



City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbendin.gov>

Tim Scott
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At Large

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June 19, 2019

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Filed in Clerk's Office

JUN 19 2019

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Re: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SUPPORTING AND ENDORSING A RESTORATIVE JUSTICE INITIATIVE FOR THE CITY OF SOUTH BEND AND A PROPOSED TIER I COMMUNITY PILOT PROGRAM TO IMPLEMENT THE INITIATIVE

Dear Common Council Members:

At the Committee meetings on June 10, 2019, members of the Common Council were given a very detailed presentation regarding the concept of restorative justice, its probable benefits to the South Bend Community, and a request for a resolution supporting the initiation of a pilot program for restorative justice in South Bend. Several Council members expressed support for the idea.

Unfortunately, recent events in the City have emphasized the urgent need for such a program. We are therefore submitting this resolution and request your support. As with all resolutions, this resolution is not binding on the Common Council or the Administration. Full implementation of the pilot program will require an allocation of funds, which will have to be addressed at a future date. This resolution however, expresses the Council's support for such a program and is a first step in a process that is needed in South Bend.

We request that this Resolution be placed on the Council's June 24, 2019 agenda.

Thank you for your consideration.



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Sincerely Yours,

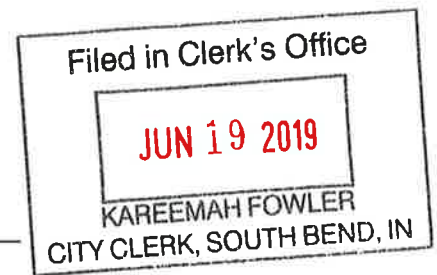
Regina Williams-Preston 2nd District
Council Member

Jake Teshka, 5th District Council Member

Gavin Ferlic, At Large Council Member

BILL NO. 19-46

RESOLUTION NO. _____



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SUPPORTING AND ENDORSING A RESTORATIVE JUSTICE INITIATIVE FOR THE CITY OF SOUTH BEND AND A PROPOSED TIER I COMMUNITY PILOT PROGRAM TO IMPLEMENT THE INITIATIVE

Whereas, communities such as South Bend cannot depend on the police department to solve all their problems. By the time the police are called, trauma has already occurred. Proactive strategies are needed to complement the work of police “outreach”; more specifically, there needs to be a plan for “in-reach” to help communities be more concretely involved in helping to prevent violence. Safety depends not only on law enforcement, but also on community cohesion--i.e., a sense of: belonging to something important and larger than oneself; responsibility to each other and for each other’s well-being; and capacity and agency, such that when conflict is escalating, or people have been harmed, there is knowledge of how to solve the problem and repair that harm without further violence; and

Whereas, injustice--including crime and other forms of harmful behavior--undoubtedly disrupt lives, leave lasting damage, weaken family and social ties, and further isolate vulnerable people.¹ Responding with retaliation or with harsh punishment can ruin lives, damage other lives, further weaken family and social ties, and undermine trust across segments of the community.² An effective alternative exists through restorative justice³, by which a community can offer more support to those who have been harmed, demanding more of those who have caused harm, and doing more to strengthen the community’s capacity for justice. Choosing this approach would lead to safer schools and safer neighborhoods as people feel less need for retaliatory violence; and

Whereas, when community members are unjustly harmed, it should be a priority to support the harmed and ensure that their resulting needs are met. Conversely, when community members have caused harm to others, they should be held accountable in ways that make them more responsible and make the community safer. Institutional responses to harm should do no further harm, should help to repair the damage done and leave community members feeling safer and more responsible; and

Whereas, restorative justice is:

- Trauma-informed, closely aligning with the principles recommended in the 2014 Trauma and Justice Strategic Initiation released by the Substance Abuse and Mental Health Services Administration.⁴
- Evidence based: a growing body of research links it with a wide range of positive outcomes, from increased school attendance and reduced suspensions and expulsions⁵ to reduced PTSD in victims of violence⁶ and reduced recidivism in criminal cases.⁷
- Complementary with educational philosophies embraced locally (e.g., Responsive Classroom, PBIS, and Montessori pedagogy) and in law enforcement (e.g., community-based policing⁸ and the Group Violence Intervention strategy).⁹
- Applicable across all kinds of injustice:
 - not only for criminal justice but also for disciplinary systems;
 - not only for minor crime or juvenile justice but also for serious and violent harms;
 - not only for isolated incidents but also for systemic harms.; and

Whereas, restorative justice is gaining national and international support and is growing in South Bend:

- In October 2018, local public officials pledged their support for restorative justice as part of the Families First Agenda led by Faith in St. Joe County.
- Our community continues to host internationally renowned RJ experts to train professionals and interested community members; in the past year, local experts have offered three additional trainings for interested school personnel (including SBCSC administrators and school board members) that have left many on a waiting list.
- At least eight South Bend schools have begun implementing RJ in order to build cohesion and shift their schools' climates and are recognizing that the work they do in schools must be matched by comparable work involving students' families and neighborhoods.
- RJ has been featured in community events sponsored by organizations such as the United Religious Communities, individual churches, the Community Forum for Economic Justice, Mamas Against Violence, and Saint Joseph County Cares.
- People from many local organizations--including the Robinson Community Learning Center, Transformation Ministries, Goodwill, Imani Unidad, Hear Our Tears, St. Paul Bethel Baptist Church, LaCasa de Amistad, the YMCA, the YWCA, the St. Joseph County Prosecutor's office, the public library, the Near Northwest Neighborhood Center, and Oaklawn--have sought RJ training elsewhere, are offering restorative justice practices, and/or are participating in conversations about how to establish restorative justice in South Bend.
- On April 5, 2017, the South Bend Common Council Community Relations Committee held a meeting "Reducing Violence by Building Peace." Local organizations including Community for Peace and Nonviolence, the Human Rights Commission, shared the work they are already doing, and each noted restorative practices.
- On January 19, 2019, more than 40 people gathered at the Robinson Community Learning Center to explore how restorative justice could help schools and community members work together for the sake of South Bend's children.
 - That meeting led to an ad hoc committee that developed this vision and pilot project proposal. Members included:
 - Anne Coglianesse, Guidance Director, Rise Up Academy, SBCSC
 - Dalila Huerta, Education & Community Programs Coordinator, La Casa de Amistad, Inc.
 - Ethan Marosz, Community Engagement Outreach Assistant at St. Joseph County Public Library
 - Denise Peters, Chief Operations Officer, YMCA of Michiana, Inc.
 - Susan Sharpe, Advisor on Restorative Justice, Center for Social Concerns, Notre Dame
 - Dania Straughan, Program Manager, Contending Modernities, Kroc Institute for International Peace Studies, Notre Dame;
 - Kathe Streeter, Restorative Justice in Education (RJE) Coordinator and District RJE Liaison, SBCSC
 - Becky Zakowski, St. Joseph County Cares Coordinator, Oaklawn, St. Joseph County; and

Whereas, restorative justice must be implemented with fidelity to support best practices because restorative justice has struggled in many communities, often falling short of its potential, because:

- Scarce time and resources often mean that people try to do good restorative justice work without adequate training and professional development, and without well-informed support and supervision; while restorative justice is a simple construct, putting it into practice can be more difficult than it appears, and developing expertise takes experience, structured reflection, and informed critique.
- Often, restorative justice is attempted through a small non-profit agency that delivers direct service in a small number of cases referred from the criminal justice system; these agencies often struggle to survive because their funding depends on grants and donations, and often fail despite doing good work.
- Sometimes restorative justice is adopted institutionally, such as in a school, juvenile court, or probation office, where the approach may run counter to established norms and the restorative initiative is dropped for lack of support or becomes absorbed as an alternative version of more familiar discipline; and

Whereas, although restorative justice is already being embraced in South Bend, thoughtful coordination is needed to:

- Support restorative justice efforts currently under way
- Cultivate restorative justice efforts in other areas of need
- Foster consistency and quality without undermining grassroots ownership.; and

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The time is right for developing a coordinating hub which would be:

- Funded through partnership agreements involving the City of South Bend and other institutions and agencies wanting to invest in this development because it aligns with their missions; additional funding could come from donations and grants, but stable funding will lie in committed funding from community partners
- Staffed with a small team of professionals, each of them committed to supporting restorative justice in a key community sector while also informing and assisting each other's work
- A stable and broadly owned way to ensure:
 - Balanced restorative justice development across the community
 - Cross-fertilization and consistent restorative justice quality

Section II. The coordinating hub would be tasked with:

- Solidly anchoring restorative justice in key segments of the community, including:
 - Education (primarily K-12, but also college and university)
 - Neighborhood centers
 - Law enforcement and criminal justice
 - Organizations serving the community's well-being (such as medical facilities, non-profit agencies, foundations, churches)

- Steadily growing restorative justice across the community, by:
 - Co-creating a vision of community justice and bringing it to life
 - Educating the South Bend community about restorative justice and teaching and developing justice skills practitioners can use in their personal and civic relationships
 - Facilitating restorative justice processes to address systemic harms that are, at best, making it harder for many to flourish and, at worst, putting lives at risk
 - Training professionals in restorative justice practices that help them carry out their organizational missions
 - Offering direct services as needed, with the goal of coaching agencies to deliver those services independently over time.

Section III. Given the broad level of support for restorative justice in South Bend, it is time to create a one-year pilot—as described in the attached document, “Tier I Community Pilot”—for:

- Building on Tier 1 Circle work already being done in the schools and extending it into the community
- Exploring and securing support for a sustainable structure (including dedicated positions, stable funding, and oversight) from which to develop restorative justice

Section IV. The timeline for this initiative shall include the following:

- Summer 2019: City of South Bend affirms support for the goal of developing restorative justice in and across South Bend, and appropriates funding for a pilot project
- September 2019-August 2020: pilot project and restorative justice hub infrastructure planning
- Summer 2020: Common Council and other key partners affirm restorative justice hub design and authorize five years of funding to support it
- 2021-2025: Annual reporting of the restorative justice hub’s progress toward the effective development of restorative justice across the city.

Section V. Given the substantial contribution that restorative justice can make to public safety and community flourishing, the Common Council resolves that the City of South Bend should encourage community wide adoption of restorative justice.

Section VI. The Common Council also resolves that funding should be appropriated for a pilot project that will:

- Test neighborhood support for adopting restorative justice,
- Explore the potential for local agencies and institutions to invest as partners in restorative justice
- Design an appropriate structure for implementing and supporting restorative justice, effectively and sustainably.

Section VII. The Common Council also resolves that, at the end of this pilot project, the City of South Bend should support the long-term development of restorative justice, as guided by the design of an appropriate structure, and as a commitment to robust public safety.

SECTION VIII. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

¹ Susan Herman, *Parallel Justice for Victims of Crime* (Washington, DC: National Center for Victims of crime, 2010), 9-27; Danielle Scred, *Until We Reckon: Violence, Mass Incarceration, and A Road to Repair* (New York: The New Press, 2018), 18-20.

² US Commission on Civil Rights, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* (Washington, DC: US Commission on Civil Rights, briefing report, 2019), 9-32; National Research Council (Jeremy Travis, Bruce Western, and Steve Redburn, eds.), *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (Washington, DC: The National Academies Press, 2014), 263-302; National Network for Safe Communities, mission statement principle “Do no harm,” <https://nnscommunities.org/who-we-are/mission/>

³ Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald Press, 2005); Howard Zehr, *The Little Book of Restorative Justice, Revised and Updated* (New York: Good Books, 2015)

⁴ Substance Abuse and Mental Health Services Administration, “SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach,” 2014: <http://store.samhsa.gov>

⁵ Trevor Fronius, Sean Darling-Hammond, Hannah Persson, Sarah Guckenbug, Nancy Hurley, Anthony Petrosino, *Restorative Justice in U.S. Schools: An Updated Research Review* (San Francisco: WestEd Justice & Prevention Research Center, 2019), 24-30.

⁶ David Gustafson, “Exploring treatment and trauma recovery implications of facilitating victim-offender encounters in crimes of severe violence: lessons from the Canadian experience,” in *New directions in restorative justice: issues, practice, evaluation*, ed. Elizabeth Elliott and Robert Gordon (Collumpton: Willan Publishing), 193–227.

⁷ Lawrence W. Sherman et al, “Twelve experiments in restorative justice: The Jerry Lee program of randomized trials of restorative justice conferences,” *Journal of Experimental Criminology* 11 (2015): 501–540.

⁸ Leanne Fiftal Alarida and Carlos Montemayor, “Implementing restorative justice in police departments,” *Police Practice and Research* 13, no. 5 (October 2012) 450–463.

⁹ The mission of the National Network for Safe Communities, GVI’s parent organization, notes, at <https://nnscommunities.org/who-we-are/mission/> that “Community norms and actions – not law enforcement – do most of the work of crime control,” and restorative justice is a very close fit with the Network’s approach to police-community reconciliation, that is, “directly engaging with one another in order to address past and present harms, air grievances, and address narratives that keep both sides from moving toward their shared goal of improving public safety” (at <https://nnscommunities.org/innovations/racial-reconciliation/>).



CENTER FOR
**SOCIAL
CONCERNS**

Geddes Hall | Notre Dame, IN 46556-4633 USA
574.631.5293 | socialconcerns@nd.edu
socialconcerns.nd.edu

June 17, 2019

Office of the Mayor
Office of the City Clerk
City of South Bend
County-City Building
227 West Jefferson Blvd.
South Bend, IN 46601

To the Mayor and the Common Council:

Re: Tier 1 Community Restorative Justice Pilot Project

I write in support of the proposed Tier 1 Community Restorative Justice resolution and pilot project currently under consideration for support at the June 24, 2019 meeting of the Common Council. The University of Notre Dame's Center for Social Concerns will be pleased to support this pilot in two ways.

One is through the involvement of Susan Sharpe, who is employed at the Center as Advisor on Restorative Justice. She has been closely involved in the implementation of restorative justice in several local schools and also in the ad hoc committee that developed this proposal. Her involvement in the pilot will help to ensure continuity. Notre Dame will continue to cover Susan's salary and benefits while she invests up to half her time in support of the pilot's success.

The Center also will be glad to serve as fiscal agent for the pilot project, receiving the monies allocated and taking responsibility for spending them properly. We will be pleased to sign a detailed MOU with the City if the project is approved.

We believe the proposed restorative justice initiative will greatly benefit South Bend, so we look forward to supporting its development through the proposed pilot project.

Sincerely,

Rev. Kevin J. Sandberg, C.S.C., Ph.D.
Leo and Arlene Hawk Executive Director



Restorative Justice in South Bend: Tier I Community Pilot Proposal

While restorative justice has begun taking root in South Bend, there is a growing call to implement this approach more broadly across the community. More than forty agency members and community residents gathered in January and resolved that two things should happen: first, community members should learn a Circle practice already being taught in classrooms, where it builds socio-emotional learning, strengthens shared values, heightens the clarity of disparate perspectives, and roots dialogue in respect; and, second, newly trained community members should be assisted in sharing this practice with others in their neighborhoods, faith groups, or other organizations.

An ad hoc committee formed in order to develop a proposal for making that intention concrete. We developed a broad vision for developing institutional and sustainable partnerships to cultivate restorative justice across the community over time, but we propose starting with a pilot project that will equip community members to share a simple yet powerful practice with yet more community members, and that will provide guidance and support to increase success as they do so. The pilot also will track key outcomes, helping us learn how best to cultivate the soil for greater justice and resilience in the South Bend area.

We propose training young people and adults to be Circle keepers—that is, training them in a structured practice that connects participants, builds trust, helps them examine issues of shared concern, and strengthens their capacity for taking effective action—with the expectation that those trained will gather others for sustained dialogue that ripples out to include more community members across time. We seek the City's support for:

Pilot project:

- Two participant cohorts:
 - Half being youth(aged 15-18 who have weak connections to family, school, and/or employment)
 - Half being adult community members (mixed by age, education level, and occupation)
 - Recruited through advertising and through personal outreach
 - Selected for diversity and for commitment to this year-long pilot
- Four days of Circle training for each cohort (in September 2019)
- Biweekly support Circles (October 2019 – June 2020)
- Consultation and mentoring as needed, as cohort members arrange for, design, and co-facilitate their own Circles
- Design and delivery of public education events to raise awareness of what restorative justice is and how it can help make South Bend a healthier, more just community

Support needed: \$142,000

- Infrastructure: office & training space (in kind), phone, internet, printer, computers: \$4,000
- Staffing:

- Full-time professional staff to provide Tier I Circle training and ongoing support (\$60,000 plus benefits = \$75,000).
- Full-time administrative help for coordinating logistics (\$20,000 plus benefits = \$35,000).
- Stipend for additional trainer: \$4,000 per training
- Honoraria for participants initiating Circles (@ \$30 each): \$9600
- Food/refreshments, for trainings and for biweekly support Circles: \$9360
- Supplies—for promotion, for training materials, for cohort members' Circle work, and for gifts to mark cohort members' participation: \$1,000

Outcomes to be measured: Project staff will work with university researchers to identify ways of measuring pre- and post- levels of factors such as the cohort members':

- Regular participation
- Socio-emotional development
- Reduced use of violence for addressing conflict
- Improved attendance at school, work, or other committed activity
- Increased sense of connection to the community
- Increased sense of agency for effecting positive change in the community
- Initiative in sharing aspects of this experience with others—such as by organizing and hosting other Circles, generating social media content, giving talks, etc.

Restorative justice is not a quick fix for any of the problems distressing the South Bend community. It is a different way of responding to harms that underlie many of those problems, and adopting this approach effectively takes time. But if we invest that time, restorative justice can have a powerful role in repairing and preventing harms that become recurring problems, damaging the whole community. The need is high, and this pilot can be an important start.