

DISPUTE RESOLUTION CENTER OF THURSTON COUNTY

EVAN'S ADDRESS TO LAW AND JUSTICE COMMITTEE 11.19.15

Role of DRC: For the past 25 years our agency has been a pioneer in using and teaching restorative practices in our county. Our vision statement says it all: we want to help bring about a community that has and uses healthy and respectful conflict resolution skills. Our mission statement is two-fold: we help community members in settling their disputes and we train community members in conflict resolution skill building.

These high falutin' goals boil down to very simple yet powerful practices at the DRC that are infused in all our service provision. These practices embody a few **core DRC values:** promoting self-respect and respect for the other party, empowerment, responsibility and accountability for the problem solving and decision making we help clients negotiate.

Let me briefly list how this manifests over the years in **civil matters:**

In the first two years of our existence in the early 90's the DRC offered several middle and high schools training in student **peer mediation** practices. This modality was cutting edge then, and it has come around again more recently. Peer mediation is one of several restorative practices that the DRCs are offering to schools in their jurisdictions across the state. I'll say more about this toward the end of my remarks.

At **Small Claims Court**, all litigants are encouraged by the bench to try to mediate their dispute before the case is heard. DRC mediators are on hand to help parties negotiate a settlement. Written settlements which are filed with the court have default clauses in them so that if the respondent subsequently fails to

follow through on their part, the plaintiff simply calls the court and is mailed a default judgment. On Average half of litigants the day of the hearing settlement their case before the hearing. This clears the court calendar and workload and saves the county and its tax payers a lot. We've been partners at the small claims court for over 18 years. Litigants have taken the settlement of their conflict back and agreed on their own terms. Settlement agreements here and throughout our work with disputants are self-complied with 90% of the time because people tend to want to be honorable and do what they've agreed to do and feel good about themselves in the process. This is at the heart of any restorative practice

Just so, our partnership with the **Family Court** over the past 20 years demonstrates the same operational values. Parents of minor children who have not been able to agree on a parenting plan are mandated to try mediation. Here the mediators are neutrals for the adults and at the same time advocate for the best interests of the minor children, without telling the parents what they should do, rather asking probing questions about what they think is in the best interests of their children. In these civil actions, the parenting plan worked out by the parents becomes a decree of the court and has the force of law: It's where our restorative process interfaces with the right's based legal arena. Mediation helps hundreds of children each year by helping their parents restructure and renegotiate their family relationships and parenting arrangements.

Twelve years ago the DRC introduced the mediation of **elder care** issues, where elders, their adult children, and caregivers have a safe and neutral arena to work out care plans for the elder person.

We have helped numerous work groups in public and private agencies, communities of faith, schools, and civic organizations work out their grievances with each other by training a group of our mediators in **multi-party mediation** practices.

In public policy disputes, the DRC has pioneered the practice of **public dialogues**, where difficult conversations can take place in small groups of community members facilitated by a DRC neutral. The tensions over the shipment of military materiel at the Port of Olympia and student riots on the Evergreen State College campus nine years ago was the impetus for the DRC to be invited by the city of Olympia and the college to undertake the public conversation project.

All of these examples of civil matters involve the DRC applying the core practices of a highly structured process, voluntary participation, a clear set of ground rules for civil behavior and good faith bargaining, and heavy control over process by the facilitators and complete control over the topic of contention and outcomes and agreements among the participants.

What about **criminal matters**? Here also, from early on in our existence, the DRC has pioneered restorative practices.

Dennis Mahoney, the former leader in **restorative justice** work in Deschutes County, Bend OR, used to describe restorative justice in the criminal justice system as a three legged stool. One leg is the victim who needs to be made whole psychologically, physically and financially. The second leg is the offender, who needs to be impacted in order to accept responsibility and accountability for their actions and to help mitigate the harm done to the victim. The third leg is the community as a whole, which needs to be taken into account by the restorative system because it's the peace and security of the whole community that's been damaged when laws have been broken and the social contract has been violated.

In the early 90's we set up a **victim-offender mediation** project with referrals coming from the juvenile court, mostly from the POs, of first-time adjudicated juvenile offenders and their

victims. We carried on this service for over ten years. We had great success in outcomes. Over 95% of the cases resulted in victims being able to impact perpetrators with their personal losses, offenders being able to make amends and perform some service of value to the victim. Those settlement agreements were sent back to the juvenile court so that offenders would remain accountable for them.

More recently the DRC worked with the State Dept. of Corrections to develop an 8 week conflict resolution curriculum for non-violent **adult offenders** with minor children, who the dept. deemed fit go into an alternative sentencing status, live at home with their children, attend various classes that would help them parent more effectively, be more employable, and be able to be contributing members of the community, thus breaking the recidivism and inter-generational cycles of criminal behavior.

Last year, our DRC, along with the state-wide network of 21 other DRCs, focused on offering **restorative practices to schools**. There have been many unintended consequences of the Becca Bill, which, of course is imbedded within an array of social trends that have all contributed to what is referred to as the school to prison pipeline. Among these disturbing trends: 3.8% of all WA State students went through some sort of disciplinary action in the 2013-14 school year; Students of color, migrants, males, low income students, and special education students were much more likely to undergo disciplinary actions by their schools. Soberingly, 66% of youth who have been arrested in Washington State never return to school. WA State leads the nation.

Last year, the DRC helped Olympia High School establish **restorative circle** practices as part of their larger disciplinary procedures. We continue to work with the school as they institute them. There are an array of restorative practices, from peer mediating, to circles, to one-on-one coaching, that all help the youth develop good communication skills, empathy, and the ability

to solve problems before they become anti-social behavioral patterns.

In closing, the DRC is poised to take on restorative practices in the community wherever they might be of use to further the use of healthy and respectful conflict resolution skills. It's our legacy and our current tool bag of resources.

Eferber/drc/evanltr/govt funding/address to law and justice