



Restorative Justice and the EAP

Part 1

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Restorative Justice

Today's Goals:

**Understand the basic principals
of restorative justice.**

**Learn the process of community
restorative justice programs.**

Your own goal...

Learning Objectives

Identify the difference between Retributive Justice and Restorative Justice (goal 1)

Identify the 5 “R”s of Restorative Justice (goal 1)

Identify the stake holders that are key to Restorative Justice (goal 1)

Understand the process of Restorative Justice (goal 2)

Identify examples of Restorative Justice (goal 2)

A few questions about justice...

- Who do you want to make the world safe for?
- What forces shape our behavior such that we do the right thing most of the time?
- When we have been victimized or treated unfairly, what are our feelings and needs?
- If we had a good process for resolving conflict and harm, what would we want to be true of that process?
- Does our current justice system involve any of these values? What about our school system?

Retributive Justice

- Offense is violation of law and an individual act.
- Views crime as being committed against the state. (i.e. Joe Smith vs. state of Iowa)
- Criminal justice system sets controls and facilitates in place of community.
- Based on debate and opposition.
- Goal is to give pain and punishment.
- No acceptance of responsibility and no repair of harm.
- Victims concerns are considered last if at all.
- Offenders weaknesses and past bad behaviors are highlighted.

Restorative Justice

- Offense is harmful to the entire community.
- Community sets controls and facilitates.
- Based on dialogue & negotiation.
- Goal is to restore all to harmony.
- Responsibility for harm is accepted and repaired.
- Victim is central to repair plan.
- Offenders strengths are the focus of repair.

Restorative Justice

A definition:

“Restorative justice is a process whereby the parties with a stake in a particular offense come together to resolve collectively to deal with the aftermath of an offense and its implications for the future.”

~Tony Marshall~

Even the UNITED NATIONS adopted this definition of restorative justice

Restorative Justice

Restorative Justice has been a way of life for centuries.

An offense against human relationships where the stakeholders share responsibility for repair.

History of Restorative Justice

- Ancient concepts and practices from the late Middle Ages
- Indigenous populations
- Native American sentencing circles
- Modern interest; 1970's and 80's
- Women's movement and social justice influence

Stakeholders

- Victim
- Offender
- Family
- Community



Five R's of Restorative Justice

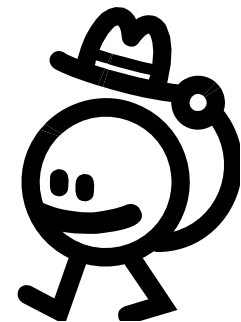
- Relationship
- Respect
- Responsibility
- Repair
- Reintegration

Relationship

- Relationship is a constant; self - family - community.
- Offense creates harm to relationships.
- Repair of relationship is the backbone of restorative justice.

Respect

- Keeps the process safe.
- All persons are treated with respect.
- Active listening; unassuming and nonjudgmental.
- Honor the importance of the other's point of view.



Responsibility

Personal responsibility is a must and includes:

- Being accountable.
- Admitting any wrong doing.
- Willingness to give an explanation of the harmful behavior.
- Begins with the offender and extends to all stakeholders.

Repair

- An offense creates harm to relationships with self, family, and community.
- Making repair to relationship is primary to restorative justice.
- By making repair, self worth is restored.



Reintegration

- The offender and others who have felt alienated are accepted back into the community.
- New learning has occurred and the community recognizes the value of all its members.
- All parties are back in right relationship.



Restorative Justice Visual



www.restorativejustice.info

This is great but what's the benefit?

- Cost effective
- Less stigmatization
- Direct accountability
- Broader involvement in the justice process
- Greater satisfaction with the process by all involved
- Greater likelihood of successful completion
- Reduced fear among victims
- Reduced severity and frequency of further criminal behavior



I have a
question...

Restorative Justice in Action

Rethinking Drinking (RD)

- Police refer to RD instead of ticketing for MIP
- Five hours of class time
- Parent or legal guardian must attend
- Community representative is present
- Completion of 'repair of harms' agreement
- Any additional offense before completion of program results in ticket being sent in
- Failure to complete requirements results in ticket being sent in
- One time opportunity

A few questions about justice...

- Who do you want to make the world safe for?
- What forces shape our behavior such that we do the right thing most of the time?
- When we have been victimized or treated unfairly, what are our feelings and needs?
- If we had a good process for resolving conflict and harm, what would we want to be true of that process?
- Does our current justice system involve any of these values?

Resources:

<http://www.restorativejustice.info>

<http://www.efr.org/community/restorative-justice-programs>

http://en.wikipedia.org/wiki/Restorative_justice#History

<http://www.illinoisattorneygeneral.gov/communities/youthadvocacy/restore.pdf>

<http://www.homeoffice.gov.uk/rds/pdfs/occ-resjus.pdf>

<http://www.restorativejustice.org/articlesdb/articles/83>

www.efr.org

Restorative Justice

- Questions
- Discussion
- Summary
- Aha moments
- Evaluations

COMING ATTRACTIONS!!

MARCH 11, 2010

Restorative Justice and the EAP Part II

Goals:

1. Apply the basic principles of restorative justice to the EAP counseling office.
2. Apply the basic principles of restorative justice to the workplace.

Learning Objectives:

1. Review the principals of restorative justice (goal 1)
2. Identify strength based and other strategies comparable to rj that clinicians are already using (goal 1)
3. Adapt the rj principles to specific presenting concerns (goal 2)
4. Using rj within the workplace as a model for conflict resolution