

Northwestern Journal of Law & Social Policy

Volume 13

Issue 1 *Special Symposium Issue: Healing Our Justice
System: Restorative Justice and the Law*

Article 2

Fall 2017

PANEL DISCUSSION: EXPANDING OUR CONCEPTION OF JUSTICE

Recommended Citation

PANEL DISCUSSION: EXPANDING OUR CONCEPTION OF JUSTICE, 13 Nw. J. L. & Soc. Pol'y. 25 (2017).
<http://scholarlycommons.law.northwestern.edu/njlspl/vol13/iss1/2>

This Conference Proceeding is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Northwestern Journal of Law & Social Policy by an authorized editor of Northwestern University School of Law Scholarly Commons.

**NORTHWESTERN
JOURNAL OF LAW AND SOCIAL POLICY
TENTH ANNUAL SYMPOSIUM**

**PANEL DISCUSSION: EXPANDING OUR
CONCEPTION OF JUSTICE**

TRANSCRIPT OF PROCEEDINGS held at Northwestern University Pritzker School of Law, Lincoln Hall, 375 East Chicago Avenue, Chicago, Illinois on the 10th day of March, 2017, at 1:30 p.m.

INTRODUCTION BY: JUDGE SOPHIA H. HALL, Administrative Presiding Judge, Resource Section, Juvenile Justice and Child Protection Department, Circuit Court, Cook County, Illinois.

MODERATOR: JULIA PROCHAZKA, Northwestern University Pritzker School of Law Student, JD '17.

PANELISTS

EMMANUEL ANDRE, Lead Attorney & Executive Director, Northside Transformative Law Center; and Executive Director, Circles & Ciphers.

KATHY BANKHEAD, Ombudsman, Department of Juvenile Justice.

EMILY COLE, Deputy Supervisor, Alternative Prosecution and Sentencing Courts, Cook County State's Attorney's Office.

ETHAN VIETS/VanLEAR, Poet, Organizer, Abolitionist.

RJ Story, featuring AHKEA STEWART.

DISCUSSION

MS. PROCHAZKA: I am here to welcome the Honorable Judge Hall to set the stage for our next session. We're so proud that Judge Hall is a Northwestern alum. She is a judge in the Cook County Chancery Division and the presiding judge of the Juvenile Justice and Child Protection Resource Section. The Resource Section plays a significant role in supporting the use of restorative justice (RJ) principles and programming for youth throughout Chicago, Cook County, and the State of Illinois. The resource section also brings together people from the City of Chicago for restorative justice meetings. The next one is April 6. And we encourage all of you to attend. Judge Hall has been a champion for restorative justice and has been part of the RJ movement in Chicago since its earliest days. Please welcome Judge Hall with me.

JUDGE HALL: Good afternoon, everybody. Some of you have not been in this room before. Please raise your hand if you haven't been in this room before.

Okay. Well, welcome home to my home. I learned criminal law in this classroom. And it was just as difficult to get in those seats back then. The professor would wander around the middle here. This is where I learned about the traditional criminal justice system. But we're going to talk about something else here. When I was asked to introduce our expanding concept of justice, my first question was, "What is justice?" So do all of you know what justice is?

I'm glad you hesitated, because if we're going to expand justice, we ought to know what it is that we're expanding. It's a philosopher's question. It's a lawyer's question. But most importantly, it's our own personal question.

I've been a judge for over thirty years, and so I've been faced with many people who come to my courtroom and say, "I want justice, Judge." And I'm now asking the question, "What is justice? What is it they want of me?" So I'm going to sort of paraphrase a statement made by a Supreme Court justice who was asked the question and said, "I know justice when I feel it." I know justice when I feel it.

As a child, I thought it was easy. I knew what justice was. Listen to me. Hear what I have to say. Respect me as my parents were saying whatever they were to me. And I thought it would be fair and just if they listened to what I had to say.

So when I was a child, it was easy. Now, I'm all grown up and I've lived a lot of life. I've gone to law school. I've practiced law. I've been on the bench. And is it still easy to know what justice feels like?

Let's explore what justice is or feels like. And obviously, a way to explore it is like I did when I was here in law school, learning crime and punishment in our legal system.

But I wonder if what I felt as a child is what I should be feeling as an adult: are we being seen, listened to, and respected? Is that same sense of justice that I thought I knew as a child something I see happening now?

It's true that victims in our justice system are being given an opportunity to be seen and heard through a victim impact statement. But even if that's enough for our legal system, which is designed to address crime, is it enough to achieve justice? Let me give you an example of when I really felt that our legal system, in addressing crime, didn't feel like justice.

I sat at 26th and California as a criminal court judge, hearing felony cases. And so after a particular trial, I went into the jury. And I could feel in that room they did not feel that what was happening was justice. A gang member had asked one of the young people in the community to stand at the bottom of the stairs at the project and watch and make sure nobody came in. And the gang member went up the stairs and killed somebody. Both the gang member and this young man were charged with murder. The young man was charged with murder. He didn't pull the trigger. He wasn't the trigger guy. He was charged with accountability.

When I went into that room of jurors—jurors who had found both of them guilty—they were so concerned, and they asked me, "Judge, did I do the right thing?" I don't usually say what I thought about the verdict. But they needed to find that out. And I said, "Well, the evidence showed that he was guilty."

Well, what's going to happen to him, because they had heard that he was not a gang member. They had heard that he was ordered to stand at the bottom of the stairs. They had heard he didn't know what was going to happen at the top of the stairs. They had heard that he was afraid, and they wanted to know what was going to happen to him.

And I said the law requires me to sentence him to twenty years, minimum, in jail. I could do nothing but sentence him to twenty years in jail. I tried to make them feel a little better by saying, "But day for day, good time, he would do probably ten years in jail." And I looked at their faces. And I knew that they didn't feel that was just.

I don't know if the justice system felt good for the victim of the offense, for the family of the victim or the offender, or for the community in general. Was justice being done?

Restorative justice goes to the fairness I felt as a child: knowing how important it was to be listened to, to be respected, to be heard—to have my side of the story not only heard, but responded to.

So in a restorative system, there is an opportunity to talk in terms of these questions: What harms have happened to the victim, the victim's family, the offender, the offender's family, the community? What harm has been done? What is everybody's need? What are our obligations to each other? How do we hold each other accountable for our obligations to each other—not only an offender's obligation to the community, but the community's obligation to the offender? How do we ensure that we satisfy those obligations? How do we build relationships around those conversations that allow us to understand each other, to know each other, to know each other's needs? Because then the group can do something to repair the harm.

Putting a young man in jail for ten years, and he comes out, no repair has occurred, nothing has happened to change anything. But through using restorative practices in our legal system—which addresses crime—we may finally be able to turn our legal system into a criminal justice system. Our panel will expand on all of that.

Thank you.

MS. PROCHAZKA: Thank you, Judge Hall. We're excited to explore these topics more over the next hour or so. So first, I'll ask each of the panelists to introduce yourself, your work, and speak to how your work relates to restorative justice.

MS. BANKHEAD: My name is Kathy Bankhead. I'm the independent juvenile ombudsman for the Department of Juvenile Justice. That means that I'm the youth advocate for young people who are both in custody and on after-care in our juvenile corrections system.

I came to this work after twenty-five years as a prosecutor with the Cook County State's Attorney's Office. And I learned about restorative justice through that job. I think Fania Davis talked about being glad that she went back into the law because it's there that she was introduced to restorative justice. And that's my story—that I went back into the law. I was already in it.

I became the bureau chief at juvenile for the State's Attorney's Office in the Juvenile Bureau. And when I became the bureau chief, I had gone to law school with this woman named Cheryl Graves. And I think the very day that I was appointed, Cheryl and Peter and Edyth and Ora, Robert, and a few other restorative justice advocates came running into my office. I think they thought, "Oh, fantastic. Kathy Bankhead is the bureau chief. Now,

everything will change and it will be restorative justice for one, restorative justice for all.” And that didn't happen.

So they told me about it. I didn't understand. They were my friends, but I wasn't really interested. And then we had a conflict arise between the State's Attorney's Office and the organization, Community Justice for Youth Institute. So they asked us for a meeting. And I said sure, expecting, of course, that the meeting would be in my glorified office on the sixth floor of the Juvenile Court building.

Instead, they asked us to come out to the community. Come where? We don't do that. But we did. We wound up at Precious Blood, me and my division chief. And when we walked in, it just felt like peace. It had some kind of symbols on the wall, some kind of mat in the middle of the floor, and there were chairs in a circle. And I looked at my division chief, and I was like, “Mac, I think if we start running now, we can get to the car before any of this mess starts.”

But we stayed. Thank God, we stayed. And I was transformed. I was convicted and converted and became that day a restorative justice advocate. And a few years later, I became a trained peacemaking circle-keeper. So that's my story.

MS. COLE: My name is Emily Cole. I am the supervisor of the alternative prosecution and sentencing unit for the Cook County State's Attorney's Office. I have been with the State's Attorney's Office since 1998. And restorative justice is a daily part of my job.

I supervise two different types of courts—or the attorneys in those courts. First, the deferred prosecution courts, which are typically courts for first-time offenders, such as when someone picks up a low-level drug case and they have no background. They would go into “drug school,” which is a deferred prosecution program. Or if you pick up a new felony fraud case, you might go into felony deferred prosecution, which is for first-time offenders as well. And restorative justice practices are utilized in these deferred prosecution programs.

I also supervise what we call the alternative sentencing courts, commonly referred to as treatment courts. These are the drug courts, mental health courts, veterans' courts, intensive probation courts. They are countywide, not only at 26th Street, but in some of the branch courts and all the district courts. And restorative justice practices are definitely used in the treatment courts, in that we try to place individuals into programs that are the least intensive programs where they have the best likelihood to succeed.

And as a prosecutor, this is an unusual role to be in, because most of these courts are non-adversarial settings. We are utilizing restorative justice in these courts in that we're looking at the individual needs of the offender. We're trying to rehabilitate them, connect them with community-based services and treatment, and in the end, to deter them from future criminal behavior.

MR. ANDRE: My name is Emmanuel Andre. I'm a defense attorney, and I'm sitting to the left of two prosecutors, which says a lot, and I'm still here. I'm a transplant. I'm originally from New York City. I came to Chicago, sort of lost. I was chasing love and fell here. And I was bored. I was in Rogers Park. I had absolutely nothing to do. All I wanted to do was be in courtrooms and try cases.

And there was a community training of a sort on circle-keeping. And I spent some time in California in Berkeley, so I was all, “Okay. I know what this is. This is probably,

you know, those people who love to give hugs.” I mean I’m being honest with you. As a native New Yorker, whenever someone reaches out to give me a hug, I usually pull away.

But it really grounded me and put me back. In my community, there was a home, a group home, where a lot of the young people were being pushed out and being seen as the source of all the major crime that was happening in the community. The circle process, restorative justice, allowed us an opportunity to be in relation with young people. And I can’t say more than that.

Can you imagine me trying to connect to a fifteen-, sixteen-, seventeen-year-old? At the time, I think it was Chief Keef that was big. But what I did or what me and another gentleman, Ethan Ucker, who is not here, did was take the risk and just sat in a space. Although we couldn’t understand half of what was being said, we used music, particularly hip-hop music, to help facilitate these circles and build connections with young people. So that’s a little bit about what I do. But the true hero is really to my left. So I can’t wait to hear that. Thank you for having me.

MR. VIETS-VanLEAR: Peace, everybody. My name is Ethan. I also go by Ethos. I’m a poet, an organizer, a prison and police abolitionist, and a peace circle keeper, born and raised on the far north side of Chicago in an area I lovingly call the North Pole.

In the North Pole, in a little nook of a church called United Methodist Church of Rogers Park, when I was 16 years old, I founded an organization called Circles & Ciphers, with the help of my mother, who is up there.

Through Circles, I kind of always say I was tricked into restorative justice. I walked into a room. I saw Emmanuel sitting there in a suit, another gentleman named Ethan Ucker, and young people from the neighborhood. And we were sitting in a circle, just discussing parts of our lives. And I think it was one of the first times I was really sitting with young men of color in a non-institutional space, and given the respect and ear of an adult and also a space where I could be vulnerable with my peers. But really, what kept me going back was the hip-hop. We got to listen to music. We got to write it down. We got to talk however we wanted.

And through Circles, I found a few organizations. I came here to Northwestern Law School and worked for the Children and Family Justice Center. I was later appointed to the Juvenile Justice Commission by the governor, where funding and policies are directed from the Commission to the state.

But something happened in May of 2014 around the time of the Ferguson and Baltimore uprisings. My close friend, someone I considered a brother, Dominique Franklin, Jr. who we called Damo, was murdered by the Chicago Police Department (CPD) on North and Wells, which is just up the street from here, if you’re familiar with Chicago.

At that moment, I really had to take a second and look up at that state symbol on the wall that adorned the Juvenile Justice Commission plaque. I had to walk through my schools every day and see the same state symbol that was on the car and on the jacket of the people that had killed my friend, that had terrorized me and my family and my people since I was a child.

And at that moment, it changed from deciding how to reform a system to me becoming an abolitionist. When I understood that the system is, in fact, not broken but doing what it is implemented to do, and that is deal with communities deemed expendable, deemed not human, deemed able to throw away.

And at that moment, I joined an organization called We Charge Genocide and Black Youth Project 100. And I really think I tried to walk the path, what Fania Davis said, as a warrior-healer, and how we're both taking down the system that has hurt people for centuries and building up the new system we want to see through circles and community members. And that's what brought me here today.

Thank you.

MS. PROCHAZKA: Thank you all for sharing. Since we're at a law school, what do you think lawyers and law students like me need to know about restorative justice?

MS. BANKHEAD: This is what I think. In restorative justice, we learn to use "I" words, so I'll use "I" words. My experience as a prosecutor was traumatizing. That's why we have LAP, the Lawyers Assistance Program. You know, lawyers have one of the highest rates of alcoholism of any profession because what we do is not natural to our hearts. What we do is we separate people. We put people on opposite sides of the room. And then we deem it justice when the verdict is rendered, whatever the verdict is.

So let's take a murder case, since those tend to be the most serious kinds of cases. In a murder case, I ask people oftentimes, "What do you think happens when the jury comes back guilty?" You see, the victim's side is sitting on the side the prosecutor is on, and the defendant's side is sitting on the side the defense attorney is on. And a lot of people say, "Well, the victim's family is real happy. And the defendant's family is real sad." But really, everybody is just sad. So I sat in rooms of pain for too many years.

When I left the State's Attorney's Office—I like to say this because it's a capitalist society, and I think this really speaks to the trauma that I was feeling—I took a \$12,000 cut in pay and gave up the chance to retire in December 2017, which is my greatest aspiration, to become an advocate for young people who are in the Department of Juvenile Justice, hoping that I can reach them before they reach the adult system.

I think that's why we're here today—lawyers and other members of the community. We're all trying to figure out how do we stop the pain? I don't even remember what the question was, but I just wanted to say that because that's my truth.

Now, in this position, I find that while I feel like I'm trying to do work that makes a difference, it is really, really hard. I think I've had about twelve hours of sleep in the last four days because I wake up in the middle of the night, thinking about these young people who I locked up, and really how the community has failed them.

So we can talk about systems. And systems are important. And we hope that systems will reform or be abolished, whatever our aspiration is for the systems. But unless and until the community steps up to protect, provide, and praise our young people, protect, provide, and praise one another, we are going to be having these kind of symposiums. This is the ten-year anniversary—yeah, we'll be here at the twenty-year anniversary. I pray that won't be so, but my heart bleeds that it might be.

MS. COLE: I believe that restorative justice is very relevant to our justice system in that we are always in search of better practices for all programs in order to, like Kathy mentioned, deter future criminal behavior.

Historically, low-level offenders—and by that I mean, for example, someone who picked up a drug case—would go in and out of the system multiple times. We call that the

revolving door of the criminal justice system—where someone picks up a case, they initially get probation, eventually they go to prison, they get a minimum sentence, one year IDOC, they do turnaround time, sixty-one days, they get out, they pick up another drug case, they're back in the system, back in prison, back again. And this door was continually revolving.

So there were different ideas suggested, including the alternative sentencing courts, for a certain population of offenders, typically offenders who were non-violent—at least recently—and whose current charge was something like drugs or thefts or forgeries or stealing a car or burglarizing a garage. The traditional factors of sentencing were just not working, so there was a focus more on rehabilitation in these alternative sentencing courts.

As a prosecutor, this is not your traditional approach to a case. This is a non-adversarial team approach to the court calls. And I'm referring mainly to a mental health court, a drug court, a veterans' court, or some sort of intensive probation where someone is violating their current probation.

There is a team attached to these courts that are using restorative justice practices. The head of that team is the judge. The judge definitely has to buy into and implement restorative justice practices. And you also have dedicated state's attorneys, public defenders or defense attorneys, probation officers, and usually a community treatment provider as part of these teams.

In each of these courtrooms, these cases are staffed. The cases that are up that day are staffed every morning with the team. These are closely supervised cases with a lot of court involvement. The idea is to look at the individual needs of the person, of the offender, through risk assessments and needs assessments. What is it they need to be productive members of society? Do they need treatment? Do they have health issues? Do they need education? Do they need housing? Do they need a job? Whatever those needs might be, we as a team, through a series of phases and through a probation term, try to enable them and give them the tools to become a productive member of society—to become a role model. And through this, we are using restorative justice practices in that we're getting the individual to take responsibility for their actions, to show remorse, to pay restitution if that's involved, and to repair any harm they've done to their family or to their community.

And that's a win-win for all of us, because if, in the end, the person successfully reengages in society and with their family in establishing relationships, then hopefully, that revolving door will stop, and we will not see them again in the criminal justice system.

Just as a note, at least for these types of cases, if they do successfully complete that probation, there is a motion that the public defender or defense attorney files, and that motion is to vacate the judgment and dismiss the case at the end of the probation term so they will not have a felony conviction, which would be an additional barrier that we would not want after we've reengaged this individual.

So that's why I think restorative justice is relevant. And any law student or lawyer in this room should be familiar with what's going on in Cook County with these programs.

MR. ANDRE: I guess for me as a [lawyer]—you're not a social worker. You're not a social worker. I think I can't lose those words. This was my first murder case I did down at 26th and California. And I had just argued a motion. And I was upset. I think I probably was sweating. And you could just feel the energy in the space. One of the, you know, “elders”—

in terms of the defense attorney community—came up to me and said, “Oh, wow, Andre, that was pretty good. That's pretty passionate. But don't forget, you're not a social worker.” And those words haunted me, because I think for me, going through this process we call law school, it creates this silo, siloism. Like, all right, I am an expert in the law, whatever that means. I know how to do Lexis and Westlaw. I mean that's pretty much it. I could find that out. But how does me going back to that idea of feeling and being in relationships with people and being a healer, as Dr. Davis says, what does that mean and what does that mean in terms of your own education?

I think I remember they used to say the first year of law school, they scare you to death. The second year, they work you to death. And the third year, they bore you to death. But what's amazing is we all come in with our own identities, passion, and everything else, but by the time we leave, we're carbon copies. And that's what it felt like for me.

But as a student, I think one thing that can be done is, first, stay in community. Stay in community. Don't stay in the bubble of wherever you're at, of the law school. Stay in community. And second, continue to push and push the elders. Push those professors in front of you, push them to have more programming like this to relook because I think it's uncomfortable for us as elders—I guess I can't consider myself an elder. I'm rushing, right? My four-year-old makes me feel like an elder every day. But no, to continue to push and the importance of that.

Speaking of my four-year-old, kids teach us a lot. I think it was James Baldwin who mentioned children are horrible listeners—absolutely horrible listeners—but they're great at imitating adults. So I think for me, in the process of law school, I was learning how to imitate and not to create. So hopefully, we continue to push towards creativity. I think that's what's needed.

MR. VIETS-VanLEAR: After I do a workshop on restorative justice and we talk about abolition, people often say, “Okay. So what's the police's role in this, or what is the judge's role, or what is the lawyer's role?” And I'm always stuck with like, “Well, give some of the power that y'all have held to the communities that are now hurt by the system.”

I think through these past years, especially since Ferguson, there has been a lot of research, a lot of studies, a lot of movements around the racism in the system, even comparing it to the Jim Crow system that was around a few decades ago.

But to use a cliché statement, the master's tools cannot dismantle the master's house. As lawyers going into a system—especially prosecutors, but defense lawyers, too—you have to recognize yourself as a cog in the system and what that system is trying to do. At the same time, walking that path, knowing that you're part of the system, ask yourself how you're making sure that those affected by it are being centered in the change of the system.

And that's why I'm invoking two different terms—the first being transformative justice. I think a lot of people talk about transformation in terms of transitioning a system of harm or an action of harm into one of peace. When harm is committed, changing that into peace. But on a larger scale, it's also an analogy for how the system will change. How are we changing all the resources and power in the form of money and people that are monopolized in our justice system—which we all buy into when we go to law school, when we call the police, or when we reinforce punitive judgments on people. How are we changing this into a system that is restorative?

And that brings in the second term, redistributive justice, or ending the monopoly on justice. Emmanuel mentioned the expertise that's added when someone says they're a restorative justice practitioner. I remember I sat in circle with someone who said they had a master's degree in restorative justice. I was like, "Huh? I've been doing restorative justice for years. Where is my master's degree?" Do you know what I'm saying?

We have to be careful about the monopolization of justice. We don't want to take an indigenous tool and give it to a colonial system. We're using indigenous tools to dismantle a colonial system. So I just think lawyers need to keep that in mind, walking that path and making sure to give this power back to the communities that are harmed by it.

MS. PROCHAZKA: Thank you. So our next question is: what do you see as the future of RJ, and what are some challenges to incorporating RJ into our current system—or to keeping it as something outside our system?

MS. BANKHEAD: So our typical definition of justice is retribution—at least, having been a prosecutor, that's the context in which I heard people use the word "justice." What do you want? I want justice. What does that mean? Somebody needs to go to jail, right?

That's why—I won't speak for all prosecutors, I'll just speak for myself as a former prosecutor—why prosecutors hate misdemeanor victims. You would think there would be other kinds of victims that they would hate, but really, it's misdemeanor victims. Because if I'm a misdemeanor victim—like someone broke my window—I feel like justice isn't done unless someone goes to jail. But I also know that if you break my window, you're not going to jail. So I don't have time for your system because I'm not going to get justice.

And that's why I say we have to start at the community level. We have to change our conception of what justice means. And I'm going to tell this story real quick.

I have a son. And anybody who's known me for any amount of time knows that we had a rocky relationship, to say the best. He was trying to kill me when he was thirteen to about nineteen years old. And I told him, it wasn't going to happen. And I also told my friends if it did happen, they'd better not hug him at the funeral. And I think that God blessed me with that boy so that I would know that these judgments that people put on parents because their kids go out into the streets and act the fool is not necessarily on the parent. I was a fairly good parent.

But my son, when he was about eleven years old, he was on the side of the house. And his friend across the street—and you'll know how much smarter his friend was than him in a minute—says to him, "I bet you can't break that window." Well, that was our neighbor's window. And my son said, "Of course I can." And he picks up a brick, and he throws it through the window.

A couple of days later, my neighbor comes to the door, knocks on the door. And I'm like, "Yes?" And he says—I won't say my son's real name—let's say Tommy—"Tommy threw a brick through my window."

And here's something I didn't know about until I told my son that I'd been telling this story, and he told me, "You're missing a part." I said, "What's that part?" And he told me, "When I threw the brick through the window, I hit him in the back of the head with the brick." And my son says that when he hit him, when he broke the window, he knew immediately, "Ooh, that probably wasn't a good idea." And so he and the kid across the street started walking. And then they see the ambulance come. And then they go to hide.

So my neighbor comes over. And he says, “You know, Tommy broke my window and hit me in the back of the head.” And he showed me the scar—I guess I had blocked that part.

So I called my son out of the back. And I'm like, “What happened? What did you do? What did you do? Go get your bank.” So he went to get his piggy bank. I said, “Now, you're going to have to pay him for that window” and blah, blah, blah, blah, blah. So my neighbor said, “No, no, no. I don't want the money. I don't want the money. I want to fix my window on Saturday. And instead of you, Tommy, playing baseball or basketball or running around the block, whatever you're all going to do, you're going to help me repair my window.”

Now, let's look at what happened in the neighborhood. When my neighbors heard that my son had broke a neighbor's window, what do you think they were thinking? And remember now, he's ten, eleven, twelve, getting to be about that age. “Oh my gosh. He's breaking windows. What's he going to do, be breaking into our houses next?” So the whole neighborhood is affected by that event, especially when they see an ambulance come, they don't know exactly what happened, but they know something is wrong in the aura of the community. Then that Saturday when they see my son out there helping the neighbor fix the window, what do you think the neighbors think? “Oh, no big deal. It's been repaired.”

Now imagine if after the ambulance came, the police came, and they came to my house and they took my son out in handcuffs with me following behind in tears with my neighbor glaring at me. In that scenario, I can't have sympathy for my neighbor because I have to be all in for my son. But my neighbor's been injured. I can't honor his injury because somebody is going to try to *make* my son accountable as opposed to my son being able to *take* responsibility, which is different.

So what happened when my neighbor came over and said my son had clocked him in the head with a brick and broke his window, that process is natural, it's organic when we're in relationships. And that's what everybody has been talking about when they say restorative justice is about relationships: because when you're in a relationship with people, you want to fix what happens. You want to fix what happens, and everybody has got skin in the game.

MS. COLE: I think you had two questions. Regarding the challenges that I see in incorporating restorative justice into our current legal system, there are parts of the system that already have restorative justice components, which are the parts that I talked about. But I do see a few challenges. And one—probably the main one—is applying restorative justice to more violent crimes, where potentially there can be an upside, and I can see how restorative justice practices and peace circles could be very effective. But we have to balance that potential effectiveness with the public safety need.

And really, I find that area to be a big challenge. There is a lot of work to be done to figure out how to apply these principles, not only to the traditional court call in courtrooms—which definitely entails training judges and prosecutors and attorneys—but also, certainly, to some of the more violent cases, especially that the emerging youth, the eighteen to twenty-six year-olds, are committing. So I see that as a challenge that needs addressing.

I also see a challenge in restorative justice bringing responsibility for community safety back to the community, where the idea is to repair the harm in the same community where you committed the harm. And I don't necessarily see that happening. I mean, there

is community involvement in some of the courts, but it's not necessarily where the harm was committed. And it's not necessarily with proactive community members. So I definitely see that as a challenge and something that we could work on in the future: to incorporate more community members in the court process.

Oh, and lastly, the victims. The victims really, as far as the principles of restorative justice go, are an important part, along with the community members as a whole and the offenders. As it is now, the victims don't have a very loud voice in the court process.

They do initially. Certainly, in the alternative prosecution courts, we ask them for their consent. We explain the programs, and explain that some people will be getting probation, and that we'll try to get restitution if you need your broken window fixed or your medical bills paid. And there is almost always buy-in from the victims. We almost never have an issue with the victims saying, "Oh, that sounds really good. That sounds like something that this person needs." And hopefully then, this problem will be resolved. But after that, the victim is really not involved in the court process, so I see that as something that needs some work in the future as well.

MR. ANDRE: I'll try to be relatively quick.

For me, it's two challenges that jump out: first, fear of failure. It's sort of weird because the way things are right now, in the city of Chicago and statewide, we're in the middle of this discussion about mandatory minimums, especially on guns.

There are just some people who think we absolutely need to have mandatory minimums, especially for repeat offenders, which to me is sort of counterintuitive. You sent someone away for the first time, they did X amount of years in prison, and they came back to the community without resources, they reoffended, and now, you're trying to double-down and say, you know, we should send them away even longer. It just keeps making me think of Albert Einstein when he said, "Insanity is doing the same thing over and over and over again and expecting a different result." Right?

It's weird though because if you have a small community program that's working with a kid and that kid offends, then it's, "Oh, that program failed. Bring in the data people. We need to figure it out. That program failed." But institutions can fail ad nauseam, and there is no issue with that. So I think that's a real, real challenge: that we must not be fearful of failure.

Actually, in that respect, I mean I always love these parents—I'll give you an example of me failing, right? We always talk about the successes. I'll tell you about the way I failed directly as a defense attorney.

I have a young person right now that I represent who is charged with—get ready, everybody—a gun case. I think those are the two words that most people in restorative justice, they're not ready for. Schools are fine, you know, if you curse at a teacher, that's fine, but if you're talking about gun cases or violent cases or sex cases, it stops.

This young person, eighteen years old, had been shot at, walking around with a gun, gets caught. He spent six months in Cook County Jail, and now he's been on electronic home monitoring for the past three months.

And the way it works, for those who don't know the system, technically, if he pleads out right now, that's it. He's going to come right back home. It's already done. He's done his time. He's done his mandatory minimum of one year. He's already done that.

The way I failed him, I'd been struggling, and I refused to let him just plead out, because I understand the power of identity. If he pleads out and goes away, he is a convicted felon. You have just transformed his identity for the rest of his life. I felt I'd failed because I had not been able to talk with the judges and the prosecutors about possibly doing a creative plan—why don't you watch him for the next year or so. So anyway, that's really a challenge, the sort of fear of failure.

But the other one is I think we don't have real trust in the community. As Ethan mentioned, in terms of sharing the power with the community, I don't think there is any real trust there. And I know I have some friends in CPD that are looking at me right now. I tried to promise them I wouldn't talk about this, but I will.

There is a list out there called the "strategic subject list." Please Google it, strategic subject list. Just Google it, please, if you do anything, if you remember anything that Emmanuel might have mentioned. That list is, in essence, where we've been keeping data on the people who are most likely to die of a gun crime. We have that data. We have the experts that have compiled that data. And it is amazing—we're keeping a monopoly on that data. I mean I would love it, as a community person, to be able to say, "Let me know who's on that list so I can parachute in with services, because I see those as the people in need of the most love." So that's my view of us not trusting in the community to do what's right.

Thank you.

MR. VIETS-VanLEAR: Just something real quick, a big struggle in restorative justice that's often not mentioned is how much work, in hours, is put into a circle process. Someone mentioned earlier that a conference circle can go up to five hours in one session. It's hard for both the practitioners and the people going into the circles. And that's a challenge, but it's something I offer to kind of subdue that feeling, that fear that while this work is kind of on the peripheries of society, we're walking a thin line, a brave, new path. It feels weird, but it's not new.

I was in a training for a direct action, which is usually not said in the same breath as restorative justice. It was a direct action. It was being held for BYP 100 for a shutdown we did at a police conference. And the trainers at that session, who were from Oakland, mentioned that the work we're doing is instinctual, especially for people of color and for indigenous people. We have been resisting these systems since the moment we were brought to this country, the moment the colonizers landed in our country.

So as we move into these rhythms of healing, recognize that these rhythms of healing are ancient and are far larger than us. Navigating this new path may feel strange, but it may, hopefully, bring a little solace to people to know you're walking in a tradition, in ancient traditions. While it may feel weird, it's not new. And it's inside of you. And you can access that, that knowledge and that work.

MS. PROCHAZKA: Thank you to the panelists. This is such an enriching discussion that I think we'd really like to open it up for a couple of audience questions.

AUDIENCE MEMBER: What role do you see schools playing in the process?

MR. VIETS-VanLEAR: Well, for example, some schools I've been to doing human rights workshops have police officers, and even sometimes cages, inside the school—school resource officers. Get cops out of schools, I think, to make it simple.

The two years I spent in a Chicago Public Schools (CPS) high school, I was arrested more than three times. And I think that direct connection between schools and prison is very evident, especially in a place like Chicago.

So I think policies around restorative justice can't just be, like you said, aimed at things like cursing at a teacher. How do we take it to the next step of really addressing harm in the schools, and even things that might seem like violent crimes that are happening in schools, really addressing those as restorative justice practitioners. I think that's important and it's being implemented, but only in the shallowest way, so we have to take it deeper inside of schools.

MS. BANKHEAD: Okay. I have a story, but it is on topic this time. When I was in the community prosecutions unit, there was a young man who was arrested for a robbery. He and some other kids in high school punched a kid in the side of the head and stole his baseball cap. The next day, the kid went to school. He saw one of the boys, who just happened to be six feet, eight inches tall and said, "Hey, that kid is the one who stole my cap yesterday."

The young man said, "I have his cap in my locker because I brought it to give it back to him." The kid who was part of the group that had taken his hat was a football player and was being recruited by Michigan State. He was arrested at the school.

When I got the case, he had been in jail for a month and a half. We got the alternative prosecutions unit to let me do a restorative response to that, even though it was a robbery. And that young man and the young man whose hat he took sat in circle. The great Robert Spicer was the keeper of that circle. And the victim's mom and grandmother were there. And the young man who had stolen the hat was there—or who brought the hat back, whichever is true.

And what happened in that circle was that everybody realized, very quickly, that the young man who was accused of taking the hat and who had spent a month and a half in jail was the person who had the most needs of all the people there. And it was at one point that the victim's grandmother said to him, "We're here for you. And you can have whatever you need from us."

I also need to add this. The victim's mom and dad went to the expulsion hearing because, of course, the young man was up for expulsion. They begged the school not to expel him. And they expelled him anyway.

But this is where we failed. We had people in the circle that I thought would be able to dig in with that young man and the young man who was the victim and help guide them and lead them and be there for them. And that didn't happen. As a result, that young man who had never been arrested before wound up catching two additional robberies and went to prison instead of playing football for Michigan State. As a result of that one incident.

MS. PROCHAZKA: Thank you for all the questions. And I really want to thank the panelists for coming here and sharing their experience and sharing their expertise, so we really appreciate that. And as we continue to think about justice and what it can and should look like, we are going to hear from Ahkea Stewart.

Ahkea Stewart is going to tell us a little bit about her story and her personal experience with restorative justice. In restorative justice, stories matter. They carry power. So thank you, Ms. Stewart, for sharing your story with us.

RJ STORY FEATURING AHKEA STEWART

MS. STEWART: Hello. And thank you for having me.

I was a victim. In May 2014, my house was broken into. And they took an Xbox and a TV. But I had a dog who was ill and they let my dog out. I never got him back. And he had a heart condition. Eventually, I do believe he wound up passing in the streets or in someone else's home.

Like Ms. Bankhead said, when the offender was caught, and he was charged with residential burglary, I wanted justice. I didn't care how much time he got. I researched immediately to see that the citizen guidelines for residential burglary were four to fourteen years.

I was ready. I went to every court date, met with the state's attorneys. And throughout the process, I discovered that, as she stated, there is no real justice. They weren't going to give him four to fourteen. He didn't have a history. He was not a repeat offender.

So they were telling me the best I could get was Treatment Alternatives for Safe Communities (TASC). And everybody knows that TASC is for people who use drugs. All you do is stop using, your test will come back clean, you get off of TASC, and get intensive probation, which again I felt was not enough. So I worked my way through the process. One day, I get a call from Ms. Bankhead, asking had I thought about the restorative justice program. "What is that?" I never heard of it. We talked a little bit. "Let me send you out some paperwork." She sent the paperwork out. I looked it over, read about it, looked it up on the computer to learn more information.

And about a week later, she called me. "Did you read it?" I said, "Yeah, I read it. I'm kind of interested, but, you know, what—again, I still want justice. I'm looking at my four to fourteen. That's what I want."

So we talked about it some more. I kept going to court dates. And it really wasn't looking like I was going to get my justice. So I let her know, "Do you know what, I'll do it. I'm interested." She said, "Let me reach out to his attorney and his people. And we'll see."

So she set it up. We had the meeting. And I really liked the process because it actually gave me a voice. Instead of the judge saying, "This is what we're going to sentence him to," I was able to somewhat implement what I felt that he should—I guess I don't want to use the word "punishment," but that's the only word I can think of now—what the punishment should be.

So we settled on community service, him working 500 hours at a dog kennel or an animal hospital, so he can see how it feels when a dog is sick and people come and are bringing injured animals in.

Next was restitution and probation. And hopefully, he completed everything. I never followed up after that. I got the closure that I was looking for just by being able to have my voice heard and being able to set the standards that he would have to adhere to get this off his record and to become a productive member of society—hopefully.

His parents were supportive, as was my family, of the process. And he was apologetic. You know, I got to ask him, “Why did this happen? Why did you do this? What did you gain from it besides a TV that you didn't keep, an Xbox that was the old version?” You know, what was the point?

And then some people, not a young—he wasn't “young” young. He was in his twenties. But this goes to show peer pressure is all throughout. He was in his twenties and he said that it was peer pressure. He wasn't even from the neighborhood. He grew up in a suburb of Indiana and just happened to be dating a girl who lived around the corner and got accosted by some guys in the neighborhood who thought that he was, you know, moving in their territory. And he started hanging with the wrong crowd.

But in the meeting, he was able to apologize and give me the reason why he did it. And, you know, he felt that he knew he was wrong, and he did apologize. His family even apologized. And it gave me closure.

So I really feel I learned from the process. Hopefully, I will never have to experience the process again. But Ms. Bankhead and Emmanuel were great throughout and very supportive. And that's my story.

MS. PROCHAZKA: Thank you so much for sharing your story.