



National Association of Community and Restorative Justice

January 2022

NACRJ Policy Statement on

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Community and Restorative Justice in Criminal and Juvenile Legal Systems

The National Association of Community and Restorative Justice (NACRJ) Board of Directors and Advisory Council promote policies and procedures that adopt and strongly support the use of community and restorative justice processes within criminal and juvenile legal systems.ⁱ A variety of restorative justice processes and practices have been shown to create profound change both within these systems as well as in the lives of individual participants across the United States. Restorative and community justice processes should be primary options across the legal continuum for persons impacted by or responsible for harm or crime.ⁱⁱ The participation of legal system partners is essential to achieving this goal and likely necessitates refocusing current priorities, processes, roles and responsibilities.

The language used in this document is intended to reflect the dignity and full humanity of all participants and stakeholders.ⁱⁱⁱ This value should be reflected within all legal system practices.

In support of this policy position, NACRJ advocates that restorative processes in legal systems shall be inclusive of the guiding restorative principles, values, and practices, including the following:^{iv}

- **Equitable**

Restorative justice practices should incorporate policies and procedures that reflect awareness of current and historical racialized harm that affect our legal systems. Such policies include, but are not limited to the following:

- Ensuring through policy and recruitment that restorative justice, practitioners and program administrators reflect the racial and ethnic diversity of the community and that, to the extent possible, restorative programs are held by local organizations that deeply understand the needs and reflect the resilience of historically marginalized communities.
- Providing that practices guided by restorative justice theory, values, and principles are accessible and available in an equitable manner, and especially attend to the needs of populations that are disproportionately harmed by crime or criminalized.
- Establishing practice features such as eligibility criteria, location, participation requirements, language and logistical considerations that minimize bias and result in equitable access to restorative justice.

- Maintaining disaggregated data to evaluate the impact of restorative and community justice implementation in terms of racial, ethnic and other disparities.^v

- **Inclusive and collaborative**

The design and implementation of restorative justice practices should be inclusive and collaborative, intentionally elevating the voices of people who have been historically marginalized.^{vi} Collaborative processes should engage harmed person(s), responsible person(s), community and system stakeholders, including victim service workers and advocates. Development of restorative processes should seek to be respectful of and collaborate with established practitioners, to maximize fidelity to restorative principles.

- **Centered on the needs of persons harmed**

Person(s) harmed and survivors often feel removed from services and support that can help them in the immediate, short and long-term, and from criminal and juvenile justice system processes that should be designed to protect them. By addressing the trauma and needs of person(s) harmed, restorative justice can more clearly define the harm caused by crime and its impact on survivors.^{vii} The objective is to promote healing and avoid re-traumatization and revictimization. Victim advocates and victim assistance services are key players in the collaborative process of implementing restorative justice processes and in connecting those who have been harmed with restorative justice information and opportunities.

- **Grounded in responsibility/accountability**

Restorative justice processes should provide a pathway for people who are responsible for harm to take accountability for past and future actions in a non-punitive, strength-based process. Elements of accountability include: accepting responsibility for one's actions, acknowledging the impact of those actions, expressing remorse for the harms, repairing the harm and making amends guided where possible by the needs and wishes of the person harmed and taking steps to ensure one does not repeat the harm.^{viii}

- **Trauma-informed and resilience focused**

Restorative Justice processes should aim to foster a relational environment that is respectful of participants' dignity and experience. Facilitators should be attuned to recognizing the causes, widespread impact, and signs of trauma to proactively create a safe environment that resists re-traumatization. Historical trauma and ongoing harm can influence context, so naming these harms and identifying ways to decentralize power, encourage authentic inclusion, and build trust can address and disrupt these dynamics within the restorative process. Providing opportunities for individual choice and collaboration while also creating space

and time for digestion, rest, and release can support participants to develop resilience.^{ix}

- **Voluntary**

Restorative practices are based on the principle of voluntary participation for all participants. Voluntary participation means that the participants are making an active and informed choice to engage in the process.^x Prior to making a choice, each participant must receive a full explanation of what the restorative justice process is and what their role will be. Participants may choose to withdraw from the process at any time. In order to safeguard this value, processes should be structured to consider power dynamics and related factors.

- **Confidential**

All communication between and among facilitators and participants during *all phases* of a restorative justice process (preparatory through any follow-up steps after a process) shall be protected by confidentiality standards that ensure participants' privacy and prevent use of a restorative process for adversarial or punitive purposes.^{xi}

- **Comprehensive**

Incorporate restorative practices across the continuum of the criminal and juvenile legal systems from pre-file through post-sentence opportunities.

- **Sustainable**

Restorative practices require sufficient and durable funding to support personnel, evaluation and other infrastructure, such as creating standards of practice, training, professional development and additional operating costs.

Summary

This policy seeks to create awareness and collaboration among legislators, policymakers, community stakeholders, and legal system partners to promote and support justice reform that:

- Provides training and technical assistance to legal system and community stakeholders, including victim advocate and support services, in best practices for designing and implementing restorative justice and restorative practices with fidelity to restorative justice principles.
- Supports restorative practices and practitioners across the legal system continuum that are informed as much as possible by community-driven initiatives, from pre-arrest diversion through reentry/reintegration.
- Creates opportunities to address difficult community issues relating to law enforcement and the legal system in constructive and meaningful ways through restorative dialogue.

- Furthers evaluation methodologies, including performance measures, that are essential in continued development and implementation of best practices.
- Promotes needed legislative and other policy support for successful implementation of community and restorative justice.

ⁱ Also called “justice systems.”

ⁱⁱ See Implementation and Management Resources.

ⁱⁱⁱ See also Implementation and Management Resources Guide. Throughout this document, we have attempted to use language that describes restorative justice participants and stakeholders in ways that affirm their dignity and humanity rather than labeling them in ways that stigmatize or reduce them to a particular act or experience. We believe this most closely reflects and advances restorative values and principles, while honoring the ways people come to restorative justice processes. We are aware that many terms often used in restorative justice practices have historically reflected common usage and the labels used by retributive systems, e.g. Victim Offender Dialogue. We invite policymakers and restorative practitioners alike to shift toward a more restorative use of language, especially as they are codified in policies.

^{iv} See Implementation and Resources Guide for more details about restorative principles, values, and practices. See also Zehr, H. (2005). *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herald Press.

^v See [NACRJ Positioning Statement on Historical Harm](#). See also Valandra, E. and W.W. Hokšila (Eds.) (2020). *Colorizing Restorative Justice: Voicing Our Realities*. St. Paul, MN: Living Justice Press.

^{vi} See also Valandra, E. and W.W. Hokšila (Eds.) (2020). *Colorizing Restorative Justice: Voicing Our Realities*. St. Paul, MN: Living Justice Press.

^{vii} Pavelka, S. and A. Seymour. (2019). “Guiding Principles for Restorative Justice and Victims,” *Corrections Today*, a publication of the American Correctional Association, Jan/Feb.

^{viii} Sered, D. (2019). *Until We Reckon*. New York: The New Press.

^{ix} See Implementation and Management Resources.

^x Criminal legal system involvement arguably may undermine voluntariness as people choose between restorative justice and punitive options. In these scenarios, participants must still have freedom to choose how they will engage with the restorative justice process without pressure or coercion. If a participant is incarcerated or otherwise involved in the legal system, they must still have the choice whether or not to participate in a restorative process. Reference: *Restorative Justice Facilitator, Code of Conduct and Standards of Training and Practice*, State of Colorado, Amended August 2015, found on <https://rjcolorado.org/>.

^{xi} In Illinois, a 2021 law established that “anything said or done in preparation for a restorative justice practice or as a follow-up to that practice, or the fact that the practice has been planned or convened, is privileged and cannot be referred to, used, or admitted in any civil, criminal, juvenile, or administrative proceeding unless the privilege is waived” <https://ilga.gov/legislation/102/SB/PDF/10200SB0064lv.pdf>.

Implementation and Management Resources

This document is considered a *living document* representing a sampling of resources at the time of creation with the ability of adaptation and addition of resources as they become available.

Language Usage

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We are aware that many terms often used in restorative justice practices have historically reflected common usage and the labels used by retributive systems, e.g, Victim Offender Dialogue. We invite policymakers and restorative practitioners alike to shift toward a more restorative use of language, especially as they are codified in policies.

For more thoughts about shifting language to be more restorative, we recommend these resources:

[Beyond Offender and Victim: Toward a Humane, Event-Centered Language for Talking about People Involved in Crime and Violence, Common Justice](#)

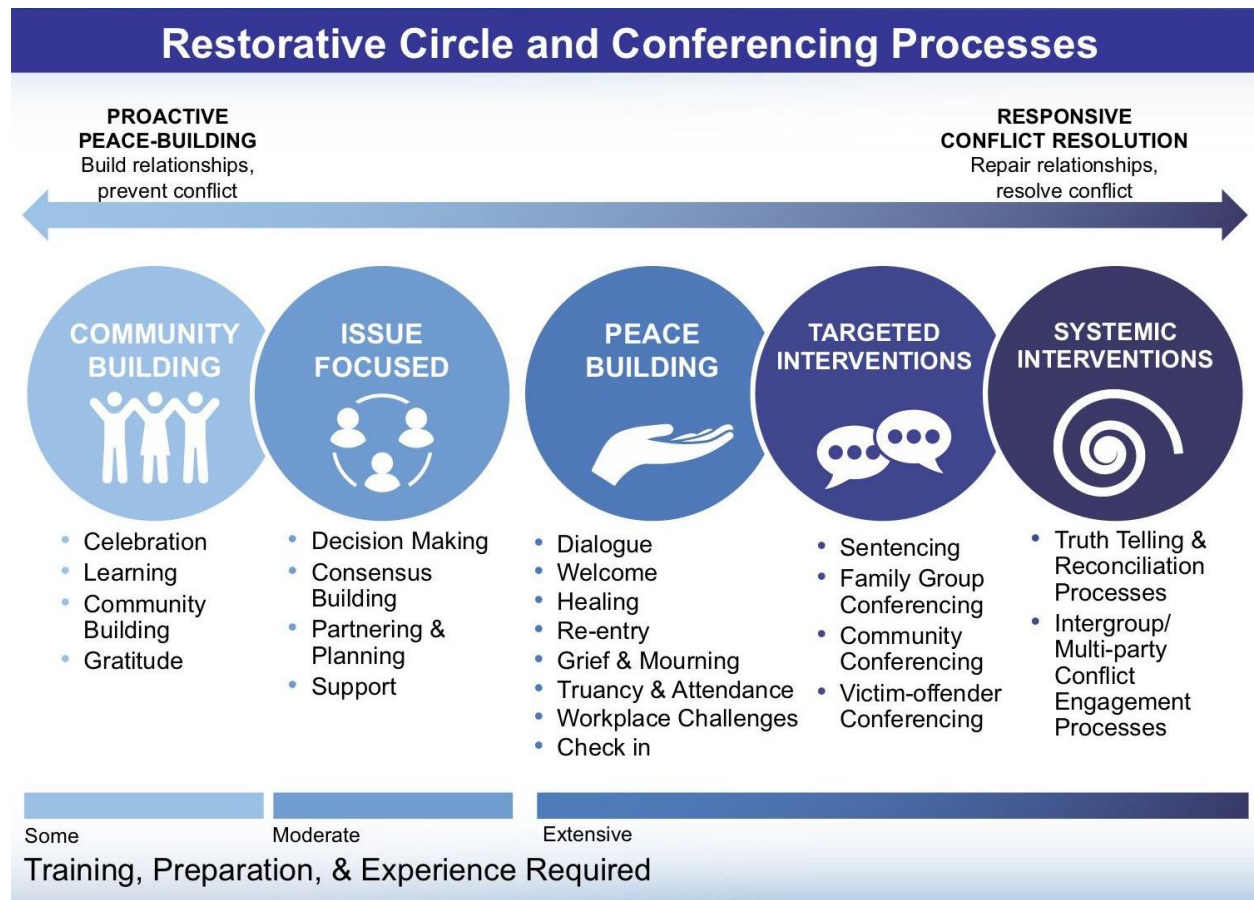
[Eradicating the Label “Offender” from the Lexicon of Restorative Practices and Criminal Justice](#)

[An Open Letter to Our Friends on the Question of Language](#), Center for NuLeadership

Restorative and Community Justice Practices

Restorative and community justice practices are deeply rooted in restorative justice theory, values and principles and reliant on implementation that maintains fidelity to restorative principles. These practices shift from punitive responses by supporting meaningful accountability and repair of harm, as well as strengthening relationships between individual and social connections within communities. Some of these practices are illustrated in the following infographic, and further described in the sections below.

Although restorative processes vary on the continuum and cross jurisdictionally, we feel it important to differentiate restorative processes from other types of processes. The extent and level of restorative features vary state by state (See also Zehr, *The Little Book of Restorative Justice* (2015), p. 69-71 to view degrees of restorative justice practices: a continuum).



Infographic source: [Restorative Arlington](#)

In addition to the restorative practices shown above, preparation sessions, support groups, parallel processes and the use of surrogates add to the wide range of restorative responses and actions.

Restorative and community justice practices may also be offered across the range of criminal and juvenile legal system decision points and processes, as well as in lieu of system involvement.

Possible Restorative Processes

Table 1 lists a variety of restorative processes that may be used at different intervention points within or outside of the legal system. See the Glossary of Terms below for descriptions of the processes.

Table 1: Possible Restorative Processes

Possible Restorative Processes											
Location of Response to Harm	Intervention Points										
		Reconciling Circles	Healing & Support Circles	Family Group Conferencing	Restorative Conferencing/Decision-Making	Restorative Conferencing	Restorative Conferencing	Restorative Conferencing	Restorative Conferencing	Restorative Conferencing	Restorative Conferencing
Community Held	Neighborhood conflict Family conflict Schools Post-secondary ed Faith communities Community-based victim services Nonprofit organizations Community centers Human services providers Youth-serving programs Home associations Impacted party	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
System-based	Law enforcement contact		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	Arrest		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	Pre-charge			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
	Court-filed case										
	DA victim services (pretrial)										
	Deferrals (pretrial)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Diversion (pretrial)										
Plea negotiations (pretrial)											
Dismissals (pretrial)											
Sentencing						<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
Probation / Community Supervision		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Incarceration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
System and/or Community Held	Reentry/Reintegration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Referral sources for the restorative processes noted above may include the following:

Category	Referral Source
Involved parties	Person(s) harmed Person responsible for harm Others impacted directly by harm
System Actors	Law enforcement Prosecutors Court intake Defense attorney Probation/parole agency School administrators
Community stakeholders	First responders (non-law enforcement) Behavioral health professionals Community-based victim services Violence interrupters Peer facilitators School personnel Counselors/social workers/case managers Faith communities Nonprofit organizations Family members Trained facilitators Youth and/or human services providers Other community members and resources

Depending on the restorative process, in addition to trained facilitators, participants may include the following, with consent from the involved parties:

Category	Participants
Involved parties	Person(s) harmed Person responsible for harm Others impacted directly by harm Surrogates
Supportive parties	Supporters, such as family and/or friends of harmed or responsible parties
Community stakeholders and resource people	Community representatives Community-based victim services

	Violence interrupters School personnel Counselors/social workers/case managers Faith community members Nonprofit organization staff or volunteers Youth and/or human services providers Other community members and resources
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Glossary of Terms

- Circles of Support and Accountability

Circles of Support and Accountability (CoSAs) are community-based volunteer models that provide longer-term support to a core member reintegrating into the community typically following incarceration and treatment for higher-risk harms such as sex offenses. The focus is on establishing relationships of trust and accountability, while ensuring safety for the broader community. While the exact models can differ depending on the location and the needs being addressed, CoSA models typically include weekly meetings to address a variety of reentry challenges.

- Circle Processes

There are a variety of Circle practices used by restorative justice practitioners, each with a particular intention and set of participants. These can range in focus from Connection, Community Building, Support and Healing, to specific decision-making points such as Sentencing and Re-entry. Circle practices are designed to create a level of trust and respect, so Circle participants may speak freely with one another in the engagement of their agreed-upon purpose. See additional entries regarding specific Circle models.

- Community/Family Group Conferences

Restorative Conferencing includes models such as Community Group Conferences (CGC) and Family Group Conferences (FGC), in which those impacted by a crime or offense - including those who have caused harm, those who have been directly impacted by that harm, and other supportive family and/or community members - come together with trained facilitators to discuss the offense, the related harms and impacts, accountability for those harms, and how those harms might best be repaired. Conferencing is voluntary for all participants, and pre-conferencing meetings are typically held with key participants to determine their interest and readiness to participate.

- Community Justice

Community justice broadly refers to all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of community quality of life as a goal.

- High-Impact Dialogue in Cases of Severe Violence

High-Impact Dialogue (HID), sometimes referred to as High-Risk Victim-Offender Dialogue, is a direct dialogue process that brings together the people directly involved in a crime of severe violence. Following extensive preparation of each participant, the dialogue itself includes the person(s) directly responsible for the harm and the victim/survivor (or surviving family member(s) in the case of homicide), together with one or more practitioners trained in High-Impact Dialogue facilitation. High-Impact Dialogues are fully voluntary for both parties and commonly occur some years after a high-impact offense, often while a prison sentence is being served. However, this model may be considered at other points, such as pre-sentencing, during the sentencing phase, or during a period of probation or parole, if a victim/survivor so chooses.

- Reentry Circles

A Restorative Re-entry Circle, or a Restorative Welcome, is a process designed to formally welcome someone who has caused harm back into a community, allow them an opportunity to repair the harm they have caused, and establish a support system and plan for successfully transitioning back into their family and community life.

- Reparative/Accountability Boards

Community reparative boards have generally been used in response to adults charged with non-violent and minor offenses, but recently some communities have begun to use the boards with youth. A reparative board usually includes small groups of specially trained citizens who conduct face-to-face meetings with those who have caused harm and voluntarily participate through a court referral.

- Restorative Justice

Restorative justice addresses the needs of those impacted by a conflict, harm, or crime, invites accountability and repair by those who have caused harm, and provides participants and their communities opportunities to engage in a range of voluntary restorative processes which support accountability, repair, and healing, whether within or outside the criminal or juvenile legal system

- Sentencing Circles

A sentencing circle is a community-centered process, in partnership with the juvenile or criminal legal system, to develop a sentencing plan that addresses concerns from all interested parties. Sentencing circles include those who have been harmed and their support persons, those responsible for the harm and their support persons, along with community and system representatives.

- Surrogate Encounter

When the person who was harmed chooses not to participate or is unavailable, the use of a surrogate allows an individual who has caused the harm to participate in a restorative justice process and take responsibility and work towards repair. A victim surrogate stands in the shoes of, but does not role-play as the person who was harmed. At times, the surrogate is chosen by the harmed individual and personally familiar with their experience and needs. At other times, the surrogate is someone who has experienced a similar harm. In this instance, the surrogate shares their own story rather than drawing from the experience of the harmed person. In either case, if the type of repair the harmed person is seeking is known to the surrogate, this will inform the agreed-upon plan for reparations.

- Transformative Justice

Transformative Justice is a framework for community-based strategies to address the root causes of violence and harm, rather than only isolated incidents. The goal is to create safety, reduce harm, and create care and healing within the context of a given condition or community. Transformative Justice responses do not rely on state entities, such as law enforcement, courts, police, prisons, departments of human services, or immigration enforcement. Rather they actively cultivate those resources and skills known within communities to prevent violence and make state interventions less necessary, such as relationships, healing, safety, accountability, and care.

- Truth and Reconciliation/Reparations

Truth and Reconciliation and/or Reparations processes address the experiences of violence and other harms across significant segments of a population, where such violations have not yet been fully acknowledged or addressed by those responsible for those injustices and/or those governments or institutions holding historical accountability for widespread past injustices. Examples of Truth and Reconciliation processes can be found in a number of national settings (e.g., Chile, Argentina, El Salvador, South Africa, Sierra Leone, and Canada), along with more local efforts in the US to address historical injustices and reparations for Black and Indigenous people.

- Victim-Offender Dialogue

Victim-Offender Dialogue (VOD) is a facilitated meeting that brings together a person who caused harm, the person(s) who were directly harmed, and one or more trained restorative justice practitioners, to discuss the impacts of the incident and what needs to be done to repair the harm and make things as right as possible. While a support person may be included, this model focuses on direct dialogue between the key parties. This model, which can be used for lower-level harms and offenses, is more often associated with cases of higher-level harm or violence. See also entry on *High-Impact Dialogue*.

RJ Law and Policy Examples

Regarding laws relating to RJ, there are several useful resources:

National Resources

Seminal research by Dr. Sandra Pavelka on RJ laws and policies in the United States was examined in her dissertation, *Practice to Policy to Management: A Restorative Justice Framework* (2000) and [Restorative Juvenile Justice in the States: A National Assessment of Policy Development and Implementation](#). Dr. Pavelka's research, [Restorative Juvenile Justice Legislation and Policy: A National Assessment](#) and [Restorative Justice in the States: An Analysis of Statutory Legislation and Policy](#), examine the advancement of RJ in state laws and policies. Her most recent research entitled "Public Policy and Legislation: International Comparisons" will be published in the *Encyclopedia of Social Justice in Education* (forthcoming) and "Restorative Justice Law and Policy: A Comparative Analysis of the United States and Canada" by Dr. Pavelka and Carsten Erbe in *When You Come to the Fork in the Road, Take It: The Journey of Restorative Justice* (forthcoming).

A paper by Thalia González, [The State of Restorative Justice in American Criminal Law](#), examines and analyzes laws, including statutes, court rules, and regulations on how RJ is being implemented. González also published [The Legalization of Restorative Justice: A Fifty-State Empirical Analysis](#), which "argues that the current degree of legal internalization of restorative justice indicates the emergence of a new legal norm."

The University of Denver Graduate School of Social Work hosts an [interactive database of restorative justice laws](#) by state.

State Resources

A review of Colorado's RJ laws and implementation resources, including a 2019 Report, *State of the State: Restorative Justice in Colorado*, can be found on the Colorado Restorative Justice Coordinating Council's website <https://rjcolorado.org/>.

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Illinois passed [legislation](#) in 2021 providing confidentiality protection for RJ processes, which establishes a legal privilege similar to attorney-client privilege. The development of this law was informed by existing RJ programs in the state. See an [in-depth article about the law from Mother Jones](#).

The [New Jersey law](#) provides \$8.4 million over 2 years for 4 pilot community-based RJ hubs which also include re-entry services.

Indiana passed [HB 1359](#) that includes a provision for setting up a juvenile diversion grant program (and notes that one of its purposes is to "Emphasize the use of restorative justice practices").

In 2023, Minnesota enacted [SF 2909](#), which established a state Office of Restorative Practices and a grant funding program for local restorative justice programs.

European and Canadian Resources

The Council of Europe adopted the [Venice Declaration in 2021 on the role of restorative justice in criminal justice](#).

The Federal-Provincial-Territorial Ministers for Justice and Public Safety adopted Principles and Guidelines for Restorative Justice Practice in Criminal Matters in 2018: <https://scics.ca/en/product-produit/principles-and-guidelines-for-restorative-justice-practice-in-criminal-matters-2018/>.

Restorative Justice Standards

Restorative Justice Colorado [Restorative Justice Facilitator Code of Conduct and Standards of Training and Practice](#)

Florida Restorative Justice Association [Guidelines for Facilitation and Training in Restorative Justice Practices](#)

[Restorative Rainbow Alliance](#) has adopted its own Code and Standards, but adds the critical LGBTQ lens to those Standards.

Trauma Informed Resources

[What Does It Mean to Be Trauma Informed and Resilience-Oriented](#)

[Complex Trauma in Children and Adolescents](#)

[10 Things Every Juvenile Court Judge Should Know About Trauma and Delinquency](#)

[Key Ingredients for Trauma-Informed Care Implementation](#)

[Six Guiding Principles to Trauma Approach](#)

Survivors' Right to RJ

Dr. Sandra Pavelka and Anne Seymour offer [Guiding Principles and Restorative Practices for Crime Victims and Survivors](#).

[Victims' Rights from a Restorative Perspective](#) provides an interesting perspective on how RJ is an option that many victims might prefer.

[The Overlooked Victim Right: According Victim-Survivors a Right of Access to Restorative Justice](#)

Transformative Justice

[Transform Harm](#)

[Spring Up Bluelight Academy](#).

See *also* Barnard Center for Research on Women [Video Series on Transformative Justice](#)

Special thanks to the dedication and expertise of the NACRJ Law & Policy Committee:

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