



Justice through Healing:

An examination of a Juvenile Restorative Justice Program in Nebraska

Alisha Caldwell Jimenez, MA, JD
NE Sup. Court's Office of Dispute Res.

Clare Nelson,
The Mediation Center, Lincoln

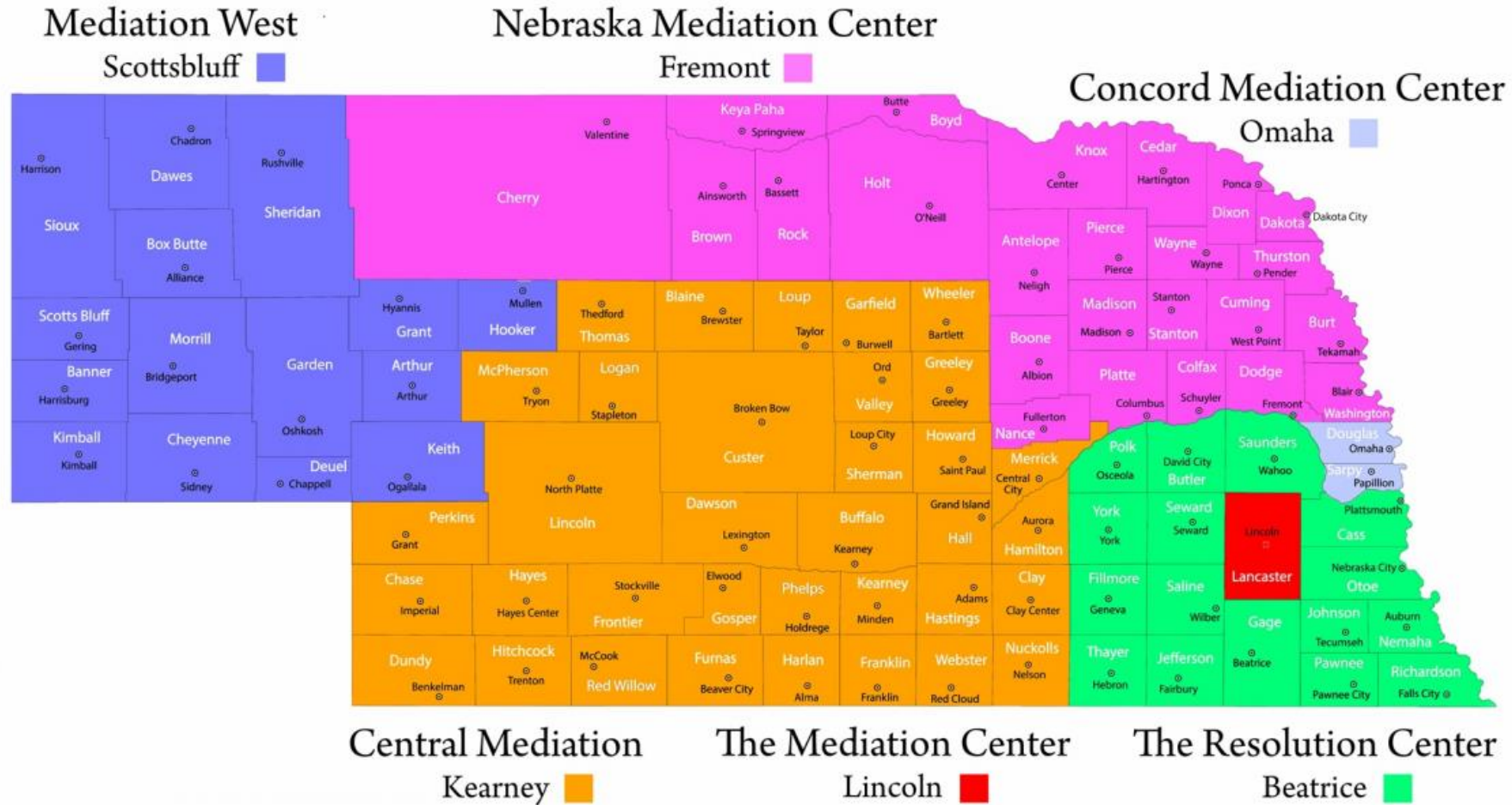
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Lincoln Bar Association



Who we are

- Nebraska Supreme Court's Office of Dispute Resolution and statewide mediation centers
- Mediation centers have been working over 25 years with Counties, Clerks of District Courts, County and District Judges, County Attorneys, Probation, Schools, and the public
 - Neighbor disputes and small claims mediation
 - Community conflicts / community planning
 - Divorce and custody mediation
 - Child welfare and juvenile justice conferencing

Nebraska's ODR-Approved Mediation Centers



"Restorative justice (RJ) is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible."

Zehr (2002, p. 37)



What is Restorative Justice?

Traditional 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.

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 “where those primarily affected by an incident of wrongdoing come together to share their feelings, describe how they are affected, and develop a plan to repair the harm done or prevent a reoccurrence”.



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Howard Zehr (2002, p. 37)

Principles of Restorative Justice

- **The first priority of justice processes is to assist victims.**
- **The second priority, to the degree possible, is to restore the community.**
 - Crime is an offense against human relationships.
 - Victims and the community are central to justice processes.
 - 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 competency and understanding as a result of the restorative justice experience.

Disparate views of justice

Criminal Justice

- ❑ Crime is a violation of the **law and the state**
- ❑ Violations **create guilt**.
- ❑ Justice requires the **state to determine blame** (guilt) and **impose pain** (punishment).
- ❑ Central Focus: Offenders getting what they deserve.

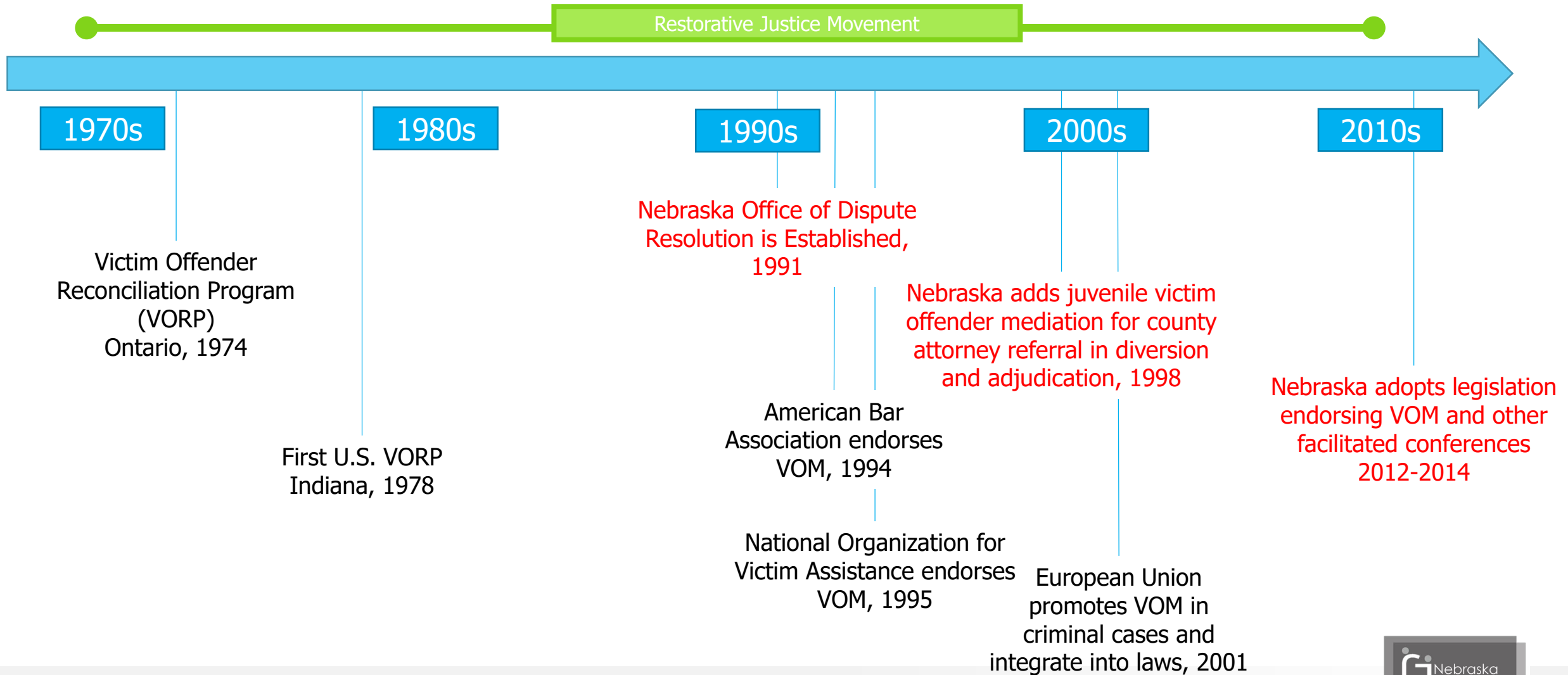
Restorative Justice

- ❑ Crime is a violation of **people and relationships**
- ❑ Violations **create obligations**
- ❑ Justice involves victims, offenders, and **community** members in an effort to put things right.
- ❑ Central Focus: Victim needs and offender responsibility for repairing harm.

Typical 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

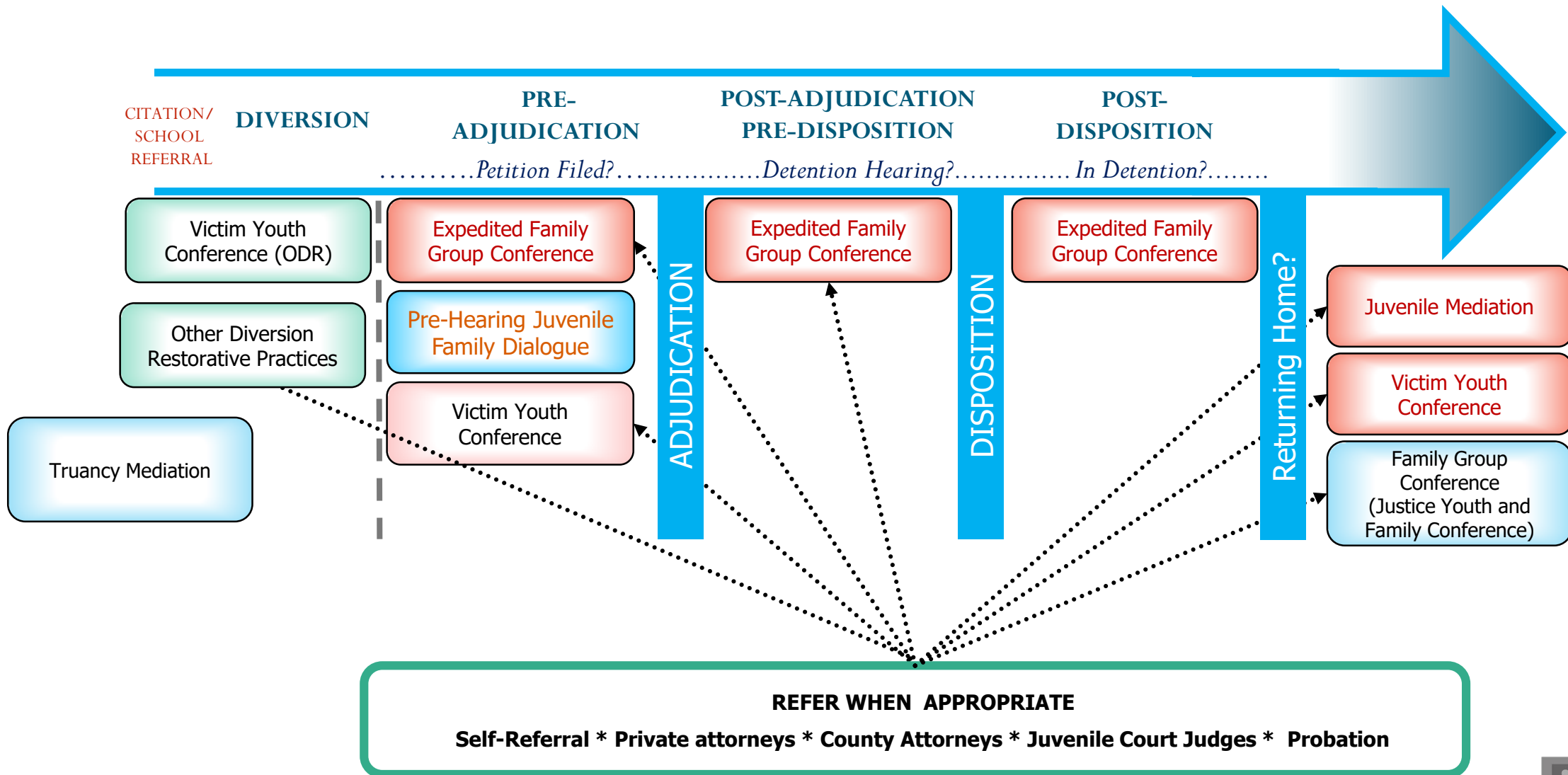
History of Restorative Justice



Typical Restorative Justice Programs



Restorative Justice in Nebraska's Juvenile Justice System



Nebraska's Victim Youth Conferencing

What is Victim Youth Conferencing?

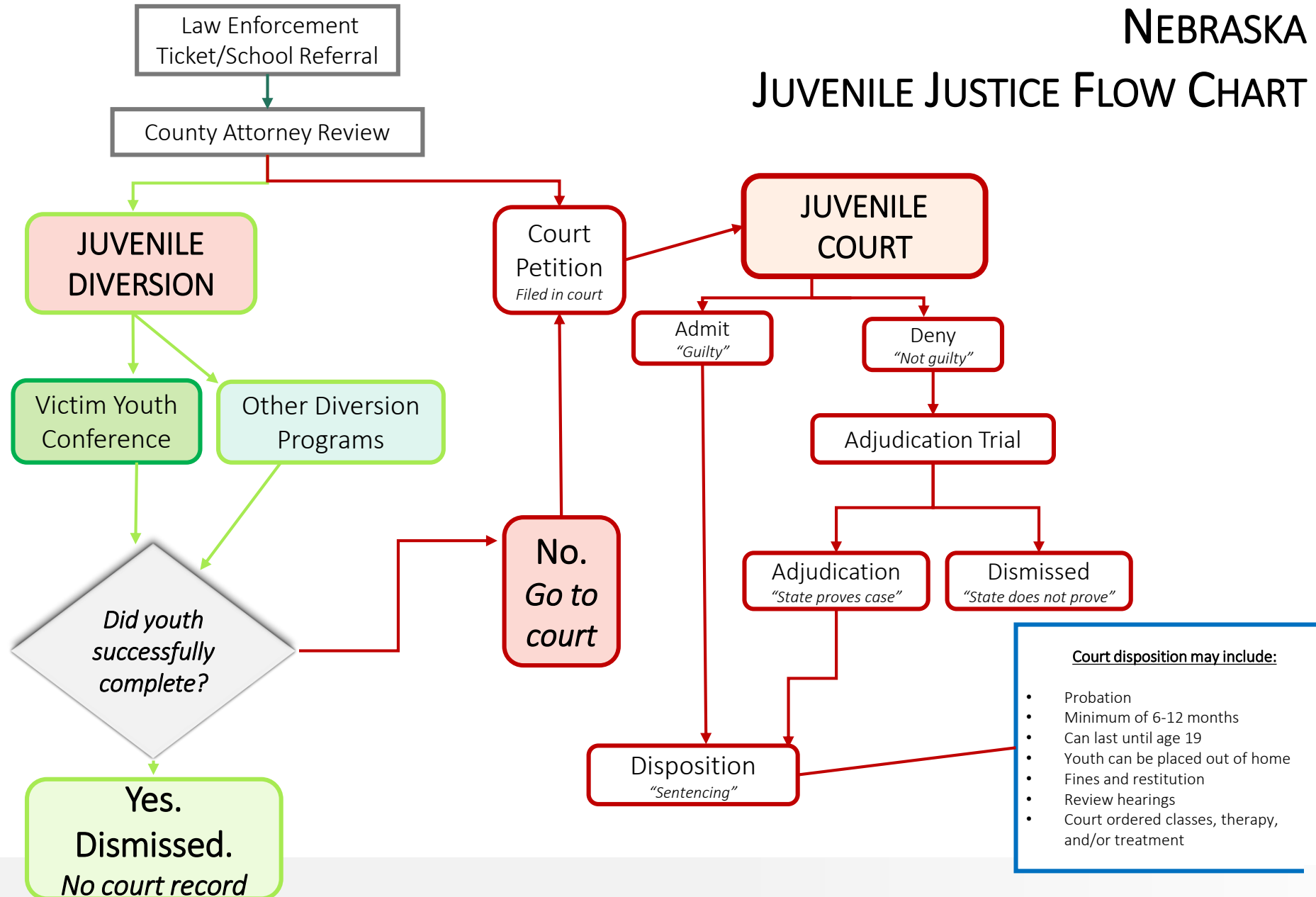
- A process that provides interested victims an opportunity to meet their offender.
- Meet in a safe and structured setting with a trained mediator
- Engage in a mediated discussion of the crime.
- The victim is able to tell the offender about the crime's physical, emotional, and financial impact; to receive answers to lingering questions about the crime from the offender
- The offender is directly involved in developing a restitution plan for the offender to pay back his or her financial debt.

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).
- LB595

NEBRASKA

JUVENILE JUSTICE FLOW CHART



Restorative Justice Partnerships

- Counties and county attorneys
 - Juvenile diversion programs; Local partners with mediation centers, Schools
- Crime Commission juvenile service grants
 - Community based aid grants
 - Community comprehensive juvenile service plans
- State Court Administrator's Office: Office of Dispute Resolution (ODR)
- Regional ODR-approved mediation centers

The VYC Process



The VYC Process (cont.)

- Tier 1
 - Pre-court referrals from the County Attorneys' offices after a school-based incident and usually involving a citation from law enforcement
- Tier 2
 - Diversion referrals from County Attorneys or Courts pre-adjudication
- Tier 3
 - Court adjudicated cases referred by the courts for youth with or without probation.
- Other
 - Private parties or self-referrals

The three tiers can be generally summarized into three different sources: *Schools, County Attorney, and Judges.*

The VYC Process (cont.)

- Initial Contact
 - Youth and Victim are contacted by an RJ Facilitator within 2-weeks of the referral
- Initial Private Sessions
 - Clarify the role of the facilitator
 - Capture detailed information about the case from each party's perspective
 - Explain the VYC process
 - Determine appropriateness for face-to-face conference
- Preparation Meetings

The VYC Process (cont.)

- Introduction
 1. What happened? (Story-telling Discussion)
 2. What was the effect? (Impact Discussion)
 3. How can the situation be made better? (Reparations Discussion)
- Closing Time

The VYC Process (cont.)

- Reparation Plans
- Outcomes from VYC Conference
 1. Apology (Verbal or Written)
 2. Restitution
 3. Community Service
 4. Services for the youth offender
 5. Other Remedies

Project Restore

A Project of Lancaster County Human Services

The Mediation Center, Lincoln, A Partner

Lincoln, NE

Program Goals



- Provide youth who have committed an offense in a Lincoln middle or high school with an alternative to make amends to their victims and families outside of the court system.
- Intervene early when youth make mistakes, so they stay out of the court system.
- Provide the youthful offender with a process that encourages them to take steps towards feeling reinstated as a respected member of the school community
- Potentially improve graduation rates of youth offenders by keeping them in school.

Referral Process

- Youth are referred to The Mediation Center by Lincoln Public Schools via the County Attorney, which gives youth the choice to participate in victim youth conferencing
- Victims are also given the choice to meet face to face with the youth who caused them harm
- If the victim chooses not to participate, a community surrogate attends the conference in their place.
- Once the mediation conference has been held and restitution has been completed, the youth's offense is dismissed

Office of Dispute Resolution Evaluation of State-wide Programs & Outcomes

Empirical Support for RJ – Victim Youth Conferencing

Reference	Findings	Sample Characteristics & Method
Nugent, Williams, & Umbreit (2003)	Youth who participated in VOM demonstrated 26% reduction in recidivism	Examined 9,307 juveniles in 19 sites United States
Bradshaw & Roseborough (2005)	RJ dialogue programs (VOM & FGC) contributed to a 26% reduction in recidivism. VOM (M = .34, SD =.46) FGC (M = .11, SD =.12)	Examined 11,950 juveniles in 25 sites; tracked recidivism 9-48 months 4 Countries
Bradshaw Roseborough, & Umbreit (2006)	Participation in VOM demonstrated a 34% reduction in recidivism	Examined 9,172 juveniles in 21 sites United States
Schwalbe et al. (2012)	When researcher involved, diversionary RJ programs (VYC & FGC) significantly reduced recidivism	Examined 28 experimental or quasi-experimental studies in 33 independent samples
Sherman et al. (2015)	RJ conferences resulted in modest, but highly cost effective reduction in recidivism (3.7-8.1x more cost effective)	Examined 15 randomized control trials (RCTs) US, UK
Wong et al. (2016)	Diversionary RJ programs significantly reduce juvenile recidivism	Examined 21 studies, including 5,209 treatment group participants and 13,049 comparison group participants. US, CAN, AU, NZ, W. EU

Common Themes in RJ Evaluation

- Recidivism rates
- Victim Satisfaction
- Offender Satisfaction
- Cost-effectiveness



Nebraska's ODR / Mediation Center RJ Data Management

- Establish common system of data-collection
- Record common moderators (e.g. gender, race, SES)
- Regular data monitoring

Nebraska's Recidivism for ODR's VYC Programs

Figure 1: Success Rates for Cases Closed between Jan. 2015 and Jan 2018 (n=349)

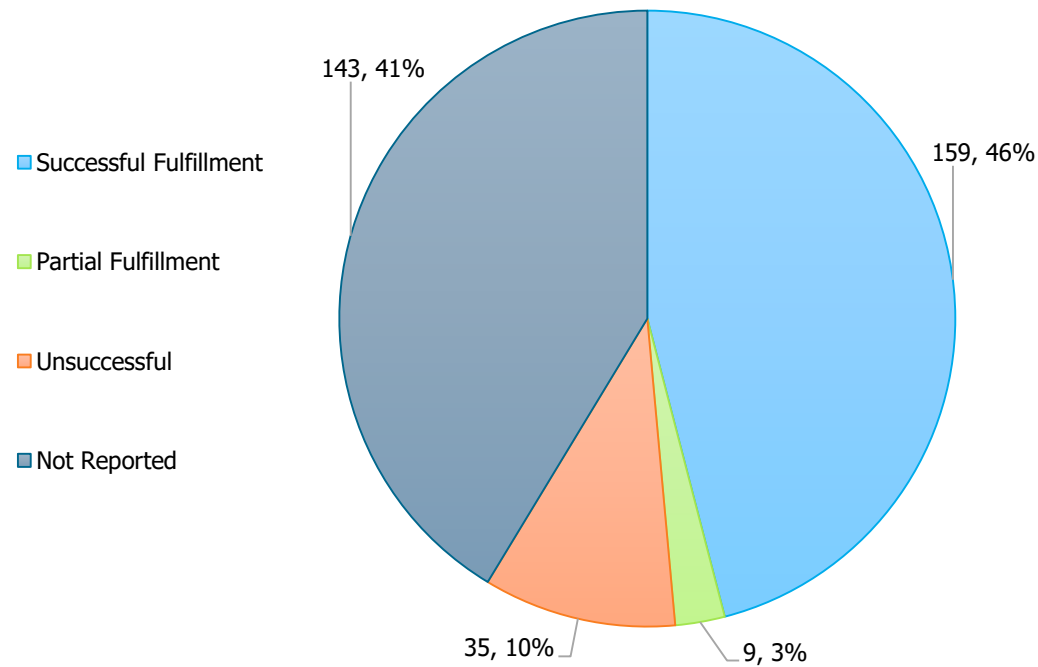
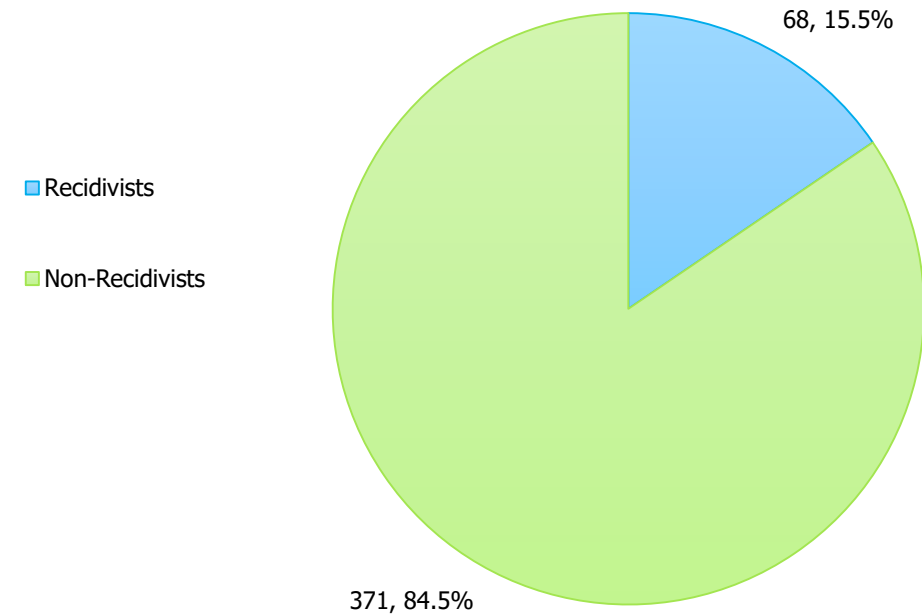


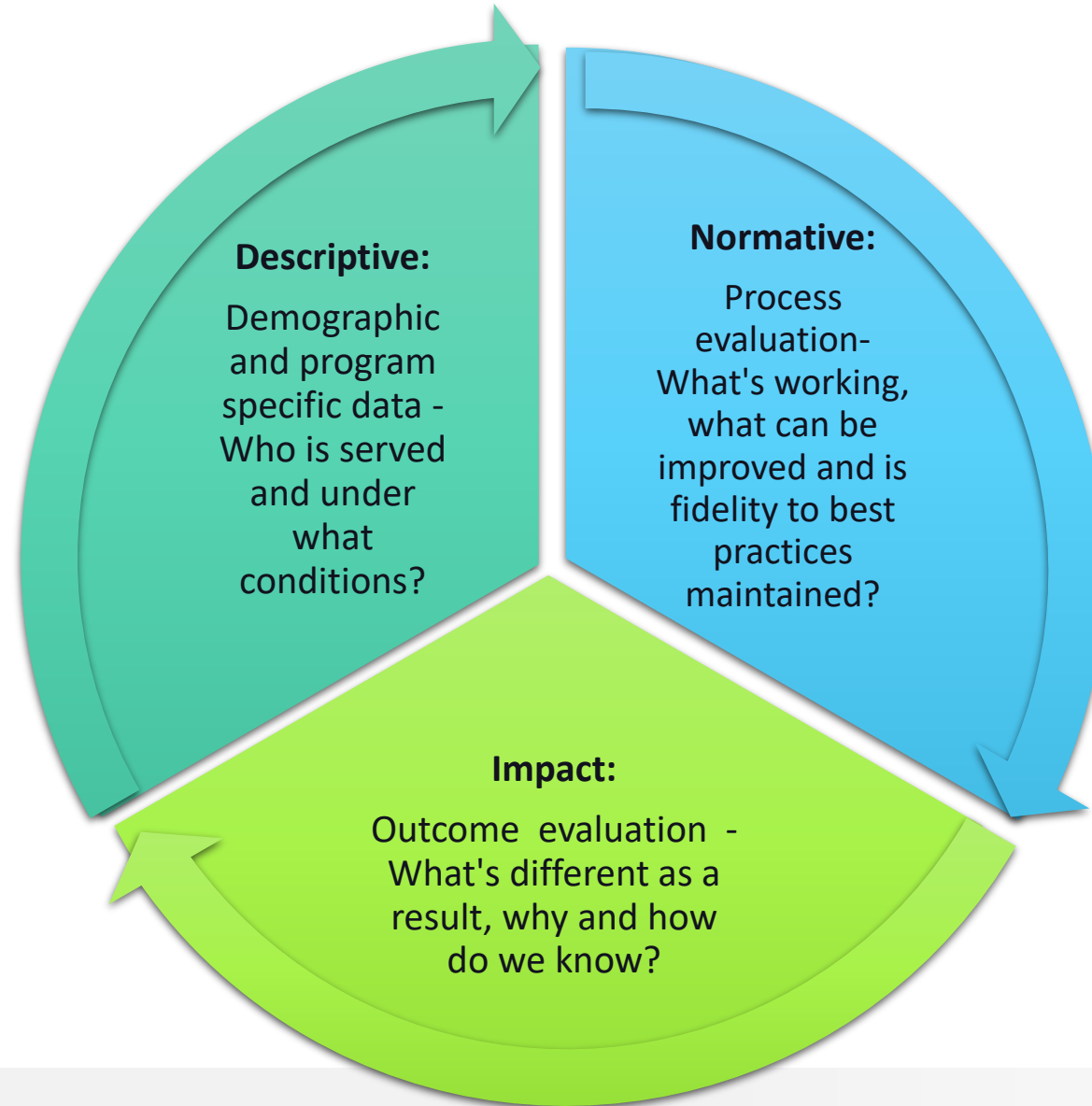
Figure 2: Rate of recidivism based on total referred cases (n=439)



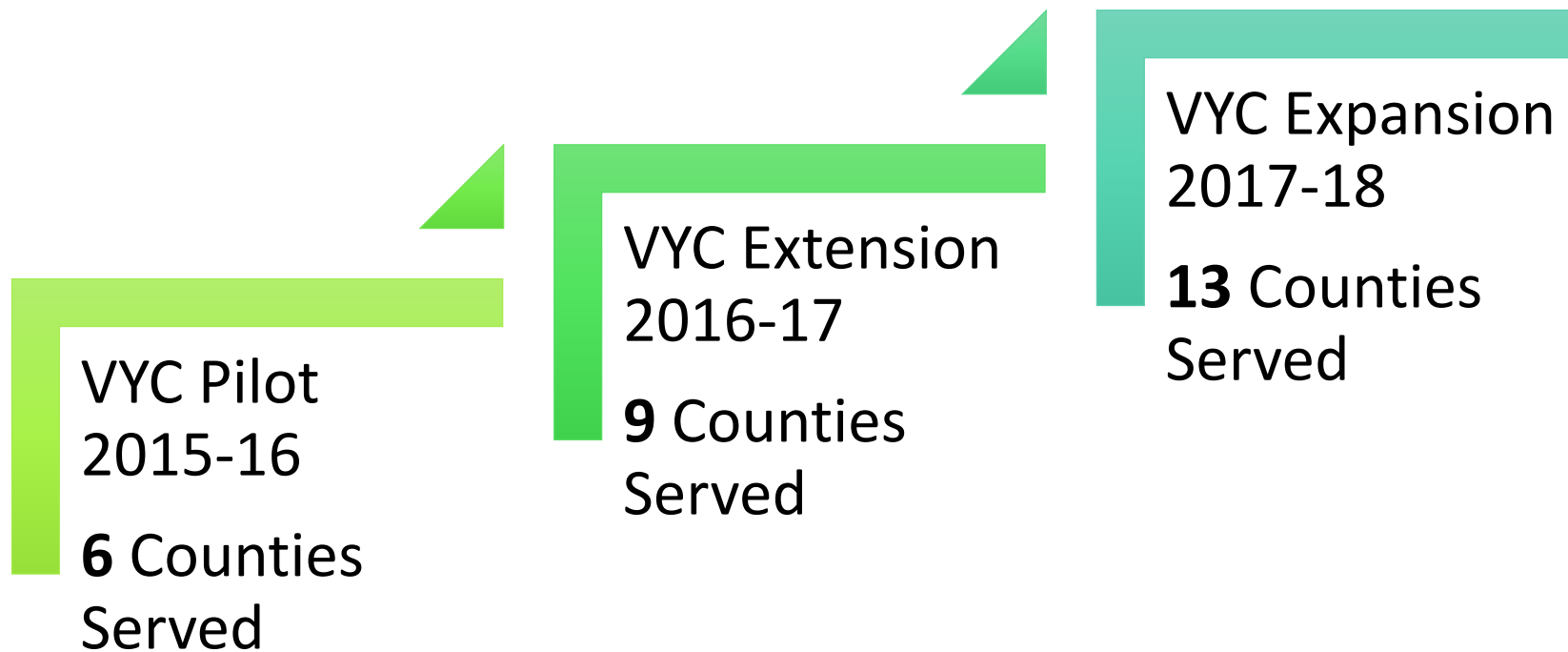
External Evaluation Results for ODR's statewide VYC Program

Center for Restorative Justice & Peacemaking,
University of MN

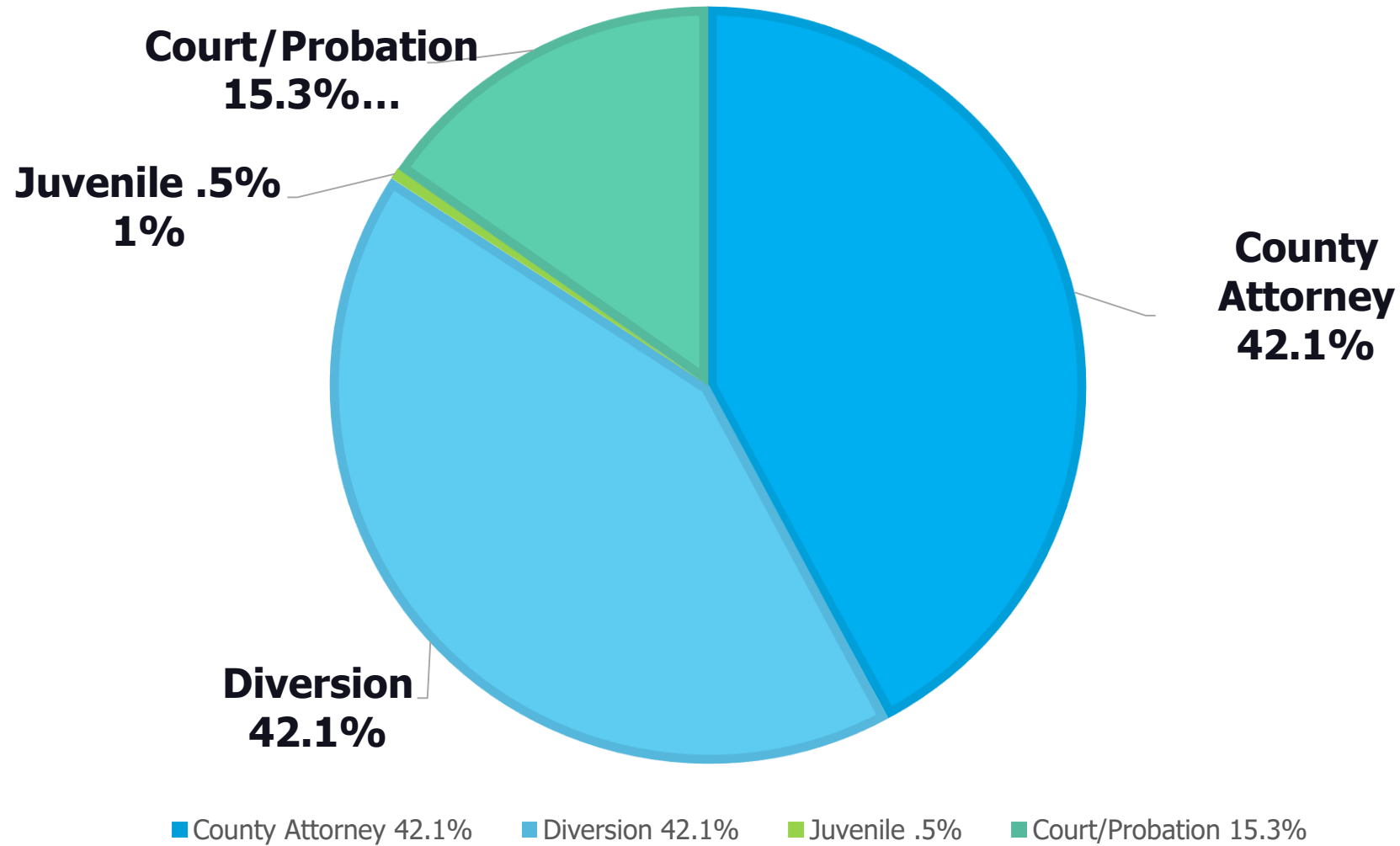
Evaluation Questions



Expansion of Counties Served



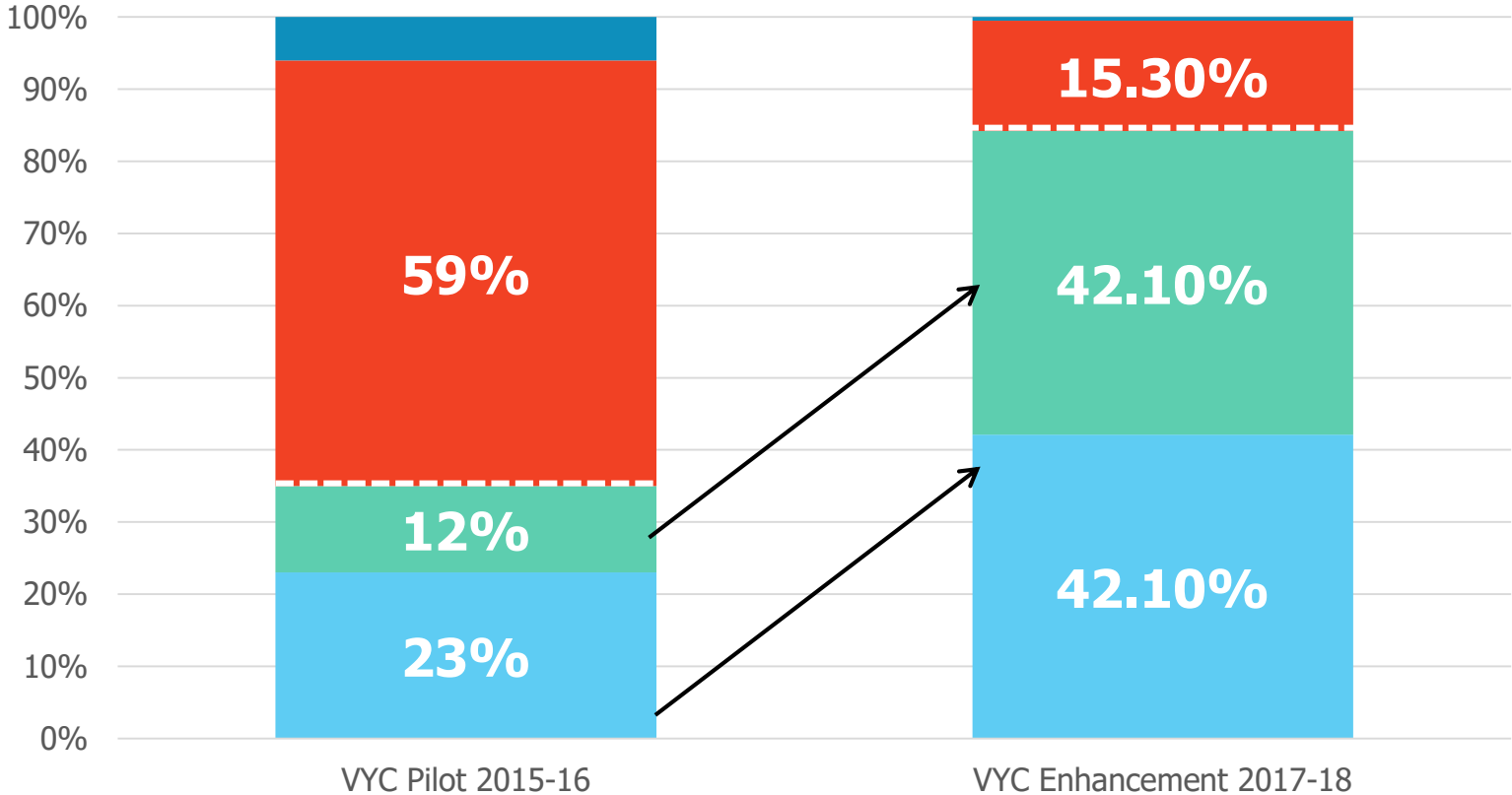
2017-18 Referral Sources



Shift to Greater Prevention

2015-2016

2017-2018



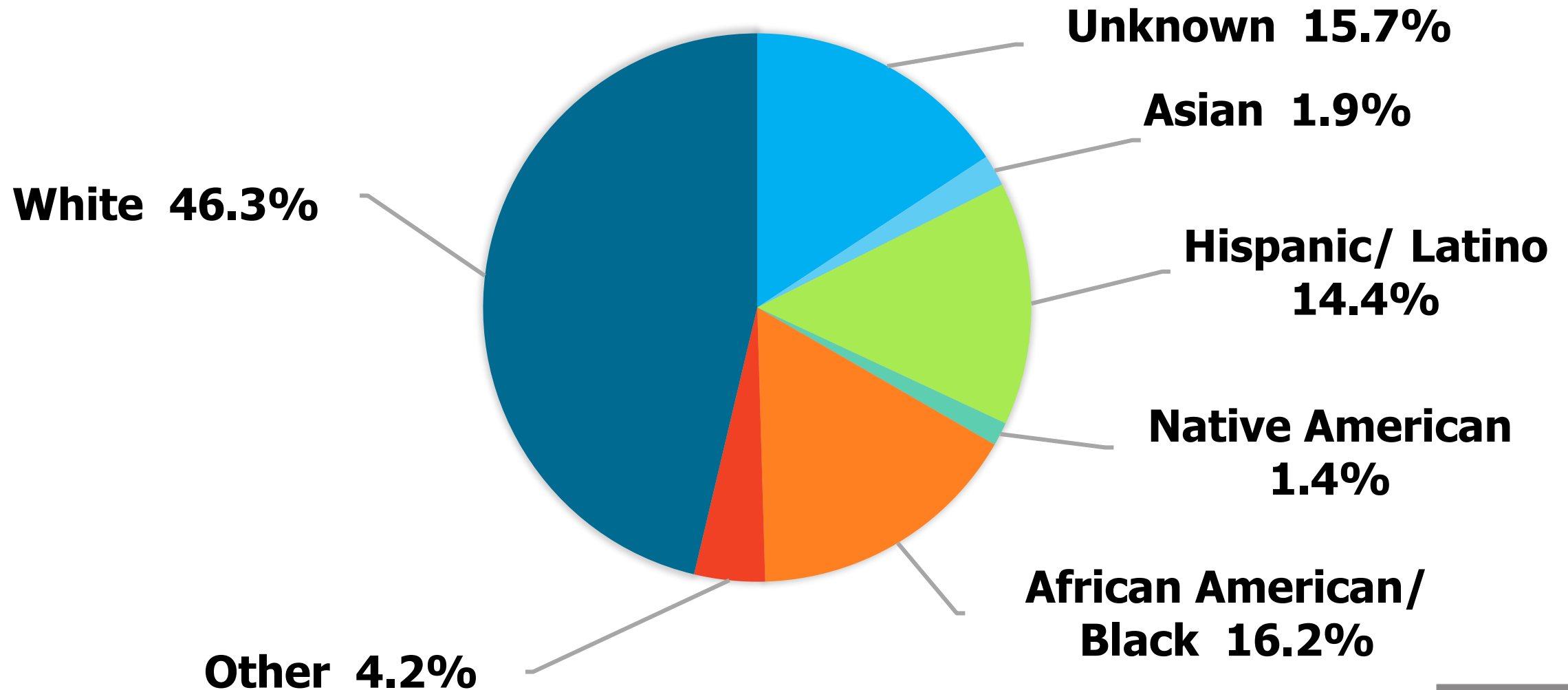
■ Other

■ Tier 3 Court Adjudicated/Probation

■ Tier 2 Diversion

■ Tier 1 County Atty Pre-Court

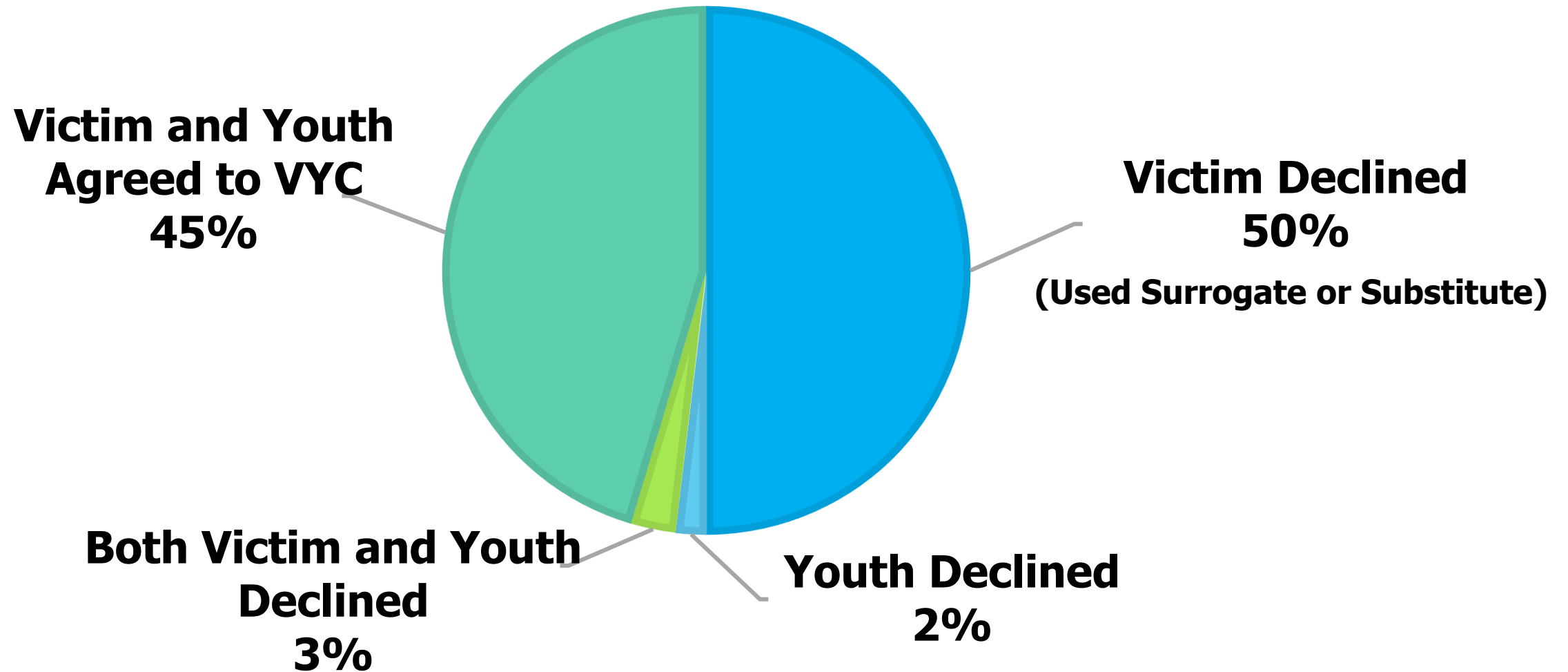
VYC Youth Diversity: 2017-18 (n=216)



Identification of those Harmed (Victims)

Harmed	Number
Adult	49
Church	1
Community/Neighborhood	1
Family	3
Juvenile	104
Mutual Assault	31
Private Business	14
Public Institution	8
Not Reported	12
Total	223

Decision to Participate in VYC



2017-18 Outcomes for Youth and Victims: Short term

Goal: 95% of VYC's will result in a reparations agreement.

- → **Actual Result: 100%** of 159 VYC's resulted in a reparations agreement with the youths.

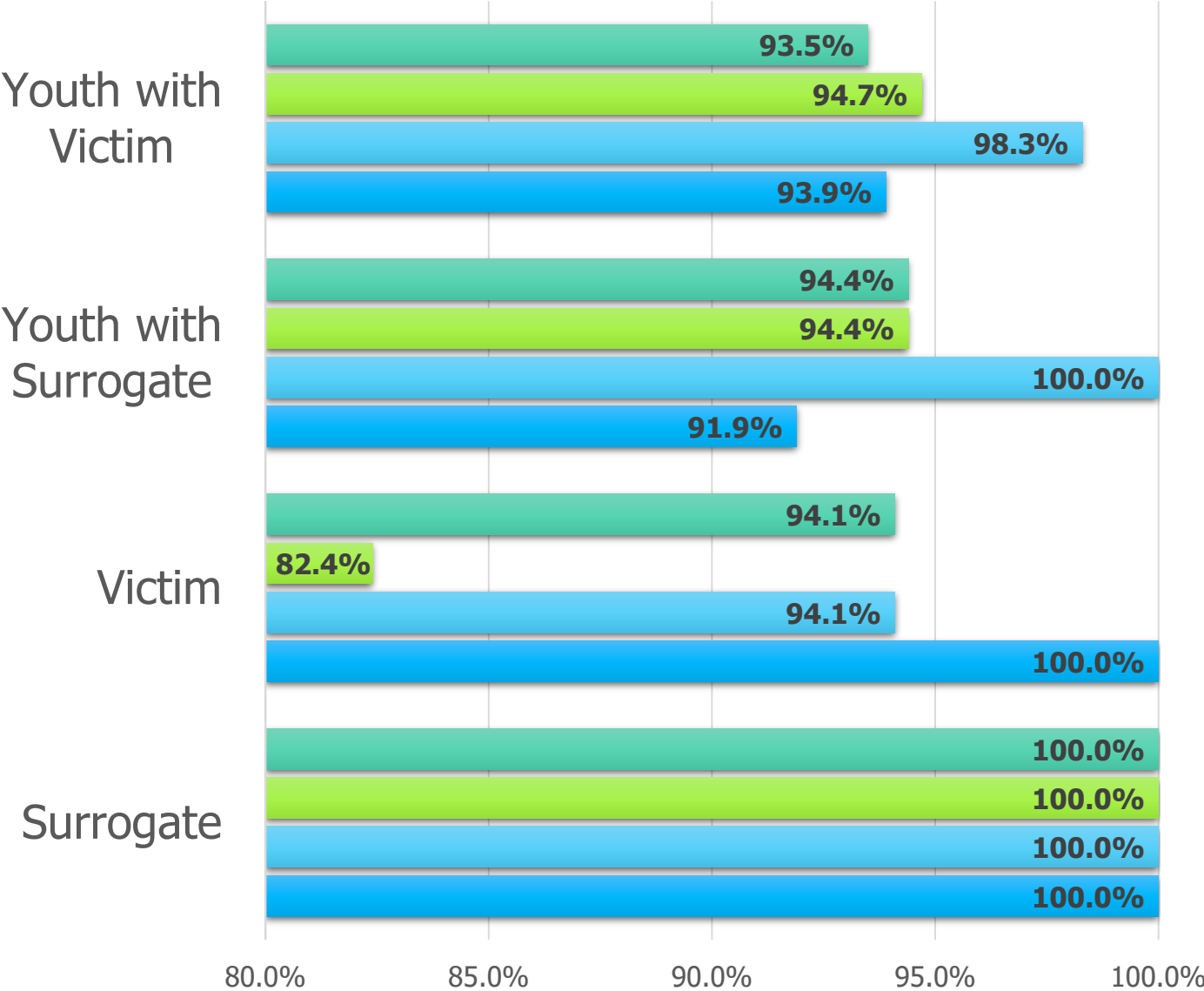
Goal: 95% of reparations agreements will be fulfilled.

- → **Actual Result: 94.2%** of 159 youth have successfully fulfilled their reparations agreements, and **5.8%** have partially fulfilled their reparations agreements. No case has been closed without full or partial fulfillment of the reparations agreement.

Goal: 97% of youth, their parents, victims and surrogates will report satisfaction with VYC.

- → **Actual Result: 95%** of youth, their parents, victims and surrogates who completed a post-VYC conference evaluation survey reported being extremely satisfied or satisfied with the VYC overall.

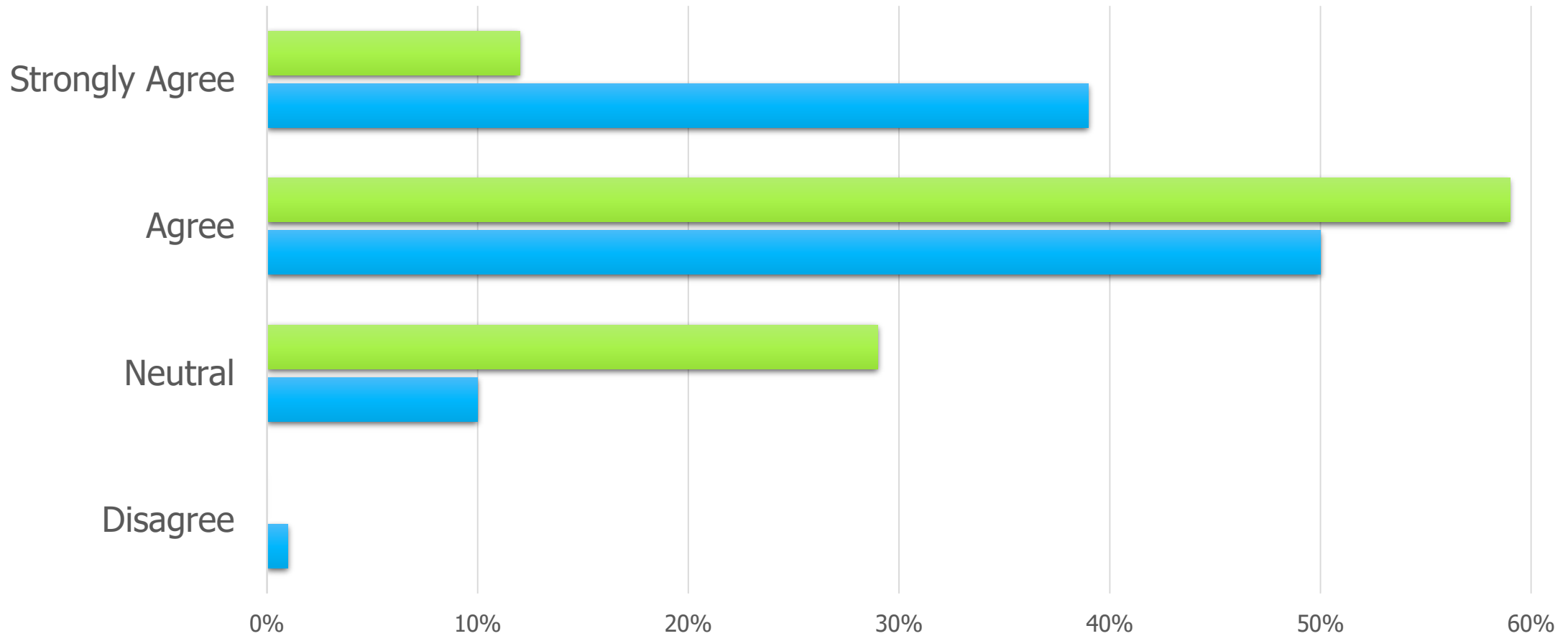
Post-VYC Survey Responses



- Felt Prepared
- Satisfied with Reparations Agreement
- Facilitators seemed genuinely interested
- Would recommend for others

Rating of VYC Experience

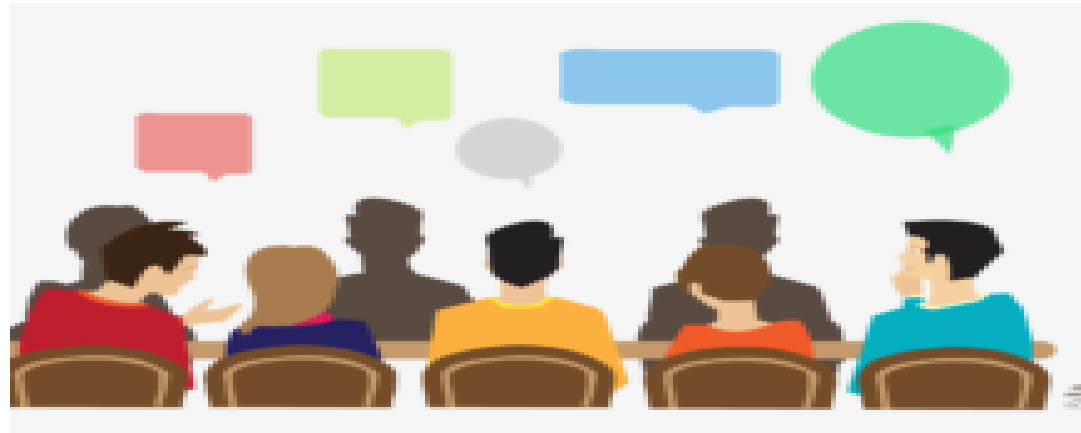
Is the justice system more responsive?



	Disagree	Neutral	Agree	Strongly Agree
Victim	0%	29%	59%	12%
Youth	1%	10%	50%	39%

Time for Discussion

- Questions
- Comments






STATE OF
NEBRASKA
JUDICIAL BRANCH


Office of Dispute
Resolution


 Nebraska
Restorative
Justice

Thank You

 Alisha Caldwell Jimenez, J.D., ODR

 (402) 471-3148

 Alisha.Jimenez@Nebraska.gov

 <https://supremecourt.nebraska.gov>