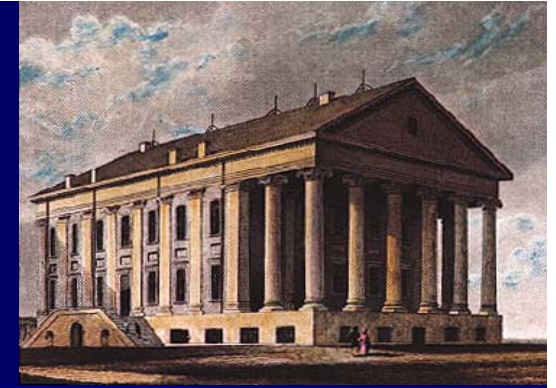


Virginia State Crime Commission

Restorative Justice

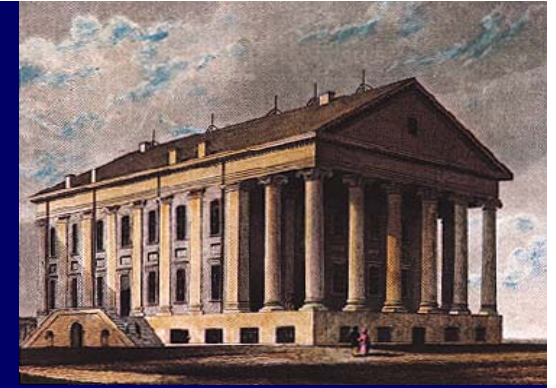
September 16, 2009

Agenda



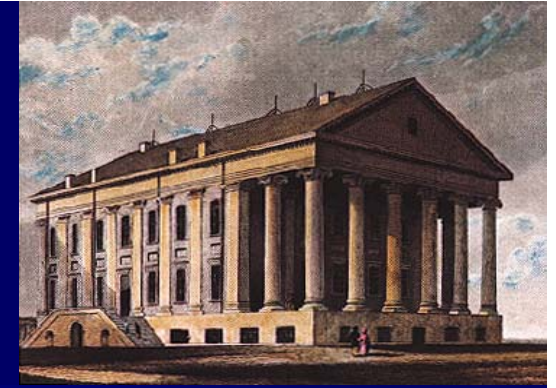
- Study Authorization
- Defining Restorative Justice
- Restorative Justice Outcomes
- Virginia and Restorative Justice
- Virginia and Victim-Offender Reconciliation
- Conclusions

Study Authorization



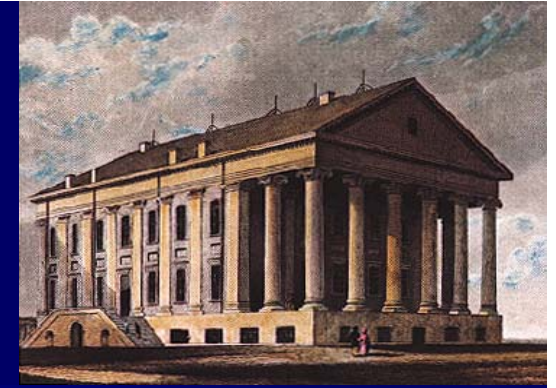
- Senate Joint Resolution 362 was introduced by Senator Norment during the 2009 Session of the General Assembly.
- SJR 362 was left in House Rules; the Executive Committee of the Crime Commission approved the study of the resolution, which directed the Crime Commission to study:
 - Various types of restorative justice, specifically including victim-offender reconciliation programs;
 - Legal and practical issues; and,
 - Possible recommendations relating to the preferred types of restorative justice.

Defining Restorative Justice



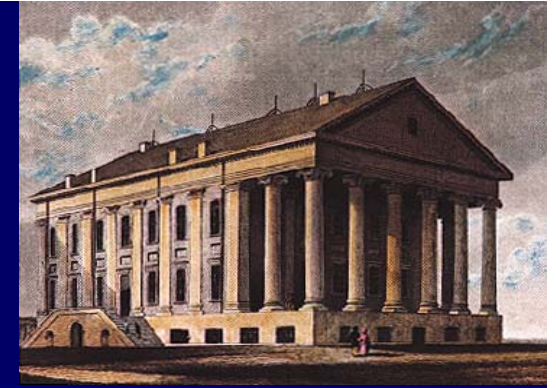
- Restorative Justice can be defined as:
 - A theory of justice that focuses on repairing the harm that a criminal offense inflicts on victims (direct and indirect), offenders, and communities of care.

Defining Restorative Justice



- In general, RJ aims to:
 - Involve all key stakeholders in the justice process;
 - Balance the needs of all stakeholders;
 - Hold the offender accountable for his actions;
 - Insure victim satisfaction and reduced levels of fear; and,
 - Benefit the community and repair the overall harm caused by the criminal offense.

Defining Restorative Justice

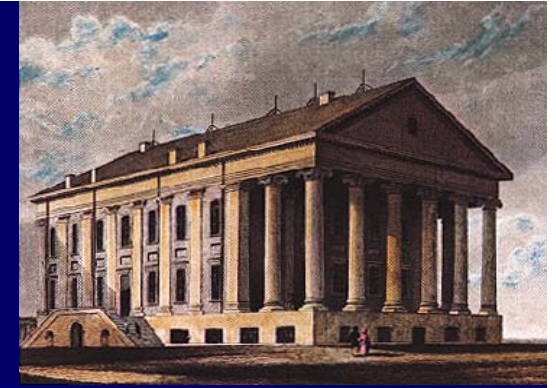


- RJ initiatives can be classified as follows:
 - Fully restorative;
 - Mostly restorative; or,
 - Partly restorative.

- RJ programs can be implemented in juvenile and criminal courts, police departments, correctional facilities, and schools, for example.

- Points of referral to RJ programs can include:
 - Informal/School;
 - Pretrial;
 - Sentencing;
 - During incarceration; or,
 - Probation.

Defining Restorative Justice

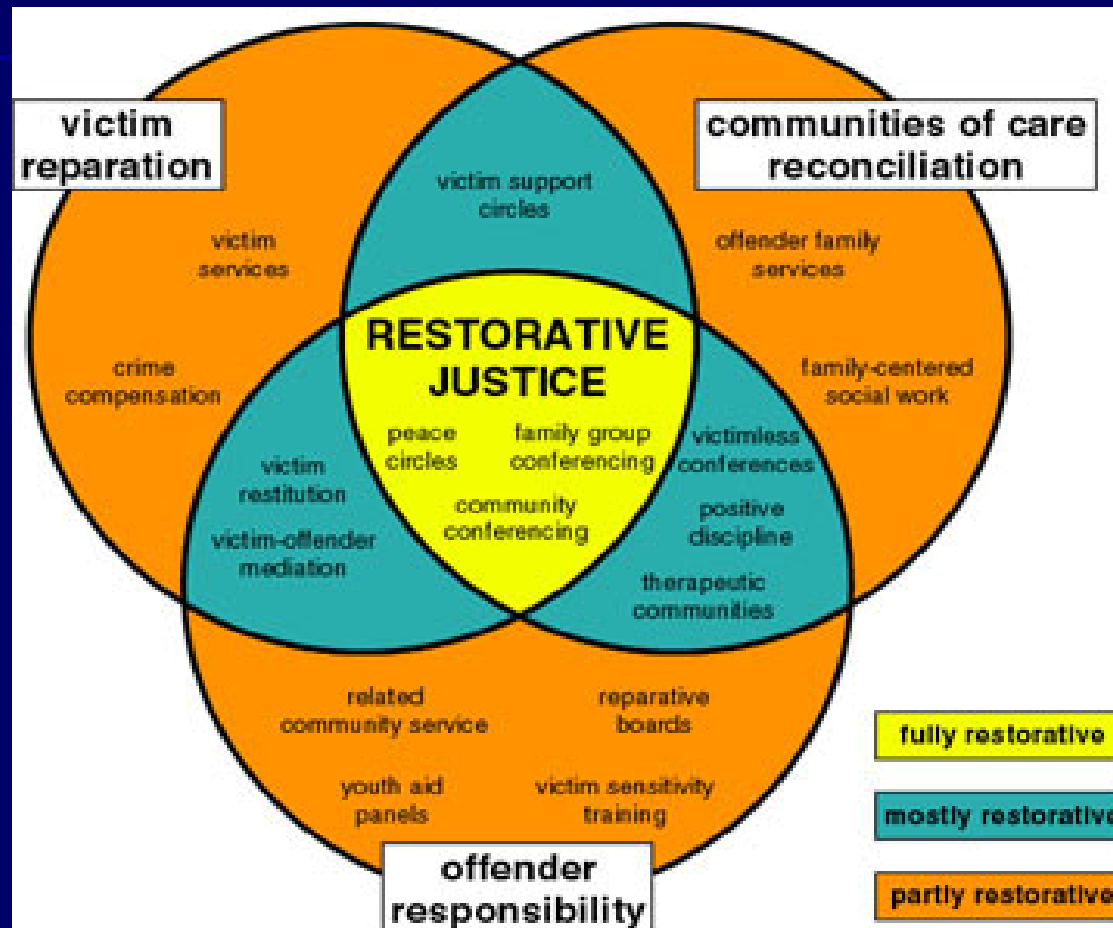


- Various types of RJ initiatives include:
 - Pretrial Diversion*;
 - Victim/Community Impact Statements*;
 - Restitution*;
 - Sentencing Circles;
 - Community Service*;
 - Family/Community Group Conferencing;
 - Community Restorative Boards;
 - Prisoners Assistance Programs*;
 - Victim Impact Panels and Classes; and,
 - Victim-Offender Mediation/Reconciliation*.

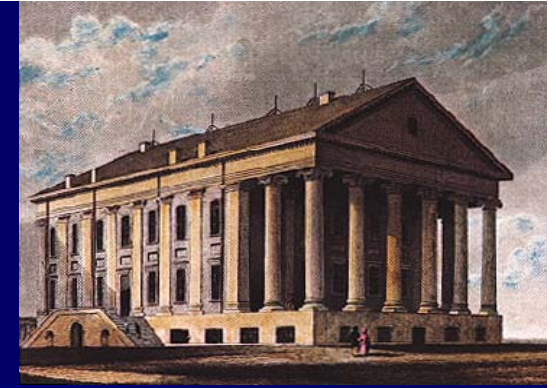
* Currently operating in the Commonwealth of Virginia.

Restorative Practices Typology

McCold & Wachtel, 2003

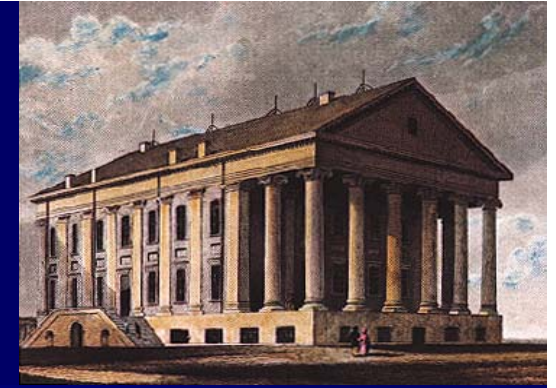


Defining Restorative Justice



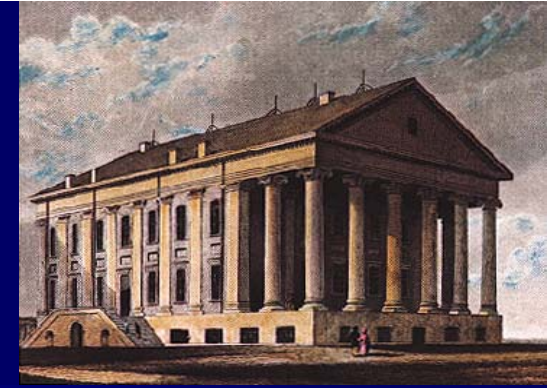
- Funding for RJ programs typically stem from sources such as:
 - County/City Allocation;
 - State and Federal Grants;
 - Private Foundations; and,
 - Individual Donations.

Restorative Justice Outcomes



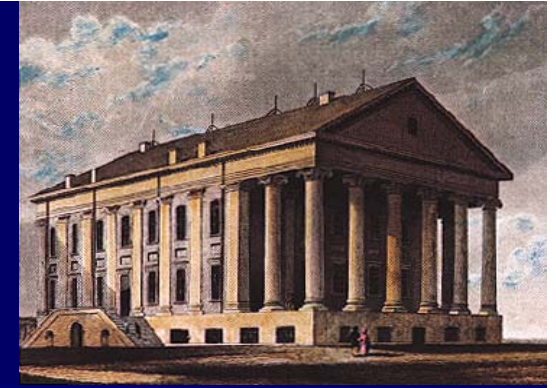
- Evaluations of RJ initiatives have found substantial reductions in recidivism for both violent and property crime.
 - In general, it appears that RJ reduces crime more effectively with more serious crimes, rather than less serious.
 - So, it appears to “work differently on different kinds of people” (Sherman & Strang, 2007).
- Evidence consistently suggests that victims benefit, on average, from face-to-face RJ conferences, such as victim-offender reconciliation programs.
 - Evidence is less clear regarding other forms of RJ programs.

Virginia and Restorative Justice



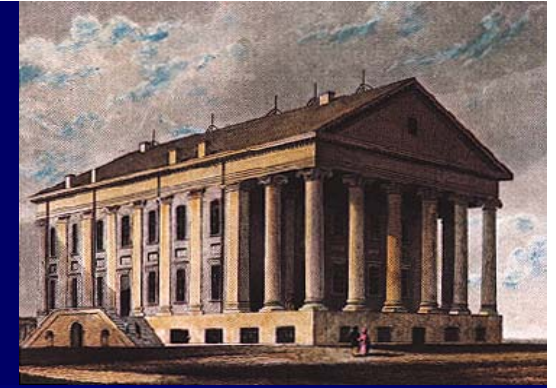
- There are over 700 RJ-based programs in operation across the United States at both the state and federal levels (Bazemore & Schiff, 2005).
- The Virginia Code permits the inclusion of restorative justice in sentences in the following ways:
 - Community-based probation for non-violent offenders (§ 9.1-174);
 - In any juvenile's sentence, provided that he is not tried as an adult (§ 16.1-278.8); and,
 - Judges have the authority to include aspects as part of a suspended sentence or as part of probation (§ 19.2-303).

Virginia and Restorative Justice



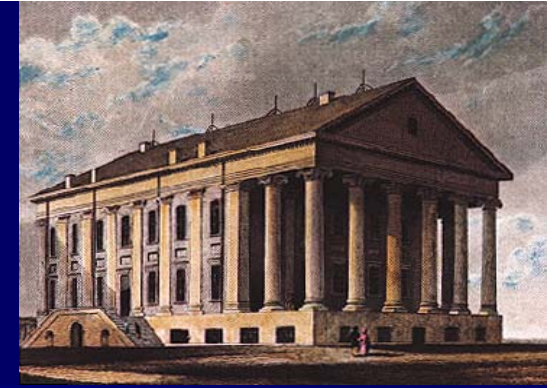
- In Virginia, there are several such programs. For instance:
 - Piedmont Dispute Resolution Center;
 - Prince William County Office of Dispute Resolution-Restorative Justice Program;
 - Central Virginia Restorative Justice;
 - Apple Valley Mediation;
 - Loudoun County Juvenile Probation Court Service Unit;
 - Community Mediation Center: Harrisonburg-Rockingham County, Staunton, Waynesboro and Augusta County; and,
 - Emerging programs in: Culpepper County, Fairfax, Orange County, Roanoke, and Tidewater- including Hampton Roads (RJVA, 2008).

Virginia & Victim-Offender Reconciliation



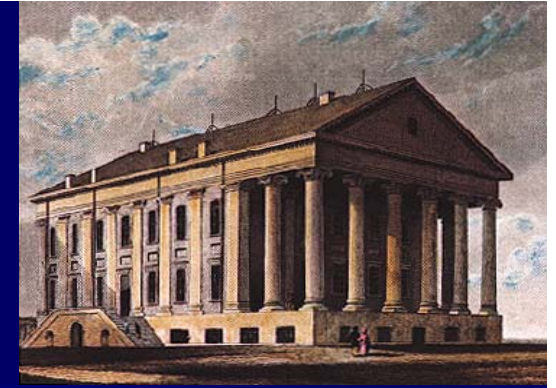
- Victim-offender reconciliation/mediation is a process that allows interested victims an opportunity to meet their offender in a safe setting and engage in mediated discussion of the crime (National Institute of Justice).
- The ABA endorses such programs and recommends its use across the U.S.
- There are nearly 300 victim-offender reconciliation/mediation programs in the U.S.
 - Virginia Code clearly allows for the ability to establish such programs.

Virginia & Victim-Offender Reconciliation



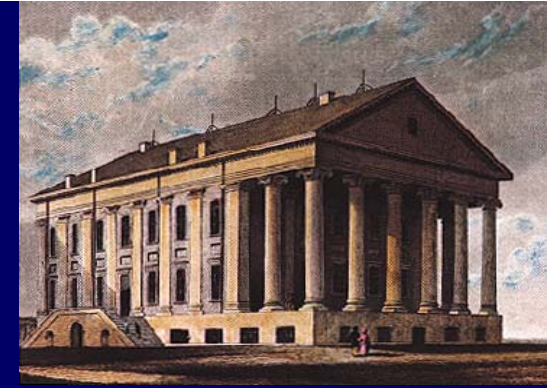
- Virginia Code § 19.2-11.4 establishes that any Crime Victim and Witness Assistance Program may establish a victim-offender reconciliation program to provide an opportunity after conviction for a victim, at his request and upon the subsequent agreement of the offender to:
 - Meet with the offender in a safe, controlled environment;
 - Give to the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim or the victim's family; and,
 - Discuss a proposed restitution agreement which may be submitted for consideration by the sentencing court for damages incurred by the victim as a result of the offense.

Virginia & Victim-Offender Reconciliation



- Virginia Code § 19.2-11.4 also establishes that if the victim chooses to participate in a victim-offender reconciliation program:
 - The victim shall execute a waiver releasing the Crime Victim and Witness Assistance Program, attorney for the offender and the attorney for the Commonwealth from civil and criminal liability for actions taken by the victim or offender as a result of participation by the victim or the offender in a victim-offender reconciliation program.
- A victim shall not be required to participate in a victim-offender reconciliation program under this section.
- The failure of any person to participate in a reconciliation program pursuant to this section shall not be used directly or indirectly at sentencing.

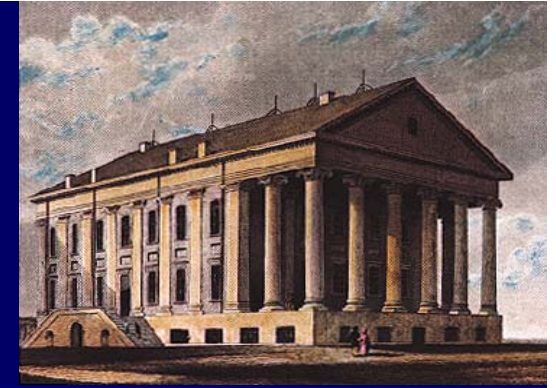
Conclusions



- The National Institute of Justice (2007) describes a 12-step process when considering the implementation of a restorative justice-based program:
 - Gain Information;
 - Provide Introductory Training;
 - Set up a Planning Team(s);
 - Conduct an Organizational Audit;
 - Determine Readiness for Change;
 - Provide Additional, More Targeted Training;
 - Develop an Action Plan;
 - Develop a Strategy and Timelines;
 - Review and Revise Agency Mission and Outcome Measures;
 - Redefine Agency Values, Roles, Supports, and Expectations;
 - Review and Revise Job Descriptions and Reward System; and,
 - Evaluate New Practices.

- Key Factors= Communication, involvement and access to decision-making, and persistence by program leadership.

Conclusions



- Restorative justice-based programs have been operating in Virginia since the 1980's with promising outcomes for victims, offenders, and communities of care.
- While victim-offender mediation appears to be a preferred method due to its evidence-based nature, there are many other promising programs that need to be rigorously evaluated to help justify wider implementation.
- It is evident that more consistent, rigorous program evaluations be conducted. Such evaluations need to examine specific performance outcomes, including:
 - Rates of recidivism;
 - Victims' and communities' perceived satisfaction levels;
 - Victims' level of fear and perceived fairness; and,
 - Cost (any reduction in cost compared to traditional approach).

Discussion