



# Restorative Justice in Gallatin County

## Crime With All of Us in Mind

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### **Victim/Witness**

Why Me / Us / Our Family?

### **Offender**

It's not MY fault!!

Or

Can I even make amends after all this time?

### **Community**

We have questions! We need to be heard!  
How can we make our community safer for all of us?



# Court Services' Restorative Justice Program's Mission

## For Victims

Information

Truth-telling

Empowerment

Restitution or  
vindication

## For Offenders

Accountability

Encouragement to  
experience personal  
transformation

Support for integration into  
the community

For some, at least temporary  
restraint

## For the Community

Attention to their concerns as victims

Opportunities to build a sense of  
community and mutual accountability

Encouragement to take on its  
obligations for the welfare of its  
members, including victims and  
offenders and to foster the conditions  
that promote healthy communities



# Court Services' Restorative Justice Program's Objectives

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Encourage offenders to accept responsibility for the crime they committed

Work with offenders to make honest amends to the community and/or the victim(s) harmed by the crime, whenever possible and however appropriate

Guide offenders to take positive actions for their personal growth

# Restorative Justice Councils



Four Councils are scheduled for Monday evenings.

One Council is scheduled on the 3rd Tuesday afternoon of each month.

Monthly Meetings with Offenders

April, July & October Continuing Education Opportunities

January Annual Meeting

Court Services strives to establish Councils representing the diverse nature of Gallatin County

# What Offenses are Well-Suited for Restorative Justice Councils?



Theft  
Burglary  
Forgery  
Bad Checks  
Deceptive Practices  
Criminal Trespass  
Criminal Mischief

Negligent Endangerment  
Child Endangerment  
Obstructing Justice  
Resisting Arrest  
Disorderly Conduct  
Assault  
Alcohol-Related Offenses



# What are Referrals?

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**Courts**

**Misdemeanor  
Probation**

**Outside Agencies**



# What are the Outcomes?

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In about 65% of their referrals, Courts choose Deferred Prosecution Agreements and Deferred Imposition of Sentences to allow offenders time to reconsider the wider impact of their criminal choices.

The deferred status gives offenders an opportunity to successfully complete the Restorative Justice Council program (in addition to other sentencing conditions the Court may order) and maintain a clean criminal history before petitioning the Court to dismiss the charge.

“Successful Completion” indicates an offender has accepted responsibility, made amends in an appropriate manner, demonstrated positive personal, professional or educational growth. Nearly 50% of Council outcomes in Gallatin County may be categorized as “successful” by these criteria at their exit meeting.

Offenders who fail to complete the Restorative Justice program may find their sentences revoked and may face additional consequences, including the loss of their deferred status.

# How are Restorative Justice Councils Structured?



## Offender

- Screened by Coordinator
- Signs Participation Agreement and is assigned to a Council
- Meets with Council
- Agrees to terms of the Reparative Agreement
- Maintains contact with Coordinator
- Disposition



## Justice Council (Gibbs Model of Reflection)

- Circumstances of Offense
- Self-Awareness and Effects on Others
- Evaluation: Consequences
- Analysis: Clarifications, Challenges, Consistencies
- Breakout: Discussion
- Reparative Agreement



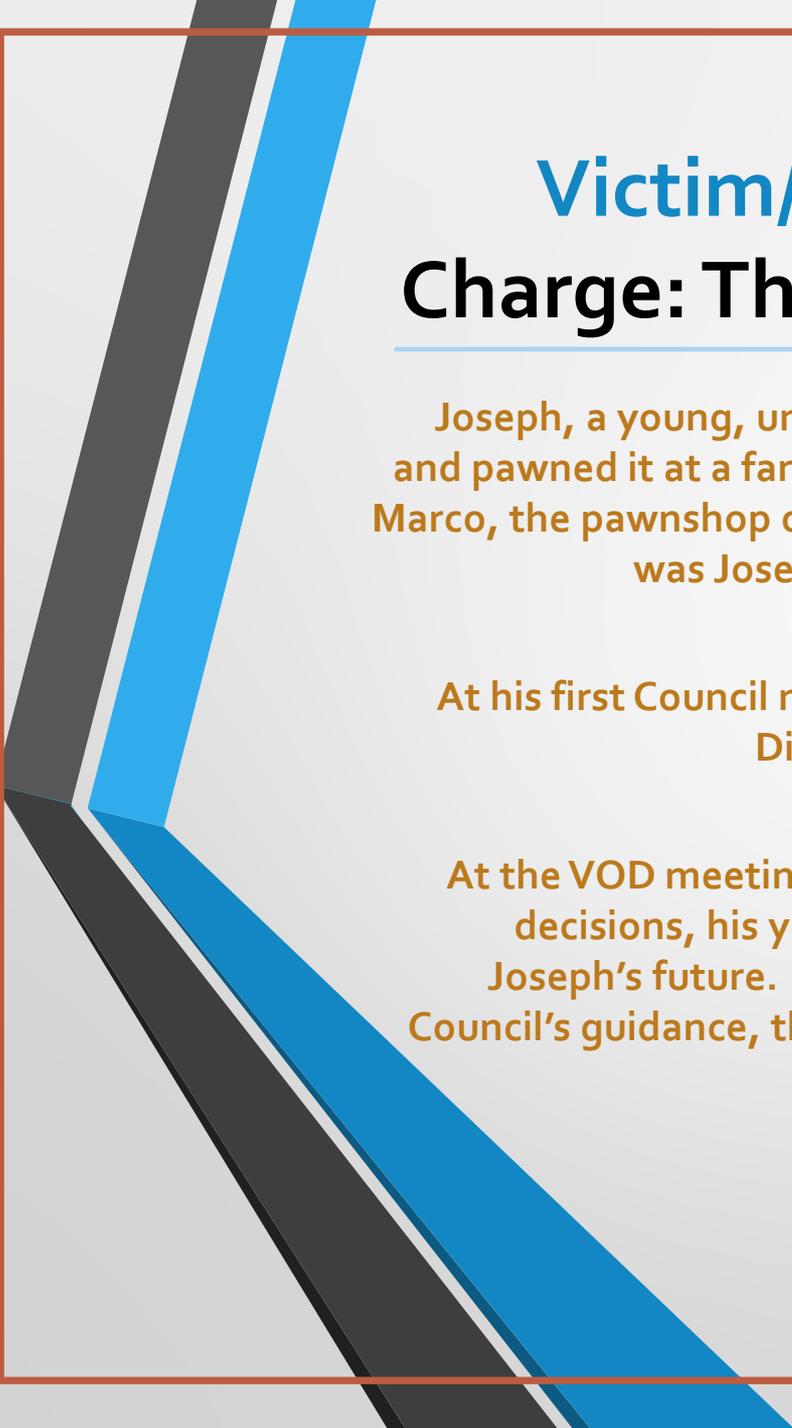
# What is a Victim/Offender Dialog?

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With an offender's consent and motivation, and with a victim(s)' willingness, the Council may coordinate a structured meeting for all parties to a crime.

The victim is given a voice to express his/her thoughts and ask questions about the crime.

The offender is expected to answer these questions, to take responsibility for the crime and to offer amends beyond court-ordered restitution.



# Victim/Offender Dialog Option

## Charge: Theft and Deceptive Practices

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Joseph, a young, unemployed father of two, stole an abandoned bicycle and pawned it at a family friend's pawnshop to buy baby diapers and food. Marco, the pawnshop owner felt outraged and betrayed when he realized it was Joseph who pawned the stolen property the police found at his business.

At his first Council meeting, Joseph himself requested a Victim/Offender Dialog (VOD) in order to make things right with Marco. Marco agreed to attend.

At the VOD meeting, Marco talked to Joseph about his actions, his life's decisions, his young family responsibilities and his own concerns for Joseph's future. During this emotionally-charged exchange, with the Council's guidance, the parties agreed that Joseph would volunteer at the pawnshop to make amends.

# Offender Closure

## Charge: Child Endangerment

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Lyon worked at a daycare while studying elementary education at MSU. Preparing to leave a playground with his group, he counted toddler heads and began to load the children into the school van. As he was doing so, one youngster ran back to a portable toilet without asking Lyon or telling any of the other children. Lyon continued to load up the youngsters, unaware he had missed one. Lyon only discovered the child was missing when he returned to the daycare center a few blocks away. He panicked and climbed back into the van but a plumbing company employee brought the little boy back to the center in his company's truck. The child's distraught parents insisted on pressing charges against Lyon and would not consider any conversation with him.

Because Lyon had been generally known to be responsible, that he was pursuing a career in elementary education and that he had expressed deep regret for the situation, the Court imposed a two-year deferred imposition of sentence. *Despite the deferment, the charge would remain a guilty disposition on his record until Lyon completed all his sentencing obligations.*

Lyon realized that his teaching career might be jeopardized since a "Child Endangerment" charge, *even though dismissed by the deferment, would always appear on his criminal history.* The reality of a possible change of professional career change weighed heavily on him.

The Council was not only a venue for working through the potentially tragic incident but his meetings were a vehicle for Lyon to gain a sense of personal closure. Because Lyon was court-ordered not to communicate with the family, he instead wrote an apology letter to the parents that remains in his file at Court Services. After three months, Lyon left the Council feeling more assured that his lapse in judgment did not define him or his future.

# Compulsory Compassion?

## Charge: Criminal Trespass to Property

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In an alcoholic blackout on a freezing November night, Kevin walked over two miles from a downtown business to a mid-town restaurant. He entered the bar and instigated a fight with a stranger. When he was asked to leave, he continued to antagonize his victim. Later, Kevin admitted he did not remember anything about the incident except waking up handcuffed in a police car.

Kevin planned to be an equine vet and had spent his young life working toward that goal. One Council member, a retired veterinarian and former MSU president, Dr. Bill Tietz, tried to convey the potential permanent neurological damage stemming from heavy adolescent alcohol abuse. As a serving member of the veterinary school application committee for all of the vet schools in the United States, Bill also warned Kevin his alcohol convictions would likely impact his veterinary school application.

Kevin offhandedly discounted Bill's admonition and countered that his escalating drinking and blackouts were a normal college rite of passage. Kevin had no remorse for his problematic behavior.

Nonetheless, Kevin agreed to research the effects of alcohol on adolescent brain development. At his next meeting, he presented his perfunctory research in a flippant manner, underscoring his immaturity and disrespect for the group and the justice system itself.

Kevin's case clearly demonstrates Restorative Justice cannot cultivate compassion or harvest remorse in a barren field. However, Council members try to plant seeds for future personal growth.



# Gallatin County Office of Court Services Restorative Justice Program Contact Information

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