

# Restorative Justice: The Importance of Partnerships for a Whole Systems Approach

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# Learning Objectives

1. To explore Restorative Justice and its applications in the Juvenile Justice and Education systems;
2. To assess lessons learned and best practices from a statewide Restorative Justice program in operation for 22 years;
3. To identify possibilities for replication—locally, statewide and/or nationally

# Table Discussion

Introduce yourselves and answer these questions:

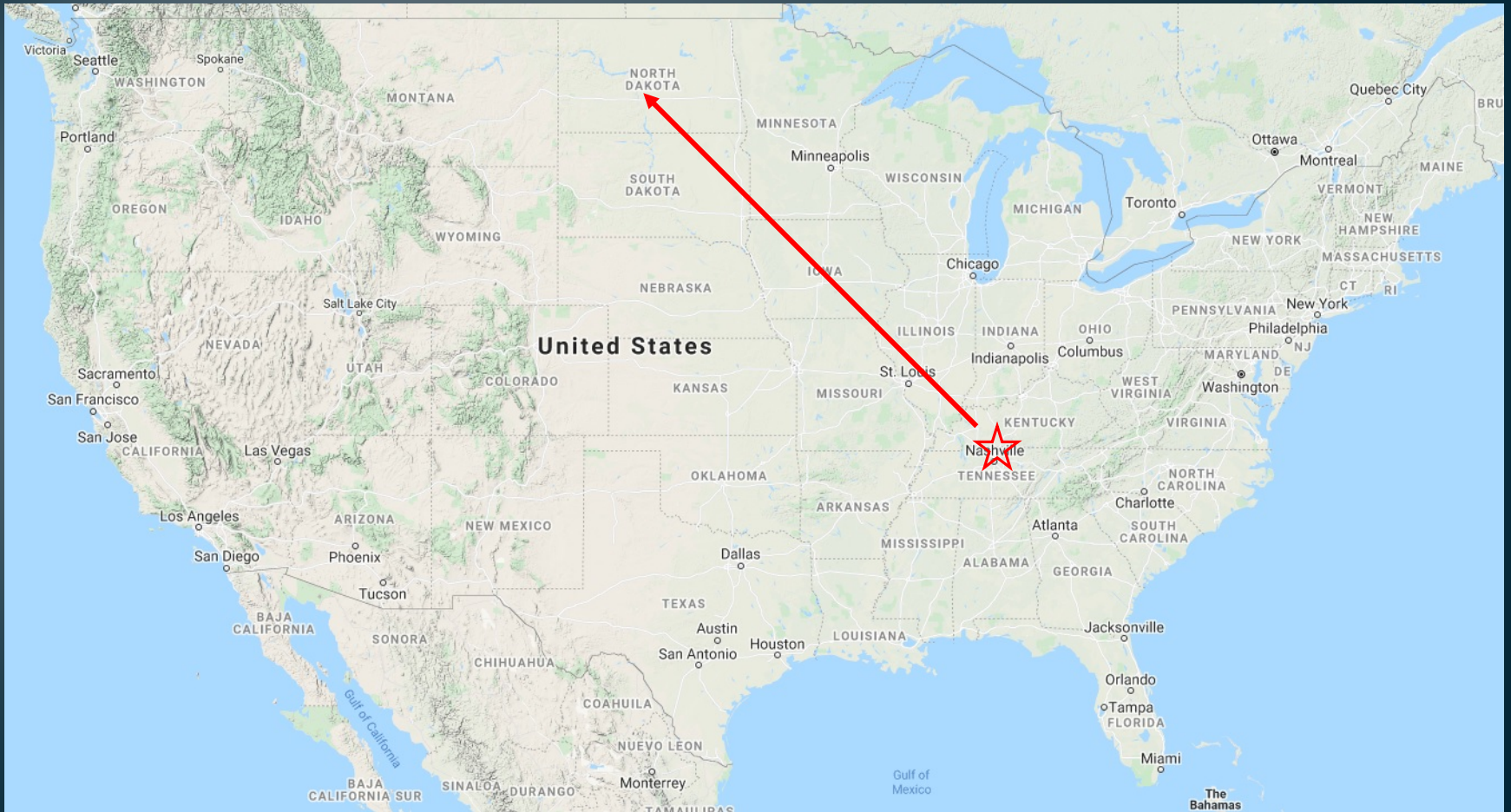
1. What does Justice mean to you personally?
2. What does Justice mean to you in your professional role?



**“ IF WE DO NOT  
MAINTAIN JUSTICE,  
JUSTICE WILL NOT  
MAINTAIN US. ”**

- Francis Bacon

# NORTH DAKOTA, USA



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# North Dakota Demographics



- Total Population: 779,094
  - 86.9% Caucasian
  - 5.6% Native American
  - 3.4% Black
- 10.6% in poverty
- 19.3% without internet

# Defining Restorative Justice

Restorative Justice is 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.

Howard Zehr



# Restorative Justice

# Criminal Justice

## Two Different Views

- Crime is a violation of people
- Justice involves victims, offenders, and community members
- Central focus: victim needs and offender responsibility for repairing harm

- Crime is a violation of the state
- Justice requires the state to determine blame (guilt) and impose punishment
- Central focus: offender punishment

## Three Different Questions

- **Who has been hurt?**
- **What are their needs?**
- **Whose obligations are these?**

- **What laws have been broken?**
- **Who did it?**
- **What punishment/consequence do they deserve?**



# A Continuum



1. Does the model address harms, needs, and causes?
2. Is it adequately victim-oriented?
3. Is the harmer encouraged to take responsibility?
4. Are all relevant stakeholders involved?
5. Is there an **opportunity for dialogue** and participatory decision making?
6. Is the model respectful to all parties?

## ACTIVITY/TABLE DISCUSSION

Aaron, a 15-year-old boy who lives with his parents, stole a truck from a driveway in a nearby neighborhood. Although two friends were nearby, he was the only one who actually got into the truck. He drove it through a local fast-food restaurant drive through, then took it for a ride and when trying to put it back where he got it, misjudged a turn and ran it into a neighbor's tree. It cost \$600 beyond insurance to fix the truck and it took a week. The owner is a freelance roofer and was unable to work while the truck was in the shop.

### Restorative Justice

- **Who has been hurt?**
- **What are their needs?**
- **Whose obligations are these?**

### Criminal Justice

- **What laws have been broken?**
- **Who did it?**
- **What punishment/consequence do they deserve?**

# Restorative Practice in Schools

A continuum of practices—from informal to formal—that include proactive processes that build relationships and community and reactive strategies that engage students in supportive processes that allow students to take responsibility for their behavior.

**Informal**

**Formal**



San Francisco USD, 2017

# ND Juvenile Court Process

## Law Enforcement Incident Report

Warning/No Further Action

Diversion

Refer to Juvenile Court

## Formal Court Process

Dismissal/Acquittal

Formal Probation Services

Transfer to Division of Juvenile Services  
(DJS)

Transfer to Social Services

## Juvenile Court Officer III (Supervisor)

Warning/No Further Action

Diversion

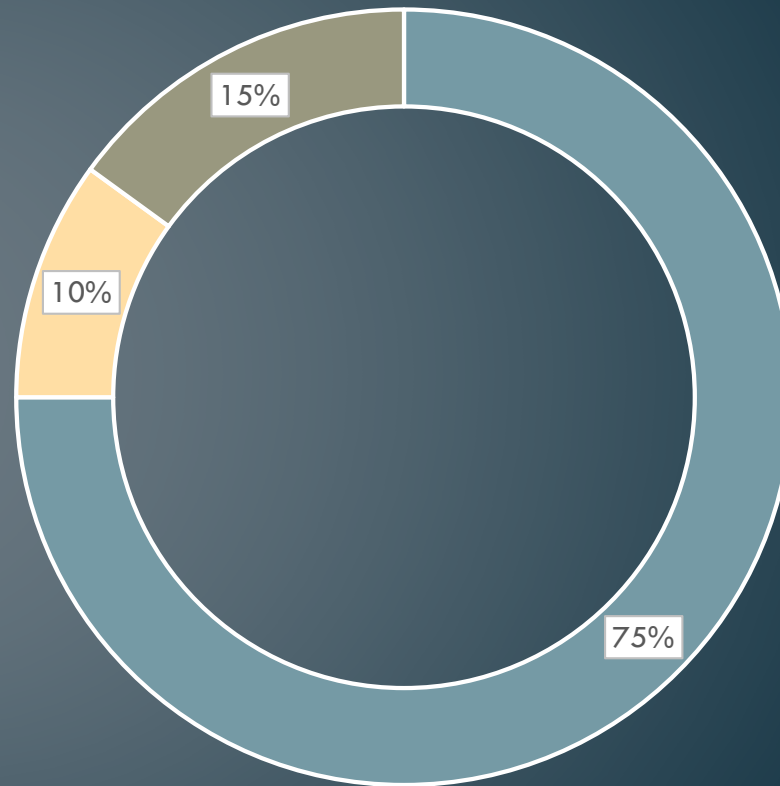
Informal Adjustment (Probation)

Refer to Prosecutor for  
Formal Court Process

## Transfer to DJS or Social Services

Out of Home Placements

# Dispositions of the ND Juvenile Court System (2020)



■ Diversion (2,933)

■ Informal Adjustment (410)

■ Formal Court Process (578)

6-month recidivism rate (statewide): 15.6%

# ND Juvenile Court and Restorative Justice

*“Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community.”*



# RESTORATIVE CONFERENCING



- Youth responsible for harm
  - Parents/guardians
  - Person(s) harmed by youth's actions
  - Support people
  - Strategic and supportive resources for both parties
  - Community volunteers
  - Trained Facilitator
- 
- **OUTCOME:** Signed Agreement reached by consensus

# Moving Upstream

## Cass County (Pre)-Diversion process, Georgetown University (2016)

- Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program
- Pre-Assessment (Data-Driven)
  - Racial Disparity for Black Youth
  - Disparities are greatest for:
    - Offenses that happen during the school day
    - Point of arrest/detention
- Action— (Pre)-Diversion for Fargo Police Department
  - Disturbance of Public School, Disorderly Conduct, Simple Assault (w/ exclusions), Theft, and Criminal Mischief





# Table Discussion- Next Steps

- What might be a next step for you to explore implementation within your own community/jurisdiction?
- What support might you need to replicate something like this?
- What challenges/obstacles do you foresee?

# Action Steps & Ideas

- Develop partnerships and gather stakeholders
  - Include communities and individuals most impacted by justice (ex. formerly incarcerated)
  - School-Justice partnership (one model/example we've used is from Chief Judge Steven Teske, Clayton County, GA)
- Determine where you are starting from and where you want to go
  - Collect/review data, conduct assessments and SWOT analysis (Strengths, Weaknesses, Opportunities, Threats)
- Don't necessarily "reinvent the wheel". Look at other models that are working.
  - Keep equity at the center of the decision-making process (one model/example is the Equity Magnifier from MN DOE)
- Invest time into training and education
- "Begin with me" / restorative questions

"Some things can begin today, some things will take 5+ years"

# QUESTIONS?

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