

Restorative Justice in Re-Entry

2018 Visions of Justice Handout

“Restorative Justice is not a map, but the principles of restorative justice can be seen as a compass pointing a direction.” – Howard Zehr

Restorative Justice is a western phrase used to describe various indigenous ways of life focused on healing harm and living in community with one another. At the core of anything claiming to be restorative one must find the restorative justice principles based on these indigenous values and worldviews. With this, Restorative Justice processes, programs and projects fall along a spectrum dependent on how they are able to adhere to the principles of restorative justice and focus on the needs of those most impacted by harm.

Restorative Re-entry processes work to be as fully restorative as possible. Some restorative re-entry processes do involve direct victims, all seek to involve secondary victims which are often the family members of those who have caused harm. The purpose of restorative re-entry processes is to aid individuals in a successful transition home through repairing harm to the extent possible which aids them in rebuilding support and thus having more successful transitions, ultimately reducing recidivism.

The following outlines some key Restorative Justice Principles, Guiding Questions and two main restorative re-entry models utilized in the field today.

Restorative Justice Principles



Crime is fundamentally about a violation of people and interpersonal relationships.

- *Victims and the community have been harmed and need restoration.*
 - The primary victims of crime are the people who are most directly affected by the offense. But others, such as family members of victims and offenders, witnesses, and members of the affected community, are also victims.
 - The relationship affected (and reflected) by crime must be addressed.
- *Victims, offenders and members of the community affected by crime are the key stakeholders in the justice process.*
 - A restorative justice process maximizes the input and participation of these parties – but especially primary victims as well as offenders – in the search for restoration, healing, responsibility and prevention.
 - The roles of these parties will vary according to the nature of the offense as well as the capacities and preferences of those parties.
 - The state has circumscribed roles, such as investigating facts, facilitating processes and ensuring safety, but the state is not a primary victim.



Violations create obligations and liabilities.

- *Offender's obligations are to make things right as much as possible.*
 - Since the primary obligation is to victims, a restorative justice process empowers victims to effectively participate in defining obligations.
 - Offenders are provided opportunities and encouragement to understand the harm they have caused to victims and the community and to develop plans for taking appropriate responsibility.
 - Voluntary participation by offenders is maximized; coercion and exclusion are minimized. However, offender may be required to accept their obligations if they do not do so voluntarily.
 - Obligations that follow from the harm inflicted by crime should be related to making things right to the extent possible.
 - Obligations to victims such as restitution take priority over other sanctions and obligations to the state such as fines.
 - Offenders have an obligation to be active participants in addressing their own needs.



- *The community's obligations are to victims and to offenders and for the general welfare of its members.*
 - The community has a responsibility to support and help victims of crime to meet their needs.
 - The community bears a responsibility for the welfare of its members and the social conditions and relationships which promote both crime and community peace.
 - The community has responsibility to support efforts to integrate offenders into the community to be actively involved in the definitions of offender obligations and to ensure opportunities for offenders to make amends.



Restorative Justice seeks to heal and put right to the extent possible the wrongs.

- *The needs of victims for information, validation, vindication, restitution, testimony, safety, and support are starting points of justice.*
 - The safety of victims is an immediate priority,
 - The justice process provides a framework that promotes the work of recovery and healing that is ultimately the domain of the individual victim.
 - Victims are empowered by maximizing their input and participating in determining needs and outcomes.
 - Offenders are involved in repair of harm insofar as possible.
- *The process of justice maximizes opportunities for exchange of information, participation, dialogue and mutual consent between victim and offender.*
 - Face-to-face encounters are appropriate for some instances while alternative forms of exchange are more appropriate in others.
 - Victims have the principal role in defining, and directing the terms and conditions of the exchange.
 - Mutual agreement takes precedence over imposed outcomes.
 - Opportunities are provided for remorse, forgiveness and reconciliation.
- *Offenders' needs and competencies are addressed.*
 - Recognizing that offenders themselves have often been harmed, healing and integration of offenders into the community are emphasized.
 - Offenders are supported and treated respectfully in the justice process.
 - Removal from the community or severe restriction of offenders is limited to the minimum necessary.
 - Justice values personal change above compliant behavior.
- *The justice process belongs to the community.*
 - Community members are actively involved in doing justice.
 - The justice process draws from community resources and, in turn, contributes to the building and strengthening of community.
 - The justice process attempts to promote changes in the community to prevent similar harms from happening to others.
- *Restorative Justice is mindful of the outcomes, intended and unintended, of its response to crime and victimization.*
 - Justice monitors and encourages follow-through since healing, recovery, accountability and change are maximized when agreements are kept.
 - Fairness is assured, not by uniformity of outcomes, but through provisions of necessary support and opportunities to all parties and avoidance of discrimination based on ethnicity, class and sex.
 - Outcomes which are predominantly deterrent or incapacitative should be implemented as a last resort, involving the least restrictive intervention while seeking restoration of the parties involved.
 - Unintended consequences such as the cooptation of restorative processes for coercive or punitive ends, undue offender orientation, or the expansion of social control are resisted.

Howard Zehr and Harry Mika, "Fundamental Principles of Restorative Justice," *The Contemporary Justice Review*, Vol. 1, No. 1 (1998), 47-55.



Restorative Justice Guiding Questions¹

1. Who has been hurt?
2. What are their needs?
3. Whose obligations are these?
4. Who has a stake in this situation?
5. What is the appropriate process to involve stakeholders in an effort to put things right?

Restorative Re-Entry Models

Restorative Re-Entry Circles

A Restorative Re-entry Circle, or a Restorative Welcome, is a process designed to formally welcome the returning citizen back into community, allow them an opportunity to repair the harm they have caused, and to establish a support system and plan for him or her, as they transition back into their family and community life.

Restorative Re-entry Circles are done for those returning from prison, inpatient rehabilitation, out of school suspension, and other long term absences that may have caused harm. Ideally these circles are held prior to their return home. Those who participate are all those affected by the original harm that caused the absence, the absence itself, community members invested in the success of their community and fellow community members, and any professionals involved or that will be involved with the returning citizen. Circle participants do not have to be physical present to participate in the Restorative Re-entry Circle, although physical presence is ideal.

Circles of Support and Accountability (CoSA)

Circles of Support and Accountability focus on the safe reintegration of people returning home from incarceration—usually high-risk, high-needs people convicted of a sexual offense. These “circles” are volunteer-driven. The volunteers establish relationships with core members (i.e., the person who was convicted of a sex offense) that are based on mutuality, equality, and an agreement (i.e., a “covenant”) to work toward building a lasting and responsible friendship. The exact models can differ depending on the location and needs of the jurisdiction, but CoSA models primarily include a group of volunteers who meet with the core member weekly and discuss the various challenges of re-entry. Community professionals are also essential to ensuring these projects are running effectively; they provide training and support to volunteers while also holding core members accountable to their commitment to the project.

¹ Howard Zehr. *The Little Book of Restorative Justice*. Good Books. 2002.

