



RESTORATIVE JUSTICE IN UNION COUNTY

Implementation Assessment

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Overview

Project Purpose and Context

Over the past three decades, restorative justice has been gaining momentum within Oregon’s criminal justice system, schools, organizations and communities as an alternative approach for responding to harm and crime. As a community dispute resolution center, Eastern Oregon Mediation Center (EOMC) was made aware of this movement and its impacts by way of its many partners from across the state, many of whom are currently administrating restorative justice programs. In 2017-2018, EOMC invited Just Outcomes to train a small group of volunteers in restorative justice principles and practice (specifically victim-offender conferencing). Just Outcomes also gave an informational presentation to a group of approximately twenty community members at the Union County Library. Based on the positive response from these events, EOMC was awarded a grant from Ford Family Foundation and further leveraged its own resources to initiate a restorative justice implementation assessment in Union County.

The assessment and this summative report aim to:

- a. engage stakeholders on how current systems within Union County respond to harm and crime, where those systems are adequately attending to the needs of residents, and opportunities for growth;
- b. assess the viability and sustainability of implementing restorative justice programs in Union County;
- c. determine the most impactful and accessible windows of opportunity for program implementation; and,
- d. make recommendations on what a path forward in implementation of restorative justice might include.

Defining Restorative Justice

For the purpose of this report, restorative justice is defined as

“an approach to achieving justice that involves, to the extent possible, those who have a stake in a specific offence or harm to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible.”¹

In academic literature, restorative justice suggests a set of guiding principles for justice, the roots of which can be found within aspects of Indigenous Law, faith traditions, and critical criminology. The hallmarks of this approach to justice include inviting wide participation, focusing on the harm that has occurred and how healing may be possible, asking for direct accountability from those who have done harm, attending to the wider repair required within the community, and looking to prevent future harm.

Within empirical research and practice, restorative justice is often understood as a voluntary process of direct and/or indirect communication between affected parties in a given offence. Common practices include Peacemaking Circles, Conferencing and Victim Offender Dialogue; however, restorative justice processes may also include indirect communication techniques such as letter exchanges, ‘shuttle’

¹ Howard Zehr, Little Book for Restorative Justice, Good Books 2015 (pg 48).

communication and video-taped exchanges between parties. Generally speaking, such models may be employed at various stages of the criminal justice process; they usually involve third-party (usually community-based) facilitators who may accompany parties through case exploration, preparation, dialogue and follow-up. Restorative justice processes usually rely on an admission of responsibility by the offending party(s) - however beyond this provision the criteria for offender participation remains generally flexible.

Methodology

This assessment was conducted by an Assessment Team comprised of Matthew Hartman and Aaron Lyons of Just Outcomes. Both team-members bring long experience in restorative justice practice, training, program design and implementation. For more information about the Assessment Team, please visit www.justoutcomesconsulting.com.

This assessment was conducting by the following methods:

1. *Informational interviews*: individual and small-group discussions were held among key stakeholders during September 18-19, 2019 and February 4, 2020, including:
 - a. Union County Judiciary
 - b. District Attorney's Office – Office of the Victim Advocate
 - c. Union County Sherriff's Office
 - d. La Grande Police Department
 - e. Union County Juvenile Services
 - f. Confederated Tribes of the Umatilla Indian Reservation – Family Violence Services
 - g. Eastern Oregon University – Multicultural Center
 - h. Eastern Oregon Mediation Center
 - i. La Grande School District
2. *Focus Group*: A focus group discussion was held among Union County justice system stakeholders on February 5, 2020.

Assessment Findings

1. Widespread Support for Restorative Justice:

This assessment found consistent support for the possibility of implementing a restorative justice programming in Union County. Participants cited the following reasons for their support (not ranked in order of importance):

- Increased opportunities for meeting the needs of crime victims, including:
 - Gaining answers to questions (e.g. “why?”)
 - Gaining a sense of justice in cases where the criminal justice system is unable to hold offenders accountable in ways that are meaningful to the victim
 - Addressing the emotional/symbolic aspects of crime and recovery (e.g. restoring feelings of safety for victims)
 - Receiving meaningful and practical compensation for losses
- Providing options for juvenile offenders to make amends to those they have harmed
- Opportunities for increased community/justice stakeholder collaboration

- Reducing retributive sentiments among victims and the public
- Reducing the effects of implicit racial bias within the justice system
- Addressing issues of race and equity in Union County
- Reducing recidivism
- Relieving pressures on the criminal justice system

Caveats and concerns were also expressed with respect to how, with whom, or under what circumstances restorative justice may be implemented. Participants recognized that practices under the banner of restorative justice could be misapplied to cause unintended harm – a fact which is supported by research.

2. Cultural and Racial Identity Considerations

Some participants expressed support for restorative justice that was contingent on its cultural responsiveness and ability to achieve racially equitable processes and outcomes. It was emphasized, for example, that any initiative involving tribal youth should be developed in partnership with tribal leadership. It was further suggested that any restorative justice practitioners should be trained and educated to provide culturally appropriate services to all participants. Cultural responsiveness is considered a core principle of restorative justice, and the importance of system partnerships with communities who have been historically marginalized in the administration of justice cannot be overemphasized in these efforts.

3. Opportunities for Implementation

Just Outcomes identified the following themes within the Assessment, concerning a focus for potential restorative justice implementation:

- Juvenile Justice Focus:* Overwhelmingly, participants identified the juvenile justice context as the most likely and feasible context for restorative justice implementation at this stage. The belief was that creating a program within this context could create space for more relevant accountability for youth that perpetrate crime, while also providing more meaningful responses for victims harmed by juvenile crime.
- Community-Based Service Delivery:* The presence of the Eastern Oregon Mediation Center in the County was identified as a strength and opportunity for restorative justice. The presence of a robust CDRC in Union County is notable, as compared to other rural communities in eastern and south-eastern Oregon. The most effective, efficient, and robust programs often exist in a context of strong partnership between the juvenile justice system and a community-based organization such as EOMC.
- Shared Leadership Among Justice Stakeholders:* A significant opportunity for restorative justice within Union County is the high level of interest in restorative justice of key justice stakeholders across the system. Many innovative and successful programs across the USA have been developed within the context of broad partnerships involving all key stakeholders within the justice system. Law enforcement, schools, judges, defense, district attorneys, and probation, and community all have a role to play in the development of programs that are going to be in effective alignment with the ethic and

character of their community. Within the parameters of their availability, Union County stakeholders have demonstrated an interest in coming together to collaborate in the development of such a program.

4. Challenges and Barriers to Implementation

The Assessment identified the following barriers for consideration in future planning:

- a. *Funding*: Questions were raised by many participants regarding the cost of program development, piloting, and sustaining a program. Funding considerations are a consistent reality for any new community initiative; through a variety of approaches, there is widespread precedent for many jurisdictions overcoming this barrier. Some have raised funds through charitable foundations or government grants – particularly for the program development and piloting phase of the work. Others have found ways to reallocate existing funds within their budgets to prioritize restorative justice over less effective programs or services.
- b. *Existing and Siloed Programs*: Participants in this assessment reported that there are many existing programs in Union County who deliver similar services or serve similar clientele, but do not collaborate effectively. There is a concern that by adding another program, this may simply add to an already existing problem. One suggestion was to conduct a scan of existing programs that may overlap with the services of a restorative justice program, and to ensure that those programs are included in the development of restorative justice initiatives in Union County.
- c. *Attitudes and Beliefs*: Participants reported strongly-held community/public beliefs concerning questions of justice in Union County. There is strong public pressure to hold offenders to account, which is consistent with a restorative approach. However, the benefits of restorative justice concerning offender accountability could be overlooked by the public if there is insufficient attention paid to the messaging of these initiatives. Framing that focuses on victims' rights and needs, along with offender accountability is advised.

Further, several Assessment participants shared beliefs about the criteria necessary for offender eligibility for restorative justice, naming first-time offenders or perpetrators of low-level misdemeanors as the intended or likely beneficiaries. Here, caution is advised as this position on offender eligibility is not substantiated by empirical evidence on the effective use of restorative justice. Limiting eligibility by these or other offender characteristics poses risks of its own, including:

- Marginalizing the needs of victims who may benefit from opportunities provided by restorative justice, regardless of their offender's characteristics
- Disproportionate access to restorative justice to the detriment of marginalized communities
- Providing enhanced levels of service to those in the community with the lowest level of need, and more static levels of service to those with higher needs (both victims and youth offenders)

Recommendations

Based on our Assessment Findings, Just Outcomes offers the following recommendations for consideration by Assessment participants.

1. Juvenile Justice Pilot Project

Just Outcomes recommends the development and implementation of a restorative justice pilot project for cases of juvenile offending. Based on research and the assessment results, we also have specific recommendations regarding referral criteria and program administration.

Referrals: We suggest flexible referral criteria for juveniles and their victims that, while taking into account the training and capacity of the service provider, avoids rigid criteria based on the charge, history, or other characteristics of the youth responsible. We suggest that the referral structures provide avenues for referral for all critical stakeholders in the juvenile justice process (law enforcement, juvenile justice department, defense, and prosecutors). In addition, we recommend that victims impacted by juvenile crime are provided the option to choose restorative justice programming via their service provider (Victim Advocate or Community-Based Victim Services), and are provided with meaningful service regardless of the appropriateness of victim-offender dialogue.

Program Administration: We recommend the project is administered by Eastern Oregon Mediation Center in close partnership with Union County Juvenile Department. Program design would be a result of a multi-disciplinary committee as recommended below, but service delivery and ongoing program management would primarily be within the purview of EOMC.

2. Pilot Program Development Process

Restorative Justice Task Force: In keeping with the positive demonstrations of stakeholder interest in restorative justice, we recommend that a multi-disciplinary Restorative Justice Task Force is convened for the task of guiding project design and implementation. This may be a subcommittee of the Local Public Safety Coordinating Council (LPSCC) or a standalone committee. The Task Force should include diverse representation and be comprised of 8-12 (approx.) participants. Ideally those most impacted by the development of this pilot project would be represented on the Task Force. Based on feedback gained during the Assessment, the Committee may include:

- City and County Law Enforcement
- District Attorney's Office/Victim Advocate
- Union County Juvenile Services
- Eastern Oregon Mediation Center
- Tribal justice personnel and/or other regional Tribal representation
- Court Administrator
- La Grande School District
- Community Representation (i.e. small business, Faith community, etc.)

To the extent possible, committee members should have authority from within their respective organizations to make real-time decisions regarding program implementation.

Task Force Orientation: To establish a shared conceptual understanding, we suggest that the Task Force participate in an in-depth orientation on restorative justice values and principles prior to taking on the work of designing a restorative justice program.

External Convener and Facilitator: It is advisable to enlist an external convener and restorative justice professional to coordinate and facilitate meetings and action steps.

Conclusions

It is Just Outcomes' assessment that despite the barriers to implementation noted above, the perspectives and values shared by the stakeholders in this Assessment would align soundly with a restorative approach in Union County communities. Restorative justice would likely thrive in Union County, and we would encourage and support further explorations in this area.

Please contact Matthew Hartman matthew@justoutcomesconsulting.com with any questions about the findings and recommendations outlined in this report.