Approach
  - Some say common sense
  - Victim Centered
- Individualized
- Voluntary

**Offender**

**Victim**





# Criminal Legal System

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- Over crowding jails
- Racial and Ethnic Disparities
- \$\$
- Unmet Needs- victims and offenders

What was the offense/law broken?

Who committed it?

What punishment is deserved?



# Restorative Justice Practices

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- Reduces Recidivism
- Decrease \$\$\$
- Increase Community Involvement
- Victim Voice/Involvement

Who is the person(s) harmed?<sup>1</sup>

What do they need?

Whose responsibility is it to repair the harm?

<sup>1</sup>Impact Justice- "The Restorative Justice Project believes terms such as "offender," "perpetrator," and "criminal" ignore the ever changing and complex nature of one's interpersonal and social identity and, instead, label individuals in such a way that defines them by their previous behaviors and experiences rather than as human beings capable of growth and change. Moreover, the language we use to define an individual often affects how society views, values, and treats that person—often creating society-fulfilling prophecies. Thus, this report avoids the use of negative labels and, alternatively, refers to the "person who harmed," "responsible youth, or "responsible party" interchangeably to refer to an individual who has committed a crime or caused harm."



# Six Guiding Principles for Survivor-centered Restorative Justice *(Pavelka & Seymour, 2019)*

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- Crime is personal.
- RJ must be victim-centered and trauma-informed.
- The voices of victims & survivors in RJ are integral to its effectiveness and overall success



## Six Guiding Principles for Survivor-centered Restorative Justice *(cont.)*

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- Victim autonomy must be central to all RJ policies and practices.
- If RJ fails to respect and reflect victims' constitutional and statutory rights, it is *not* "restorative."
- Many justice-involved individuals – including youth, women and men – have histories of trauma and victimization that can be addressed and validated within a RJ framework.

# Restorative Justice

## History At-a-Glance



- “Restorative justice has been the dominant model of criminal justice throughout most of human history, for all the world’s people.” John Braithwaite
- 1996 USDOJ National Symposium.....
- ....Followed by a decade of defining the role of victims & survivors, and “survivor-centered RJ”
- Today, programs that are community-driven, survivor-centered, and include rigorous evaluation
- Today, potential for VOCA funding for restorative justice

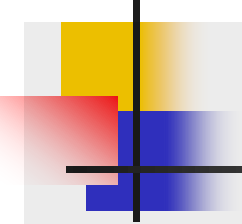




# What the Research Tells Us...

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- Since 1980s, research of victim impact programming has found significant increases in victim satisfaction
- 2004 cognitive gains study of IOC programming in prison with male adults, age 21-45, found increased:
  - Knowledge of victims' rights
  - Facts of victimization
  - Sensitivity to victims' plight
- 2005 meta-analysis of 22 unique studies that examined the effectiveness of 35 individual RJ programs found:
  - Higher rates of satisfaction among victims & justice-involved individuals
  - "Substantially higher" compliance with restitution compliance
  - "Significantly more successful" recidivism reduction  
([http://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rp01\\_1-dr01\\_1/index.html](http://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rp01_1-dr01_1/index.html))



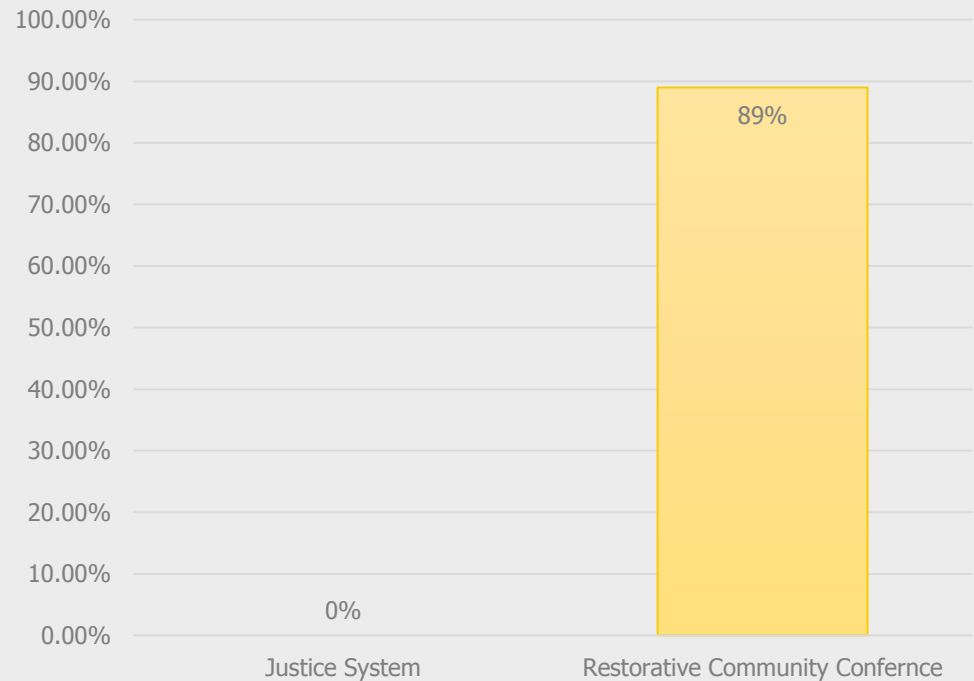
**Restorative  
Community  
Conferencing:  
Oakland Unified  
School District  
2015**

- 20 % drop in suspensions in 3 years
- 60% increase in graduation rates at high schools with RJ
- 24% drop in chronic absences in middle schools with RJ



# Victim Satisfaction

## Victim Satisfaction



# Tennessee & Restorative Justice



NCJA CONFERENCE  
SEPTEMBER 2019



# TN Office of Criminal Justice Programs

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- January 2018 VOCA Open Competitive Solicitation that included Restorative Justice for the first time.
  - Project Support: **\$200,000.00 in federal funding per fiscal year, \$50,000 match**
  - Maximum Contract Term: **Three (3) years**



# VOCA Funding, VOCA Rules

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- The safety and security of the victim;
- The cost versus the benefit or therapeutic value to the victim;
- The procedures for ensuring that participation of the victim and offenders are voluntary and that the nature of the meeting is clear;
- The provision of appropriate support and accompaniment for the victim;
- Appropriate debriefing opportunities for the victim after the meeting; and
- The credentials of the facilitators.



# Restorative Justice- TN

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- Sample goal and objectives:
  - Promote healing for victims through *voluntary* restorative justice:
    - Increase victim's understanding of their victimization and its effect on their life
    - Decrease victim's frequency and/or intensity of crime-related symptoms



# Raphah Institute- Tennessee Restorative Justice Program

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- Based out of Davidson County, Nashville, Tennessee
- Contract with Office of Criminal Justice Programs
- Funded by Victims of Crime Act (VOCA)
- Began 9/1/2018
- MOUs
  - District Attorney
  - Juvenile Court Judge- Judge Sheila Calloway
  - Metro Nashville Police Department
  - Public Defender
- Aggravated Burglary and Theft of Vehicle
  - Perpetrated "Caused" by Youth





# Raphah Institute- TN

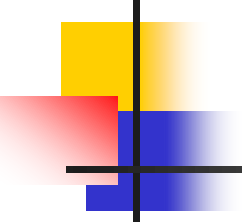
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- Pilot Project
- Chosen and supported by Impact Justice  
(national innovation and research center in justice reform)
  - 1 of 8 sites across US
- First of its kind in Tennessee
- Diversion from criminal justice system
- \$5,000 v. \$40,000-\$60,000 per case
- Person harmed controls the “fate”

# Raphah Institute- Restorative Community Conferencing (RCC)

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**Restorative community conferencing**  
offers a promising way to address  
youthful wrongdoing, with its ability to  
reduce recidivism, increase victim  
satisfaction, and increase community  
involvement.

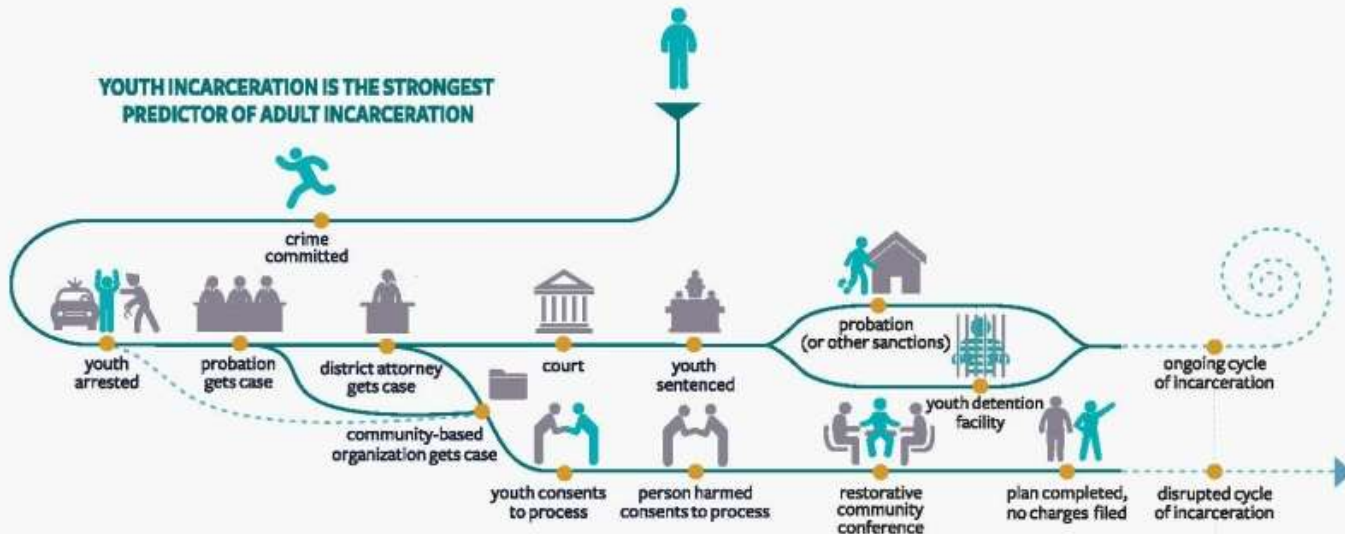


# RCC Process

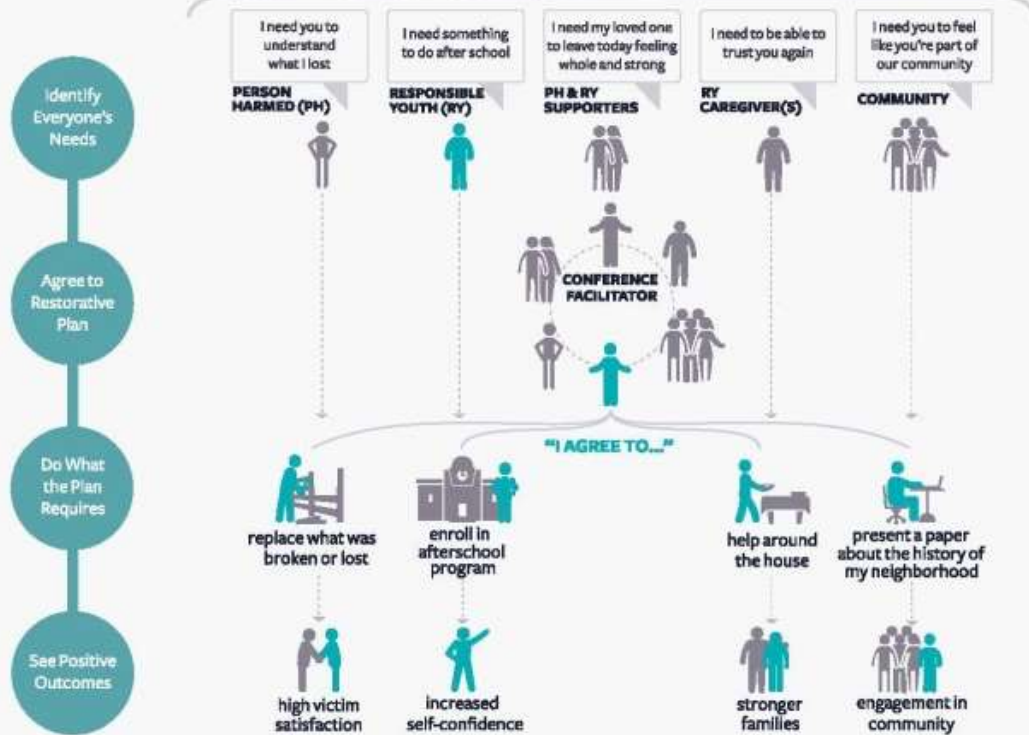
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- Case referral
- Facilitator preparation of each party for RCC
- RCC meeting involves youth, victim, family(ies) & community members
- Organized and Facilitated Dialogue with parties
- Plan is developed
- Youth completes the plan

# RESTORATIVE COMMUNITY CONFERRING IN ALAMEDA COUNTY



## RESTORATIVE COMMUNITY CONFERENCE



## RESTORATIVE JUSTICE IMPROVES OUTCOMES

- 91% satisfaction for participating victims
- 44% reduction in recidivism for youth
- \$→\$ long term and short term cost savings

- Identify Everyone's Needs
- Agree to Restorative Plan
- Do What the Plan Requires
- See Positive Outcomes

**IMPACT/JUSTICE**  
A National Innovation and Research Center

**communityworks**  
JUSTICE THROUGH ALIENATION

Credentialed by the State of California



# RCC

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- Most Effective with Serious crimes  
(known victim) robbery, burglary, car theft,  
assault/battery, arson, teen relationship violence
- Communication during RCC is  
confidential and cannot be used against  
participants



# Survivor-centered.....

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- The victim decides:
  - Whether or not to participate
  - Questions s/he wants to ask and be answered
  - Speaking order
  - Discussion of impact of the offense
  - Elements of a plan that are important to him/her/them to repair harm



# Youth caused the harm...

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- Also Voluntary
- Communicate with person whom the harm was caused towards
- Take responsibility
- Make it right- work the plan
- Supported
- Divert Justice Involvement





# Opportunities of RCCs

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- Consensus-based plan for the young person to make things right by their victim, family, community and self
- Self reflection all around
- Firm yet supportive accountability
- Diversion



# IMPACT JUSTICE

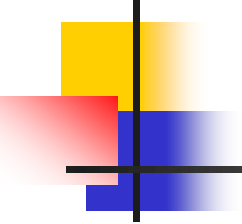
A national innovation and research center

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<http://impactjustice.org/>

# Restorative Justice Victim/Survivor Needs Assessment Instrument for Juvenile Cases



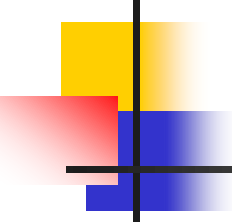
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- Basic issues (think “Maslow”)
    - Including “need for ANY accommodation” (Vera)
  - Survivor assistance and victim services
  - Understanding and implementation of rights
  - Desire to participate in RJ program
  - Expectations of participating in RJ program
  - Expectations of outcomes



# Survey – Options for Outcomes

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- Strong survivor support
- Answers to important questions
- Restorative community service
- Restitution
- No recidivism
- Meaningful apology
- Regularly scheduled supervision check-ins
- Diversion from JJS
- Detention
- Youth gets mental/behavioral health support
- Education or vocational training
- Mentor
- Services to strengthen the family:
  - Wrap-around
  - Parenting classes/guidance
  - Mentoring
  - Increase social support of youth and family



# Linking Victim/Survivor Needs with Victim Satisfaction

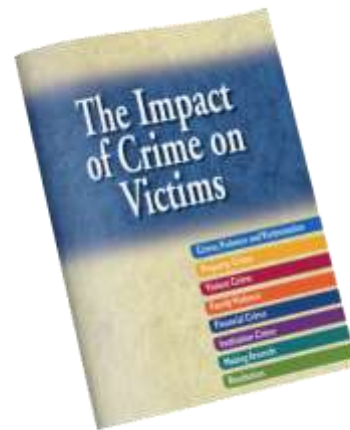
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The Raphah Institute's  
victim/survivor needs assessment –  
currently being pilot tested – was  
designed to link with the Impact Justice  
victim satisfaction survey,  
completed at the end of the RCC process.

# Other Restorative Justice Practices



# “Impact of Crime on Victims” Programming



NCJA CONFERENCE  
SEPTEMBER 2019





# A Bit of History

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- MADD Victim Impact Classes, 1982
- “Impact of Crime on Victims” classes started 33 years ago in California
- Have since expanded to many states:
  - Adult institutional corrections
  - Juvenile institutional corrections
  - Community corrections
  - Reentry initiatives
  - Diversion
  - Teen courts



# History of Impact Classes

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- Focus of programming was on offenders' *needs*, not *what they had done*.
- Survivors were often left out of many justice processes, and the trauma and impact of crime were not addressed
- Offender seldom knew the impact of their crimes or their obligations.





# Purpose of the Program

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- Involve survivors and validate their experiences
- Prevent future victimization & reduce recidivism
- Create offender awareness of crime's impact upon their victims, their community, their own families, & themselves
- Integrate into case planning and reentry



- Created in 2005 by CYA team with support from OVC, and updated in 2016
- Features 13 units build around 10 core crime topics – from property crime to homicide
- Includes video vignettes & discussion guide

[https://www.ovcttac.gov/victimimpact/about\\_this\\_curriculum.cfm](https://www.ovcttac.gov/victimimpact/about_this_curriculum.cfm)

# Basic Precepts of IOC Programming



- Survivors and impact are focus
- Their personal experiences are the centerpiece
- They deserve to have their rights enforced and voices heard
- Anyone can become a victim of crime
- Victimization creates a “ripple effect”
- Offenders have the opportunity to change their thinking and behavior
- They have an *opportunity* and *obligation* to make amends to their victims, family & community

# Restorative Community Service

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# Restorative Community Service

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- *Visible* in the community
- *Viable* to the community
- Positive adult role models provide mentoring & support
- Parents & communities of justice-involved youth are also encouraged to join the RCS team



# Restorative Community Service

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- Seek victim input through VIS, PSIs and RJ programs (conferencing, V/OD)
- Collaborate with victim services to identify their needs
- Develop projects for ongoing assistance to victims (fundraising or work service)
- Outreach that explains purpose of RCS
- Outreach that informs community of RCS





# Other Restorative Justice Programs

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- Victim/offender dialogue

- NAVAC's 20 Principles:

<http://www.navac.website/vod.html>

- Apology classes

- Justice Solutions:

[http://www.justicesolutions.org/art\\_pub\\_offender\\_apologies.htm](http://www.justicesolutions.org/art_pub_offender_apologies.htm)

- Apology banks

- PA Office of the Victim Advocate

<https://www.ova.pa.gov/Programs/InmateApologyBank/Pages/default.aspx>

# Any Questions?

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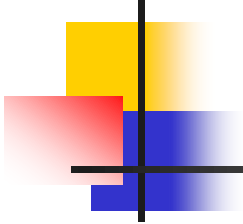
# Citations

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Baliga et al., Restorative Community Conferencing,  
[http://impactjustice.org/wp-content/uploads/2017/07/CWWReport\\_Final\\_6.14.17\\_electronic.pdf](http://impactjustice.org/wp-content/uploads/2017/07/CWWReport_Final_6.14.17_electronic.pdf).

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Dr. Sandra Pavelka and Anne Seymour. (2019). "Guiding Principles and Restorative Practices for Crime Victims and Survivors." American Correctional Association, *Corrections Today*, January/February 2019.



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