RESTORATIVE JUSTICE AND SEXUAL HARM

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THE ELEPHANT IN THE ROOM



QUESTIONS TO GROUND US

- What is restorative justice?
- What does it require?
- Where can it fit responsibly?

What is the most common thing you hear about restorative justice in your professional role?

AMPERSANDS DEFINITION

Restorative justice is a human-centered approach to repairing and preventing harm.

A SET OF VALUES

- Human-centered
- Compassionate
- Trauma-informed
- Inclusivity
- Connection
- Honesty
- Vulnerability
- Accountability
- Truth-telling
- Empathy
- Authenticity
- Respect

TWO VIEWS OF HARM (ZEHR, 2015)

Criminal Legal View	Restorative Justice View

WE ASK DIFFERENT QUESTIONS (ZEHR, 2015)

Criminal Legal View

- What laws have been broken?
- Who broke the law?
- What do they deserve?

Restorative Justice View

- What was harmed?
- What do they need?
- Whose obligation is it to meet those needs?

RESTORATIVE JUSTICE QUESTIONS

(ZEHR, 2015)

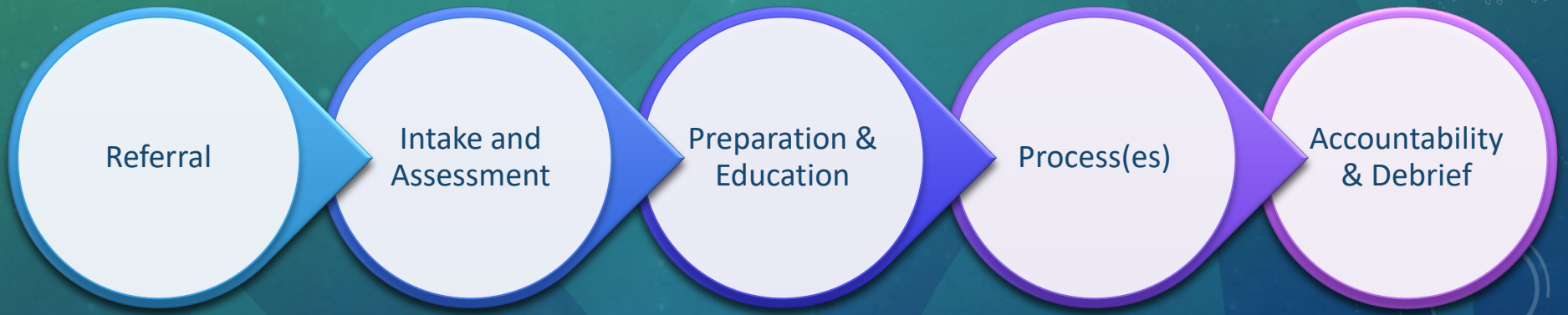
- Who has been harmed?
- What do they need?
- Whose obligation is it to meet those needs?
- What are the root causes?
- How do we engage relevant stakeholders in addressing needs and obligations?
- What needs to be done to make things as right as possible, *including addressing root causes?*

RESTORATIVE JUSTICE IS NOT…

(ZEHR, 2015)

- Not primarily about forgiveness or reconciliation
- Does not necessarily imply a return to past circumstances
- Is not mediation
- Not primarily designed to reduce recidivism
- Not a panacea nor a replacement for the legal system
- Not necessarily an alternative to prison
- Not the opposite of retribution

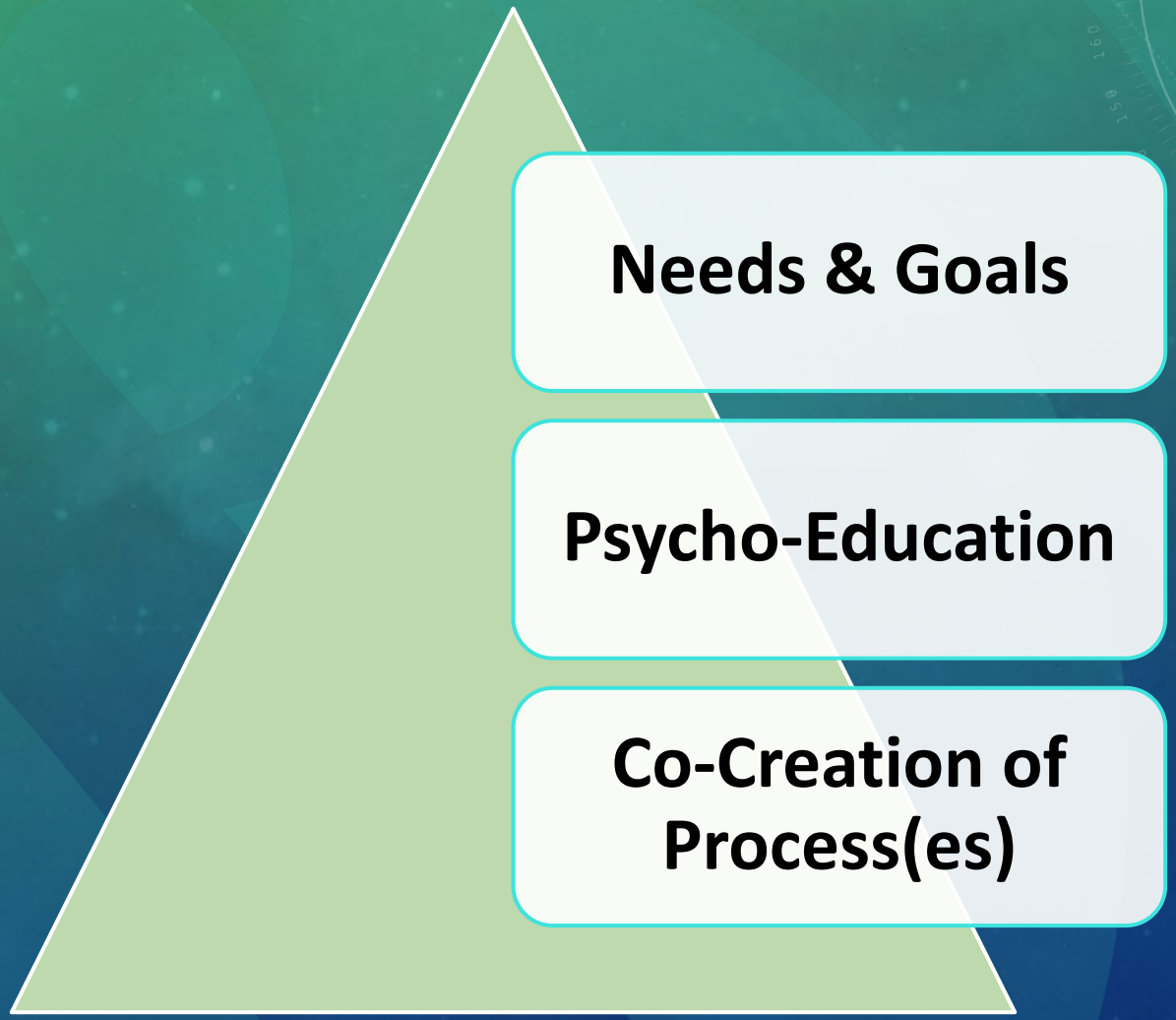
AMPERSANDS MODEL



INTAKE AND ASSESSMENT

- **Comprehensive Clinical Intake**
- **Assessment of Survivor**
- **Assessment of Person who Caused Harm**
- **Assessment of Institution**

PRE-CONFERENCE



RESTORATIVE PROCESSES



VICARIOUS PROCESSES IN TREATMENT

Facilitator

- Introduces participants
- Discusses process, expectations, ground rules

Proxy

- Shares impact on their lives
- Asks questions that have remained

Person Who Caused Harm

- Takes Responsibility
- Acknowledges harm
- Answers questions

Observers

- Provide support and promote accountability

“I sat in a prison cell for 20 years and never once thought about the woman I harmed.”

Jerry, ~2016

ACCOUNTABILITY IN RJ

Responsibility

Compliance

Accountability

Accountability is not a feeling, an apology, or a checklist.

Concept	Orientation	Depth	Survivor-Centered?
Responsibility	Personal acknowledgment	Surface to moderate	Not necessarily
Accountability	Relational repair & change	Deep	Yes
Compliance	System rule-following	Procedural	No

WHAT IS ACCOUNTABILITY?

Naming	Naming the harm without minimization
Demonstrating	Demonstrating understanding of impact
Taking	Taking responsibility without conditions
Engaging	Engaging in repair that is meaningful to the person harmed
Making	Making changes that are visible and sustained

ETHICAL GUARDRAILS, RISKS & BOUNDARIES

- Facilitator boundaries
- Survivor-led pacing
- Not everyone qualifies
- When do you say no?

What will I do differently on Monday morning?

MONDAY MORNING?

- Where do RJ principles fit?
- Where do RJ principles *not* fit?
- Where could RJ support your existing goals?
- What readiness looks like in your role?
- What red flags would tell you someone is **not ready**?

BRIDGING THE GAP

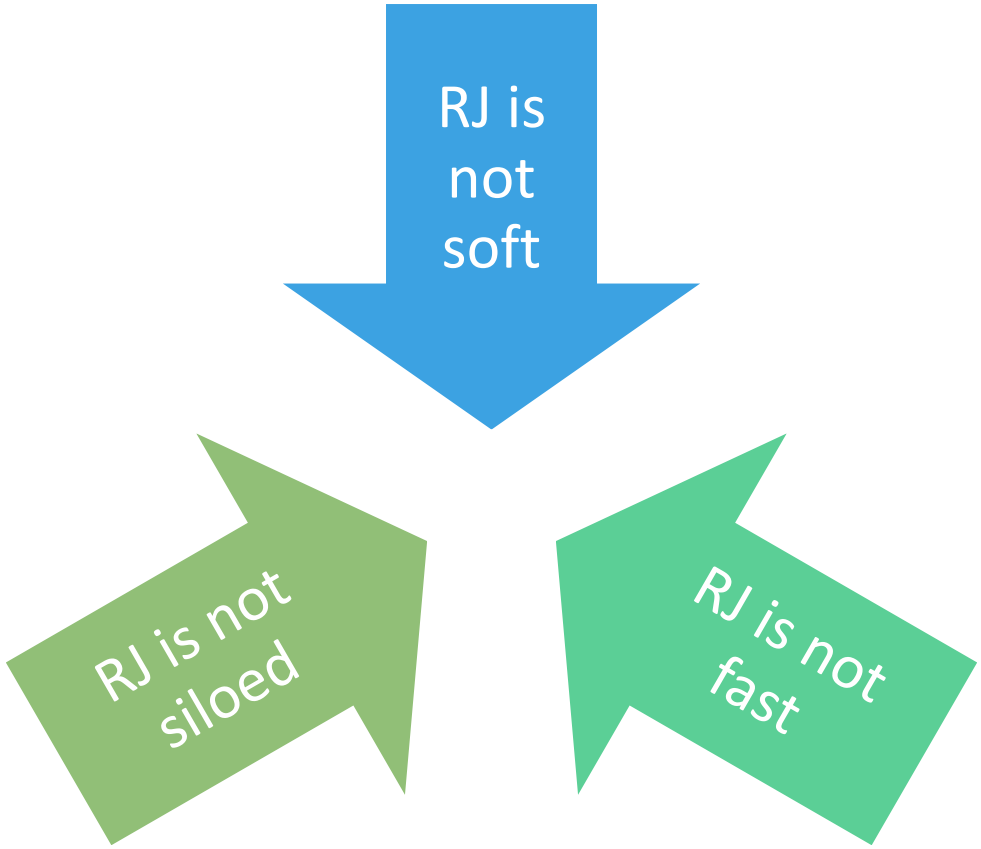
Bringing survivors into treatment programs.

Advocating for restorative processes with your clients.

Encouraging prosecutors to consider restorative options.

Pursuing partnerships with survivor advocacy and restorative justice organizations

CLOSING & CALL TO ACTION



THANK YOU!

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