Restorative Justice

The criminal justice system in the United States has focused on punishment over the past several decades. As a result, we have incarcerated more of our citizens (1 in 100, Pew 2008) than at any other time in history. This punishment philosophy has left the victim and community out of the justice process. However, restorative justice (RJ) “focuses on the harmful effects of offenders’ actions and actively involves victims and offenders in the process.” In addition, there is a recognition that the offender is part of a larger community, which is owed reparation and into which the offender will need to reintegrate.

“Restorative Justice is a philosophy, a set of principles.” The author notes documented success from several justice perspectives:

- **Communities** use dispute resolution programs, such as the San Francisco Community Board programs.
- **Law enforcement** use alternatives to arrest, such as the Harrisburg, PA Citizen Dispute Settlement program, which demonstrated a reduction in calls to police as a result of implementation.
- **Prosecutors** use programs to divert offenders to mediation. A North Carolina study showed 92% of victims were satisfied with mediation only, while 69% were satisfied with court only.
- **Courts** using RJ ideas have shown success. In Manhattan, the Midtown Community Court showed higher rates of sentence completion (50% vs. 75%), quicker arraignments, and decreased crimes.

**Victims** have described lowered levels of fear, as the result of mediation.

**Practical Applications**

- √ Become familiar with the process of mediation/conferencing and locate such agencies near you.
- √ Incorporate victim statements and information in presentence investigation reports, as appropriate.
- √ Include RJ principles of reparation in the case plan.
- √ Make referrals to restorative justice programs, when appropriate.
- √ Prioritize restitution payments by making referrals to collections investigators. They can use liens, garnishments, or tax intercepts.
- √ Consider referrals to victim impact panels or victim empathy classes.
- √ Make community service meaningful by matching it with the crime and focusing the benefits to the community harmed.
- √ Involve the victim in choice of community service.
- √ Refer higher risk offenders to cognitive behavior programs to learn conflict-resolution skills.
- √ Ensure that all obligations are met under the Victim’s Rights Act.