

AMERICA POLICY BRIEF

RESTORATIVE JUSTICE

Restorative justice is a way of dealing with crime that brings together the offender, the victims, and their respective families and friends to discuss the accident. It is a process that discusses the steps that can be taken to repair the harm that the offender has done. This method holds the offender responsible and accountable to the victim and uses the community to support the victim.

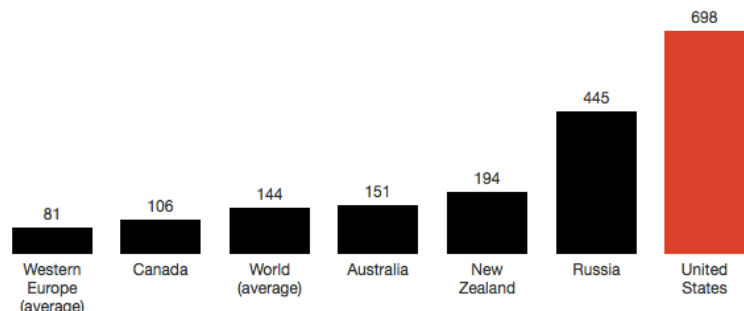
What is the issue?

A major issue in the United States is mass incarceration, which could be decreased by using restorative justice to its fullest potential. While many associate the incarceration numbers with an increased level of crime, the still-increasing numbers actually have more to do with changes in sentencing rules. In the mid-1970s, Congress began to lengthen sentences, and mandatory minimum sentences were established and eliminated federal parole. Then from 1985 to 1992, city, state, and federal legislators began to lengthen drug sentences. For example, it set a five-year mandatory minimum sentence for offenses involving 100 grams of heroin, 500 grams of cocaine or 5 grams of crack cocaine. Two years later, a five-year mandatory minimum sentence for simple possession of crack cocaine was added, with no evidence of intent to sell. Then in the 1990s, along with longer sentences, the “three strikes laws” came about, which sentences any person with two prior convictions to life without parole. The chart to the right shows that the United States has a much higher incarceration rate than other countries. The incarceration rate can be lowered if restorative justice replaces certain mandatory minimum sentences and the “three strikes law”.

The restorative justice theory is a different response to crime in communities. Justice becomes a community commitment linked to community safety, rather than a commodity delivered by disconnected strangers. Justice is delivered within a model better able to account for the strengths and limitations of all parties (Yeh p. 670). Within the restorative justice process, victims are given a voice in criminal justice processing, and the community benefits from reduced recidivism (Restorative Justice: An alternative to traditional criminal justice, December 3, 2015).

Worldwide incarceration rates

At 698 people in prison for every 100,000 adults, the US is a world leader in incarceration.



Data as of 2015.

The Conversation, CC-BY-ND

Source: [World Prison Brief](#) [Get the data](#)

Why is this important?

According to May Lydia Yeh, two significant factors that lead to criminal “offending” are antisocial attitudes and peer affiliations. Restorative justice puts offenders face-to-face with the

consequences of their actions. While a police officer, prison official or parole officer may not be able to convince an offender to make changes, family and peer confrontation resonates on a deeper level. Restorative justice can make a bigger impact on the offender rather than others professionals in the criminal justice system.

This method has proved to be satisfactory in most cases. Victim Offender Dialogue, Group Conferencing, and Sentencing Circles report high satisfaction rates. In comparison to groups that have gone through the traditional court process, restorative justice participants report greater satisfaction than their counterparts. In terms of perceived fairness, over 80% of participants in VOD and Group Conferencing felt that the agreement process and the agreement itself were fair for both parties (Yeh, p. 672).

In a study done by a program called Restorative Resolutions, 174 offenders were noted as they participated in the restorative justice process. One thing looked at in this study was recidivism rates. The recidivism rates for the RR clients were compared to the rates for inmates and probationers who were matched on person-demographic and criminal history variables. In all comparisons, the recidivism rate was lowest for the RR clients. Only 5.3% of RR clients were convicted of a new offense whereas the rate for the probationers and inmates was 16.1%. It is hypothesized that the lower recidivism rates may have been due to the treatment services also provided to the RR offenders. Although recidivism rates should not be the only factor considered when examining the effectiveness of the theory, it is a good indication that restorative justice can have positive outcomes.

Restorative justice is often used in schools, and has proved to make a difference for students. It is said that it helps students with problem solving and communication strategies. Students often say that they feel empowered to share their feelings instead of resorting to violence. This method not only affects the students in a positive manner, but it also helps students develop better relationships with each other, teachers and administrators.

What can policy makers do?

The first step is to make this issue known across the public. The chart below shows that restorative justice is slowly becoming more popular as a topic in newspapers. The more that restorative justice is discussed between criminal justice professionals and the public, the more the tools will be used. In order to make restorative justice options utilized, offenders of less serious crimes should have an

option in court to participate in a restorative justice process, rather than mandatory minimum sentencing. This will help lower the incarceration rates overall, and it will help divert offenders to the community and away from prison. These offenders subsequently pose a lower risk for recidivism than offenders who undergo more traditional criminal justice processing.

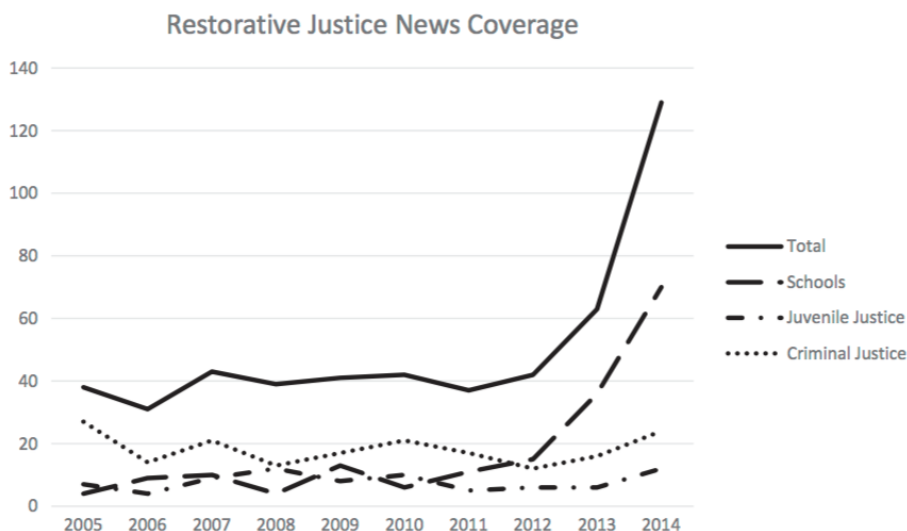


Figure 2: Newspaper coverage of restorative justice, 2005–2014.

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