



Virtual Conversation About Crime Survivors and Restorative Justice Issues

November 3, 2021

Summary of the Conversation's Points of Consensus

Introduction

The Sentencing Project works to promote effective and humane responses to crime that minimize imprisonment and criminalization by promoting racial/ethnic, economic and gender justice. Increasingly, crime survivors and those who assist them are critical partners in efforts to promote meaningful justice reforms, equitable access to services for survivors, crime prevention strategies including access to mental health care and community-based violence interruption initiatives, and restorative justice.

The Sentencing Project and national victim/survivor advocate Anne Seymour, with support from Open Philanthropy, sponsored a virtual conversation to address the critical issue of restorative justice practices both pre- and post-conviction. The goal of the conversation was to identify strategies that can more wholly address the needs of survivors, those who harm them, and the communities in which they reside.

Participants were provided with an agenda in advance of the conversation, which is included in *Appendix A*. Conversation participants agreed that future sessions to expand upon and fine-tune the points of consensus developed at this meeting were both necessary and welcome. Further, initial ideas for collaboration and joint advocacy were explored and need to be further elaborated. A roster of participants is included in *Appendix B*.

Points of Consensus

1. Strengths of restorative justice practices

- Addresses needs of victims and survivors, justice-involved individuals, and community
- Victim/survivor-centered approach, and the victim:
 - Defines harm
 - Is helped with feelings of shame, isolation, self-blame, lack of acknowledgement of harm
 - Fills chasm of unanswered questions
 - Is not required to forgive
 - Can go in and come out angry
 - Is supported in their healing
- Person who has harmed can learn how to account for harm; and to identify and address any personal history of trauma and/or victimization
- Can happen at any stage

2. Challenges or barriers to successful restorative justice implementation

- Takes time and can be complicated
- Challenge of expanding access given:
 - In many communities, there's a value of causing harm in response to harm: it's troubling for some to challenge this
 - Mandatory sentencing often forecloses this route
 - Prosecutors generally have no obligation to inform the court that victims want something else, i.e. restorative justice
 - Even supportive prosecutors are not always effective messengers
- Lack of adherence to true restorative justice principles
- Need for greater recognition that community safety also requires ensuring that the person who has harmed is safe - they're also part of the community

3. Is restorative justice appropriate for violence against women and children, and crimes of sexual violence, dating violence and stalking?

- RJ's question, "What do you need to heal?" is appropriate in all cases. Also, RJ's focus on relationships, encounters, listening/hearing and responding remains relevant in these cases

- Especially needed with these cases since sex-related violence and intimate partner violence are harms that have moved through a community and are often inter-generational -- harmed individuals carry out the harm on others
- Most of these cases don't get reported, in many cases because survivors know the difficulties of reporting crimes and participating in the criminal legal system, and choose not to go through that
- Victim-offender dialogue is not RJ's *only* tool. RJ always has element of encounter, but doesn't need to be in-person. (See discussion of surrogates below.)
- Concern that RJ may escalate harm:
 - Can use RJ approach without allowing the person who caused harm to cause additional harm
 - Question is, "restorative justice compared to what?" The criminal justice system can escalate harm, rather than minimize harm
 - This concern shouldn't result in denying survivors the RJ option. It's not required/ imposed
- Requires careful planning. e.g., Dr. Mark Umbreit has done dialogues with people who have killed and family survivors in prison after several years of preparation work.
 - Another example: Hidden Waters (NY) Healing circles. Colors (purple – perpetrators, green – direct victim)
- Be mindful of overly broad state definitions of domestic violence
- Need to think more specifically regarding stalking: any engagement of that alleged or convicted offender can increase risk of restarting harm

4. Effectively integrating restorative justice into the post-conviction stage

- Enthusiasm about this topic:
 - This is at nascent stage, fascinating work, the next step. Related to re-entry
 - **Interest in developing a paper together on this topic!**
- Post-sentence RJ helps to get past CJ's ideas of justice, which focuses on about punishment
- If they don't understand how they got there, they're doomed to reoffend: example of in-prison work educating people about the harms they've caused
- Failure of helping people to heal contributes to their later laboring to keep person in prison 15-25 years later at parole hearings. Evidence that something didn't work. Goal of minimizing trauma of parole hearings
- May help alleviate racial disparities in resentencing/parole stage
 - BOOK Colorizing Restorative from Living Justice Press

- The most victimized population is black men, but that's not where the funding for victim/survivor services goes
- Victim surrogates:
 - Victim has to initiate services, can rely on surrogates based on their expressed need
 - Surrogates can be people who have previously experienced similar harm who didn't get access to a process like this
 - Victims decide if they want follow-up throughout the case or upon its conclusion
 - Surrogacy has been shown to reduce future victimization
- Example of work: death row in River Bend to help residents use restorative practices to resolve conflicts on death row

Potential next discussion topics:

- Collaborating on a report about effectively integrating restorative justice into the post-conviction stage
- How can RJ advance racial justice?
- Extreme sentences: Lifers, LWOP, death penalty people; sexual violence
- How to engage the community writ large in restorative processes?
- Intimate partner violence and RJ
- Broader issue of violence interruption--partnerships w/ survivor groups and NGOs in marginalized communities

Additional resource: Our friend and colleague, Danielle Sered of Common Justice, co-authored an excellent article published in the *Boston Review*, [Making Communities Safe Without the Police](#), which highlights public health approaches to address violence and violence prevention, with many practical examples of existing programs.

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Virtual Conversation About Crime Survivors and
Restorative Justice Issues
November 3, 2021
2:00 p.m. to 3:30 p.m.**

A G E N D A

**Overview of The Sentencing Project
and Its Virtual Conversations**

Amy Fettig, Executive Director

Introductions & Icebreaker

All Participants

*“Are restorative justice practices helpful to crime survivors,
and the professionals who assist them? And if so, how?”*

Conversation Questions

All Participants

1. What are the *strengths* of restorative justice practices as an option within victim/survivor services and justice programs?
2. What are any *challenges or barriers* to the successful implementation of restorative justice practices?
3. From your lived experience and expertise, what are some strategies to ensure that restorative justice programs and practices are *survivor-centered* and *trauma-informed*?
4. Is restorative justice appropriate for offenses involving violence against women and children, i.e., intimate partner violence, sexual violence, dating violence and stalking?
 - Any concerns?
 - Any recommendations to strengthen such practices?
5. Is restorative justice an appropriate strategy for programming specific to people who cause harm, i.e., batterers intervention programs, sex offender treatment programs, apology banks, etc.

Closing and Next Steps

Anne Seymour, National Victim/Survivor Advocate
Amy Fettig

Appendix B

Virtual Conversation Participants

Aurelia Sands Belle, Research
Instructor
National Crime Victims Research and
Treatment Center
Medical University of South Carolina
Charleston, SC

Travis Claybrooks, CEO
Raphah Institute
Nashville, TN

Kristin Eliason, Director of Legal &
Strategic Advocacy
Network of Victim Recovery of DC
Washington, DC

Stephanie Frogge
National Crime Victim/Survivor
Advocate
Austin, TX

Michelle Garcia, Director
Office of Victim Services and Justice
Grants
Executive Office of the Mayor
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Jim Jones, Executive Director
Community Justice Center
Lincoln, NE

Joel Junior Morales, Director of
Operations
LGBT+ Center Orlando
Orlando, FL

Katie Monroe, Executive Director
Healing Justice
Washington, DC

Andrew Page, Vice-President
Council on Criminal Justice
Washington, DC

Sandra Pavelka, Professor
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Sarah Taylor, RISE Project & Advocacy
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