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Gallatin County Office of Court Services  
Justice Council Program  
Bozeman, Montana

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# Restorative Justice in Gallatin County

## Restorative Justice: Not a Blueprint, Not a Map

- Restorative Justice isn't easy to condense into a specific, focused demand. (Soula Pefkaros, 2008)
  - Cultural Differences
  - Cross-Section of Community Participants
  - Judicial Interpretations



# Restorative Justice in Gallatin County

## Expanding the Circle of Stakeholders

Restorative Justice is concerned about needs and roles sometimes neglected in the traditional justice system.

Howard Zehr,  
*The Little Book of Restorative Justice, 2002*

## For Victims

- Truth-telling (Can I believe what you are telling me?)
- Information (Why? Why me?)
- Empowerment (Not Power & Control, not Reverse Victimization)
- Restitution, Vindication or Closure



# Restorative Justice in Gallatin County

## Expanding the Circle of Stakeholders

Restorative Justice is nevertheless at best a value-oriented and principle-driven way of approaching life's situations.

Howard Zehr,  
*"The Call of Restorative Justice" 2009*

### For Offenders

- Accountability
- Encouragement to experience personal transformation
- Encouragement and support for integration into the community
- For some, at least temporary restraint



# Restorative Justice in Gallatin County

## Expanding the Circle of Stakeholders

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Restorative Justice is like a river with multiple sources and tributaries... flowing into a delta where it spreads out in all directions, feeding a much larger ocean..

Howard Zehr,  
*"The Call of Restorative Justice" 2009*

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### For the Community

- Attention to their concerns as victims
- Opportunities to build a sense of community and mutual accountability
- Encouragement to take on its obligations for the welfare of its members, including victims and offers to foster the conditions that promote healthy communities.



# Restorative Justice in Gallatin County

## Program Background

- Funded from 2000 until 2004 by Montana Board of Crime Control Grants
- In 2004 Gallatin County assumed funding of:
  - Coordinator's One-Half FTE
  - Office Supplies and Equipment
  - Fall Conference Luncheon



# Restorative Justice in Gallatin County

## Coordinator's Responsibilities

- Interview and screen Participants referred by agencies
- Attend each Justice Council and record proceedings for Council distribution
- Attend and record minutes of Executive Committee meetings for Member distribution
- Arrange Continuing Education Opportunities for all Justice Council Members, including one-day Fall Conference.
- Liaison to Community and Courts for Program, including New Member Recruitment, Informational Presentations and Reports to Courts
- Communicate with Council Participants Between Sessions
- Perform all Program's Administrative Functions



# Restorative Justice in Gallatin County

## Council Volunteers

- Three Councils, each comprised of 4-6 Trained Community Volunteer Members
- Cross-section of community populations: Age, Gender, Education, Vocation
- Annual New Member Training presented by Coordinator, Council Volunteers and Outside Speakers
- Quarterly Continuing Education Opportunities
- One Member from each Council elected to serve on Executive Committee for one year.





# Restorative Justice in Gallatin County

## Volunteer Training and Conference

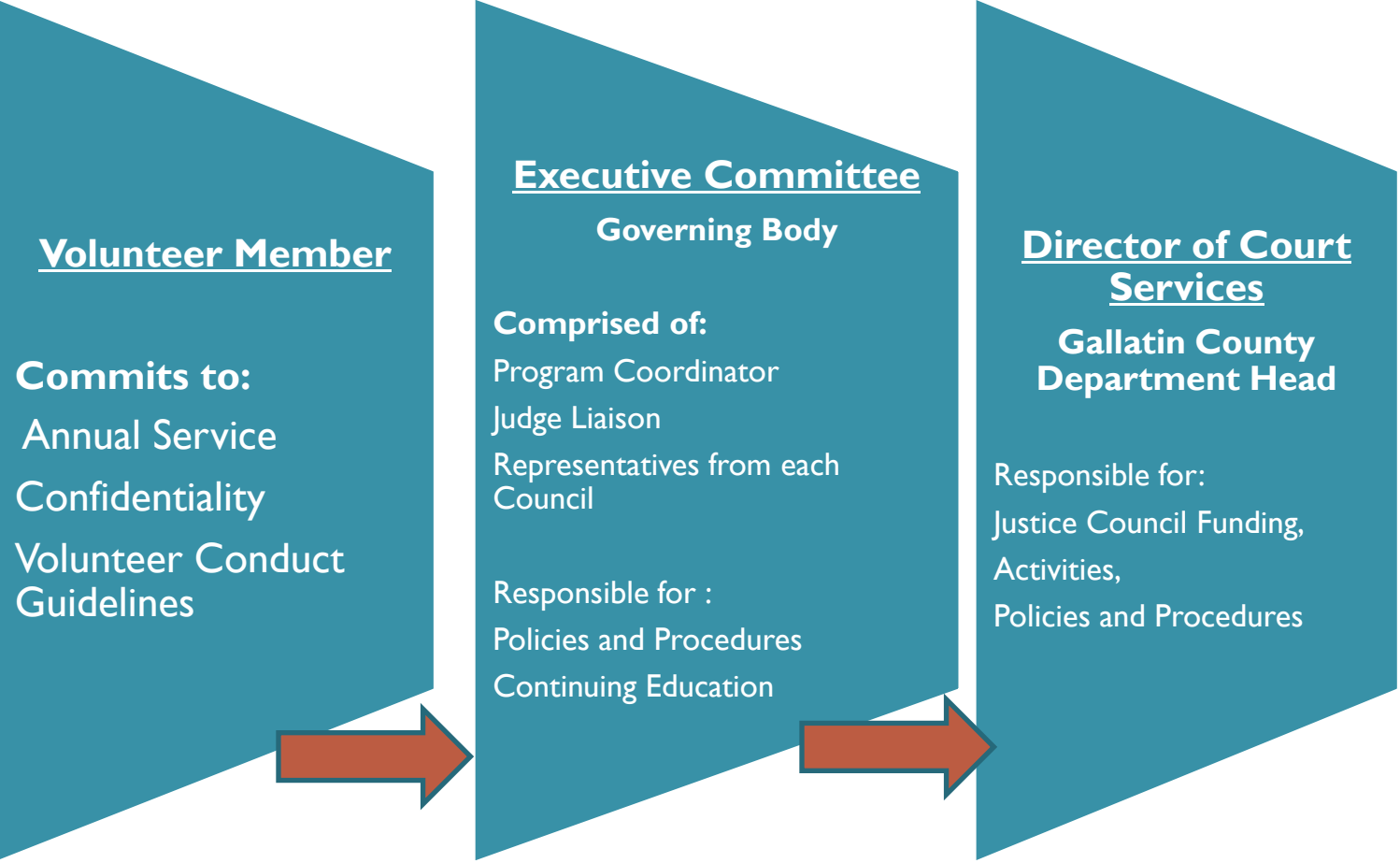
### Topics

- Restorative Justice 101
- Motivational Interviewing
- Core Attitudes and Beliefs
- Considering Families of Origin
- Hierarchy of Change, The Cycle of Change
- **DARN-C** (Focusing on an Offender's **D**esire, **A**bility, **R**easons, **N**eed & **C**ommitment to Change)
- Empathy versus Sympathy
- Narcissist or Sociopath?
- Body Language
- Personality & Social Disorders
- Reflexive/Attentive Listening
- S.M.A.R.T. Goal Setting
- DBT (Dialectic Behavioral Therapy)
- Adult ADD/ADHD
- **OARSS**, (**O**pen-ended **Q**uestions, **A**ffirmation, **R**eflection, **S**ummarization, **S**elf-motivating Statements)
- Mutual Respect and Civil Disagreement
- Role of Shame and Anger
- Mock Councils (Role Playing)
- Community Resources



# Restorative Justice in Gallatin County

## Program Structure & Hierarchy





# Restorative Justice in Gallatin County

## Types of Crimes Referred

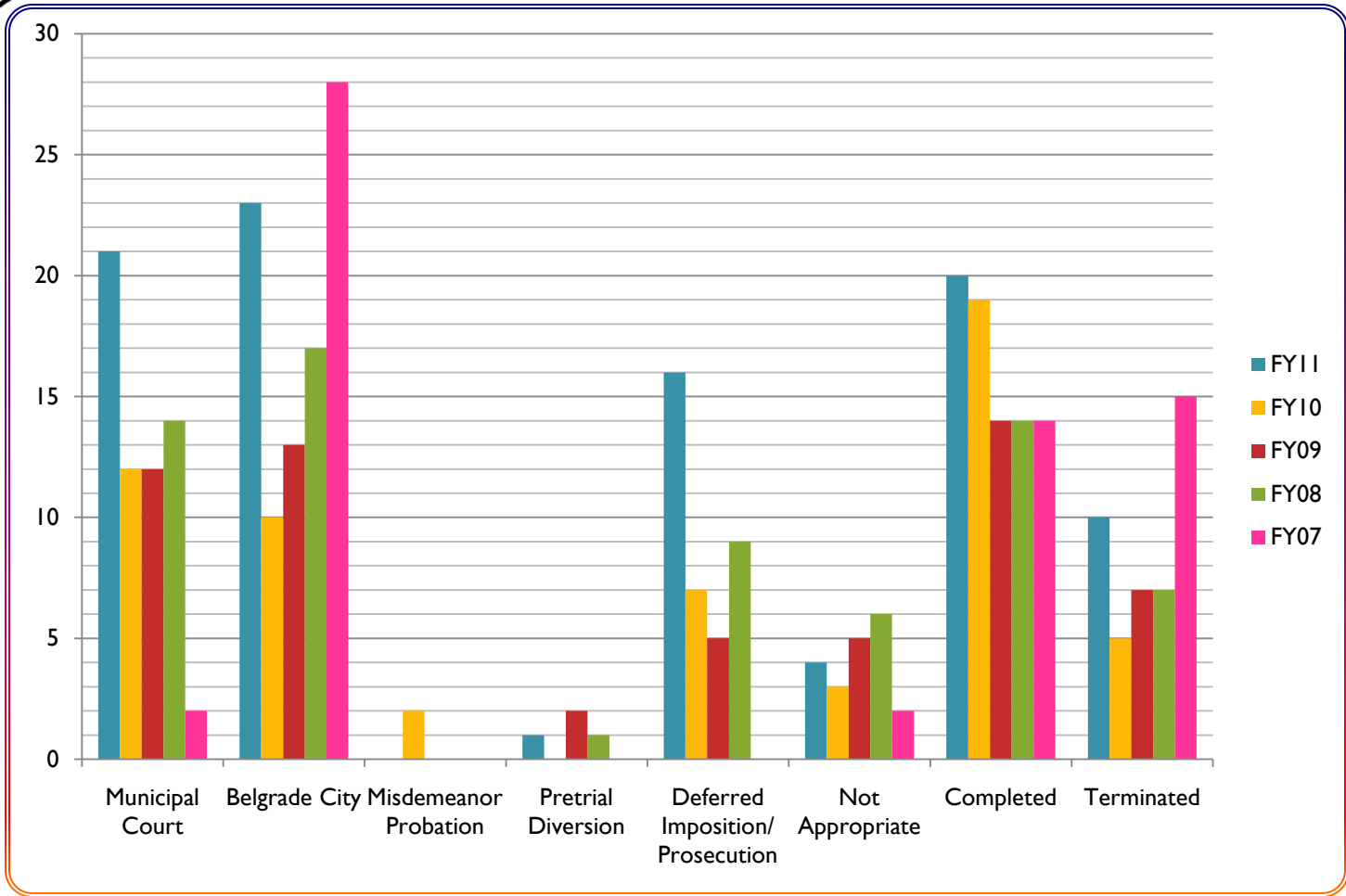
- Assault
- Theft/Burglary
- Forgery/Bad Checks
- Criminal Trespass
- Criminal Mischief
- Alcohol-Related Offenses
- Negligent Endangerment
- Child Endangerment
- Obstructing/Resisting Arrest
- Eluding
- False ID
- Various Driving Offenses
- Disorderly Conduct



# Restorative Justice in Gallatin County

## Participant Growth

### FY07 through FY11





# Restorative Justice in Gallatin County

## Recidivism

- Bozeman, a campus community, has a transient population, making it difficult to monitor re-offending young adults in other Montana jurisdictions and out-of-state jurisdictions.
- An Offender's right to privacy after Justice Council is respected. No follow up participant surveys and/or written or electronic communication is allowed. Public records may be examined upon request.
- The Courts are discovering that Deferred Prosecutions and Deferred Impositions of charges as opportunities for Offenders to reconsider their behaviors. The "quid pro quo" concept i.e., the exchange of the successful completion of a Justice Council for a possible dismissal of charges, can be effective in motivating Offenders to take a second look at the direction of their lives.
- A "Successful Completion" designation indicates an acceptance of responsibility, remorse for offense, awareness and repair of victim injury or a personal dialog with victim, emerging positive personal, professional or educational growth. Council completions in Gallatin County approximate 52%. Not all of those are "successful" completions: "Compliant but Not Successful" may be up to 5% of the 52%.



# Restorative Justice in Gallatin County

## Victim/Offender Dialog

- With an Offender's consent and motivation and with Victim(s)' willingness, the Council invites all stakeholders to a crime to participate in a dialog.
  - Conducted in the safe, supervised environment of a Justice Council session
  - Victim given opportunity to speak first, followed by Offender's response
  - Resolution or Repair may ensue to satisfy all parties



# Restorative Justice in Gallatin County

## Victim/Offender Dialog

### “Peter and George”

Peter, a young, unemployed father of two, stole an abandoned bicycle from behind a granary and pawned it at his family friend's pawnshop to buy baby diapers and food. George, the pawnshop owner was upset when a police officer found the stolen property at the pawnshop. He felt outraged and betrayed when he realized it was Peter who pawned it. At his first Council meeting, Peter himself requested a VOD. George agreed to attend.

At the VOD, George confronted Peter about his actions, his life's decisions, his family responsibilities and his concerns for Peter's future. During this emotionally charged exchange, with the Council's guidance, the parties agreed that Peter would volunteer at the pawnshop to make amends.



# Restorative Justice in Gallatin County

“Frank”

No Prior Record, Lack of Judgment

Theft, First Offense

Frank stole and pawned a power tool from his jobsite when his boss refused to give him an advance. His employer quickly discovered the loss and fired Frank who then struggled to feed his six children. The Council asked him to consider:

- The crime from his employer’s point of view (diminished trust and crew bonuses)
- His relationship with his children when they find out what he had done
- Additional education for his wife to enable her to work from home
- Money Management

Frank and the Council discussed the first two items in depth resulting in Frank’s deeper understanding of the ripple effect of his actions.





# Restorative Justice in Gallatin County

## “Cassie”

### Embracing Change

#### No Insurance, Driving While Suspended

Sweetwater County Justice Court suspended Cassie’s license and issued a warrant for her nonpayment and non-appearance on a speeding ticket.

She was stopped in Gallatin County on a tail light infraction after which she was arrested on the warrant. She was also cited for No Insurance because she decided to pay rent rather than car insurance.

The Council focused on her irresponsibility, lack of accountability and poor judgment. She agreed to participate in Court Services’ Money Management program. By the end of her Council, Cassie was current on her bills, including those debts on her credit report and her defaulted student loans.

Cassie looked forward to each Justice Council where she presented her budget color coded on large poster boards. Her confidence grew and she spoke to the council about either returning to MSU or pursuing her job to a management level.



# Restorative Justice in Gallatin County

## “Lyon”

### Offender Closure

### Child Endangerment

Lyon was working at a daycare while studying at MSU to become an elementary school teacher. Preparing to leave a playground with his group, he counted heads and turned to load the children into the school van. As he was doing so, one child ran back to a portable toilet without asking Lyon or telling anyone. Lyon continued to load up the children, not realizing that he was missing one. He discovered that the child was missing when he returned to the daycare center a few blocks away. Lyon panicked and began to race back to the playground when a plumbing company employee brought the little boy back to the center in his truck. The child's distraught parents insisted on pressing charges against Lyon and would not consider any conversation with him.

Because Lyon had been known to be responsible, that he was pursuing a career in elementary education and that he expressed deep regret for the situation, the Court imposed a two year deferred imposition of sentence. The deferment gave Lyon an opportunity to have the charge ultimately dismissed (not expunged) upon completion of his sentencing requirements. Despite the deferment, the charge would remain on his record as a conviction for two years until Lyon completed all of his sentencing obligations. Lyon realized that his teaching career might be in jeopardy because the charge would always be on his record even though it would show that it was dismissed. He believed that he might have to change his course of study as well.

The Council was not only a venue for Lyon's taking responsibility for his lapse in judgment but also a vehicle for closure for him since he had nowhere else to express own personal pain about a potential tragedy and the Court's order forbidding any future contact with the family. Although it couldn't be mailed or delivered, Lyon wrote an apology letter to the parents that remains in his file at Court Services.



# Restorative Justice in Gallatin County

## “Kevin”

### Compulsory Compassion

### Criminal Trespass to Property

In an alcoholic blackout, Kevin walked over two miles from a downtown bowling alley to a restaurant. He went into the restaurant's bar and tried to instigate a fight with a total stranger. Even when he was asked to leave he persisted in his determination to fight until law enforcement became involved. He didn't remember anything except being in the police car.

Kevin wants to be an equine vet and has spent his young life working toward that goal. One of the Council members is a retired veterinarian and he tried to convey the seriousness of what may be alcohol abuse from a neurological aspect as well as the appearance of possible future convictions on a veterinary school application.

Kevin considered his ever-increasing drinking as “fun” and part of college life. He acknowledged prior blackouts but refused to see a relationship between his behavior and his future. He. Neither did he have remorse for his behavior nor did he consider his encounter with law enforcement and the potential serious injury to a stranger as problematic.

One of the terms of his mutually agreed upon Reparative Agreement was to research and write a short paper on the effects of alcohol on adolescent brain development. He perfunctorily performed that condition of his Reparative Agreement and was flippant and disrespectful when he presented his assignment.

Kevin demonstrates that Restorative Justice cannot demand a change in point-of-view or attitude. However, the volunteers for Restorative Justice in Gallatin County consider each Council a seed planted.

The Council returned a report to the Court that Kevin was compliant but not successful.



# **A Restorative Justice Program is Not a Replacement for Our Judicial System.**

**Restorative Justice can work alongside our traditional justice system. As a sentencing enhancement, or as “quid pro quo,” or as a diversion/deferment, Restorative Justice strives to bring all affected parties together for the following objectives outlined by Howard Zehr:**

- Acknowledge offense(s) and make amends in satisfactory ways**
- Accept responsibilities as Offenders, Victims and Communities**
- Promote underlying values of Respect, Responsibility and Relationships**