

# Restorative/Transformative Justice/Measures/Practices: for Prevention & Intervention



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## Focus of This Session



- ▶ Improve ability to define **Restorative** responses
- ▶ Define “language” of RJ
- ▶ Identify ways to use restorative efforts for intervention
- ▶ Identify ways to use restorative efforts for prevention
- ▶ Reality CHECK:
  - Practice “Intro” vs. “FGC” or full Circle training

## Your Experience

- ▶ Theory of RJ
- ▶ Practice of RJ
- ▶ Family Group Conferencing
- ▶ Theory of Circles
- ▶ Practice with Circles



## From Adversarial & Power/Control – Lawyers Silencing



- ▶ To ability to be accountable, Power of owning behavior & Opportunity to right wrongs
- ▶ Restitution



## Restorative Measures: Respecting Everyone’s Ability to Resolve Problems

- ▶ MN Dept of Ed, 1997 (then called MN Dept of Children, Families and Learning)
- ▶ MN Legislation funded demo grants from 1998–2001
- ▶ MN DOC and MDE had RJ positions



## Stories: The Wolves Within




Sensibilities, Inc.  
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## Justice, Social Justice, Human Rights

- ▶ Victim Centered
- ▶ All voices matter
- ▶ An opportunity to right wrongs

**Seal, NPR Interview, 9/03**



Along with world peace the one thing I'd wish for would be that each person could have their voice heard, with the power of their feelings heard and recognized.



## Frog Story



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## RJ/RM – Not a Replacement, but an Additional Option to CJS or YSO “Rules”

Punishment, Power Over, Throw Aways >>> Solutions within those who have the power





## Victim Advocacy & RJ

- ▶ Centered on the victims need
- ▶ Victim voice heard, directly or by representative – victims choice
- ▶ Be a central voice in the solution
- ▶ Victims support people are there
- ▶ See those that harmed held accountable
- ▶ Not only the victim impact – but the ripple effect on the community – those wrongs to need to be addressed
- ▶ Burden and reality of impact on the doer



↑ HIGH control (limit-setting, discipline)	TO punitive authoritarian	WITH restorative authoritative
	NOT neglectful irresponsible	FOR permissive paternalistic
	← LOW — support (encouragement, nurture) → HIGH	



**RI/RP**

- Wrong or injustice must be acknowledged
- Equity needs to be restored
- Future intentions need to be addressed

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**Mark Umbreit, Ph.D. Center for RJ and Peacemaking, U of MN**

▶ *“RJ is a victim-centered response to crime and conflict that provides opportunities for those most directly affected*

*- the victim, the offender, their families, and representatives of the community -*

*to be directly involved in responding to the harm caused by the crime or conflict.”*



**Hierarchy of Restorative Responses, Morrison, 2004(adapted from)**

- ▶ Intensive (conferencing, “mediation”, circle)
  - Rebuild Relationships
- ▶ Targeted (classroom, small group, individual & conferences, circles)
  - Repair Relationships
- ▶ Universal (social skills, values/character, programs)
  - Build community; Re-affirm relationships through social/emotional skills.

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**RJ/Circles/Peace Building**

**Value Centered** Core values identified and acted upon

*Start with ourselves:* (Gwen Chandler Rhivers)  
*“In order to help others we need self-respect” – primal journey to who we are. An environment without dignity or respect breeds conflict and mistrust.”*

*“Justice not just getting even or giving someone what they deserve; justice is becoming who/what we are suppose to be.”* (Kay Pranis)



**Spiral Journey: Spheres of Influence**



**RP in Schools: Rethinking Behavior MNGT**

Margaret Thorsborne, David Vingrad 2002/2003 edit

• **A just school** is a place where victims\* & offenders\*\* & their respective **communities of care** are active participants in processes that ensure equal justice & fairness.

- Victims are able to have their needs met & have their experience validated.
- Offenders are able to tell their stories & be given a chance to make amends.
- Finally, the community of care can seek ways to ensure that the incident does not happen again.

\* Those harmed,  
\*\* Those that do the harm



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### Creating a Restorative Milieu


- ▶ Shift from behavior management to relationship management
- ▶ The focus on relationship is what most affects learner outcomes
- ▶ From blame, categories of offenses, rules violated and punishment --- To quality of relationships, repairing harm, how to learn from the experience

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### 3 Pillars of Restorative Work (Howard Zehr)



- ▶ **Focus on harm done** (harm, needs, causes); rather than rules broken
- ▶ **Wrongs or harms result in obligations** (victim centered – their need as they see them)
- ▶ **Promotes engagement or participation** (doer to be accountable/encourages responsibility, meaningful opportunity for dialogue and participation in decision making, respectful for all parties; obligations achievable /not punitive)



### Restorative Approaches

- ▶ Values
- ▶ Name the harm done
- ▶ Accountability for the doer
- ▶ Victim centered
- ▶ Impact on community (off V shoulders)
- ▶ Solutions in the circle
- ▶ Monitor outcomes & agreements

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Think About elements of an “Environment” that make behaviors problems (on or off line) *unlikely* to occur and that encourage positive behaviors... then think about “Prevention” Approaches....

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Shift focus from only decrease risks to also increase protective factors

- ▶ Decrease Risk Factors



Increase Protective Factors

### Tara Thielman




- ▶ Take Me for Who I Am



## Restorative Chat

Marg@thorsborne.com.au



**Doer:**


- ▶ What happened?
- ▶ What were you thinking at the time?
- ▶ What have you thought about since?
- ▶ Who do you think has been affected by what you did?
- ▶ In what way?
- ▶ What do you need to do to make things right?
- ▶ How can we make sure this doesn't happen again?
- ▶ What can I/we do to help you?

**Victim:**

- ▶ What did you think when it happened?
- ▶ What have you thought about since?
- ▶ How has it affected you?
- ▶ What's been the worst of it?
- ▶ What's needed to make things right?
- ▶ How can we make sure this doesn't happen again?

## Restorative Chat


Marg@thorsborne.com.au



When stuck:


- What is the right or wrong thing to do?
- Was it fair or unfair?
- What exactly are you sorry for?
- You didn't answer my question.


## Considerations




- ▶ Who has been hurt?
- ▶ What are their needs?
- ▶ Whose obligations are these?
- ▶ Who has a stake in the situation?
- ▶ What is the appropriate process to involve stakeholders in an effort to put things right?

## Circles of Caring





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## Circle Basics

- ▶ Way of life/being for Indigenous people around the world
- ▶ Solution focused
- ▶ Build community
- ▶ Circle Keeper
- ▶ Talking Piece
- ▶ Values
- ▶ Be in circle

Healing in the aftermath of Clergy Abuse Allegations

Ramsey Middle School

## Circle Core Values

- ▶ Honor the talking piece
- ▶ Speak from the heart
- ▶ Listen fully
- ▶ Confidentiality (NOTE: Communications)
- ▶ Be open to the possibilities
- ▶ Work cooperatively towards a positive outcome

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### Talking Piece


- ▶ Something of meaning
- ▶ Balanced discussion
- ▶ All views and voices heard
- ▶ Respectful pace
- ▶ Helps with collective sense of trust and equality
- ▶ Can pass – no obligation to speak
- ▶ Silence has a point/place
- ▶ To the left, in order, around the circle

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### Prevention Tool: SEAD


#### Stop Everything & Dialogue

- ▶ Brief Lesson
- ▶ Circle
- ▶ Art Infused Activity
- ▶ Staff trainings, Debrief & Action Plan
- ▶ School Wide



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### Circle Q's



- ▶ What stood out?
- ▶ How have you been affected by this? or, How do you see this here?
- ▶ What does your school/WP/Community/Congregation do well? What could it do better?
- ▶ What do you do to help or not? What will you do?

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### Circle: Harmful Behaviors

- ▶ *Name, what you do, tidbit*
- ▶ What harmful behaviors you are aware of? (Description of the problem)
  - (NOTE: this is open ended: between adults, between youth & adults, etc.)
- ▶ How have you been affected by the harmful behaviors? ((IMPACT))
  - (been harmed by, witnessed, been involved with)
- ▶ What you think the organization does well? What could the organization do better?
- ▶ What can you personally do more of/better?

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### So. St. Paul RJ Services

#### Simple Methodology

1. Why are you here?
2. What happened?
3. Each person tells their side of the story.
4. What have you learned?
5. What would you do differently?
6. What needs to happen to fix it?

- ▶ <http://ssprj.org/what-we-do/restorative-justice-in-ssp-schools/>

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### Roca Circles

#### *Holding the Space - The Journey Of Circles At ROCA 10/2002*

- 1) Circles are not a thing or a program but a **way to be**. Practice living the values of Circle "Circle" way "**holding oneself in a good way**" in relationship with self and others
- 2) Circles are a **scared space**
  - Opening & closing in a good way
  - The **use of ritual** (ceremony, centerpiece, etc.)
  - Intentional and purposeful maintenance of the sacredness of the space
- 3) Circles are about giving oneself up and sharing to help others
  - Generosity and belonging** (core values)
  - Opening oneself to the circle

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## Roca (CONTINUED)

- 4) Circles foster accountability to self and others  
Who do you really want to be?  
Hold ourselves accountable (to be "in a good way" with self and others.
- 5) No one "controls" circles: they are spaces of collective empowerment  
**"trust the process"** – circle can take on a life of its own
- 6) Circles are about the invitation: **no one can be forced to sit in circle**  
Invitation to circle; preparation for circle  
**Transformational model** – keep invitation open without pressuring people to be in circle

- 7) Circle is not about circle, it is about us.  
The power is not magic or technique but the capacity of people "to heal and solve problems when they come together in a good way."

Coming together as human beings in a sacred way for a common purpose.

## Educational, Restorative or CJS response?



## School Dances: Generational Issues Plus



## Types of Calls



4<sup>th</sup> grade girl, 21 V's



How much you charge?



Dance demo in lunch line

Language: Just having fun  
One person's joke....



## Looking at/Consuming Porn



Daughter/sister complains; pediatrician grandpa says...

When did /how did this start? How much? What Type?



Too much, too soon; can't "unseen"



Porn slumber parties to learn what boys like

### JWRC– A Program of NCPTC



### South High School: Humphrey Voices (Honors Class)



### Stories: Zen Center

Power of and object of meaning representative of the faith that Drew all to the Center



### Stories

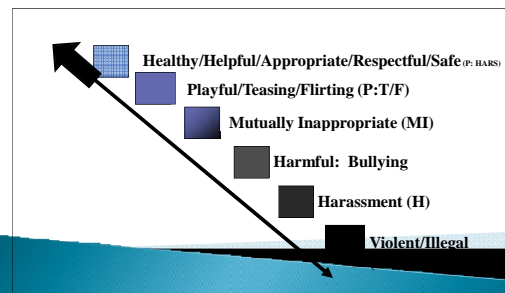
- ▶ Adult Learning Staff and Administration
- ▶ Circles as part of Conferences, NCAC
- ▶ Ramsey School: gang conflicts, SBP, staff
- ▶ Central – After the SA during school
- ▶ ALC's
- ▶ Chaska – All Jr's in auditorium; staff
- ▶ U of MN conflict with community, staff & project

### Prevention is possible

But not without will....  
Not without investment to

Create the kinds of world we want  
our children to grow up in

### The (Sexual) Behavior Continuum




## Community Accountability & RJ

*“Let’s look at what justice looks like for you in response to this. Since you are in no danger right now, take time to think. What do you need to happen? Think ST and LT.”*

Lawyer for CSA Survivor

New Zealand’s FGC Program  
Community Holistic Circle Healing,  
project of the Hollow Water First  
National in Manitoba (evaluated) –  
107 a number high risk, two reoffended  
(Couture, 2001)



Joan Tabachnick, Alisa Klein, ATSA, 2011

## Comprehensive Range for Strategic Prevention of Perpetration

A baby is born healthy with loving, capable parents to care for him

A 6 y/o is sexually abused – abuse by mother never reported

A 9 y/o witnesses mother beaten by father; is also abused. Does poorly in school, bullies and harasses

A 12 y/o in trouble for bullying, references to pornography & pre-occupation with sex

A man pays for sex with girls he knows not to be 18

A man looks at CP for sexual arousal, not known to have molested a child

A man believes he can control his attraction to children; marries a woman w/ young children

A man selects a yng woman to SA – not first victim; serves sentence; is getting out




A man known for use of P & C, callous, hyper-sexual, sense of rage, entitlement, privilege

A man committed more than one act of SA. Never reported. Unknown to system

A man served sentence for sex crimes. Problems with alcohol & other drugs. Other mental health problems, past treatment quality. He’s set to get out

- Not all will offend
- Continuum is not a progression but range
- Recognition of females who perpetrate but focus on males as largest %

## Major Social Change is Possible – change social norms

Wayne Maren, Age 51, with lung cancer

Developed by Cordella Anderson  
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## Civil Rights

- ▶ Leaders thought it was “right” to block African American students from entering “white” schools
- ▶ Leaders & citizens fully justified the patterns and expectations of inequity
- ▶ 1954 SC Ruled on Brown v. Board of Education, 14<sup>th</sup> A of US Constitution forbade states from segregating students in public schools on race

## Reverend Debra Haffner

- ▶ A Time to Heal: Protecting Children and Ministering to Sex Offenders




“Action is the antidote to despair.” Joan Baez

*Question:* Will the action be positive or negative?

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"So you see, imagination needs noodling -- long, inefficient, happy idling, dawdling and puttering."

-- Brenda Ueland, *Journalist and Author*

"Creativity can solve almost any problem. The creative act, the defeat of habit by originality, overcomes everything."

-- George Lois, *Advertising Legend*

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### Your Circle

- ▶ Name, work, what inspired you to be in this work?
- ▶ Something that would be an *object of meaning/TP* for you and why
- ▶ Something that stands out to you about RJ/Circles
- ▶ Ideas for ways you can use this information
- ▶ What help would be needed

### You

- ▶ What is working?
- ▶ What is needed?
  - Policy
  - Organizational Practices
  - Public Awareness
- ▶ Who needs to be involved?

### Digging a Hole



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