

# MAINE STATE LEGISLATURE

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# **+ Restorative Justice Project**



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## **Criminal Justice & Public Safety Committee Report**

**By Sarah Mattox – Program Manager**

March 2017



# Restorative Justice Project of the Midcoast

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## What is restorative justice?

“This is a justice that is not about getting even, but about getting well. A justice that is not a battle ground but a healing ground. A justice that seeks to transform broken lives, relationships, and communities rather than damage them further.”

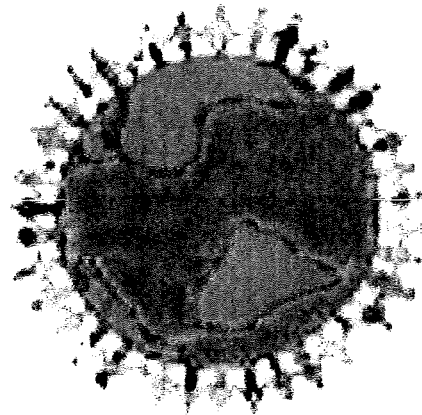
*Fania Davis, Director of Restorative Justice Oakland Youth*

## Restorative Justice Is: A Global Social Movement

*A philosophy, a way of being. Not a program.*

With deep roots in indigenous practices:

- Māori of New Zealand
- South Africa Truth & Reconciliation Process
- Native peoples of the Arctic



## RJ: A Different Set of Questions



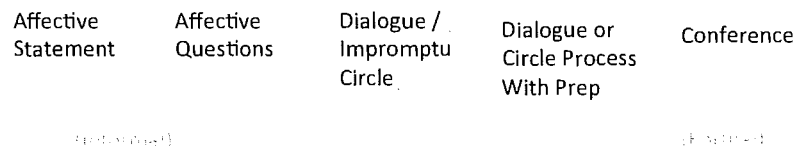
What laws have been broken?	Who has been hurt?
Who did it?	What are their needs?
What do they deserve?	Whose obligations are these?

### Two Different Views

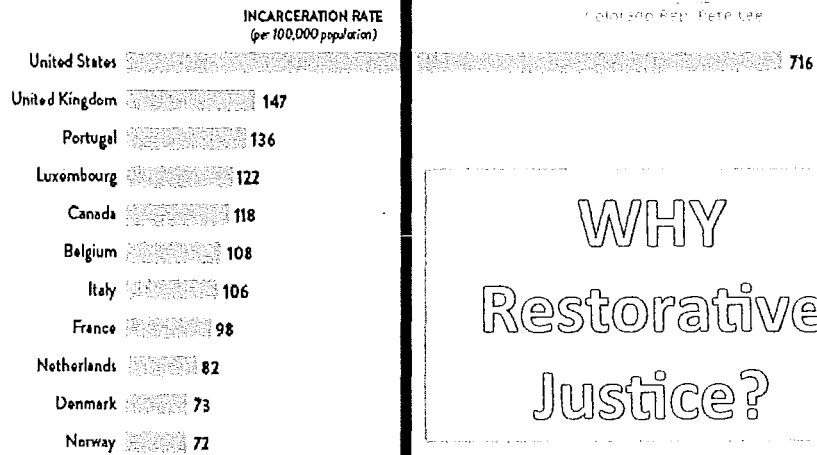
<i>Criminal Justice</i>	<i>Restorative Justice</i>
<ul style="list-style-type: none"> <li>• Crime is a violation of the law and the state.</li> </ul>	<ul style="list-style-type: none"> <li>• Crime is a violation of people and relationships.</li> </ul>
<ul style="list-style-type: none"> <li>• Violations create guilt.</li> </ul>	<ul style="list-style-type: none"> <li>• Violations create obligations.</li> </ul>
<ul style="list-style-type: none"> <li>• Justice requires the state to determine blame (guilt) and impose pain (punishment).</li> </ul>	<ul style="list-style-type: none"> <li>• Justice involves victims, offenders and community members in an effort to put things right.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Central focus:</b> Offenders require due process under the proscribed legal system.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Central focus:</b> Victim needs, offender accountability and community engagement are necessary for repairing the harm and promoting learning.</li> </ul>

# The Restorative Continuum

- To resolve *any* type of wrong-doing
  - The wrong or injustice must be acknowledged
  - Equity needs to be restored
  - Future intentions need to be addressed



## INCARCERATION RATES AMONG FOUNDING NATO MEMBERS



"What kind of society spends more money on cages than classrooms?"

—Louisiana Rep. Peter Lee

**WHY**  
**Restorative**  
**Justice?**

Source: <http://www.prisonpolicy.org/global/>

## In Maine...

- In 2013, property crimes (burglary, larceny, motor vehicle theft and arson) accounted for 94.8% of all reported crimes<sup>1</sup>.
- Maine's incarceration rate was 148 persons per 100,000 population.
- \$46,404 is avg annual cost/ inmate in Maine<sup>2</sup>

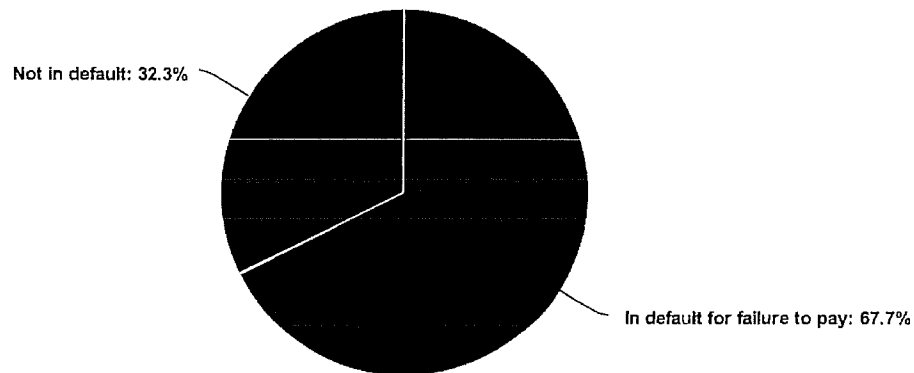
- 1-- *Crime in Maine, 2013*, Maine Department of Public Safety at [www.maine.gov/dps](http://www.maine.gov/dps) last reviewed June 10, 2015.
- 2-- Vera Institute *Price of Prison Report/ Maine*; 2012

## Maine Crime Victims owed 12 million in unfulfilled restitution orders

Pine Tree WatchDog Report, 2014 <http://pinetreewatchdog.org/chief-judge-restitution-system-is-imperfect-and-we-know-it/>

### Restitution Orders in Default at Cumberland County DA's Office

Source: Cumberland County District Attorney's office  
for Public Interest Reporting

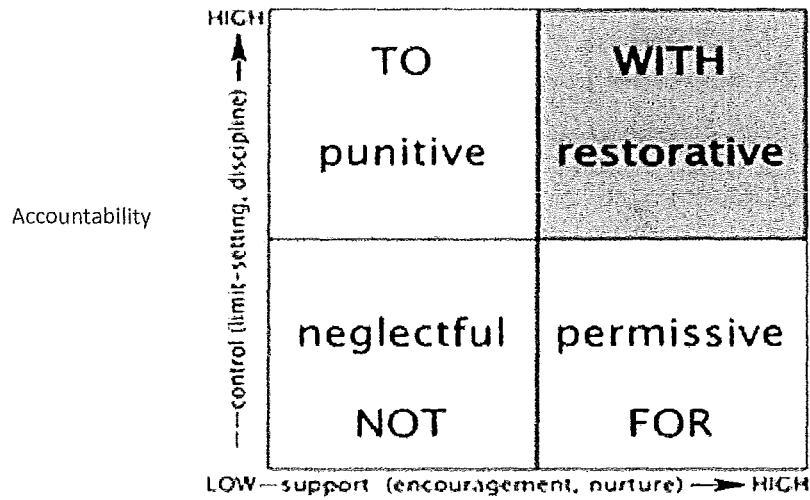


“The fundamental unifying hypothesis of restorative practices is disarmingly simple: that human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things *with* them, rather than *to* them or *for* them.”



### Social Discipline Window

*Adapted from Blood and Thorsborne, 2005*





### ***Outcomes for victims who experience RJ***

“Such strong and consistent positive findings about victim benefits in the great majority of cases lead us to conclude that victims will generally benefit from participation whenever they have the opportunity to do so.”

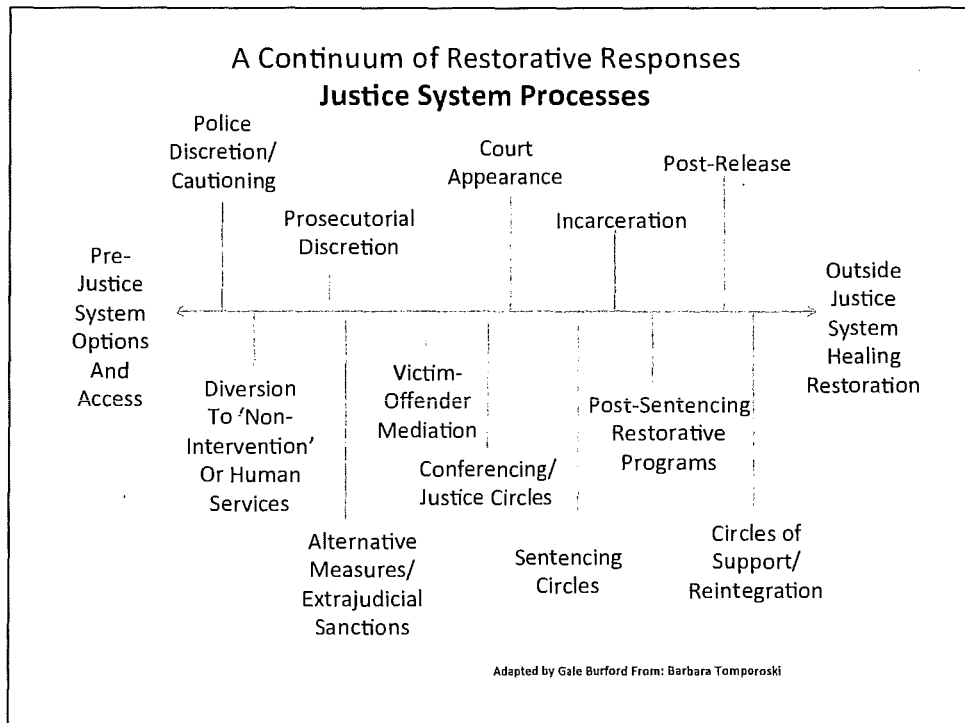
from The Smith Institute, “Restorative Justice: The Evidence” (2007)

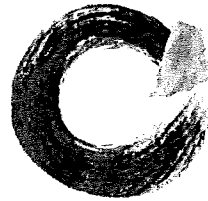
### **Common Victim Needs**

- opportunity to express emotions
- acknowledgement from loved ones
- assurance that what happened was unfair and undeserved
- offender held accountable
- restitution
- possible contact with offender
- apology
- opportunity to ask questions
- assurance of safety

## Positive outcomes for victims from participation in RJ process

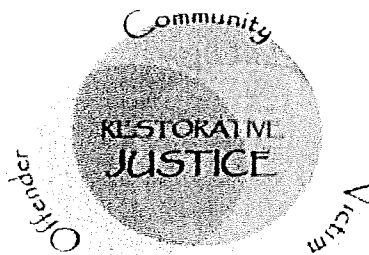
- Increased sense of safety
- Less desire for revenge
- Greater satisfaction with the process
- Answers to their questions
- Increased likelihood of receiving restitution
- Decrease in post-traumatic reactions





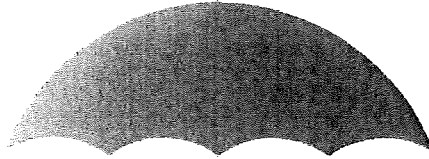
# Restorative Justice Project of the Midcoast

Engaging Community  
Rebuilding Trust  
Restoring Hope



Founded in 2005, the Restorative Justice Project of the Midcoast promotes fundamental change in the justice system and schools. Our responses to crime and wrongdoing seek renewal and safety for the community, support and healing for victims, and accountability and reintegration of the offender.

## Programs of the Restorative Justice Project



**PREVENTION—**  
**Work in Schools:**  
Partnering with the  
Restorative Practices  
Collaborative of Maine

**REINTEGRATION—**  
**Work with Inmates**  
At the Maine Coastal Regional  
Reentry Center in Belfast &  
at Long Creek Juvenile Development  
Center in South Portland  
*Involves volunteer mentors*



**INTERVENTION—**  
**Work in Community:**  
Victim/ Offender/ Community Conferencing  
*With the support of volunteer mentors*

## LOOKING AHEAD: The Vision

Within our four county service area, Prosecutorial District Six, to offer each individual: student, victim, youth or adult offender and incarcerated individual reentering his/her community the opportunity to participate in a restorative process.

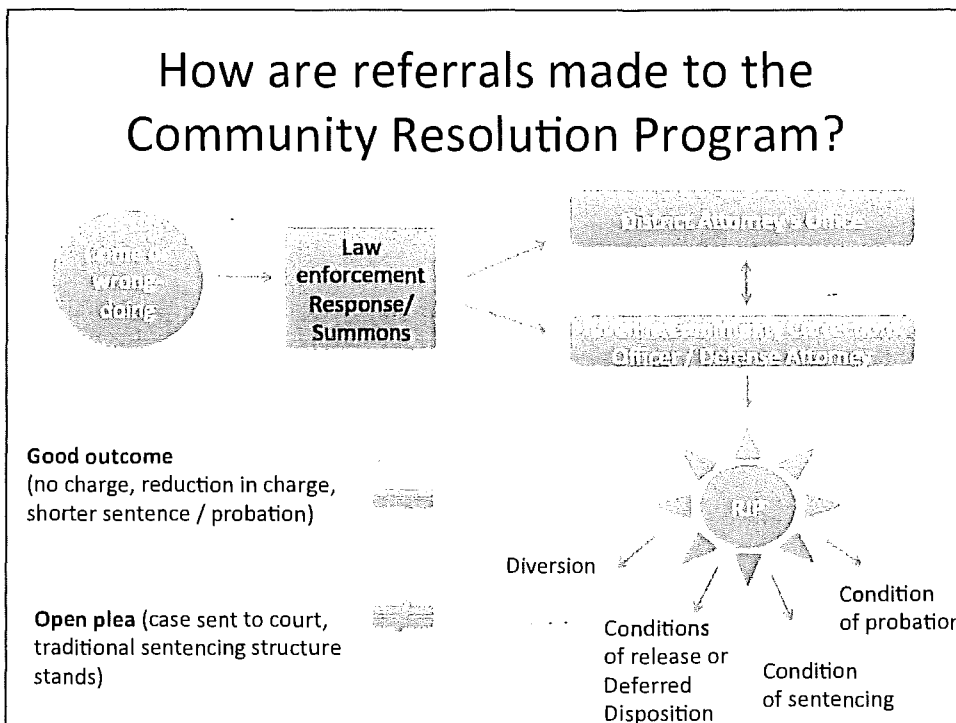


## Components of a Restorative Conference

- A face-to-face encounter between a victim(s), the offender(s), individuals who support each of them, and others who have been affected by the incident.
- Led by a trained facilitator, this encounter seeks to identify, repair and prevent future harm, based in restorative justice values including meaningful accountability and support.
- (Mentoring... while not inherently a component of a restorative process, it complements the values.)

## Stages of the Community Resolution Process

- Referral made to RJP office
- Co-facilitator team identified by RJP staff
- Pre-Conference work with affected individuals
- Conference (where mentor is introduced & repair agreement is created)
- Repair Agreement/ Mentoring Phase
- Closing Circle
- Letter back to the referring party (data entry / wrap- up!)



- ## Conference participation is based on:
- Choice: It is voluntary for the victim, community members and partly voluntary for the offender
  - An admission of harm done
  - A willingness to problem solve
  - Awareness that any participant may stop at any time
  - The participants decide the outcome

## How we Assess Success

- Participant Satisfaction (victim, offender, family & community members, mentors);
- Growth in Developmental Assets of the offender;
- Decreased Recidivism
- Cost comparison with court system
- *Long term: quantitative & qualitative shift in culture of communities. Increased sense of safety, trust, reduced rates of offending, etc.*

## Results: In the past decade

- Over **5,000** participants in conferences.
- **94%** of agreements created are completed.
- **97%** of victims report that “My needs are met through this process. (**98%** report that they are satisfied or highly satisfied that justice was achieved through this process.)”
- Participants have completed over **6,500** hours of public service work and have paid more than **\$62,000** in restitution.

## **Schools**

- Case study of Morse & Monroe Elementary, number of office referrals following restorative practice implementation:
  - '08/'09: 350
  - '09/'10: 287
  - '10-'11: 110
  - '11-'12: 75
  - '12-'13: 9
  - '13-'14: 5

## **Results Continued**

- Over **500** volunteers have been trained as skilled mentors, facilitators & community advocates.
- **2,000** teachers, principals and school administrators trained... and Over 12,000 students have been impacted by participating in training and circles.
- Recidivism rate within the Reentry Center population is at **31%** whereas nation-wide inmates recidivate at a rate around 68.7% within three years post-release.



## **Reentry Program Benefits: At a Glance**

- 32-bed facility serves 55+ inmates a year
- Recidivism rate in general population for 3-year period = 70%; for reentry residents = 25%
- Total cost savings in FY 2013 = \$88,926.00
  - Community Service Savings: \$39,135.00  
*(Based on 5,218-hours @ \$7.50/ hour)*
  - Fines and restitution collected: \$22,055.00
  - Room & Board collected: \$27,736.00

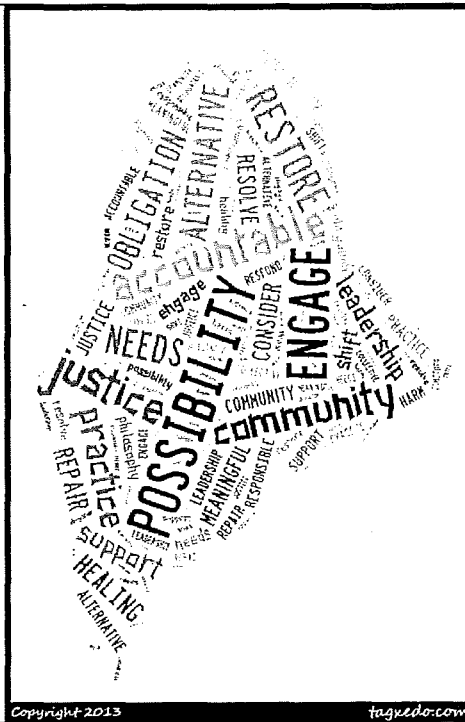
\* Volunteers of America Maine Coastal Regional Reentry Center Year End Report FY 2013



## **Funding**

- Funding comes to RJP through a mix of small contracts—DOC and Volunteers of America, grants—Lerner Foundation, UMCC, Leach Foundation and private donors
- We estimate that it costs \$1200-\$1500 to run the average restorative conference, start-to-finish. In other words, \$11.96 per participant per day.

What's Happening  
with  
Restorative Justice  
In Communities  
Across the State of  
Maine?

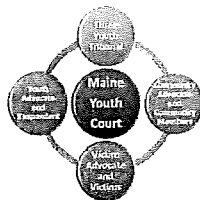


**Growing RJ in Maine:**  
Restorative Justice Institute  
*Founded in 2011*

**Community Justice Initiative –**  
Juvenile Conferencing plus  
Community Capacity Building:

- Augusta
- Biddeford
- Bangor
- Brunswick
- Lewiston
- Portland
- Oxford Hills

**Maine Youth Court (October, 2012)**



*Operating in:*  
Portland  
Yarmouth  
Bath

**International Institute for Restorative  
Practice/ RAND Collaboration—  
School-wide Restorative Practices Implementation**

*Cohort 1:*

- Bath
- Boothbay
- Hall Dale
- Windham
- Maranacook
- Mt. Jefferson Junior High
- Ridge View Community School

*Cohort 2:*

- Bonny Eagle
- Bucksport
- Skowhegan
- Jefferson Village
- Molly Ockett

**Juvenile Community Review Board of  
York County (2014)**

**Bates College, Lewiston (2013)**

- \* Student Accountability Circles
- \* Student Conduct Review Board

**Portland Center for RJ (2011)**

- \* Victim-Offender Dialogue
- \* Peace Making Circles
- \* Trainings in Windham & Somerset County Jail

### COMMUNITY JUSTICE COLLABORATIVE:

A multidisciplinary community advisory group working across silos to understand the issues and resources in the community and develop and continually support a plan for developing and implementing restorative justice.

Phase 1:  
Engagement

Phase 2:  
Strategic  
Planning &  
Learning  
About RJ

Phase 3:  
Small Scale  
Practice and  
Reflection

Phase 4:  
Capacity  
Building

Phase 5:  
Sustaining  
and Evolving



*The following CIC representation may be considered: Community members, law enforcement, education, department of corrections, substance abuse, DHHS, participants in these systems, district attorney, defense attorney, and other interested parties. 8-12 people who consistently attend is best. If more are interested, a larger collaborative can be developed with working groups to make planning manageable.*

## Moving Towards a Restorative Maine:

- 1) JJAG "roadmap" authored by the Community Justice Network of Vermont published Winter 2016
- 2) Prosecutors' Conference Presentation, October 2016. Subject: adult offenders & RJ options
- 3) Increasing interest from jails/ prisons as costs continue to rise and overcrowding continues (e.g. MSP, Somerset, Knox County, Hancock County)
- 4) Rand/ IIRP whole schools implementation initiative in 16 middle schools in ME
- 5) Maine PreTrial report commissioned by Chief Justice Leigh Saufley

## Maine PreTrial Report

- May 1, 2015: Chief Justice Saufley established an intergovernmental task force on pretrial justice reform. Three sub-committees were formed: 1. Pretrial Bail and Bail Conditions; 2. Fines; and 3. Pretrial Diversion.
- Task force recommendations organized as follows:
  - A. Statutory Proposals
  - B. Process Changes and Proposals
  - C. Additional Training
  - D. Further Studies Required

### 4. The Chief Justice should convene an ongoing statewide Task Force

... whose primary purpose is to explore, recommend and assess diversion processes and programs and establish a Justice Diversion system for the state of Maine. (pg . 30)

**“5. The Judicial Branch should conduct a statewide survey of existing Maine Criminal Justice (both adult and juvenile) Diversion Programs.**

The survey should include information on the various programs, what constitutes effective and efficient programming, and what policies, practices and innovations may be applicable for statewide use in Maine. The survey should consider all programs and especially those programs that afford individuals charged with a crime the opportunity to appropriately address their behavior without a resulting criminal conviction. The results of the survey should be used to structure programs that leadership of the Judicial Branch feels would be appropriate for use in Maine.”<sup>1</sup>

1—Report of the Intergovernmental Pretrial Justice Reform Task Force; Dec 2015. Pg 31

We look forward to partnering with  
you to determine What's Possible in  
the state of Maine.



Thank you