

Friends of Restorative Justice



What is Restorative Justice?

- A different way of thinking about crime and repairing the harm caused by crime
- Expands the circle of stakeholders to include:
 - ✦ those harmed (“victims”)
 - ✦ those who caused the harm (“offenders”)
 - ✦ the community
- Empowers those harmed
- Provides accountability by those who caused harm



Comparison of Current System with Restorative Justice

Retributive Model	Restorative Model
Crime is a violation of the law	Crime is a violation or a harm to people and relationships
The State is the victim	The person harmed is the victim
The aim of justice is to establish blame and administer punishment	The aim of justice is to identify obligations, meet needs, and promote healing
Justice is a conflict between adversaries where one side wins while the other loses	Justice involves those harmed, those who caused the harm, and the community in a dialogue to reach mutually agreed upon solutions

History of Restorative Justice

Restorative justice is based on traditional, indigenous methods for dealing with conflict.

“The purpose of the law is to bring the [offender] back into the fold, to heal them. People do the worst things when they have no ties to people. Tribal court systems are a tool to make people connect again.” Judge Joseph Flies Away, Hualapai Nation



History of Restorative Justice

- Builds on the experience of the Truth and Reconciliation Commission in South Africa.
- In North America, applying a peace perspective to the harsh world of criminal justice, Mennonites and other practitioners are leading the efforts to bring programs to our communities.
(Zehr, Howard (2015). The Little Book of Restorative Justice)



Why do we need Restorative Justice?

Restorative Justice: Why Do We Need it? • BRAVE NEW FILMS (BNF)

<https://www.youtube.com/watch?v=8N3LihLvfa0&feature=youtu.be>

Danielle Sered, Executive Director, Common Justice,
Brooklyn, New York



What Those Harmed Can Gain or Regain

- A feeling of control by expressing their hurt to the person who caused the harm
- Restitution (financial or otherwise)
- Hold the person who caused the harm accountable
- Learn more about the “why” of the crime
- Significant reduction in fear that the person will harm them again



What Those who Caused Harm can Gain

- Hear the ramifications of their crime from those they hurt
- Have a say in determining their restitution
- Have a safe space to apologize to the person harmed
- Be able to make amends
- Have the potential to put the crime behind them and move on

All participants can begin to heal



What the Community Can Gain

- Increased safety - Reduced recidivism for both violent and property crimes; 8% on average*
- Reduced post-traumatic stress symptoms
- Reduced desire for revenge by persons harmed
- Reduced costs when used as a complement to the criminal justice system**

*Center for Restorative Justice and Mediation. (1985). Principles of restorative justice. St. Paul: University of Minnesota, School of Social Work.

**Bazemore, G., & Day, S. E. (1996). Restoring the balance: Juvenile and community justice. *Juvenile Justice*, 3(1), 3-14.



Satisfaction

- Most (98%) people harmed thought the restorative justice conference (VOC) was a good way to deal with the offense committed against them.*
- A full 100% of those harmed, 97% of juveniles and their parents, would recommend participating in VOC.**
- Eight to nine months after the conference, over 75% of participants were still satisfied with the conference itself and its outcome***

*Danielle Sered, Common Justice film Sep 13, 2016

**Juvenile VOC Pilot Program: A Year in Review. Center for Restorative Justice and Peacemaking, University of Minnesota. (August 2016)

***Ministry of Justice, England, (2007). Restorative justice: the views of victims and offenders, 48.



Who is Most Impacted by the Current Criminal Legal System?



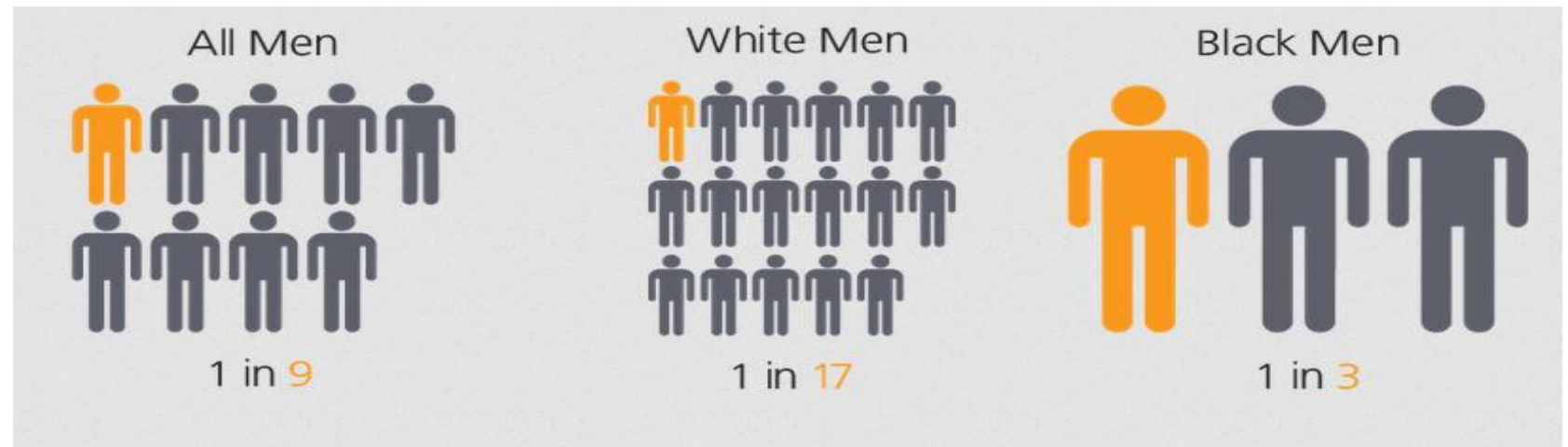
Racial Bias

- People of color make up 37% of the U.S. population
- People of color make up 67% of the prison population.
- They are discriminated against at every step of the process from arrest rates to conviction rates to length of sentence



Lifetime Likelihood of Imprisonment of U.S. Residents Born in 2001

- All men: 1 in 9
- Black men: 1 in 3



Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Washington, DC: Bureau of Justice Statistics.

Restorative Justice and Racial Equity

- For youth of color it interrupts the school-to-prison pipeline, thus mitigating a host of long-term negative impacts.
- Black Lives Matter has a commitment to restorative justice as one of its guiding principles.**
- The harmed party and the responsible party meet and create an agreement acceptable to both, rather than a solution imposed by a system of the powerful.
- Restorative justice facilitators can come from the same community as the participants.

**Davis, Fania E., "The Little Book of Race and Restorative Justice p. 39



What does restorative justice look like?



Examples of Restorative Justice Practices

- Victim-Offender Conferences
- Peacekeeping Circles
- Circles of Support and Accountability



Restorative Justice in Washtenaw County

- Specialty courts
 - ✦ Veterans court
 - ✦ Substance Abuse court
 - ✦ Mental Health court
- Juvenile domestic violence Victim-Offender Conferences
- Juvenile Peacemaking Circles
- Adult court Victim-Offender Conferences



Restorative Justice in Washtenaw County

- The Dispute Resolution Center supports the work of restorative justice in Washtenaw County.
- The County's new prosecutor, Eli Savit, circuit court judges and the public defender's office are working with the community to increase the use of restorative justice to reduce mass incarceration and bring healing and justice to our communities.



Restorative Justice

Questions?



RESOURCES

https://www.commonjustice.org/our_work

<https://chronicleofsocialchange.org/justice/restorative-justice-leader-sujatha-baliga-named-a-macarthur-genius/37861>

Impact Justice Restorative Justice Diversion Toolkit for Communities

<https://impactjustice.org/resources/rjdtoolkit-org-a-diversion-toolkit-for-communities/>

Zehr, Howard, *Little Book of Restorative Justice*



Optional Slides



Peacekeeping Circles

- Are a place and time where the affected parties meet in a circle configuration with a facilitator.
- Are a simple, structured process of communication
- Create a safe space for all voices
- Help participants reconnect with themselves and others
- Encourage participants to step toward their best selves



Foundations

“In every one of us there is a deep desire to connect to others in a good way.”

Judge Barry Stuart, Yukon, Canada

Universal human values that are foundational to circles

- Desire to connect
- Desire to connect in a good way

These can be described in different ways, e.g. honesty, respect, humility, empathy, trust, forgiveness, love, etc.



Key Elements

- Sit in a circle with no table in between, often a centerpiece
- Opening and closing ceremonies
- Guidelines
- Talking piece
- Facilitator is also part of the circle
- Consensus Decision-Making



Purposes of Circles are Many

- Talking
- Understanding
- Healing
- Sentencing
- Support
- Community-building
- Conflict resolution
- Reintegration
- Celebration



Restoration to Community after Incarceration

Circles of Support and Accountability

- Were started in Canada by a Mennonite minister to reintegrate a couple of long-term incarcerated men convicted of sex offenses.
- Now they are meeting officially all over Canada utilizing volunteers
- Kathie talked with some volunteers in Saskatoon in 2017.
- Psychologists from the Michigan Department of Corrections want to start a program here.



Circle of Support and Accountability

