



Wisconsin Counties Association
ANNUAL CONFERENCE
& Exhibit Hall **2022**

3:30 - 4:30 PM

Restorative Justice in Corrections



Restorative Justice in Corrections

Diana Lewis

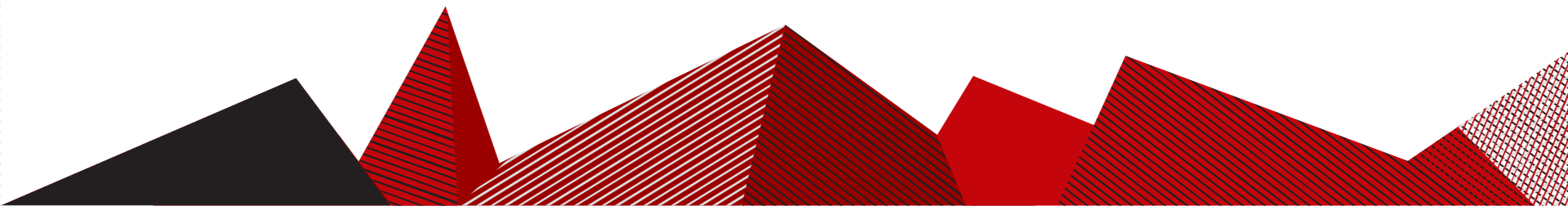
Wisconsin Department of Corrections

Jonathan Scharrer

University of Wisconsin Law School

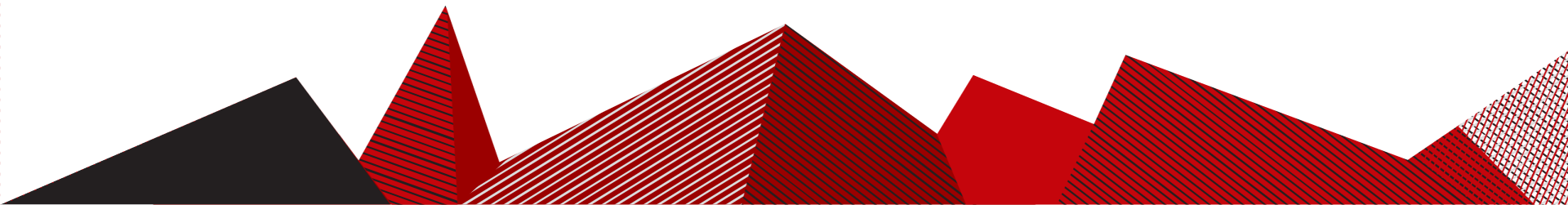
Restorative Justice Partnership

- WI-DOC Office of Victim Services & Programs
- UW Law School – Restorative Justice Project



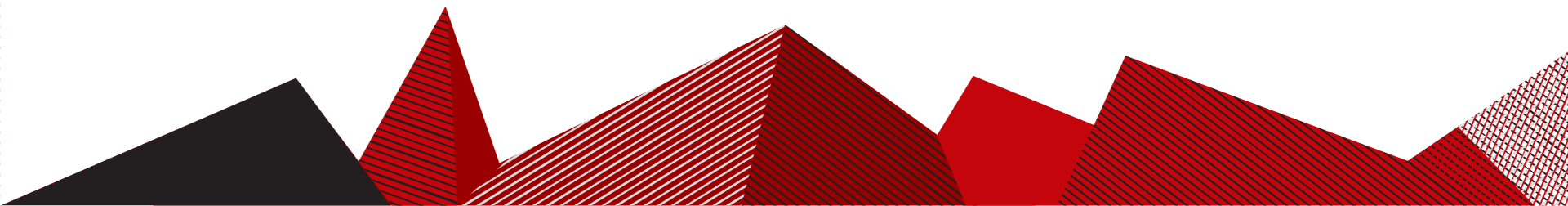
WI DOC Background

- 63,814 Adults on Community Supervision
- 20,155 Adults in WI DOC Institutions
- 117 Youth In WI Facilities
- 89 Youth On DOC Community Supervision
- 26,233 Individuals Required to Register on the Sex Offender Registry



Office of Victim Services & Programs

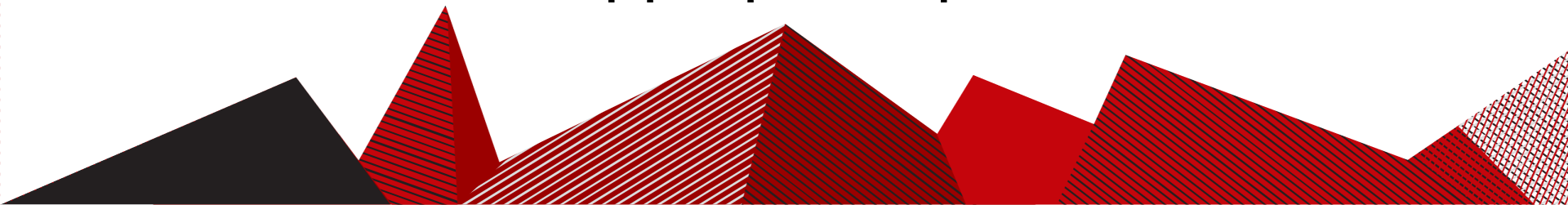
- We serve victims of those incarcerated in WI DOC, on community supervision, and individuals required to register with SOR.
- We provide information, support, advocacy & restorative justice opportunities.
- We collaborate with & provide technical assistance to DOC Staff and community stakeholders to provide comprehensive support to victims.



Basics of Restorative Justice

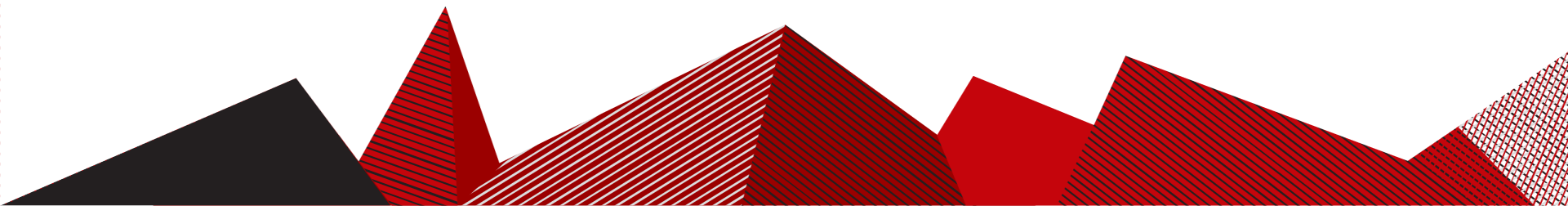
Traditional Questions in the Criminal Justice Framework:

- 1. What law was violated?
- 2. Who violated that law?
- 3. What is the appropriate punishment?



Basics of Restorative Justice-Continued

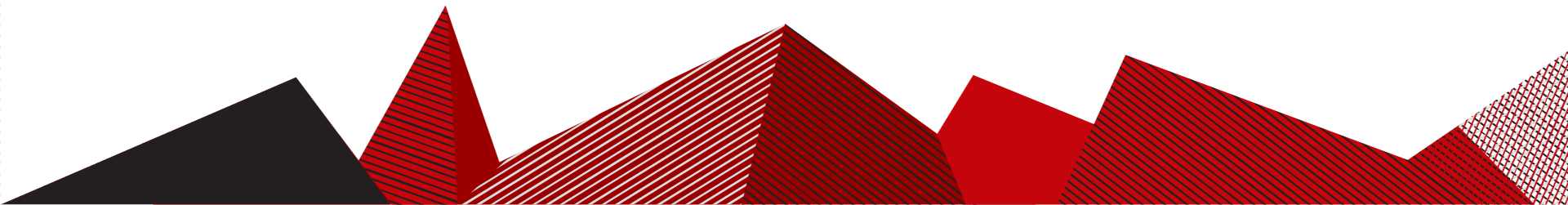
- Questions asked in the Restorative Justice Framework:
- Who was harmed?
- How were they harmed?
- What can be done to repair that harm?



Basics of Restorative Justice

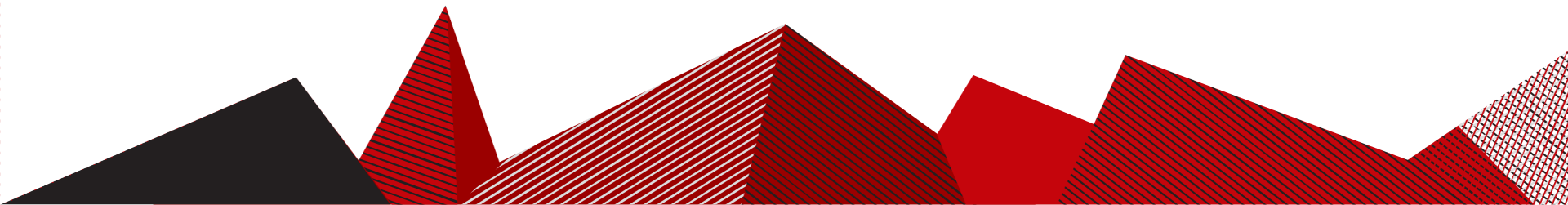
Ripple-Effect

- Harm Spreads
 - Direct Victims
 - Indirect/Secondary Victims
 - Vicarious Trauma
- Ripples around Offenders



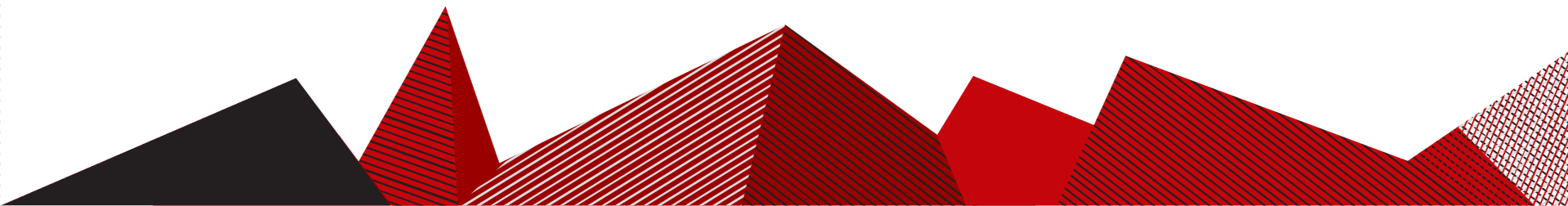
Victims' Experience with the CJ System

- Often left with many unanswered questions
- May not understand much of what happened in court or why it happened
- Traditional justice system does not encourage accountability



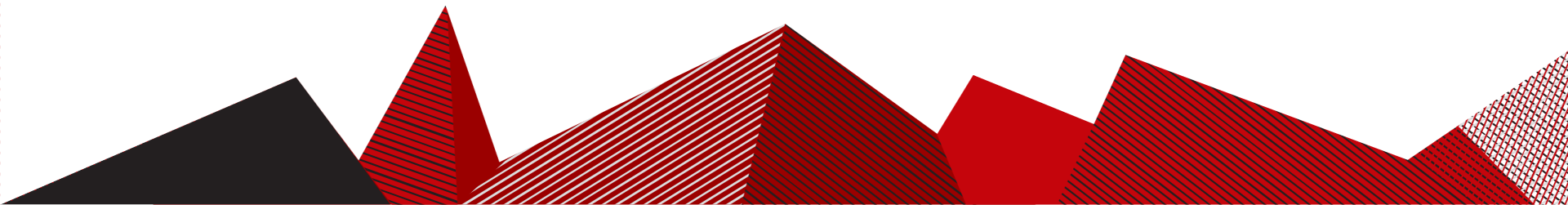
What Happens Next?

- Court process is done, now what?
- How to reorder your life?
- How do you move forward?
- Grief, pain, mourning = Year 1, Year 2, Year 5+



Is Anything the Same?

- Friends
- Relationships
- Support
- Job

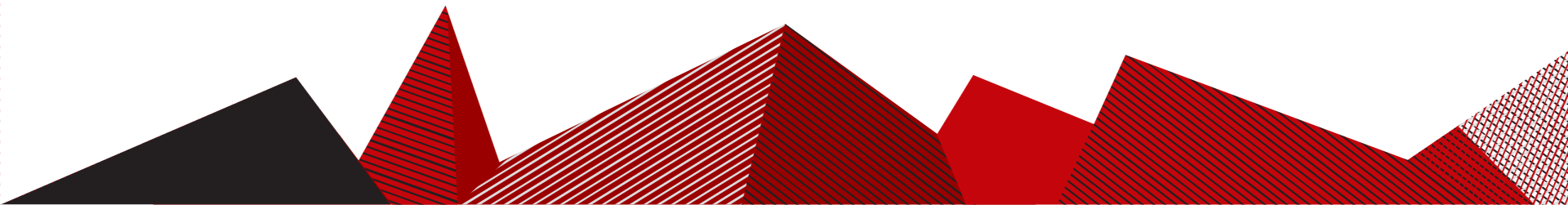


OVSP practices Restorative Justice through...

Apology Letters

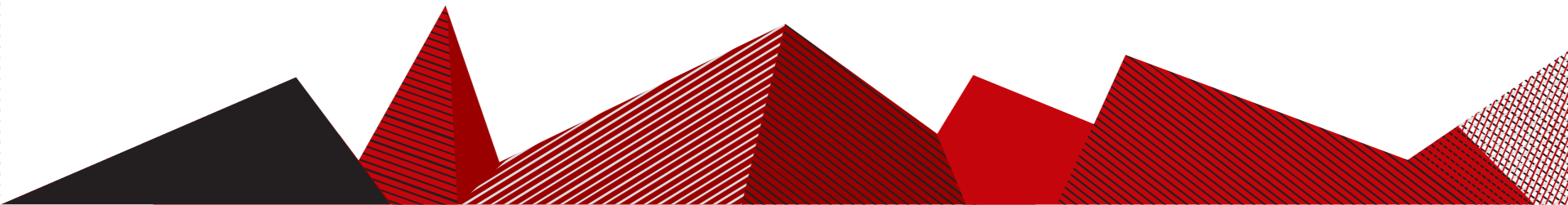
Victim Speakers

Victim Offender Dialogues



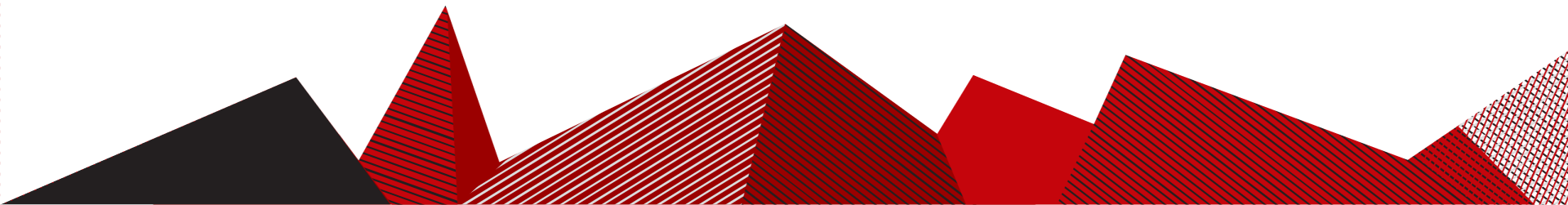
Apology Letters

- Can be court-ordered or not court-ordered
- Victims always chose whether or not to receive a letter
- Copies stored at WI DOC
- Ask staff to review letters before submission
- Tips for writing/reviewing available from Office of Victim Services & Programs



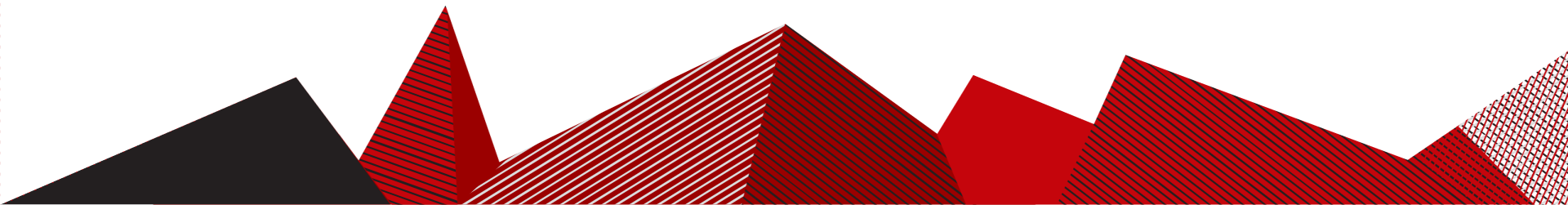
Victim Speaking Opportunities

- OVSP maintains a list of speakers who have indicated an interest in speaking
- OVSP asks each speaker about audience (staff, inmates, both) and regional preference
- Speakers have agreed to have contact information shared DOC-wide



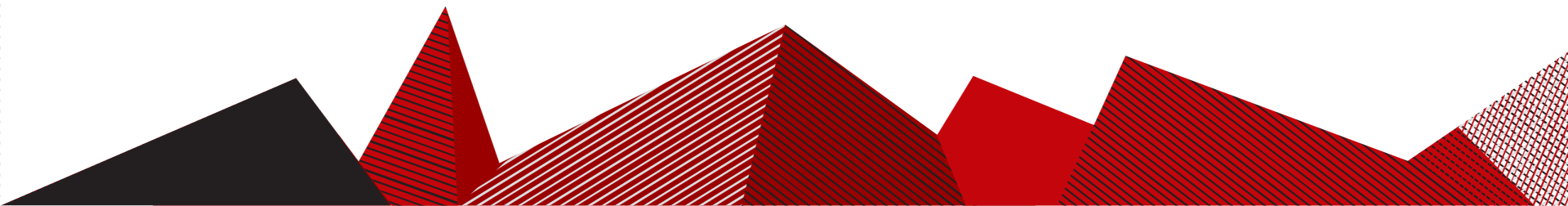
Other Restorative Justice Practices

- **Victim-Offender Dialogue**
- **Prison Programs / Victim Impact**
- **Diversion**
 - Community Conferencing
 - Family Group Conferencing



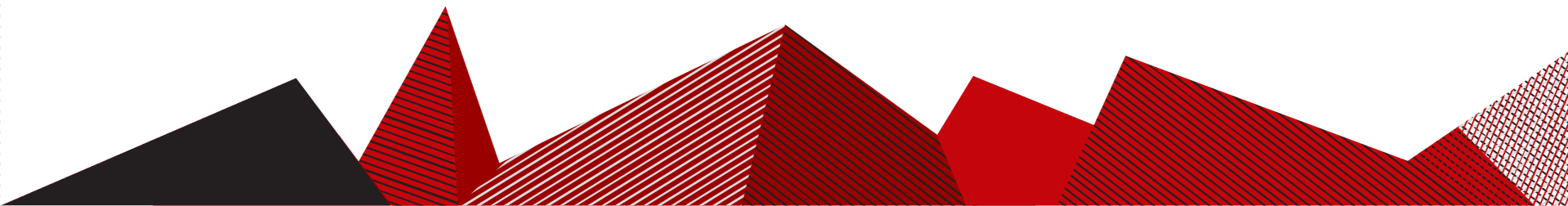
Victim-Offender Dialogue

- Many contexts from juvenile to adult, simple crimes (misdemeanors) to serious (felonies)
- **Sensitive Crimes & Crimes of Severe Violence**



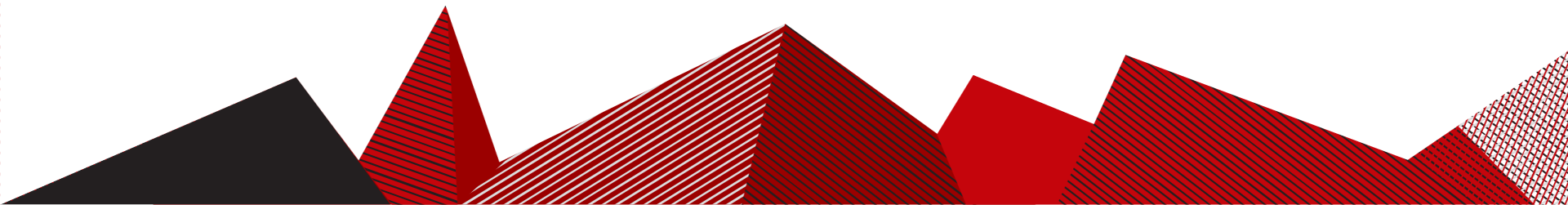
VOD Logistics

- For incarcerated individuals, meeting takes place at the correctional institution
- For individuals on supervision or in the community, we find a safe, private, neutral space for the parties to meet as determined by the victim
- Support people allowed
- Meetings last anywhere from 2-8 hours
- For most requests, it is only a single meeting between the parties



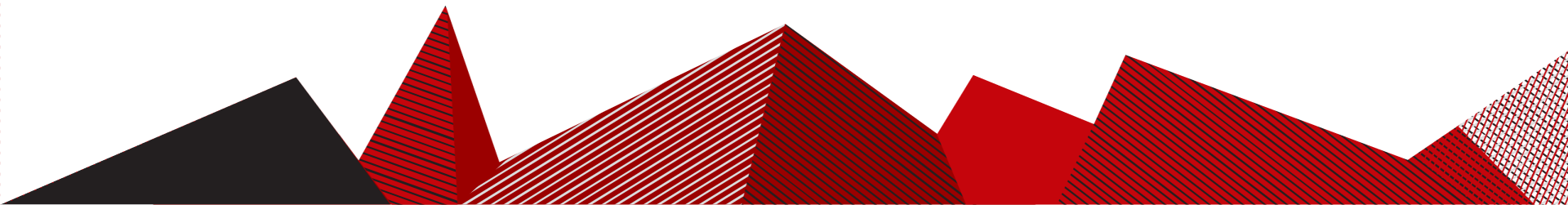
Key Process Elements

- Voluntary
- Confidential
- Neutral Facilitator

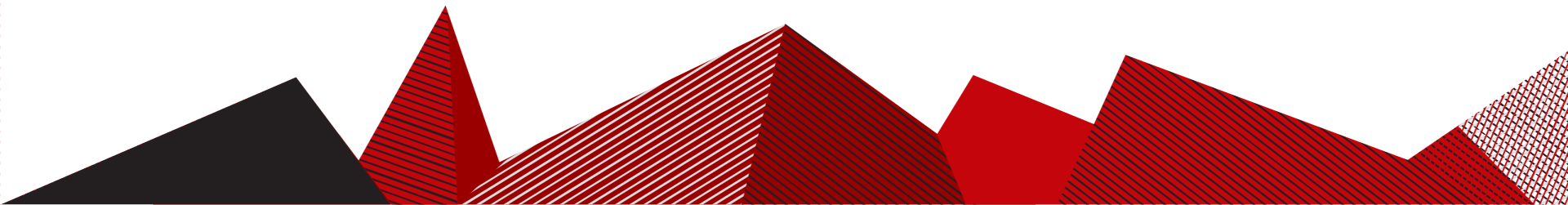


Who Can Request a VOD?

- Any victim or survivor over the age of 18 with offender in WI
- Requesting victim can be located anywhere in the state or around the country (and even abroad)
- Limitation for incarcerated individuals is state or federal custody in Wisconsin
- Limitation for individuals on supervision or completed with supervision must live in Wisconsin



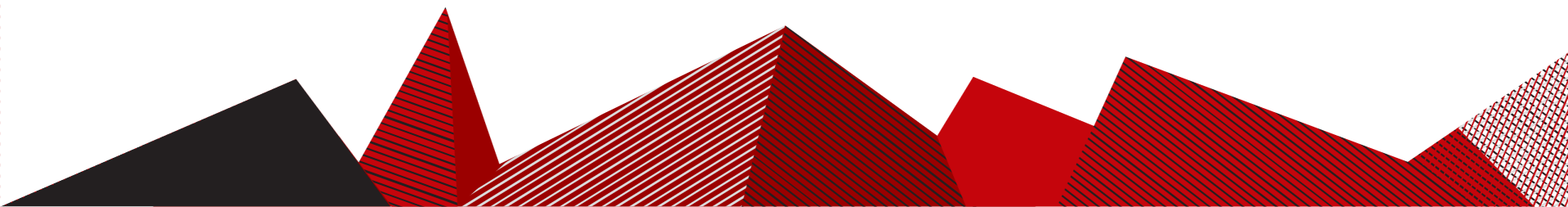
When can a victim/survivor
request a VOD?



What Sorts of Cases does RJP Handle?

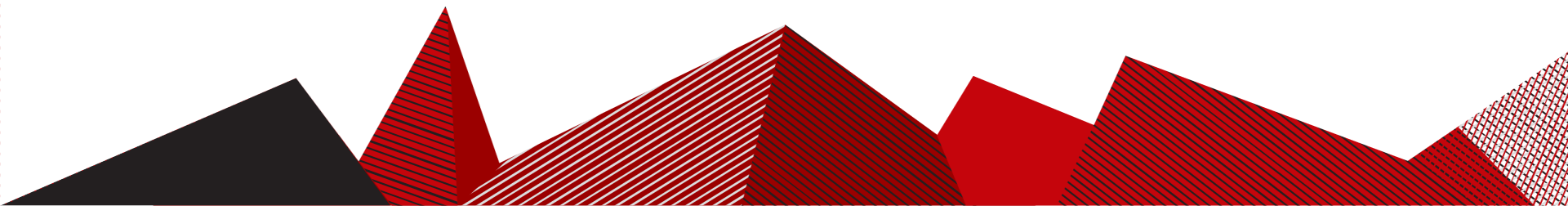
- Most Common Requests:

- **Homicides & Attempts**
- **Sexual-based Crimes**
- Armed Robbery
- Shootings
- IPV
- Burglary

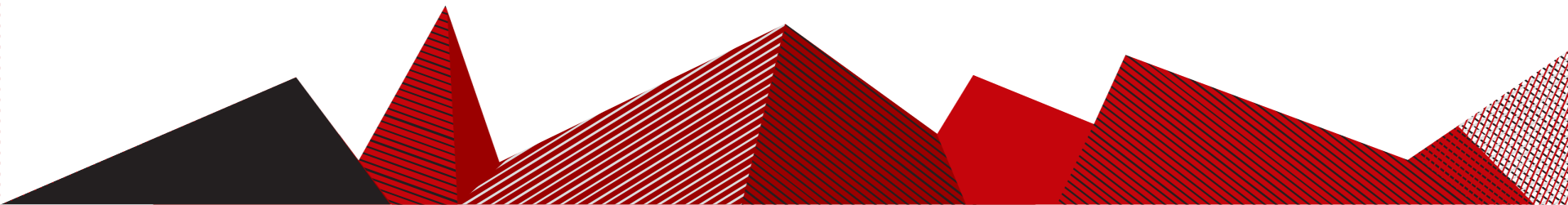


Victim-Offender Dialogue

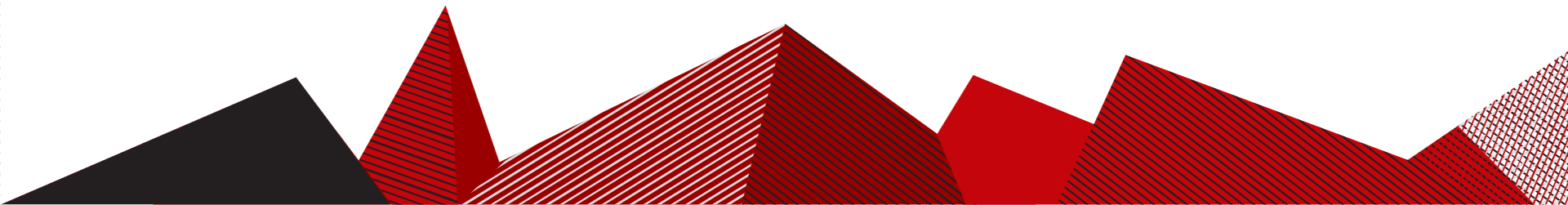
Why would victims/survivors
want to meet their offenders?



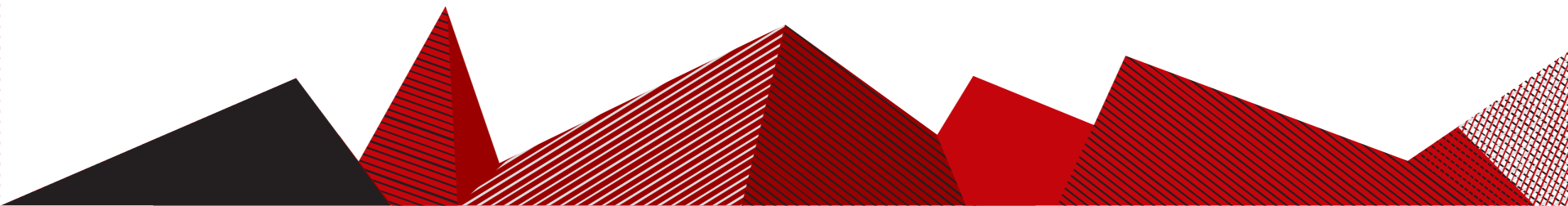
“For 15 years I’ve been making up what the offender might think or say and now I know the truth...and now I have a new understanding of the crime.”



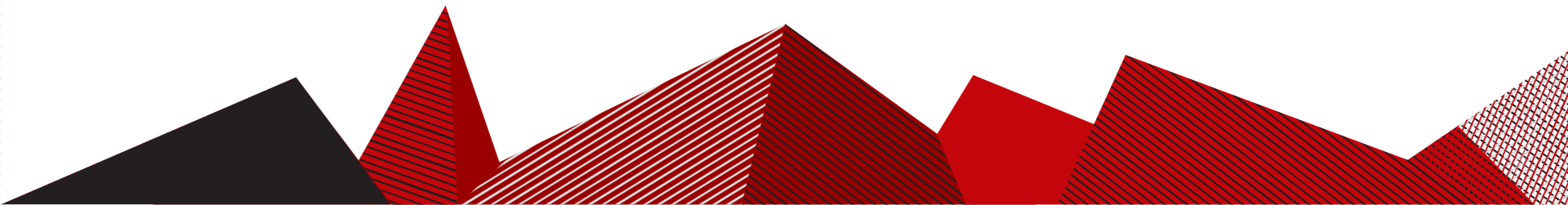
Involuntary Relationship



“I had never heard the offender speak about the crime so I only had an imagined version of a very evil person who had no remorse. Face to face meeting allowed all of us to see each other as flawed humans, but humans with a story.”

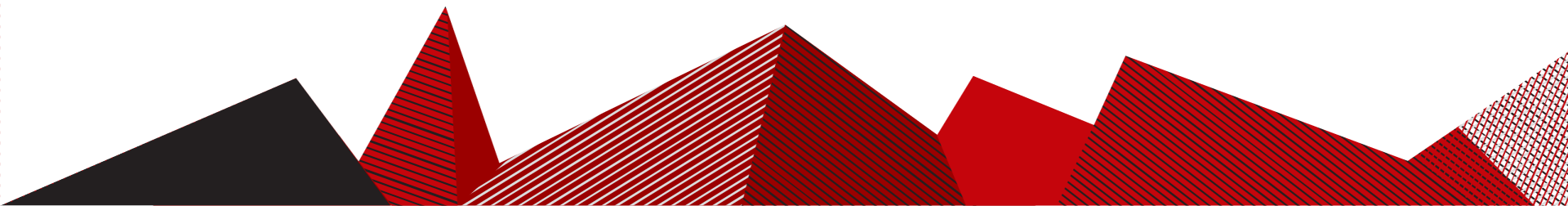


Meaning-Making in the Aftermath of a Serious Crime





“I believe that by having our conversation the offender has a more personal idea of who the victim was and how we, as his family and friends, have been impacted.”

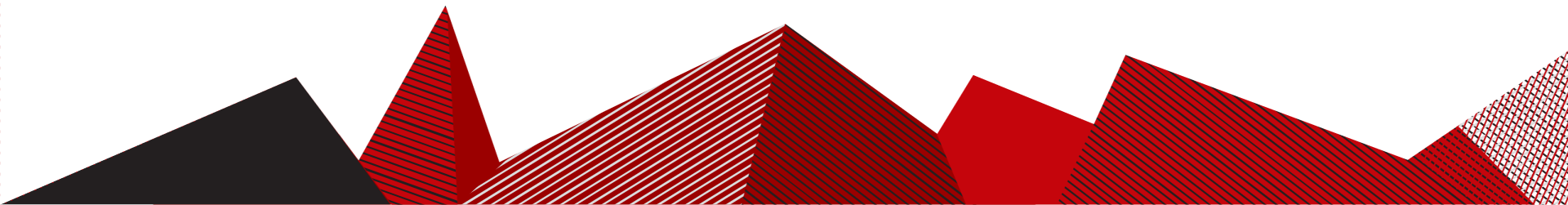






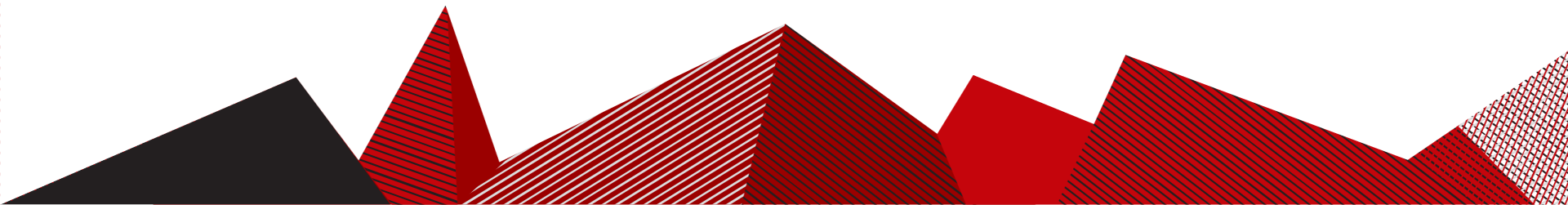
Other Reasons

- Questions of Safety
- Assess Feelings of Offender Towards Victim
- Confront Fear = Regain Power
- Offender Returning to Same Community – Control of Situation

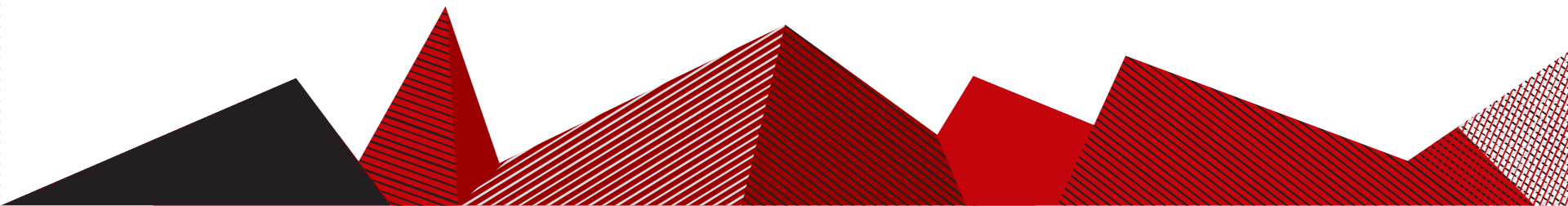


Why Would an Offender Participate?

- Apologize/Start Making Amends
- Provide fuller picture/or different picture than presented in court
- Have changed dramatically since crime

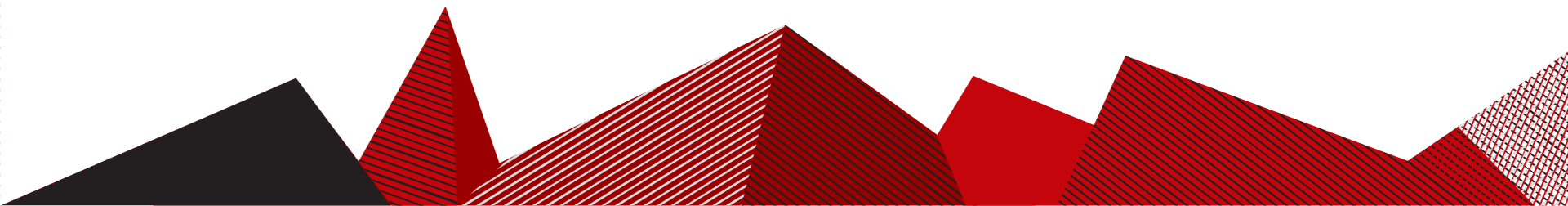


**Participation in a VOD
does NOT impact a person's
sentence**



How Likely Is an Offender to Agree to Participate?

- Florida DOC Empirical Study (Casey, 2019)
- RJP Comparison Data



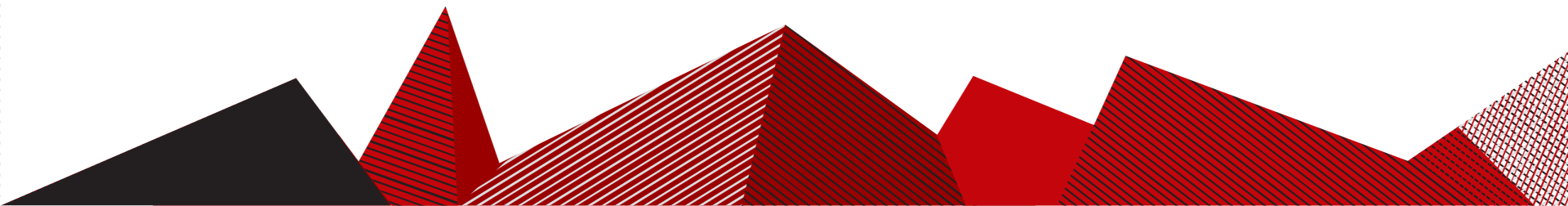
Cross-tabulation of willingness to participate in RJ and type of Crime

| Would you Participate in RJ? | | Type of Crime: | | | | | | | Total |
|------------------------------|--|----------------|---------------|---------------|-------------|-------------|-------------|--------------|----------------|
| | | Death | Sexual Crime | Property | Personal | Drug | Other | Not Answered | |
| Yes | | 96 (79%) | 25 (80.6%) | 76 (60%) | 60 (71%) | 42 (56%) | 27 (61%) | 12 (63%) | 338 (67.6%) |
| Maybe/ Unsure | | 23 | 4 | 27 | 16 | 19 | 9 | 0 | 98 (19.6%) |
| No | | 1 | 2 | 20 (15.8%) | 8 (10%) | 13 (17%) | 7 | 5 | 56 (11.2%) |
| Not Answered | | 1 | 0 | 3 | 0 | 1 | 1 | 2 | 8 (1.6%) |
| Total | | 121 | 31 | 126 | 84 | 75 | 44 | 19 | 500 |

Gretchen Casey, 2019

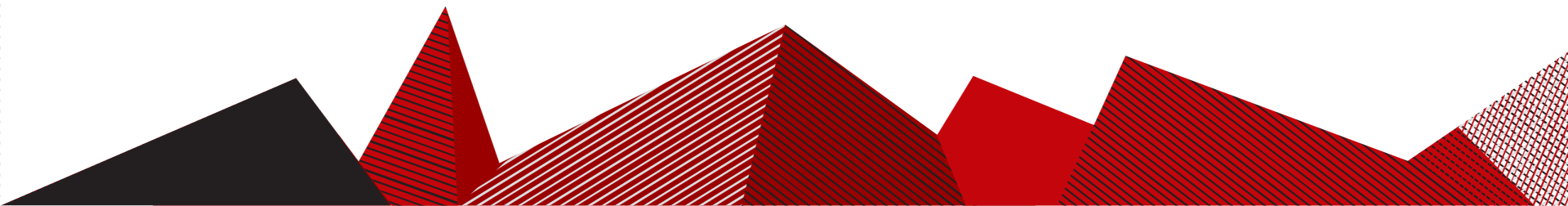
RJP Anecdotal Comparison Program Data

Approximately 80% of offenders
approached about the process agree to
participate



What if the Offender Declines to Participate or is Deceased?

- Shuttle Dialogue
- Victim-only Restorative Justice
- Surrogate VOD



1 - 7 DAYS

1. Receiving Request and Contact with Victim



The Victim-Offender Dialogue is victim initiated. Once a request is received by our office, RJP will contact the requester to discuss the process

2 - 3 WEEKS

2. Assessing Offender Fitness



When a request is opened, RJP contacts the offender to assess their willingness and appropriateness to participate.

1 WEEK

3. Assessment and Contact with Victim



The victim will be contacted to discuss the offender's readiness to participate

4 - 12 MONTHS

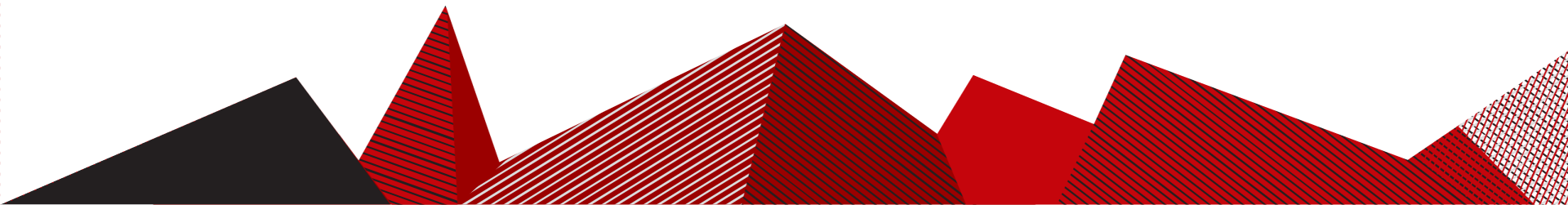
4. Preparation for Dialogue



RJP communicates with both parties separately until each are sufficiently prepared for dialogue. Depending on the nature of the request, this may take significant time

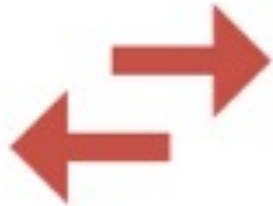
VOD Roadblocks

- What if the victim doesn't want to meet the offender face-to-face?
- What if the victim resides outside Wisconsin and can't travel for the meeting?



CASE DEPENDENT

5. Post-VOD Follow-up

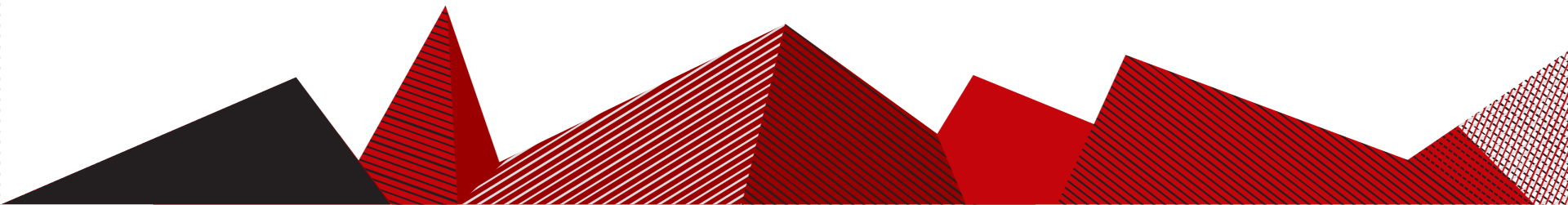


After the dialogue, RJP will follow-up with both parties to determine whether any additional steps are necessary

Outcome Data

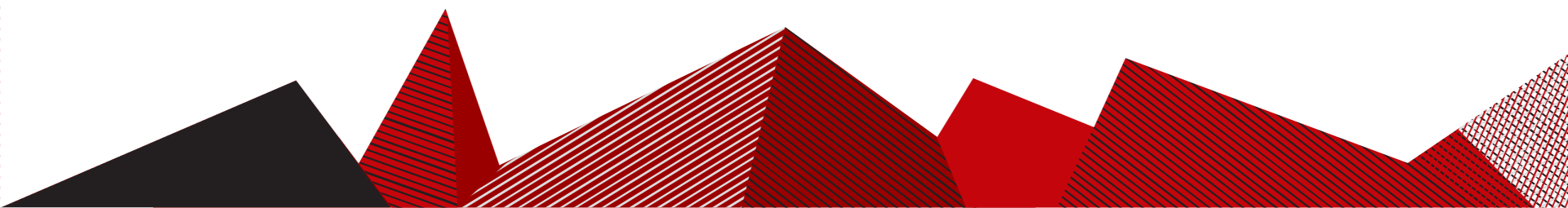
RJP Satisfaction Response Surveys:


- 98% (strongly agree 5/5) – the dialogue was a positive experience for me
- 95% This experience helped move my life in a positive direction (92% strongly agree 5/5)
- 98% would recommend this process to other people (94% strongly agree 5/5)



How have you felt since the VOD?

“I felt like I could breathe, like something isn’t constantly weighing me down. I also sleep so much better than I did a month ago.”






Victim-Offender Dialogue/Restorative Justice

Common Misconception of RJ:

- Implications of Forgiveness
 - NOT REQUIRED or EXPECTED!





“I can’t begin to tell you how much this has helped me. I feel all my anger and hate for the world has left me, I now see life as hopeful rather than ugly and bitter.”

- Letter from survivor

Effectiveness of Restorative Justice

- Recidivism
- Restitution
- Satisfaction and Fairness
- Psychological Metrics & Long-Term Effects

- 
- “If you’re stuck in the place that you’re in, there’s always the hope of moving forward. You hope to move someplace different and know something more than you did before, and I think that that makes it brighter and definitely made it better.”



“The way I see things and my outlook on life has changed. It’s not so dark, like it was before. I’m sure that my relationships with new people I meet will improve because I won’t always think that they’re bad or somehow out to get me. It’s completely different.”



QUESTIONS??