

Restorative Justice & Treatment Courts:

An Implementation Crosswalk

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Restorative Justice is...

Repairing harm





Restorative Justice Principles

- Crime is a violation of people and relationships
- Violations create obligations
- Justice involves victims, offenders, and community in an effort to repair the harm, to "put things right"
- <u>Central focus:</u> victim needs and offender responsibility for repairing harm

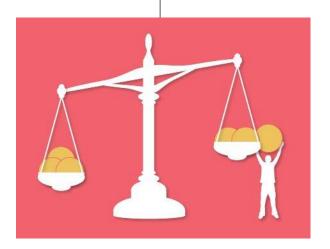
A Search for Justice

Criminal Justice

Restorative Justice

- What laws have been broken?
- ▶ Who did it?
- What do they deserve?

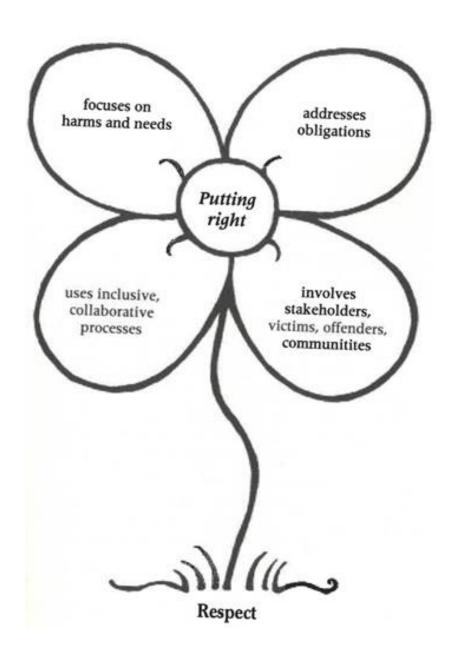
- ▶ Who's been harmed?
- What are their needs?
- Whose obligations are these?





- Non-adversarial
- Offender responsibility
- Stakeholder engagement
- Consensus after engagement
- Making amends for harm
- Community reintegration





Research on Restorative Justice

- Sherman, L., & Strang, H. (2007). Restorative Justice: The Evidence. The Smith Institute. http://restorativejustice.org/am-site/media/sherman-strang-executive-summary.pdf
- Latimer, J. & Dowden, C., & Muise, D. (2005). The Effectiveness of Restorative Justice a Meta-Analysis. The Prison Journal, Vol. 85 No. 2. http://www.d.umn.edu/~jmaahs/Correctional%20Assessment/rj_meta%20analysis.pdf
- Wilson, D., & Olaghere, A., & Kimbrell, K. (2017). Effectiveness of Restorative Justice Principles in Juvenile Justice (a Meta-Analysis). George Mason University. https://www.ncjrs.gov/pdffiles1/ojjdp/grants/250872.pdf

Research on Restorative Justice

Defendants –

- Reductions in recidivism were greater than in CJ proceedings
- Greater satisfaction with process

Victims –

- Greater satisfaction with outcomes
- Reduced desire for revenge
- Reduced PTS symptoms

Treatment Court Principles



Treatment Court Principles

Holistic Approach

- A holistic approach takes care of something totally in all aspects.
- Ideally, treatment court teams work collaboratively to provide comprehensive, wrap-around services that address client, treatment, & the criminal justice system (community).

Reduce Stigma

Changing the negative attitudes, beliefs, descriptions, language or behavior of the criminal justice system, the community, the stakeholders and most importantly our clients

Accountability

 Holding our criminal justice system, our stakeholders, and clients accountable for improved outcomes

Recovery

 Ensuring that the tools and skills are available to achieve long-term recovery using EBP (client, criminal justice system, and community)

Restorative Justice and Treatment Court

Principles Crosswalk



CenterforCourtInnovation

Crosswalk Implementation:
Restorative Justice in Treatment Courts

Adult Drug Court Best Practice Standards

Standard I: Target Population

Restorative Justice Principle

 Stakeholder engagement, collaborative process, addressing obligations, focuses on needs and harm

Treatment Court Principle

 Holistic approach, reducing stigma, accountability, and recovery

Standard II: Equity & Inclusion

Restorative Justice Principle

 Stakeholder engagement, collaborative process, focuses on needs and harm, and Respect

Treatment Court Principle

 Holistic approach, reducing stigma, accountability, and recovery

Standard III: Role of the Judge

Restorative Justice Principle

N/A!!!

Treatment Court Principle

 Holistic approach, reducing stigma, accountability, and recovery

Standard IV: Incentives,
Sanctions and Therapeutic
Adjustments

Restorative Justice Principle

 Stakeholder engagement, collaborative process, addressing obligations, focuses on needs and harm

Treatment Court Principle

Holistic approach, accountability, and recovery

Standard V: Substance Use Disorder Treatment

Restorative Justice Principle

 Stakeholder engagement, collaborative process, and focuses on needs and harm

Treatment Court Principle

 Holistic approach, accountability, reducing stigma, and recovery

Standard VI: Complementary Treatment & Social Services

Restorative Justice Principle

 Stakeholder engagement, collaborative process, and focuses and needs and harm

Treatment Court Principle

 Holistic approach, accountability, reducing stigma, and recovery

Standard VII: Drug & Alcohol Testing

Restorative Justice Principle

Addressing obligations

Treatment Court Principle

Accountability

Standard VIII: Multidisciplinary Team

Restorative Justice Principle

 Stakeholder engagement, collaborative process, and focuses on needs and harm

Treatment Court Principle

 Holistic approach, accountability, reducing stigma, and recovery

Standard IX: Census & Caseloads

Restorative Justice Principle

Respect

Treatment Court Principle

Holistic approach

Standard X: Monitoring & Evaluation

Restorative Justice Principle

 Stakeholder engagement, collaborative process, focuses on needs and harm

Treatment Court Principle

 Holistic approach, accountability, reducing stigma, and recovery

Restorative Justice Practices



- Circles
- Victim Impact Panel
- Community Conferencing
- Community Service / "Volunteerism"
- Restitution



Circles: Albuquerque HTWC Case Study

- Collaboration with local tribes
- Offers cultural healing services and treatment
- Voluntary invitation to participate in talking circle

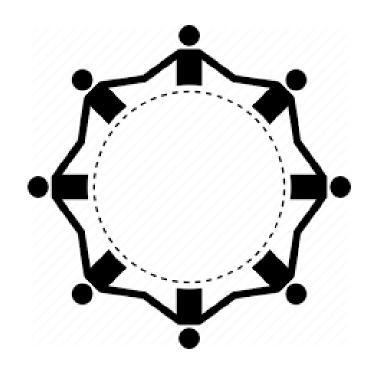
Circles: Albany Juvenile Drug Court Case Study

Fully integrated use of talking circles

Intake circle
Community building circles
Intervention circles
Parenting circles

- 3 locations Brooklyn, Queens, & Staten Island
- 2 hours class with 70 to 250 attendees
- ▶ \$100 fee
- Closed class
- Voluntary panelist
- Attendees receive a certificate
- Participants are required to prepare an essay to share aloud with the court

Victim Impact Panel: A NYC Case Study



Community Conferencing: Family Team Models Case Study

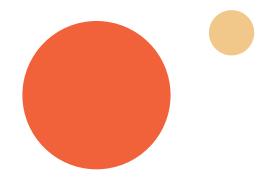
- Family group decisionmaking meetings
- Family team conferencing
- Permanency team meetings
- Team decision-making meetings

Value participants worth

- Engage participants skills
- Connect participants to community
- Ensure participants understand the value of their contributions

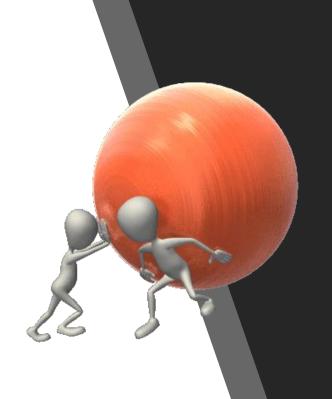
Examples: Repair a transit bus, donate items you've built, help a senior with house chores, lead a youth skills class, help coach a youth sports league, clean up a local park with court room staff, paint a mural, participate in community revitalization efforts.

Meaningful Community Service



Restitution

- Financial recompense
- Apology letters
- Help repair the damage
- Use your skills positively
 - ► Help out in the shop
 - Create something useful for the person harmed



Implementation Challenges

- Victim engagement
- ► Cognitive capacity
- Safety

Implementation Solutions



- Think broadly about "victims" and victim engagement
- Ensure cognitive capacity
 - Use for low-level offenders
 - Use later in treatment court phases
- Take measures to ensure participant safety
 - Later process/preparing with families
 - Train facilitators

RJ Brainstorming Exercise



- How can RJ work in your court?
 - Are there tribes or local organizations you could engage?
 - What treatment court population would you work with?
 - Where could you integrate restorative justice in court operations or treatment?

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Thank you! Questions?