



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”
- ▶ **Central focus: victim needs and offender responsibility for repairing harm**

A Search for Justice

Criminal Justice

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

Restorative Justice

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





Restorative Justice Elements

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

Restorative Justice Diagram



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://restorativejustice.org/am-site/media/sherman-strang-executive-summary.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/ojdp/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





**Center
for
Court
Innovation**

**Crosswalk Implementation:
Restorative Justice in Treatment Courts**

Adult Drug Court Best Practice Standards

Crosswalk Implementation

Standard I: Target Population

Restorative Justice Principle

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

Treatment Courts Principle

- Holistic approach, reducing stigma, accountability, and recovery

Crosswalk Implementation

Standard II: Equity & Inclusion

Restorative Justice Principle

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

Treatment Courts Principle

- Holistic approach, reducing stigma, accountability, and recovery

Crosswalk Implementation

Standard III: Role of the Judge

Restorative Justice Principle

- N/A!!!

Treatment Courts Principle

- Holistic approach, reducing stigma, accountability, and recovery

Crosswalk Implementation

Standard IV: Incentives, Sanctions and Therapeutic Adjustments

Restorative Justice Principle

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

Treatment Courts Principle

- Holistic approach, accountability, and recovery

Crosswalk Implementation

Standard V: Substance Use Disorder Treatment

Restorative Justice Principle

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

Treatment Courts Principle

- Holistic approach, accountability, reducing stigma, and recovery

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Standard VI: Complementary Treatment & Social Services

Restorative Justice Principle

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

Treatment Courts Principle

- Holistic approach, accountability, reducing stigma, and recovery

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Standard VII: Drug & Alcohol Testing

Restorative Justice Principle

- Addressing Obligations, stakeholder engagement, collaborative process, and focuses and needs and harm

Treatment Courts Principle

- Holistic approach, accountability, and recovery

Crosswalk Implementation

Standard VIII: Multidisciplinary Team

Restorative Justice Principle

- Addressing obligations, stakeholder engagement, collaborative process, and focuses and needs and harm

Treatment Courts Principle

- Holistic approach, accountability, reducing stigma and recovery

Crosswalk Implementation

Standard IX: Census & Caseloads

Restorative Justice Principle

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

Treatment Courts Principle

- Holistic approach, accountability, reducing stigma and recovery

Crosswalk Implementation

Standard X: Monitoring & Evaluation

Restorative Justice Principle

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

Treatment Courts Principle

- Accountability, and recovery

Implementation Considerations

Key
Component 1

Key
Component 2

Key
Component 3

Key
Component 4

Key
Component 5

Key
Component 6

Key
Component 7

Key
Component 8

Key
Component 9

Key
Component 10

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

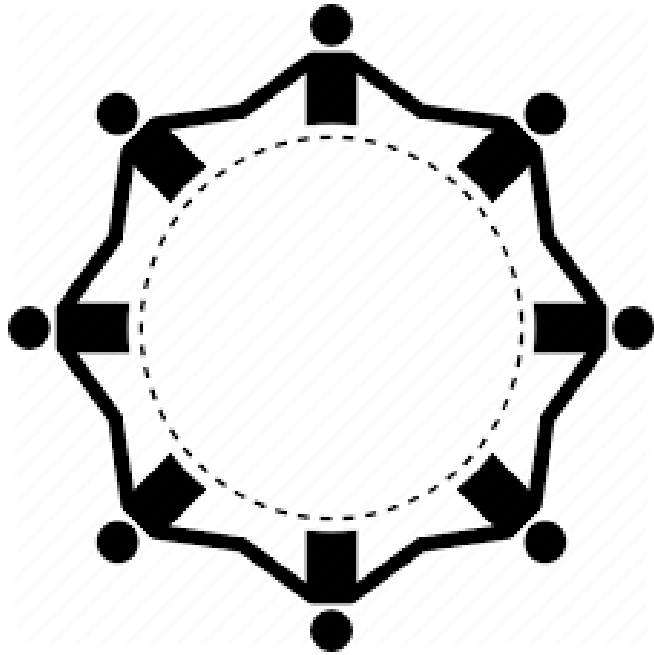
Community building circles

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**
- ▶ **DWI court requires an essay**

Victim Impact Panel: NYC Case Study



Community Conferencing: Family Team Models Case Study

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

Meaningful Community Service

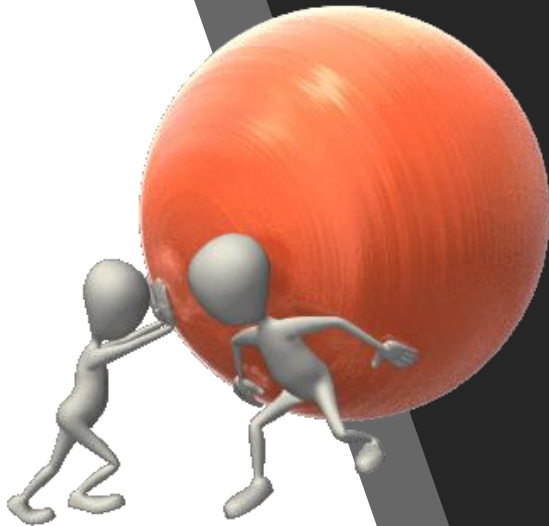
- ▶ Value participants worth
- ▶ Engage participants skills
- ▶ Connect participants to community
- ▶ Ensure participants understand the value of their contributions

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.

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



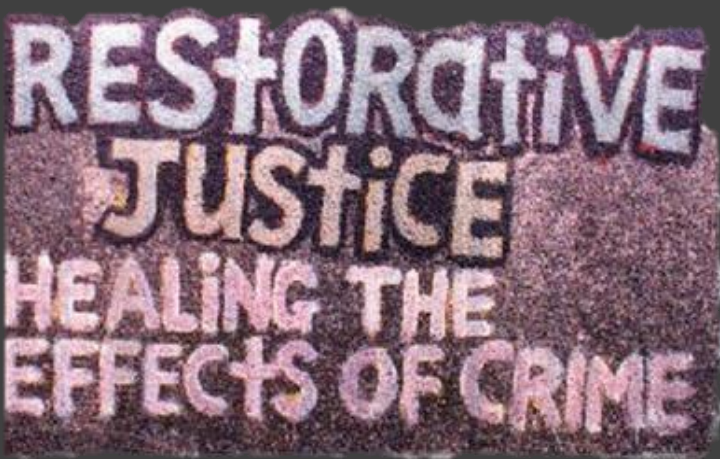
- ▶ Victim engagement
- ▶ Cognitive capacity
- ▶ Safety

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



Restorative Justice in Treatment Courts



- ▶ Do you have any tribes or local organizations you could engage?
- ▶ How do you see this working in your court?
 - ▶ What population would you work with?
 - ▶ Where would you integrate restorative justice?

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Thank you! Questions?