

Restorative Justice Facilitated Dialogue **for the Thurston County Superior Court**

Law and Justice Council of Thurston County

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Dispute Resolution Center
OF THURSTON COUNTY

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What is restorative justice?

A philosophy that engages and empowers its participants.

Three assumptions:

- 1) **Focus on harm done**
address needs/impacts
- 2) **Harms result in obligations**
accountability, responsibility
- 3) **Obligations must be put right**
repair or restore



Criminal justice system...Restorative justice

“The Western Legal System has shaped our thinking about crime or other offenses and harms. ... Restorative justice is considered a sign of hope and the direction of the future.” -- Howard Zehr



- | | |
|------------------------------|-------------------------------|
| • Laws violated | • People harmed |
| • Past | • Future |
| • Adversarial model | • Dialogue model |
| • Process excludes | • Process includes |
| • Retribution and punishment | • Restoration and restitution |
| • Just deserts | • Needs |

Western Restorative Justice movement

RJ is used worldwide in a variety of settings: schools, child welfare, juvenile justice, criminal justice (United Nations, 2020).

Three types in the criminal justice system (Umbreit et al., 2002):

- 1) **Victim offender reconciliation/mediation** - US in the mid-1970s.
- 2) **Restorative justice conferencing** (family or community accountability conferences) inspired by Maori traditions in New Zealand system for juvenile justice. Reintegrative Shaming Experiments (RISE) (Sherman et al., 2015).
- 3) **Circle processes** - Aboriginal communities in Canada.

Repair harm through dialogue

Contemporary definition of restorative justice

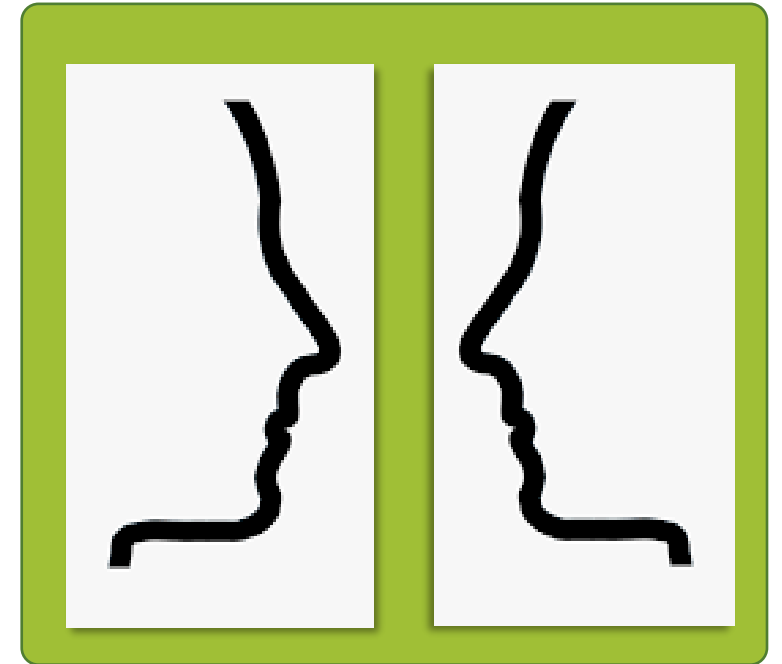
- Face-to-face, facilitated dialogue between the person who was harmed, who harmed, and the community.

Storytelling

- What happened? (the Information)
- Who was affected? (the Impacts)
- What repairs can be made? (the Resolution)

Relationship building

- Inclusive, collaborative, pro-social engagement



Evidence on outcomes

Recidivism

“Promising” (Wilson et al., 2017) or “evidence-based” (Sherman et al., 2015)

- RISE experiments – 10 of the 12 studies showed reduced short-term recidivism
- 10 “meta-analyses” (at least) that show a small reduction in recidivism
- Cost-beneficial from recidivism (Drake et al., 2009; Shapland et al., 2008)

Other outcomes

“Evidence-based” for other outcomes (Wilson et al., 2017; Sherman et al., 2015).

- Material restoration
- Emotional restoration, confidence, and reduce post-traumatic stress symptoms
- Procedural fairness: Engagement, satisfaction, perceptions of fairness,

Restorative Justice Facilitated Dialogue (RJFD)

(1) Referral

Court refers participants to RJFD.

(2) Intake

DRC gathers information to assess fit for facilitated dialogue.

(3) Preparation meetings

(individually)
Facilitators prepare participants, clarify need, and assess fit.

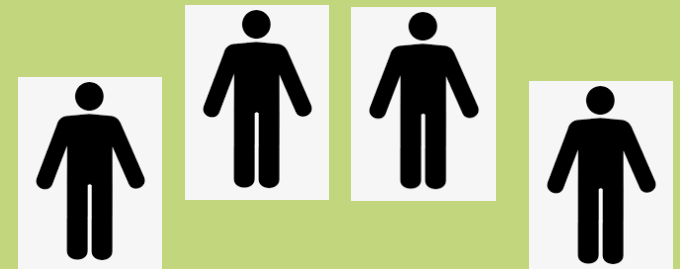
(4) Face-to-face dialogue

Participants sit down for a facilitated, face-to-face meeting.

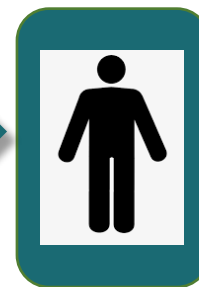
Case management

Facilitation

Participants are given equal opportunity to talk about what happened, who was impacted, and what must be done to repair the harm?



Court participant

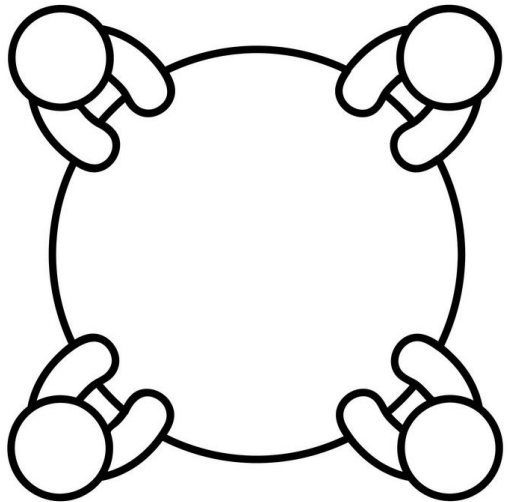


Person harmed



RJFD pilot participants

Access/opportunity to **tell their story** and **recognition** gained from being able to tell their story, listen, and understand one another's perspectives.



“This was a great experience. It meant a lot to be able to talk with the participant and let them know I was sorry for what I did, and that I am doing my best to change. Thanks for giving me the opportunity.”

– RJFD participant

Thank you! Questions?

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<https://www.mediathurston.org>

<https://www.mediathurston.org/restorative-justice-facilitated-dialogue.html>

References

- Braithwaite, J. (1989). *Crime, shame, and reintegration*. Cambridge, UK: Cambridge University Press.
- Collins, R. (2004). *Interaction ritual chains*. Princeton University Press.
- Davis, F. E. (2019). *The little book of race and restorative justice: Black lives, healing, and US social transformation*. Simon and Schuster.
- Dispute Resolution Center of Thurston County (n.d.). *Restorative justice facilitated dialogue*. <https://www.mediatethurston.org/restorative-justice-facilitated-dialogue.html>
- Drake, E. K. (2022). *Restorative justice dialogues in the criminal justice setting: A grounded approach to building an evidence-based practice*. [Doctoral dissertation, Washington State University]. ProQuest Dissertations and Theses Global.
- Drake, E. K., Aos, S., & Miller, M. G. (2009). Evidence-based public policy options to reduce crime and criminal justice costs: Implications in Washington State. *Victims and Offenders*, 4(2), 170-196.
- Drake, E. K. & Knoth, L. (2022, forthcoming). Advancing the evidence-based era: 25-years of lessons learned in Washington State's juvenile justice system. In. B. C. Welsh, S. N. Zane, & D. P. Mears (Eds.), *The Oxford Handbook of Evidence-based Crime and Justice Policy*. Oxford Handbooks.
- Lipsey, M. W. (2018). Effective use of the large body of research on the effectiveness of programs for juvenile offenders and the failure of the model programs approach. *Criminology & Pub. Pol'y*, 17, 189.
- Lewis, T. (Fall 2020). Restorative justice and victim offender conferencing training manual for facilitators. Center for Dialogue and Resolution: Eugene, OR.
- Miller, J. M. & Miller, H. V. (2015). Rethinking program fidelity for criminal justice. *Criminology & Public Policy*, 14(2), 339–349.
- Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. & Sorsby, A. (2008). Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes, London, Ministry of Justice Research Series 10/08.
- Sherman, L. W., Strang, H., Barnes, G., Woods, D. J., Bennett, S., Inkpen, N., ... & Slothower, M. (2015b). Twelve experiments in restorative justice: the Jerry Lee program of randomized trials of restorative justice conferences. *Journal of Experimental Criminology*, 11(4), 501-540.
- Tyler, Sherman, Strang, Barnes, and Woods (2007). Reintegrative Shaming, Procedural Justice, and Recidivism: The Engagement of Offenders' Psychological Mechanisms in the Canberra RISE Drinking-and-Driving Experiment. *Law and Society*, 41(3).
- Umbreit, M. S., Coates, R. B., & Vos, B. (2002). *The impact of restorative justice conferencing: A review of 63 empirical studies in 5 countries*. University of Minnesota Center for Restorative Justice & Peacemaking, School of Social Work, University of Minnesota.
- United Nations, (2020). Handbook on restorative justice programmes.
- Wilson, D. B., Olaghere, A., & Kimbrell, C. S. (2017). Effectiveness of restorative justice principles in juvenile justice: A meta-analysis. Office of Justice Programs' National Criminal Justice Reference Service.
- Zehr, H., MacRae, A., Pranis, K., & Amstutz, L. S. (2015). *The big book of restorative justice: Four classic justice & peacebuilding books in one volume*. Simon and Schuster.

Restorative Justice Dialogues: How they work?

Reintegrative shaming

A mechanism for managing shame constructively leading to prosocial behaviors.

Procedural justice

Fairness, voice, transparency and impartiality for people and processes.

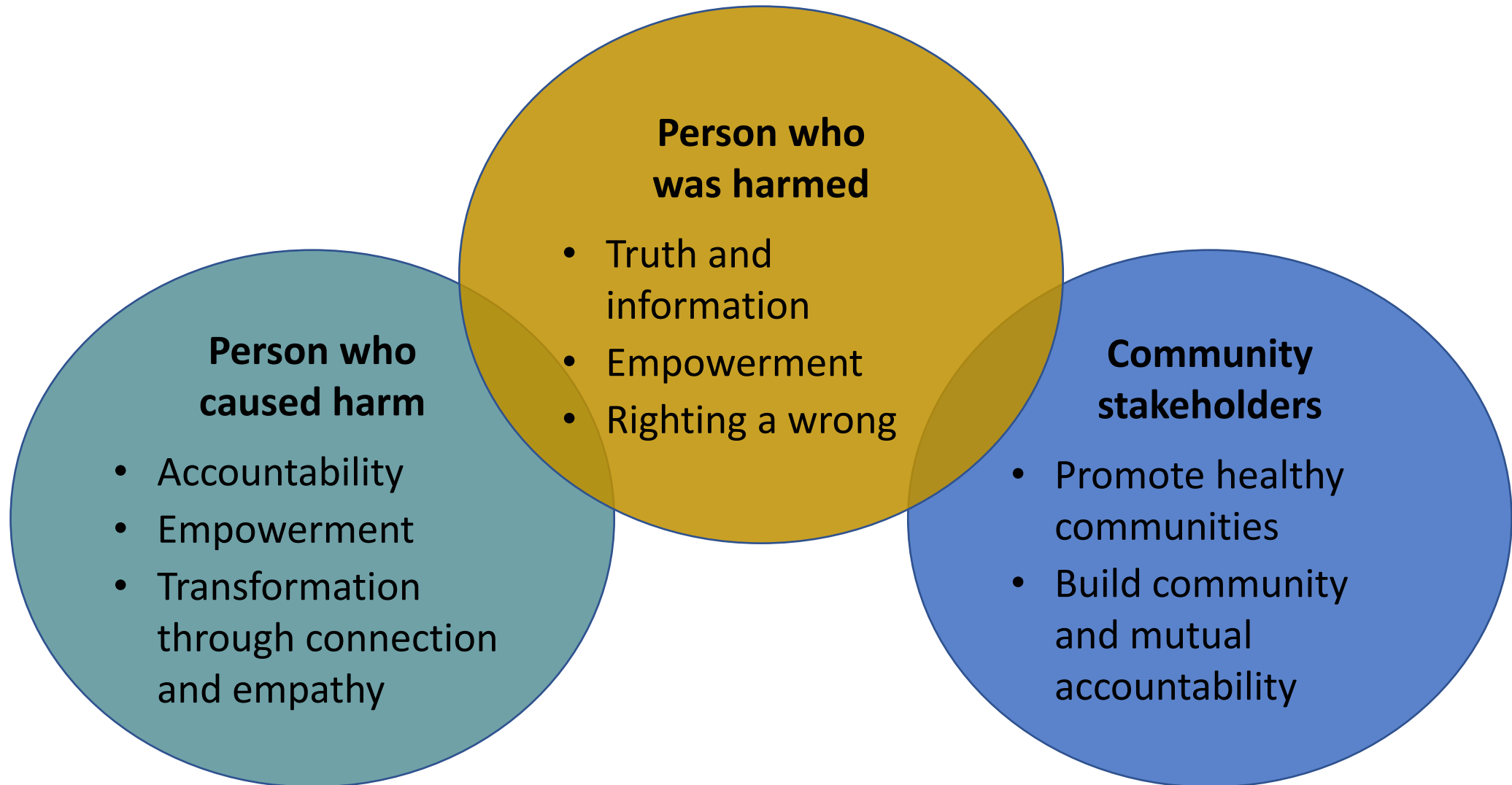
Interaction ritual

Lay participation, expressive narrative, ritual dynamics. Transform emotions into solidarity.

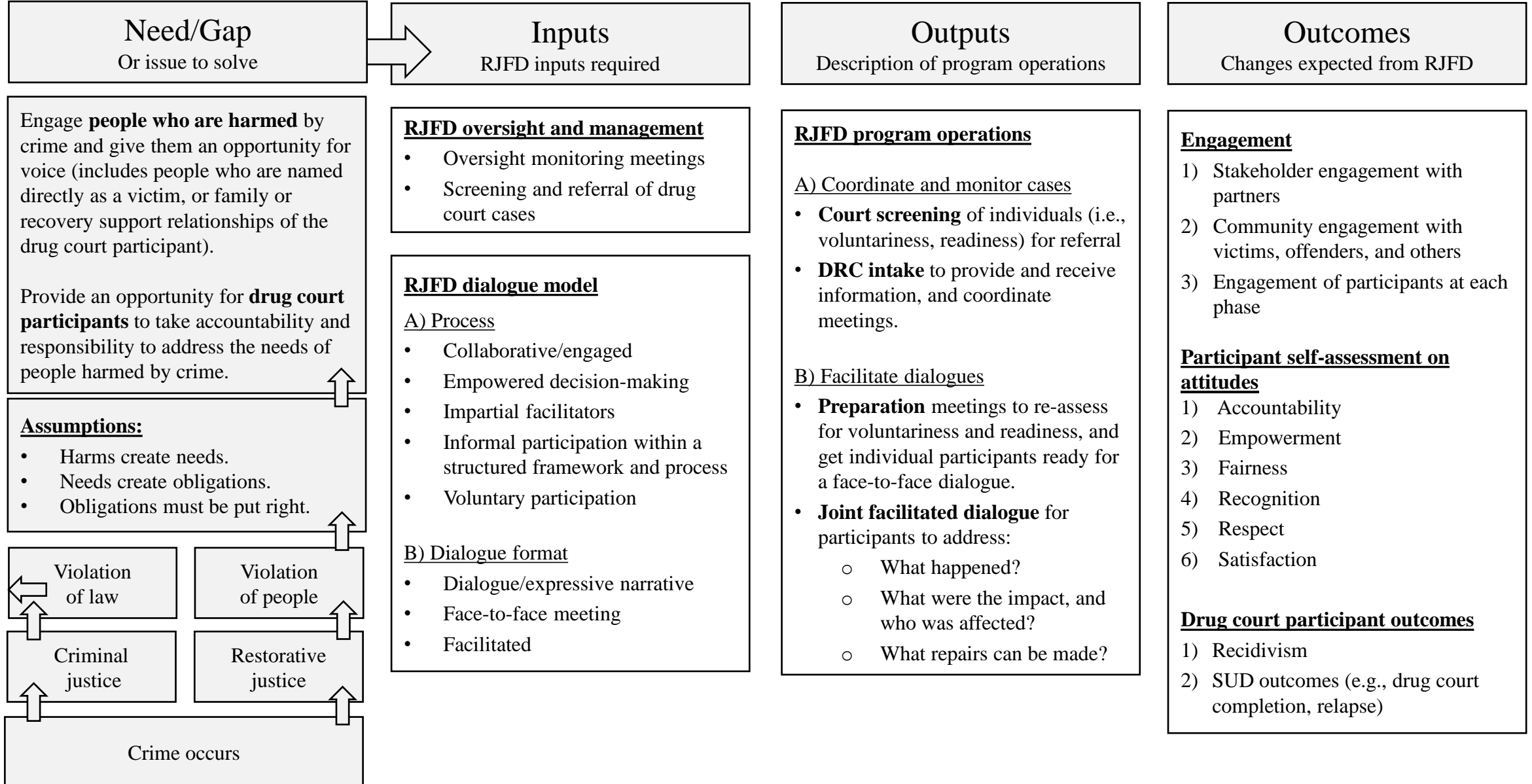
Cognitive behavioral

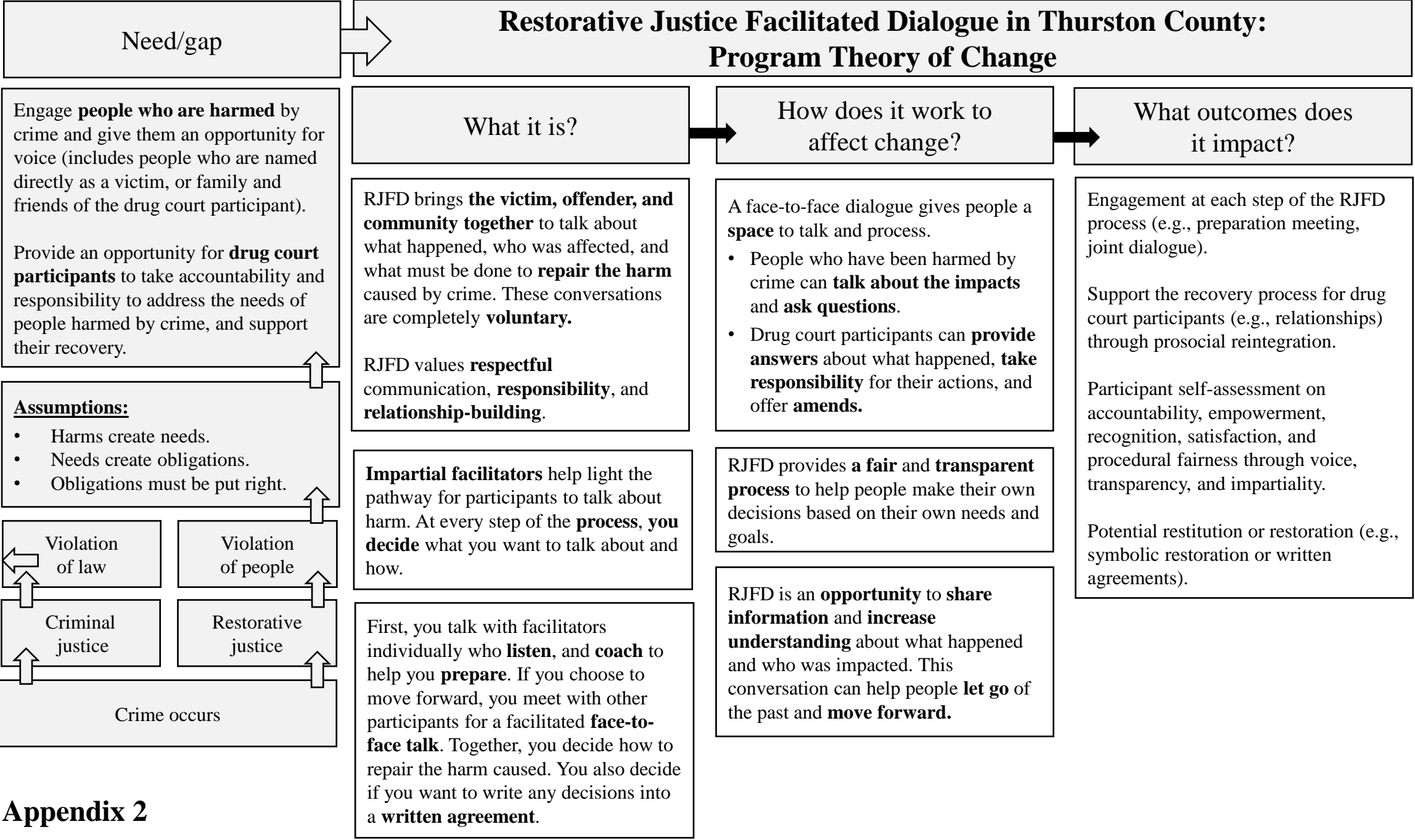
Container for emotional processing and reconsolidating memories thorough new information.

Who is involved in restorative justice?



Appendix 1: Restorative Justice Facilitated Dialogue (RJFD) logic model of operations





Evidence-Based RJ principles: a checklist

Program area	Description
1) Participants	Informal, lay participation of victim, offender, community and facilitator
2) <u>Principles</u>	Do no harm, encourage responsibility to repair harm, engage people impacted
3) <u>Assumptions</u>	Harms create needs, which create obligations that must be put right
4) <u>Values</u>	Humanize, relationship building, respect, responsibility/accountability

Program area	Description
3) <u>Process</u>	Collaboration, empowered and voluntary decision making, inner and outer framework
4) <u>Format</u>	Expressive dialogue, face-to-face encounter with trained, impartial facilitators, preparation, and ritual
7) Theory	Procedural justice, interaction ritual chains, cognitive behavioral theory, reintegrative shaming
8) Outcomes	Measure outcomes of interest