

# RESTORATIVE JUSTICE IN LAFAYETTE COUNTY

## **What is Restorative Justice?**

Restorative Justice is an old idea with a new name. Its roots can be found in Aboriginal healing traditions and the non-retaliatory responses to violence endorsed by many faith communities.

It represents a return of the simple wisdom of viewing conflict as an opportunity for a community to learn and grow. It operates on the premise that conflict, even criminal conflict, inflicts harm, and therefore individuals must accept responsibility for repairing that harm. Communities are empowered to choose their response to conflict. Victims, offenders and communities actively participate in devising mutually beneficial solutions, and implementing those solutions. Conflicts are resolved in a way that restores harmony in the community members' relationships, and allows people to continue to live together in a safer, healthy environment.

## **Is it part of the Criminal Justice System?**

No. The Restorative Justice program is comprised of trained community volunteers who are interested in helping resolve the problems of crime which affect victims, offenders, and communities. It is different from contemporary criminal justice in several ways. First, it views criminal acts more comprehensively -- rather than defining crime as simply lawbreaking, it recognizes that offenders harm victims, communities and even themselves. Second, it involves more parties in responding to crime -- rather than giving key roles only to government and the offender, it includes victims and communities as well. Finally, it measures success differently -- rather than measuring how much punishment is inflicted, it measures how many harms are repaired or prevented.

## **What, specifically, do we want to implement in Lafayette County?**

***Victim offender mediation*** – This is a process that provides an interested victim the opportunity to meet his offender in a safe and structured setting, engaging in a discussion of the crime with the assistance of a trained mediator. The goals of victim offender mediation include: permitting victims to meet their offenders on a voluntary basis, encouraging the offender to learn about the crime's impact and to take responsibility for the resulting harm, and providing victim and offender the opportunity to develop a plan that addresses the harm. Typically, two traditional sanctions are used in restorative responses to crime: restitution and community service.

*Restitution* is the payment by an offender of a sum of money to compensate the victim for the financial losses caused by the crime. It is justified in a restorative perspective as a method of holding offenders accountable for their wrongdoing, and as a method of repairing the victim's injury. Studies have shown that restitution increases victim satisfaction with the justice process. Some studies have shown that the use of restitution was associated with reductions in recidivism. Other studies have shown that when restitution is determined during mediation, it is more likely to actually be paid than when it results from court order alone.

*Community service* is work performed by an offender for the benefit of the community. It is justified in a restorative perspective as a method of addressing the harm experienced by communities when a crime occurs. However, it can be used instead for retributive reasons or as a means of rehabilitating the offender. What distinguishes its use as a restorative response is the attention given to identifying the particular harm suffered by the community as a result of the offender's crime, and the effort to ensure that the offender's community service repairs that particular harm

## **Is it working elsewhere?**

Yes. There are more than 1,000 Restorative Justice Programs in the United States, Canada, and Europe alone. As opposed to the traditional court process, research on such programs has found:

- higher satisfaction among victims and offenders who participated
- after meeting the offender, victims are less fearful of being re-victimized
- offenders who meet their victims are more likely to pay restitution
- fewer crimes are committed by offenders who meet their victims

## **Where do the cases originate?**

Cases are primarily referred to the Restorative Justice program from judges, probation officers, victim advocates, prosecutors, defense attorneys, police, schools, or victims. Usually, cases are referred to the program as a diversion from prosecution, or as a condition of sentencing in both the juvenile and adult justice systems.