



## Restorative and Rehabilitative Justice

Restorative justice is a community-strengthening alternative to the current prison-industrial complex that has particularly ruined the lives of too many Black youths and young adults. It is an attempt to reverse the damaging impact of a criminal justice system that traditionally relied on a policy of punitive justice resulting in lengthy incarceration and the lifelong stigma of a criminal record. Restorative justice views crime not only as breaking the law, but also as violating the relationships among people in the community. The goal of restorative justice is to repair the relationships between the offender and the other members of the community.

There are four critical elements in restorative justice:

1. Offenders acknowledge the harm they caused, take responsibility, and commit to making things right.
2. Individuals harmed by the crime are given the opportunity to express how the crime has impacted their lives directly to the person who caused the harm, and have choices and a voice in determining the restorative action plan,
3. The parties involved are assisted by community members (mediators) to identify measures that must be taken to repair the harm caused by the criminal acts.
4. Both parties mutually participate in activities of restoration and reconciliation. The needs of victims, offenders and community members must be taken into consideration throughout the dialogue process.

Restorative justice programs across the U.S. have reduced recidivism rates, increased the amount of compensation available to victims of crime, and avoided expensive incarcerations. Many parties have a stake in the success of restorative justice projects and the following actions support the successful transformation of our criminal justice system.

The role of the community is to support the progressive efforts established by the jails and prisons. We must create environments of understanding within communities and create community collaboratives that support and advocate for restorative justice.

We therefore call on the following stakeholders to do their part in this effort.

### Legislative System:

- **Pass** legislation rescinding mandatory sentencing laws allowing local judges the independence to determine the most appropriate response to criminal acts.
- **Fund** restorative justice programs with money that otherwise would be budgeted to support expensive incarcerations.
- **Fund** effective mental health services, school systems, job training programs, and job development projects which strongly support the goals of restorative justice programs for reducing recidivism.

### **Local Law Enforcement and Criminal Justice System:**

- **Inform** the community about existing restorative justice programs to which everyone has access, including the Dialogue and Resolution Center at the Center for Victims of Violence and Crime, as well as the Dialogue Program for Victims of Violence and Crime in the Office of the Victim Advocate through the PA Department of Corrections.
- **Identify** and provide training, in collaboration with community groups, for individuals who express an interest in facilitating dialogues.
- **Refer** all petty/non-violent/first-time offenders to community mediation as a pre-trial diversion and dismiss criminal charges. Consider the referral of cases involving more significant crimes on a case-by-case basis.
- **Balance** the participation by and needs of the victim, offender, and community members through the process of each dialogue.

### **Educational Institutions:**

- **Implement** restorative justice programs within the schools rather than using suspension or detention as a means of behavior control.

### **Jails and Prisons:**

- **Establish** a reentry program that begins at least six months prior to release, that includes community/family support, and that provides assistance at sequential levels, based upon risk of recidivism; this program is especially for offenders at the highest risk of re-offending. Prisons and jails should educate family members, friends and associates about such programs, who should in turn encourage the high risk inmates to participate in such programs. The creation of reentry programs falls primarily on the staff of jails and prisons.
- **Develop and/or Expand** alternatives to arrest for low-risk and special needs populations, which include women. Provide arresting and emergency response agencies with options for placement other than incarceration. For example, refer individuals with addictions to substance abuse treatment programs; refer those with other mental illness to mental health treatment programs. When such alternatives do not exist, government and/or the private sector should seriously explore the development and implementation of such alternatives.
- **Assess** the risk of all individuals at booking; use this assessment for bail determination and to divert to community programs/jail alternatives.
- **Place** incarcerated individuals into housing units within jails and prisons that are connected with programs that address their needs and strengths according to validated assessments.
- **Emphasize** the role of community members and organizations in helping ex-offenders transition from jail/prison back to the community.
- **Provide** families with opportunities to support offenders; and provide support for children and families of people who are incarcerated.

### **The Role of Former Offenders:**

- **Obtain** cognitive behavioral treatment to address factors leading to criminogenic behavior (thinking or poor decision making that leads to criminal activity).
- **Participate** in family support programs (for natural or created families).

### **The Business and Corporate Community:**

- **Partner** with jail and prison/community collaborations by helping with the development of employment opportunities for ex-offenders.
- **Participate** in providing training and skills development to currently incarcerated offenders.

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## Restorative Justice: The Role of Former Offenders

Having recognized the devastating effects their behavior has had on the life of the African American Community, persons incarcerated and formerly incarcerated in the justice system can provide invaluable service to the prevention of violence within our communities. One important role of these individuals would be to encourage youth on the outside not to enter into prison as a rite of passage, or view it as requirement (or definition) of manhood in the African American community and American society. Other roles include the following:

- **Continue** to meet among themselves to discuss and take actions through the networks they have established to reduce violence in the African American Community. Such identified actions could be shared with other community-based organizations, agencies, and religious groups attempting to impact violence.
- **Be** prepared to transition into educational, training and/or work programs prior to and/or upon release. Be open to participate in evaluations of program effectiveness to ensure that such programs meet the needs of affected individuals.
- **Detoxify** from drugs and alcohol and participate in treatment programs prior to and upon release.
- **Submit** voluntarily to both pre and post counseling and health testing, including health related issues such as sexually transmitted diseases, and assist in the elimination of the HIV/AIDS pandemic in the African American Community.
- **Participate** in individual and community healing activities that address body, mind and spirit.
- **Encourage** family members to participate in neurological testing of children and youth, so that developmental and educational needs can be addressed appropriately for quality interventions, if needed.
- **Discourage** children and youth from falling prey to the influences and pressures of illegal activity. Such activities can lead to the death of the body, the mind and the spirit. Encourage oneself and others to engage in activities that will help fulfill the potential of the entire community.
- **Take** part in civic activities and leadership opportunities. Those who are incarcerated or formerly incarcerated have, in many cases, demonstrated leadership and entrepreneurial skills. These same skills now can be redirected for positive outcomes.
- **Register** to vote to build the political power of the African American community to ensure strides in education, health and economic development and overall community survival. The prohibition for registering to vote is only for people currently serving time for felonies. To further explain, a convicted felon may register to vote after being released from prison. Secondly, people presently serving time for a misdemeanor have the right to register and vote by absentee ballot.

- **Apply** to have offenses expunged as soon as possible after incarceration to be able to attend college and increase ones' accessibility to the job market.
- **Engage** in cultural, recreational, intellectual, and social activities to build body, mind and spirit in order to deal with the impact that violence has on their lives and the lives of others. Such engagements would lessen and/or prevent future violence.
- **Relate** to women and children with respect and participate in male/female relationship-building workshops and activities.
- **Nurture** and financially support one's children and family.
- **Participate** in mentoring programs.

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