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OPINION

Restorative justice provides accountability, healing, and justice

It demands honest acknowledgement of wrongs done and meaningful accountability — prerequisites for healing both the victim and the wrongdoer.

By Leo T. Sorokin – Updated February 4, 2021, 9:17 a.m.

Fifteen years as a judge have shown me that healing, humanity, and hope are in short supply in the criminal justice system. Restorative justice principles address this shortage by asking often ignored questions: Who has been harmed? How? Who is responsible? What can be done to repair the harms?

Several years ago, anticipating that the retrial of a death penalty case would require the families of the murdered victims to relive horrific events, I met with the families in court to explain the course of the case, the reasons for the decisions I made, and provisions I arranged for their needs during the trial, such as arranging a private courtroom so the families could have privacy during the proceedings. Restorative justice principles taught me these efforts would help treat the families with the humanity and respect they deserved.

Another case involved John, who sold and used drugs and burglarized homes. After two years in prison, he sold heroin. Federal law calls this crime “victimless.” But John was harming his customers and their families, his neighbors living with the dangers posed by his business, and his children growing up with a father mired in addiction and crime. Federal guidelines said he deserved six years in prison. Such a sentence would not heal John’s many victims or the community to which he would return, nor would it build a better future.

So John participated in a unique restorative justice program led by a specially trained federal probation officer and a woman whose son was murdered. Confronting the harms he caused, including apologizing to a person he harmed, helped John transform

himself. He has maintained his sobriety and become a responsible parent, taxpayer, and homeowner.

In the US District Court of Massachusetts, other defendants are also succeeding with a combination of restorative justice and treatment services through our [“Repair, Invest, Succeed, Emerge”](#) (RISE) program. Elsewhere, the power of restorative justice is wielded with similar success. [Common Justice](#) in New York facilitates healing in cases of violent crime, the attorney general for Washington, D.C., Karl Racine, [started a restorative justice program there](#) in 2016 to redirect juvenile defendants away from prison while acknowledging their victims’ needs, and [Bridges to Life](#) and its network of Christian volunteers fosters change among thousands of inmates in Texas.

These approaches demand honest acknowledgment of wrongs done and meaningful accountability — prerequisites for healing both the victim and the wrongdoer. They call upon us to recognize all of a victim’s injuries and empower them to undertake a healing process that varies from person to person. They require defendants to accept that one does not “catch a case,” but commits a crime. They do not excuse crimes or eliminate punishment, though they necessitate considering the context in which the crime occurred — how, for example, a childhood spent in an unsafe neighborhood with under-resourced schools and incarcerated parents might contribute to such conduct.

We in the criminal justice system can incorporate these approaches now. The public and policy makers should demand we do so. We can always center the needs of victims. We can empower defendants to take meaningful and responsible reparative actions, such as offering street-level dealers lower sentences in exchange for helping addicted customers become sober, much as many more culpable drug traffickers are rewarded for providing evidence against their suppliers. We can expect law enforcement to work with treatment programs so that the customers of drug sellers are helped, rather than ignored, upon a seller’s arrest. We can measure actual public safety — fewer shootings, less violent crime, declining overdoses — rather than the number of arrests. We can permit imprisoned fathers participating in parenting programs to have supervised video visits with willing family members — a small step, but one not permitted in federal prisons.

To do this requires emulating Robyn. After losing her son to an overdose, she described drug sellers as “monsters.” Yet she sat in a restorative justice circle for two days with three men convicted of selling drugs. She shared her loss, making real for these men the consequences of their crimes. She also listened, learning that the men

too were victims of the criminal conduct of others, and that they felt great remorse. She used these insights to help herself, her family, and others heal. Robyn embraced the humanity of men she once thought “monsters,” appreciated the harms they had suffered, and participated in a process intended to help them toward a better future without absolving them of accountability for their actions. The time for each of us to follow Robyn’s lead is now.

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