

POSITION PAPER ON
RESTORATIVE JUSTICE

Respectfully submitted to the
Chief Probation Officers of California
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September 11, 2000

CHIEF PROBATION OFFICERS OF CALIFORNIA

A POSITION PAPER FOR RESTORATIVE JUSTICE

INTRODUCTION

Restorative Justice is a comprehensive philosophy of justice. Various forms of Restorative Justice have been practiced throughout history in cultures around the world. Restorative Justice offers a complete approach to addressing the needs of all affected parties: victims, offenders, and communities.

Restorative Justice acknowledges that crime causes harm and injury to victims and their families, offenders and their families, and communities. The purpose of Restorative Justice is to engage all of the parties affected by crime in processes that work to hold the offenders accountable, repair the harm done to victims, build offender competencies, and engage communities in finding solutions to the problems associated with crime.

DEFINING RESTORATIVE JUSTICE

- ◆ Crime injures victims, offenders, and communities. Justice processes should work to repair the harm and injuries.
- ◆ Victims, offenders, and communities should be actively involved in the justice process at the earliest point possible and as fully as possible.
- ◆ Restorative Justice applies processes that include the affected parties in the work of identifying and repairing the harm caused by crime (the involvement of communities in Restorative Justice processes is central to the process and entirely voluntary. Any encounter-based approach must appropriately screen offenders to make sure they accept responsibility and participate voluntarily).
- ◆ Victims of crime are those most impacted by crime, both primary and secondary: victims' families, friends, and offenders' families, community, and criminal justice officials.
- ◆ Restorative Justice takes into account the needs of all the parties. The priority is restoration of the victim and the community.
- ◆ Offenders have personal accountability to victims and to the community and should be held accountable for the crime committed. Restorative Justice works to see that offenders take responsibility for meeting their obligations and develop improved competencies. Success is measured by the integration, or reintegration of offenders, as productive members of the community.
- ◆ Restorative Justice does not abolish the right of "Due Process" for offenders.

RESTORATIVE JUSTICE APPROACHES

Restorative Justice programs and services focus on working to repair the harm caused by crime. They actively engage the victim, offender and community in the justice process. It is when these parties meet in a safe environment, learn more about each other and their relational context that people are held accountable and take responsibility for their acts. They can then begin the work to repair the harm and broken relationships.

Here are some of the existing justice programs that are or tend to be restorative.

A short list:

Neighborhood Watch

Community Policing

Neighborhood Accountability Boards

Community Courts or Sentencing Councils

Peer Courts

Victim Offender Reconciliation Programs

Family Group Conferencing or Community Justice Conferencing

Victim Impact Classes

Victim Services

Restitution Programs

Community Service

MISSION

CPOC strongly supports a Restorative Justice System that will:

- ◆ Provide a balanced approach that respects the rights and needs of all the parties affected by crime.
- ◆ Hold offenders accountable.
- ◆ Actively engage victim, offender, and the community in justice processes.
- ◆ Give priority to victims and work to repair the harm caused to all the parties.
- ◆ Contributes to the establishment of safe, healthy communities.

GOALS

CPOC will:

1. Provide leadership, expertise, and resources to work for the development and implementation of a Restorative Justice System.
2. Work for legislative changes that will create a comprehensive justice policy that embraces the principles of Restorative Justice.
3. Support evaluation of Restorative Justice programs and services to assure both program integrity and cost effective outcomes. The evaluation of outcome measures will be expanded to include, but not be limited to, other relevant factors; i.e., victim, community, and offender satisfaction.
4. Provide or support training for staff, victims, community, and other agencies in the principle and application of Restorative Justice.

RestorativeJusticePosition Paper