# Restorative Justice Facilitated Dialogue for the Thurston County Superior Court

Law and Justice Council of Thurston County
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## What is restorative justice?

A philosophy that engages and empowers its participants.

### Three assumptions:

- 1) Focus on <a href="harm">harm</a> done address needs/impacts
- 2) Harms result in <u>obligations</u> accountability, responsibility
- 3) Obligations must be <u>put right</u> 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
- Past
- Adversarial model
- Process excludes
- Retribution and punishment
- Just deserts

- People harmed
- Future
- Dialogue model
- Process includes
- Restoration and restitution
- 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**

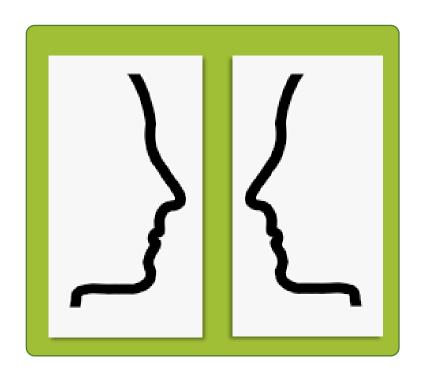
• <u>Face-to-face</u>, <u>facilitated</u> dialogue between the person who was harmed, who harmed, and the community.

### **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 shortterm 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

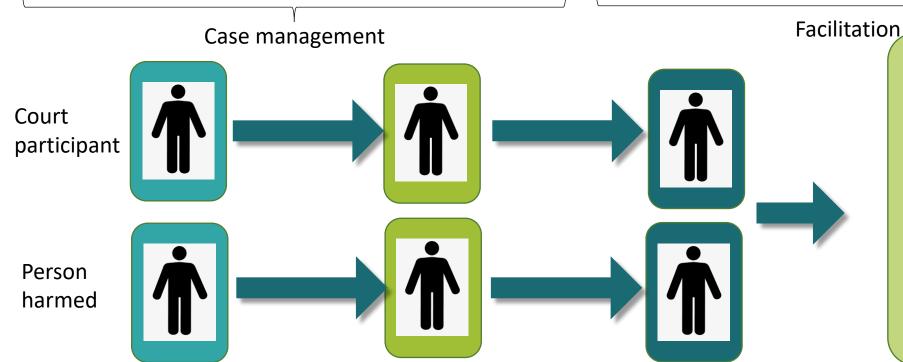
**DRC** gathers information to assess fit for facilitated dialogue.

## (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.



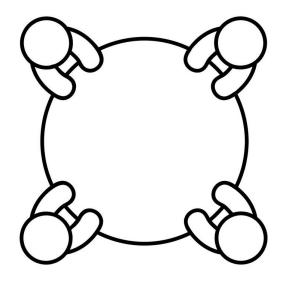
Participants are given equal opportunity to talk about what happened, who was impacted, and what must be done to repair the harm?





## 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.mediatethurston.org

https://www.mediatethurston.org/restorative-justice-facilitated-dialogue.html

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## 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?

## Person who caused harm

- Accountability
- Empowerment
- Transformation through connection and empathy

## Person who was harmed

- Truth and information
- Empowerment
- Righting a wrong

## **Community stakeholders**

- Promote healthy communities
- Build community and mutual accountability

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

### Need/Gap

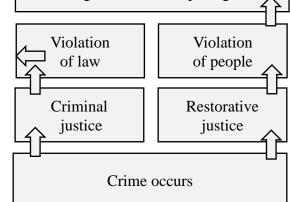
Or issue to solve

Engage **people who are harmed** by crime and give them an opportunity for voice (includes people who are named directly as a victim, or family or recovery support relationships of the drug court participant).

Provide an opportunity for **drug court participants** to take accountability and responsibility to address the needs of people harmed by crime.

#### **Assumptions:**

- Harms create needs.
- Needs create obligations.
- Obligations must be put right.



#### Inputs

RJFD inputs required

#### **RJFD** oversight and management

- Oversight monitoring meetings
- Screening and referral of drug court cases

#### RJFD dialogue model

#### A) Process

- Collaborative/engaged
- Empowered decision-making
- Impartial facilitators
- Informal participation within a structured framework and process
- Voluntary participation

#### B) Dialogue format

- Dialogue/expressive narrative
- Face-to-face meeting
- Facilitated

#### Outputs

Description of program operations

#### **RJFD** program operations

#### A) Coordinate and monitor cases

- **Court screening** of individuals (i.e., voluntariness, readiness) for referral
- **DRC intake** to provide and receive information, and coordinate meetings.

#### B) Facilitate dialogues

- **Preparation** meetings to re-assess for voluntariness and readiness, and get individual participants ready for a face-to-face dialogue.
- Joint facilitated dialogue for participants to address:
  - What happened?
  - What were the impact, and who was affected?
  - What repairs can be made?

#### Outcomes

Changes expected from RJFD

#### **Engagement**

- 1) Stakeholder engagement with partners
- 2) Community engagement with victims, offenders, and others
- 3) Engagement of participants at each phase

### <u>Participant self-assessment on</u> attitudes

- 1) Accountability
- 2) Empowerment
- 3) Fairness
- 1) Recognition
- 5) Respect
- Satisfaction

#### **Drug court participant outcomes**

- 1) Recidivism
- 2) SUD outcomes (e.g., drug court completion, relapse)

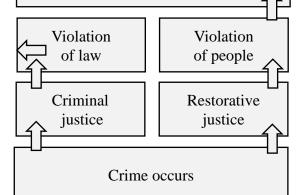
#### Need/gap

Engage **people who are harmed** by crime and give them an opportunity for voice (includes people who are named directly as a victim, or family and friends of the drug court participant).

Provide an opportunity for **drug court participants** to take accountability and responsibility to address the needs of people harmed by crime, and support their recovery.

#### **Assumptions:**

- Harms create needs.
- Needs create obligations.
- Obligations must be put right.



### Appendix 2

## Restorative Justice Facilitated Dialogue in Thurston County: Program Theory of Change

What it is?

RJFD brings the victim, offender, and community together to talk about what happened, who was affected, and what must be done to repair the harm caused by crime. These conversations are completely voluntary.

RJFD values **respectful** communication, **responsibility**, and **relationship-building**.

**Impartial facilitators** help light the pathway for participants to talk about harm. At every step of the **process**, **you decide** what you want to talk about and how.

First, you talk with facilitators individually who **listen**, and **coach** to help you **prepare**. If you choose to move forward, you meet with other participants for a facilitated **face-to-face talk**. Together, you decide how to repair the harm caused. You also decide if you want to write any decisions into a **written agreement**.

How does it work to affect change?

A face-to-face dialogue gives people a **space** to talk and process.

- People who have been harmed by crime can talk about the impacts and ask questions.
- Drug court participants can provide answers about what happened, take responsibility for their actions, and offer amends.

RJFD provides **a fair** and **transparent process** to help people make their own decisions based on their own needs and goals.

RJFD is an **opportunity** to **share information** and **increase understanding** about what happened and who was impacted. This conversation can help people **let go** of the past and **move forward.** 

What outcomes does it impact?

Engagement at each step of the RJFD process (e.g., preparation meeting, joint dialogue).

Support the recovery process for drug court participants (e.g., relationships) through prosocial reintegration.

Participant self-assessment on accountability, empowerment, recognition, satisfaction, and procedural fairness through voice, transparency, and impartiality.

Potential restitution or restoration (e.g., symbolic restoration or written agreements).

## 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