Restorative Justice Community Court Is Coming to Cook County

By Michael A. Strom

In 2017, the Circuit Court of Cook County will create its first Restorative Justice Community Court (“RJCC”), in the North Lawndale community. RJCCs will utilize a dramatically different legal process that empowers victims and residents to play an active role in the rehabilitation of certain nonviolent adult offenders. Cook County attorneys should become familiar with such courts. By all indications, this is a model likely to be used in more communities in the near future, and some methods may be adopted for different legal issues.

What Is the RJCC?
The Restorative Justice Community Court will hear cases involving nonviolent felonies and misdemeanors allegedly committed by adults ages 18 through 26 who reside in Chicago’s North Lawndale neighborhood. The court will operate from a North Lawndale community location to be determined. It is expected to serve about 100 defendants per year. Defendants will enter the program voluntarily. Judge Colleen Sheehan will preside over the court and decide on community-based sentences and programs for the defendants. Those who successfully complete their program may have their charges dropped and arrest expunged. A U.S. Department of Justice grant, administered by the Center for Court Innovation, provides the funding to create the court.

The co-leaders of the Restorative Justice Community Court Steering Committee are Judge Colleen F. Sheehan and Cliff Nellis, Executive Director/Lead Attorney and founder of Lawndale Christian Legal Center (LCLC). They will convene a steering committee of criminal justice stakeholders, including the offices of the Cook County State’s Attorney, Public Defender, court administrators, the Juvenile Justice Department Resource Section, community agencies including the Lawndale Christian Legal Center, and representatives of the Mansfield Institute for Social Justice and Transformation. The North Lawndale RJCC will have a Restorative Justice Hub, comprising of 26 community social service agencies and community leaders. The Restorative Justice Community Court project is community-driven, an essential component of its ultimate success.

What Is Restorative Justice?
In the context of a community court, restorative justice addresses the ways that crime harms the community. The restorative justice approach helps reintegrate offenders back into the community by connecting them with services including mental health counseling, substance abuse treatment, education, job training, and parenting classes. In short, RJCCs address both rehabilitation of offenders and healing of communities. During my research, I often heard: “Restorative justice is not a program, it is a philosophy.”

Unlike traditional criminal courts, RJCCs are not limited to determining guilt, innocence or sentencing of defendants. Conflicts are addressed through restorative conferences and peace circles involving defendants, victims, family members, friends, others affected by the crime and members of the community. These discussions are facilitated by trained staff. All affected parties can participate in
determining how to remedy the immediate harm caused by the offense and address underlying root causes affecting the community. Offenders can accept accountability for their actions and work to repair the harm through measures including restitution, community service, letters of apology and participation in future peace circles.

Is This Approach New?
Juvenile Courts have commonly used various aspects of restorative justice and community courts. To an extent, RJCCs extend the practices to young adults dealing with similar problems. In 2012, the Cook County Juvenile Justice Task Force essentially recommended the same type of changes anticipated from RJCCs: “We propose the creation of ‘Restorative Justice Hubs’ across Cook County, community centers that can holistically address the needs of young people who perpetrate crimes, while also supporting community residents and victims of crime. Crucially, these hubs will serve as catalysts for community healing and education around the intergenerational cycles of trauma and systemic racism that all too often shape family and community life.”

The Circuit Court of Cook County has used “specialty” courts, also known as problem solving courts, “to help low-level criminal defendants suffering from an underlying mental health, social or substance abuse problem from becoming repeat offenders. Specialty courts achieve this goal by providing treatment and intensive supervision.” See http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/CriminalDivision/SpecialtyTreatmentCourts.aspx (last visited 11/18/16). The specialty courts are similar to aspects of RJCCs in providing services that face barriers to success in a prison setting. RJCCs might recommend similar services, but the determinations would benefit from greater familiarity of the community with the specific person involved, the local resources best suited to address the problem and to reintegrate that person within their community.

Problem solving courts have been widely used for years in other Illinois counties, and in many other states. In 2013, the Illinois Supreme Court directed the Administrative Office of the Illinois Courts (AOIC) and the Special Supreme Court Advisory Committee for Justice and Mental Health Planning to initiate development of uniform standards and a framework for an application and certification process for all Illinois problem solving courts. The standards were issued by AOIC in November 2015. Beyond problem solving courts, Community Courts have been established to varying extents in other jurisdictions, most famously in the Redhook community of Brooklyn, New York.

Would RJCCs Improve Administration of Justice?
days, low-risk defendants are 51 percent more likely to commit another crime within two years after completion of their cases than equivalent defendants held no more than 24 hours. Id. As pretrial detention increases up to 30 days, recidivism rates for low-and moderate-risk defendants significantly increases. Id.

Approximately 50% of the 30,000+ inmates released from Illinois prisons each year return to prison within three years of release due to new offenses or violating conditions of their release. Illinois State Commission on Criminal Justice & Sentencing Reform Final Report: Part I, (December 2015), p. 7 Community resources available through the RJCC reduce recidivism by connecting offenders with the services referenced above. Id.

As noted by Judge Colleen Sheehan, “[M]ost people do not stay in prison forever. Most people are getting [released from] prison, and when they’re getting out, where are they going? They’re going back to these neighborhoods… So it would behoove the neighborhood to be a part of this person’s life as they come back into the neighborhood.” Community Court Offers Hope for Healing, Chicago Daily Law Bulletin (May 31, 2016). Community Courts use a range of problem-solving justice methods, which “focus on identifying and addressing patterns of crime, ameliorating the underlying conditions that fuel crime, and engaging the community as an active partner.” Robert Wolf, Principles of Problem-Solving Justice, Center for Court Innovation, New York, NY (2007), pg. 1; cited in Community Courts in Cook County Part I: The Case for Community-Based Justice, Chicago Appleseed Fund for Justice Policy Brief (2013), pages 1-2.

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