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# Restorative Practices in Buffalo: Building and Rebuilding Community

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# Restorative Practices in Buffalo: Building and Rebuilding Community

#### **Abstract**

Restorative practices/restorative justice (RP or RJ) is an alternative approach to our current punitive system of addressing conflict and crime. It is an age-old practice with origins in many indigenous cultures and has become increasingly popular in schools, communities and court systems in recent years. Here in Buffalo, individuals began advocating for restorative justice nearly two decades ago. Since then, many organizations, community groups, and schools have been using the practice to resolve disputes and build relationships.

#### Keywords

criminal justice, education, buffalo, inequality

# Restorative Practices in Buffalo: Building and Rebuilding Community

Kathryn Franco

#### Introduction

Restorative practices/restorative justice (RP or RJ) is an alternative approach to our current punitive system of addressing conflict and crime. It is an age-old practice with origins in many indigenous cultures and has become increasingly popular in schools, communities and court systems in recent years. Here in Buffalo, individuals began advocating for restorative justice nearly two decades ago. Since then, many organizations, community groups, and schools have been using the practice to resolve disputes and build relationships.

In our current criminal justice system, crime is defined as breaking a law. If you break a law, you may be arrested, brought into court, and fined or imprisoned. In this system, both the offender and the victim play passive roles, while legal professionals make decisions about the offender's fate. The main goal of the system is to punish the person who committed the crime.

In contrast, restorative justice defines crime as harm to people, relationships and communities. Rather than merely punish the offender, RJ aims to repair the harm done. To do this, RJ centers the victim of the offense and asks what can be done to restore the relationship between victim and offender. In RJ, both the victim and the offender play an active role in the process.

Restorative justice can be used in a variety of settings, including schools, courts, and community gatherings. While it can be used to address a crime or harmful behavior, it can also be used to address less severe interpersonal conflicts and build a sense of community among individuals as a preventive measure against harm. There is a wide spectrum of restorative practices within the RJ framework.

This fact sheet was drafted by Kathryn Franco, Master of Social Work and Master of Public Health Candidate at the University at Buffalo, and edited by Sarah Wooton, Policy Analyst at PPG.

It outlines the core tenets of restorative justice, discusses the benefits of using it, and provides a guide to organizations, community groups, and schools using restorative practices In Buffalo.

PPG is grateful to the representatives of Buffalo restorative justice organizations who shared their time and collective knowledge with us.



## Evidence for the Effectiveness of Restorative Justice

Research shows that using RJ in schools reduces suspensions and expulsions, decreases problem behaviors from students, and improves attendance rates.<sup>3</sup> In some schools that use RJ, suspensions have dropped sharply for African American youth.<sup>4</sup> This is important because African American youth are suspended at three times the rate of their white counterparts.<sup>5</sup> Perhaps unsurprisingly, RJ has been shown to foster a feeling of safety, support and positivity in schools.<sup>6</sup> Additionally, there is some evidence to suggest that RJ may improve academic achievement.<sup>7</sup>

RJ is also beneficial as an alternative to the criminal justice system. Research shows that RJ reduces offender recidivism rates and provides more satisfaction to crime victims than our traditional criminal justice system. RJ can also minimize victims' post-traumatic stress symptoms, and it makes offenders significantly more likely to satisfy their restitution agreements. 10

### Success in Other Communities

#### OAKLAND, CALIFORNIA

When a restorative justice pilot program was launched in 2007 at the West Oakland Middle School, suspension rates dropped by 87 percent. Seeing this success, twenty principles from throughout the district requested training to institute RJ programs at their own schools the following year. The Oakland school district recognized the effectiveness of these programs and in 2010 adopted RJ as a district-wide alternative to zero tolerance discipline.<sup>11</sup>

#### MINNEAPOLIS, MINNESOTA

In Minneapolis, "livability crimes" like drug possession, drug dealing, and public drinking can be referred to a restorative justice process instead of being tried in court. If offenders agree to the process, their charges are dropped, and they meet with community members to discuss how their actions impacted the community and how to make reparations. The City has seen great success with this program. 90 percent of offenders who participate in the RJ program

Our criminal justice system is broken. It does little to aid victims or to prevent offenders from re-offending. Of people released from state prisons, three out of four can be expected to get arrested within the next five years.

Furthermore, arrests and incarceration have dramatically disproportionate impacts on people with low incomes, people of color, and people with disabilities. See, for example, the PPG report "Alarming Disparities."

In the school context, the over-use of purely punitive practices like out-of-school suspensions has been shown to decrease academic achievement and school safety, as well as to create a "school-to-prison" pipeline for youth of color.

Sources: "3 in 4 Former Prisoners in 30 States Arrested Within 5 Years of Release," Bureau of Justice Statistics, April 22, 2014; "Suspended Progress: The Harms of Suspension & Expulsion, Appendix A," Just Children, 2016.

are crime-free after one year. After three years, 75 percent are crime-free. Officials across the city support the program, including Minneapolis Police Chief, Tim Dolan, who explains, "Having to do something, give something back, makes it a much more civic response that sticks with you." <sup>12</sup>

#### UNITED KINGDOM

The United Kingdom incorporated RJ into the nation's criminal justice system in 2013. Police are required to tell crime victims about restorative justice options. <sup>13</sup> These include face-to-face conferences with a facilitator, the victim, and the offender; community conferences; and indirect communication between the victim and offender using a facilitator. <sup>14</sup> According to UK government research, RJ has an 85 percent victim satisfaction rate and is associated with a 14 percent reduction in recidivism. <sup>15</sup>

#### ALLEGHENY COUNTY, PENNSYLVANIA

Some states, including Pennsylvania, have incorporated certain RJ principles in their juvenile justice systems through the Balanced and Restorative Justice (BARJ) approach. In BARJ, balanced attention is given to victim, offender, and community when looking to repair harm. BARJ strives to:

- Enable offenders to make amends to their victims and community;
- Increase offender competencies;
- Protect the public through processes in which individual victims, the community, and offenders are all active participants.<sup>16</sup>

Since 2003, Allegheny County (home to the city of Pittsburgh) has produced report cards to demonstrate the impact and effects of BARJ. Over the years, this report has shown consistent decreases in

In Minneapolis, **75%** of RJ participants are crime free after three years.



Source: Erie County Restorative Justice Coalition

In the UK, crime victims who participate in RJ have an 85% satisfaction rate.

petitions for allegations of delinquency. The most recent report (2016) showed 99% of youth without a new offense and a decrease in school related offenses.<sup>17</sup>

## Types of Restorative Practices

Restorative practices are the tactics or activities used within the restorative justice framework. They range from informal to highly structured. Oftentimes, RJ is depicted in the media as an offender and a victim sitting down with a facilitator to address a serious conflict. This is called "conferencing" and, as one of the most formal restorative practices available, it is not used as frequently as other practices. In general, communities should engage in more informal practices like circles on a regular basis to build relationships within the group as a preventative measure against harm. If a conflict does arise, the group can use a more formal practice like conferencing to repair that harm.

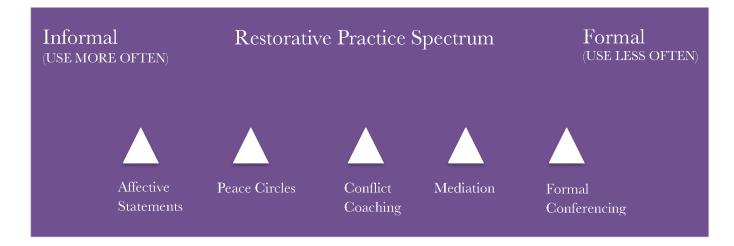
AFFECTIVE STATEMENTS

Affective statements express one's feelings – positive or negative – about an action by another person. These statements can show the other person the impact and scope of the intended or unintended result of the behavior.<sup>6</sup>

There are many kinds of restorative practices other than conferencing.



Source: Open Buffalo



#### PEACE CIRCLES

Peace circles or restorative circles can be used to build community and to address conflict as a group. A group of people sit in a circle and have a conversation about a specific topic. Generally, one or two people facilitate the circle. They are called "Circle Keepers." The keeper's job is to facilitate dialogue but not to dictate to the group. There is a shared leadership in the circle, as everyone can contribute and learn from the group.

The Keeper will open the circle and work with the group to set goals for the circle and create guidelines. These are general rules to remind everyone how to treat others in the circle, creating an environment where everyone can speak comfortably and honestly. The Keeper also introduces a talking piece. This is an item that is passed from person to person around the circle. Everyone listens to the individual holding the talking piece. This creates space for quieter individuals to speak, and it encourages active listening. The talking piece can be any item, but it's best if the item is meaningful to the group.

The topic of conversation depends on who the participants are and what topics are relevant to them. In a school, students might have a circle to discuss values, current events, or even their experience doing a science project. In a neighborhood setting, community members might discuss a proposed neighborhood initiative or address a conflict. Circles can be used to work through a harmful incident by bringing together the victim, the offender, a neutral third party, and any other stakeholders who have been affected by the incident.

#### CONFLICT COACHING

This is a process in which an individual works one-on-one with a Conflict Coach to achieve more clarity about a situation, consider options, develop strategies for positive conflict engagement, and practice skills to address the conflict.

Examples of affective statements:

I am so proud to see/hear...

I'm feeling scared by...

I am thankful that/for...

I am worried about...



Any object that can be passed from person to person can be a talking piece—even a simple stone.

Photo Source: National Park Service

#### **MEDIATION**

This is a confidential process in which a neutral third party supports a conversation between parties involved in a dispute or conflict. With the assistance of a mediator, parties identify issues, clarify perceptions and explore options for a mutually acceptable outcome.

#### RESTORATIVE CONFERENCING

This is a more formal restorative practice that offers a voluntary meeting between an offender, a victim, and other stakeholders from the community. Conferencing is different than mediation because there is a clear offender and a clear victim rather than two disputing parties. The goal of the conference is for the participants to produce a mutually acceptable agreement that addresses the harm caused by the offender.

To start, the conference facilitator arranges the meeting, informing all parties of how the conference will unfold. Conference facilitators use a script and keep the conference focused, but they do not actively participate in structuring the outcome of the conference. In addition to creating an agreement that will repair the victim-offender relationship, it is important to create an agreement that will repair the offender-community relationship. This entails discussing a plan for the offender's reintegration into the community.

Conferencing can be used as an alternative to punishments such as suspension, expulsion, an arrest, or a criminal charge. Examples of offenses that might warrant a conference include fighting, theft, or bullying. In RJ conferences, both the victim and offender tend to have higher levels of satisfaction than if they were to go through the criminal justice system.<sup>18</sup>

# Restorative Justice in Buffalo

The best way to understand restorative justice is to participate in it. In Buffalo, we are fortunate to have numerous organizations that are already practicing RJ. Read below to find out what they are working on and how you can get involved.



Source: Erie County Restorative Justice Coalition

Both victims and offenders tend to be more satisfied after using an RJ conference than using the current criminal justice system.

#### **BACK TO BASICS OUTREACH MINISTRY**

1370 William Street Buffalo, New York 14206 716-854-1086



Back to Basics is a re-entry program for formerly incarcerated individuals. Pastor Giles, the executive director of Back to Basics, had a history in the criminal justice system and founded the organization in 1996. Volunteers staff many of the programs at Back to Basics. Numerous staff are formerly incarcerated individuals who are now giving back to their communities.

Pastor Giles sees Restorative Justice as a "way to build community, to develop accountability in a community, and to resolve conflict or tension that adversely impacts a community, group or family." RJ is seen as more than a program or tool; it is a philosophy meant to empower those who participate in the process.

Back to Basics has offered circles, conferencing, and training in various settings, including training many faith institutions in RJ practices. Back to Basics has conducted peace circles in the community and at local schools like East High School. Currently, Pastor Giles is the only staff member trained in RJ, but many of the programs they offer are based on an RJ framework.

One program that works with a restorative lens is the Buffalo Peacemakers, which consists of six other organizations supporting at-risk youth (Stop the Violence Coalition, The Buffalo United Front, The F.A.T.H.E.R.S., MAD DADS, No More Tears, and Back to Basics Ministry). In 2018, Back to Basics plans to officially train Buffalo Peacemakers in restorative practices so that they can conduct circles in the Buffalo Public Schools.

What RP they use: None currently, but looking to do circles and conferencing

Where: Churches, communities and schools

Trained volunteers: Buffalo Peacemakers scheduled to be trained in 2018

Provide training? Not currently

#### **BUFFALO PUBLIC SCHOOLS**

Buffalo City Hall 1 Niagara Street Buffalo, New York 14202



In 2013, the Buffalo Public Schools made significant changes to its Code of Conduct to address its high suspension rates. The new Code of Conduct encourages administrators to utilize strategies like RJ to retain student engagement in learning while simultaneously managing classroom behaviors. After the new Code of Conduct was adopted, short-term suspensions decreased in 60% of schools and long-term suspensions decreased in 50% of schools. However, it is unclear how much of this reduction came from the use of RJ.

Beginning in the 2014-2015 school year, Buffalo Public Schools (BPS) piloted restorative justice programs in two schools: Burgard High School and Dr. Charles Drew Science Magnet School. Since then, other schools have engaged in restorative practices, but this varies school by school and teacher by teacher. Additionally, RJ circles are being offered at East High School and Harvey Austin School on Saturdays. However, RJ has not been implemented districtwide.

The District is currently working with Erie County Restorative Justice Coalition to train staff and to implement circles throughout the district. So far, they have trained 80 school counselors, 70 parents, and 40-50 administrative staff within the Buffalo Public Schools.

What RP they use: Circles and conferencing

Where: Schools

Trained volunteers: Some staff have gone through training, but no volunteers

Provide training? No

#### CENTER FOR RESOLUTION AND JUSTICE—CHILD & FAMILY SERVICES

Tri-Main Center 2495 Main St. Suite 357 Buffalo, NY 14214 716-362-2323



The Center for Resolution and Justice (CRJ) is a Community Dispute Resolution Center partially funded by, and under contract with, the New York State Unified Court System. CRJ offers a menu of restorative practices and conflict resolution services to assist people and organizations to resolve problems, repair harm, improve communication, and promote more peaceful communities throughout Western New York. CRJ offers mediation, conflict coaching, circles, conferences and training related to those practices.

Court-Based Programming: In Erie, Niagara, Genesee and Chautauqua County Family Courts, court administrators provide clients with the option to use CRJ's parenting mediation program to resolve custody and visitation disputes. City, town and village courts may refer minor criminal matters to CRJ for mediation, conflict coaching, circles or conferencing. CRJ also receives referrals from Small Claims Courts for mediation services.

Community-Based Programming: CRJ receives referrals from individuals (self-referrals), attorneys, community-based organizations, schools and businesses to assist with a wide range of conflicts including landlord-tenant, neighbor, roommate, extended family, co-workers, parents and schools, consumers and merchants and more. Most services are available at no cost. Some services like divorce or workplace mediation are available on a sliding fee scale.

CRJ also provides education and training around mediation and other dispute resolution practices. For individuals who have completed mediation training, CRJ offers an extensive apprenticeship program. This equips the individual with hands on experience in mediating community conflicts.

CRJ collaborates with the Erie County Restorative Justice Coalition (ECRJC) to provide RJ training. CRJ also works with ECRJC (and hopes to expand partnerships with other groups) to offer trained RJ volunteers opportunities to practice their skills in cases referred to CRJ. Due to their contract with the court system and their commitment to high quality/high impact service delivery, CRJ volunteers (RJ or mediation) must have a certain number of hands on practice hours. This can be fulfilled through practice sessions or by conducting circles in the community. For their normal restorative practices of community mediation and conflict coaching, staff and volunteers who have specific mediation certificate training are utilized.

What: Mediation, conflict coaching, circles, conferencing

Where: Communities, courts and schools

Trained volunteers: CRJ trains and apprentices volunteer community mediators on an annual basis and currently has a sufficient number of mediators in most counties. CRJ's access to trained and experienced RJ volunteers is limited but increasing due to partnerships with ECRJC and other groups.

Provide training? Yes

#### ERIE COUNTY RESTORATIVE JUSTICE COALITION (ECRJC)

A group of passionate individuals predominantly made up of volunteers, ECRJC was formed in 2013 to provide the community with space to address conflict in a restorative way. Some of the services offered by ECRJC are circles, trainings, restorative conferencing and community education. ECRJ is currently working with Buffalo Public Schools for Saturday circle practices in East High School and Harvey Austin School. They are also involved in the Thursday night conferencing practices that happen every first Thursday at R' Healin Center at 1057 Kensington Avenue in Buffalo.



Through ECRJC's work with schools, they are beginning to expand and are looking to build a presence in Buffalo's City and Family Court along with the City of Buffalo community at large. ECRJC also works with other partners such as Liberty Partnership of Niagara Falls, Canisius College School of Urban Studies, Erie 1 BOCES, Ken-Ton, Maryvale and CSAT Schools. ECRJC also partners with the Child and Family Services Center for Resolution and Justice and offers RP training with them.

What: Circles, conferencing, community education

Where: Schools, communities and courts

Trained volunteers: Yes Provide training? Yes

#### **ERIE COUNTY YOUTH DETENTION CENTER**

810 E. Ferry St. Buffalo, NY 14211 716.923.4000



The Eric County Youth Detention Center (ECYDC), although not currently engaged in restorative practices, sees a need for it within the Juvenile Justice System (JJS). Last year, Governor Cuomo signed "raise the age" into New York law. This means that 16 and 17 year olds may not be tried as adults or sent to adult correctional facilities. This will cause an influx of youth entering the JJS and then the detention center. Ideally, restorative practices could be used to divert youth from the JJS.

What: None

Where: Juvenile Justice System

Trained volunteers: No Provide training? No



#### KENMORE-TOWN OF TONAWANDA UNION FREE SCHOOL DISTRICT

The Kenmore Tonawanda (Ken-Ton) school district is in the beginning stages of implementing restorative practices throughout its schools. Right now, restorative practice use varies by school depending on the staff members' level of experience with RP and their ability to fit RP into their schedule. However, the district is currently working with ECRJC to train its staff in the hopes that RP will eventually be used districtwide.



At Holmes Elementary, the school social worker comes to each class once a month to do circles with the students. The circle topics are based on the school's monthly character trait (e.g. kindness, unity, thanks). Restorative practice at Holmes began when the social worker completed restorative practice training, and she began using restorative practice in one of the school's kindergarten classes. She planned that if the youngest children were able to grasp the concepts of restorative practice, then she could easily present restorative practice to the older classes. Due to the success seen in the early grade levels, additional staff have been trained at Erie 1 BOCES, and the program continues within the classrooms.

There are currently no volunteers at Holmes Elementary, but this may be changing in the 2018-2019 school year. Certain schools in the district are providing circles and occasionally conferences when needed.

What: Circles and conferencing

Where: Schools

Trained volunteers: No volunteers, but have trained staff (elementary district wide)

Provide training? No

#### **OPEN BUFFALO**

617 Main St. Buffalo, NY 14203



The RJ framework has always been a part of Open Buffalo (OB), a community collaborative focused on social and economic equity for all. At OB, there have been efforts to advocate for full restorative justice implementation in Buffalo Public Schools as well as the Erie County Holding Center.

RJ is seen as a tactic for advocacy that can be used within existing systems of oppression. RJ is recognized as an appropriate response to these systems and restorative practices are used to reorganize these systems to work for all people. OB uses a restorative mindset to address every aspect of the organization's work.

Open Buffalo provides RJ training but does not provide direct RJ services. Instead, OB equips partners to implement RJ and restorative practices however that organization sees fit. Open Buffalo is a capacity-building organization that offers technical support, financial support, leadership development, and education to partners and those who provide direct services.

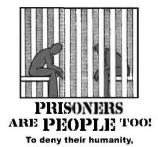
What: Restorative practices as an advocacy tactic

Where: Community
Trained volunteers: Yes
Provide training? Annually



#### PRISONERS ARE PEOPLE TOO

Through storytelling on the radio, Karima Amin heard from incarcerated individuals, whose stories urged her to action. She founded Prisoners are People Too in 2005 and began to work on local criminal justice issues such as those found in the Erie County Holding Center and then beyond to statewide issues. Prisoners Are People Too promotes the concept of RJ for many reasons, including the fact that victims should have the opportunity to raise their voices and inform the justice process; and the criminal justice system does not always provide this



is to deny our own.

opportunity. Prisoners Are People Too also attempted to bring circles into the jails, but this unfortunately did not happen.

"Life Stories: Restoring Justice," from Prisoners Are People Too, is a storytelling series featuring three women who have lost children to gun violence. All have used restorative thinking and restorative behaviors to heal themselves, their families and their communities. Telling these stories allowed them to uplift RJ and highlight the idea that when there is harm, there needs to be healing. This healing does not need to involve the courts or police intervention but can be accomplished by using RJ/RP in your communities. Life Stories has been performed at Erie County Community College for Black History Month and at Buffalo State College in collaboration with their Anne Frank Project, a campus-wide social justice initiative.

Prisoners are People Too program director BaBa Eng has conducted peace circles and peace conferences at East Community High School for students, staff and parents and at McKinley High School with the group Young Men of Color.

What: Circles and conferences

Where: Community

Trained volunteers: No, but have trained staff

Provide training? Yes

#### UNIVERSITY HEIGHTS COLLABORATIVE

5 W Northrup Pl. Buffalo, NY 14214



Mickey Vertino is the president of University Heights Collaborative (UHC). Although supported by UHC, restorative justice is also a personal interest and passion for Vertino. With a history in the Criminal Justice System as a corrections officer and the desire to help communities resolve issues, Vertino trained in RJ and began working with students from the University at Buffalo (UB) who found themselves in dispute with residents of the University Heights District. Vertino engaged in circle processes with the students and then more formal practices with both students, homeowners, and landlords of the neighborhood. Vertino and UHC are currently working with UB to get students involved in UHC and to host more formal circles and conferences with student leaders. In UHC, there is another staff member who has had RJ training.

What: Circles and conferencing

Where: Community Trained volunteers: No Provide training? No

#### **VOICE-BUFFALO**

2495 Main St Ste 547 Buffalo, NY 14214 842-6571

For information please email: Leslie@voicebuffalo.org

Getting people to communicate and getting people to appreciate one another's point of view is a key part of Restorative Justice at VOICE-Buffalo. "When we learn and know about each other, we develop a bond," says Dan Schifeling of VOICE. This bond creates comfort in collaboration in working together. Not only is RJ a preventative measure against harm, but restorative practices can repair a harm when it does occur and leave the community even stronger than before.

RI efforts began at VOICE-Buffalo through their partnership with Open Buffalo. Funding was secured, and a trainer was trained at the International Institute for Restorative Practices to facilitate circles and conferences and to train other community members. In addition, Dr. Robert Spicer, a nationally recognized restorative justice trainer, has also trained individuals to facilitate peace circles on two occasions.

At present, VOICE, along with the ECRIC, hosts monthly First Thursday practices for restorative circles and conferencing. There are no direct services or programs currently, but VOICE is working with many community partners to create and staff restorative justice hubs throughout Buffalo. Each of these will have a team of facilitators who can effectively conference or conduct circles for needs which arise in local schools or in the neighborhoods. By the end of 2018, VOICE expects to have at least five working restorative justice hubs in place.

An all-day training is required to prepare facilitators to lead peace circles, and a second all-day training is required to prepare facilitators for peace conferences. The practices offered by VOICE are opportunities for newcomers to experience restorative practices to see if they want to become facilitators and for those who have advanced training to hone their skills.

What: Circles, conferencing

Where: Community Trained volunteers: Yes

Provide training? Yes. Practices are offered every first Thursday at R' Healin Center at 1057 Kensington Avenue

from 5:30-7:30pm. Contact the VOICE office for more information.



The following organizations have indicated that they use some form of restorative justice in their work:

#### **BUFFALO PARENT TEACHER ORGANIZATION (BPTO)**

Email: <u>buffaloptorg@gmail.com</u> P.O. Box 124

Buffalo, NY 14207

#### COALITION ON ECONOMIC JUSTICE (CEJ)

Phone: 892-5877 2495 Main Street, Suite 547

Email: info@cejbuffalo.org Buffalo, NY 14214

#### ELMWOOD CHARTER SCHOOL

Phone: 886-4581 40 Days Park Email: info@evsbuffalo.org Buffalo NY 14201

#### ENTERPRISE CHARTER SCHOOL

Phone: 855-2114 275 Oak Street Email: info@enterprisecharter.org Buffalo NY 14203

#### **ERIE 1 BOCES**

Phone: 821-7000 355 Harlem Road Email: webmaster@elb.org West Seneca NY 14224

#### HEALTH SCIENCES CHARTER SCHOOL

Phone: 888-4080 1140 Ellicott Street

Buffalo NY 14209

#### IT TAKES A VILLAGE MINISTRIES

Phone: 541-7413 867 Jefferson Avenue

Buffalo NY 14204

#### NFTA TRANSIT POLICE

Phone: 855-7660 1404 Main Street

Buffalo NY 14209

#### TAPESTRY CHARTER SCHOOL

Phone: 332-0754 65 Great Arrow Avenue

Buffalo NY 14216

#### UNITY FELLOWSHIP CHURCH- PASTOR GERARD

Phone: 347-238-9299 335 Richmond Avenue

Buffalo NY 14222

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