

UNDERSTANDING RESTORATIVE JUSTICE

**How Cook County Can Promote
a New Approach to Justice**



**Cook County
Commission on
Women's Issues**

Public Report

From the October 27,
2016 Public Hearing

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Cook County Commission on Women's Issues

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Letter from the Chair

Dear President Preckwinkle, Members of the Board of Commissioners, and Friends:

On behalf of the Cook County Commission on Women's Issues, I am pleased to present to you the Commission's 2016 Public Hearing Report on Restorative Justice: How Cook County Can Promote a New Approach to Justice. Since 1995, the historic Cook County Commission on Women's Issues has been a compassionate and passionate advocate for the women and girls of Cook County. I have been honored and humbled to be the Chair of this Commission, and to work hand in hand with such a dedicated group of women.

Last year, we focused on graduated reentry, and the role this could play in reducing recidivism and providing needed services to formerly incarcerated women.

This year we shifted our focus to restorative justice, an effective and transformative approach to conflict resolution that has the potential to positively impact the lives of children and adults, victims and offenders, in the classroom and in the courtroom. Because restorative justice has the potential to divert offenders from the mass incarceration that plagues our most vulnerable communities, reduce the school-to-prison pipeline, and provide a voice to the voiceless in the criminal justice process, this approach could create serious positive change in Cook County.

The Cook County Commission on Women's Issues is the voice of those women and girls who cannot speak for themselves. We bring their concerns directly to the attention of the President, the Cook County Board of Commissioners, and county residents concerned about their welfare. We realize this is a never-ending responsibility. We, the Cook County Commission on Women's Issues, will continue on task, providing information and education, urging our elected leaders to take action, while fighting for justice and parity for the women and girls of Cook County.



Peggy A. Montes
Chairperson, Cook County Commission on Women's Issues

What is Restorative Justice?

According to the Centre for Justice & Reconciliation, “Restorative justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders. This can lead to transformation of people, relationships and communities.”¹ The practice has been emerging for the past 35 years as an alternative to the punitive, authoritarian approach to criminal justice, and emphasizes a reparative, egalitarian approach to criminal justice by involving all of the stakeholders involved when harm is committed. It follows three foundational principles:

1. Crime causes harm and justice should focus on repairing that harm.
2. The people most affected by the crime should be able to participate in its resolution.
3. The responsibility of the government is to maintain order and of the community to build peace.²

“Restorative Justice is unique in that it takes into account the offender’s relationship with others and the potential harm to the offender—including the recognition that the offender is also vulnerable to harm through the court proceedings. Restorative justice further recognizes that when the justice system inflicts this harm and then walks away, it creates the real risk of further harm to both the offender and others. If our goal is peace with justice, we have to go beyond punishment and restore relationships, lives and communities.”

– Hon. Anne Burke, Justice of the Illinois Supreme Court

As a practice, restorative justice can be applied in a variety of ways. In the legal system, restorative justice can bring together the offender with their community and the victim of the crime in a way that fosters dialogue, gives the victim a voice in the resolution of the crime, and tailors the resolution to the needs of the community, offender, and victim. Restorative justice ideally gives everyone a voice in the criminal justice system.

In the school system, restorative justice can be used as an alternative to traditional disciplinary actions. A restorative justice approach offers a more suitable response to bullying that has proved more efficacious than

1 Centre for Justice and Reconciliation. Tutorial: Intro to Restorative Justice. Retrieved May 7, 2017 from <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/>

2 Ibid.

punitive approaches, especially in that it provides a community-oriented response, facilitated by an adult educator and with the victim present, as opposed to a punitive response that has been shown to increase, not decrease, problem behaviors.³ Restorative justice can also serve to repair some of the racial disparities present in traditional disciplinary actions. Studies have shown that minority students are suspended as many as three times more often than Caucasian students, and studies have further shown that students who are suspended “are more at risk for poor attendance, inability to progress to the next grade, failure to graduate, and subsequent involvement in the juvenile and adult justice systems.”⁴ Restorative justice is an effective method to address this disproportionality by improving relationships between teachers and students, which leads to fewer traditional disciplinary actions.

Whether in schools or in courts, restorative justice is implemented in a roundtable or circle setting that places the facilitator, offender, and victim, as well as relevant community participants, on an equal footing, and encourages respectful dialogue among all parties. These roundtables are generally called “peace circles” and modeled after practices observed by many Native American Nations, such as the Mohawk, or the Mnjikaning First Nation in Ontario, Canada. Particular restorative justice practices vary somewhat, because restorative justice is not a heavily

institutionalized principle, but typically an opening statement is made, followed by dialogue in which one person is allowed to speak at a time. The victim explains the impact the offense has had on him or her, more dialogue follows, and the victim, offender, and community decide together on the most appropriate restitution for the offender to make in order to make amends for the offense.

Though the particulars of the practice may vary, restorative justice consistently allows for community involvement in restitution, a chance for the offender to make amends in a meaningful manner, as well as closure for all parties involved—especially the victim of the offense, whose voice is often lost or minimized in traditional criminal justice approaches.

3 Fronius, T., Persson, H., Guckenberger, S., Hurley, N., & Petrosino, A. (2016). Restorative justice in U.S. schools: A research review. West Ed. p 15.

4 Ibid., p 16.

What Does Restorative Justice Offer Law Enforcement?

With many advocating for policing reform on both the national and local level, restorative justice aligns with models of policing recommended by reform advocates. Criminal justice reform advocates argue that community policing is much more effective at building trust between officers and vulnerable communities where trust has been deeply eroded by decades of disproportionate policing and economic disinvestment. Because restorative justice is a community-based practice, it can be implemented with a model of community policing in tandem to build stronger, mutually beneficial relationships between officers and communities, as well as between officers and offenders.

This method of restorative-based, community policing has been practiced for years by the Evanston Police Department, here in Cook County, in the juvenile justice division. Restorative justice in the form of victim-offender conferencing and peace circles has been utilized with great effectiveness and has been institutionalized by having a dedicated social worker on staff with the Evanston Police Department coordinating services. This staff member,

Patrice Quehl, delivered powerful testimony at the 2016 Public Hearing indicating that the program was so effective in providing a more productive alternative to traditional (also termed “exclusionary”) discipline methods at Evanston Public Schools that the school district incorporated restorative justice into their strategic plan and disciplinary policy.

In Australia, restorative justice programs have been utilized in the criminal justice system for juvenile offenses nationwide since 2001, and have been expanded since then to include adult offenders for non-violent and lower-level offenses. Programs include conferencing for both young and adult offenders, circle sentencing, and victim-offender mediation.¹ From the perspective of law enforcement in Australia, restorative justice has been used as an effective diversion from entering further into the criminal justice system, especially for juvenile offenders. Because the statistics of re-offending are so high once juvenile offenders enter the system, effective diversion is paramount in preventing future crime.

The use of restorative justice in schools consistently reduces police interventions, which can quickly escalate into young offenders entering the juvenile justice system, and thus reduces the school-to-prison pipeline. Restorative justice in schools has also been shown to eliminate troubling racial disparities present in exclusionary discipline methods (i.e. racial minorities are suspended at higher

¹ Larsen, Jacqueline Joudo. Restorative justice in the Australian criminal justice system (2014). Canberra: Australian Institute of Criminology.

rates, which decreases their chances of graduating).²

“We wanted kids to become knowledgeable about and practice restorative justice and circles so that when they got into middle school and found themselves in interpersonal conflicts, that they would be able, and the school would be able, to handle it within the school and among themselves, rather than the police getting involved—because the police can’t resolve those kind of problems, and we know we can’t resolve those kind of problems, and it’s not a meaningful kind of intervention.”

– *Patrice Quehl, Evanston Police Department*

On a broader institutional level, incorporating restorative justice in policing practices can have wide-ranging effects on trust between vulnerable populations and police. Ms. Quehl provides a salient example in her testimony:

“Restorative justice provides an intersection between the community and the police department. It provides a bridge between police and families and police and community. And the police department isn’t just a brick-and-mortar building where the police do roll call and hold their equipment and have their offices. It becomes a place where families come to, and kids come to, where the community comes to, to make change, and to do important things.

“I think that a good example of that is actually something that just happened yesterday. Someone that we worked with when he was still a juvenile—I think now he’s 21—he came to the police department yesterday to report that he felt like he was having a breakdown and he was off his medication. And, of course, the police brought him to the hospital, but the part that meant so much to me was that he came to the police department for help. That’s where he learned he could get help and where it was safe for him based on his past experiences...Restorative justice provides this bridge and this intersection of police and community and families. When policing and social services work, it’s a very beautiful thing.”

2 Fronius, T., Persson, H., Guckenberger, S., Hurley, N., & Petrosino, A. (2016). Restorative justice in U.S. schools: A research review. West Ed., p 20.

What Does Restorative Justice Offer the Defense?

For both those who have harmed and those who are victims of harm, the traditional criminal justice system leaves much to be desired, but specifically for offenders, the traditional system is particularly alienating and exclusionary. The structure of the system precludes offenders speaking in their own defense, because defense attorneys advise their clients to say nothing, avoid testifying, and avoid admission of guilt. While the defense attorney is acting zealously in the best interest of the client, the very nature and structure of this system discourages offenders from admitting guilt and taking responsibility for their actions when they are, in fact, guilty. The nature of the system does not encourage accountability on the part of the offender, especially toward those who have been harmed by the offender's actions.

"Restorative justice provides defense attorneys a different route to achieve the goal they strive to achieve every day, which is to remind the rest of the world that defendants are more than the criminal act with which they are charged. That they are human beings deserving of empathy and the opportunity to do better. They are still members of the community. They are still part of the people of the State of Illinois."

– Hon. Judge Sophia Atcherson,
Cook County Circuit Court

Under the umbrella of restorative justice, offenders have an opportunity to repair harm not just to the state, but

to the victim, another actor that is often underrepresented and unsatisfied by the traditional criminal justice system. There is also the opportunity to defer prosecution and reduce sentences in exchange for completion and compliance in the program. This encourages compliance and incentivizes accountability and responsibility on the part of the defendant.

Judge Sophia Atcherson added that multiple studies show that exposing offenders to the consequences of the harm committed actually reduces likelihood that they will reoffend. In this way, restorative justice not only helps to defer offenders from deeper involvement with the criminal justice system, orients the harm committed to the victim and community so that they can directly benefit from the reparations and restitutions of that harm—it also deters the defendants from re-offending. In addition to the studies showing that restorative justice approaches reduce recidivism, defendants are also connected to supportive services within their communities that facilitate behavioral rehabilitation, such as cognitive behavioral therapy or substance abuse treatment. She concludes:

"In order to make restorative justice a reality, we must evolve our ideas about justice. For those of us who work within the system, we must change how we view our role. Defense attorneys must be open to expanding their practice as defender to include mediator, counselor, and guide. Former adversaries must find ways to work together to reach the larger, comprehensive goal of healing the community at large, which includes both the victim and the offender."

How Cook County Promotes Restorative Justice

In the past several years, the Justice Advisory Council of Cook County has committed to promoting restorative justice through advocacy, and primarily through grant allocation. Through the Juvenile Accountability Block Grant, Adler University has provided trainings and increased data integrity to ensure that Restorative Justice Hubs in Cook County are collecting measures surveys and key indicators. This ensures that restorative justice approaches can be properly tracked and evaluated.

A grant given to Community Justice for Youth Institute (CJYI) has enabled them to provide community education sessions for service providers, juvenile justice stakeholders, community organizations and prospective Hub Partners in the area of restorative justice. CJYI has provided intensive peace circle trainings and circle facilitation for prospective Restorative Justice Hub sites.

Through their grant, Alternatives, Inc. (also a featured speaker at the Public Hearing) has offered professional development services, ongoing training and technical assistance to teachers, school administrators, student volunteers (called "Peace Ambassadors") and parents in the implementation, enhancement and evaluation of student-

led restorative justice programs. To date, Alternatives has served 84 youth at two local high schools.

Lawndale Christian Legal Center (LCLC) has established a Restorative Justice Hub in the North Lawndale community for court-involved youth ages 24 and younger. LCLC (also a featured speaker at the Public Hearing) is working closely with Cook County public safety stakeholders to establish the first Restorative Justice Community Court in North Lawndale, set to open in 2017.

In addition to the restorative justice work made possible by these grants, President Preckwinkle called for specific grants to be designated for restorative justice, beginning in FY2015. Since then, the Justice Advisory Council has awarded \$1 million in grants in FY15 and FY16, and an additional \$500,000 in FY17.

Opportunities for Growth With Restorative Justice

“Often women are invisible or silenced in the different facets of our criminal justice system. In contrast, restorative justice provides women with voice and empowerment.”

– Professor Annalise Buth,
Northwestern Pritzker School of Law

In speaking about restorative justice, it is important to remember the role that gender plays in the traditional criminal justice system, and how women are heavily impacted it, whether they are victims of crime, wives, partners or mothers of those who have harmed (and subsequently incarcerated), or offenders themselves. Though women are heavily impacted by the system, they are often silenced or underrepresented by the system. Restorative justice, because of the underlying philosophy of inclusion and egalitarian representation of the needs and obligations of all those impacted by harm, women who are underrepresented by the current system can be restored to an equal and inclusive voice in the process of repairing harm. The unique needs of women (for example, health or childcare needs) can then be taken into consideration and addressed.

Wisconsin, Iowa, Minnesota and Ohio are among the 26 states that have victim-

offender dialogue programs. Advocates for the programs (which fall under the restorative justice umbrella), including Professor Buth, argue that such programs are a feasible way to incorporate restorative justice philosophy into the traditional criminal justice system and provide victims (who are so often women) with a voice and an opportunity for closure and inclusion in the sometimes labyrinthine and lengthy prosecutorial process. Victim-offender dialogue is a victim-initiated process that results in a meeting with the victim or family survivor and the person who has caused harm, after extensive preparation with all parties involved.

Another opportunity for growth can be found in reentry circles. More than 70% of female offenders have minor children, and the number of children of incarcerated parents is on the rise. Motherhood presents serious challenges and issues that need to be addressed upon reentry. Other issues that might need to be addressed include treatment, employment, housing, transportation, and physical and emotional health. Reentry circles have been implemented first in Hawaii, and then in New York, California, and Washington D.C. on a state-wide level. The solutions-oriented process engages family and community supports in reentry and leverages social networks to help those reentering to navigate multiple systems and agencies and empower them. Such programming would be especially valuable in Cook County, where many social services providing reentry assistance have struggled due to funding cuts and the ongoing state budget crisis.

As mentioned in previous sections, restorative justice in schools has been widely studied both nationally and abroad (New Zealand and Australia have the longest practices of restorative justice in schools, with mounting evidence of effectiveness), and shown to be quite effective, especially when contrasted with exclusionary discipline methods.

Ted Christians, CEO of Umoja Student Development Corporation, spoke at the 2016 Public Hearing on the work Umoja has done since 1997 in over a dozen high schools in Chicago. One of the recipients of a restorative justice grant from the Justice Advisory Council, Umoja has restorative justice peace rooms in eight schools around the City of Chicago. Umoja also provides restorative justice-focused professional development to over 30 schools, districts, and nonprofits in Cook County and around the state. As Christians asserted in his testimony, "Illinois has the dubious distinction [of having] one of the highest rates of suspending African American males from school. One out of every four." The need for restorative justice in Illinois, and especially Cook County, which is 26% African American, according to the 2010 Census, is clear, in light of the research mentioned regarding disproportionate racial impact of exclusionary discipline (which includes suspension).

"The research connecting restorative justice and schools is also very clear. There's a well-documented link between trauma and brain development and learning. Even one suspension means a student is less likely to graduate. Those who drop out of high school are eight times more likely to be incarcerated."

—Ted Christians, Umoja Student Development Corporation

The Future of Restorative Justice in Cook County: Policy Recommendations

How can Cook County expand the exceptional work showcased at the 2016 Public Hearing and truly promote a new approach to justice? From the testimony delivered at the hearing and the promising research on restorative justice, especially as it regards juvenile justice, the Cook County Commission on Women's Issues recommends:

- **Funding should be continued for the Restorative Justice Grants issued by the Justice Advisory Council.**
Though fiscal issues are unavoidable, and government budgets are forced to tighten, this funding is inarguably valuable according to a growing body of research. The cost-benefit analysis of restorative justice work, especially in schools, indicates that for every dollar spent, many dollars are saved by reducing recidivism, deferring prosecution (especially for juveniles), and deterring offenders from detention.
- **Restorative justice methods should be practiced in all schools in Cook County.**
Restorative justice can be institutionalized in our schools if it is written into strategic plans, practiced as an alternative to exclusionary discipline, and coordinated with the many restorative justice hubs in Cook County. Teachers, designated coordinators, and students should be trained in the practice at one of the hubs and work with trusted organizations to ensure restorative justice is practiced with fidelity in each school.
- **A paradigm shift is needed in Cook County's public safety system as a whole.**
Restorative justice liaisons should be designated in offices of all public safety stakeholders in Cook County, with proper training, in order to catalyze a much-needed paradigm shift away from adversarial public safety roles toward cooperative, reparative, and community-oriented roles. Social service programs in offices like the Public Defender, the Sheriff, and the Chief Judge should be independently evaluated, and if shown to be effective, should be supported and scaled.
- **Victim-offender mediation and reentry circles should be offered in Cook County and should be advocated for legislation on the state level.**



RESOLUTION

WHEREAS, the Cook County Board of Commissioners created the Cook County Commission on Women's Issues by resolution on March 1, 1994; and

WHEREAS, the Cook County Commission on Women's Issues ("the Commission"), has been charged by the Cook County President and Board of Commissioners to ensure that all issues affecting women and girls are considered in the formation of public policy and programming in Cook County government, and to give voice to the perspectives of women and girls for the benefit of the Cook County Board of Commissioners and the public; and

WHEREAS, members of the Commission are representative of the diverse racial, ethnic, religious, age, sexual orientation and socioeconomic backgrounds of the residents of Cook County; and

WHEREAS, the Commission holds an annual public hearing to cast light upon a pressing issue of concern to women and girls of Cook County (the "Public Hearing"); and

WHEREAS, the Commission has dedicated this year's Public Hearing to understanding how restorative justice approaches can benefit offenders, victims, and communities within Cook County; and

WHEREAS, the Public Hearing offers a platform for many individuals with knowledge and experience regarding various facets of restorative justice to address the Commission and the public; and

WHEREAS, our justice system, at present, has an overwhelming focus on punishment and provides insufficient opportunities for rehabilitation; and

WHEREAS, restorative justice may provide offenders, victims, and communities an opportunity to restore relationships, and thereby create better community outcomes than our current system of justice; and

WHEREAS, restorative justice approaches have the potential to reduce the financial and other costs of incarcerating offenders, and to reduce recidivism; and

WHEREAS, Cook County has begun to support restorative justice approaches, among other means, through the Cook County Board President's commitment and investment of \$960,000 dollars in community-based organizations practicing restorative justice since 2015 and the Circuit Court of Cook County's creation of a restorative justice community court in North Lawndale; and

NOW, THEREFORE, BE IT RESOLVED, the Commission calls on the Chief Judge, Cook County President, and Board of Commissioners to continue supporting restorative justice approaches in Cook County, including by existing means as well as through newly developed means.

BE IT FURTHER RESOLVED, that the Cook County Commission on Women's Issues commits to reporting publicly by August 30, 2017 on the ways in which restorative justice approaches may benefit offenders, victims, and communities within Cook County.

Acknowledgements

The Commission on Women's Issues would like to thank the distinguished invited speakers who spoke at the 2016 Public Hearing: Hon. Justice Anne Burke, Patrice Quehl, Hon. Judge Sophia Atcherson, Father David Kelly, Julie Anderson, Joe Montgomery, Jeramey Winfield, Lanetta Haynes Turner, Rebecca Janowitz, Professor Annalise Buth, Rev. Janette Wilson, Ted Christians, and Ana Mercado. The Commission would also like to thank the staff to the Commission who assisted in organizing the hearing and summarizing the report: Amy Crawford, Alexandra Ensign, and Jennifer Sanchez.



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