

AN OVERVIEW OF RESTORATIVE JUSTICE PRINCIPLES

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



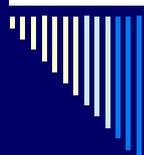
Victims and Crime:

- Crime: Violation of people and interpersonal relationships
 - Harm: Caused to victims and community
 - Need: Restoration to those harmed
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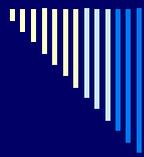
Victims

- Primary: Directly affected by the offense committed
- Secondary: Family members of both victims and offenders; witnesses; members of affected community



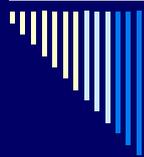
What Must be Addressed?

- Relationships: affected as well as reflected by the criminal act



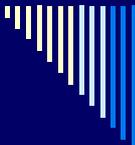
What is Restoration?

- Collection of responses to needs resulting from harm suffered by victims, offenders, and community



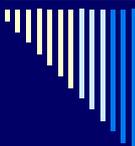
Who Are The Key Stakeholders?

- Victims
- Offenders
- Affected Communities



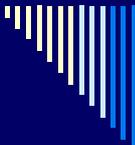
Restorative Justice Process

- Maximizes input and participation of stakeholders
 - Primary victims and offenders are emphasized
 - Search is for:
 - Restoration
 - Healing
 - Responsibility
 - Prevention
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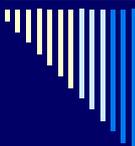
Roles of Stakeholders

- Vary according to nature of offense
 - Vary according to capacities and preferences of stakeholders
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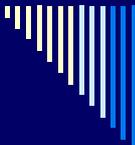
Role of the State

- Confined role because state not a primary victim
- Restricted to:
 - Investigating facts
 - Facilitating processes
 - Ensuring safety



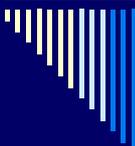
Obligations and Liabilities

- These create violations
- Violations obligate offenders to put things right to the extent possible



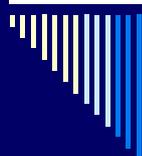
Participation by Victims

- Offender's primary obligation is to victim
- Victim empowered by restorative justice process to participate in definition of offender's obligations



Opportunities to Offenders

- Understand the harm they have caused to victims and community
- Develop plans for accepting appropriate responsibility



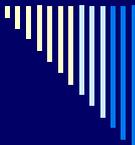
Voluntary Participation by Offenders

- Maximized
- Coercion and exclusion minimized
- Can be converted to mandatory participation if offender fails to volunteer



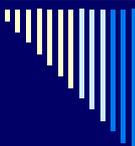
Nature of Obligations of Offender

- Offender must put things right
- While perhaps difficult or painful, no pain, vengeance, or revenge should be attempted against offender
- Take precedence over other sanctions and obligations imposed by state
- Offender must be active participant in considering own needs



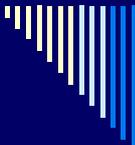
Obligations of Community

- Victims
 - Offenders
 - General welfare of community members
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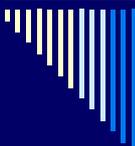
Community Responsibilities

- Support and help victims fulfill their needs
 - Ensure welfare of community members
 - Consider social conditions and relationships that:
 - Cause crime
 - Promote community peace
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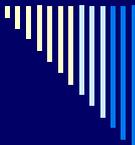
Community Also Has Responsibilities To

- Support reintegration of offenders into community
- Be actively involved in defining offender obligations
- Ensure that offenders have opportunities to put things right



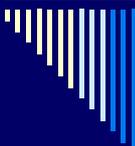
Restorative Justice Seeks To:

- Heal
- Put things right



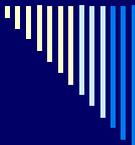
Where Do We Start?

- Needs of victims for:
 - information
 - validation
 - vindication
 - restitution
 - testimony
 - safety (immediate priority)
 - support



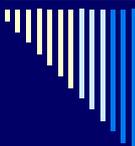
Victim's Responsibility in the Restorative Justice Process

- Undertakes work of recovery and healing within framework provided by restorative justice process
- Through empowerment of restorative justice process, input and participation of victim is maximized in determining
 - Needs
 - Outcomes



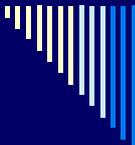
Offender's Responsibility in Restorative Justice Process

- Involved in putting things right as much as possible



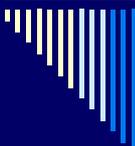
Process of Restorative Justice Maximizes Opportunities For:

- Exchange of information
- Participation
- Dialogue
- Mutual consent of victim and offender



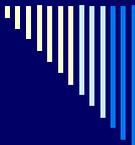
How The Process Works

- Depending on the situation, either a face-to-face encounter approach or an alternative form of exchange is utilized
- Whatever the exchange, victim has principal role in defining and directing terms and conditions
- Mutual agreement rather than imposed outcome is pursued
- Opportunities are provided for
 - Remorse
 - Forgiveness
 - Reconciliation



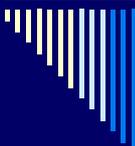
Needs and Competencies of Offender: Important Considerations

- Recognize: Offender may have also been harmed
- Emphasize: Healing and reintegration of offender into community
- Offender's support and treatment by process: Respectful
- Removal of offender from community and severe restriction: Limit to minimum necessary
- Future conduct of offender: Personal change is goal rather than compliant behavior



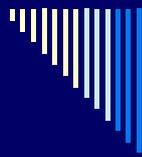
Who Owns the Restorative Justice Process?

- Community owns restorative justice process
- Its members should be active participants in seeing that justice is done
- Community is built and strengthened because it provides resources to process of restorative justice



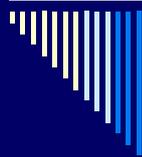
Community Changes Resulting from Restorative Justice Process

- Prevention of similar harms to others
- Early intervention dealing with:
 - Victim needs
 - Offender accountability



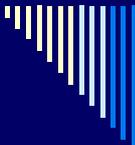
Follow-Through

- Follow-through to ensure that agreements are kept
- Goal: Maximize healing, recovery, accountability, and change



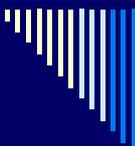
Fairness

- Fairness: Provide necessary support and opportunities to all participants
- Avoid ethnic, class, and sex discrimination



Outcomes to Be Avoided

- Only as a last resort should predominantly deterrent or incapacitating outcomes be employed
- Even then, the least restrictive approach should be taken
 - while continuing to pursue restoration of the involved parties



Avoid Unintended Consequences

- Do not allow restorative processes to be used for:
 - Coercive or punitive purposes
 - Undue offender orientation
 - Expansion of social control