

Recommendations on how any restorative justice policy should be implemented in our judicial system.

Your Honors,

According to Howard Zehr, ¹Restorative justice seeks to examine the harmful impact of an offense and then determine what can be done to repair that harm while holding the person who caused it accountable for their actions. Accountability for the person who caused the harm must include the person accepting responsibility for the harm and acting to repair the harm done. Outcomes demonstrate a reduction in the likelihood that persons re-offending.

In practice, the Metropolitan Christian Council of Philadelphia has trained and supported neighborhood members to effectively use restorative practices to address

¹ Howard Zehr, *Little Book of Restorative Justice*, pg. 21

Recommendations on how any restorative justice policy should be implemented in our judicial system.

the harm done in our Philadelphia communities. Outcome data collected three years post offense (2020-2023) demonstrate a 37% difference in recidivism between persons arrested and facing felony robbery convictions compared to persons who chose to participate in the traditional judicial processes adjudicated through the courts:

19% of Restorative Justice participants

56% of traditional Judicial participants

The restorative processes were led by a community facilitator using established restorative practices.

Because restorative justice processes seek to include all of those directly impacted by the offense in the justice process (those who caused harm and the survivors of

Recommendations on how any restorative justice policy should be implemented in our judicial system.

harm), the survivors were empowered to participate more fully than in the traditional system. Additionally, community members who were impacted played an active role in establishing accountability and providing support for all the parties involved.

The process fostered empathy and created a web of interconnected relationships that naturally supported the success of those who caused the harm to achieve just resolution and restitution, as needed. The restorative process also supported the opportunity for the survivors of harm to express their pain and disappointment and to participate fully in all decision-making that led to the repair of the harm done. Persons benefitted greatly from the support of community members, some of whom were not

Recommendations on how any restorative justice policy should be implemented in our judicial system.

impacted directly by the harm but aided in the healing and accountability in the aftermath of the offense.

Stages of the process can be accomplished through community members in collaboration with formal and informal systems and include:

1. Referral received through law enforcement, community, defender or prosecutors' office, and/or community.
2. Contact made with persons most impacted, including:
 - a. Survivor of harm (to determine willingness to participate in an RJ process)
 - b. Perpetrator of harm (to determine willingness to accept accountability for harm done)
3. Restorative Circle(s) with persons harmed and their

Recommendations on how any restorative justice policy should be implemented in our judicial system.

identified supporters and/or community members.

- a. Signed agreement to participate in the restorative process.
 - b. Restorative Circle(s) with persons who caused harm with their identified supporters and/or community members.
4. Restorative conference(s) with person(s) harmed and their support(s) plus person(s) who caused harm and their support(s).
 5. Determination of desired repair for harm(s) done.
 6. Signed agreement of acceptance of repair strategy.
 7. Follow-up conversation(s) with the person(s) harmed to ensure successful completion of the agreement.

It is believed these steps can begin upon arrest, pre-

Recommendations on how any restorative justice policy should be implemented in our judicial system.

sentencing, or post-sentencing in ways that disrupt the inevitability of the adverse and traumatic relationship with criminal systems and provide opportunities for persons impacted by offenses humane and empowering steps toward healing.

According to the 2023 U.S. Department of Justice analysis of recidivism rates in 24 states,² “82 percent of individuals released from state prisons were rearrested at least once during the 10 years following release. Within one year of release, 43 percent of formerly incarcerated people were rearrested. Reliance on incarceration to improve community safety is also expensive. The average annual cost to keep a person in federal prison was \$39,158 in FY

²Tenzing Lahdon, *Bureau of Justice Assistance (BJA) Policy Advisor on Courts, Communities, and Strategic Partnerships*
<https://bja.ojp.gov/news/justice-matters/desk-bja-november-2023>

Recommendations on how any restorative justice policy should be implemented in our judicial system.

2020 (\$120.59 per day) (Bureau of Prisons). Incarceration is not achieving the justice goals of broader social equity, enhanced public safety, lower recidivism rates, stronger and more resilient communities, and reduced criminal justice and correctional costs.”

The restorative Justice (RJ) process provides an offramp from expensive, inhumane, and ineffective retributive justice tactics. RJ promotes healing, restitution, empowerment, and opportunity for successful repair of harm.