

BIAS, EQUITY, AND RESTORATIVE JUSTICE



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Restorative justice (RJ) programs and practices are increasingly being utilized as diversionary or deflection mechanisms to the traditional criminal legal system, operating either within it or as an alternative to that system. While RJ offers significant flexibility as a diversionary tool along the entire continuum of diversion points (e.g., pre-arrest, pre-charge, and post-charge diversion), access to those programs is still often controlled by upstream discretionary actors deciding whether someone is deemed eligible for RJ diversion. Likewise, access can also be artificially narrowed from the start (and even before) by a program's fundamental eligibility framework. Careful attention must be paid to program design and how bias entry at each point of the branching RJ diversion pathway can risk having RJ processes replicate both disproportionality and systemic harm found in the traditional system if the RJ programs are not crafted specifically with these elements in mind.