



Restorative Justice Practices in Connecticut. From “Pilots” to “Mainstream”

Background

In the United States, Restorative Justice programs and practices evolved from efforts of the victims' rights movement, neighborhood justice initiatives, and mediation practices of the 1970's as a means to engage victims and communities in the criminal justice process, which traditionally focused solely on the offender. Restorative Justice continued to gain national and international recognition in the late 1990's led by efforts of Howard Zehr, Ph.D., known as the “grandfather of restorative justice.”¹ Empirical research contributions by Mark Umbreit, Ph.D.,² at the Center for Restorative Justice and Peacemaking at the University of Minnesota, has supported the advancement and implementation of RJ practices across the continuum of the criminal justice system. Restorative Justice strives to promote healing and restoration of those harmed and affected by crime through structured communication processes that includes victims, offenders, community and government (court) officials. The practices afford opportunities for those impacted by crime to hold offenders accountable, address root causes of offending behavior, assess and meet unmet needs, and collectively develop a restoration plan for the offender, family, and community.

The Restorative Justice response to juveniles is largely due to the emergence of research³ evidencing the positive impact that Restorative Justice programs have had on reducing recidivism⁴ in juvenile offenders. To ensure the effective implementation of Restorative Justice Practices, professionals in the field are tasked with developing new roles, setting new priorities, and redirecting resources to transform juvenile justice systems within a restorative framework.

Misperceptions about RJP, given its unique practice model and focus on restoration rather than on punishment, abound that it is a “soft” approach to crime and lacks accountability. In fact, restoration invokes values that align with adolescent development and positive youth development including responsibility and accountability, fostering listening skills and empathy, and recognition that youth who remain connected and supported by their community mature into pro-social, active citizens.

What are Restorative Justice Practices?

Restorative Justice Practices, also known as Restorative Practices, are a set of relational, communication approaches used to facilitate meaningful conversations to prevent harm, as well as to restore relationships wherein harm has occurred and conflict exists between people. They have evolved as a tool to improve school climate and educational outcomes, and provide structure for organizing effective group communication, building relationships, decision-making and resolving conflicts. “Restorative practices support youth and adults to bring forward their ‘best self’ and offer a space where they can learn and practice value-based behavior.”⁵

1 <http://zehr-institute.org/staff/howard-zehr/howard-zehr-cv/>

2 <http://www.cehd.umn.edu/ssw/people/profiles/umbreitm.html>

3 <http://whatworksforhealth.wisc.edu/program.php?t1=20&t2=113&t3=101&id=494>; <https://leb.fbi.gov/2016/october/restorative-justice-and-youthful-offenders>

4 National Institute of Corrections. (2001). Restorative Justice: Principles, Practices and Implementation. United States Department of Justice. Section 4, “Building Community Resource Capacity”, pp. 239-240.

5 <http://www.suffolk.edu/college/centers/14521.php>

Why are Restorative Justice Practices important?

As previously stated, Restorative Practices focus on separating the deed (in many cases a destructive or harmful deed) from the doer. This model supports placing a high value on the dignity of all people, and looks at individual choices to commit crime or cause harm as separate from the integrity of the person who acted destructively. RP also focuses on supporting the victim by creating the opportunity to help the person harmed heal and if possible, restore their relationship(s) with the person/people who committed the harmful act. This overall shift in orientation from punitive justice to an approach that restores relationships and provides support to victims leads to greater outcomes for everyone involved.

Common RJ Practices

RJ practices themselves include a few different approaches, not limited to Circles, Restorative Dialogue/Restorative Circles and Restorative Conferences (Family and Community).

Circles involve a group of people connected in some form of relationship (i.e. students in a classroom, adult colleagues at work, community members of a city or town) who voluntarily come together to physically sit in a circle to build their relationships through facilitated dialogue on topics or subject matter of relevance to them. The process includes a welcome and introduction, followed by the opportunity for people to share their values and agree to a set of commitments as to behavior during the Circle. Utilizing a talking piece, a hand-held object used to facilitate the answering of questions or responding to prompts, participants have opportunity to speak one at a time in sequenced rounds and the group explores topics or confronts challenges in a respectful listening environment. Often, Circle topics reveal individual values and beliefs, as well as shared interests and activities that foster collaboration and consensus building.



Restorative Dialogue/Restorative Circles (also known as Victim-Offender Mediation) involve the use of the “Restorative Questions” in order to process challenging situations where some harm or conflict has occurred. Questions can be posed one-on-one, (e.g. if a teacher were to witness a student being disruptive during class-time); or in a group setting for more complex situations, (e.g. if a fight were to break out in the cafeteria between multiple students). Questions may vary but are designed to lead the conversations to explore what happened, the thought process involved, how the person feels about their action, how they think the victim feels and what needs to be done to make things right if possible.

Restorative Conferences are a more intense version of Restorative Practices, typically reserved for serious offenses or harm, and utilize a more formal process intentionally designed for the people involved and those most affected by the event(s). Within the Restorative Conference session(s), the facilitator(s) navigates and guides the process utilizing a scripted series of questions such that everyone in attendance has opportunity to speak about how the incident has impacted their life and livelihood, or generally about how they have been affected. Conferences are thoughtfully planned and structured by skilled facilitator(s) to provide for the best outcome, in a meaningful and restorative way, for all involved.

Restorative Justice Practices - Moving Toward Mainstream in Connecticut

Like many other states including California, Massachusetts, Wisconsin, Minnesota, Illinois, Colorado, Pennsylvania and New York, Connecticut is implementing Restorative Justice Practices in schools, communities, and the juvenile justice system. Schools, faced with rising suspension and expulsion rates and school-based arrests, especially for youth of color, are moving away from failed zero tolerance discipline and practices of the 1990’s and early 2000’s toward a more restorative approach to stem the flow of youth into the justice system, which often results in academic failure. Stakeholders and decision-makers in CT are exploring and implementing Restorative Justice Practices as part of school-based diversion, community-based diversion (both pre- and post-arrest) as well as in congregate care for committed delinquents. With growing interest, the state moves closer to the development and implementation of a Restorative Justice framework across the continuum of youth services to align with strategic goals of the Juvenile Justice Policy and Oversight Committee to reduce recidivism and incarceration rates and increase diversion efforts as part of youth justice reform. Toward this end, on June 20, 2017, the TYJI will convene a Connecticut group of RJ practitioners to begin the discussion on moving RJ practices into the “mainstream” of our state’s juvenile justice system.

Authorship/contributions by Sara Jeffries, PhD Fellow, Devon McCormick and Kitty Tyrol.

The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy. Please visit our website at newhaven.edu/tow and follow us on social media @towyouth.

