

REMARKS

OF

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AT THE

**8TH ANNUAL HARRY FRANK GUGGENHEIM
SYMPOSIUM ON CRIME IN AMERICA**

**PANEL TITLED, “HEALING THE WOUNDS:
RESTORATIVE JUSTICE AND THE VICTIMS OF CRIME”**

ON

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NEW YORK, NY**

Thank you, Julia [Dahl]. I'm so pleased to be here and to join Ms. Bartholomew and my friend, Mai.

Let me first thank the symposium organizers for making space for this issue, which I think is very timely. In preparing my presentation, I conferred with my colleagues in the National Institute of Justice, and I learned – somewhat to my surprise – that of the thousands of terms queried on NIJ's Web site last year, "restorative justice" was the eleventh most popular term. On top of that, our Office of Juvenile Justice and Delinquency Prevention held two Webinars last year on restorative justice in the juvenile justice system that drew more than a thousand participants.

So there's clearly a real interest in this way of, not just addressing crime, but really thinking about justice and what it means. Because I think it really does mean something different depending on your perspective.

For some people – including some victims – it's a welcome alternative to the traditional adversarial approach, and it holds out a promise of greater satisfaction with the system. Some of you may have read the recent article by Paul Tullis in the *New York Times Magazine* about the young man who shot and killed his girlfriend. Her parents initiated the idea of a restorative justice approach – meeting initial resistance from the prosecutor – because they believed that was the only way they could come to peace with what had happened to their daughter. And I was really struck by what the mother said about her own motives. She said – and I quote – "Conor (their daughter's murderer) owed us a debt he could never repay. And releasing him from that debt would release us from expecting that anything in this world could satisfy us."

For some victims, this would really resonate. For others, such an idea might be provocative or even anathema to what they believe. I think it's very important to keep in mind that there is no right answer to how – or whether – restorative justice is exercised as an option. Opinions about it are as divided as they are about many other criminal justice issues.

A big part of the issue is the lack of information we have about it. And this is reflected in the discussions we hear and the language we use. We hear people use a term like "forgiveness," as though that's what restorative justice is all about. It's not – or at least, not necessarily. In fact, some victims would take great exception to that characterization. But we need to determine what it is about and make sure we're communicating that to our prosecutors and judges and other criminal justice professionals so that those who wish to explore it know what to expect.

I mentioned in my remarks this morning our Vision 21 Initiative, which is spearheaded by our Office for Victims of Crime, and which Mai and her staff have been involved with. When we went out to the field and met with victims and victim advocates, what we heard was great frustration that criminal justice policy debates focused primarily on the prosecution and incarceration of offenders, and so little opportunity was given for victims to speak and voice their perspectives.

Many victims – particularly those who were victimized by people they knew, as well as victims in Indian country and in urban neighborhoods – said they have a different vision of justice. They said they believe justice isn't about retribution and that we need to explore broader policies to hold offenders accountable and reduce recidivism while also promoting healing for victims.

Alternatives to the adversarial process – including but not limited to restorative justice – may offer a path to both healing and offender accountability. But we need a better understanding of what these alternatives mean and how they can be deployed.

Some work has been done to achieve a greater understanding. For example, there's a study led by the renowned criminologist Larry Sherman and his colleague Heather Strang published in the U.K. a few years ago that reflects the success of some restorative justice programs in reducing recidivism. This is very encouraging. But we need more information.

There are a lot of different types of restorative justice programs operating in the U.S., and they often define restorative justice differently – or they're vague about its meaning. And they're not always consistent about how they incorporate the victim's perspective.

Through our Office for Victims of Crime, we're funding a project with the National Council on Crime and Delinquency that will identify, examine, and document effective restorative justice practices, with a focus on practices that include meaningful participation from victims and practices in tribal and inner city communities, and programs that involve youth. We see this as a first step toward addressing the question of whether or not crime victims, their families, and communities experience greater satisfaction through these approaches. Ultimately, we'd like to see this lead to a demonstration project that will implement and evaluate promising restorative justice practices.

We're also looking at restorative justice practices in more limited settings. Our National Institute of Justice is funding a study looking at alternative treatment approaches employed in batterer intervention programs. This is a complement to a study in Salt Lake City funded by the National Science Foundation. Utah requires that all perpetrators of intimate partner violence undergo a Batterer Intervention Program. The NSF study looked at three approaches, one of which is a restorative justice approach called Circles of Peace that was found by an analysis in Arizona to reduce overall arrests. Our study will build on the NSF work and hopefully give us a better idea of how the way the program is administered relates to treatment outcomes. It'll also include a cost-benefit analysis of the three approaches.

We're also supporting the Vera Institute's Common Justice project in partnership with the Kings County (Brooklyn) District Attorney's office. This is participatory justice practice that's like a restorative justice program in that it's an alternative to incarceration

and it brings the victim into the center. What's significant about this project is that it's aimed at serious crimes and is really aimed at advancing accountability by giving victims – in this case, young men of color – a strong voice.

Finally, as I mentioned earlier, our Office of Juvenile Justice and Delinquency Prevention has been holding sessions on the intersection of restorative justice and juvenile justice. And I know they're planning another Webinar for this spring that will focus on restorative justice as it relates to school discipline.

I'll sign off by saying that I find it very encouraging to see this growing interest in the notion of restorative justice. Having been both a local and a federal prosecutor and having served as director of the National Center for Victims of Crime – Mai's current job – I'm very sensitive to the tension between traditional and alternative approaches to criminal justice. I'm hopeful that, through the work we're supporting – and through the work others are doing – we can sort out what practices work best for victims.

And I'll leave with this: Although we still have much to learn, we should be guided by one principle – and that is, that victims should always remain at the center.

Thank you.

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