

VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners and Advocates

RESTORATIVE JUSTICE

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The Victims' Rights Brief is published by the Arizona Attorney General's Office of Victim Services, which remains wholly responsible for its content. The goal in generating the Brief is to promote justice and healing for crime victims by sharing information and fostering sensitivity within the justice system. To learn more about victims' rights visit us at www.azag.gov.

"Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible."

-Howard Zehr, Changing Lenses: A New Focus for Crime and Justice

What is Restorative Justice?

Restorative justice processes bring stakeholders affected by an offense, including; the victim, offender, and community to dialogue and determine what restoration means to those affected. Practitioners of restorative justice ideals recognize that crimes are against individuals, instead of the state. Focus is shifted beyond guilt to include reparation and responsibility. Those affected by the crime; including; victims, offenders, and the community are not passive participants of a system, but active stakeholders. Restorative justice works to engage individuals to dialogue and address the needs to repair harm caused in an offense, while denouncing the criminal behavior. The intent is to foster accountability and reintegrate offenders into the community in ways that will lead to and support lawful behavior.

The criminal justice system and restorative system were compared as¹:

The conventional criminal justice system focuses upon three questions:

- (1) *What laws have been broken?*
- (2) *Who did it? and*
- (3) *What do they deserve?*

A restorative justice perspective includes a different set of questions:

- (1) *Who has been hurt?*
- (2) *What are their needs?*

- (3) *Whose obligations are these?*

Some common practices of restorative justice include:

Victim Offender Mediation-

Trained, professional mediators assess cases and when victims and offenders are willing to meet, both experience a lengthy preparation process. The trained mediator will arrange a face-to-face meeting and facilitate a dialogue of understanding and at times an agreement on restitution.

Conferencing-

Conferences are informal meetings convened by trained facilitators. They usually involve family members and other people supporting the offender, victims and their supporters, and possibly a police representative or others from the community. The purpose of conferencing is to address how to meet the needs of the victim and create an opportunity for the offender to repair harm done to the community as well as the victim.

Sentencing Circles-

Used to replace formal sentencing; these circles engage the community and the justice system as partners to identify the rehabilitative needs of the offender. Sentencing circles can involve victims and offenders in developing a resolution.

The limited research and evaluation that exists shows that restorative justice programs are more likely to give victims a sense of closure². Compensation, reparation, and an apology are likely to be made as a result of a restorative justice program. Though not appropriate for all victims, offenders, and situations, restorative justice programming, when implemented with formal programming and training, can lead to positive changes in the lives of victims as well as offenders.

Restorative Justice in Arizona

Arizona Department of Juvenile Corrections (ADJC)

ADJC is responsible for juveniles adjudicated and committed to its jurisdiction, and has a restorative justice program that works to foster accountability and empathy in their youth. ADJC has a curriculum and training program for youth on victim empathy and prepares offenders on a case by case basis for the opportunity to write letters of apology and attend clarification sessions. Clarification sessions are an opportunity for offenders and victims to meet and discuss the impact of the crime. Offenders often seek forgiveness and the opportunity to express remorse. Victims are given an opportunity to ask questions, and often times find a sense of closure.

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RESTORATIVE JUSTICE CONT...

Arizona Department of Corrections (ADC)

Office of Victim Services (OVS) within the ADC provides victim services and has implemented victim-focused restorative justice programs, which holds offenders accountable for their conduct. Restorative justice activities at ADC include victim impact classes, victims' advisory committees, and cash and labor donations to victim organizations in an effort to repair harm caused in a community. In fiscal year 2008, inmates of the Arizona Department of Corrections gave back to crime victim organizations donating \$555,584.96 in both cash donations and inmate labor for Restorative Justice Projects.

Community Justice Boards in Pima and Yuma Counties

Community Justice Boards are comprised of specially-trained volunteers from the community who hold conferences to learn more about the youth, their families, and the circumstances surrounding the offense. The Board subsequently assigns developmentally and age appropriate consequences designed to hold youth accountable for their actions and decisions. The program builds problem-solving, decision-making, and life skills; motivates youth through education; and in the end promotes successful futures.

Yavapai County Victim Offender Mediation Program

Victim offender mediation can be a mandatory part of sentencing in the juvenile court to the extent it is appropriate for the case. A victim's participation is completely voluntary. The County works with adjudicated youth preparing offenders and victims for the mediation. Two volunteer mediators facilitate a dialogue between victim and offender to foster mutual understanding and provide victims the opportunity for clarification and healing.

Story of Success

Robert was a youth who was committed to the custody of the Arizona Department of Juvenile Corrections (ADJC) as a result of his delinquent history and his adjudication of the crime of Theft of Means of Transportation.

Once the youth was in our secure care facility, the Office for Restorative Justice and Victims' Rights Unit of the Arizona Department of Juvenile Corrections made contact with the victim of the theft. The victim was very angry and indicated that she wanted the youth to pay the restitution that was owed to her. The victim continued to repeatedly express her anger and resentment towards the youth due to him stealing her car. In working with the victim, the Victim Advocates found that the victim and her husband were going through a tumultuous time in their life. The victim indicated that the vehicle that the youth stole was their only means of transportation. Adding to that, her husband was in the process of completing chemotherapy treatment for cancer and unfortunately, medication, medical supplies as well as a wheelchair were in the vehicle. It was a total loss for the victim and the vehicle was never found. The victim continued to contact the Victim Advocate weekly wanting the money that was owed to her and expressing her anger.

The youth was responding well to the treatment provided at Juvenile Corrections. Part of the youth's treatment was victim empathy programming. The youth responded well to the programming and was prepared to face the victim and provide her with an apology letter. The victim was informed that the youth was prepared to make amends with the victim before he was to be released back into the community on parole. The victim agreed to meet with the youth and participate in his release board. The victim was able to hear of the youth's progress since being placed in ADJC custody. The victim then was able to speak as to her victimization and shared the pain that she and her husband went through as a result of the youth's actions. The youth then spoke to the victim and expressed the most sincere apology that anyone in the room had ever heard. He responded to each of her concerns, one by one, with patience and courage. The youth also advised the victim that he would work hard to pay the restitution that was owed to her. The victim accepted the youth's apology and his words of regret.

After the meeting between the youth and the victim, the Victim Advocate stopped receiving weekly calls from the victim. The Advocate contacted the victim once the youth made his first restitution payment while on parole. The victim appreciated the call but indicated that she is not really worried about the restitution anymore. She just wished the youth well in his future.

Resources

<http://www.ncjrs.gov/>
<http://rip.umn.edu/>
<http://ojjdp.ncjrs.org/>

Sources Cited

1 Umbreit, M., Vos, B., Coates, R. and Lightfoot, E. (2006) Marquette Law Review. *Restorative Justice in the Twenty-first century: A social movement full of opportunities and pitfalls*, January 11, 2006, p253-258. Marquette University Law School.
2 Williams, Brian. (2005). *Victims of Crime and Community Justice*. London, GBR: Jessica Kingsley Publishers.

