Restorative Justice

A Presentation to the Senate Appropriations Subcommittee on Criminal and Civil Justice

Marina Byrd, Senior Legislative Analyst
# Topics

<table>
<thead>
<tr>
<th>1</th>
<th>Background and Defining Restorative Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Literature Review</td>
</tr>
<tr>
<td>3</td>
<td>Other States</td>
</tr>
<tr>
<td>4</td>
<td>Florida</td>
</tr>
<tr>
<td>5</td>
<td>Legislative Considerations</td>
</tr>
</tbody>
</table>
What is Restorative Justice?
## What is Restorative Justice?

### Theoretical Framework
- Crime is a violation of people and relationships
- Voluntary and victim-centered

### Main Themes
- Repair the harm caused by crime
- Offenders must be held accountable
- Stakeholder participation

### Use
- Used in a variety of settings
- In criminal justice, used from pre-adjudication to post-conviction
Restorative Justice Programs

Victim-Offender Dialogue

Circles

Family Group Conferencing

Victim-Offender Mediation

Victim Impact Panels
Literature Review
Impact of Restorative Justice on Victims

Higher levels of satisfaction
• Process viewed as more fair
• Outcomes seen as more just

Improved attitudes
• More likely to forgive
• Less likely to want revenge
• Fewer post-traumatic stress symptoms

More likely to receive reparation
• Felt apologies were sincere
• Received higher amounts of monetary restitution

Potential for negative impact exists
• Mostly due to poor facilitation
• Restorative justice is expected but doesn’t occur
Impact of Restorative Justice on Recidivism

Mixed results, but there are findings of reduced recidivism

- Among those who do reoffend, their offenses tend to be less severe.

Multiple factors affect recidivism

- Differing definitions of recidivism
- The literature increasingly shows that restorative justice programming is more effective with adults and violent offenders.
- Whether or not the victim is present has an effect. Generally speaking, face-to-face meetings have a greater impact than processes that do not directly involve the victim.
- Programs that have preparation meetings with participants before the main session tend to have lower recidivism rates than those that don’t.
Restorative Justice in Other States
We interviewed 15 other states with programs run by state agencies or non-profits.

Restorative Justice in Other States

We interviewed 15 other states with programs run by state agencies or non-profits.
Common Themes From Other States

Screening

Program Standards

Restorative Justice

Confidentiality

Training

Funding
Colorado

<table>
<thead>
<tr>
<th>Statute</th>
<th>Council</th>
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<tr>
<td>• Defines restorative justice as practices that emphasize repairing harm caused to victims and community by offenses</td>
<td>• Provides training and education, technical assistance, and a central repository of programs</td>
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<td>• Confidentiality protections</td>
<td>• Stakeholder participation</td>
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<td>• Offense eligibility</td>
<td>• State standards</td>
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Colorado

- Victim and offender meet with a facilitator for victim offender dialogue
- Offender criteria for participation
- Training for facilitators
- Victim notification

**Adult Corrections**

**Longmont Community Justice Program**

- Face-to-face meetings between the victim, offender, and volunteer facilitator
- Available for youth and adults
- Offender criteria for participation
- Local police department referrals to program
Restorative Justice in Florida
Restorative Justice Organizations

**Florida Restorative Justice Association**
- Supports and advances restorative justice within the state
- Members include restorative justice facilitators, public administrators, law enforcement, state agency staff, judges, and educators

**Restorative Practices Interagency Workgroup**
- Promotes education, awareness, and capacity building of restorative justice in Florida state agencies
- Members include staff from FDC, DJJ, DEO, DCF, and the Office of the Governor
Restorative Justice in Florida for Youth

Impact of Crime Curriculum at DJJ residential facilities throughout the state

Legend
- circuits with restorative justice boards
- circuits with a different type of program

Impact of Crime Curriculum at DJJ residential facilities throughout the state
Restorative Justice in Florida for Adults

**Correctional Facilities**
- No formal restorative justice program
- Victim component in Faith and Character programs

**Community Corrections**
- Pilot program in the 8th Circuit in conjunction with the River Phoenix Center for Peacebuilding

**FDC Working Group**
Considerations for Legislation

<table>
<thead>
<tr>
<th>Consideration</th>
<th>The Legislature could implement restorative justice programs and use solutions from other states to overcome barriers</th>
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</thead>
<tbody>
<tr>
<td><strong>Barriers</strong></td>
<td><strong>Potential Solutions</strong></td>
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<tr>
<td>Lack of Guidelines</td>
<td>Create guidelines in statute or rule</td>
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<tr>
<td>No Contact Orders</td>
<td>Temporarily lift no contact order on a case-by-case basis</td>
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<tr>
<td>Funding</td>
<td>Use Victims of Crime Act (VOCA) federal funding and state funding</td>
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<tr>
<td>Logistics</td>
<td>Allow for victim travel, remote meetings, transfer of inmate</td>
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<td>Staffing</td>
<td>Create new staff positions or use volunteers</td>
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## Considerations for Legislation

### The Legislature could create a restorative justice advisory council

#### Restorative Justice Advisory Council

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<tr>
<td><strong>Monitor restorative justice and offer recommendations for guidelines and training standards</strong></td>
<td>Take into account existing resources</td>
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<td><strong>Incorporate program ideas from other areas, such as education and health and human services</strong></td>
<td>Include members from state agencies or other entities</td>
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</tbody>
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Questions?
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