

Restorative Justice: A Basic Overview

After a crime, a victim's life is forever changed regardless of the type of crime that occurred. Often our responses to these events are to seek revenge or make the other person pay for their actions in an attempt to find justice. Rarely do those attempts meet our needs for closure or peace of mind. Another choice to these feelings is a restorative approach to justice that allows both victims and offenders a chance to hear each other out.

- Restorative Justice recognizes that crime hurts everyone – victims, offenders and community. It creates obligation to make things right.
- The foundation of Restorative Justice is genuine, accountability.

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

Crime is a violation of people and relationships.

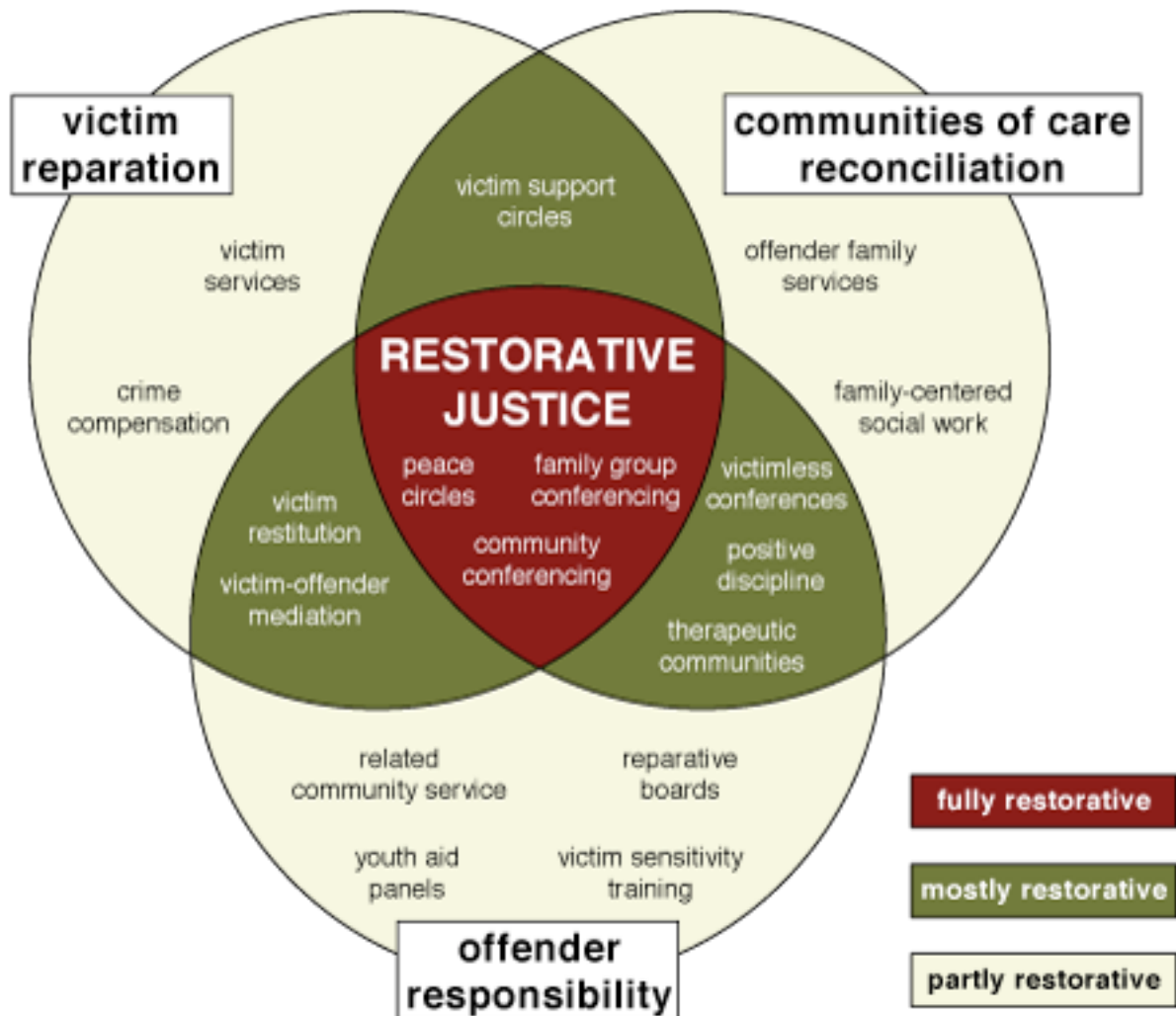
Crime creates harms, needs and obligations.

Individuals most affected should be meaningfully included and empowered.

Court Justice	Restorative Justice
Punitive, state-centered, impersonal	Victim centered, personal and seeks repair harm
Discourages offender Empathy and Responsibility	Connect offenders with the harm of their actions and helps them to take responsibility for the harm
Focused on punishing the offender	Focused on victim and healing
What laws were broken?	Who has been harmed by this event?
Crime is essentially a violation of the law and the state is the victim	Crime is essentially a violation of (harm to) people and relationships. Such violations result in obligations.
The aim of justice is to establish blame (guilt) and administer pain (punishment)	The aim of justice is to identify obligations and to promote restoration and/or healing
The process of justice is a conflict between adversaries in which offender is pitted against state, and rules and intentions outweigh outcomes.	The process of justice involves victims, offenders, and community in an effort to identify obligations and solutions, maximizing the exchange of information (dialogue, mutual agreement) between them.
Who did it?	What are the needs of all involved?

Circle Space Services
Kris Miner 715-220-5658
www.circle-space.org
miner.kris@gmail.com

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What does the victim need and feel?

- ◆ A victim most often needs:
 - ◆ Compensation for losses
 - ◆ An opportunity to express feelings
 - ◆ Safety
 - ◆ Empowerment
 - ◆ Answers to questions (ex. Why did this happen? Why did this happen to me?)
- ◆ A victim most often feels:
 - ◆ Physical shock
 - ◆ Anger
 - ◆ Guilt
 - ◆ Numbness
 - ◆ Grief
 - ◆ Fear
 - ◆ Frustration

Resolving these matters strictly in a court setting does not allow the victim to get all of their needs met or to properly cope with their feelings. Restorative justice does.

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What does the offender need and feel?

- ◆ In order to experience justice, an offender usually needs to:
 - ◆ Be accountable to the person they have harmed
 - ◆ Be responsible for their actions
 - ◆ Understand the human consequences of what happened
 - ◆ Face what they have done and to whom
 - ◆ Be part of the process and take steps to repair the harm
- ◆ An offender often feels:
 - ◆ Labeled by the offense (perpetrator, thief, etc.)
 - ◆ Known by the offense, not by who they are
 - ◆ They are not a bad person, they just made a bad choice
 - ◆ Victimized by the criminal justice system
 - ◆ Their voice has not been heard
 - ◆ The sentence imposed on them

A court does not take into account the feelings of the offender or what consequences will most adequately meet the needs of the offender in order to experience justice. Restorative justice does.

❖ Court-imposed justice participation

- ◆ Obligation: in criminal cases, the state presses charges, which requires the victim to participate in the process while the offender does not have a choice
- ◆ A profession of guilt or non-guilt that is based on a legal description of the crime, not what was personally perceived by either the victim or the offender
- ◆ A solution provided by a judge or other third party, usually in the form of jail time or a fine
- ◆ An outcome that satisfies laws, but often does not satisfy the needs of the victim or the offender

❖ Restorative Justice participation

- ◆ Choice: it is a process that is strictly voluntary for the victim and partially voluntary for the offender
- ◆ An admission of harm done or wrongdoing that acknowledges not just the legal offense, but the perception of the victim
- ◆ A willingness to problem solve
- ◆ Awareness that a participant may choose to stop at any time
- ◆ Participants deciding the outcome

❖ How can these two systems work together?

- ◆ The criminal justice system focuses on the laws
- ◆ Restorative justice focuses on the people
- ◆ Each system is critical to the justice process as a whole, but neither can completely meet the needs of the victim or the offender
- ◆ In order to meet these needs, it is necessary to rely on both systems together

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Restorative Justice in Severe Crime & Violence

- Addresses traumatic needs around Violence, Violation, Volition
- Addresses D's of trauma Disorder, Dis-empowerment, Disconnection
- Provides for new meaning, draw new boundaries, incorporate experiences, find new metaphors, transform humiliation into honor.
- Provides an opportunity for transcendence:
 - To rise above or go beyond the limits of . . .
 - to triumph over the negative or restrictive aspects of
 - to rise above or extend notably beyond ordinary limits . . .

A series of journeys:

Journey toward meaning

Journey toward honor

Journey toward vindication

Journey toward justice

Restorative Justice is NOT . . .

. . . a panacea that will heal every single person's wounds suffered from being a crime victim. Restorative justice offers only the opportunity for healing, not a guarantee, but we know from an abundance of research that restorative justice helps many people.

. . . exclusively about forgiveness. Restorative Justice creates the conditions possible for transcendence and healing.

. . . without deep meaningful preparation work, by facilitators, victims, offenders.

. . . for reduction of court-sanctions or avoidance of penalties. Participation cannot be used in parole hearings or attached to a reduction in legal sanctions.

Kris Miner has 17 years of Restorative Justice experience, ranging from schools to prisons. Her work is centered around Peacemaking Circle process. She is an experienced facilitator and trainer. She was trained in Severe Crime Victim Offender Dialogue in 2004. She has facilitated numerous cases, assisted victims with storytelling and restorative engagements. She was executive director at SCVRJP for 10 years and on August 1st will be a freelance consultant and trainer.

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