

Youth Restorative Justice and Trafficking Prevention



INTERNATIONAL ACADEMY OF TRIAL LAWYERS

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VOICE

COLLABORATE

community Build Relationships

RESTORATIVE

repair harm TRANSFORM

ACCOUNTABILITY

Support

UNDERSTANDING

"Research says once children are suspended, they're more likely to have interaction with our justice system. That means that they're probably more likely to be incarcerated at a later date. Our justice system can be involved in creating restorative alternatives rather than punitive alternatives. Because again, we know research says that punitive alternatives don't work as they don't offer repair or restoration. Without that, you're often likely to repeat the same offense that had taken place in the first place."

*Dr. Talaya Tolefree, Restorative Practices Facilitator and
CEO of Koinonia Leadership Academy*



Overview

The International Academy of Trial Lawyers is creating a Comprehensive Model for Youth Restorative Justice and Trafficking Prevention in order to supply its members with tools to bring about or enhance existing youth restorative practices to create positive change in their own communities.

Via its Minneapolis pilot, the Academy and its partners are recognizing and developing resources regarding youth restorative justice and pursuing implementation into each sector of the juvenile justice system. These resources include sample laws and policies, educational materials, persuasive research and data, and training materials regarding restorative practices. To prevent vulnerable youth from being trafficked, the Academy's initiative will also equip restorative justice facilitators with training to identify victims of trafficking and to educate youth about trafficking. Two documentary films are being made to highlight the positive impact of restorative justice for participants and communities. One film is a full-length documentary and the other is a shorter version for policymakers.

What is Restorative Justice?

In contrast to the often more punitive and expensive traditional criminal justice approach, restorative justice is a theory of justice that focuses on repairing harm and building relationships, with a particular focus on transformation of people, relationships, and communities. Accountability is fundamental to restorative justice.

Some of the restorative practices that are utilized in restorative justice include:

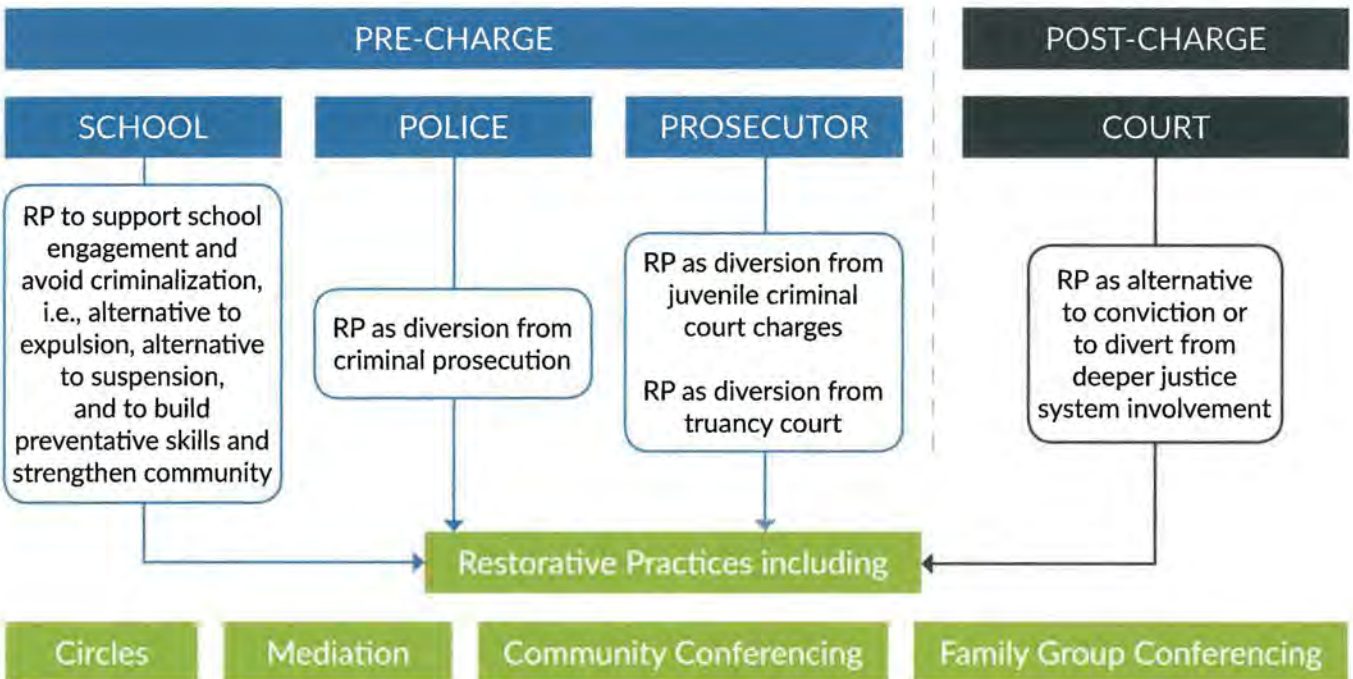
- Peacemaking Circles
- Victim Offender Mediation
- Community Conferencing
- Peer Mediation
- Family Group Conferencing



Why Encourage Restorative Justice for Youth?

The ultimate goal for our youth is to keep them in school and on track for success in life. Yet increasing numbers of youth, particularly youth of color, are being funneled out of school and into the criminal justice system. Involvement with the court system can impact education, employment, housing, the right to vote, immigration and more. Additionally, when a court system is tasked with responding to the conduct of a child, it often does little to address the issues that gave rise to the child's conduct, nor does it adequately support the child's rehabilitation or repair of harm. In contrast, restorative practices work to build relationships and support children while holding them accountable to repair harm, which serves to establish a solid foundation for children and better empower them for long-term success.

How Can Restorative Practices (RP) Be Used to Help Youth and their Communities?



Examples of Restorative Practices to Keep Kids in School:

- Family Group Conference as an Alternative to Expulsion for student with weapon in school
- Restorative Mediation as Alternative to Suspension for students involved in a fight
- Classroom Circle as Preventative Skill Building and Community Building

Police Diversion Examples:

- Family Group Conference to intervene with drugs in school
- Peacemaking Circle to intervene with fight between multiple youth
- Community Conference to intervene with damage to property in community

Prosecutor Diversion Examples:

- Family Group Conference as a truancy intervention instead of court
- Peacemaking Circle to resolve threats or assault
- Family Group Conference to address youth with a weapon
- Victim-Offender mediation to address theft
- Community Conference to intervene with theft or damage to property in community

Court (Post-Charge) Alternative to Conviction or Deeper Court Involvement:

- Referrals by judges to restorative practices
- Peacemaking Circle to resolve threats or assault
- Family Group Conference to address youth with a weapon at school



Why Also Address Human Trafficking?

The Academy learned about human trafficking from Laurel Bellows, the then American Bar Association President, who spoke at the Academy's 2013 Mid-Year Meeting. Hearing the stories and statistics of human trafficking motivated Academy members to fight human trafficking. As a result, for years the Academy has served as a resource center to empower and equip its members with tools to combat human trafficking through education and the raising of awareness, advocacy for policy change, litigation to assist victims and reduce demand, and other actions to support victims and survivors.

The latest understanding regarding trafficking indicates that that most effective approach to stopping it is to address the root causes which lead children to become vulnerable to it in the first place. As these issues will be addressed during the restorative process, the youth will become less vulnerable to trafficking. To supplement this effort and further prevent trafficking, the Academy will provide training for restorative practice facilitators on how to identify and respond to trafficking, and age-appropriate ways to talk to their youth clientele about trafficking. This pairing of initiatives aims to support youth and encourage successful life-outcomes.

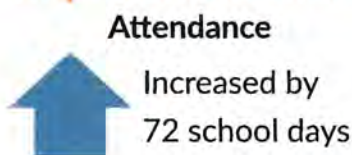
Restorative Practices Work!

Success is shown via a 3-year evaluation of the use of restorative practices in the Minneapolis Public Schools Alternative to Expulsion initiative.

Accountability Plan Successfully Completed:



Improvement shown from Year of Incident to Year After Incident in:



"[With restorative practices] we have seen success even with our kids who haven't had a lot of problems. You see a hike in attendance, a hike in grades, and a decrease in behaviors across the board. That tells us that this is working. [Restorative practices] provide you with an opportunity to be the best person you can be."

Georgetta Hawkins, Expulsion Transfer Office, Minneapolis Public Schools

Studies Show That:

- Youth who participated in restorative justice were **less likely to have future police contact**
- Youth who participated in restorative justice had better outcomes on **seriousness of later behavior**
- Youth referred to restorative justice remained **offense-free for an average of 10.5 months** longer than their peers referred to the traditional court process
- Youth referred to restorative justice for violent offenses remained **offense-free for an average of 13.1 months longer** than their peers who went through the traditional court process
- Youth of color referred to restorative justice remained **offense-free for an average of 16.6 months** longer than youth of color who went through the traditional court process

Data from the following studies:

The Long-Term Impact of Restorative Justice Programming for Juvenile Offenders, Bergseth & Bouffard, Journal of Criminal Justice 2007

Examining the Effectiveness of a Restorative Justice Program for Various Types of Juvenile Offenders, Bergseth & Bouffard,

International Journal of Offender Therapy and Comparative Criminology 2012

Applying Restorative Practices to Minneapolis Public Schools Students Recommended for Possible Expulsion, Department of Pediatrics, University of Minnesota (2013)

Progress Updates

Within the **court sector**, a post-charge court-based restorative diversion pilot is being launched in partnership with Hennepin County Juvenile Court. This pilot will provide an opportunity for youth charged in juvenile court to engage in restorative justice as part of the disposition of their case. An evaluation will be performed by the University of Minnesota on this pilot.

Within the **prosecution sector**, the initiative has launched a truancy charge diversion pilot in partnership with Hennepin County Attorney's Office through which youth who otherwise would have been petitioned to court for truancy will instead be referred for restorative practices through the Legal Rights Center. Evaluation will also accompany this pilot. Discussions are under way with the Hennepin County Attorney regarding juvenile delinquency diversion restorative programming as well. The Ramsey County Attorney's Office is also interested in adding restorative services in the St. Paul juvenile court system.

Within the **police-level sector**, the initiative has established a collaboration with the Minneapolis Police Department whereby the University of Minnesota is completing a comprehensive evaluation of the Minneapolis Police Department's juvenile restorative diversion. This includes a study of at least three years of data, including demographics and disparities, school-based citations and disparities, restorative justice participation and outcomes, and recidivism. The Academy has provided marketing materials to the police department for its program as well. Additionally, Commander Bruce Folkens, former head of the Minneapolis Police Department's Juvenile Division, has offered to speak with any police department interested in developing a youth restorative justice diversion program.

Within the **school-level sector**, multiple schools have established restorative programs in the Twin Cities area. The University of Minnesota is providing evaluation of school-based restorative justice programming which will be utilized in the systems change guide for that sector.

A **systems change guide** for each of the above sectors is being created for the Academy Fellows to use for the implementation of youth diversion via restorative practices in their own communities.

Project Partners

The Academy and its Fellows are partnering with the following organizations on this initiative:

the Legal Rights Center

Criminal Defense • Restorative Justice

Legal Rights Center

The Legal Rights Center is a well-established non-profit law firm in Minneapolis that has an acclaimed youth restorative justice program. The Center's program focuses on at-risk youth, including those who have had high-level incidents which have led to a recommendation for expulsion and those who have been referred to the Minneapolis police and other law enforcement agencies. This highly successful program has resulted in dramatic outcomes for the youth involved including improved behavior, academic progress, and school attendance.



University of Minnesota

The University of Minnesota's Healthy Youth Development – Prevention Research Center is one of the premier sites in the country for adolescent health research. Researchers who have been evaluating restorative practices for years are providing independent evaluation to determine best practices and demonstrate the effectiveness and cost efficiency of restorative justice programming.



Juvenile Justice Advisory Committee

The Juvenile Justice Advisory Committee (JJAC) provides leadership in setting a vision for juvenile justice that is informed by evidence-based practices. This multi-agency led group promotes best practices in juvenile justice programming and provides financial support for juvenile justice initiatives. JJAC has provided financial support toward this initiative.

Project Partners



The Link

The Link, a Minneapolis non-profit organization which serves trafficked youth, is developing the anti-trafficking curriculum and training for restorative justice facilitators.

Minnesota Agencies

Through its Minneapolis pilot, the Academy is partnering with the Minneapolis Police Department, Hennepin County Attorney's Office, Hennepin County Juvenile Courts, and Minneapolis Public Schools on programming, data collection and evaluation.



THE NATIONAL
JUDICIAL COLLEGE

National Judicial College

The nation's premier judicial education institution has expressed its support as a partnering organization of this initiative.



Peacebuilders
Canada

Peacebuilders

Peacebuilders is a non-profit juvenile restorative justice organization located in Toronto, Ontario, Canada. Its core program, Restorative Youth Circles, is a highly respected, volunteer-driven program that has won many awards for its effectiveness. It is the leading and most comprehensive youth court diversion program in Toronto.

Impact Films and What Works Production

Emmy-nominated producer, Mikaela Beardsley, under the oversight of GERALYN DREYFOUS, an Academy Award winning documentary filmmaker, is creating documentaries to showcase the positive impact of restorative justice for participants and communities. Documentary filmmaker, Eric Metzgar, is directing the films.



INTERNATIONAL ACADEMY OF TRIAL LAWYERS

History

The International Academy of Trial Lawyers is an invitation-only society of elite trial lawyers who are dedicated to supporting the Rule of Law, facilitating the Administration of Justice, and elevating the standards of integrity, honor, and courtesy in the legal profession. At the Academy's 2016 Mid-Year Meeting, Eva Marszewski spoke about her award-winning youth restorative justice diversion program, Peacebuilders, located in Toronto, Canada. Through a community-led process, Peacebuilders equips diverse youth with tools and support to make amends, take responsibility, and move forward in a healthy, law-abiding manner. This presentation resulted in enthusiastic support by Academy members and gave rise to the Academy's youth restorative justice initiative.

Fellow Involvement

Past President **Richard Burbidge** and former First Lady **Suzanne Burbidge** are spearheading the development and funding of the restorative justice documentaries and working closely with its producers and director.

Academy Fellow **Dan Shulman** and wife **Margaret** have been long-time supporters of the Legal Rights Center and are actively involved with the pilot initiative in Minneapolis.

The Academy's Coalition Against Human Trafficking Chairs **Craig and Maureen Peters** are supporting the anti-trafficking component of this initiative.

We encourage all Academy Fellows and family members to investigate what youth restorative practices are happening in their communities and think about how to advocate for restorative practices for youth across all sectors.

If you are interested in learning more about this initiative, please contact the IATL Executive Office at info@iatl.net or (952) 546-2364.



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