



Advancing Restorative Justice in New Mexico

Restorative justice is a new response to crime based on the ways of our ancestors. It is about providing balance, so that everyone involved in and affected by crime can have a voice. It is about working together to repair the damage and restore relationships. It is about talking in a way that makes things right.

Giving Voice
Repairing Harm
Restoring Relationships
Bringing Balance

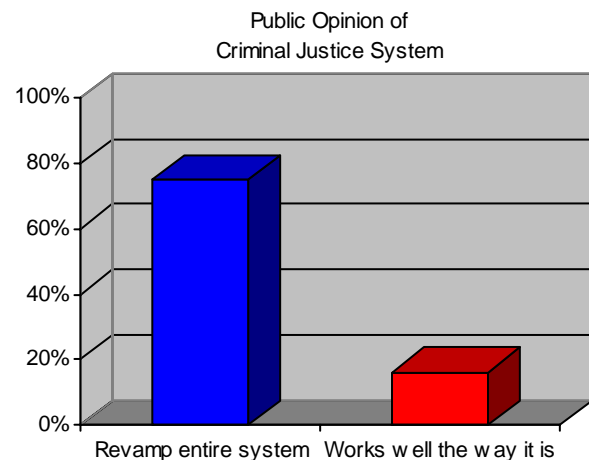
As the only community-based nonprofit organization entirely focused on advancing restorative justice in New Mexico, the Restorative Justice Community Center in Silver City takes a comprehensive and community-centered approach that will become a model for implementation in the state. Community members in the southwestern

counties now meet monthly in council to collaborate and plan implementation. Professionally trained and supervised volunteers conduct mediation, conferences, and circles involving victims, offenders, and community members. Restorative justice contributes to significant reduction in repeat offense, increased compliance with restitution agreements, victim satisfaction, and reduced cost to the criminal justice system.

The following is an overview of restorative justice and the work of the Restorative Justice Community Center.

Criminal Justice

Our criminal justice system focuses on offenders. As a retributive system, it attempts to minimize crime by threat of punishment. As a rehabilitative system, it attempts to change offenders so they will not re-offend. The United States imprisons more of its own people per capita than any other country.¹ While the courts, prosecutors, and private agencies work to provide victims and survivors of crime the opportunity to be heard in court and to receive restitution where possible, victims often feel left out. Feelings go unresolved, damage goes unrepaired, and harm goes unhealed. Seventy-five percent (75%) of the public favors revamping the entire criminal justice system while only 16% say it works well enough as it is.²



Restorative Justice

Both victims and survivors bear the emotional and physical impact of crime, while the community is affected by increased fear and a reduced quality of life. Crime is not only an offense against the state, but more importantly it is harm done to people. In the last three decades, restorative justice has emerged as an effective and satisfying response to crime. Hundreds of restorative justice programs and centers have emerged in the U.S.³, Europe, the South Pacific, Asia and Africa. Provided on a small scale for over fifteen years, restorative justice is advancing rapidly in New Mexico.

Giving voice.

Victims and survivors of crime have an opportunity to speak, to express the impact of the crime, to ask questions, and to have a say in what happens.

Offenders, given the opportunity to speak, are able to listen.

Repairing harm.

Those involved in causing harm have an obligation to repair the harm and make things right.

Restoring relationships.

Trust that is broken can be mended by connection.

Bringing balance.

The needs of victims, the community, and offenders are taken into account.



Principles and Values

Restorative justice is based on common values and principles:

ACCOUNTABILITY. A person who has harmed another has an obligation to make right the wrong.

COMMUNITY. “Government's role is to preserve a just public order, and the community's is to build and maintain a just peace.”⁴

AMENDS AND REPARATION. Offenders should have an opportunity to repair harm and make it right.

REINTEGRATION. Victims of crime and offenders can be supported by the community to become whole and contributing members of society.

INCLUSION. Everyone who has been involved in and affected by crime should be involved in its resolution.

EFFECTIVE COMMUNICATION. People can talk in a good way about what happened, the impact, and what to do about it.

Putting Principles Into Practice

Restorative justice principles and values are most often put into practice through dialogue. Dialogue provides an opportunity to speak and to be truly heard for everyone involved in and affected by crime. Participants talk about what happened and how it affected them. This allows victims an opportunity to express the impact of the crime, and ask questions that only the offender can answer. Offenders then have an opportunity to understand the harm they have caused, and be involved in repairing it. Once people have spoken they are ready to work together to create agreements to heal the harm, repair the damage, and make things right.

*Justice
as
healing*

Highly trained practitioners such as mediators, conference facilitators, and circle keepers ensure emotional and physical safety. The practitioner first meets privately with each participant and tells them what to expect. The face-to-face meeting that follows is confidential and voluntary. All meetings involve victims and offenders, while some also involve their supporters, family and community.

△ **MEDIATION** involves only the victim and offender. A mediator uses communication skills to help a victim and offender feel heard and understood, identify issues, and create agreements.

△ **CONFERENCES** involve community and family members as well as victims and offenders. A facilitator calls on participants in a prearranged order to respond to prepared questions, after which they hold discussion and create agreements.

△ **CIRCLES** involve the same participants as in the conferencing model. A circle keeper passes a “talking piece” around the circle allowing each person to speak while everyone else listens. The process helps participants address more difficult and complex aspects of crime and conflict providing healing and restoration.

Applications of Restorative Justice

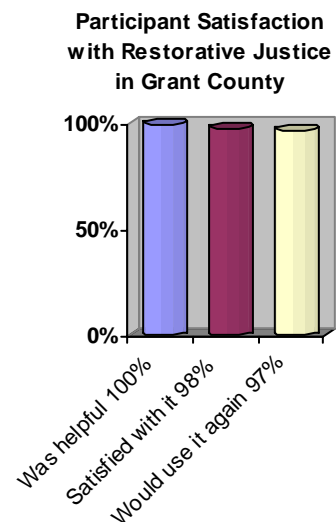
Restorative practices may take place at any point before, during, and after the criminal justice process:

- PREVENTION. In **schools, neighborhoods, families**, restorative practices can build capacity to resolve conflicts before they escalate.
- POLICING. **Law enforcement officers** as first responders to conflict and harm may make referrals to restorative justice in situations that do not require arrest and prosecution. Repeated calls to a residence or neighborhood are reduced by family or community group conferencing.
- PRE-PROSECUTION. **Property crimes** may be more effectively resolved when the victim has the opportunity to meet with the offender soon after so that loss and damage can be repaired. It may otherwise take a year for a criminal case to go through a **District Attorney's** office to final adjudication before a Court.
- PROSECUTION. **Judges** may include participation in restorative justice as a condition of **probation**. While it is voluntary and offenders may initially think of it as a requirement, they most often find it is a positive way to put closure to their criminal case.
- SENTENCING. Sentencing circles involve the presiding judge who takes into account the needs of the participants before passing sentence.
- INCARCERATION. Traumatized victims of **severely violent crime** need more time before they are ready to talk with the offender. In many cases, victims and survivors of severely violent crime request to meet with offender.⁵ **Corrections staff in prisons and jails** also benefit because **inmates** who participate in restorative justice have fewer disciplinary problems.⁶
- OFFENDER RE-ENTRY. An offender's release from prison may produce fear in the victim or among community members. However, a community conference or circle often helps victims and community members feel empowered. It also helps offenders successfully re-integrate.
- RE-INTEGRATION. **Survivors of domestic violence** who have been isolated from friends, family, and the community by their abuser benefit from "circles of support".

Outcomes

Research indicates significant benefits of restorative justice practices.

- REDUCED RECIDIVISM. The overall rate of re-offending is lower for offenders who participate in restorative justice. An offender who more fully understands the harm his or her actions have caused is less likely to harm another person.
- INCREASED RESTITUTION COMPLIANCE. Offenders are more likely to complete restitution agreements made with a victim than if ordered by a judge.⁷
- INCREASED SATISFACTION OF VICTIMS. Victim satisfaction with participation in restorative justice is consistently high. The Restorative Justice Program in Grant County, predecessor of the Restorative Justice Community Center, found very high satisfaction of participants in victim offender mediation in its first year (July 2004 to June 2005).⁸ One hundred percent (100%) said that mediation was helpful in their case, 98% were either very or mostly satisfied, and 97% said they would use mediation again.
- REDUCED COST. Each of these points of intervention divert criminal cases from continuing through the criminal justice system and thereby reduce case loads for police, prosecutors, judges, and corrections.



Restorative Justice in New Mexico Since the late 1980s, restorative justice services have been provided in several counties by small programs and individual practitioners. The longest-running program provides victim offender mediation with juvenile offenders and respective victims of property and lesser violent crimes referred by Juvenile Probation & Parole Offices.⁹ The Children, Youth & Families Department is currently funding training and implementation of restorative justice practices other than victim offender mediation in several counties.

The Restorative Justice Community Center (RJCC) provides restorative justice services in southwestern New Mexico. Current capacity building will make it possible for us to fulfill all individual requests and agency referrals. RJCC provides community forums and presentations to educate and inform the public, as well as introductory and advanced training for practitioners. Collaborative relationships are being built with schools, human service, criminal justice, and governmental agencies. Specialized programs are being developed for specific applications, such as neighborhood conferencing, re-entry of offenders to our communities, school-based violence prevention, mediated dialogue in severe violence, and more.

Creating a
comprehensive
model
for
New Mexico.

How You Can Get Involved In and Support the Center Advancement of restorative justice is driven by the involvement of the community.

REPRESENT YOUR COMMUNITY. Participate in a community conference or justice circle.

BECOME A PRACTITIONER. Receive training and become an apprentice mediator, facilitator, or circle keeper.

VOLUNTEER. Contribute your skills and talents.

CONTRIBUTE. Donate to support the organization while it develops major funding from grants and contracts.

ATTEND THE COUNCIL. The RJCC Council is a place to identify community needs, discuss ideas, and guide implementation of restorative justice. Everyone is welcome. Call for time and place.

CONTACT YOUR STATE & LOCAL REPRESENTATIVES. Invite their support.

Contact your state representatives and the Governor. Request their support for funding of restorative justice through the 6th Judicial District Court in 2007.

Revised August 24, 2006



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justice**
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Endnotes

¹ “The U.S. rate of incarceration of 702 inmates per 100,000 population represents not only a record high, but situates this nation as the world leader in its use of imprisonment” (Mauer, 2003, p. 3).

² A 1998 survey in nine northeastern states of the USA asked 4,015 randomly selected adults the following: “A number of States are considering significant changes in the way the criminal justice system works. Without knowing any specific details, do you like the idea of totally revamping the way the system works, or do you feel the present system works well enough the way it is” (Shulman, Ronca and Bucuvalas, Inc., 1999, as cited in Walgrave, 2003).

³ Umbreit, Vos and Coates, 2006.

⁴ Principles and values listed here are partly adapted from those listed at Restorative Justice Online. Retrieved on August 8, 2006 from <http://restorativejustice.org/intro/>.

⁵ The State of Texas has operated a program since 1993 which provides mediated dialogue in crimes of severe violence to victims who request it. The waiting list has typically been over 300 requests. Requests are accepted from victims and not offenders, so that victims are not re-traumatized. Participation in restorative dialogue does not reduce the prison sentence of the offender. Other states such as Ohio, Minnesota, and Pennsylvania provide such specialized programs. Victim satisfaction is reported as consistently high in these programs (Umbreit, Coates, Vos and Brown, 2002).

⁶ A “lifer” in prison for murder agreed to meet with the family of the victim. Before the meeting, he had many violations for fights. After the meeting, his violations stopped. This anecdote provided at a training on mediated dialogue in severe violence attended by Stéphane Trustorff Luchini at Center for Restorative Justice & Peacemaking, University of Minnesota, October 2003.

⁷ A “meta-analysis covering both mediation and group conferencing found that offenders participating in these programs had substantially higher completion rates than offenders processed in other ways” (Latimer, Dowden and Muise, 2001, as cited in Umbreit, Vos & Coates, 2006).

⁸ Data on the second year of service – July 2005 to June 2006 – is being compiled and is not available at press time.

⁹ This has been and funded by the Children, Youth and Families Department since the Juvenile Probation and Parole Office in Albuquerque first initiated victim offender mediation of its clients in the late 1980s.