



**Restorative Justice and Victim-Offender Mediation:  
The Nation's Slow Move Towards Restorative Justice and Texas' Efforts  
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Restorative justice emerges as a paradigmatic shift within the realm of criminal justice, offering a departure from traditional punitive methodologies towards a more holistic and inclusive approach (UN, 2002). It represents a profound reevaluation of the fundamental tenets of justice, challenging entrenched ideologies, and advocating for a transformative vision grounded in principles of healing, reconciliation, and community engagement. Unlike retributive justice, which prioritizes punishment and deterrence, restorative justice endeavors to address the underlying causes of crime and harm—thereby emphasizing accountability, restoration, and the repair of social relationships (Braithwaite, 2002; Zehr, 2005, 2015).

At its core, restorative justice fosters a dialogical process wherein victims, offenders, and affected communities are afforded the opportunity to confront the impacts of wrongdoing, share their experiences, and collaboratively seek pathways toward resolution and reparation. Indeed, restorative justice represents a substantial departure from traditional punitive paradigms, offering a compelling alternative that foregrounds the principles of human dignity, empathy, and interconnectedness in the pursuit of justice and societal harmony (Braithwaite, 2002; Zehr, 2005, 2015). This report endeavors to explore the multifaceted landscape of restorative justice, delving into its foundational principles, practical applications, empirical evidence, history within the country, and specific implementation within the Texas Department of Criminal Justice (TDCJ).

**Restorative Justice: Principles and Philosophy**

At the heart of restorative justice lies a profound commitment to human dignity, empathy, and interconnectedness (Braithwaite, 2002). It separates itself from criminal justice in unique ways, adopting distinctive views and central foci, outlined in Table 1. This paradigm

shift transcends mere retribution, embracing principles that resonate deeply with notions of fairness, accountability, and healing.

*Table 1. Differing Views of Criminal and Restorative Justice*

CRIMINAL JUSTICE	RESTORATIVE JUSTICE
Crime is a violation of the law and the state	Crime is a violation of people and relationships
Violations create guilt	Violations create obligations
Justice requires the state to determine blame (guilt) and impose pain (punishment)	Justice involves victims, offenders, and community members to repair the harm and put things right
Central focus: Offenders getting what they deserve	Central focus: Victims' needs and offender taking responsibility for causing harm

As discussed by Braithwaite (2002), the key among these principles are:

- **Encounter and Engagement:** Restorative justice emphasizes direct communication and meaningful engagement between victims, offenders, and communities. By creating spaces for dialogue and understanding, it seeks to humanize individuals, dispel stereotypes, and foster empathy.
- **Responsibility and Accountability:** Central to the restorative ethos is the notion of accountability, wherein offenders are encouraged to take ownership of their actions and make amends to repair the harm caused. This process is not solely punitive but rather aims to promote personal growth, rehabilitation, and reintegration into society.
- **Community Involvement:** Restorative justice recognizes the integral role of communities in addressing crime and promoting social cohesion. By actively involving stakeholders in the resolution

process, it connects collective wisdom, resources, and support networks to facilitate healing and restoration.

- **Holistic Approach:** Restorative justice acknowledges the complex interplay of individual, social, and systemic factors that contribute to crime and conflict. Rather than focusing solely on punitive measures, it seeks to address underlying root causes, such as poverty, trauma, and inequality, through collaborative, multidisciplinary interventions.

### Practical Application of Restorative Justice

Restorative justice uses a set of guiding questions that differ from those of the typical criminal justice system, leading to differences in its practical applications (Zehr, 2005, 2015). Table 2 juxtaposes the questions typically asked in criminal justice practices with those of restorative justice practices.

Table 2. Guiding Questions in Criminal and Restorative Justice

CRIMINAL JUSTICE	RESTORATIVE JUSTICE
What laws have been broken?	Who has been harmed?
Who did it?	What are the needs of the person who has done this?
What do they deserve?	Who is obligated to provide these needs?

In answering these questions in practice, restorative justice manifests in diverse forms, each tailored to meet the unique needs and circumstances of those involved. While the specific practices may vary, they are united by a shared commitment to dialogue, respect, and mutual understanding. Some of the most common applications include victim-offender mediation, a process that brings together victims and offenders in a facilitated dialogue aimed at acknowledging harm, expressing needs and feelings, and collaboratively devising restitution plans (Zehr, 2005, 2015). Providing a platform for direct communication empowers individuals to seek resolution and closure on their own terms.

In practice, restorative justice also uses circle sentencing. Rooted in Indigenous traditions, circle sentencing involves bringing together offenders, victims, community members, and justice professionals in a circle format (Dickson-Gilmore et al., 2005; McCold, 2001). Here, participants engage in open dialogue, share personal stories, and collectively determine appropriate sanctions and support measures. This inclusive approach fosters a sense of shared responsibility and accountability, emphasizing community healing and reintegration.

Similarly, restorative justice applies family group conferencing, which extends the restorative lens beyond individual victims and offenders to encompass broader familial and social networks (Hamilton & Yarrow, 2016). By convening family members, friends, and other relevant stakeholders, it encourages collective problem-solving, support, and accountability. This holistic approach recognizes the interconnectedness of relationships and the importance of community support in facilitating rehabilitation and reintegration. Overall, restorative justice emphasizes the importance of making amends and repairing harm through concrete actions. This may involve financial restitution, community service, or symbolic gestures aimed at acknowledging and redressing the harm caused. By actively engaging offenders in the restoration process, it promotes accountability, empathy, and personal growth.

### Research Supporting Restorative Justice

The efficacy of restorative justice is not merely theoretical; it is grounded in empirical evidence that underscores its transformative potential. Research spanning decades and contexts has consistently demonstrated the positive outcomes associated with restorative approaches. Restorative justice programs have been shown to yield substantial cost savings compared to traditional criminal justice approaches (Nascimento et al., 2023; Sherman & Strang, 2012). By diverting resources away from incarceration and court proceedings and towards prevention, intervention, and victim support, they offer a more efficient and sustainable solution to crime and conflict. In doing so, they also provide a multitude of other benefits. Numerous studies have found that individuals who participate in restorative justice programs are less likely to reoffend compared to those subjected to traditional punitive measures (Bouffard et al., 2016; De Beus & Rodriguez, 2007; Livingstone et al., 2013; Piggot & Wood, 2018). Meta-analyses have supported these findings, demonstrating reductions in recidivism among those who complete restorative justice programs (Bradshaw & Roseborough, 2005; Strang et al., 2013). By addressing underlying factors such as trauma, substance abuse, and social alienation, restorative interventions promote long-term rehabilitation and community safety.

One caveat, however, is restorative justice's effectiveness on reoffending reduction for violent crimes, which has garnered mixed results (Fulham et al., 2023). However, in practice, restorative justice is used mostly with non-violent crimes; thus, when used appropriately, it remains promising. This is true not only for its positive impact on

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offenders but on victims as well. Victims who engage in restorative justice processes consistently report higher levels of satisfaction, empowerment, and healing compared to those embroiled in adversarial court proceedings (Shapland et al., 2007; Strang et al., 2013). By centering the needs and voices of victims, restorative practices validate their experiences, restore agency, and foster a sense of closure and resolution. Additionally, restorative justice promotes the reintegration of offenders into society by addressing the relational, psychological, and practical barriers to successful community living (Lanni, 2021). Through supportive networks, skill-building opportunities, and collaborative planning, it empowers individuals to assume positive roles within their communities, thereby reducing stigma, isolation, and recidivism.

### **Restorative Justice in the United States**

The historical roots of restorative justice can be traced back to Indigenous traditions and religious teachings emphasizing reconciliation, restitution, and community healing. However, its formal integration into Western legal systems has been a relatively recent phenomenon. In the United States, it gained traction in the latter half of the 20th century, fueled by growing disillusionment with the punitive excesses of mass incarceration and the retributive ethos of the War on Drugs (Berman, 2005). Early experiments with victim-offender mediation and community-based initiatives laid the groundwork for a more comprehensive reimagining of justice—one rooted in dialogue, accountability, and restoration.

The nation's move towards adopting restorative justice has been shaped by a confluence of legal and policy developments at the federal, state, and local levels. The Victims' Rights Movement of the 1980s and 1990s played a pivotal role in elevating the voices and experiences of crime victims, leading to the enactment of legislation mandating victim participation in criminal proceedings (Bazelon & Green, 2019). Concurrently, restorative justice found champions within progressive circles, who advocated for alternative sentencing options and diversion programs aimed at addressing the underlying causes of crime. The passage of the Victims of Crime Act (VOCA) in 1984 and subsequent amendments provided funding support for victim services, including restorative justice initiatives, further catalyzing its integration into the criminal justice landscape.

Judicial and legislative initiatives have also contributed to the nation's slow but steady embrace of restorative justice

principles. Specialty courts, such as drug courts, mental health courts, and veterans' courts, have emerged as incubators for restorative practices, offering offenders the opportunity to address underlying issues and make amends through treatment, counseling, and community service (Burns, 2013; Fulkerson, 2009; Ogden, 2024). Likewise, states have enacted legislation authorizing restorative justice programs in schools, juvenile justice systems, and even adult corrections facilities, signaling a growing recognition of its potential to reduce recidivism, promote victim satisfaction, and foster community healing. Community engagement and grassroots advocacy have been instrumental in driving the nation's transition toward restorative justice. Civil society organizations, faith-based groups, and grassroots activists have mobilized support for restorative justice initiatives, organizing educational campaigns, lobbying policymakers, and providing direct services to affected individuals and communities (Community Justice Center: <https://communityjusticecenter.org/national-resources-for-restorative-justice/>). These efforts have helped raise awareness, build alliances, and cultivate a broader understanding of restorative justice as a viable and compassionate alternative to punitive approaches.

### **Restorative Justice in Texas**

As the nation continues to navigate the complexities of criminal justice reform, restorative justice principles are increasingly finding resonance within state institutions. In the criminal justice landscape in Texas, restorative practices have gradually gained traction as viable alternatives to conventional punitive measures. While the state's historical emphasis on law and order has posed challenges to their widespread adoption, recent years have witnessed promising developments in embracing restorative practices within the Texas Department of Criminal Justice (TDCJ). The roots of restorative justice in Texas can be traced back to pioneering efforts in victim-offender mediation and community-based initiatives. Building on the principles of restitution and reconciliation, early advocates laid the groundwork for a more holistic and inclusive approach to justice (Cohen, 2013). Despite initial skepticism and resistance, their persistence and dedication paved the way for broader acceptance and implementation.

Recently, TDCJ has embarked on a journey towards restorative justice, guided by a commitment to promoting accountability, rehabilitation, and community safety. Through collaborative partnerships, innovative programming, and a steadfast commitment to healing and

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restoration, TDCJ is charting a course toward a more compassionate and effective criminal justice system—one that prioritizes the well-being of all stakeholders involved. Although the transition has been gradual and, at times, fraught with challenges, notable strides have been made in several key areas.

Currently, TDCJ operates a Victim Offender Mediation Dialogue (VOMD) program. In this program, TDCJ facilitates direct dialogue between victims and offenders, providing a structured framework for meaningful communication, engagement, and resolution. TDCJ's VMOD program serves as a vital platform for fostering reconciliation and healing between victims and offenders. Operating on the principles of restorative justice, this program facilitates direct communication between those affected by crime, offering victims the opportunity to express their feelings, seek answers, and convey the impact of the offense on their lives. Similarly, it provides offenders with a chance to take responsibility for their actions, express remorse, and understand the consequences of their behavior firsthand.

Through structured dialogues mediated by trained professionals, participants engage in a collaborative process aimed at repairing harm, promoting understanding, and ultimately facilitating meaningful resolution outside the traditional criminal justice system. This approach not only addresses the immediate needs of victims but also promotes accountability, rehabilitation, and the restoration of relationships within the community. Over the years, as evidence of the program's success and benefits accumulated, the VOMD program expanded its reach and became more institutionalized within the TDCJ. Legislative support, funding allocations, and partnerships with community-based organizations further facilitated its growth and integration into the state's broader criminal justice system. Today, the program continues to evolve, drawing on best practices, research findings, and feedback from stakeholders to enhance its impact and effectiveness in promoting accountability, healing, and restoration for all those affected by crime in Texas (<https://www.tdcj.texas.gov/divisions/vs/vomd.html>). In addition, TDCJ offers a range of educational programs on restorative justice principles and practices to inmates, staff, and community stakeholders. These initiatives aim to raise awareness, build empathy, and promote a culture of accountability and reconciliation within correctional facilities and beyond.

Recognizing the critical importance of successful reintegration, TDCJ provides comprehensive support

services to offenders transitioning back into society. From counseling and job training to housing assistance and peer mentorship, these initiatives seek to address the underlying factors contributing to recidivism and promote long-term stability and self-sufficiency. Also, TDCJ actively collaborates with community organizations, faith-based groups, and academic institutions to develop and implement restorative justice initiatives. By leveraging the expertise, resources, and networks of various stakeholders, it seeks to build sustainable, community-driven solutions to crime and conflict.

Furthermore, TDCJ offers in-prison rehabilitation programs that center around restorative justice principles. For instance, The Prison Fellowship Academy (PFA) Program is dedicated to fostering an environment within correctional facilities that promotes reverence for divine law, respect for the rights of others, and the spiritual and moral transformation of incarcerated individuals. Established in March 1997 at the Carol Vance Unit, in collaboration with TDCJ and Prison Fellowship Ministries, the PFA Program has since expanded to include additional units such as Polunsky and Crain ([https://www.tdcj.texas.gov/divisions/rpd/inner\\_change.html](https://www.tdcj.texas.gov/divisions/rpd/inner_change.html)). This faith-based initiative draws upon the involvement of numerous community volunteers to provide a comprehensive approach to inmate rehabilitation, firmly rooted in the principles of restorative justice. At its core, the PFA Program emphasizes the concept of restorative justice, wherein incarcerated individuals undertake a journey of personal transformation aimed at not only repairing the harm caused by their actions but also restoring themselves, their families, their victims, and their communities.

Through a structured curriculum encompassing life skills training, academic instruction, job readiness preparation, community service opportunities, chapel services, Bible studies, support groups, and mentorship, the program seeks to instill six foundational values crucial to the rehabilitation process. The values of the program include: (1) integrity, emphasizing the importance of living honestly and authentically, both with oneself and others; (2) restoration, encouraging the repair and reconciliation of relationships with God, family members, the broader community, and even victims, when appropriate; (3) responsibility, fostering a sense of accountability for one's choices, behaviors, and the resulting consequences; (4) fellowship, promoting collaboration and cooperation to cultivate a supportive and harmonious community environment free from infractions; (5) affirmation, facilitating a culture of mutual respect and

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encouragement, where individuals are empowered to give and receive honest feedback and support; (6) productivity, recognizing the inherent value of work, education, and active contribution to the betterment of the community. The PFA Program operates on a structured timeline, typically spanning 12 to 14 months, during which participants engage in a variety of educational, vocational, spiritual, and relational activities designed to facilitate personal growth and holistic rehabilitation. Through its comprehensive approach and commitment to restorative justice principles, the PFA Program strives to empower incarcerated individuals to embark on a journey of redemption, healing, and positive transformation, ultimately paving the way for successful reintegration into society upon release.

While progress has been made, the implementation of restorative justice in TDCJ is not without its challenges. From resource constraints and cultural barriers to resistance to change, various obstacles must be navigated to realize the full potential of restorative approaches. However, amidst these challenges lie opportunities for growth, innovation, and systemic transformation. Advocacy efforts aimed at reforming sentencing policies and expanding restorative justice programs within TDCJ can help overcome institutional barriers and promote systemic change. By enacting legislative reforms and policy directives, stakeholders can create an enabling environment for restorative approaches to thrive. Increasing community involvement in restorative justice initiatives can enhance support, build trust, and empower stakeholders to address crime and conflict at the local level. Through grassroots organizing, public awareness campaigns, and community-based programming, TDCJ can foster a sense of ownership and investment in restorative justice practices. Lastly, continued research and evaluation of restorative justice practices within TDCJ are essential to assessing effectiveness, identifying best practices, and informing policy decisions. By thoroughly documenting outcomes, gathering feedback, and sharing lessons learned, stakeholders can refine and scale up restorative initiatives, ensuring their long-term sustainability and impact.

### Conclusion

Restorative justice offers a transformative vision for the future of criminal justice, one rooted in empathy, accountability, and community empowerment. TDCJ's efforts to implement restorative practices are underway, reflecting a growing recognition of their potential to promote rehabilitation, reduce recidivism, and build safer,

more resilient communities. By embracing the principles of encounter and engagement, responsibility and accountability, community involvement, and a holistic approach, TDCJ can pave the way for a more just, humane, and effective approach to addressing crime and conflict in the Lone Star State and beyond. Through collaborative partnerships, policy reform, and ongoing research, the promise of restorative justice can be realized, ushering in a new era of healing, reconciliation, and social transformation.

### Further Reading

#### Restorative Justice in Texas

- Texas Criminal Justice Coalition – Policy Brief: <https://texascje.org/system/files/publications/Restorative%20Justice%20-%20District%20Attorney%20programs.pdf>
- Texas Public Policy Foundation: <https://www.texaspolicy.com/restorative-justice-in-texas/>

#### TDCJ's VOMD Program

- [https://www.tdcj.texas.gov/documents/VS\\_VOMD\\_Brochure.pdf](https://www.tdcj.texas.gov/documents/VS_VOMD_Brochure.pdf)
- <https://ivss.tdcj.texas.gov/vomd-initiate/>

#### TDCJ's Prison Fellowship Academy Program

- [https://www.tdcj.texas.gov/divisions/rpd/inner\\_change.html](https://www.tdcj.texas.gov/divisions/rpd/inner_change.html)

#### UN Handbook on Restorative Justice Programmes

- [https://www.unodc.org/documents/justice-and-prison-reform/20-01146\\_Handbook\\_on\\_Restorative\\_Justice\\_Programmes.pdf](https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf)

#### Other Resources

- *Action Research in Criminal Justice*, Edited by Inge Vanfraechem & Ivo Aertsen (Routledge Press)
- *Developing Restorative Justice Jurisprudence* by Tony Foley (Routledge Press)
- *The Politics of Restorative Justice* by Andrew Woolford & Amanda Nelund (Fernwood Publishing)
- *The Promise of Restorative Justice*, Edited by John P. J. Dussich & Jill Schellenberg (L. Rienner Publishers)
- *Restorative Justice Dialogue* by Mark Umbriet & Marilyn Peterson Armour (Springer Publishing)

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