

**FACT SHEET 4: RESTORATIVE JUSTICE**  
(adapted from C4RJ materials: [www.c4rj.org](http://www.c4rj.org))

**Ediss Gandelman, October 2019**

**What is Restorative Justice?**

Restorative justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It views crime as more than breaking the law – it also causes harm to people, relationships, and the community. Therefore, a just response must address those harms as well as the wrongdoing. This is accomplished through cooperative processes that allow the willing stakeholders to meet --the victim (impacted party) and the perpetrator (responsible party)--to discuss those harms and how to bring about resolution.

**Why is this an issue for the Racial Justice Initiative?**

The legacies of slavery and racism are pervasive in the American criminal justice system from slavery and Jim Crow laws to what's been called the epidemic of mass incarceration. While Black people are but 12% of the US population, they are more than 50% of the country's prison population. Blacks and Latinx people are more than twice as likely as others to be held in detention prior to trial, and the socioeconomic inequalities that are inherent in the cash bail system have resulted in a system that incarcerates people for simply being poor. Although Massachusetts incarcerates fewer people per capita than most other states, we have a higher rate than most countries in the world and according to the ACLU, among the worst racial disparities anywhere on earth.

**What is the impetus for Restorative Justice programs now?**

Last year's Criminal Justice Reform Act that the RJI worked on so diligently, included restorative justice reforms and underscored the significance of having this option for first-time offenders, particularly juveniles and young adults for whom a criminal charge and conviction will impact their eligibility for financial aid, employment, and housing. Most significantly, restorative justice programs have a proven track record of low recidivism rates, well below 20% as compared to recidivism rates for incarcerated individuals that typically range from 40-60%.

**Who is TBE's partner for this program?**

Communities for Restorative Justice (C4RJ) is an organization to which 25 MA communities and the Middlesex and Suffolk County DAs make referrals. C4RJ uses a "Circle" process, based on indigenous peoples' approaches to wrongdoing. Included in the circle are:

- the people who have been harmed,
- the person who committed the harm and his/her parent or supporter,
- a police representative,
- a "circle keeper"
- and, C4RJ volunteer facilitators.

### **What is involved in C4RJ's Circle Process?**

There are basically 5 stages to this process, with 2-3 months as the average time between the Opening and Closing Circles:

- First is referral by a police dept. or district attorney's office of a case in which the responsible party faces a criminal charge.
- Then intakes where C4RJ volunteers meet separately with the impacted party and the responsible party to learn about the incident and resulting needs and to prepare everyone for the Circle Process.
- The Opening Circle is the convening of everyone where the responsible party tells the story of what happened, the impacted party speaks of the impact of the crime, and the group works towards a plan of repair, the Restorative Agreement, by consensus.
- The Agreement Phase is where the responsible party pairs up with two of C4RJ's volunteer facilitators who offer support as the responsible party works to meet the obligations of the Restorative Agreement, which may include letters of apology, restitution, service learning and reflective exercises.
- The Closing Circle reconvenes about 2-3 months after the Opening Circle. The responsible party reflects on what s/he learned, and the impacted party and other community members acknowledge the work done. If all are satisfied, the matter is closed and returned to the police.

### **What role might TBE members play?**

TBE members are invited to become volunteer facilitators on cases referred to C4RJ. The responsibilities of a facilitator are to attend the Intake and Opening and Closing Circles in addition to meeting with the responsible party and a co-facilitator weekly between the Opening and Closing circles to provide support and accountability as s/he fulfills the obligations of the Restorative Agreement

### **What is the training and ongoing support for facilitators?**

C4RJ conducts semi-annual comprehensive training sessions (usually a Friday night and all-day Saturday) in the fall and spring. Volunteer teams are organized geographically, so TBE folks wishing to handle cases locally would be assigned to the Silver Team that encompasses the C4RJ partner communities of Newton, Wayland, Wellesley, Weston and extends to neighboring Middlesex communities from which cases can be referred by the Middlesex District Attorney's Office. TBE folks interested in working in Boston may wish to join the Purple Team. The Silver Team holds monthly meetings (at the Wellesley Police Station) with an agenda that includes: review of ongoing cases, trouble-shooting, peer support, and ongoing training.. There is also a Level II training that provides more-in-depth education about facilitation skills. C4RJ also provides periodic issue-specific trainings, e.g. how to adapt the process for very young responsible parties, trauma and attachment theory, or a neuropsychologist's recent training on teens with anxiety and executive functioning limitations.

### **What is the profile of the typical responsible party –ages and types of crimes?**

There is no age limit for referrals to the program although most often the responsible parties are juveniles, ages 12-18 (the youngest one can now be adjudicated as a juvenile is 12 years of

age), and 18-25 year olds. There are a range of crimes, both misdemeanors and felonies including: breaking and entry, larceny, malicious destruction of property, assault and battery (could be school fights), and criminal threats.

### **What other volunteer opportunities might there be?**

In addition to joining a volunteer team and being assigned to work on cases, there are a few other volunteer opportunities to support the work of C4RJ. The organization has grown rapidly from serving 10 towns three years ago, to now serving 25 communities. The Board and Executive Director have identified community outreach, marketing, and fundraising as important needs. Although Restorative Justice was included in the Criminal Justice Reform Omnibus bill passed by the Legislature in 2018, no additional funding to support the surge of referrals was included. Advocacy efforts to address this situation will be a future priority also.

### **What are the biggest challenges facing volunteers?**

The biggest challenge for volunteers is understanding their role in the Circle Process. Co-facilitators are not social workers, counselors, or mediators. Volunteers frequently want “to fix all the problems” in the responsible party’s life, well beyond the scope of the 3-month Circle Process. That said, team members frequently gain an understanding of the root causes of an individual’s behavior and additional resources can be made available.

### **How can I learn more about Restorative Justice and C4RJ?**

Communities for Restorative Justice’s website (C4RJ.org) is a wonderful resource for learning more about Restorative Justice as well as the specifics of the C4RJ program. There is a short video that simulates the Circle Process (a picture is worth 1,000 words) as well as links to other helpful resources. This coming year, there will be many opportunities to learn more about C4RJ, including the Annual Meeting on November 12, 2019, a 20<sup>th</sup> anniversary Gala in April, 2020, and a training of new facilitators sometime in the spring. Announcements of these events will be forthcoming.