



Restorative Justice

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LEARNING OBJECTIVES



Objective #1:

Demonstrate a fundamental understanding of the history of Juvenile Justice within Missouri and its transformation within the 22nd Judicial Circuit of the Missouri Family Court -Juvenile Division to a more Restorative Model.

Objective #2:

Demonstrate a basic understanding of Restorative Justice Practices and Principles.

Objective #3:

Demonstrate an understanding of the basic steps needed to both implement and sustain Restorative programming within the Family Court setting.

RESTORATIVE JUSTICE PREMISE

- Crime is harm to people and communities.
- Harm results in obligations.
- Obligations to make it right.

Restorative Justice requires, at a minimum, that we address victim's harms and needs, hold offenders accountable to put right those harms, and involve victims, offenders, and communities in the process.



Zehr

HISTORY OF JUVENILE JUSTICE



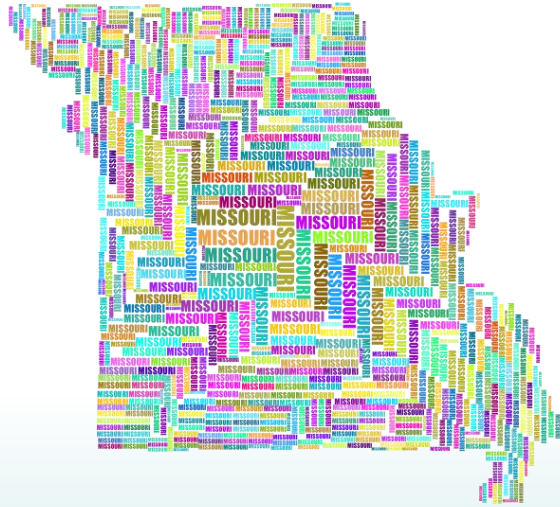
- Origins in the 19th Century.
- Centered originally in care and protection issues.
- 1899, Chicago established the “Juvenile Court Act” based on Parents Patriae (the state as the parent), with jurisdiction over dependent, neglected and delinquent youth.
- Missouri established a Juvenile Court System in 1903 and in 1957 drafted a “Juvenile Code”.

HISTORY OF JUVENILE JUSTICE



- 1967 “In Re Gault” decision by the US Supreme Court provided juveniles the protection of the due process clause of the Fourteenth Amendment.
- 1993 Family Court Legislation: enactment of House Bill 346, once known as the “Juvenile Division”, the Family Court is a designated division and by statute is accorded broad jurisdiction over domestic relations and juvenile matters.

MISSOURI JUVENILE CODE



Missouri Revised Statutes Chapter 211: The purpose is to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court.

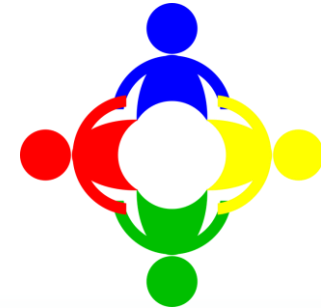
Provides guidance to the Juvenile Courts on how to proceed to ensure the child's welfare, what is in the best interest of the state and how to provide care for a child when they are removed from the control of their parents.

TWO DIFFERENT VIEWS



Criminal Justice

- Crime is a violation of the law & state.
- Violations create guilt.
- Justice requires the State to determine blame(guilt) and impose pain (punishment).
- Central Focus- Offenders get what they deserve.



Restorative Justice

- Crime is a violation of people and relationships.
- Violations create obligations.
- Justice involves victims, offenders and community members in an effort to put things right.
- Central Focus- Victim needs and Offender responsibility for repairing harm.

22ND JUDICIAL CIRCUIT FAMILY COURT JUVENILE DIVISION MOVES TO RESTORATIVE JUSTICE

2000: Judge Thomas J. Frawley requests Chief Deputy Juvenile Officer to look into Restorative Justice.

2001: Juvenile Accountability Incentive Block Grant is obtained. This funds a Victim/Offender Dialogue Coordinator, & Community Service/Restitution staff & equipment.

2002: Court orders, brochure, etc., are updated to include restorative language.

2003: Neighborhood Accountability Boards are created.

2004-PRESENT: Once the JAIBG grant was de-funded the court absorbed those employees into their budget to maintain programming and restorative Justice focus.

WHAT IS RESTORATIVE JUSTICE?



Howard Zehr defines restorative justice as:
“...a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.”

NOTHING NEW



Restorative Justice Is Not A New Concept, In Fact It Is The Traditional Way Of Responding To Harm

- When someone committed a wrong, they apologized.
- They worked to repair the harm.
- Family & friends helped them.
- After they completed their reparations, they were allowed back into the neighborhood or community's good graces.

HISTORY OF RESTORATIVE JUSTICE



- Native Americans and Maori's in New Zealand used restorative justice in the form of talking circles to deal with wrongs in their societies
- New Zealanders base their juvenile justice system entirely on restorative justice
- Many European countries and Canada use restorative justice extensively in juvenile and adult systems
- South Africa used Truth & Reconciliation Commission to deal with apartheid crimes

RESTORATIVE JUSTICE IN THE UNITED STATES



- Restorative Justice practices did not appear in the United States among the non-native population until the 1970s and 1980s.
- In the mid-1980s, a Victim/Offender Mediation program was developed by the Mennonites in Indiana.
- Many more programs based on restorative justice principles exist in the U.S. today.

SIMPLE DEFINITION



- Restorative Justice is every action that is primarily oriented toward doing justice by repairing the harm that has been caused by a crime. (Bazemore and Walgrave)
- Restorative Justice represents a philosophy shift- instead of viewing harm as a violation of the law, to understanding it as a violation of people & relationships that requires accountability & healing.

WHY RESTORATIVE JUSTICE?



- Concern about needs that were not being met in the usual justice process;
- Offender accountability;
- Victim frustration and alienation;
- Failure of increasing punishment to change behavior;
- Skyrocketing cost of punishment and system overload.

GOALS OF RESTORATIVE JUSTICE



1. IDENTIFYING & ADDRESSING THE NEEDS OF THE VICTIM
2. OFFENDER ACCOUNTABILITY
3. COMPETENCY DEVELOPMENT FOR THE OFFENDER
4. COMMUNITY SAFETY

ACHIEVING GOALS REQUIRES:



- Victims are voluntarily involved in the process and come out satisfied.
- Offenders understand how their actions have affected other people and take responsibility for those actions.
- Outcomes help to repair the harm done.
- Healing harm to victim is supported by community.
- Offender is reintegrated in the community to the fullest extent feasible.

DIFFERENCE BETWEEN RETRIBUTIVE JUSTICE & RESTORATIVE JUSTICE




RETRIBUTIVE vs RESTORATIVE JUSTICE

RETRIBUTIVE JUSTICE

- Victims are peripheral to the process.
- Emphasis on adversarial relationship.
- Community on the sideline.
- Legal Authority.
- The offender takes responsibility by accepting punishment.

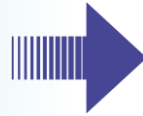
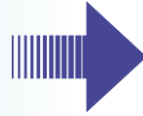
RESTORATIVE JUSTICE

- 
- Victims are central to the process of resolving a crime.
 - Emphasis on dialogue & consensus building.
 - Community as a facilitator.
 - Moral Authority.
 - The offender accepts responsibility by repairing the harm.

RETRIBUTIVE vs RESTORATIVE JUSTICE

RETRIBUTIVE JUSTICE

- Rehabilitation is discussed.
- Offender “rights” emphasized.
- The government is responsible for everyone’s safety.



RESTORATIVE JUSTICE

- The offender accepts responsibility by repairing the harm.
- Offender responsibilities emphasized.
- Everyone works together with government for safety.

RESTORATIVE JUSTICE HAS THREE STACKHOLDERS



- Victims
- Offenders
- Community

GUIDING QUESTIONS OF RESTORATIVE JUSTICE



- Who has been harmed?
- What is the harm?
- What needs to be done to repair the harm?
- Who needs to repair the harm?
- How to we involve everyone?

RESTORATIVE JUSTICE THREE PROGRAMMING PRIORITIES



- ❖ ACCOUNTABILITY
- ❖ COMMUNITY PROTECTION
- ❖ COMPETENCY DEVELOPMENT

ACCOUNTABILITY



Accountability \neq punishment or adherence to a set of rules laid down by the system.

ACCOUNTABILITY = HELPING OFFENDERS TO:



- » understand how their behavior affected others (not just the Court or the officials);
- » acknowledge that their behavior resulted from a choice that could have been made differently;
- » acknowledge to all affected that their behavior was harmful to others;
- » take action to repair the harm where possible;
- » make changes necessary to avoid such behavior in the future.

STRATEGIES TO HOLD OFFENDERS ACCOUNTABLE COULD INCLUDE:



- ✓ Focus on identifying the harm.
- ✓ Focus on repairing the harm.
- ✓ Provide a process for making amends to the community.
- ✓ Provide a process for greater understanding of how the incident affected others.
- ✓ Offer a meaningful way for the offenders to take responsibility for their actions.
- ✓ Encourage an apology or expression of remorse.
- ✓ Involve the victim and the community in determining accountability measures.

COMMUNITY PROTECTION



- Youth connections to positive community members are strengthened.
- Community members know each other, mutually agree about behavioral tolerance limits, and work together to prevent crime.
- Juvenile justice professionals use a consistent continuum of sanctions in response to a juvenile offender's failure to comply with supervision conditions.
- The opportunity to commit offenses is restricted by community involvement or by involving known juvenile offenders in structured, supervised, and productive activities.

IMPORTANCE OF THE COMMUNITY



The Community Is An Important Stakeholder In The Restorative Justice Process Because:

- crime is also an act against the community;
- the community is responsible for the well being of all its members, including both victims and offenders;
- the community must have an active involvement in preventing and controlling crime;
- the community can help offenders repair the harm so as to rebuild relationships in the community;
- the community can assist in competency development with offenders and work with them to change behaviors;
- the community can help offenders become fully integrated, respected members of the community.

COMPETENCY DEVELOPMENT



Competency = the capacity to do something well that others value.

Competency Development = increasing offenders' skills and abilities so that their behavior changes and they become a valued member of the community.

KEY COMPETENCIES TO BE DEVELOPED (BASED ON AN OJJDP REPORT)



- ❖ Vocational
- ❖ Education, Knowledge, Reasoning & Creativity
- ❖ Personal/Social, Conflict Management & Communication Skills
- ❖ Decision-making, Reasoning & Problem Solving
- ❖ Citizenship
- ❖ Health And Recreation

STRATEGIES TO INCREASE COMPETENCIES COULD INCLUDE:

Community Service

- learn new skills and work habits;
- learn about contributing to the well being of the community;
- learn about ways to invest in the community;
- learn about developing positive relationships.

Victim/Offender Dialogue

- learn new skills for conflict management.

Neighborhood Accountability Boards

- learn new interpersonal skills;
- learn new skills for decision making;
- learn to listen and take advice from others.



FAMILY COURT - CITY OF ST. LOUIS IMPLEMENTATION PLAN



- Transition Started With Existing Restorative Practices Such As Community Service, Restitution, & Victim Impact Statements;
- Mission Statement;
- Infuse Into Daily Work – Universal Application;
- Technical Assistance;
- Consensus Building Among Key Stakeholders;
- Develop Community Conferencing Models;
- *Training, Training, Training.*

FAMILY COURT - CITY OF ST. LOUIS

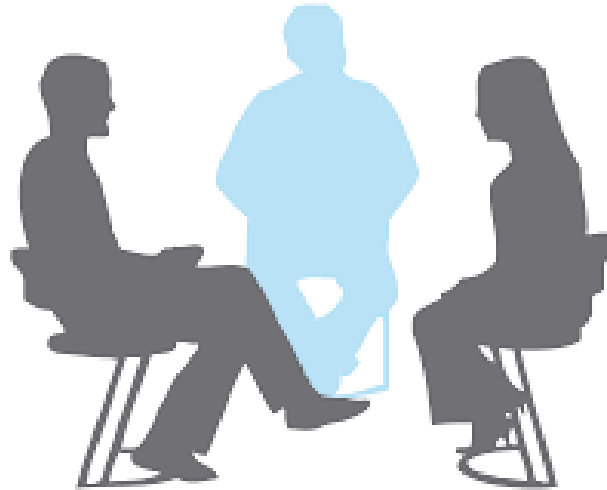
VICTIM/OFFENDER DIALOGUE (VOD)

2001-PRESENT



- Cases usually include misdemeanor & lower level felonies.
- Victims & offenders meet with trained facilitators.
- Victims tell their story to make offenders aware of the harm caused & ask any needed questions need.
- Victim, offender, & facilitator develop a plan to repair the harm.
- Failure may result in formal Court Action.

VICTIM/OFFENDER DIALOGUE (VOD)



Victim Offender Dialogue provides victims of juvenile crimes an opportunity to meet with their offenders to ask questions and advise juveniles about the impact of the crime in their lives; and allows offenders to take responsibility for their actions and work out a method to repair the harm their actions have caused.

HOW VOD WORKS



1. New case screened by VOD Coordinator or referred by Legal Department/Deputy Juvenile Officer.
2. Referral to VOD coordinator.
3. Screening of juvenile for appropriateness.
4. Contact with victim.
5. Preparation of both parties individually.
6. Dialogue held between victim(s) & juvenile(s) by trained facilitator.

CONFIDENTIALITY



- Dialogues are confidential, meaning that all communication during the dialogue process, including any documents developed in the course of the dialogue shall remain confidential, non-discoverable and inadmissible for any purpose in any legal proceeding.

(except evidence of child abuse, statements made perceived to be threats to commit crimes, damage property or cause serious bodily injury in the future or details of a past uncharged crime).

NEIGHBORHOOD ACCOUNTABILITY BOARD (NAB) 2003-PRESENT



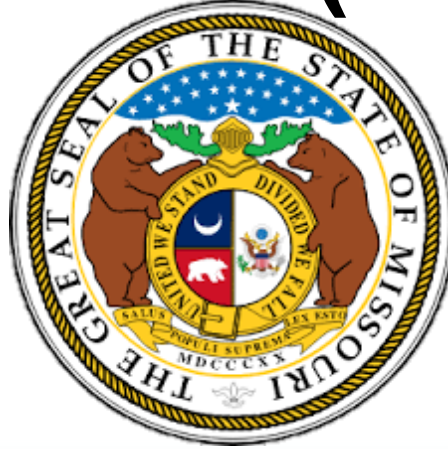
- Boards were developed in neighborhoods that contained a high number of youths that both reside there and who were also referred to the court for a delinquency matter.
- Cases usually include misdemeanor and lower level felonies.
- Purpose is to hold juveniles accountable for their behavior to their community, to discourage further delinquent behavior, and to constructively involve the community in the juvenile justice process.
- Juvenile and board members develop a plan to repair the harm, hold the youth accountable and build competencies.
- Build community relationships to make juvenile/family feel connected.

WHAT IS A NEIGHBORHOOD ACCOUNTABILITY BOARD (NAB)?

- ❖ Neighborhood Accountability Boards involve the community of people most affected by the crime (known as the stakeholders) - the victim and the offender and the family, friends, and key supporters of both - in deciding the resolution of a criminal incident.
- ❖ These affected parties are brought together to discuss how they and others have been harmed by the offense and how that harm might be addressed.
- ❖ To participate, the offender must be willing to take some responsibility for their offense.
- ❖ Participation by all involved is voluntary.



FAMILY COURT- CITY OF ST LOUIS NEIGHBORHOOD ACCOUNTABILITY BOARDS(NAB)



- Offenders meet with neighborhood panels (4-5 at each session).
- A discussion of what harm was caused by the youth's actions occurs;
- Followed by the development of a restitution plan that will help repair the harm (with time limits), in conjunction with the victim & offender.
- Members become involved in the educational and/or treatment process.
- Cases usually include misdemeanors and lower level felonies.
- Process coordinated by Court staff.
- Failure may result in formal court action.

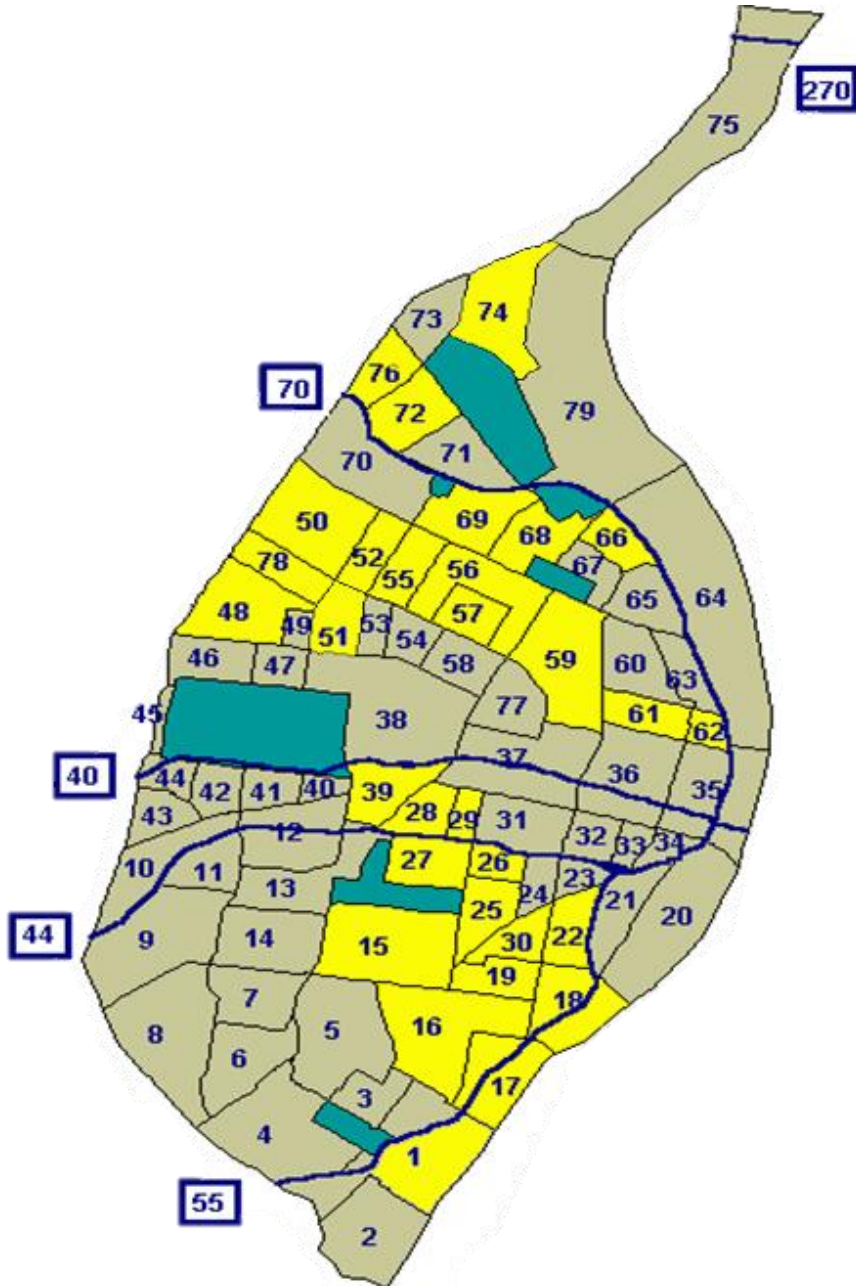
VOLUNTEERS



Volunteers Are Crucial & Hard To Find!

- Each board consists of residents that live in the youths neighborhood.
- Volunteers must pass an Adult Record Check, Child Abuse & Neglect Check, & be registered on the Missouri family CARE safety registry.
- All volunteers go through a training with court staff & observe multiple NAB's before being placed on their neighborhood board.

CURRENT BOARD LOCATIONS



NORTH NEIGHBORHOODS:

Walnut Park
Penrose/O'Fallon
Jeff-Vander-Lou
Kingsway/Ville
Hamilton Heights/Wells-Goodfellow
Baden

SOUTH NEIGHBORHOODS:

West End/Columbus/Carr Square
Forest Park
Dutchtown
Benton Park
Shaw
Gravois Park
Carondelet

COMMUNITY SERVICE/RESTITUTION PROGRAM



The Community Service/Restitution Program allows youth to be held accountable to victims for their loss that was the result of the young person's actions. The youth performs work in the community to compensate the victim and/or to repair some of the harm that they caused.

Community Service

Means the youth will perform Community Service hours to repair harm to the community.

Restitution

Means that the youth must work Community Service hours or "self-pay" to repay a victim some monetary amount.

FAMILY COURT- CITY OF ST. LOUIS

ACCOUNTABILITY OUTCOMES

COMMUNITY SERVICE/RESTITUTION

PROGRAM 2022



Restitution to Victims

Ordered: \$58,800

Paid: \$46,300

Community Service Work

Ordered: 850

Worked: 450

\$ Value: \$5,400

CURRENT COMMUNITY SERVICE SITE EXAMPLES



Food Pantries

Recreational Centers

Schools

Youth clubs

Churches

Neighborhood Organizations

HOW CAN THE COMMUNITY HELP?



- Provide community service activities and skill development opportunities for youth in your neighborhood.
- Develop relationships with youth, and allow them to serve in organizations and become community leaders.
- Volunteer to serve on a Neighborhood Accountability Board or start a new one.