

An analysis of 111 studies examined the association between various criminal justice punishments and recidivism. Over 442,000 offenders were involved in these studies. The review included studies of imprisonment and intermediate sanctions. Noteworthy in the review were analyses of the findings with different types of offenders (e.g., juveniles, women, minorities).

***Answer:** The overall findings showed that harsher criminal justice sanctions had no deterrent effect on recidivism. On the contrary, punishment produced a slight (3%) increase in recidivism. These findings were consistent across subgroups of offenders (adult/youth, male/female, white/minority).*



Conflict Solutions Center-
Community Mediation and
Restorative Justice Partnership Initiative
of Santa Barbara County
120 East Jones, Suite 137
Santa Maria, CA 93454
www.cscsb.org
Rjusticesbc.pbwiki.com/

349-8943

Building Community—One Peace at a Time

Restorative Justice

Partnership Initiative



**Conflict Solutions
Center**
Community Mediation
&
Restorative Justice
*A founding member of the
Restorative Justice Task Force*

The purpose of this booklet is to ensure each person has a clear understanding of Restorative Justice and the process of conferencing, circles and mediations.

In order to demonstrate his/her readiness to participate in the mediation process, participants are asked to read this booklet and have an understanding of its content in preparation for his/her initial meeting with the Restorative Justice Partnership Initiative staff.

In partnership with
Law Enforcement, County Sheriff, Probation, Juvenile Justice system
officials, community-based organizations and
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The Fund for Santa Barbara, the
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What is Restorative Justice?

You have elected to participate in the Restorative Justice Partnership Initiative. This approach gives you the opportunity to be accountable and to take responsibility for your actions. You would not have been allowed to participate in the Restorative Justice process unless the law enforcement, your school administrators, and the judicial system thought that you had the potential to move past your offense and become the productive, responsive citizen that those who care about you, your victim(s), and the community know you to be. This is anything but the “easy way out.”

Restorative Justice gives you the opportunity to heal the harm done by your offense. Although the program is victim focused, your healing and accountability, and that of the community as a whole, will also be addressed. Hopefully, you will take advantage of this unique opportunity.

The traditional judicial system asks: “What crime was committed?” “Who did it?” “How should they be punished?” The goal is to establish blame and to enforce punishment. It is as simple as that. Rarely, if ever, is the victim, offender, or the community heard. The affects of the offense on them are overridden by state statutes and laws.

Restorative Justice acknowledges the fact that harm has been done to people and relationships. This process allows the victim, the offender, and community members to talk to each other with the intent of finding a way to repair the harm done. Juveniles must take responsibility and display a willingness to be accountable for the harm done, not only to the victim, but to the community and to themselves.

Empathy (the ability to imagine what it would be like to be in the victim’s situation), along with sincerity and the willingness to face the consequences are essential for the offender to be successful in this process.

The offender, the victim, and the community all must play an active role throughout the process in order to arrive at a workable, equitable, fair, and just resolution to the problem.

We encourage you to take full advantage of the unique opportunity you have been given. We will guide and assist you as much as possible...as long as we feel that you are making an honest attempt to uphold your responsibilities and that you are working toward restoring your good name in our community.

Who is involved in conferencing/mediation?

Offender: The offender is the person that committed the crime – you. Your role in the conference/mediation process is to listen, be accountable and responsible for your actions. It is very important that you be honest with all parties involved in the mediation process.

Facilitator(s): The facilitator’s job during mediation is to make sure that all parties have input to the process. Facilitators also provide input and questions to all involved parties. A co-facilitator’s job during the conference/mediation is to make sure that all documentation of the meeting is done correctly; all documents once signed become legal documents. Co-facilitators also provide input and questions to all involved.

Other Family/Community Members: The family and other community members present in the conferences/mediations provide information about how your crime has affected the over-all community. They also provide input and questions to all involved.

Victims and Victim Advocates: The victim or victims have the right to either participate or not participate in your mediation. The victim is a very important part of this process. If a victim chooses not to participate, he/she can either ask a victim’s advocate or representative to attend the conference/mediation. The victim also has the right to bring a supporter to the conference/mediation.

What are the requirements for Restorative Justice?

Youthful offenders between 12-17 years of age, **MUST** be accompanied by a parent or legal guardian during the intake and mediation process.

The program fee is \$100.00, payable at the time of intake. It is the youth's responsibility to make this payment, along with any reparations determined by all the participants at the conference.

If the youth has a lawyer or a public defender, he/she should obtain a copy of the discovery (police report) from them. A copy may be received from the arresting law enforcement officer or sheriff's deputy.

Justice is love correcting that which revolts against love.

Dr. Martin Luther King Jr.

What are the benefits of conferencing/mediation?

Although there is no assurance of the outcomes, the Restorative Justice approach often ends with some or all of the following results for:

The Offender – You face the harm caused by your offense. Since you are not being personally attacked, it is safe for you to admit your responsibility, feel remorse, apologize for your actions, and refrain from similar harmful behavior in the future.

The Victim – He/she is able to express the pain, fear, anger, and loss suffered from the offense. He/she is able to hear the offender's admission of responsibility, apology, and willingness to repair the harm and is better able to let go of feeling of fear, anger, resentment, and the need for revenge.

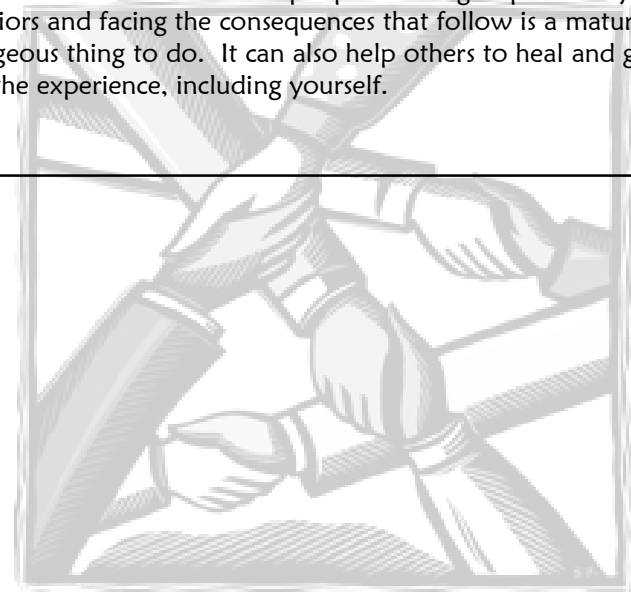
The Community – The community becomes a safer place. The victim and offender return to being contributing citizens. Order and peace are restored and there is a shared sense that justice has been done.

What does it mean to “take responsibility for my choices”?

Though we are taught to learn through trial and error, mistakes that break the law and/or cause harm are NOT OK. The choices that lead to negative behavior may have seemed like good ideas at the time but often have unintended and harmful consequences. Often, in order to avoid the pain of rejection or having to face the consequences of our actions, we may place blame elsewhere or try to somehow justify our actions. Such attempts rob us of the opportunity to understand the impact of our actions on others and the opportunity to be responsible and accountable for repairing the harm done.

We are human beings who sometimes do good things and sometimes do things that hurt ourselves and others. We are not bad people because we have done something wrong; however, that does not minimize the harmful effects of our mistakes on others.

We alone choose our thoughts, our decisions, and our beliefs. All of those determine our behaviors. Behavior is what we do...our actions. Behavior does not define us as people. Taking responsibility for our behaviors and facing the consequences that follow is a mature and courageous thing to do. It can also help others to heal and grow from the experience, including yourself.



Questions for offenders to think about:

- What did you do?
- Why did you do it? What were you wanting or needing In the moment you committed the offense?
- Are you ready to take responsibility for your actions?
- What were you thinking, feeling or needing during the offense?
- Who was affected or harmed by your actions?
- Do you feel remorse?
- How did this choice affect you, your family, the victim, and the community?
- What do you think your responsibility is to the victim?
- How do you feel now about what you did?
- What can you do to repair the harm done to those who were affected?
- If you or a member of your family had been the victim, what would your reaction be to the person who chose this act?

How do I prepare for a circle conference or mediation?

- Recall the events and sort out your feelings about them.
- Think about why you are participating and what you hope to accomplish.
- Understand the purpose of the circle and agree to the circle guidelines.
- Consider how your actions harmed or affected others and what you want to say to those who were hurt.
- Consider some realistic ways you might “make it right.”.

What are the best ways for me to participate in conferencing/mediation?

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| <ul style="list-style-type: none">• Listen Carefully• Listen attentively.• Do not interrupt.• Ask questions if you do not understand something.• Allow the speaker to express his/her feelings.• Be compassionate Put yourself in the other person’s shoes.• Think about what the other person may be feeling as a result of your choices and actions.• Do not assume you know what another person is feeling or what expectations they may have. | <ul style="list-style-type: none">• <u>DO</u>• Use “I” statements: Begin statements with; “I feel” or I did.”• Speak clearly and explain well.• Maintain good eye contact.• Be respectful of everyone.• Be HONEST.• Be accountable and responsible for your actions.• Follow through with the terms of your agreement.• <u>DON’T</u>• Minimize your actions or choices.• Allow anyone else to speak for you.• Argue or use curse words.• Make excuses for your actions. |
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A CRIME IS NOT JUST ABOUT BREAKING THE LAW. MORE IMPORTANTLY, IT IS ABOUT DAMAGING THE RELATIONSHIPS BETWEEN THE MEMBERS OF THE COMMUNITY. IT CREATES AN EMOTIONAL WOUND THAT REQUIRES EMOTIONAL HEALING. HUMANITY SURVIVES AND THRIVES ON RELATIONSHIPS. RESTORATIVE JUSTICE IS ABOUT RESTORING RELATIONSHIPS.

VICTIM INVOLVEMENT

You have been the victim of an offense committed by a young person. The Restorative Conference (RC) process is an alternative to the usual court process for handling this kind of offense.

Many victims have found the traditional prosecution of offenses in court to be frustrating and insensitive to their needs. The intention of this approach is to be more personal and sensitive to your needs. It is important for the young person to be held accountable and responsible for the offense committed against you and important they understand the impact of their actions on you and your family. It is also important that restitution be made to you. The Restorative Conference process, with a Coordinator facilitating, will give you the opportunity to tell your story to the offending young person and to be heard. Your involvement through sharing your experience can lead to healing, and hope for a positive outcome for you. This process addresses your needs as the one who has been victimized.

Your involvement does make a difference.

- * Experience has shown that the victim's contribution at the conference is important in confronting the young person with the personal cost of their crime on others.
- * You will have the opportunity to have your say about how the young person should be dealt with.
- * The young person needs to hear just how much you and others have been affected financially, physically and emotionally by what has happened.
- * You are the person most likely to have an impact on the young person's behavior.
- * You are the best person to express how the offense has affected you.
- * You have a vital role in helping to develop and approve the plan, particularly as it relates to your interests.

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What is a Restorative Conference (RC)?

It is a meeting of the victim(s) and any support person you choose, the young person who has offended, and members of the young person's family, attended by law enforcement and facilitated by the Coordinator. Counselors, attorneys or other support representatives may also attend if needed. The goal is to develop a plan to hold the young person accountable and to set things right with the victim.

Who arranges the conference?

The Restorative Justice Coordinator arranges the conference and will contact you to discuss a convenient date, time and place for the RC. The Coordinator will make sure that everyone attending the conference has the information and support they need to fully participate.

How long will the conference take?

Restorative Conferences are usually two to four hours long.

Why is it important for you to attend the Restorative Conference?

Many victims have found that taking part in a Restorative Conference is a helpful and healing process. It is understood that you may:

- Be feeling angry and unsafe
- Not want to relive what happened
- Be unsure about the RC process
- Be anxious about seeing the young person and their family

What about support for you at the conference?

- If you would like to have support at the conference, you may bring family members or friends. Victim advocates are available for this purpose also.
- If you are unable or unwilling to attend, the you have the option of sending a representative in your place. Your representative will have the same rights as you at the conference.

What about reparation (getting back what has been taken)?

The goal is fair and just compensation to you for your losses. You should not agree to any plan that does not feel fair and just to you.

Once the agreed upon plan has been completed you will be notified.