

Restorative Justice:

Expanding Pathways to Justice and Healing for Individuals and Communities Impacted by Violence



What is restorative justice?

A restorative justice process prioritizes the needs of survivors while promoting active restoration and meaningful accountability by the person who caused harm. Participation in the process is voluntary and may potentially include the victim, their support networks, and the person who caused harm. The restorative justice process may consist of the identification of harm, acknowledgement of the trauma it caused, and the forging of a pathway toward repair and restoration.

How is restorative justice different than traditional responses to crime?

Led by law enforcement and prosecutors, the criminal justice system focuses on the crime, the person accused, and the punishment as a response to victimization. In a restorative justice process, those who are impacted by harm –

particularly the victim – lead the response to their victimization. They define their version of justice, express the impact of the harm, and determine a plan to promote their safety and healing.

What may restorative justice practices look like for survivors?

Restorative justice is not a one-size-fits-all model, but rather, a set of guiding principles that focus on repairing damage, making amends, and preventing future harm. Restorative practices can take many forms, such as victim-offender dialogue, family group conferencing, victim impact panels, and other methods of accountability and healing, based on the specific needs of those involved and in collaboration with trained restorative justice facilitators.

Traditional Justice Processes Ask:

- What law has been broken?
- Who did it?
- What is the consequence for breaking that law?

Restorative Justice Processes Ask:

- What harm has been done?
- How can it be repaired?





Criminal Justice vs. Restorative Justice: A Snapshot

	Criminal Justice	Restorative Justice (RJ)
Common Language	<ul style="list-style-type: none"> • Victim / Survivor • Offender / Accused / Defendant 	<ul style="list-style-type: none"> • Harmed person / person who was harmed • Responsible person / person who caused harm
Common Participants	<ul style="list-style-type: none"> • Victims • Offenders • Law Enforcement Officers • Prosecutors and Defense Attorneys • Court, Probation and Corrections Staff 	<ul style="list-style-type: none"> • Person who was harmed • Person who caused harm • RJ Facilitators • Family / Friends / Support persons of those impacted • Community members
Violation	<ul style="list-style-type: none"> • A violation of a law (crime) is committed against an individual and is also considered a violation against the State 	<ul style="list-style-type: none"> • A violation against people, relationships, and societal obligations to others
Process	<ul style="list-style-type: none"> • Guilt or innocence is determined • System built upon laws, past precedents, the state constitution, the U.S. Constitution, and guaranteed due process 	<ul style="list-style-type: none"> • A harm is identified and, based on the needs of those involved, a plan towards restoration and repair is created
Accountability	<ul style="list-style-type: none"> • Offenders are held accountable by a judge or jury and through the imposition of a sentence 	<ul style="list-style-type: none"> • The person who caused harm, if they choose to participate in an RJ process, takes responsibility by openly acknowledging their actions and the pain they may have caused
Consequences	<ul style="list-style-type: none"> • Punishment is imposed to deter crime and maintain safety and social order • Punishment may include prison, jail, probation, restitution, fines, community service, etc. 	<ul style="list-style-type: none"> • Steps are taken to repair the trauma resulting from the harm • Steps may include personal apologies, community services, restitution, among other options
Role of the Victim	<ul style="list-style-type: none"> • Victim has some opportunities to provide input, including those outlined in the Crime Victims' Bill of Rights (N.J.S.A. 52:4B-36) 	<ul style="list-style-type: none"> • The victim, if they choose to participate in an RJ process, defines and drives the process
Community Involvement	<ul style="list-style-type: none"> • Community involvement is minimal • Focus is on public safety 	<ul style="list-style-type: none"> • Community involvement can help identify the root causes of the harm and how to best support the victim and the person who caused harm • Community members may initiate an RJ process to address harms they see in their communities
Limitations	<ul style="list-style-type: none"> • Victim input is considered but the prosecutor and judge have the ultimate decision making authority • Victim has fewer opportunities to create their unique form of justice 	<ul style="list-style-type: none"> • Expectations may not be met • Differing perspective or accounts of what happened • Person who caused harm may not want to participate / take accountability

