



Restorative Justice in the Criminal Legal System

The Arc of New Jersey
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About Me and Acknowledgments





Core Principles & Philosophical Features of Restorative Justice (RJ)

- Identifying Needs and Repairing Harm
- Active Accountability
- Centering Relationships and Community
- Voluntary Participation





Restorative Justice is...

- A different way to respond to crime/harm
 - Voluntary for all parties involved
 - Collaborative decision-making process
- Truth-telling and accountability
 - Intended to center impacted parties/survivor/victim's needs
 - Centering the problem, rather than the person who caused the harm
- Opportunity to engage and connect with community





Restorative Justice is NOT...

- Adversarial
- Soft on crime, 'slap on the wrist'
 - Amends/obligations to impacted parties/victims and communities
- Easy work
 - In-take, pre-work, pre-conferencing, etc.
- Always about having a dialogue
 - A paradigm shift





The Shift



From:

- Telling
- Knowing the answer
- Institution/third party trying to restore balance
- “Victim”
- “Offender”
- Focus on “Offender”
- External coercion
- Justice as punishment

To:

- Listening
- Being Curious
- Those affected trying to restore balance
- “Person Harmed”
- “Person Responsible”
- Focus on those harmed and those who caused harm
- Internal Motivation
- Justice as “right” relationships





Three Different Questions for Each View

Criminal Justice

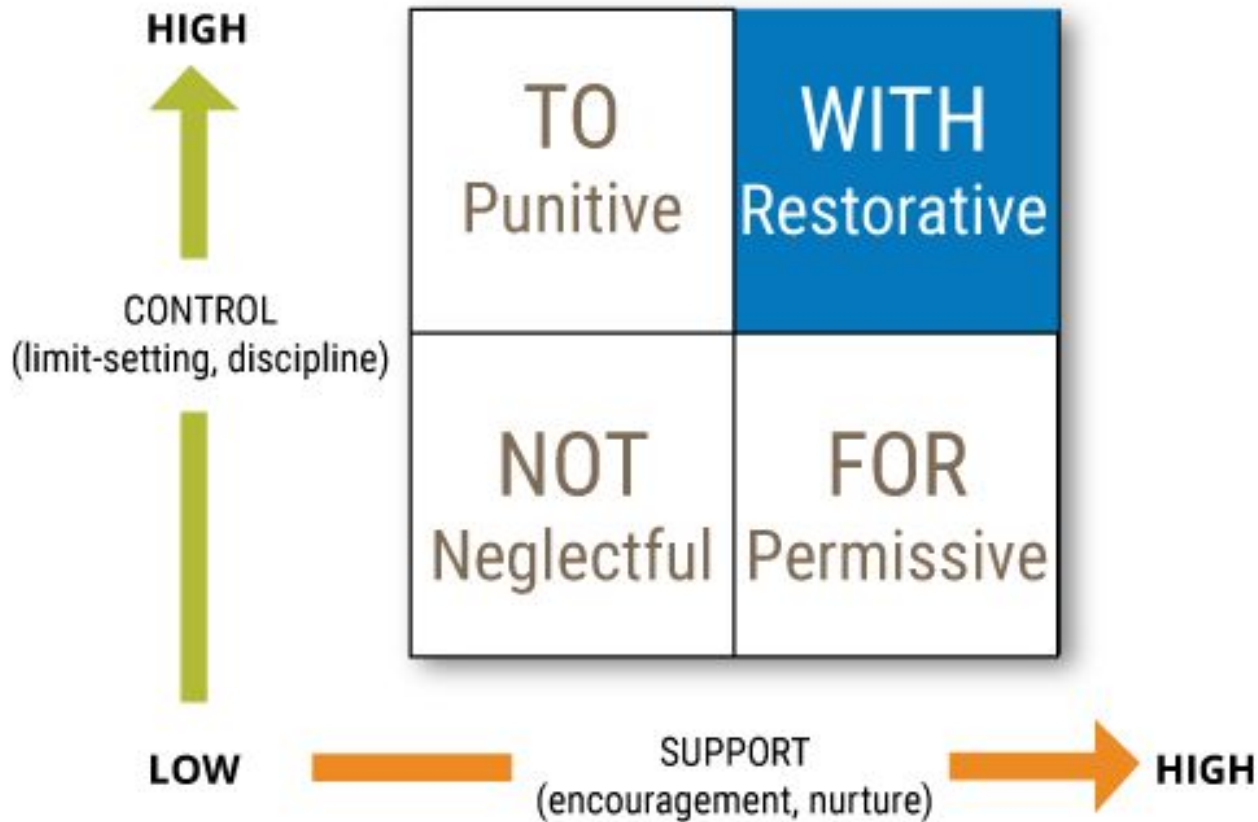


Restorative Justice

1. What laws have been broken?
2. Who did it?
3. What punishment do they deserve?

1. What happened?
2. Who was impacted and what are their needs?
3. What is needed to repair the harm?





Adapted by Paul McCold and Ted Wachtel





Case Study





Scenario





Questions

Criminal Justice



Restorative Justice

1. What laws were broken?
2. Who did it?
3. What punishment do they deserve?

1. What happened?
2. Who was impacted and what were and are their needs?
3. What is needed to repair the harm?





Scenario





Questions

Criminal Justice



Restorative Justice

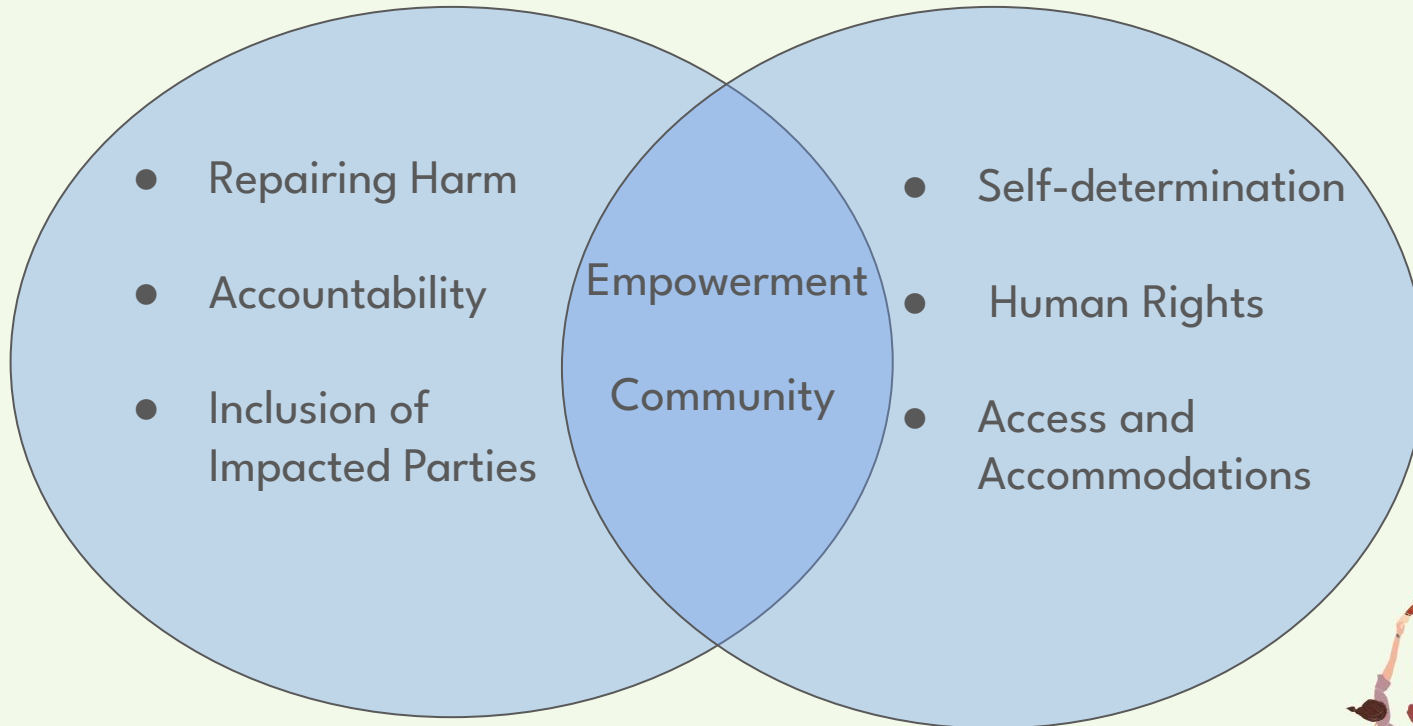
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Shared Principles of Restorative Justice & Intellectual and Developmental Disabilities





The Restorative Justice Process

- Reduces recidivism (Sherman et al, 2015).
- Increases victim satisfaction with the justice process (NZ Victim Satisfaction Survey, 2016).
- Is more cost effective (Sherman & Strang, 2007).
- Is increasingly supported by the wider public as awareness grows (Pali & Pelikan, 2007).







Further Reading

- *NCORJ: RJ, Neurodiversity, & Mental Health in the Criminal Legal System*
- Bolitho, J. (2019). Complex cases of restorative justice after serious crime: Enabling spaces for those with disability. In T. Gavrielides (Ed.), *Restorative justice: From theory to practice* (pp. 217–230). Nova Science Publishers.
- New Zealand Ministry of Justice. (2016). *Victim satisfaction survey 2016*.
- Sherman, L. W., Strang, H., Barnes, G. C., Braithwaite, J., Inkpen, N., & Newbury-Birch, D. (2015).
- Pali, B., & Pelikan, C. (2007). *Building social support for restorative justice: Media, civil society and citizens*. European Forum for Restorative Justice.
- Sherman, L. W., & Strang, H. (2007). *Restorative justice: The evidence*. The Smith Institute.





Questions?

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