

**Resolution on Restorative and Rehabilitative Justice**  
*Adopted by the 2020 JCPA Delegates Assembly*

Beginning in the 1970s with the “War on Drugs” and harsh mandatory minimums, the U.S. prison population exploded—exacerbated by the 1994 Crime Bill—disproportionately harming poor people and people of color. The pervasiveness of mass incarceration has helped shed light on the dehumanizing conditions of imprisonment and the inequities present throughout our justice system. Mass incarceration, and the criminal justice system more broadly, is now a major issue confronting our country.

And yet, prisons do not appear anywhere in the Torah as a form of punishment, or even as a deterrent. In Deuteronomy 25:2-3, we are taught that “If the wicked one is to be flogged, the magistrate shall have him lie down and be given lashes in his presence, by count, as his guilt warrants. He may be given up to forty lashes, but not more, lest being flogged further, to excess, your brother be degraded before your eyes.” Not only is punishment limited, but as Rabbi Chananya ben Gamliel said, “from the time that he is flogged, the text calls him ‘your brother,’ as it says, ‘your brother be degraded.’” (Sifrei Devarim 286, (c. 3rd century)) However, our criminal justice system has become a mechanism for punishment and retribution, dehumanizing (or “degrading”) all who encounter it with little regard for restoration or rehabilitation.

Punishment lasts long after someone has “served their time.” Some government assistance (e.g., housing and food stamps) are completely unavailable to those who have been incarcerated. Other barriers block entry to gainful employment or education programs. Formerly incarcerated persons are barred from voting in some states, while in others the right to vote is restricted. In short, resuming any semblance of a “normal” life is nearly impossible. This is far from treating the person as a “brother” or “sister,” as one who is not degraded.

The concept of restorative justice gained traction in the truth and reconciliation commissions of the 1970s as a means for perpetrators and victims to publicly acknowledge harm done, facilitate a process of healing for victims (and offenders), and repair communities after conflict and violations of human rights. In many modern contexts, restorative justice is often broadly defined as a process that 1) involves those who have committed harm and those who

have been harmed, 2) collectively seeks accountability from the accused, and 3) protects victim safety and supports victim autonomy.

Justice reform advocates have adopted this term while expanding its scope, understanding that the need for “restoration” and healing often extends beyond victim and perpetrator to their families and communities. In this sense, restorative justice also means policies and practices that emphasize rehabilitation of those who commit crimes and reparation of the harm done to victims, perpetrators, and communities as a result of crime and the justice system itself.<sup>1</sup> In all its forms, use of the term “restoration” is a recognition that those who commit crimes, victims, families of both, and communities are all in need of “restoration” and healing. Studies show that the use of restorative justice mechanisms reduces recidivism, increases victim satisfaction with the justice process, and can even reduce victims’ post-traumatic stress.<sup>2</sup>

**The Jewish Council for Public Affairs believes that:**

- Reorienting our criminal justice system to reflect a rehabilitative and restorative justice approach to public safety that respects the humanity, dignity, and human rights of all people is essential to creating a just society.
- A main animating principle of reform should be the pursuit of rehabilitation and restorative justice for the victim (if any), the offender, and communities affected through a cooperative, restorative process in which all primary stakeholders have a say in how to repair the harm.
- People who experience harm should hold power and autonomy in determining and navigating processes for healing and justice.

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<sup>1</sup> See uses of “restorative” in Leadership Conference on Civil and Human Rights, *Vision for Justice: 2020 and Beyond*, available at <http://civilrightsdocs.info/pdf/reports/Vision-For-Justice-2020-LONG.pdf>.

<sup>2</sup> Strang H, Sherman LW, Mayo-Wilson E, Woods D, Ariel B. [Restorative Justice Conferencing \(RJC\) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction](#). A Systematic Review. *Campbell Systematic Reviews* 2013:12

- We must acknowledge the need for direct, systemic change across a range of policies and attitudes, including how society understands and treats people who are incarcerated or otherwise subject to the criminal legal system.
- As a country, we must invest in noncarceral programs and social services, including additional resources for education, housing, employment, health care, and other public benefits, which will make our communities safer and more equitable.
- The restorative justice approach will strengthen civil society by enhancing social cohesion and empowering the citizens to solve problems.

**The Jewish community relations field should:**

- Work with organizations and coalitions representing affected communities to support restorative and rehabilitative justice policies, practices, and reforms at the federal, state, and local level of governments, through—but not limited to—legislation and administrative actions; and
- Work with human service partners and organizations representing affected communities to support community-based reentry services for the formerly incarcerated individuals and their families, and trauma-informed approaches and community-based solutions that seek accountability from the individuals or systems that cause harm.
- In conjunction with groups representing affected communities, call on state and federal governments to enact laws to:
  - Enable individuals convicted of crimes to receive tools for rehabilitation, including but not limited to, education, job training and placement services, and physical and mental health care; and addiction treatment, through alternatives-to-incarceration wherever appropriate (and as the preferred alternative to prison for most drug-related crimes);

- In all prisons or other incarceration facilities, provide the services described above for all who are incarcerated, with the goal of enabling the 95% of incarcerated people who will eventually be released from prison to do so with the support they need to reduce their risk of recidivating and the treatment those with substance use disorder may need to reduce their risk of relapsing or overdosing;
- Establish robust programs for those who qualify for alternative sentencing and for those who are returning from incarceration, aimed at providing the needed skills and counseling for job placement, housing assistance, and other basic needs, such as food programs, official government IDs, access to health care, and transportation alternatives;
- Require states to restore voting rights automatically to all individuals immediately upon their release from incarceration; and
- Promote reforms that advance healing and draw on the leadership and expertise of a broad spectrum of those affected by the justice system, including crime survivors, those who are or have been incarcerated, and the loved ones of both.