

Restorative Justice and Victim Offender Dialogue

What Is Restorative Justice?

Balanced and Restorative Justice (BARJ) became law in Pennsylvania in 1996, calling on the juvenile justice system to provide balanced attention to *the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the child to become a responsible and productive member of the community.*

Because *crime harms people and relationships*, **Restorative Justice (RJ)** directly engages the people involved in the situation (such as victims, offenders, family, and members of the community) to identify the harm that resulted from the crime and address it as best possible. Restorative justice responses to crime vary depending on the situation and the needs of the people involved.

Victim Offender Dialogue (VOD)

Center for Victims' VOD program is a voluntary Restorative Justice process that supports victims and offenders of crime to meet face-to-face in a safe and structured environment.

The dialogue is a way to talk about:

- *What happened,*
- *Who was harmed, and*
- *How the harm can be repaired.*

Trained facilitators meet with participants individually before the face-to-face meeting in order to prepare each person to speak for themselves at the dialogue. When the parties meet together for the victim offender dialogue, facilitators guide juvenile offenders through a respectful process which can strengthen personal relationships and teaches what it means to take meaningful responsibility for their actions.

Goals of Restorative Justice

Balanced and Restorative Justice (BARJ), mandates the following goals which are supported in a Victim Offender Dialogue Process:

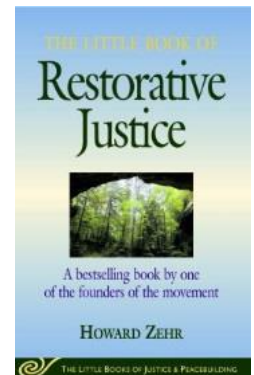
- **Community Safety**
- **Competency Development**
- **Accountability** to those directly impacted by crime.

Restorative justice 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.

-Howard Zehr

Suggested Reading

- Consedine, J. **Restorative justice: Healing the effects of crime.** New Zealand: Plowshares.
- Johnston, G. & Van Ness, D. W. (2006). **Handbook of Restorative Justice.** Collompton, Devon: Willan Publishing.
- Miller, S. (2011). **After the Crime: The power of restorative justice: Dialogues between victims and violent offenders.** New York and London: New York University Press.
- Pranis, K. (2005). **The little book of circle processes: A new/old approach to peacemaking.** PA: Good Books.
- Sharpe, S. (1998). **Restorative justice: A vision for healing and change.** Alberta, Canada: Mediation and Restorative Justice Centre.
- Stutzman-Amstutz, L. (2009). **The little book of Victim Offender Conferencing: Bringing Victims and Offenders Together in Dialogue.** PA: Good Books.
- Umbreit, M. (1994). **Victim meets offender: The impact of restorative justice and mediation.** NY: Criminal Justice Press.
- Van Ness, D. W. & Heetderks-Strong, K. (2001). **Restoring justice: An introduction to restorative justice.** U.S.: Anderson.
- Wachtel, T. (2003). **Restorative justice in everyday life: Beyond the formal ritual.** PA: International Institute for Restorative Practice.
- Zehr, H. (1995). **Changing lenses: A new focus for crime and justice.** Scottsdale, PA: Herald Press.
- Zehr, H. (2002). **The Little Book of Restorative Justice.** PA: Good Books.



Organizations and Websites

- **Allegheny County Juvenile Court Probation** – Overview of Balanced and Restorative Justice (BARJ) legislation in Pennsylvania
www.alleghenycourts.us/family/juvenile/balanced_restorative_justice.aspx
- **International Institute for Restorative Practice** - www.iirp.org.
- **Juvenile Court Judges Commission** – numerous publications related to BARJ in PA
www.pema.state.pa.us/portal/server.pt/community/balanced_and_restorative_justice/5032
- **Restorative Justice Online** - www.restorativejustice.org.
- **Restorative Justice Project Resource and Training Center** - peace.fresno.edu/rjp/.
- **Restorative Justice Council** - www.restorativejustice.org.uk/?Resources
- **Taking Victims and their Advocates Seriously: A Listening Project** - www.restorativejustice.org/10fulltext/mika
- **TED Talk: Neuroscience research supports Restorative Justice** - Researcher, Daniel Reisel, advocates using restorative justice programs like Victim Offender Dialogue, to develop prisoners' amygdalae, increase empathy, and reduce recidivism.
www.ted.com/talks/daniel_reisel_the_neuroscience_of_restorative_justice
- **Transforming Conflict** - www.transformingconflict.org

Dialogue Agreement Examples

Agreements are formed by the people present at the face-to-face dialogue meeting, based on their needs. Agreement items can **help repair harm to victims and community, restore relationships and trust, and establish accountability**. Agreement items can also **build on the responsible youth's existing strengths and interests and help them make better choices in the future**.

Below are things that you might consider when creating an agreement that fits your situation. These are only examples and are not meant to limit your consideration of other options.

CATEGORY	EXAMPLES
Apologies / Amends	<ul style="list-style-type: none"> Spoken, written, or public apology (the goal is repair of harm, not shame) Amends to people harmed, parents, family, teachers, or others in the community
Commitments to Behavior Change	<ul style="list-style-type: none"> Stated good faith intent not to repeat the behavior Stated good faith intent to change certain behaviors or group of friends Research or develop conflict resolution skills Create a personal plan for how to manage anger or resolve conflict Attend anger management sessions Get help or support to make positive changes (e.g., counseling, tutoring, etc.)
Direct Compensation / Restitution	<ul style="list-style-type: none"> Return stolen items / Repair or replace damaged items Pay money to repair or replace items (verified through Juvenile Court) Pay for medical expenses or other expenses (verified through Juvenile Court) Work with the Abraxas Stipend Project to earn money for restitution (ages 10-15) Participate in the Abraxas Employment Initiative to attend a job training workshop and get support to find a job to earn money for restitution (ages 16-21)
Education / Awareness-Raising	<ul style="list-style-type: none"> Write about what has been learned in this experience Reflect on personal strengths and abilities, and think of ways to develop them more Research or interview someone about the impact of crime or violence on communities, families, the elderly, schools, neighborhoods, or other groups Learn about conflict resolution, anger management, or strategies of nonviolence Write a paper, make a presentation, or speak to a student group Interview someone about how they've successfully dealt with a similar situation or a conflict in the past Mentor with a responsible person in the community
Positive Actions	<ul style="list-style-type: none"> Improve communication with parents, family, teachers, or others Develop leadership or job skills Join a school or neighborhood activity Learn about and promote anti-bullying in the school Complete an extra chore for a parent, teacher, or neighbor Tutor or spend positive time with a younger sibling
Relationship Repairs (when there is an ongoing relationship between parties)	<ul style="list-style-type: none"> Initiate an activity together (when agreeable and safe for both parties) Smooth things over with peers, family, teachers, or others Resume a former level of positive interaction
Symbolic Gifts	<ul style="list-style-type: none"> Give a personalized gift for the sake of making amends or building trust
Updates	<ul style="list-style-type: none"> Provide written or verbal reports showing progress in school, activities, work, etc.
Volunteerism	<ul style="list-style-type: none"> Volunteer in the community (volunteer work is coordinated through Abraxas WorkBridge for insurance & documentation); work may or may not be directly related to the offense Parties can state their preference for the type of volunteer work to be done

When to Divert to Victim Offender Dialogue (VOD) or Community Dialogue (CD)

1. The juvenile was between the ages of 10 and 17 at the time of the offense.
2. The case involves one of the following violations:
 - Assault (Simple or Aggravated, School Assaults)
 - Assault by Mutual Consent (both juveniles should be referred)
 - Burglary (without weapon)
 - Criminal Conspiracy
 - Criminal Mischief / Disorderly Conduct
 - Criminal Trespass
 - Harassment
 - Possession of a Weapon on School Property
 - Property Crimes (Institutional Vandalism, Property Damage)
 - Propulsion of Missiles
 - REAP
 - Threats / Terroristic Threats
 - Theft / Receiving Stolen Property / Retail Theft
 - **OR any other case as appropriate...**
 - **NOTE:** Any felony case must have ADA approval before being referred to Victim Offender Dialogue or Community Dialogue.
3. The case does not involve stalking.

TO REFER A CASE FOR DIALOGUE:

Send a fax marked "**VOD Referral**" to **412-482-3241**, & include the:

1. **501 Form** (Allegation & Statistical Information), and
2. **Police report.**

Note: The case stays open with Probation until completion of or exit from the VOD program. **We will keep you informed of the status of the case.**

4. After the case is referred, CV staff will assess:
 - The parties' interest & willingness to participate in dialogue;
 - The youth's ability to take some responsibility for their actions, talk about what happened, & make things right;
 - Whether there are any prohibitive safety concerns; and
 - Whether the case is otherwise appropriate for dialogue.

Questions about which cases to refer?

Call 412-482-3240 x219 or x225

12/9/2014

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What Is Victim Offender Dialogue?

Victim Offender Dialogue (VOD) is a **free and voluntary** service in which victims and offenders can meet face-to-face in a safe and structured environment to talk about what happened, who was harmed, and how the harm can be repaired after a crime occurs.

At a VOD meeting:

- ✓ Trained facilitators are there to help the parties through the process.
- ✓ Victims and offenders can tell their stories and be heard.
- ✓ The parties talk about how the crime affected specific people and the community.
- ✓ The parties decide what needs to happen to make things as right as possible for everyone involved.

What are the Advantages of VOD?

- Victims can ask questions and receive answers about what happened and why.
- Responsible juveniles learn about the impacts of their crime by hearing directly from victims.
- Victims and responsible juveniles are active in the process and control the outcome.
- Responsible juveniles can take steps to repair the harm created by their crime.

What is the VOD Process?

1. **Referral:** A VOD can be held at any time before (and instead of) court, alongside a court proceeding, or after the case has been decided by the court. Cases can be referred from Juvenile Court probation officers, judges, victim advocates or placement facilities, or directly from the victim in the case.
2. **Intake:** VOD staff talks to the parties to explain the program. If both parties want to participate, the case is assigned to trained VOD facilitators.
3. **Individual Pre-Dialogue Sessions:**
With the responsible juvenile: Facilitators determine whether the juvenile is taking adequate responsibility for his or her actions and whether he or she is appropriate to participate in the process.
With the victim: Facilitators explain the dialogue process and talk with the victim about his or her expectations for the meeting.
4. **Victim Offender Dialogue:** A face-to-face meeting is held with the parties, trained facilitators, and support people, such as family or friends. The meeting is held in a safe place and the parties agree on rules for how the meeting will go. The parties talk about what happened and who was affected, and decide what needs to happen to repair the harm created by the crime.
5. **Agreement Monitoring:** If the parties reach an agreement about how the juvenile can repair the harm from the crime, it can be monitored by VOD staff and/or Allegheny County Juvenile Court Probation to be sure all agreement items are completed.

Which Cases Can Go To VOD?

Victim Offender Dialogue is voluntary for all parties, which means that both the victim and the offender must agree to participate in the process. **VOD can happen at any time** before, during, or after a court case.

Types of cases that can be referred to VOD:

- Assault
- Aggravated Assault
- Burglary
- Criminal Mischief
- Disorderly Conduct
- Harassment
- Mutual Combatants
- Property Crimes
- Recklessly Endangering Another Person
- Robbery
- Terroristic Threats
- Theft / Receiving Stolen Property
- Trespassing
- Vandalism
- *Or any other case as appropriate*

In order to participate in VOD, the juvenile must accept responsibility for his or her actions and must have been between the ages of 10 and 17 at the time of the violation.

The Victim Offender Dialogue program mainly serves victims of juvenile crime in Allegheny County. However, if you are a victim of an adult offender, the Dialogue and Resolution Center may be able to assist you in setting up a Victim Offender Dialogue.

What People Are Saying About VOD:

"I was very impressed with everything."
–Parent of Victim (Assault)

"It was very helpful and enlightening."
–Victim (Assault)

"It went a lot better than I expected – it went great. More victims and offenders should participate in this program."
–Mother of Responsible Juvenile

"I liked it a lot. It gives offenders the chance to face problems and let the victim get an understanding of what happened and why."
–Parent of Responsible Juvenile /
Partner of Victim (Assault)

"It was a good program and a great learning experience."
–16 yr old Responsible Juvenile (Assault)

"I believe [VOD] gave the offenders a chance to see what they did was wrong, and a chance to apologize to the respected parties."
–Father of Responsible Juvenile (Theft)

"[VOD was a] very positive process. All children victims and offenders should get involved in this program."
–Parent of Victim (Assault)

"I thought given the situation this was an excellent way to deal with consequences and restoration between both parties."
–Victim (Assault)

Does It Work?

During 2013, 100% of participants in the Victim Offender Dialogue program:

- ✓ Felt the Agreement reached at their VOD would help fix the harm caused by the violation.
- ✓ Felt that they were given the chance during VOD to say everything they wanted to say about how the situation affected them.
- ✓ Said they were treated with respect.
- ✓ Think VOD is a good way to deal with certain juvenile crimes in the community.
- ✓ Would recommend VOD to other people in their situation.

How Do I Find Out More?

If you would like to learn more about the VOD process or if you think you might want to participate in VOD, please contact the Victim Offender Dialogue Program at the Center for Victims. Staff will respond quickly to your call.

Phone (412) 482-3240 *non-emergency*

**24-Hour
Emergency Helpline** (412) 392-8582

Toll Free 1-866-644-2882

5916 Penn Avenue
Pittsburgh, PA 15206

Information@centerforvictims.org
www.centerforvictims.org

Victim Offender Dialogue Program

Center  Victims

Start Here.

Victim Offender Dialogue

Participant Feedback

Comments from Victims (and their supports) who have participated in VOD:

- *"It helped [me] work through the pain and suffering of the crime committed against me. This session was very helpful."* -26 yr old victim of assault
- *"I thought given the situation this was an excellent way to deal with consequences and restoration between both parties."* -33 yr old victim in assault
- *"I think it could be helpful in showing people how to settle disagreements -- who may never [have] had any exposure to the right way."* -49 yr old support of mutual combatant in assault case
- *"He did not mean to and is very sorry for what he did."* -9 yr old victim of assault
- *"It was a reasonable process that taught a much better lesson resulting in a much better outcome than using the court system."* -Victim of theft

"[VOD was a] very positive process. All children victims and offenders should get involved in this program."

-28 yr old parent of assault victim

Comments from Offending Juveniles (and their supports) who have participated in VOD:

- *"It went a lot better than I expected -- it went great. More victims and offenders should participate in this program."* -34 yr old mother of offending juvenile in assault case
- *"I feel that [VOD] is a good program to say what/how you feel, then come up with a solution to your problem/concerns."* -16 yr old offending juvenile in assault case
- *"It was more grace than I could've hoped for and a way to make up for what I did with sincerity."* -20 yr old offending juvenile in post-adjudication case
- *"[The dialogue] was good. I think this program is good. It makes the kids meet face to face and learn."* -11 yr old mutual combatant in assault
- *"I believe [the VOD] gave the offenders a chance to see what they did was wrong, and a chance to apologize to the respected parties."* -father of offender in theft case
- *"I think it was very helpful and a way to work through problems without having to go to court or get a record."* -38 yr old mother of offending juvenile in assault case

"I liked it a lot. It gives offenders the chance to face problems and let the victim get an understanding of what happened and why."

-35 yr old parent of offending juvenile / partner of victim in assault case