



Juvenile Restorative Justice Dialogue

For Juveniles involved in County / School Diversion Programs, Juvenile Courts, and Juvenile Probation

Resources Provided by Nebraska's Office of Dispute Resolution-approved Mediation Centers

A FACT-SHEET WITH STATISTICS AND BASIC INFORMATION 2017

What is Juvenile Restorative Justice Dialogue (RJ Dialogue or VYC)? Juvenile Restorative Justice Dialogue (*also known as Victim Offender Mediation (VOM) or Victim Youth Conferencing (VYC)*) is one of several restorative dialogue models allowing young people and those that they have harmed to attempt to repair the harm resulting from an offense through safe, constructive dialogue. Trained facilitators first meet individually with the person who has been harmed and the person who has caused that harm to listen to the stories of each, and to determine whether a joint conversation is appropriate and whether each individual voluntarily wishes to participate. If so, the facilitator convenes a joint meeting in which both individuals are guided to talk about the offense and its impacts, offer apologies, and propose a reparation plan. If agreed to, the plan is signed, and is tracked for completion and fulfillment.

Nebraska's Pilot VYC Shows High Success: 2015-2016 (*see box below*)

Nebraska Pilot Year Statistics for 70 youth receiving VYC services through ODR-approved mediation centers in Omaha, Lincoln, and Scottsbluff (Mar. 2015 – July 2016):

- 93% of completed VYCs resulted in a reparations agreement for the juvenile to make amends.
- 85% of reparations agreements were successfully fulfilled by juveniles and 5% were in process.
- 81% of juveniles and 89% of victims reported feeling the criminal justice system was more responsive to their needs with VYC.
- A full 100% of victims and 97% of juveniles and their parents would recommend participating in VYC to others in similar situations.

What are the benefits of Juvenile Restorative Justice Dialogue?

1. Individuals who have been harmed express higher satisfaction for being involved and for having a meaningful voice in the process
2. Youth who caused harm have higher rates of completing restitution and community service
3. Research demonstrates lower recidivism rates for offenders who meet with their actual victim (see National research studies, following)
4. Community volunteerism increases a sense of community investment
5. Interagency collaboration results in stronger services throughout a county or region
6. Earlier interventions with restorative dialogue lead to overall cost-savings

How Does Juvenile Restorative Justice Dialogue Work in Nebraska?

The Office of Dispute Resolution (ODR) coordinates a network of 6 nonprofit, community-based mediation centers[±] that covers every county in Nebraska. Various referral partnerships have been established for the centers to receive **case referrals** from:

1. Schools (pre-arrest / pre-charge)
2. Law Enforcement (diversion)
3. County Attorneys (diversion)
4. Courts (pre-adjudication)
5. Probation (condition of court sentence)
6. Post-sentencing (for severe crimes)

Nebraska's statutory authorization for juvenile mediation and conferencing includes: N.R.S. §43-274 providing that the county or city attorney may offer victim offender mediation as part of pretrial diversion; §43-245 which requires specific juvenile mediation training for mediators affiliated with ODR-approved mediation centers; §43-247.01 providing for confidentiality and privileged communications of youth conferencing; and §43-247.04 which provides that the State Court Administrator's office is responsible for contracting for juvenile victim offender dialogue and related services.

What is the sequence of a typical restorative dialogue case?

1. Case referred to regional mediation center from partner agency
2. Initial letters and phone calls to both parties
3. Preparation meeting(s) with youth and parent
4. Preparation meeting(s) with impacted party (victim)
5. Joint mediation/conference meeting
6. Tracking of reparation agreement
7. Completed case information sent to partner agency

What if the actual victim chooses to not participate?

One of the core principles of restorative dialogue is that a person who has been harmed always has full discretion as to whether or not to meet with the person who has caused that harm. If an individual chooses not to participate, trained surrogates and community members can participate in conference meetings instead. In this way, a young person who has caused harm can still be part of a meaningful restorative conversation with the opportunity to enter into a signed reparation agreement.

How Does Juvenile Restorative Justice Dialogue Work in Nebraska? *(continued)*

What are the best practices for Juvenile Restorative Justice Dialogue?

- Adequate screening and preparation of parties
- Voluntary participation of all parties
- Guidance by third-party mediators / facilitators
- Confidentiality agreed by all participants
- Invitation for support people and family to be present
- The power of storytelling, listening, and being heard
- Consensual agreements for repairing harms and setting goals

A typical dialogue process covers the following:

1. *What happened?* – Dialogue about the offense
2. *Who was affected?* – Discussion of all impacts
3. *What can be done?* – Exploration and determination of needed reparation

The three main themes of restorative dialogue:

1. Ownership: the youth takes ownership and responsibility for his or her actions
2. Empathy: both the person harmed and the youth may experience empathy
3. Reparation: the youth and person harmed determine how to repair the harm

This sequence is designed to help all parties shift from the past to the future, and also to help youth internalize their motivation to apologize and make amends by considering how their actions affect other people. This ‘response-ability’ gives a new meaning to accountability which is no longer a negative punishment that a youth ‘takes’, but rather a positive obligation to make things right that a youth ‘gives’.

“With the success of the pilot Victim Youth Conferencing (VYC) project, the Court Administrator's Office, the Office of Dispute Resolution (ODR) and the mediation centers are developing a three-year statewide strategic plan to expand VYC services statewide. Two private Nebraska foundations have invited us to submit a comprehensive proposal take us through 2020. I strongly encourage your involvement in partnering with the mediation center in your region, including the development of Memorandums of Understanding, in order to integrate this evidence-based service for youth in our systems.”

Corey Steel, State of Nebraska Court Administrator (Jan. 2017)

National Research Reporting Outcomes for Juvenile Restorative Justice Dialogue

A. “Prison, Police, and Programs: Evidence-Based Options That Reduce Crime and Save Money” (November 2013, Washington State Institute for Public Policy)

Since the 1990s, the Washington State legislature has directed the Washington State Institute for Public Policy (WSIPP) to identify “evidence-based” policies that can improve particular outcomes. On the page 6 chart -- “Correctional Interventions for Juvenile Offenders” -- Victim Offender Mediation is listed as the only evidence-based restorative practice; all listed programs were listed for their positive impact on reducing recidivism among juvenile offenders. With respect to the monetary or cost-effective value of victim offender mediation, its “odds of a present net positive value” was 89%.

B. Three Meta-Analysis Studies Showing Positive Recidivism Outcomes

1. Canadian Meta-Analysis – Latimer/Dowden/Muise (2001)

- 35 studies (27 Victim Offender Mediation; 8 Family Group Conferencing)
- 26 youth programs, 9 adult offender programs
- Positive impact on v/o satisfaction, restitution completion, and reduced recidivism

2. US Meta-Analysis -- Nugent/Umbreit (2003)

- Total sample of 9,307 juvenile offenders in VOM/VOC RJ programming
- Sample came from 19 program sites (15 prior studies)
- 26% reduction in recidivism

3. UK Meta-Analysis -- Sherman/Strang (2007)

- *Restorative Justice: The Evidence*: “Far more evidence on RJ, with positive results, than for most innovations in criminal justice.”
- Included randomized controlled studies by Sherman and Strang
- Reduced recidivism for both violent and property offenders
- RJ programming reduced costs when used as a diversion

C. Research Results from Oregon’s Juvenile Victim Offender Mediation (see box below)

Research Results from Juvenile Victim Offender Mediation

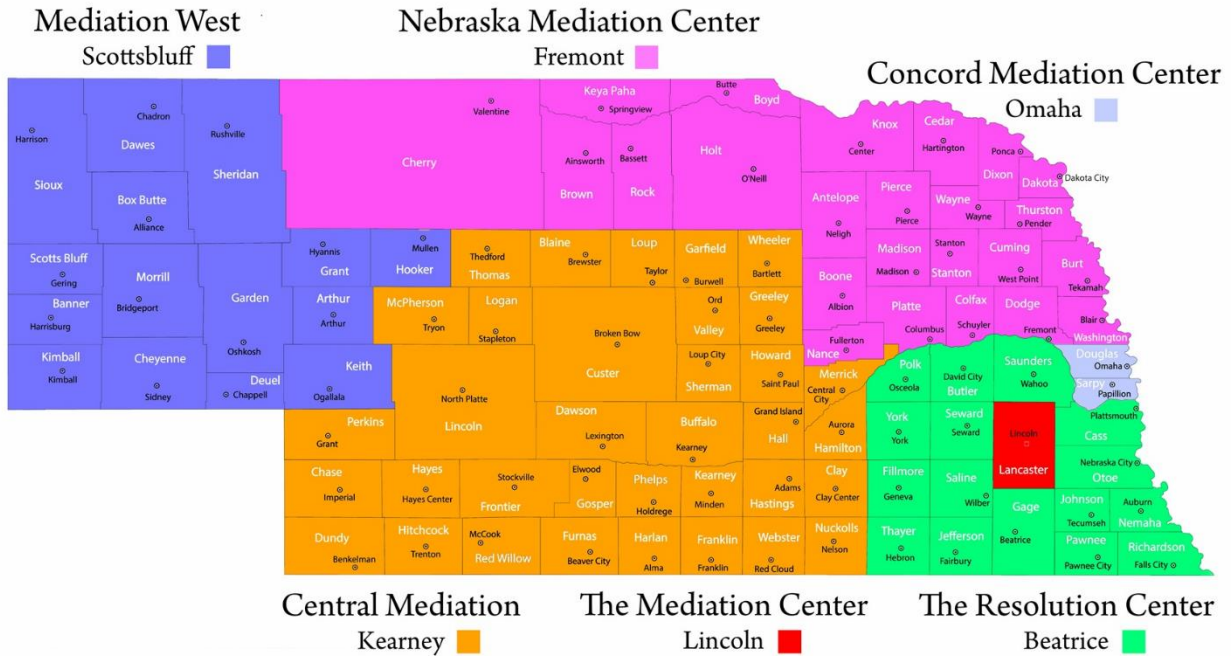
By Mark Umbreit, R.B. Coates, and Betty Vos (2001)

In a study of six Oregon counties’ use of VOM, phone interviews were conducted with juvenile victim offender mediation program managers and mediators, 104 victims and 93 youth offenders, and 55 stakeholders from respective criminal justice systems. The study found:

- **80% of victims and offenders felt positive about the mediation**
- **90% of them felt the reparation agreement was fair to both parties**
- **88% (average for 6 sites) of reparation agreements were completed**
- **70% of victims felt that offenders were adequately held accountable**
- **90% of victims would participate again and recommend program to others**

‡Nebraska's six regional ODR-approved non-profit mediation centers.

Nebraska Mediation Center Regions



The Resolution Center, Beatrice 402-223-6061
Diane Amdor, Restorative Justice Coordinator

info@theresolutioncenter.org
diane@theresolutioncenter.org

Mediation West, Scottsbluff 308-635-2002
Central Mediation Center, Kearney 308-237-4692
Nebraska Mediation Center, Fremont 402-753-9415
The Mediation Center, Lincoln 402-441-5740
Concord Mediation Center, Omaha 402-345-1131

charles@mediationwest.org
info@centralmediationcenter.com
nmc@nebraskamediationcenter.com
info@themediationcenter.org
contact@concord-mediation.com

Nebraska Office of Dispute Resolution 402-471-2766

debora.denny@nebraska.gov

