Restorative Justice & Treatment Courts: An Implementation Crosswalk

Adelle Fontanet, Esq.
Associate Director, Tribal Justice Exchange

Karen M. Otis, LMHC, MA
Associate Director, Treatment Court Programs
Restorative Justice is...

Repairing harm
Restorative Justice Principles

- Crime is a violation of people and relationships
- Violations create obligations
- Justice involves victims, offenders, and community in an effort to repair the harm, to “put things right”

**Central focus:** victim needs and offender responsibility for repairing harm
<table>
<thead>
<tr>
<th></th>
<th>Criminal Justice</th>
<th>Restorative Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td>What laws have been broken?</td>
<td></td>
<td>Who has been harmed?</td>
</tr>
<tr>
<td>Who did it?</td>
<td></td>
<td>What are their needs?</td>
</tr>
<tr>
<td>What do they deserve?</td>
<td></td>
<td>Who’s obligations are these?</td>
</tr>
</tbody>
</table>
Restorative Justice Elements

► Non-adversarial
► Offender responsibility
► Stakeholder engagement
► Consensus after engagement
► Making amends for harm
► Community reintegration
Research on Restorative Justice


Research on Restorative Justice

Defendants —
• Reductions in recidivism were greater than in CJ proceedings
• Greater satisfaction with process

Victims —
• Greater satisfaction with outcomes
• Reduced desire for revenge
• Reduced PTS symptoms
Treatment Court Principles

Holistic approach

Reduce stigma

Recovery

Accountability
Treatment Court Principles

► Holistic Approach
► A holistic approach takes care of something totally in all aspects.
► Ideally, treatment court teams work collaboratively to provide comprehensive, wrap-around services that address client, treatment, & the criminal justice system (community).

► Reduce Stigma
► Changing the negative attitudes, beliefs, descriptions, language or behavior of the criminal justice system, the community, the stakeholders and most importantly our clients

► Accountability
► Holding our criminal justice system, our stakeholders, and clients accountable for improved outcomes

► Recovery
► Ensuring that the tools and skills are available to achieve long-term recovery using EBP (client, criminal justice system, and community)
Stakeholder Engagement = Holistic approach

Collaborative Process = Reduce stigma

Addressing Obligations = Accountability

Focusing on harm and needs = Recovery

Principles Crosswalk
Center for Court Innovation

Crosswalk Implementation: Restorative Justice in Treatment Courts

Adult Drug Court Best Practice Standards
Crosswalk Implementation

Standard I: Target Population

Restorative Justice Principle

- Stakeholder engagement, collaborative process, addressing obligations, focuses on needs and harm

Treatment Court Principle

- Holistic approach, reducing stigma, accountability, and recovery
Crosswalk Implementation

Standard II: Equity & Inclusion

Restorative Justice Principle

• Stakeholder engagement, collaborative process, respect, and focuses on needs and harm

Treatment Court Principle

• Holistic approach, reducing stigma, accountability, and recovery
Crosswalk Implementation

Standard III: Role of the Judge

Restorative Justice Principle
• N/A!!!

Treatment Court Principle
• Holistic approach, reducing stigma, accountability, and recovery
Crosswalk Implementation

Standard IV: Incentives, Sanctions and Therapeutic Adjustments

Restorative Justice Principle

• Stakeholder engagement, collaborative process, addressing obligations, focuses on needs and harm

Treatment Court Principle

• Holistic approach, accountability, and recovery
Crosswalk Implementation

Standard V: Substance Use Disorder Treatment

Restorative Justice Principle

- Stakeholder engagement, collaborative process, and focuses on needs and harm

Treatment Court Principle

- Holistic approach, accountability, reducing stigma, and recovery
Crosswalk Implementation

Standard VI: Complementary Treatment & Social Services

Restorative Justice Principle
- Stakeholder engagement, collaborative process, and focuses and needs and harm

Treatment Court Principle
- Holistic approach, accountability, reducing stigma, and recovery
Crosswalk Implementation

Standard VII: Drug & Alcohol Testing

Restorative Justice Principle
- Addressing obligations

Treatment Court Principle
- Accountability
Restorative Justice Principle

- Stakeholder engagement, collaborative process, and focuses on needs and harm

Treatment Court Principle

- Holistic approach, accountability, reducing stigma, and recovery
Crosswalk Implementation

Standard IX: Census & Caseloads

Restorative Justice Principle

• Respect

Treatment Court Principle

• Holistic approach
Crosswalk Implementation

Standard X: Monitoring & Evaluation

Restorative Justice Principle
• Stakeholder engagement, collaborative process, focuses on needs and harm

Treatment Court Principle
• Holistic approach, accountability, reducing stigma, and recovery
Restorative Justice Practices

- Circles
- Victim Impact Panel
- Community Conferencing
- Community Service / “Volunteerism”
- Restitution
Circles: Albuquerque HTWC Case Study

- Collaboration with local tribes
- Offers cultural healing services and treatment
- Voluntary invitation to participate in talking circle
Circles: Albany Juvenile Drug Court Case Study

Fully integrated use of talking circles

Intake circle
Community building circles
Intervention circles
Parenting circles
3 locations – Brooklyn, Queens, & Staten Island

2 hours class with 70 to 250 attendees

$100 fee

Closed class

Voluntary panelist

Attendees receive a certificate

Participants are required to prepare an essay to share aloud with the court

Victim Impact Panel: A NYC Case Study
Community Conferencing: Family Team Models Case Study

- Family group decision-making meetings
- Family team conferencing
- Permanency team meetings
- Team decision-making meetings
► Value participants worth
► Engage participants skills
► Connect participants to community
► Ensure participants understand the value of their contributions

Examples: Repair a transit bus, donate items you’ve built, help a senior with house chores, lead a youth skills class, help coach a youth sports league, clean up a local park with court room staff, paint a mural, participate in community revitalization efforts.
Restitution

- Financial recompense
- Apology letters
- Help repair the damage
- Use your skills positively
  - Help out in the shop
  - Create something useful for the person harmed
Implementation Challenges

► Victim engagement
► Cognitive capacity
► Safety
Implementation Solutions

- Think broadly about “victims” and victim engagement
- Ensure cognitive capacity
  - Use for low-level offenders
  - Use later in treatment court phases
- Take measures to ensure participant safety
  - Later process/preparing with families
  - Train facilitators
RJ Brainstorming Exercise

► How can RJ work in your court?
► Are there tribes or local organizations you could engage?
► What treatment court population would you work with?
► Where could you integrate restorative justice in court operations or treatment?
Karen Otis, LMHC, MA
• Associate Director, Treatment Court Programs
• otisk@courtinnovation.org

Adelle Fontanet, Esq.
• Program Manager, Tribal Justice Exchange
• fontaneta@courtinnovation.org

Thank you! Questions?