

# Restorative Justice In The Neighborhood Courts Of San Francisco, California

**Susan Stone**

*Restorative Justice Trainer and Mediator, Neighborhood Courts of San Francisco*

*A man is arrested for beating his wife. A woman is arrested for stealing clothing from a store. A neighbor slashes the car tires of another neighbor. A student sets a school on fire. A drug user destroys public property and has no memory of it.*

These are but a few of the 650 Criminal cases that have come before the Neighborhood Courts of San Francisco this year. In The Neighborhood Courts, The offenders (who are called “participants”) are given a unique chance in the American Judicial system to personally address and correct their destructive and harming behaviors, which challenge and disrupt lives and neighborhoods.

Instead of facing a judge and jury in a traditional criminal court where punishment “to fit the crime” is determined with no input from victims, the participants face members of their own community in a confidential and intimate hearing process.

These community members include shopkeepers, school teachers, parents, students, and unemployed or retired citizens from many walks of life. They serve as an investigative panel of volunteer adjudicators who ask the participant restorative and probing questions about the incident: *What happened? Why? What part did you play in this incident? How do we prevent this incident from happening again? What needs to happen now to make things right?*

The Neighborhood Courts hearing process is primarily different from the traditional American Court system, because it is based on a restorative justice model, which has evolved as a vision for criminal justice reform. It allows the participants to avoid

prosecution or incarceration because they enter into a collaborative opportunity to fix the problems they have caused through meaningful dialogue, prompted by helpful questions that get at the heart of the matter. The participant faces his or her crime directly, and often their victim as well, in order to confront and immediately address what is needed to make things whole again.

The Neighborhood Courts of San Francisco meet in 10 locations throughout the city, in order to more efficiently address the crime that occurs in a particular location. (The crimes that are addressed are primarily misdemeanors, infractions, and some felonies). For example, a boat is stolen from a waterfront dock. The thief is arrested and now faces the marina area community courts. The panel of adjudicators will have a connection to that waterfront, and to the health and well---being of their neighborhood. Their questions and concerns will be all the more focused and pointed because of their residential proximity to this crime. Through this restorative process, the individuals (victims) who have been impacted by the harm of a criminal offense are put in the center of the justice system: they have a voice in the outcome. In this way, crime is personalized and all aspects are considered and examined. Their victim's questions and concerns, their fears and anxieties, help direct the questioning process to ensure the outcome is reasonable

and useful.

After questioning the participant, the panel then decides upon the most constructive and productive “directive” which will require the participant to be responsible and accountable for all the damage that has been done. The directive can involve a fine (restitution), or community service (cleaning streets, highways, working in homeless shelters, etc.), or substance abuse program attendance (to stop addictions), or job retraining (so unemployment does not lead back to crime). There can be many creative solutions, rather than outright punishment, that results from the participant's interaction with the panel.

This process of restoration is not based on revenge or retribution, or punitive isolation (jail time) for the criminal act. Rather it is about restoring the entire community, while keeping the offender accountable, responsible, and visible to all. In This way, repeat offending behaviors are minimized if not completely eradicated. With “all Eyes on the offender” there is greater community awareness and less chance of recidivism.

Rather than attaching shame and blame to one's actions, the Neighborhood Courts Provide a chance for offenders to correct behavior, to address the needs and concerns of their victims, and to redeem themselves through positive actions: a restorative result for one and all.

To summarize:

The Neighborhood Courts Program is a dialogue and solutions driven process. Its

Primary goals are:

- **Efficient Case resolution.**

Participants can have their case heard within a couple of weeks of the crime. They can even complete their directives in the time it would take for a traditional criminal court proceeding to arraign and try them before a judge.

- **Community-driven solutions.**

The community that is affected by the crime gets to determine solutions for repairing that harm.

- Participants take a positive first step in a new life direction.

They find a way to regain a positive and hopeful self-image.

- **Reduced burden on criminal courts.**

Neighborhood Courts have the potential to significantly save both time and money for traditional criminal courts, so more serious crimes (rape, homicide) can be addressed in those courts.

- **Reduced recidivism.**

By keeping low-level offenders out of the traditional system – and keeping convictions off their record, Neighborhood Courts remove an obstacle to meaningful participation in the community. As individuals gain a true understanding of the impacts of their actions, they may be less likely to reoffend.