Restorative Practices: Casting a Wider Net Than Restorative Justice

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One of the basic premises of Restorative Practices is that “human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things WITH them, rather than to them or for them.”

(Wachtel, 2005)
The Restorative Mindset Map

Restorative Justice in Everyday Life: Beyond the Formal Ritual by Ted Wachtel
Adolescent Development

- Adolescents experience many physical, social, emotional, and cognitive changes.
- Psychosocial capacities such as impulse control, future orientation, and/or resistance to peer influence continue to develop into early adulthood.
- Various factors can undermine adolescent development and decision making such as stress, fear, learning difficulties, previous victimization and peers.
Continuing to Reform Our System

- Utilizing restorative practices is the next step to truly reforming our juvenile justice system.
- Three interactive cases – please vote using your honest reactions.
  - School
  - Juvenile Crime
  - Youth Who Violate Probation Order
  - Youth in Residential Settings
Restorative Justice In & Around Our Schools
Case 1:
The School Neighborhood Problem
The Northeast Neighborhood

https://www.1011now.com/video?vid=495116831

- Teens hanging on “the corner” smoking, littering, being rowdy.
- Neighbors were:
  - Upset,
  - Frightened,
  - Threatened by the teen
- The Teens were:
  - Upset,
  - Felt judged
  - May have been involved in illegal activities
How should the school respond?

- Prohibit the students from leaving school grounds
- Contact the police and cite students for loitering
- Allow the students to congregate until there is a problem
- Ask for student and neighborhood representatives to meet
- Get neighborhood concerns in writing and share with students
The Northeast Neighborhood Outcome

01. Deescalated the entire situation
02. Teens understood how adults felt
03. Agreement reached
04. Neighbors no longer felt threatened
Implementation of RJ in Schools

- Some of the U.S. largest, most complicated (dangerous) school districts are now implementing restorative justice practices.
- Tools available to begin measuring how receptive your school is to RJ
Case 2:
Using restorative practices in cases where youth break the law
Juvenile Diversion

**Offender**
- 15 year old
- Male

**Victim**
- Male/ Family
- Middle class Neighborhood
- Evening
How would you handle this case?

- This case should go before a judge
- Gather a victim impact statement and make the youth complete whatever the victim asks for
- The youth should pay restitution and apologize
- The youth and victim should meet in Victim Offender Conferencing
- It is not safe for the victim and youth to meet each other
What are your most serious concerns about the youth meeting with the victim?
The victim was a family. The father – a Middle School teacher, did the VOC.

Youth sincerely understood the harm that his behavior caused and was deeply moved by the young child’s fear.

After VOC he had contact with the youth for a few months.

Youth successfully completed diversion, without court involvement.

We followed the case for 5 years.
RJ Offers Increased Accountability

“The [traditional] criminal justice system encourages you to avoid responsibility and deny, and hope you might get off. In a family, such behaviour would be considered dysfunctional. In a community it is still dysfunctional.

The western model of criminal justice does not in my view hold offenders accountable in a meaningful way.”

- Judge McElrea,
Case 3: Probation Graduated Sanction
Ashlie is 16 year old female. This is her first time on probation for theft.

Ashlie scored high on the YLS in the domain of Attitude/Orientation.

Ashlie is very loyal to her best friend and acts out in anger related to an incident with her best friend’s ex-boyfriend.

Ashlie causes $800 damage to the boys car.

Ashlie’s probation is now in jeopardy due to this incident.
How should the probation officer respond?

<table>
<thead>
<tr>
<th>Strongly disagree</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommend termination for the new law violation</td>
<td></td>
</tr>
<tr>
<td>Punitive sanction of EM and extended probation term</td>
<td></td>
</tr>
<tr>
<td>Recommend Ashlie be detained for the incident</td>
<td></td>
</tr>
<tr>
<td>Recommend nothing happen for the incident</td>
<td></td>
</tr>
<tr>
<td>Recommend Victim Youth Conferencing</td>
<td></td>
</tr>
</tbody>
</table>
# Nebraska Administrative Office of Probation – Graduated Response Grid - JUVENILE

<table>
<thead>
<tr>
<th>Non-Compliant Behavior</th>
<th>Domain Risk Score</th>
<th>Security and Cognitive Out</th>
<th>Minor</th>
<th>Intermediate</th>
<th>Serious</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low</td>
<td>Mod</td>
<td>High</td>
<td>Security and Cognitive Out</td>
<td>Minor</td>
</tr>
<tr>
<td><strong>Other Probation Condition</strong></td>
<td></td>
<td></td>
<td></td>
<td>Parent/youth facilitated discussion</td>
<td>Increase probation supervision</td>
</tr>
<tr>
<td><strong>Missed Timelines or Directive</strong></td>
<td></td>
<td></td>
<td></td>
<td>Parent established curfew</td>
<td>Parent/youth problem solving conversation (family goal setting and collaborative plan)</td>
</tr>
<tr>
<td><strong>Law Enforcement Contact</strong></td>
<td></td>
<td></td>
<td></td>
<td>Parent removal of privileges</td>
<td>Parent developed schedule (example: homework time, alarm, etc.)</td>
</tr>
<tr>
<td><strong>Alcohol Use related violations</strong></td>
<td></td>
<td></td>
<td></td>
<td>Parent removal of privileges</td>
<td>School/family problem-solving and behavioral contract</td>
</tr>
<tr>
<td><strong>Missed drug test</strong></td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Homework attendance verification</td>
<td>Increase parental attendance focused on school/work progress</td>
</tr>
<tr>
<td><strong>Fambling orwith a drug test</strong></td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Parent removed of privileges</td>
<td>Parent developed schedule (example: homework time, alarm, etc.)</td>
</tr>
<tr>
<td><strong>Violation of use</strong></td>
<td>+M</td>
<td>+M</td>
<td>+M</td>
<td>Failing grades</td>
<td>School/work team meeting (goal setting)</td>
</tr>
<tr>
<td><strong>Positive drug test</strong></td>
<td>+M</td>
<td>+M</td>
<td>+M</td>
<td>Parent removed of privileges</td>
<td>Referral to the RISE Program</td>
</tr>
<tr>
<td><strong>Unaccounted time</strong></td>
<td>M</td>
<td>I</td>
<td>S</td>
<td>Parent established curfew</td>
<td>Parent established curfew</td>
</tr>
<tr>
<td><strong>Missed curfew</strong></td>
<td>M</td>
<td>I</td>
<td>S</td>
<td>Create a list of activities that youth enjoys and select one for youth to participate in</td>
<td>Parent established temporary activity restriction</td>
</tr>
<tr>
<td><strong>Extended absence without permission/ runaway behaviors</strong></td>
<td>M</td>
<td>I</td>
<td>S</td>
<td>Motivational intervention to address poor choices</td>
<td>Parent established temporary activity restriction</td>
</tr>
<tr>
<td><strong>Leaving jurisdiction without permission</strong></td>
<td>M</td>
<td>I</td>
<td>S</td>
<td>Parent established curfew</td>
<td>Parent established temporary activity restriction</td>
</tr>
</tbody>
</table>

**Instructions:**
1. Select a section based on the severity of the violation. If an entry is not applicable, leave it blank.
2. The Graduated Response Grid is designed to be used in conjunction with the Risk Assessment Tool to identify the appropriate level of supervision and intervention.
3. The grid includes a range of interventions and consequences that can be tailored to the needs of the youth and the circumstances surrounding the violation.
4. The grid is intended to be used as a tool for communication between the case manager and the youth, and for the purpose of ongoing supervision and intervention.
5. The grid is not intended to be used as a punitive tool, but rather as a means of providing support and guidance.

**Additional Information:***
- **Security and Cognitive Out:** Includes interventions aimed at enhancing security and cognitive functioning.
- **Minor:** Includes interventions aimed at enhancing security and cognitive functioning.
- **Intermediate:** Includes interventions aimed at enhancing security and cognitive functioning.
- **Serious:** Includes interventions aimed at enhancing security and cognitive functioning.

**Legend:**
- **EFHT:** Enhanced Family Home Treatment Services
- **IPF:** Intensive Family Preservation
- **MST:** Multi Systemic Therapy
- **RISE:** Rural Intervention for Schooling and Employment
- **MRT:** Mental Health Rehabilitation
- **TAC:** Thinking for a Change

**Out of Home Placement:**
- In situations where the youth is at risk of serious harm or where there is a need to ensure the safety and well-being of others, the court may consider an out-of-home placement. This decision should be made based on a comprehensive assessment of the youth's needs and the potential risks to themselves and others.

**Conclusion:**
- The Graduated Response Grid is a crucial tool for probation officers and other stakeholders in ensuring that the youth are provided with the appropriate level of supervision and intervention. It is an essential component of the graduated response approach, which is designed to balance the need for accountability with the goal of promoting positive behavior change and reducing recidivism.
### Nebraska Administrative Office of Probation - Graduated Response Grid - JUVENILE

#### Behavior Change/Safer Communities

<table>
<thead>
<tr>
<th>Behavior</th>
<th>Overall Risk Level</th>
<th>Terrific Level*</th>
<th>Fantastic Level**</th>
<th>Outstanding Level***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fulfilled financial obligation to the court</td>
<td>T T T</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No law enforcement contacts</td>
<td>T T F</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demonstrated compliance with monitoring interventions (examples: curfew, EM, etc.)</td>
<td>T T F</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consistent attendance at probation related activities (examples: appointments, drug testing)</td>
<td>T F F</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosocial Attitude:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Display of positive attitude</td>
<td>T F O</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Cooperation with probation and/or services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Utilization of a prosocial support</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduction in overall risk score</td>
<td>F F O</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completion of probation programming or community service</td>
<td>F F O</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic area:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Improved/consistent attendance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Improved grades/honor roll</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Graduation or completion of GED</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Successfully attaining an IEP or BIP objectives</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stability or accomplishment in employment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completion of treatment programming</td>
<td>O O O</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reaching sobriety or treatment milestones</td>
<td>O O O</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustained engagement in prosocial activity</td>
<td>O O O</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noteworthy achievement in placement</td>
<td>O O O</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Successful completion of court-ordered items</td>
<td>O O O</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Incentives

- Verbal acknowledgment
- Positive praise/reinforcement
- Special privilege suggested by youth and/or parent
- Travel authorization
- Restore personal privileges (parent supported)
- Certificate of success
- Employment privileges
- Extended curfew (parent supported)
- Increased visits
- Prosocial outing, event and/or membership
- Recommendation letter
- Restored driving privileges
- Special privilege suggested by youth and/or parent
- Travel authorization
- Restore personal privileges (parent supported)
- Court recognition of achievement
- Early discharge from a service or placement
- Leadership role in a probation program/group
- Peer mentor
- Reduction of community service
- Reduction of a drug testing level
- Reduction in probation supervision
- Small tangible rewards (gift card, movie pass, food)
- Special privilege suggested by youth and/or parent
- Travel authorization
- Removal of court-ordered conditions+
- Early termination from probation supervision+

***Represents the highest Incentive that can be given, less stars is considered a lesser Incentive. + indicates that the court must approve prior to the incentive being utilized.
Ashlie’s outcome

- Victim Youth Conferencing
- No revocation of probation
- No detention
- Ashlie remained in school
- Restitution to the victim
- No extension of probation term
Restorative Practice in Residential Facilities

- [https://www.facebook.com/trybesingapore/videos/294771718034732/](https://www.facebook.com/trybesingapore/videos/294771718034732/)
- Illinois Balanced and Restorative Justice for Juvenile Detention Centers
Practical Application
<table>
<thead>
<tr>
<th>Misbehavior is defined by…</th>
<th>PUNITIVE</th>
<th>RESTORATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breaking school rules; disobeying authority</td>
<td>Harm done to one person/group by another.</td>
<td></td>
</tr>
</tbody>
</table>

| Process relies on… | Authority figure establishing what rules are broken and who’s to blame. | Everyone working to problem solve, build relationships, and achieve a mutually-desired outcome. |

| Accountability defined as… | Receiving punishment | Understanding the impact of actions, taking responsibility for choices, suggesting ways to repair harm and restore community. |

| Goal of response… | Pain or unpleasantness to deter/prevent. | Meaningful restitution to reconcile and acknowledge responsibility for choices. |

| Effects of response… | Short term – behaviors often stop in the moment but return once the punishment is over. | Long term – students learn critical social and emotional skills that serve them in college, career, and life |
The Restorative Mindset Map

- Punitive
  - Authoritarian
  - Stigmatizing
- Restorative
  - Authoritative
  - Reintegrative
- Neglectful
- Permissive

Support (encouragement, nurture) from LOW to HIGH

Restorative Justice in Everyday Life: Beyond the Formal Ritual by Ted Wachtel
Table talk with elbow partner

1. What mindset do I most frequently use in my position?
2. When I am stressed, does my mindset change?
3. Does my mindset change when I am working with peers/colleagues? Family?
RJ is intuitive – but is it evidence-based?

- **Victim Satisfaction** – “Compared to victims who participated in the traditional justice system, victims who participated in restorative processes were significantly more satisfied”

- **Restitution Compliance** – “offenders in the treatment groups were significantly more likely to complete restitution agreements.”

- **Reductions in recidivism** – “restorative justice programs, on average, yielded reductions in recidivism compared to nonrestorative approaches to criminal behavior.”

**RESTORATIVE JUSTICE PRACTICES THE EFFECTIVENESS OF RESTORATIVE JUSTICE PRACTICES: A META-ANALYSIS** (Latimer, Dowden, & Muise, 2005).
Better Outcomes

More than 90 empirical research studies in 7 countries have found positive impacts of restorative justice dialogue in juvenile and criminal cases through VOC/VOM (Victim Offender Conferencing/Victim Offender Mediation) and FGC/RCC (Family Group Conferencing/Restorative Community Conferencing)

-Umbreit & Lewis (2015)
Everyone has a story

Just because you are right, does not mean, I am wrong. You just haven't seen life from my side.