



National Council on  
Crime & Delinquency

# What Makes It Restorative Justice?

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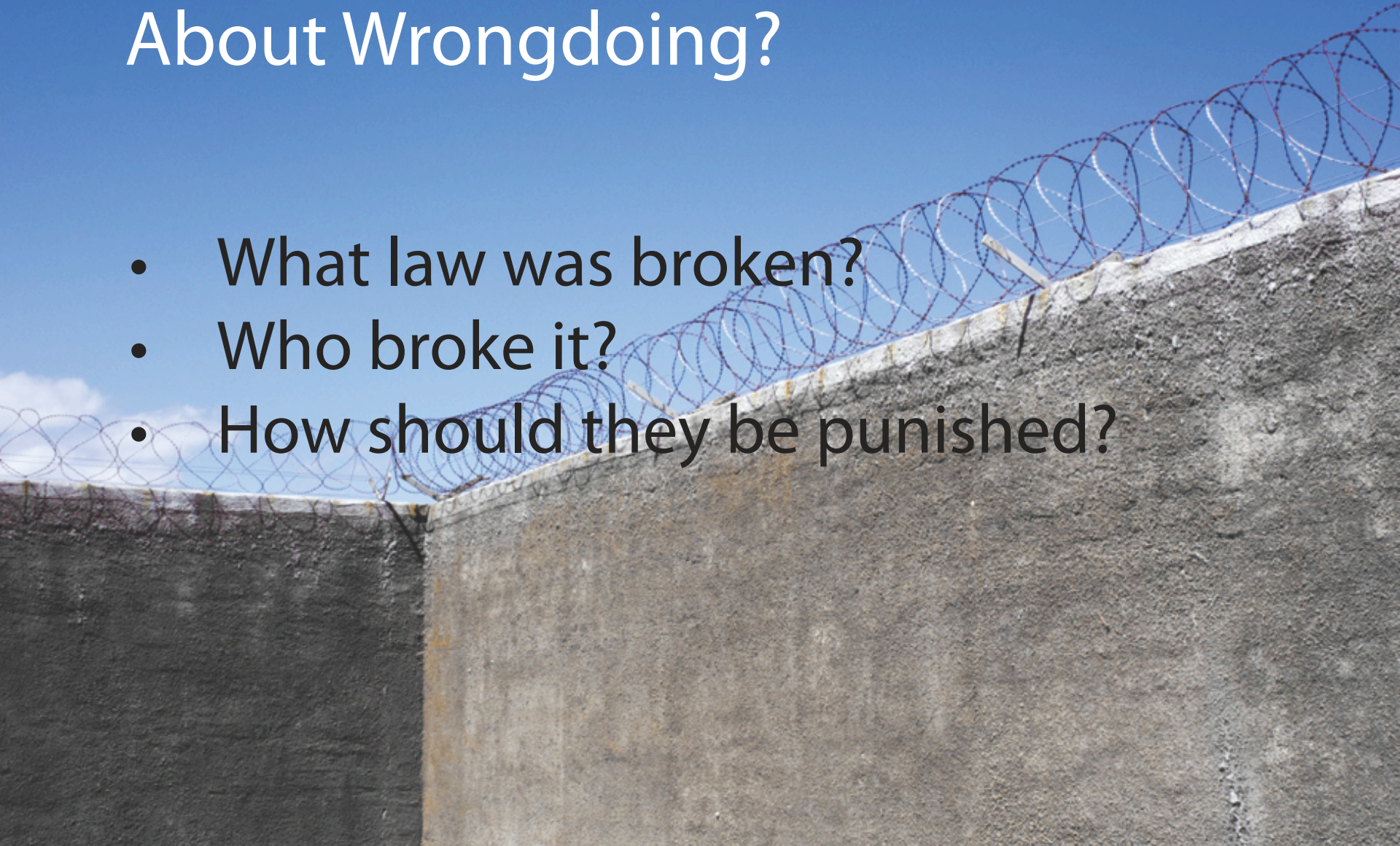
# Paradigm Shift

## **Albert Einstein Says:**

If you want to solve a problem,  
you cannot solve it if you continue  
to think the same way you were  
thinking when you created it.

# What Questions Do We Ask About Wrongdoing?

- What law was broken?
- Who broke it?
- How should they be punished?



# Restorative Justice Asks:

- What harm has been done and to whom?
- What needs have arisen?
- Whose obligation is it to meet those needs?

# What Is Restorative Justice?

## A Theory of Justice that:

- Emphasizes repairing harm
- Invites affected parties to *collaboratively* determine how to repair the harm
- Gives equal attention to:
  - » Victims' needs
  - » accountability
  - » community safety
  - » enhancing people's capacity to become more productive, positive community members

# Definitions of Restorative Justice

## **Statement on Balanced and Restorative Justice**

Restorative Justice is a community response to crime that focuses on addressing the harms done to victims and communities by holding offenders meaningfully accountable for their offenses.

The goal of Restorative Justice is the creation of safe, healthy communities. Such communities are created when there are opportunities for victims to have their needs addressed and when offenders are integrated into the community as positive, contributing citizens.

# Definitions of Restorative Justice

## **Howard Zehr's Definition**

Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, obligations, in order to heal and put things as right as possible.

# Moving Our Programs to the More Restorative End

## The Continuum of Restorative Practices



Pseudo/Non-restorative

Fully Restorative

1. Does the model address harms, needs, and causes?
2. Is it adequately victim-oriented?
3. Are those who harmed encouraged to take responsibility?
4. Are all relevant stakeholders involved?
5. Is there an opportunity for dialogue and participatory decision-making?
6. Is the model respectful to all parties?



# Restorative Justice at Its Best

## **Victim-Identified Victim's Needs at the Center**

At its best, restorative justice is voluntary, face-to-face dialogue that produces—by consensus—community support for the person(s) who harmed to meet victim-identified needs.

# The Big Picture

## Restorative Justice Principles

Crime is a violation of people and interpersonal relationships



Violations create obligations



The central obligation is to, as much as possible, do right by the people you've harmed

# Origins in North America

## **Mark Yantzi's Courage To Try Something New**

- Two Canadian youth in 1974 damaged 22 properties
- Mark Yantzi, probation officer
- 28 years later, Russ Kelly was in a class and heard the story of his own case
- Russ now volunteers for Yantzi's Community Justice Initiatives (CJI)

# Spiritual/Cultural Roots

## Collective Resolution of Conflict in All Our Cultures

- TRC: Zulu *ubuntu ngumuntu ngabantu* (a person is a person through [other] persons)
- Peacemaking Circles: First Nations Peoples
- Pre-1959 Tibetan legal system: Buddhist Interdependence

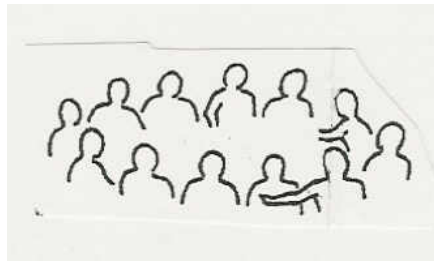
# Collective Whole

## **Rev. Dr. Martin Luther King's Wisdom:**

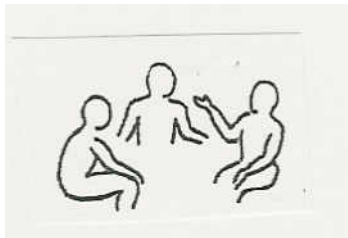
“Whatever affects one directly, affects all indirectly. I can never be what I ought to be until you are what you ought to be. This is the interrelated structure of reality.”

# My Favorite Restorative Practices

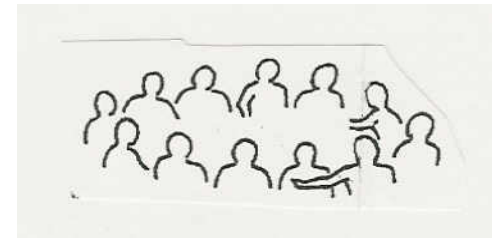
## “Opponents” Coming Together to Transform Harm



Restorative Community Conferencing



Victim Offender Dialogue



Peacemaking Circles

# The Discipline Revolution

## The Wisdom of Rita Alfred

### Oakland's Cole Middle School

- High-poverty area in West Oakland
- Started with Staff/Administration
- Year 2: Children as circle keepers

### Successes

- Suspensions reduced by 84%
- 0 physical fighting
- 0 referrals to DHP/expulsions
- Teacher retention

### Why? Ground up culture change

- Mrs. Thomas

### District Wide

- Culture change at school sites
- District adopting RJ for expulsion/suspension system

# Alameda County Restorative Juvenile Justice

## **Community, Community, Community**

Late 2007, RJOY met with Judge Gail Bereola  
Restorative Juvenile Justice Task Force

- All stakeholders across JJ system

3 Year Strategic Plan

- Consensus-based decision-making

Four Pilots

- RCC
- Restitution Circles
- VOEG in the hall
- COSAs



# Juvenile Diversion in Alameda County

## Restorative Community Conferencing

- Same as NZ Family Group Conferencing
- Maori people's resistance to DMC
- Children, Young Persons, and Their Families Act of 1989
  - Youth incarceration is nearly obsolete
- HPD, OPD, and DA (felonies)
- 100 cases a year
- Intention to end racial disparities in diversion
- More on this tonight!

## Making Good Use of Time Inside



- Resolve to Stop the Violence
  - Dreams from the Monster Factory ~ Sunny Schwartz
- Victim Impact Panels/ Survivor Restoration Program
- Victim Offender Education Group

# Forgiveness Circle



**FORGIVENESS MANTLE  
SAN BRUNO 2008**

## Restorative Plea Bargaining

- Tallahassee First Degree Murder Case
- Doing the Impossible
- Driven by Desire of the Victims
- 9 Months of Prep (Too Short!)
- Kay Pranis: Strong Center
- The Plea Conference
- The Sentence
- Note of Caution: Training
  - IPV (DV & TDV) and Hate Crimes

# Effectiveness

## Victim Satisfaction

- > 90%
- Victim-defined victim needs
- Reduced PTSD

## Increased Family & Community Involvement

- grandma/neighbor/coach/pastor, not (just) the DA/Judge/PO

## Competency Development

- the “plan” should always put PWH on a more positive trajectory

# Effectiveness, Continued

## Reduced Recidivism

- Sonoma 10% vs. Alameda 75% & DJJ (CYA) 91%
- RSVP >80% reduction in violent rearrest at 16 weeks

## Reduced Incarceration

- NZ – virtually ended youth incarceration nationwide

## Potential to Reduce Disproportionate Minority Contact (DMC)

- “The Road to Restorative Justice” (OJJDP Webinar)

## Fiscally Sound

- UPenn \$8 for every \$1 spent
- RSVP \$4 for every \$1 spent
- 100 RGCs in Alameda County could save \$5.2 million
- Schools: Average Daily Attendance

## **I hear and I forget. I see and I remember. I do and I understand. ~ Confucius**

Eastern Mennonite University's Summer Peacebuilding  
Institute <http://www.emu.edu/ctp/spi/>

Circle Training: Kay Pranis (Minnesota)

Victim Offender Dialogue: Lorraine Stutzman Amstutz (Office  
of Justice and Peacebuilding, MCC) (see *Beyond Conviction* and  
*Meeting with a Killer*)

Defense Initiated Victim Outreach (DIVO): Mickell (Kelly)  
Branham (Federal Defender)

Victim Offender Education Group (VOEG): Rochelle Edwards  
(Insight Prison Project at San Quentin)

STAR (Seminars In Trauma Awareness and Resiliency): David  
Anderson Hooker & Elaine Zook Barge

# Useful Texts

The Little Book of Restorative Justice & Changing Lenses: A New Focus for Crime and Justice ~ Zehr, Howard.

Peacemaking Circles: From Crime to Community & The Little Book of Circle Processes ~ Kay Pranis

No Future Without Forgiveness ~ Archbishop Desmond Tutu



# Parting Thoughts on Justice

*That act alone is just that does no harm to either part to a dispute.*

~Mahatma Gandhi

*Justice is love correcting that which revolts against love.*

~MLK, Jr.



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# Thank You!

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