

REMOVING BARRIERS TO RESTORATIVE JUSTICE PRACTICES- SB 64 (Peters)/HB 3248 (Ammons)

What the Bill Does: Removes a barrier to restorative justice by establishing a limited legal privilege, similar to that in mediation, to make communications in restorative justice practices inadmissible in later court proceedings.

What is Restorative Justice and Why is this Bill Necessary?

Restorative Justice expands options for crime victims - *"The criminal legal system often fails to deliver justice. Instead of sending survivors on that adversarial, long, and often retraumatizing path, restorative justice offers a different way forward. A person who caused harm is incentivized to take accountability for their actions through the bill's assurance that dialogue from restorative justice practices is privileged and cannot be used in future proceedings, and survivors get the acknowledgment and admission of guilt that so many desire.*

We must take this opportunity to expand survivors' options for pursuing accountability and healing."

Madeleine Behr, Policy Manager, **Chicago Alliance Against Sexual Exploitation**

Restorative justice **facilitates the repair of harm** caused by crime and conflict. When community members meet (in circles/conferences) to collectively decide how to repair harm, the results can be transformational. While often thought of as an alternative to criminal prosecution, it has been employed across Illinois in communities, faith-based congregations, correctional facilities, and schools.

Restorative justice is a growing practice across the U.S., with legislation in more than 30 states, and a new federally funded Restorative Justice Center. The **National Center on Restorative Justice** is funded by the Bureau of Justice Programs to advance restorative justice principles and practices, focusing on less punitive responses to harm while expanding victim input. <https://bja.ojp.gov/program/national-center-restorative-justice>

When used as a diversionary tool, **restorative justice practices help reduce the costs of criminal justice**. Sherman, LW and Strang, H (2007) *Restorative Justice: The Evidence*. London: The Smith Institute.

WHY this bill is necessary. While restorative justice is increasingly recognized as a successful alternative to traditional criminal prosecution, **it currently relies on informal confidentiality agreements** to protect participants' statements or actions. For a restorative justice proceeding to be successful, parties must engage in **open and honest dialogue**, potentially revealing sensitive information. ***The fear that sensitive information could later be used against a participant in court is a barrier to participation for many people.***

This bill will ensure that things said or done in a restorative justice practice are inadmissible in later court proceedings. Similar to the legal privilege in mediation, disclosure is allowed when necessary to prevent harm or a crime, and for mandated reporters. Judges would provide oversight to ensure the legitimacy of a restorative justice practice – ensuring that the practice is not used for coercive or prohibited purposes. By ensuring that participants will not be penalized in court for participating in restorative justice practices, this bill will encourage the expanded use of restorative justice and allow Illinois to continue to be a leader in restorative justice.

"The traditional justice system doesn't include [victims] enough and get their point of view ... Restorative justice is very victim focused, and we have had an extremely high level of victim satisfaction."
Boulder (CO) District Attorney Stan Garnett

QUESTIONS: Luis Klein, Policy Director, Juvenile Justice Initiative lkjjustice@gmail.com 773-318-2963

SUPPORTERS

As of March 23, 2021

INDIVIDUAL SUPPORTERS

Toni Preckwinkle, President of the Cook County Board of Commissioners
Timothy Evans, Chief Judge of the Circuit Court of Cook County
Tom Dart, Cook County Sheriff
Fr. Larry Dowling, St. Agatha's Church, Chicago
Prof. Diane Geraghty, Loyola University Chicago
Rev. Dr. Robert Spicer Sr.
Rose Murphy, Metropolitan Family Services DuPage
Sister Cathy Ryan, Maryville Academy

BAR ASSOC/LEGAL ORGS

Adler Univ Inst 4 Public Safety/Social Justice
Bohemian Lawyers of Chicago
Catholic Lawyers Guild of Chicago
Chicago Bar Association
Cook County Bar Association
Illinois Association of Criminal Defense Lawyers
Illinois State Bar Association
Law Office of the Cook County Public Defender
Loyola Law School, Civitas ChildLaw Center
Univ. of IL/ John Marshall Law School Restorative Justice Project

STATEWIDE ORGANIZATIONS

Catholic Conference of Illinois
Illinois Collaboration on Youth
Illinois Justice Project
Illinois Nat'l Org for Women
Illinois Parent Teacher Association
Illinois Public Health Association
Juvenile Justice Initiative
League of Women Voters of Illinois
Mother's Against Wrongful Convictions
Nat'l Assoc of Social Workers, IL Chptr
Restore Justice
Treatment Alternatives for Safe Communities
YMCA of Illinois

LOCAL ORGANIZATIONS

Catholic Theological Union
Chicago Coalition for the Homeless
Chicago Teachers Union
Chicago Urban League
Chicago Votes
Community Renewal Society (Chicago)
James B. Moran Cntr 4 Youth Adv (Evanston)
Kolbe House Jail Ministry (Chicago)
St. Nicholas Parish, Peace & Justice Cmte (Evanston)
Westside Justice Cntr (Chicago)

ANTI-VIOLENCE ORGANIZATIONS

Ascend Justice (Frmly Domestic Viol Legal Clinic)
Chicago Alliance Against Sexual Exploitation Illinois
Coalition Against Sexual Assault
IL Coalition Against Domestic Violence
Mujeres Latinas En Accion
Mutual Ground
Network Advocating Against Domestic Violence
Resilience (formerly RVA)
Trauma & Resilience Initiative (Champaign)
Quanada

RESTORATIVE JUSTICE PRACTITIONERS

ALSO-Chicago (Humboldt Park, Chicago)
BUILD Chicago (West Garfield Park, Chicago)
Center 4 Empowerment & Justice (Carbondale)
Conflict 180
IL Balanced and Restorative Justice (Champaign)
Kenwood-Oakland Cmnty Org (Chicago)
Lawndale Christian Legal Center (Chicago)
New Life Centers of Chicagoland (Chicago)
Nehemiah Trinity Rising (Beverly, Chicago)
Precious Blood Ministry of Reconciliation (Back of the Yards, Chicago)
Prevent School Violence (Chicago)
Target Area DevCorp (Auburn Gresham/ Chi)
Trinity United Church of Christ