Restorative Justice and Victim Youth Conferencing in Nebraska

Webinar for Nebraska Crime Commission Diversion Division, December 5, 2017

Presenters:
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Restorative Justice Partnerships: Nebraska Crime Commission; County Diversion; ODR

- Crime Commission juvenile service grants; community based aid grants; community comprehensive juvenile service plans
- County attorneys; diversion programs; local partners with mediation centers, schools
- State Court Administrator’s Office: Office of Dispute Resolution (ODR)
Nebraska’s Statutes: Juvenile offender and victim mediation

- Juvenile diversion statutes: VYC (juvenile offender and victim mediation) is one of the objectives in a diversion agreement, upon agreement by the victim. NRS 43-260.06(6)

- County or city attorney can use this service as a diversionary option as outlined in NRS 43-274(3)(a)-(f).
Juvenile diversion agreement; contents.
N.R.S. 43-260.06

Chapter 43 Section 260.06

43-260.06.
Juvenile diversion agreement; contents.
A juvenile diversion agreement shall include, but not be limited to, one or more of the following:
(1) A letter of apology;
(2) Community service, not to be performed during school hours if the juvenile offender is attending school;
(3) Restitution;
(4) Attendance at educational or informational sessions at a community agency;
(5) Requirements to remain during specified hours at home, school, and work and restrictions on leaving or entering specified geographical areas; and
(6) Upon agreement of the victim, participation in juvenile offender and victim mediation.

Source
Restorative Justice

Restorative juvenile justice practices use support from family members and the community to discuss the effects of what transpired on the victim, family, and/or community, in order to actively create steps towards repairing the harm that occurred. In addition to reacting to delinquent behavior, a proactive goal of Restorative Justice is to improve community involvement in the prevention of juvenile crime by improving neighborhoods and strengthening bonds between community members.

Specifically for the juvenile offender, it is hoped that through Restorative Justice practices they will be able to understand the impact of their behavior and accept responsibility for their actions. In addition, family and community members can help the youth express remorse and take action to repair damage, this can aide the youth in becoming a valued member of the community.

A Victim Youth Conference (VYC) is one example of a Restorative Justice Practice. A VYC is a dialogue between a youth, victim (or victim surrogate), family and other support persons who come together during a joint conference to discuss how the crime affected each of them. This allows the victim to express themselves to the youth, and the youth to understand the full impact of their decision.

In 2015 the Office of Dispute Resolution (ODR) initiated a pilot VYC project involving The Mediation Center, Mediation West, and Concord Mediation Center funded by the Sherwood Project. ODR partnered with Dr. Mark Umbreit and his team at the University of Minnesota's Center for Restorative Justice and Peacebuilding to integrate evidence-based practices into victim youth conferencing at the three pilot centers. The project had three main priorities:

1. Youth involved with VYC will increase their awareness of wrong doing, their sense of accountability, and create reparations to the victim.
2. Victims involved with VYC will increase their satisfaction and confidence with the justice system.
3. Evaluation completed externally by the UMN team to assess impacts on the juvenile, victim, and the community.

Nebraska Victim Youth Conferencing (VYC) 2017 Fact Sheet
The Juvenile Victim Offender Conferencing Pilot Program A Year in Review VJC Quick Look Sheet
Nebraska Mediation Center Regions

Mediation West

Scottsbluff

Nebraska Mediation Center

Fremont

Concord Mediation Center

Omaha

Central Mediation

Kearney

The Mediation Center

Lincoln

The Resolution Center

Beatrice
What is Restorative Justice

Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders:

- Offender / youth
- Victims
- Community
Current System of Justice

- Crime is considered an act against the State
- Works on a premise that largely ignores the victim and the community that is hurt most by crime.
- Instead, it focuses on punishing offenders without forcing them to face the impact of their crimes.
Program Values

- **Encounter:** Create opportunities for victims, offenders and community members who want to do so to meet to discuss the crime and its aftermath

- **Amends:** Expect offenders to take steps to repair the harm they have caused

- **Reintegration:** Seek to restore victims and offenders to whole, contributing members of society

- **Inclusion:** Provide opportunities for parties with a stake in a specific crime to participate in its resolution
Principles of Restorative Justice

- Crime is an offense against human relationships.
- Victims and the community are central to justice processes.
- The first priority of justice processes is to assist victims and hold the offender accountable.
- The second priority is to restore the community, to the degree possible.
- The offender has personal responsibility to victims and to the community for crimes committed.
- Stakeholders share responsibilities for restorative justice through partnerships for action.
- The offender will develop improved empathy, competency and understanding as a result of the restorative justice experience.
Juvenile offences that can be effectively handled by Victim Youth Conferences

- Vandalism
- Minor Assaults
- Theft
- Burglary
- Property Related Offenses
- Occasionally handle
  - negligent homicide
  - assault with bodily injury
  - domestic violence
  - assault with deadly weapon
  - sexual assault
  - murder
  - attempted murder

(Umbreit, 2000)
Restorative justice in Nebraska: RJ, VOM, VYC, FGC, and other alphabet soup!

- RJ: Restorative Justice or RP: restorative practice
- VOM: Victim offender mediation, now . . .
- VYC: victim youth conferencing
- FGC: family group conferencing
- EFGC: expedited family group conferencing
- JJC: juvenile justice conferencing

Offered through Nebraska’s ODR-approved Mediation Centers
What is Victim Youth Conferencing (VYC)?

- One of several restorative dialogue models allowing young people and those that they have harmed to attempt to repair the harm resulting from an offense through safe, constructive dialogue.
- Trained facilitators first meet individually with the victim and the youth to listen to the stories of each, and to determine whether a joint VYC conference is appropriate and whether each individual voluntarily wishes to participate.
- VYC facilitator convenes a joint conference in which the victim and youth are guided to talk about the offense and its impacts, offer apologies, and propose a reparation plan. If agreed to, the plan is signed, and is tracked for completion and fulfillment.
Victim Offender Conferencing Pilot Program: A Year in Review

81% of juveniles and 99% of victims reported feeling the court system was more responsive to their needs.

93% of juvenile-victim orientation agreements were successfully fulfilled.

70% of juveniles receiving mediation services reduced the number of court referrals compared to similar juveniles without mediation services.

85% of juveniles and 97% of victims preferred and would recommend participating in the program.
Three Points of Access in the System to Utilize Victim Youth Conferences

- Tier 1: Form of diversion prior to the youth going to court (County attorney, diversion, school program refers)
- Tier 2: After the youth goes to court but before he/she is adjudicated on the offence
- Tier 3: After adjudication / on probation
Who Can Refer a Case?

- Diversion Officers
- School SROs
- Defense Attorneys
- Victim Advocates
- Prosecutors
- Judges
- Police
- Probation Officers
- Others
How Do I Make a VYC Referral?

- Contact your local mediation center to set up referral process
- Once the referral is received, the center will contact the youth offender and complete assessment on whether to proceed with the dialogue.
- If the youth is appropriate to participate in VYC, the Center will contact the victim to assess whether it is appropriate to bring the two parties together.
- A surrogate victim may be used.
- A VYC is scheduled; reparation plan distributed
- An alternative type of restorative intervention is possible
Sustaining High Standards of Heart-Felt Dialogue Within Restorative Processes

For a PDF version of a printable flyer, click here.

Since 1994, under the leadership of Dr. Mark Umbreit, our center has led the way in providing research, consultation guidance, and training for restorative practitioners and programs worldwide. As of 2014, Dr. Umbreit is now accompanied by restorative justice specialist Ted Lewis and community development specialist Jennifer Bliven to offer the following services to agencies, new or established, that are providing restorative dialogue-based services:

- Consultations for Program Design / Program Development
- Case Coaching for Challenging Victim-Offender Casework
- Custom-Made Manuals for Trainings / Program Management
- Trainings in Victim-Offender Dialogue and Conferencing
- Presentations and Workshops on Restorative Topics
- Research and Evaluation Partnership Projects

All fees can be arranged through phone conversation and later established in writing.

For more information contact Ted Lewis at crip@umn.edu or 612-624-4923.

We specialize in helping new restorative justice programs to lay down solid foundations and to use high-quality building materials.

Recent Partners Who Have Received Our Services:

- **Centinela Youth Services, Los Angeles, CA**
  Program Development and Trainings for a youth-based victim offender mediation program (including 3 manuals for trainers, trainers, and program managers). Contact: Steve Goldsmith, sgoldsmith84@gmail.com

- **Nebraska Office of Dispute Resolution, Lincoln, NE**
  Program Development and Trainings for a network of six mediation centers providing victim offender conference programming for youth offenders and their victims. Extensive evaluation services with reports for clients, program processes, and outcome data. Contact: Debora Denny, debora.denny@nebraska.gov

- **Pine County Probation and District Court, Pine City, MN**
  Program Design (with best-practice protocols) and Training for victim offender conferencing program. Supports for Triunfo Prevention programming. Contact: Terry Favocetti, terryp@co.pine.mn.us

Feel free to contact these partners to learn first-hand about how our services worked as well as how funding was generated to expand their programming.
Restorative justice - apology as part of the dialogue

"The Power of Apology"
Interview with Ted Lewis, Jan. 19, 2017, Duluth TV

http://www.cehd.umn.edu/ssw/rjp/Video_Clips/default.html from 1:30 to 7:00
Umbreit's Study and Lessons Learned (1994)

- 3,142 cases were referred to the four study-site programs during a two-year period, with 95 percent of the mediation sessions resulting in a successfully negotiated restitution agreement to restore the victim's financial losses.
- Victims who met with their offender in the presence of a trained mediator were more likely to be satisfied (79 percent) with the justice system than similar victims who went through the normal court process (57 percent).
- After meeting the offender, victims were significantly less fearful of being re-victimized.
- Offenders who met with their victims were far more likely to successfully complete their restitution obligation (81 percent) than similar offenders who did not participate in mediation (58 percent).
- Fewer offenders who participated in victim offender mediation recidivated (18 percent) than similar offenders who did not participate in mediation (27 percent); furthermore, participating offenders' subsequent crimes tended to be less serious.
Thank you!
For more information, please contact:

Your regional mediation center
Or
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