



# Youth and Victim Offender Dialogue

Restorative Justice isn't just for adults

Montana Department of Corrections

Victim Services Bureau




# WHAT IS RESTORATIVE JUSTICE?

- The restorative justice theoretical framework views crime as a violation of people and relationships.
- These violations in turn create an obligation to make things right.
- Restorative justice aims to reestablish the balance that has been offset as a result of a crime by involving the primary stakeholders (i.e. Victim, offender, and the affected community) in the decision-making process of how best to restore this balance.
- The focus is on healing as opposed to punishment.
- Other important principles of restorative justice include:
  - offender accountability for wrongdoing,
  - respect for all participants, and
  - the centrality of the victim throughout the process.




VICTIM  
OFFENDER  
DIALOGUE

A  
RESTORATIVE  
JUSTICE  
PROCESS



# What is Victim Offender Dialogue? (VOD)



## WHAT IS IT?

Victim Offender Dialogue (VOD) is a process in which the victim of a crime, or the surviving family members, and the offender who committed the offense meet face-to face in a safe and secure setting.

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## PRIMARY GOAL

For certain victims/survivors of severe violence and violation, the facilitated VOD process can provide a pathway to a sense of further healing and further justice.

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# Why Victim Offender Dialogue?

## WHY?

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Though this may not be for every survivor, the experience of talking directly with the offender who committed the violence or violation can enable survivors to give full voice to some of the pain and trauma they have experienced.

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At the same time, when offenders are able to listen and respond to them, and to give voice to the complexity of feelings about what they have done, they can better understand the devastating effects of their behaviors, and how they came to be capable of such behaviors. With this increased understanding, some offenders will be better able to “account” to the survivor their choices and actions and will begin to try and make new and purposeful meaning from their experience.

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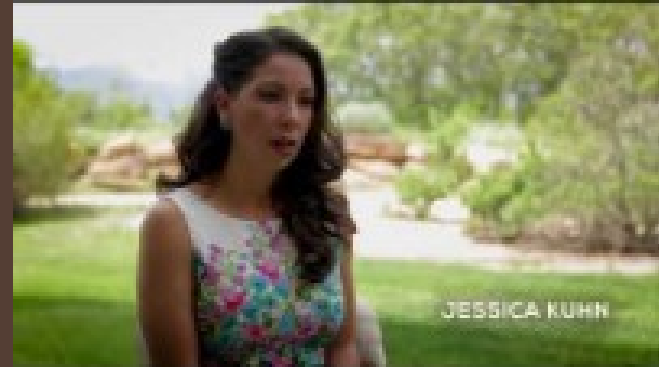
Often, the survivors who choose VOD come to feel that they have finally said what they needed to say to the offender. This can be healing.

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Survivors frequently have questions that can only be answered by the person who committed the crime. Questions such as, “Why me?” or “Was my loved one in pain before they died?”

# Victim Offender Dialogue

“A sense of peace”



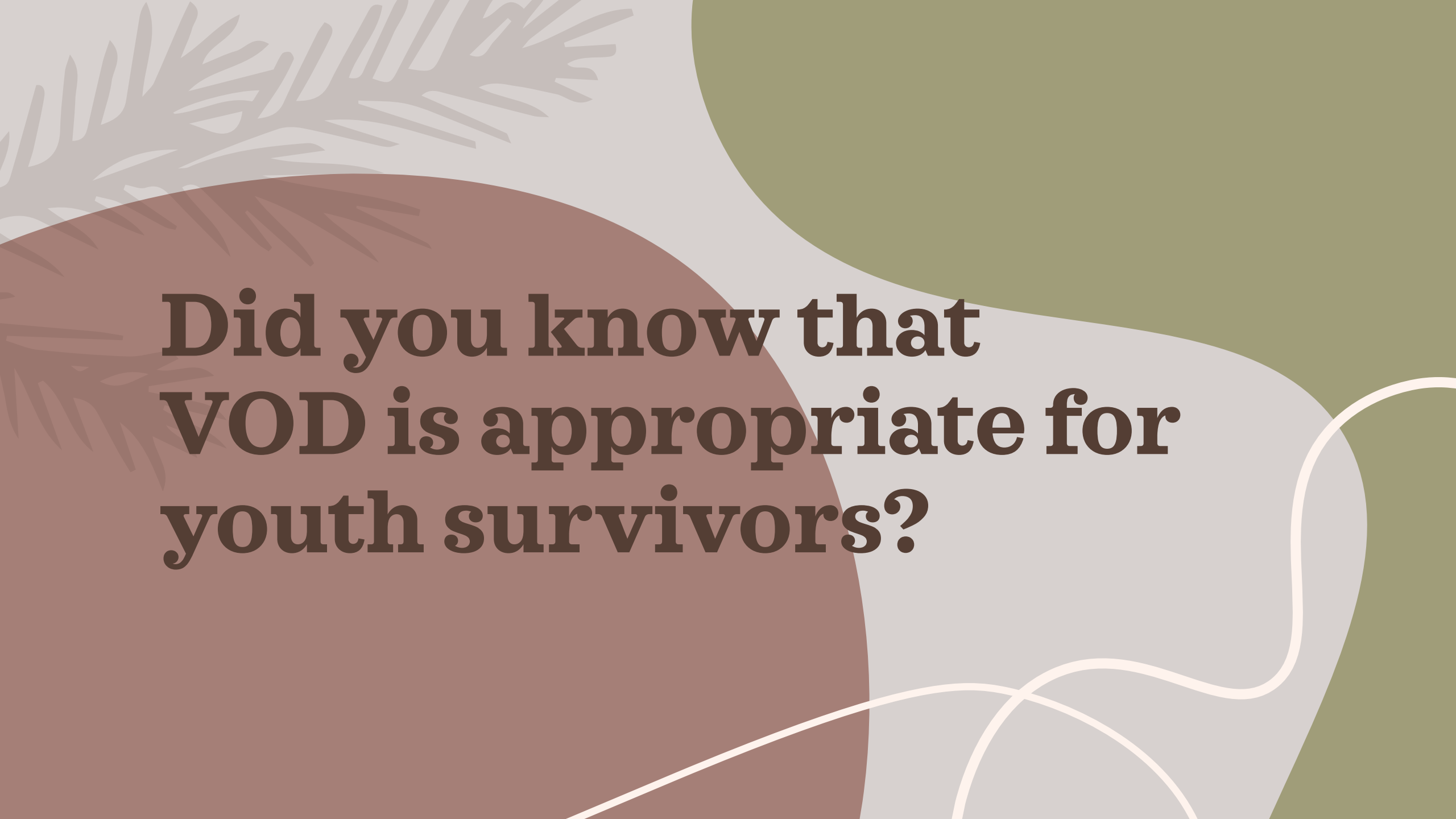


# **What Victim Offender Dialogue is not...**

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VOD is not about forgiveness or reconciliation – unless that is absolutely and unequivocally what the survivor wants it to be about. The primary objective is for the survivor to feel heard, and for the offender to fully understand the effects of what he or she has done.

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**Did you know that  
VOD is appropriate for  
youth survivors?**



# ADULT AND YOUTH VOD: A PROCESS

- All VODs must be initiated by the survivor/victim. Offenders cannot request Victim Offender Dialogue.
- VODs are a “victim centered” process
  - Takes 6 months to 2 years of preparation prior to the dialogue
  - The victim/survivor identifies what they need to benefit from the VOD process, what questions they want answered, etc.
  - In Montana the facilitator must be trained and approved by MT DOC Victim Services to facilitate the VOD in a secure facility or with an offender on probation.
  - Either party can end the VOD at any time.

# ADULT AND YOUTH VOD: A PROCESS

- Youth victim/survivors must have guardian permission to participate and while they will be engaged during every part of the VOD process, the youth has a proxy that attends the actual dialogue and returns to the youth's location for discussion, additional questions, additional comments, etc.
- Youth VOD participants are asked to work with a therapist outside of the process and the therapist assists in determining if the VOD should go forward during various milestones in the VOD process.
- VOD is a voluntary Restorative Justice Program that requires the victim/survivor and offender both agree to participate in the process and dialogue.

# What does this look like?

## CHILD INCEST SURVIVORS

- Two sisters
- Mom was proxy and had questions of her own
- Therapist involved with both girls now ages 12 and 14 and assisted them each with writing a letter to be read by the mom. In addition, they composed a list of questions they wanted offender to answer.
- Mom also composed questions throughout the process she wanted the offender to answer.

# What does this look like?

## THE OFFENDER MUST HAVE SOME ACCOUNTABILITY

- Facilitator is trained to assist the offender if they waiver on accountability, victim blame, or are unable to show empathy for the victim.
- If the offender is not able to identify beliefs/behaviors that could further damage the victim, the facilitator determines that a dialogue is not appropriate at this time.
- The offender gains no benefit for participation (i.e. early parole, early discharge from supervision, etc.)

# What happens when we apply VOD with justice involved youth?

THERE IS A LOT OF RESEARCH...

- Recidivism was reduced by 37% for justice involved youth compared to those that did not participate in VOD
- Victims/Survivors expressed more satisfaction with the criminal justice system

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# JUVENILE VICTIM OFFENDER DIALOGUE

Juvenile Victim-Offender Dialogue (JVOD) is a face-to-face meeting between a youth who committed a crime and the person he or she has harmed.

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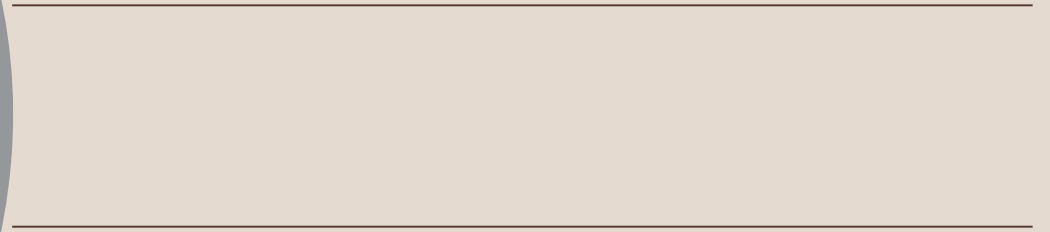
At the meeting, the juvenile offender and the victim talk to each other about what happened and how it has impacted the victim/survivor. They may also discuss restitution, which is one way the youth who committed the crime can help repair the harm he or she caused.

**Programs that rely on restorative justice principles aim to repair harm caused when a crime is committed and to hold individuals accountable.**

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# JUVENILE VICTIM OFFENDER DIALOGUE



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# IT'S ABOUT THE VICTIM/SURVIVOR

## RESEARCH SHOWS

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**“Victims have improved perceptions of fairness, greater satisfaction, improved attitudes toward the juvenile offender, are more willing to forgive the offender, and are more likely to feel that the outcome was just than victims of youth processed by the traditional juvenile justice system. Outcomes related to emotional well-being, however, did not indicate any consistent improvement for the restorative justice participants (youth or victims) relative to the traditional juvenile justice system processing.”**

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# THE BENEFITS OF YOUTH RESTORATIVE JUSTICE

WHEN DONE WELL, RESTORATIVE JUSTICE PRACTICES ACHIEVE A SERIES OF DESIRABLE RESULTS.

Those who are responsible for causing harm:

- Take responsibility for their actions, which helps them manage conflict, build empathy and mature into emotionally healthy adults; and
- Are more likely to stay out of trouble compared to youth who are adjudicated in court.

Those who have been harmed:

- Report being more satisfied with restorative justice than court proceedings.

# HOW DOES YOUTH RESTORATIVE JUSTICE WORK?

Restorative justice uses highly trained facilitators to help connect the responsible party with the harmed party as well as with supportive family and community members. The group works together to determine the appropriate response and, if possible, repair involved.

# SOME ADDITIONAL THINGS ADDRESSED WITH YOUTH

Once everyone agrees to participate in the process, the facilitators work separately with all parties to prepare them for a restorative conference. In this conference, the parties discuss what happened.

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- The person harmed has an opportunity to share how they were affected and what they need to heal.
  - The young person assumes responsibility for causing harm and articulates what they need to reduce the likelihood of it happening again.
  - The facilitator helps participants reach an agreement that meets everyone's needs. Solutions might include financial restitution, replacing items that were broken or lost or completing certain chores on behalf of the person or community harmed.

# RESTORATIVE JUSTICE VS. CURRENT JUSTICE APPROACHES

- Current justice approaches are punitive. They define which laws were broken, who broke them and how the justice system should deliver punishment.
- Restorative justice focuses on healing and accountability. It identifies who was harmed; what they need to heal; and whose obligation is it to meet those needs.
- Restorative justice offers a genuine opportunity for young people to take accountability for their actions while avoiding the high recidivism rates and separation from home, school and work associated with confinement.

# RESTORATIVE JUSTICE VS. CURRENT JUSTICE APPROACHES

“People can confuse accountability and punishment, but they are not the same,” says Rozzell. Accountability — according to restorative justice practitioners — involves taking responsibility for your actions; acknowledging the effects of those actions; expressing remorse; taking action, guided by those you have harmed, to repair the harm; and no longer committing similar harm.


# IS RESTORATIVE JUSTICE EFFECTIVE?

Restorative justice works — and it works better than the longstanding alternative, research suggests. A 2021 Department of Justice literature review concluded that “youths who participate in restorative justice programs are less likely to reoffend, compared with youths who are processed in the juvenile justice system.”


# Studies and Research

- **One study** of youth who had committed serious offenses — such as robbery, burglary, car theft and assault and battery — found that those who participated in a restorative justice conference were 44% less likely to recidivate than those who were prosecuted in court for the same offenses. People who have been harmed also have positive things to say about their experiences with restorative justice.
- The same study cited above — involving youth who had committed serious offenses — found that 91% of the people harmed expressed a willingness to participate in another conference and recommend the process to a friend.
- **Another study**, this one by the nonpartisan nonprofit Justice Research and Statistics Association, found that people who had been harmed by youth reported higher levels of satisfaction with restorative justice when compared to their counterparts in court. In addition, restorative justice appears to top standard justice procedures in terms of helping those harmed manage symptoms of post-traumatic stress.





**What are  
your  
thoughts?**



<https://www.aecf.org/resources/juvenile-justice-young-people-and-restorative-justice#key-takeaway>

[https://heinonline.org/HOL/Page?handle=hein.journals/fedpro65&div=43&g\\_sent=1&casa\\_token=&collection=journals](https://heinonline.org/HOL/Page?handle=hein.journals/fedpro65&div=43&g_sent=1&casa_token=&collection=journals)

<https://www.ojp.gov/pdffiles1/ojjdp/grants/250872.pdf>

<https://www.aecf.org/blog/what-is-restorative-justice-for-young-people>

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MT Dept. of Corrections Victim Services