

# Making the case: Restorative Justice (RJ)



## HOW DOMESTIC VIOLENCE CASES PROGRESS THROUGH CRIMINAL COURT BETWEEN 2013 AND 2020



DATA: INDYDVDATA.ORG

Our current system of justice simply does not work for everyone, and this graph is just one way to illustrate that point. With nearly 37.5 thousand cases of domestic violence (DV), there were 8.1 thousand convictions, or about 20% of cases.

This means that 80% of known cases do not reach conviction for a variety of reasons, and we know there are many more cases that go unreported that are not even accounted for here. This, in part, is why DVN has worked toward implementing restorative justice. We want to offer the community another way of finding justice and healing when it comes to relationship harms.

## How is Restorative different from Criminal Justice?

Criminal Justice	Restorative Justice
Process driven by: the state, laws	Process driven by: the victim
Crime is a violation of the law and the state	Crime is a violation of people and relationships
Violations create guilt	Violations create obligations
Justice requires the state to determine blame (guilt) and impose pain (punishment)	Justice involves victims, offenders, & community members in an effort to put things right
Central focus: Offenders getting what they deserve	Central focus: Victim needs & offender responsibility for repairing harm

Source: Howard Zehr, Little Book of Restorative Justice, pg. 21

The main difference? This process is survivor led, centered, and driven, and both parties are voluntarily opting into the process. The state and systems under the state are not involved.

## Will DVN's RJ program include the criminal justice system?

**DVN's RJ program will be completely separate from the criminal justice system.** As DVN sees it, this process cannot fully be lead by and centered on the survivor if the priorities of the criminal justice system are involved. On top of that:

1. The criminal justice system is already **working beyond its capacity**.
2. The criminal justice system is **not a system of healing, but rather, often creates further trauma for all parties**.
3. Recidivism rates show that going through the criminal process does not work nearly 65% of the time.
4. **Many survivors never even go to the criminal justice system** for domestic violence cases. We know that DV is severely underreported for a variety of reasons.
5. Survivors have stated that the **criminal justice system is not equipped to be empathetic or competent in supporting survivors (from police to attorneys and judges)**.
6. **Justice is relative.** The criminal justice system is rigid in what it is able to offer in terms of justice, the restorative process sees justice in a relative light. Once again, putting the survivor at the center of the process.

## How does DVN plan to address survivor safety if the criminal justice system is not invovled?

We are not the first to implement an RJ program for DV cases, but it is not a widely spread practice either. Our team has undergone and will continue to go through training to be as equipped as we can be to handle a variety of cases. We continue to research various programs across the country and around the world and pull inspiration. **As we pilot this project, we will ensure we take cases that align with criteria that has been built out by a team of people from staff, to those with lived experience, and partner agencies.** This process will not be for every case, it will not be for every survivor, but it will be a tremendous benefit to many seeking healing and accountability.

# The pieces: **Restorative Justice (RJ)**



## What is Restorative Justice?

**Restorative justice is a human-centered approach to repairing and preventing harm.**

It requires honest, and often difficult conversations between people who have experienced harm and those who have caused it. Restorative processes can take many forms, including one-on-one facilitated conversations and circle-processes that provide everyone involved the opportunity to be seen and heard.

Restorative justice **allows people who have experienced harm to speak their truth and ask for their specific needs to be met.** It requires **people who have caused harm to fully acknowledge the harm they've caused by naming it, discussing their understanding of the impact of their actions, actively listening to the person they harmed and then being held actively accountable to repair the harm.**

Some language taken from: <https://ampersandsrj.org/>

## What are the components of DVN's RJ program?



We hope to have 2 support groups. One made up of survivors of harm and one made up of causers of harm. The goal of these is to offer a form of healing in solidarity with others who have similar experiences.



This is where specific case work begins. Once DVN agrees to take on a case each party will begin with healing circles separately. These circles are comprised of the member of the party and their supports.



### One-on-One Conferencing

This is where a case *can* go after some time spent in the healing circles process. This is where the survivor is able to speak their truth directly to the person that caused them harm and ask the questions they may have. This can happen in person or through another modality, such as written letters.

## Keep in Mind:



RJ needs to be open to creativity in terms of the components. The components we have outlined may look a variety of ways when we are working on a case. These components are built in collaboration with the person who experienced harm to ensure that it is meeting their needs for safety, healing, and accountability.



Solutions to violence can involve consideration for the health and wellbeing of everyone involved in and affected by violence – this includes the survivors or victims of violence; people doing harm; and friends, family and community. We also want our solutions to keep communities whole. This does not mean that abusive relationships or families necessarily need to stay together, but this does mean that they may be able co-exist peacefully in the same community or transform to healthier, more cooperative and respectful relationships



Justice is relative. Healing is relative. Success is relative. Each case will bring with it a different definition to each of these things. It is important to keep this in mind as we continue to build upon restorative justice practices in our community. These processes take more time, and what works with one case may not work for the next case. Stay open to what the measures of success look like.