



## Housing and Restorative Justice

### What is Restorative Justice?

Restorative Justice originated as an approach to reducing harm caused by criminal behavior. By allowing victims to be heard and offenders to understand their impact, restorative justice focuses on repairing harm rather than only on punishing offenders. Responding to criminal behavior or programmatic rule violations with criminal justice interventions and/or program exclusions has greater negative consequences for Black, Indigenous, and People of Color (BiPoC). Restorative practices can help to address these racial disparities.

### How have restorative practices been applied in housing?

Restorative practices have been applied in residential settings to:

- address problematic behaviors;
- build, maintain and repair relationships;
- reintegrate those who have caused harm back into the community; and
- proactively cultivate mutual respect and caring.

Restorative practices promote safe and respectful dialogue among persons harmed and persons responsible for harm to promote accountability and develop a stronger sense of community. By encouraging residents to share their perspectives, listen to others' perspectives, and establish shared values, these efforts can also develop positive relationships and build community before issues arise.

Restorative practices can be a powerful way to establish and reinforce healthy community norms and to address issues before they lead to serious conflict and eviction. Restorative practices can be applied in both congregate and scattered site settings, as described in the examples below.

### What core concepts from restorative practices are applicable to housing settings?

1. People are more likely to make positive changes when:
  - They are involved in decisions that affect them.
  - Everyone involved understands a decision and what is expected of them.
  - Those in authority listen to their views and take their opinions into account.
2. People are more likely to conform to community standards set by their peer group and are more responsive to messages about their behavior from their peers. However, peer influence requires relationship building.

3. Opportunities for residents to genuinely express a full range of emotions (e.g., happiness, excitement, care, concern, frustration, discomfort, fear, anger) lead to higher levels of mutual understanding, respect, trust and accountability and higher-functioning residential communities.

4. When people experience shame they typically react in four ways:

- Withdrawal
- Attacking self
- Avoidance
- Attacking others

Staff often bear the brunt of these reactions. Understanding these typical reactions to shame helps staff to model not taking behaviors personally, to empathize with the person who caused the harm and to respond in ways that are more likely to resolve the conflict, repair the harm and strengthen the community.

5. How to “build community” is not intuitive for many staff. Staff need tools to bring residents together, convene conversations, and develop a sense of community.

### How are restorative practices related to equity?

Punitive approaches to enforcing rules and community norms have a disparate negative impact on members of marginalized communities, including people who identify as Black, Indigenous, and People of Color – BIPOC, Latinx, and Lesbian, Gay, Bisexual, Transgender and Queer/Questioning- LGBTQ. When problematic behavior results in someone being removed from a project, that person is more likely to face homelessness and more likely to become involved with systems that reinforce inequities (e.g., the criminal justice and child welfare systems).

### Examples of how to use restorative practices in housing

#### Small Impromptu Conferences

Staff can use small impromptu conferences to help people to understand the impact of their behavior on others. Impromptu conferences bring people together immediately after problematic behavior occurs to quickly process and resolve an issue instead of allowing it to escalate into something that will have a greater impact.

#### Examples:

**Congregate setting** – A staff person witnesses a tenant throw trash on the floor in the lobby. Another tenant mutters “disgusting pig” under his breath. The staff person approaches the pair and asks if they would be willing to tell her what happened between them. If they agree, the staff person invites both to the lounge to share coffee and a snack and talk about what happened.

**Scattered site setting** – While approaching a building where a client lives, a staff person encounters the landlord who is furious because the neighbor downstairs reported a leak and the client refused to give her access to the unit. The staff person calls the tenant immediately and invites both the landlord and the client on a walk to a nearby park to talk about the situation and how to resolve it.

### **Discussion Points**

- Each person involved is provided the chance to tell their side uninterrupted.
- Each is invited to explain how the situation impacts them.
- Each has the opportunity to express what needs to happen from their perspective to make things right.

### **Circles**

Circles are a more formal way to convene tenants to explore a particular topic or issue from many different perspectives. Circles are designed to create bonds and build relationships. Circles should include an agreement about how long the circle will last, and a review of norms that each participant agrees to honor. Circles can be either proactive - helping tenants to define the kind of community they want - or responsive - seeking to understand a particular event or behavior. Typically, during a circle, a talking piece or prompt is used to signify who has the floor, all participants agree to allow the person who has the floor to speak uninterrupted for up to a designated amount of time, and each person has the right to pass.

Unlike traditional community meetings where staff does most of the talking and often lectures about policies and consequences of transgressions, during a circle, staff serves as a guide to help tenants to listen to one another and to take responsibility for their own community.

### **Examples:**

**Congregate setting** – Proactive: Staff convenes a quarterly circle on each floor to help tenants to define what a good residential community looks like to them, to share how they are experiencing the environment, and to brainstorm ways that they can be involved in supporting the kind of community they want to live in. Responsive: A building has recently experienced several incidents of vandalism. Staff convenes a circle for tenants to discuss what happened, how the vandalism impacts them, and what they would like to see happen to make things right.

**Scattered site setting** – Proactive: A circle might be used as a way to educate tenants about health and safety policies and the unit inspection procedures staff must follow. The circle would provide tenants with an opportunity to share their feelings and concerns and to brainstorm ideas on how to make the inspection process work better for everyone involved.

Responsive: A project recently received complaints from several tenants regarding changes to how services are provided during the pandemic. An outdoor or virtual circle might provide an opportunity for tenants to express their feelings about the changes, for staff to understand how

the changes are impacting different tenants, and for everyone to explore ideas for how to safely address the concerns raised.

## **Conferences**

Conferences are a formal meeting of someone who has been harmed and the person who has caused that harm. Such conferences may also involve others who support and care about the involved parties (e.g., friends, family, a case manager, a peer advocate, etc.). A staff member trained to facilitate this type of meeting typically convenes a conference.

### **Examples:**

**Congregate setting** – A tenant entered another tenant’s unit without permission and stole a portable stereo. Staff might convene a conference to address the situation and establish a plan for next steps.

**Scattered site setting** – A landlord approaches staff to say he wants a tenant out of the building because he is harassing another tenant. The staff person might offer to convene a conference between the two tenants to seek a resolution.

### **Discussion Points**

- What happened?
- What was each person thinking about when the incident occurred?
- What have they thought about since?
- Who has been affected and how?
- What has been the hardest part about the incident for each person?
- What does each involved person need to make things right?
- What should happen next?

## **Acknowledgement**

This document summarizes and applies to homeless services setting primarily concepts described by Stacey Miller and Christina Ostad in “The Offspring of Restorative Justice: Understanding the Power of Restorative Practices in Residential Communities.” (published 8/1/12 in IIRP News)