

# Building a Bridge: What We Do and Why We Should Do It

## Wisconsin Council on Children and Families

- Restorative Justice and What Works

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# Objectives

- Understand the value-add of restorative justice and evidence based practices for purposes of risk reduction
- Understand the similarity and differences between the two approaches
- Describe a system that effectively merges them together

# Background: Mark Carey

- Juvenile residential treatment counselor
- Probation/parole officer
- Director of four county Corrections agencies
- Deputy Commissioner, MN DOC
- Warden, women's prison
- Consultant/trainer

# Statements I've Heard

- Can't do both and both well; you have to pick one or the other
- RJ is for low risk offenders and is not appropriate for higher risk
- EBP is research based; RJ is more of a "feel good" intervention
- EBP is non-dignified, non-strength based approach

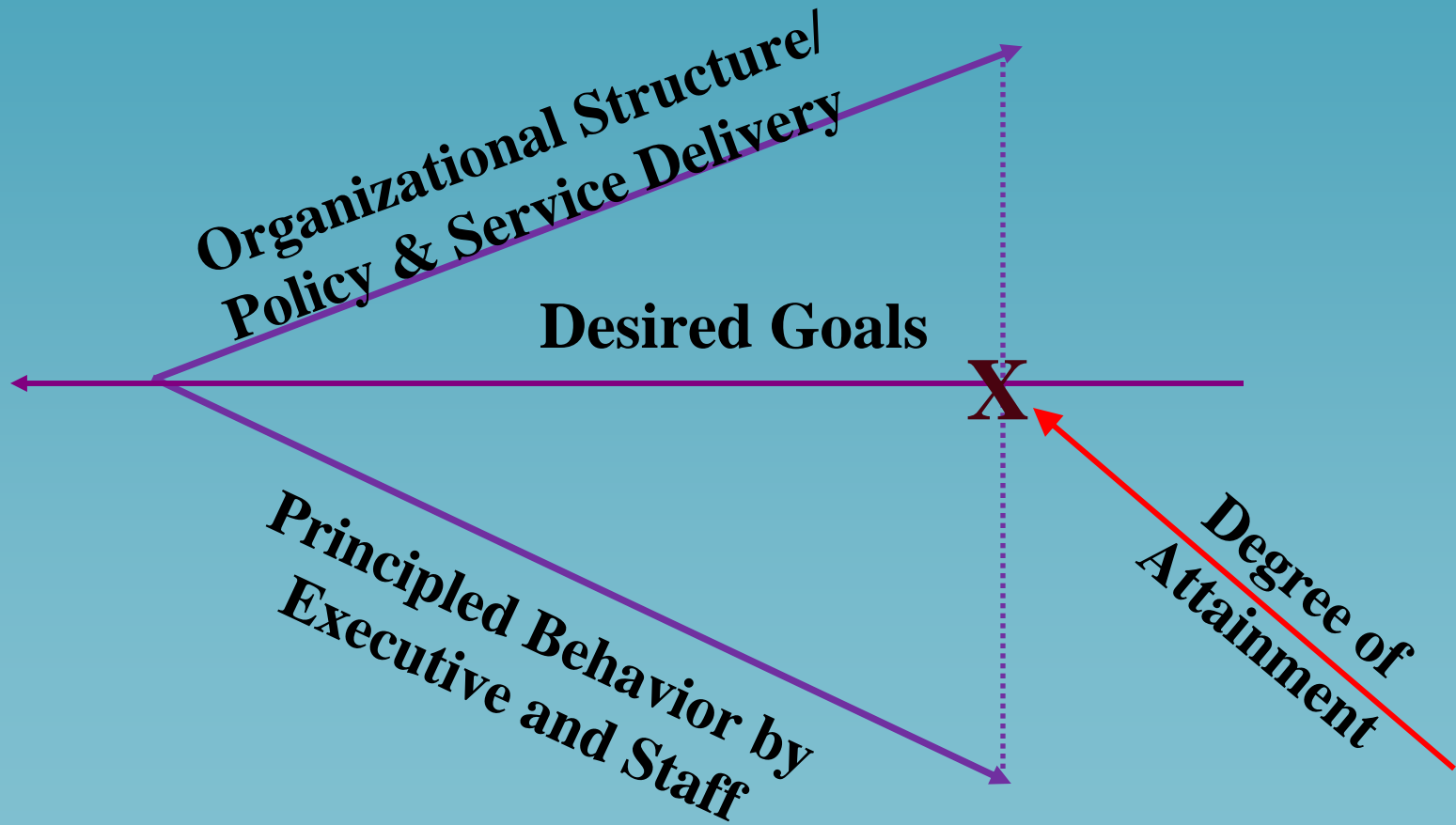
# Why Waste Our Time With Such Needless Debate?

- **Mission clarity; Successful organizations need alignment.....**

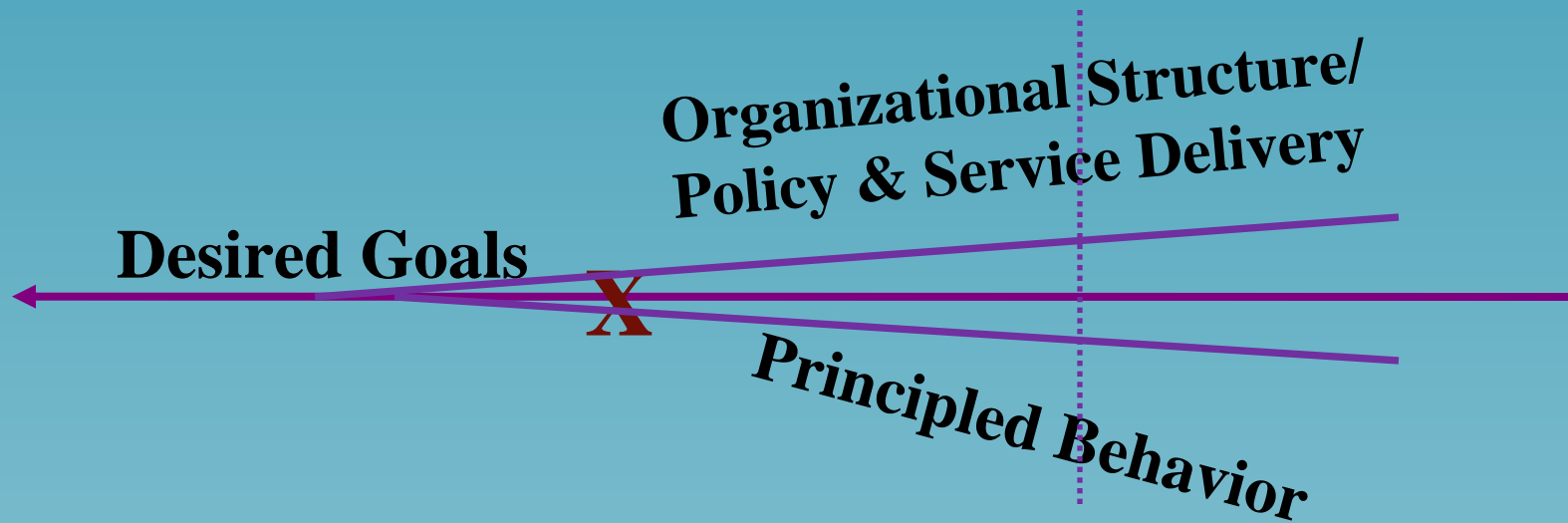
*“...so that people receive a consistent set of signals to reinforce behavior that supports the core ideology and achieves the desired progress”*

**Source: James Collins & Jerry Porras, *Built to Last***

# The Power of Alignment



# The Power of Alignment (con't.)



# What We Will Do

- Review what is unique about RJ
- Review what is unique about EBP
- Examine two cases
  - One without an RJ focus
  - One without an EBP focus
- Show what integration might look like

# A look at restorative justice principles

## Traditional JS questions:

- Who done it?
- What laws were broken?
- What should the punishment be?

## Restorative questions:

- Who was harmed?
- Who is responsible to repair the harm?
- How should the harm be repaired?

# Bottom line

Crime is a wound;  
justice should be about healing

Dan Van Ness

# Key principles

- Crime is an **injury** against another
- **Restoration** is the primary goal of justice
- Crime creates an **obligation** by the offender first and foremost to make things right
- **All** affected parties should be part of the response to crime (victim, offender, and community)
- The **victim** perspective is central to deciding how to repair harm

# Key principles (continued)

- The **community** is responsible for the well-being of all its members including victims and offenders
- Crime control cannot be achieved without active **involvement** of the community

# The Balanced Approach

**Community**

*Public safety*

*Accountability*

**Victim**

**Competency development**

**Offender**

**L**

**O**

**W**

- **Services available for victims**
- **Victim opportunity for involvement and input**
- **Offender opportunity/encouragement to take responsibility**
- **Offender involved in repair of harm**
- **Increase in offender competency**
- **Community members actively involved in decision making and implementation**
- **Processes build connections among community members**

Restorative

**H**

**I**

**G**

**H**

# Examples of RJ

- Citizen Advisory Board
- Habitat for Humanity, repair of low income homes
- Fund raiser for victim agency
- Alternative dispute resolution
- Restorative approaches in the workplace
- Sandbagging during flood
- Food drive
- Victim-offender dialogue
- Restorative measures in school (discipline)

## Examples of RJ (continued)

- Circles
- Training of dogs for the blind
- Graffiti removal at request of police
- Dolls and “happy hats” (prison industry)
- Crime repair crews
- Use of mediation to resolve conflicts
- Community service work that is “good for the soul”
- Volunteers/mentors
- Century Club

## Examples of RJ in correctional setting (continued)

- Family group conferencing
- Community boards for parole (Georgia: 65 citizen boards that address parole plan conditions)

# Community Justice Takes it One Step Further

- The community is the ultimate customer of the justice system
- Justice system must work closely with the community in true partnership
- Justice system assists in addressing causes of crime such as social disorder and social justice

## Community Justice Definition (Clear and Karp, 1999)

- The criminal justice is rooted in the actions that citizens, community organizations, and the justice system can take to control crime and social disorder. Its central focus is community-level outcomes, shifting the emphasis from individual incidents to systemic patterns, from individual conscience to social mores, and from individual goods to the common good.

# Examples of Community Justice

- Community policing
- Community prosecution
- Community courts
- Beat probation (neighborhood based)

# Why the need for **Community** Justice?

- “Highly industrialized societies do not have to much internal conflict, they have too little.”

Nils Christie, “Conflict as Property, Jan 1977, Vol 17, The British Journal of Criminology

# Conflict

- Has been taken away from the parties involved
- Government officials that do this act as professional thieves (especially lawyers)

# Conflict (continued)

- When take conflict away, you take away:
  - Personal responsibility
  - Personalization of parties (no mutual understanding; increase in misconceptions)
  - Comfort and skills around conflict
- Conflict should be viewed as personal property

# Conflict (continued)

- Lessened conflict is a loss in opportunity
  - For norm clarification
  - As social fuel

“Experts are as cancer to any lay body”

# Challenge to traditional criminal justice system

- Traditional system draws distinct boundaries between role of state and role of community
- Relies on expert system
- Communities are comprised of diverse individuals and layers of competing interests
- Zero tolerance approaches that treat fellow citizens as a kind of enemy
- Communities most damaged by crime are least capable of mobilizing resources

# Threats to community justice

1. Lack of community (bonding)
2. Too few conflicts (apathy)
3. Too many professionals (capitulation)

# Case Review

- Read the following case at your table
- Determine how well the case response met the core objectives of restorative justice

# Case of Sarah

Sarah and three of her friends were bored and decided to vandalize the local school. They smashed the window, damaged computers and spray painted walls. The entire community was incensed as the school was shut down for three weeks causing severe disruption in people's lives, finances, and sense of safety. In response, the justice system held a community forum where those harmed by the event could express their views and feelings and provide input as to what should happen. Each of the youth attended, apologized, and offered to make things right. As a result of the forum, the youth agreed to work at the school after hours for the entire summer and meet with interested community members in the fall to review the work they accomplished and demonstrate their sincerity in making things right. At the fall meeting, numerous teachers and students expressed appreciation for how the youth had handled themselves and worked hard to earn the community's respect.

- Rate the response with the following. To what degree...
  1. Were the youth held accountable?
  2. Did the youth restore the victims?
  3. Earn back the community trust?
  4. Was the community input received and involved?
  5. Did the youth develop skills/competencies to not make the same mistake in the future?

# A Look at EBP for Risk Reduction

## Traditional JS questions:

- Who done it?
- What laws were broken?
- What should the punishment be?

## Restorative questions:

- Who was harmed?
- Who is responsible to repair the harm?
- How should the harm be repaired?

## EBP Risk Reduction questions:

- What is the risk to reoffend?
- What are the needs that, if addressed, would reduce the risk?
- How can we individualize our intervention based on uniqueness of youth?

# Lessons Learned

- Who you put in a program is important – pay attention to risk
- What you target is important – pay attention to criminogenic needs
- How you target offenders for change is important – use behavioral approaches and match to offender type

# Assessment is Based on Risk and Need Principles

- **Risk** is based on likelihood of re-offense
  - Actuarial tools get better results
  - Best if validated on own population
  - Most tools do not distinguish on level of offense

# The Big Four

Criminogenic Need	Response
Accommodations/Anti-social history	Build non-criminal alternative behaviors to risky situations, structure 40-70% of day
Anti-social cognition	Reduce anti-social cognition, recognize risking thinking and feelings, adopt an alternative identity
Anti-social companions	Reduce association with criminals, enhance contact with pro-social peers
Anti-social personality or temperament	Build problem solving, self management, anger management, and coping skills

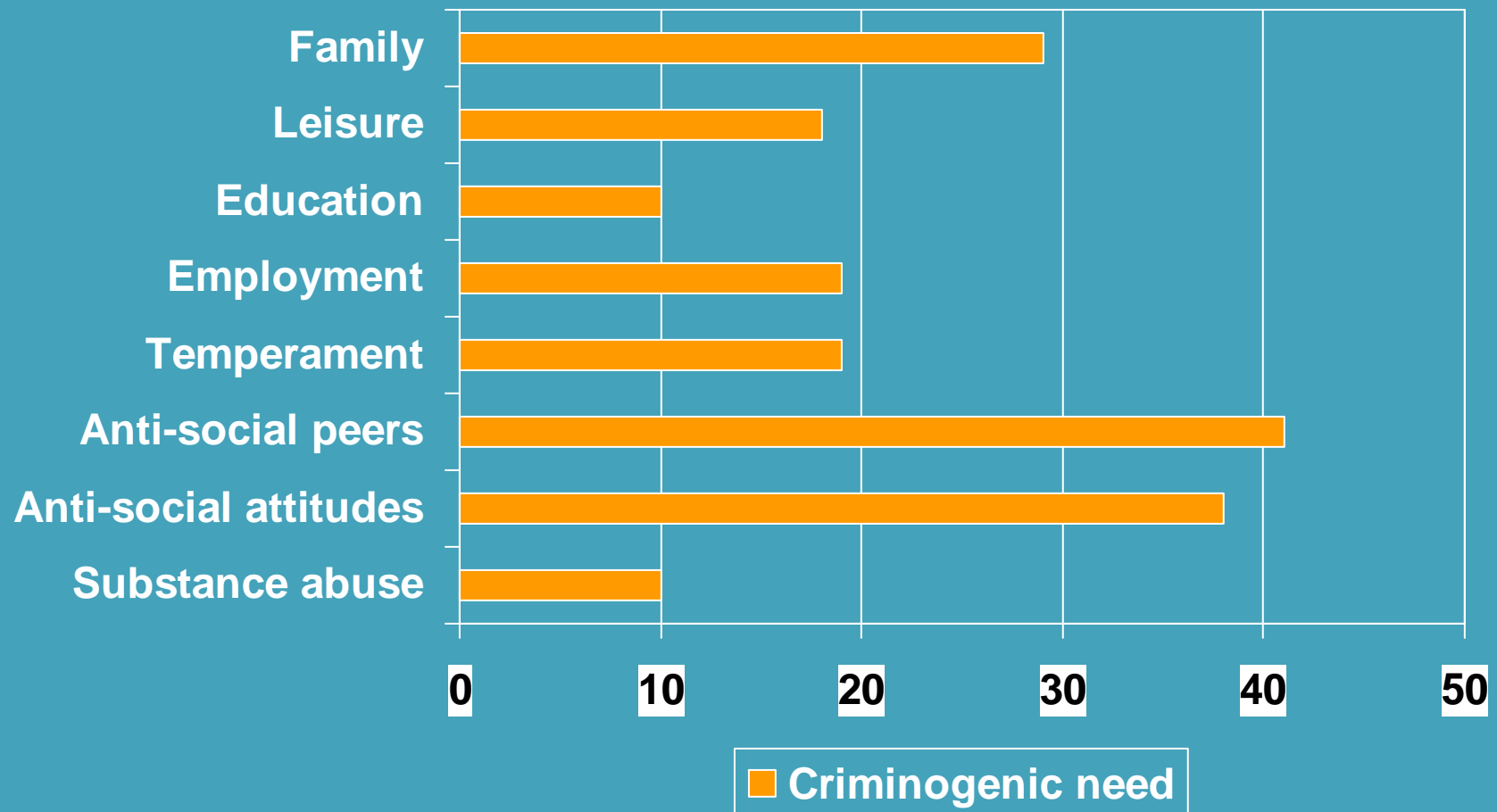
# Temperament Examples

- Lack of empathy
- Anger and hostility
- Poor problem solving
- Risk taking
- Impulsive
- Lack of focus
- Narcissistic

# The Lesser Four

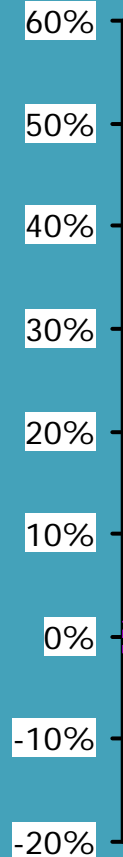
Criminogenic Need	Response
Family and/or marital	Reduce conflict, build positive relationships and communication, enhance monitoring/supervision
Substance abuse	Reduce usage, reduce the supports for abuse behavior, enhance alternatives to abuse
Employment/School	Provide employment seeking and keeping skills and Enhance performance rewards and satisfaction
Leisure and/or recreation	Enhance involvement and satisfaction in pro-social activities

# Example: Risk Score



# Recidivism Reductions as a Function of Targeting Multiple Criminogenic vs. Non-Criminogenic Needs\*

Better outcomes



Poorer outcomes



More criminogenic than non-criminogenic needs



More non-criminogenic than criminogenic needs

(Andrews, Dowden, & Gendreau, 1999; Dowden, 1998)

# Responsivity Principle

- **Styles and modes of service must be matched to the learning styles and abilities of the offender**
  - ✓ **Matching the characteristics of the individual offender to the intervention (treatment, program, supervision);**  
***AND***
  - ✓ **Matching the personnel delivering the service to the population**

# Responsivity Principle

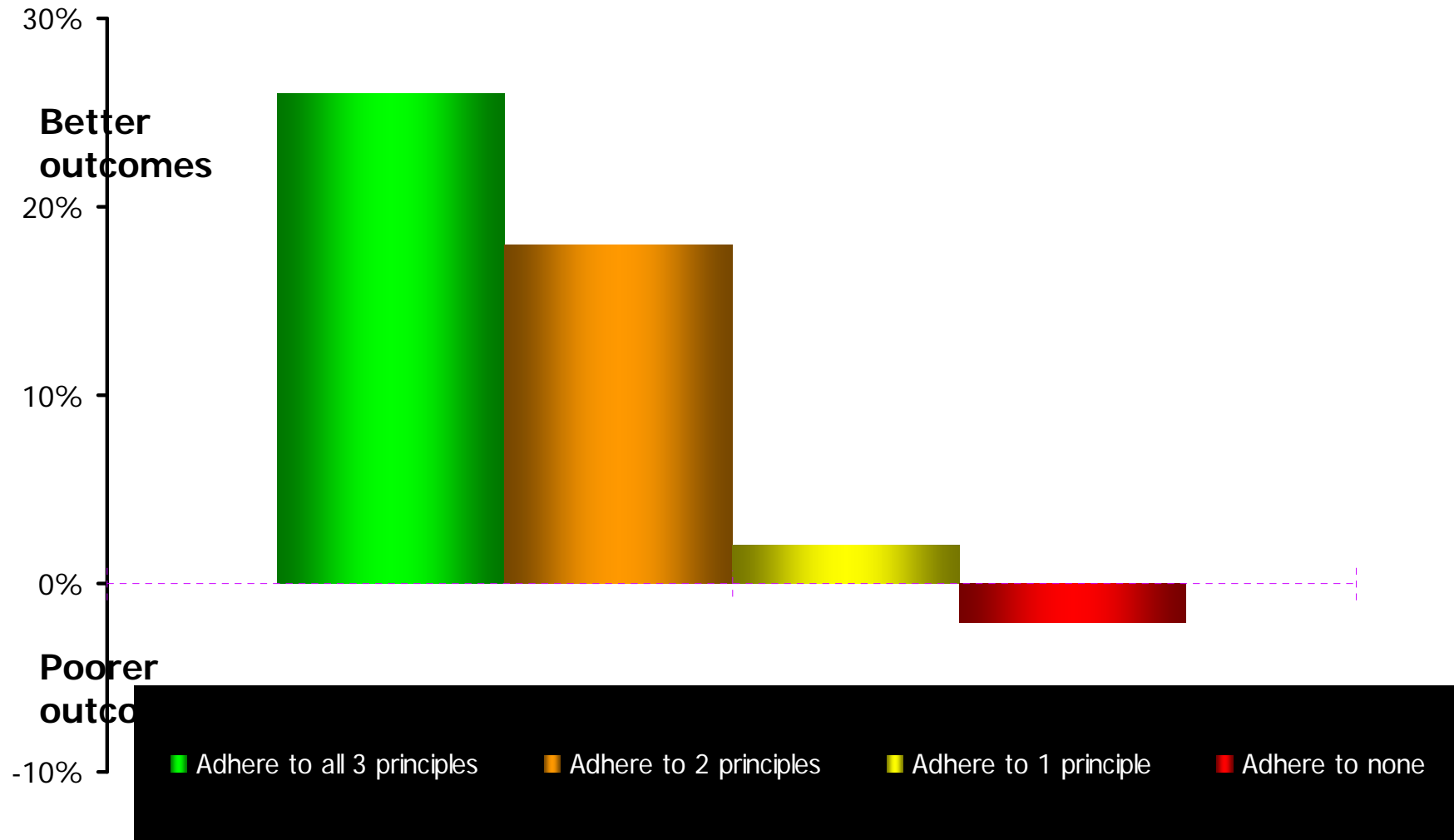
## ■ Offender Characteristics:

- Motivation
- Learning Style
- Gender
- Age
- Culture

# Responsivity Principle (continued)

- **Other considerations:**
  - **Anxiety**
  - **Depression**
  - **Mental Illness**
  - **Intelligence**

# Impact of Adhering to the Core Principles of Effective Intervention: Risk, Needs, and Responsivity\*



\* meta-analysis of 230 studies (Andrews et al., 1999)

# Four Skill Sets Required



# 1. Learn and Practice Concrete Skills

- Problem solve
- Think less destructively
- Show appreciation
- Negotiate
- Social skills
- Resolve conflict
- Break up friendships
- Avoid trouble
- Ask for help

# Effective CBT's

<b>Program Name</b>	<b>Criminogenic Need</b>	<b>Dosage/Length</b>
<b>Aggression Replacement Therapy or Teaching Prosocial Skills</b>	<b>Anger, and thinking skills</b>	<b>10 weeks, three sessions a week</b>
<b>Choices, Changes &amp; Challenges</b>		
<b>Controlling Anger and Learning to Manage It (CALM and CALMER)</b>	<b>Anger and thinking skills</b>	<b>24 sessions</b>
<b>Corrective Thinking/Truthought</b>	<b>Thinking skills</b>	<b>Over 110 hours</b>
<b>Criminal Conduct and Substance Abuse Treatment (Strategies for Self-Improvement and Change) (SSC)</b>	<b>Substance abuse and thinking skills</b>	<b>Substance abuse, 52 sessions</b>

# Effective CBT's (continued)

Program Name	Criminogenic Need	Dosage/Length
Moving on for Girls	Thinking Skills, Peers, Emotional Regulation, Trauma	
Reasoning and Rehabilitation	Thinking Skills, Peers, Emotional Regulation	38 sessions, ten modules, to be delivered twice per week for 18 weeks, two hours
Thinking for Change	Thinking Skills, Peers, Emotional Regulation	22 sessions (which could be extended based on offender needs)
DBT and SPARCS	Trauma	
Other Interventions/Blueprint Programs: Multi-Systemic Therapy, Functional Family Therapy, and Wraparound		

# Bonta “Black Box” Research (08)

<b>PO activity targeted at influencing change</b>	<b>Frequency exhibited in sessions</b>
<b>Prosocial modeling</b>	<b>16.5%</b>
<b>Practice</b>	<b>22.3%</b>
<b>Prosocial reinforcement</b>	<b>68%</b>
<b>Antisocial discouragement</b>	<b>20.4%</b>
<b>Relapse prevention</b>	<b>16.5%</b>
<b>Homework assignment</b>	<b>28.2%</b>

Exploring the Black Box of Community Supervision Journal of Offender Rehabilitation, Vol. 47(3), 2008. Pp. 248–270

# Results by PO Dosage

● Staff interaction with offender can have a profound impact on recidivism if they focus on the right issues and have time to devote to criminogenic needs

Time Devoted Per Session	Recidivism
0-15 minutes	49%
20-39 minutes	36%
<b>Total Recidivism Reduction of 26.5%</b>	

Exploring the Black Box of Community Supervision Journal of Offender Rehabilitation,  
James Bonta Ph.D, et.al., Vol. 47(3), 2008. Pp. 248–270

## 2. Case Planning: Dosage and Intensity-Juvenile

Program Type	Targeted # of Hours	Length
Substance Abuse	30 hours	15 weeks
Family Intervention	24 hours	16 weeks
Cognitive Behavioral	50 hours	17 weeks
Combined treatment time: 4-8 months		

See “The Positive Effects of Cognitive-Behavioral Programs for Offenders: A Meta-Analysis of Factors Associated with Effective Treatment,” Nana A. Landenberger & Mark W. Lipsey.  
*Journal of Experimental Criminology*, 2005

# 3. Rewards

<b>Rewards: Do</b>	<b>Rewards: Don't</b>
Make sure the behavior leading to incentives is doable	Promise incentives that can't be administered due to cost or policy
Provide more affirmations than criticisms (4:1 ratio)	Be silent or use negative feedback more frequently than positive
Make sure the reward is individualized so as to be meaningful to the probationer	Apply a "one size fits all" strategy
"Stack" the rewards so that the probationer receives consistent positive feedback in the first few months of supervision	Withhold praise in the beginning to establish your authority
Apply them frequently for optimal learning	Do not insist on consistent use over long term; can be tapered off over time (for bigger accomplishments)

# 3. Sanctions

Sanctions: Do	Sanctions: Don't
Make the expected behaviors clear	Keep the probationer guessing as a means of control
Let the probationer know up front what the consequences of non-compliance are	Threaten consequences that are not enforceable
Build in an understanding that relapse is a normal part of the change process without justifying it	Overreact to relapses
Apply the principles of swift, certain, and proportionate response	Emphasize the severity of the sanction over certain and immediate
Be realistic about how much change a probationer can make in a certain amount of time	Load up too many conditions that result in an unfocused and unrealistic scenario

## 4. Professional Alliance

“You can’t push  
knowledge into  
the brain. The  
brain has to pull  
it in.”

*Monty Roberts  
Horse Training*

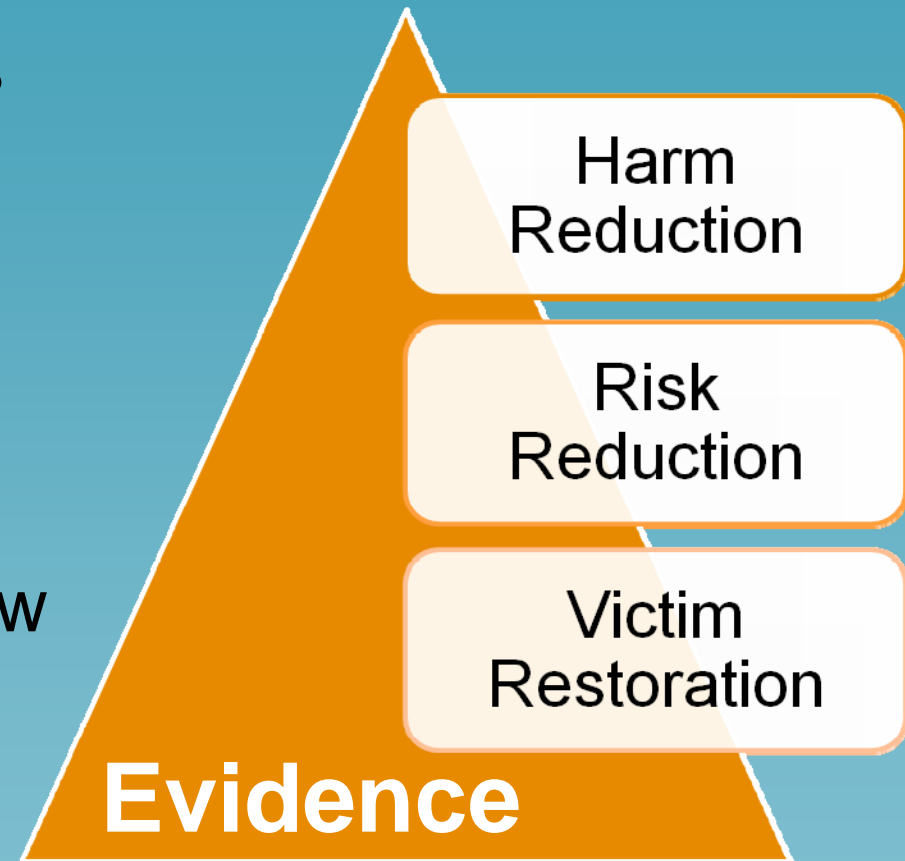
# Case of Sarah

Sarah and three of her friends were bored and decided to vandalize the local school. They smashed the window, damaged computers and spray painted walls. Sarah is a high risk youth. She has been on and off probation for years, once landing in a correctional facility for girls where she stayed six months. She has a careless disregard for the feelings of others, has severe anti-social beliefs and attitudes, has poor impulse control, and has a great deal of family stress that provokes her acting out. The court decided to get her under control by having her placed in a group home for girls. During that time she is expected to complete a cognitive restructuring program designed to address her anti-social thinking and to give her skills to control her impulses. After sixty days she and her family will undergo an intense family intervention (Functional Family Therapy). Once she makes sufficient progress she will be returned home.

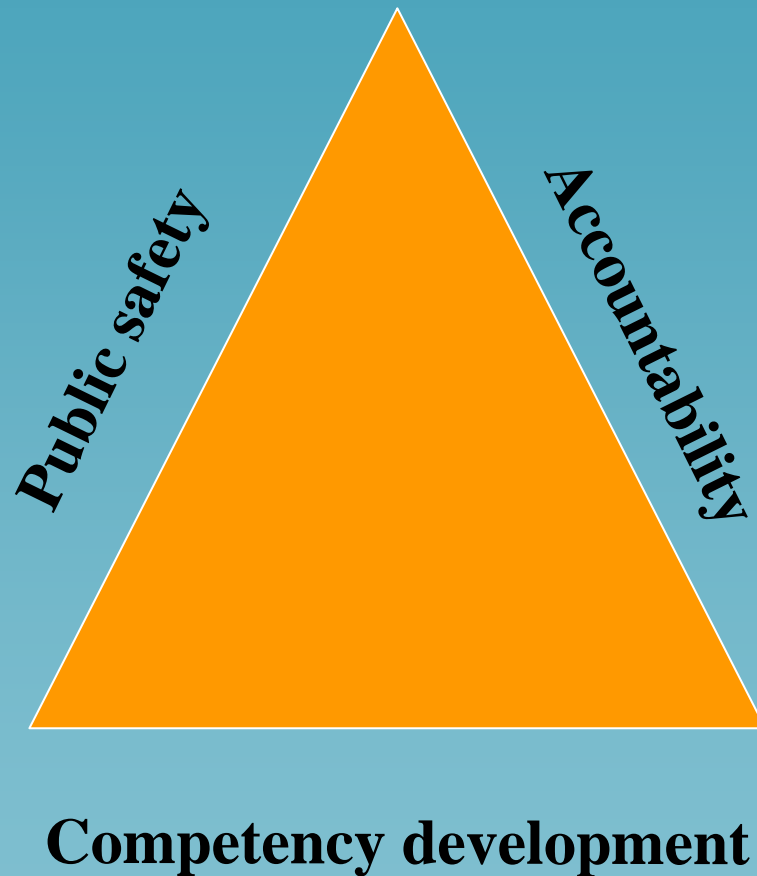
- Rate the response with the following. To what degree...
  1. Was the youth's risk to reoffend taken into account?
  2. Were the youth's top criminogenic needs taken into account?
  3. Did the programming meet the criminogenic needs?
  4. Was the intervention of sufficient dosage/intensity?
  5. Did the youth address the harm caused?

# Two Ways to Look at This

1. Evidence Based is a way of approaching our work: make sure you consider the research evidence before deciding how to proceed



# Two Ways to Look at This



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2. The competency development side of the BARJ model includes programming that provides skills for the youth so they don't reoffend

# The Principles are Largely Shared

<b>EBP</b>	<b>Activity</b>	<b>Restorative Justice</b>
Assesses risk and need and what needed to avoid	<b>Assessment</b>	Assesses harm caused and what needed to repair
Match offender with best response	<b>Responsivity</b>	Individualize approach with each offender
Meet offender where he/she is at; use offender's own energy	<b>Motivation</b>	Voluntary process; uses consensus model; seeks to use offender strengths
Uses both with emphasis on rewards (4 to 1)	<b>Reward/sanction</b>	Seeks ways for offender to gain natural rewards
Addresses anti-social thinking and skills	<b>Intervention</b>	Adds skills which community values
Engages natural community in reinforcing	<b>Community involvement</b>	Community is ongoing and active partner

# The Language Differs Somewhat

<b>EBP</b>	<b>Emphasis</b>	<b>Restorative Justice</b>
Attitudes and values (anti-social)	<b>How offenders think</b>	Holding accountable to those harmed
Cognitive and life skill development	<b>Skills</b>	Competency development
Relationship are key to learning	<b>Social learning</b>	Restoring right relationships
Reinforcement and skill practice	<b>Social learning</b>	Encouragement and support as important as accountability
Modeling enhances learning	<b>Social learning</b>	Use of elders and community members
Engage natural communities	<b>Social bonding</b>	Earned redemption

# In Reality, Both are Needed

	<b>EBP</b>	<b>RJ</b>
<b>Excel at.....</b>	Changing offender worldview	Victim involvement
	Improving skills	Community ownership
		Making things right (to degree possible)
<b>Falls short of....</b>	Victim involvement	Structured curricula aimed at offender attitude/belief
	Community ownership	Skill practice

# The Promise If Done Correctly....

## EBP:

- Reduce recidivism by an average of 30%

## RJ:

- Restore crime victims and give input
- Make community involvement meaningful and strengthen communities
- Give offenders a chance to reintegrate back into community

# Imagine an organization that combines the two....

<b>Mission</b>	<b>Values</b>	<b>Program theory</b>	<b>Emphasis on</b>	<b>Strategies</b>	<b>Partners</b>	<b>Measures</b>
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## Result will be:

- \* Lower recidivism
- \* Improved victim experience
- \* More community ownership and involvement
- \* Stronger communities