

Restorative justice better than 3-strikes law

By Lorenn Walker

Before we implement longer mandatory sentences for third-time offenders, we should make an honest attempt to rehabilitate them. We need a major shift in how we respond to crime.

We will always need police, courts and prisons. We will always need to continue investigating crime and looking for offenders, putting dangerous people in prison forever when necessary. But we need to stop focusing only on the offenders and their punishment. It does not rehabilitate most of them, and it does not make our community healthier.

Our prisons are full of people who have been there before. The three-strikes proposal is an old approach that does not work. It has created an inhumane system that provides more resources for offenders, who usually admit they committed a crime, than helping the very victims that they have harmed.

Our country spends an estimated \$60 billion on corrections in a year. It has a dismal 50 percent success rate after two years, which means half of all inmates are right back in prison again only two years after being released. And the recidivism rate gets worse as each year passes.

Instead of more mandatory sentencing laws, we should provide "restorative justice" that enables offenders to take responsibility for their actions. Over 90 percent of all the people in prison admit they committed a crime. This is a great opportunity we should take advantage of and make them take responsibility.

We need to get these offenders to reflect on how their behavior affected people, and what might be done to repair the harm it caused, including providing drug treatment when necessary.

Restorative justice is a public health approach to wrongdoing. It looks at what happened and it looks for solutions to suffering, which sometimes might simply be acknowledgement. This process can build strength and resilience for individuals and communities hurt by crime. It has been researched extensively throughout the world and is more effective than our current system in a number of ways:

- It is more effective for offenders to learn from their bad behavior; and it reduces recidivism more than our current systems.
- The reparation agreements people make as part of the restorative justice process are complied with at significantly higher rates than traditional programs, such as court-ordered restitution.
- People prefer restorative justice more than a traditional process, studies show.

Restorative justice can be used with juveniles and adults for any level of wrongdoing, from property crimes to violent crimes. And it absolutely should be used for most first-time offenders.

Whether a victim meets with the offender or not, and whether or not other community members also participate in meeting with them, restorative justice is usually healing.

Certainly, it is not going to transform everyone; it is not a panacea. Some offenders might pretend that they are sorry when they really are not— but restorative justice is still going to have a positive effect on some participants and on our community.

Forgiveness benefits a victim no matter how the offender responds. Often victims do not even tell the offender they are forgiven. Giving forgiveness can simply be letting go of resentment and anger and instead putting the energy that takes into making a positive and productive life.

Forgiveness never means we condone what was done or that we have to have any relationship with the offender. It only means we are free to have a good life, in spite of what happened. Research shows that almost 50 percent of all crime victims want to meet with the offenders. Why aren't we providing this opportunity to crime victims?

The restorative justice process also involves the people who care about the victim. When someone we love is victimized by a crime, it has an effect on us, too. Often we carry the sorrow around, even if we try to ignore it — our feelings may be buried, but they are still there. Expressing our feelings and having someone listen to how we were affected can help us to cope.

Finally, offenders need to learn from their behavior. They need to consider how the victims, the victims' loved ones and the offenders' own families have been affected. Restorative justice offers the opportunity for offenders to develop empathy because it puts the victims' needs first.

There are some serious crimes where the harm can never be repaired, but even in those cases, asking an offender to look at the crime, and its consequences, has a better chance of achieving rehabilitation than our current approach.

We have used the get-tough approach for thousands of years. "Just chop off a hand when someone steals, then they won't do it again." Only people do steal again, and like many others have pointed out, we end up with a bunch of one-handed thieves. If punishment worked to change behavior, we would not have recidivism.

For rehabilitation to occur, we need truly transformative experiences. Think about yourself. Did you ever change behaviors because people told you how bad you were? Or did you change because you experienced something meaningful?

Crime wounds people and communities. Would you rather live in a community where people who commit crimes had an opportunity to learn from their bad behavior and where victims and their loved ones have a chance to heal from crime? Or do you want offenders to sit in prison for 30 years feeling sorry for themselves, and victims remain wounded?

Rather than a three-strikes law and putting more people in prison, we should be using restorative justice. We have done plenty of restorative justice research right here in Hawai'i for the last 10 years and we know it works. It is truly criminal not to use it.

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