

## Restorative Justice Project Maine

Restorative Justice means "a practice in which offenders take responsibility for causing harm and engage in a facilitated process with victims, family members, community members, advocates and others impacted by the harm that focuses on repairing the harm, addressing needs and preventing future harm." 34-A MRSA 1001 § (15-B)

### What are the referral criteria?

*There are three main criteria to keep in mind when reviewing cases for referral to RJP:*

- Clear incident of interpersonal harm
- Person harmed (victim) does not object to RJ - even if they don't want to participate
- Individual who caused harm is willing to take responsibility/ participate in RJ process

### What can Restorative Justice offer?

RJP asks that all referrals to our Community Harm Repair Program are accompanied by a clear good outcome offer. *In the event that this is not available, it is important that the centrally affected parties are notified of this and agree to participate regardless of clear good outcome.*

- The restorative justice framework is a chance for the participant to take responsibility for what he or she did wrong and to endeavor to make things right. It's not a punishment or a consequence, but a chance to repair harm that they've caused and to move on from it with a clear conscience.

### What involvement does the attorney have?

The role of the attorney is to agree to an RJP referral with the District Attorney, and verify the good outcome offer. The attorney will be notified of the status of the closing - whether successful or otherwise; and, while their participation is not required in the restorative process, it is welcomed as a support for their client so long as that is acceptable for the persons harmed.

- RJP asks that referrals come without pre-set conditions from the court, so that the centrally affected parties are empowered to ascertain what they most need and see value in (e.g. allow the parties involved in the restorative justice process to determine restitution agreement).

### What is required of the client?

Each restorative process looks different. The repair agreement is unique for each person involved and is based on the incident that brought everyone together. This process is different from the criminal justice system in that all parties are invited to be involved in determining how to make things right. All restorative process include the following criteria :

- Core values ask participants to speak and listen with respect, honesty, and integrity
- Participation throughout is voluntary: There will be an intake, a pre-conference, a restorative process, and a closing process (these can be done by Zoom ).
- Confidentiality is required: Disclosures are signed by all participants

## Process Specific Questions:

### What if the person harmed doesn't want to participate?

*There is a range of options to include victim voices if they do not wish to participate:*

- 1) They may speak to the victim witness advocate or a Restorative Justice facilitator to relay their feelings and needs
- 2) They may identify a proxy - someone who is willing to participate on their behalf
- 3) Restorative Justice may engage a surrogate - someone who has had a similar experience

### What are a juvenile's rights?

- Prosecutors may not speak with a juvenile until the juvenile has been advised of their rights and signed a waiver in court EXCEPT "to participate in an established pre-charge diversion program the successful completion of which results in the prosecutor not prosecuting the charge or charges against the [juvenile]." 15 MRSA § 815
- Sec. 2. 15 MRSA §3204, as amended by PL 1999, c. 624, Pt. B, §7, is further amended by adding at the end the following: Statements of a juvenile or of a juvenile's parents, guardian or legal custodian made to a juvenile community corrections officer during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment.