

**End Mass Incarceration Project
Restorative Justice
August 2021**

RESTORATIVE JUSTICE

How to Help Victims, Reduce Excessive Prison Sentences and Save Money (Especially for Violent Crimes!)

There is considerable evidence that excessively long prison sentences do more harm than good. They increase trauma and other forms of suffering for victims, increase the risk of re-offense, isolate, and dehumanize incarcerated people, inflict generations of harm on BIPOC communities, and cost a tremendous amount of money that could better be used on other things.

Restorative justice is a truly victim-centered approach that can reduce excessive incarceration and address the harms of our current system. Restorative justice practices are aimed at repairing the damage done to victims. They require that the person who committed the crime take responsibility for it but also provide treatment for root causes underlying the crime, thereby preventing crime in the future. They achieve rehabilitation and redemption rather than simply retribution. They are aimed at healing the victim, offender, and the community - "restoring" the damage done by the crime and allowing the perpetrator to return to society as a productive, valued member of the community.

Victims Support Restorative Justice

But don't take WACDL's word for it. Listen to Kari Cedeno-Betancourt of Kirkland, the mother of a teenage daughter who was shot to death by her boyfriend in 2016. Ms. Cedeno-Betancourt explains restorative justice in eloquent words in an October 18, 2020, article by Julie Muhlstein in the Daily Herald: <https://www.heraldnet.com/news/mother-of-teen-shooting-victim-chooses-forgiveness-over-hate/>. Despite losing her child to horrifying violence, she

"chose to forgive. ... [S]he believes forgiveness has changed her. Why forgive? 'To honor her. She was so loving and accepting of everybody. And I had to do it for myself,' said the 46-year-old mother, who lives in Kirkland with her husband. 'This whole weight was lifted from me.' ... 'I can either hate and make life miserable, or I can help him get better. If I can help someone else for a minute, that's what sustains me,' Cedeno-Betancourt said."

The man who shot Cedeno-Betancourt's daughter Payton pled guilty to manslaughter and is serving a 12 1/2 year prison term. His lawyer wanted to argue for a lower sentence, but he wanted to plead guilty and, in Cedeno-Betancourt's words, "own up to his mistakes." Cedeno-Betancourt has visited him in prison and regularly communicates with him. She runs a project providing services to those who struggle, like those battling addiction or homeless women.

Here is how the man who killed Cedeno-Betancourt's daughter describes the power of restorative justice:

"Payton's death has affected me in many ways. Her death has opened my eyes and made me realize I had to change my lifestyle and my mindset.' [He] wrote of helping with

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a Redemption self-help class focused on violence reduction and giving back. 'I know that I can never fully repay my debt, but I am doing all I know to give back,' he wrote."

What is Restorative Justice?

Restorative justice has been described as "seek[ing] to heal the harm caused by crime.

Instead of focusing on retribution, it focuses on rehabilitation. At its core, it is a process that offers both victims and those who caused harm an opportunity to seek answers and accountability to begin to repair the damage caused by crime."

<https://www.cnn.com/shows/redemption-project-van-jones>

It can take many different forms, and can be combined with much shorter prison or jail terms and probation periods, for more serious offenses, or it can be an alternative to incarceration for less serious crimes. It usually involves the offender and victim directly meeting each other and engaging in open discussion about the offense, and how it made the victim and survivors feel. Often, apology and forgiveness are themes discussed. "These carefully structured dialogues are a key part of the restorative justice process." *Id.*

Restorative justice programs may take the form of healing or peacemaking circles, which reflect their Indigenous origin. There is currently a healing circles program at the Washington State Reformatory in Monroe. Other forms of restorative justice programs include mediation and family conferencing, plus restitution and community service or other forms of reparations.

After participating, often victims no longer want long prison sentences for perpetrators. "Those who have taken part in restorative justice circles say they empower participants. This can lead to improved outcomes for all involved. When victims of crime are allowed to take an active role in the disposition of their cases, they are more likely to feel that their suffering has been recognized and acknowledged by both the offender and the state. Likewise, when offenders confront the harm their actions have caused others, they often experience remorse and a desire for change." Not all victims and survivors choose to forgive the offender after participating in a restorative justice program, but the programs do not demand that. Many find the process worthwhile regardless of the outcome; victims and survivors are able to confront the offender with questions they have about the offense. And the process can be very helpful to the offender; research shows that most prisoners are themselves victims of violence and abuse.

<https://jsis.washington.edu/humanrights/2018/10/24/restorative-justice-an-alternative-to-long-prison-sentences/>

Restorative Justice Protects Public Safety and Helps Restore Communities

But you may ask, what about safety? Do restorative justice programs really work? University of Washington professors Katherine Beckett and Martina Kartman studied the question and concluded they do work: "The report concludes that anti-violence strategies rooted in restorative justice principles are a constructive but under-utilized response to interpersonal harm, one that can avoid over-reliance on prisons and jails while taking accountability seriously and addressing the needs of harmed parties." *Violence, Mass Incarceration and Restorative Justice: Promising Possibilities*, Beckett and Kartman, (2016).

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Based on the positive results of the study, Beckett and Kartman are building a survivor-led movement in King County “to transform the criminal legal system and promote policies that support the people most impacted by violence. This effort is premised on recognition of the fact that ‘tough on crime’ sentencing does not deliver the safety it promises, nor does it support the healing that is necessary for individuals and communities to move forward after experiencing harm. Instead, punitive policies exacerbate the very conditions that lead to crime: conviction and incarceration result in barriers to occupational opportunities, student loans, public assistance, housing, isolation and shame, and increase prisoners’ exposure to violence and trauma. Moreover, the same marginalized communities (Black, Indigenous, Latinx, LGBTQ, poor, and immigrant) that are overrepresented in the carceral system are also the most likely to be victimized by violence and least likely to access victim services.”

Perhaps because of the effectiveness of the restorative justice approach, as of 2016, 35 states had laws encouraging use of restorative justice programs for juveniles and/or adults. Studies indicate restorative justice programs can reduce victims’ suffering from post-traumatic stress disorder (PTSD) and reduce recidivism by helping the person who committed the offense see themselves as law-abiding and better able to re-integrate into the community in positive ways. See, <https://link.springer.com/article/10.1007/s12207-019-09363-9> . .

Restorative Justice Works Best With Violent Crimes

As with many criminal justice reforms, there is a tendency to limit restorative justice to non-violent crimes. However, this is wrong because it is with violent crimes that it can have the greatest impact both for the individuals involved and public safety. As stated by Danielle Sered, former victim of violent crime and founder of Common Justice, a victim-centered restorative justice program in New York City:

We do best in the most serious cases. And that’s because restorative justice brings you face to face with the human impact of what you’ve done, so the greater the harm, the greater your responsibility and the deeper your response to it. So the inclination to apply restorative justice to the lowest possible level harm is actually exactly backward. It is powered by the severity of what was done. And the more serious it is, the more power is available in that process.

From an interview of Danielle Sered by Terri Gross of NPR on “Democracy Now”. See also *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*, Danielle Sered, The New Press, (2019).

Restorative Justice Can Save Money

Last but not least, due to COVID-19, state and local governments are facing severe budget losses. Throwing money away on long prison sentences that do more harm than good is unconscionable. In 2016, the U.S. was spending \$80 billion a year to keep people locked up, without evidence that it made us any safer. For 2021, even the Washington State Department of Corrections is supporting reduced sentences to lower costs. Restorative justice programs have been shown to reduce the costs of the criminal justice system. See, Sherman, LW and Strang, H (2007) *Restorative Justice: The Evidence*. London: The Smith Institute. Along with being



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effective and improving outcomes for victims, restorative justice programs should be considered as a means to reduce the length of sentences and save money on incarceration, freeing up money for other uses more beneficial to victims and society.

FOR MORE INFORMATION:

Learn more from the Insight Prison Project, the Ahimsa Collective, the River Phoenix Center for Peacebuilding, the Restorative Justice Project at the University of Wisconsin School of Law, the Healing Dialogue and Action organization or the Hawai'i Friends of Restorative Justice.

<https://www.cnn.com/2019/04/22/opinions/restorative-justice-crime-survivors-van-jones-redemption-project/index.html>

<https://www.aclu-wa.org/story/restorative-justice-offers-powerful-alternative-prisons-and-jails>

[King County Youth Justice](#)

[Restorative Justice for Oakland Youth](#)

[The Center for Restorative Justice Works](#)

<https://famm.org/wp-content/uploads/FS-Alternatives-in-a-Nutshell.pdf>

<http://restorativejustice.org>

<http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-6-benefits-of-restorative-justice/#sthash.TAo3icmf.dpbs>