Restorative Conferencing with ECRJC

At the Erie County Restorative Justice Coalition (ECRJC), Restorative Justice Conferencing

- Focuses on the needs of the people who were harmed.
- Connects participants with the resources needed to repair harm, build relationships, and heal.
- Engages community members for wholistic solutions.
- Strives to end racial and ethnic disparities in juvenile and criminal legal systems.

Process

1. **Receive a referral** - [https://forms.gle/ho47ytBsyCfTERem7](https://forms.gle/ho47ytBsyCfTERem7)

2. **Intake** - We contact participants within two business days to determine eligibility for one of the following:
   a) Restorative Conference
   b) Family Group Conference
   c) Restorative Circle
   If the case meets the criteria for a conference (see below) and if participants are interested, we will accept the case and move into pre-conferencing. If for whatever reason we cannot accept the case, or if those involved decide not to participate, we close the case and send it back to the referral source.

3. **Preconferencing** - We assign a facilitator to the case, who will contact each participant to prepare for the conference. This stage includes:
   a) Explaining the process to conference participants.
   b) Gathering more information about the incident.
   c) Identifying support people and community members to include in the process to assist in plan development and accountability.
   d) Beginning to set goals for the conference/circle.
   e) Scheduling the conference/circle.

4. **Conference and Agreement** - We meet in a Restorative Conference, Family Group Conference, or Restorative Circle to
   a) Discuss what happened.
   b) Hear from the people harmed (sometimes called a “victim”) and identify their needs.
   c) Agree on steps to rectify the harm.
   d) Establish support and accountability roles to ensure those who caused harm (sometimes called “offenders”) have the resources they need to complete the agreement, and that those who were harmed have the resources they need to heal.
Note that participants agree by consensus to the healing and accountability steps in the agreement. If more time is needed to reach consensus, the facilitator will schedule an additional meeting.

1. **Follow Through** - After the conference or circle, the facilitator follows up periodically to ensure the people who caused harm are fulfilling the agreement on the accepted timeline. If there is difficulty or delay, the facilitator will assess the causes.
   a) If the person who caused harm is trying to fulfill the agreement to the best of their ability and still falling short, the facilitator may schedule a time to meet to revisit the agreement. This may entail changing parts of the agreement, changing the timeline, adding support, etc.
   b) If the person who caused harm is not trying to fulfill the agreement and wishes to end the process, the case will be sent back to the referral source.

2. **Close case** - When the agreement is completed, the case is closed with no further disciplinary action.
   a) We will notify the referral source and send a copy of the final signed agreement.
   b) We can work with referral sources to supply a report based on the data they need to collect, as long as that data maintains the confidentiality of the process.

### Case Selection Criteria

1. We can accept even the most serious of cases, including (but not limited to) burglary, robbery, [sexual] assault, arson, car theft, and carjacking.

2. All participation is voluntary - If the person harmed or the person who caused harm declines to participate at any time, the case will be sent back to the referral source. Additionally:
   a) If the person (or people) harmed do not feel safe engaging in the same room as the person who caused harm, we can work with them to find alternative avenues for engagement.
   b) The person (or people) who caused harm must be willing to admit that they did something, even if they don’t understand the full impact of their actions yet.
   c) We do not investigate. See “Confidentiality” for more information.
   d) If multiple people caused harm, all must be referred.

### Confidentiality

ECRJC staff will not share any details pertaining to any processes we are involved in without first obtaining written consent from participants. When we work with the courts,
we do not share anything said in a conference with the judge or any other court personnel. At most, we may share

1. The date and time of the conference(s)
2. Whether or not participants reached an agreement
3. A signed copy of that agreement
4. Whether or not the agreement was fulfilled

In this way we ensure that nothing a participant says in a conference can be used against them in a court of law. We also ask that participants likewise sign a consent form with a confidentiality agreement before we begin a circle or conference.

There are two important exceptions to our confidentiality policy. First, we will report any evidence of child abuse of any kind to the relevant authorities. Second, facilitators will report any imminent threat of physical violence to self or others to the ECRJC staff, and we will proceed with a safety plan specific to the case. This safety plan may involve breaking confidentiality with community members or police, if it is necessary to maintain the safety of all participants.