



What Is Community Justice?

Community justice is known by different names, including restorative justice, balanced and restorative justice (BARJ), and restorative community justice. It is an alternative way to look at the criminal justice system. Crime is viewed as an offense against the community, which includes the victim and the offender, rather than against the state. Community justice focuses on repairing the harm to victims, communities, and offenders that occurs when a crime is committed.

When approaching crime using community justice principles:

- **Victims have an active role in the justice system.** They are empowered to ensure that their own needs are met and to resolve the feelings toward the crime that was committed. As a result, victims receive adequate reparation and can walk away from the experience feeling satisfied that justice has been served.
- **Communities can enjoy a lower crime rate and safer neighborhoods.** They can address their justice issues on a local level and find solutions that work for their unique circumstances. This involves a commitment to crime prevention programs and rehabilitation for offenders.
- **Offenders are required to accept responsibility for their crimes and must take an active role in repairing the damage their crime has created.** In the process, they are exposed to crime prevention programs and come away from the system with a better understanding of the consequences of their actions and the skills to make better decisions in the future.

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California Community Justice Project



ADMINISTRATIVE OFFICE OF THE COURTS

CENTER FOR FAMILIES, CHILDREN & THE COURTS

Restorative Conferencing

What Is Restorative Conferencing?

Restorative conferencing is a practice based on community justice principles. It involves a face-to-face, facilitated meeting between the victim and the offender (at a minimum) with the goal of repairing harm and restoring the community to the state of well-being it enjoyed before the crime occurred. During the meeting, the participants are encouraged to tell their stories of the crime—what led to the crime and the aftermath. They can ask questions about the crime and get answers to help them understand what happened and why it happened.

There are several models for restorative conferencing and often programs blend models, but each is based on a common foundation.

- There is a face-to-face meeting between the victim and the offender at a minimum, with some programs including family members, community members, and support persons.
- Offenders must admit their guilt or responsibility in order to participate. The meetings are not intended to determine guilt or innocence.
- Victims are given the choice to participate. Their participation must be voluntary to ensure that they will not be further victimized by the process. If they do not feel comfortable with a face-to-face meeting but want the meeting to take place, victim surrogates are effective substitutes.
- All parties who agree to participate are typically contacted by the program staff before the meeting to discuss procedures and expectations.
- Trained facilitators are present to ensure productive discussions and a safe environment for all parties, but they are not directly involved in creating the restitution agreement.

- Restitution agreements, created by consensus, detail how the offenders will make amends to those harmed and how progress will be tracked.
- All participants get their chance to tell their stories. Typically, only one person is allowed to talk at a time and participants must wait their turn to speak.

Restorative Conferencing Program Examples

Family Group Conferencing

Cases are referred to trained facilitators who conduct meetings between victims, offenders, and their families. The group works together to design a contract that will determine restitution to all affected parties and address the offender's competency development. The family component aids discovery of underlying issues that may be contributing to criminal behavior and provides a support network for offenders to help them be successful in meeting their agreements and develop healthy community skills.

Victim-Offender Mediation

Trained community mediators conduct mediation between the victim and offender. Family members and supporters of both parties may also be involved in the process. During a mediation session, both parties are able to discuss the incident and its emotional impact, to ask questions, and to negotiate an appropriate disposition that each considers fair.

Circles

Circles typically involve a broader cast of participants than in other models. They include the victim and offender as well as family members, justice professionals, and community members. They all play a significant role in the process. A trained facilitator or circle keeper conducts the meeting. Participants sit in a circle and pass a talking stone around the circle. Each person tells his or her story of the impact of the crime. Community involvement in the process encourages discussions of issues specific to the community and how they can be addressed as part of the agreement to make things right again. Restitution agreements are made by consensus.

What Are the Benefits?

- Relationships are restored or not damaged further
- Parties are more satisfied with the justice system—studies show 80 percent greater satisfaction than with traditional processes
- Greater restitution is paid—studies show as much as 1,000 percent greater restitution paid
- There is less recidivism—studies show 90 percent less recidivism
- Victim fear is reduced
- The victim's and offender's sense of belonging in the community is restored
- Victims receive the restitution they agree is fair and meaningful
- Offenders are held accountable