

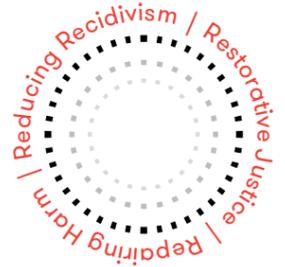
When given the space and tools, people have the ability to resolve their own conflicts. The real experts are not lawyers or judges, but the people directly impacted by the harm.

Restorative justice is a framework that views crime, conflict, and wrongdoing as harm to relationships and not merely violation of the law. It is an approach to justice that is more reparative than punitive. Restorative justice focuses on people who have been harmed and their needs, while also holding people who have caused harm directly accountable for those needs. All parties are supported through this process by their families and communities.

Restorative justice provides an alternate way to address crime that prioritizes the victim's/survivor's needs as defined by the victim or survivor rather than by a prosecutor. Restorative justice seeks to offer community support instead of alienating or isolating people who commit crimes.

Restorative justice requires a paradigm shift from punishment to accountability.

The prevailing approach to crime and punishment has been built on centuries of colonization and systemic racism, and restorative justice offers one means to supplant those policies and practices. Modern restorative justice has roots in centuries-old practices in many cultures that emphasize healing, shared power, and shared decision making.



A PARADIGM SHIFT: KEY QUESTIONS TO RECONSIDER

In making this shift from punitive to restorative practices, prosecutors should reconsider the following questions about crime.

What is crime?

In restorative justice, crime is defined as harm, not just as broken laws.

What is accountability?

In restorative justice, repairing harm is more important than punishment by isolation and ostracization, and survivor-identified needs must be centered in that process.

Who should participate in proceedings to address harm?

In restorative justice, all parties who have been impacted by the harmful incident should be involved in the process if they wish to be.

How well do we support survivors?

When given the choice, 90 percent of survivors chose restorative justice instead of a traditional approach.

MANY WAYS TO IMPLEMENT RESTORATIVE JUSTICE

Restorative justice successes include reduced recidivism, high satisfaction rates from all participants, and cost savings.

There isn't a one-size-fits-all approach to restorative justice. It is a way of relating to wrongdoing and conflict that exists outside the legal system in schools, workplaces, and families, as well as in our everyday lives whenever people are working together to handle harm.

- > **Prosecutors should offer restorative justice as a genuine alternative to prosecution as early in the life of a case as possible.** To do so, they should connect with outside organizations that specialize in restorative approaches. (See "Resources," below.)
- > When considering starting a restorative justice program to handle criminal charges, there are several important standards to remember.
 - Restorative processes should be **voluntary** for all impacted parties; they should never be mandatory or coercive.
 - Restorative justice is **ideal for addressing interpersonal harm and harm caused by violence**; it should not only be used for youth or for low-level offenses.
- > Different types of restorative justice models have been used in the criminal legal system to address different kinds of harmful incidents. For example, **community conferencing and restorative circles** are voluntary processes in which a trained facilitator brings together all who have been affected by an incident to discuss *what happened, how everyone has been impacted, and what the group would like to do about repairing the harm*. After a facilitated process, the parties make an agreement to address the harm. Other processes include "victim-offender" dialogues,* family group conferencing, and more.

To find the best models for their needs, district attorneys' offices should contact existing restorative programs in their jurisdictions and involve community members in creation and implementation.

Notes

*Although Vera prefers to use person-first language like "person harmed" and "person responsible," we recognize that restorative justice processes commonly use the terms "victim" and "offender."

Resources

For a library of resources on restorative justice, visit <http://restorativejustice.org/about-the-rj-library/>. For examples of restorative justice programs, read about Common Justice's model at https://www.commonjustice.org/common_justice_model; or Impact Justice's model at <https://impactjustice.org/impact/restorative-justice/>.