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Moderator

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* Views expressed during this webinar do not necessarily represent those of USDOJ
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*

<table>
<thead>
<tr>
<th>Traditional CJS questions asked...</th>
<th>RJ questions...</th>
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<tbody>
<tr>
<td>Who did it?</td>
<td>What is the harm?</td>
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<tr>
<td>What laws were broken?</td>
<td>What needs to be done to repair the harm?</td>
</tr>
<tr>
<td>How will we punish/treat the offender?</td>
<td>Who is responsible for this repair?</td>
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</tbody>
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*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

Offender

Victim

Community
RJ Practices at a Glance

Restitution

Circle Sentencing

Victim Impact Panels/Classes

Panels/Classes

Victim/Offerender Mediation

Family Group Conferencing

Reparation Boards

Letters of Apology

Community Service

CONFERENCING MODELS

*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


- Worthless check filings reduced while similar neighboring county quadrupled
Conferencing and RJ


- 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 all 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 responsivity)
- 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

*Under NIJ grant 95-IJ-CX-0016 a survey was sent by the University of Delaware Center for Applied Demography and Survey Research*
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

* Views of Tom Quinn – do not necessarily represent those of USDOJ
And the next 20 years?
Additional Source Material

- 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](http://www.navajocourts.org/indexpeacemaking.htm)
- Navajo Peacemaking Program [http://www.navajocourts.org/indexpeacemaking.htm](http://www.navajocourts.org/indexpeacemaking.htm)

To access links, right click and select Open Hyperlink
Q & A

To submit questions for the presenters please use the chat feature on the right hand side of your screen.
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Q & A

Moderator

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Thank You for Joining Us!

The webcast and slides from today’s webinar will be available at

http://www.ncja.org/webinars-events/other-topics

Summary of research gathered under grant #95-IJ-CX-0016 and Webinar supported by NIJ Consultant Agreement 2015-235