

# Fundamental Concepts of Restorative Justice

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## ***1.0 Crime is Fundamentally a Violation of People and Interpersonal Relationships.***

1.1 Victims and the community have been harmed and need restoration.

1.1.1 The primary victims are those most directly affected by the offense but others, such as family members of victims and offenders, witnesses, and members of the affected community, are also victims.

1.1.2 The relationships affected (and reflected) by crime must be addressed.

1.2 Victims, offenders and the affected communities are the key stakeholders in justice.

1.2.1 A restorative justice process maximizes the input and participation of these parties - but especially primary victims as well as offenders - in the search for restoration, healing, responsibility and prevention.

1.2.2 The roles of these parties will vary according to the nature of the offense as well as the capacities and preferences of the parties.

1.2.3 The state has circumscribed roles, such as investigating facts, facilitating processes and ensuring safety, but the state is not a primary victim.

## ***2.0 Violations Create Obligations and Liabilities.***

2.1 Offenders' obligations are to make things right as much as possible.

2.1.1 Since the primary obligation is to victims, a restorative justice process empowers victims to effectively participate in defining obligations.

2.1.2 Offenders are provided opportunities and encouragement to understand the harm they have caused to victims and the community and to develop plans for taking appropriate responsibility.

2.1.3 Voluntary participation by offenders is maximized; coercion and exclusion are minimized. However, offenders may be required to accept their obligations if they do not do so voluntarily.

2.1.4 Obligations that follow from the harm inflicted by crime should be related to making things right.

2.1.5 Obligations may be experienced as difficult, even painful, but are not intended as pain, vengeance or revenge.

2.1.6 Obligations to victims such as restitution take priority over other sanctions and obligations to the state such as fines.

2.1.7 Offenders have an obligation to be active participants in addressing their own needs.

2.2 The community's obligations are to victims and to offenders and for the general welfare of its members.

2.2.1 The community has a responsibility to support and help victims of crime to meet their needs.

2.2.2 The community bears a responsibility for the welfare of its members and the social conditions and relationships which promote both crime and community peace.

2.2.3 The community has responsibilities to support efforts to integrate offenders into the community, to be actively involved in the definitions of offender obligations and to ensure opportunities for offenders to make amends.

### **3.0 Restorative Justice Seeks to Heal and Put Right the Wrongs.**

- 3.1 The needs of victims for information, validation, vindication, restitution, testimony, safety and support are the starting points of justice.
  - 3.1.1 The safety of victims is an immediate priority.
  - 3.1.2 The justice process provides a framework that promotes the work of recovery and healing that is ultimately the domain of the individual victim.
  - 3.1.3 Victims are empowered by maximizing their input and participation in determining needs and outcomes.
  - 3.1.4 Offenders are involved in repair of the harm insofar as possible.
- 3.2 The process of justice maximizes opportunities for exchange of information, participation, dialogue and mutual consent between victim and offender.
  - 3.2.1 Face-to-face encounters are appropriate for some instances while alternative forms of exchange are more appropriate in others.
  - 3.2.2 Victims have the principal role in defining, and directing the terms and conditions of the exchange.
  - 3.2.3 Mutual agreement takes precedence over imposed outcomes.
  - 3.2.4 Opportunities are provided for remorse, forgiveness and reconciliation.
- 3.3 Offenders' needs and competencies are addressed.
  - 3.3.1 Recognizing that offenders themselves have often been harmed, healing and integration of offenders into the community are emphasized.
  - 3.3.2 Offenders are supported and treated respectfully in the justice process.
  - 3.3.3 Removal from the community and severe restriction of offenders is limited to the minimum necessary.
  - 3.3.4 Justice values personal change above compliant behavior.
- 3.4 The justice process belongs to the community.
  - 3.4.1 Community members are actively involved in doing justice.
  - 3.4.2 The justice process draws from community resources and, in turn, contributes to the building and strengthening of community.
  - 3.4.3 The justice process attempts to promote changes in the community to prevent similar harms from happening to others.
- 3.5 Justice is mindful of the outcomes, intended and unintended, or its responses to crime and victimization.
  - 3.5.1 Justice monitors and encourages follow-through since healing, recovery, accountability and change are maximized when agreements are kept.
  - 3.5.2 Fairness is assured, not by uniformity of outcomes, but through provision of necessary support and opportunities to all parties and avoidance of discrimination based on ethnicity, class and sex.
  - 3.5.3 Outcomes which are predominately deterrent or incapacitative should be implemented as a last resort, involving the least restrictive intervention while seeking restoration of the parties involved.
  - 3.5.4 Unintended consequences such as the cooptation of restorative processes for coercive or punitive ends, undue offender orientation, or the expansion of social control are resisted.