

INSTRUCTIONS FOR RESTORATIVE JUSTICE PROGRAM REPRESENTATIVES

Restorative Justice Program forms are available at
<http://courts.alaska.gov/trialcourts/rjp.htm>.

The following procedures and referenced forms do not apply to the [Native Village of Eyak](#) Restorative Justice Program Agreement as the terms of that agreement significantly differ.

1. Restorative Justice Program Agreements.

A copy of your Agreement is available at <http://courts.alaska.gov/trialcourts/rjp.htm>. The Agreement is designed to help everyone understand a way that a tribe or other organization can use restorative practices to help make sentencing recommendations. The Agreement sets timelines to follow to make sure that the process works smoothly. If you do not have an agreement, follow the procedures outlined in the presiding judges' order on *Statewide Restorative Justice Procedures in Criminal Proceedings*, available at <https://courts.alaska.gov/jord/docs/2023/statewide-rjp.pdf>.

2. Monitor Court Report of Criminal Cases Filed.

Identify criminal cases that involve a tribal or community member by checking the "Criminal Cases Filed" report available at <https://public.courts.alaska.gov/web/scheduled/docs/crchgfiled.pdf>.

This report lists criminal charges filed within the last seven days of the report run date. The report is sorted first by court location and then by case number. Defendants are **not** listed in alphabetical order.

Tip: To quickly locate a "known" defendant's name on the report:

- a) Press **Ctrl + F** (find).
- b) Type the defendant's last name.
- c) Press enter to search the report for the defendant's last name. If multiple defendants have the last name, press "enter" as many times as necessary to locate your tribe or community member.

3. Request Court Documents.

To get a copy of relevant court documents, file form [CR-805](#), *Request for Documents Pursuant to Restorative Justice Program*, with the court.

4. Court Sends Case Documents to Tribe or Organization.

Once the court gets your request (form CR-805), the court will send you a copy of the charging document, and if applicable, any bail or other orders listing conditions for the defendant's release from custody.

5. Notify the Court that You Want to Use a Restorative Justice Proceeding to Make Sentencing Recommendations.

If your tribe or organization wants to do a restorative justice proceeding, file form [CR-810](#), *Notice to Court of Intent to Conduct Restorative Justice Proceeding*, within the agreed-upon time period in your Agreement or under the terms of the presiding judges' order (if there is no specific agreement).

Once the court receives form CR-810, the court will notify all parties (the prosecutor, the defendant, and the victim, if any) of your intent to conduct a restorative justice proceeding. Parties must object to the restorative justice proceeding in writing within 10 days of the court's notice. If no one objects, then the court will formally refer the case to the tribe or organization to conduct a restorative justice proceeding and recommend a sentence to the court. If any party objects, there is no formal referral from the court, however, nothing prevents the tribe or organization from holding a restorative justice proceeding (with or without the defendant) and informally recommending a sentence for the court to consider. The court will schedule its sentencing hearing far enough in advance to allow time for the restorative justice proceeding to occur.

Restorative justice proceedings include, but are not limited to: circle sentencing, family group conferencing, reparative boards, and victim/offender mediation. Restorative justice works best when the defendant and others affected by the defendant's behavior participate together in discussing what happened, how it has impacted others, and what is needed to make the situation right. It is recommended that your tribe or organization contact the people who were affected, tell them the purpose of the restorative proceeding and your desire to hold one, and invite them to participate.

6. Court Notifies Parties and Tribe or Organization of Court's Sentencing Date and Referral.

If the defendant is convicted of any charges, the court will notify both the parties and your tribe or organization of the court's sentencing hearing date. The court's notice will be sent within 5 days from the date of conviction (whether after trial or change of plea) and will include:

- the charges the defendant was convicted of,
- any mandatory sentencing requirements (such as the presumptive or minimum amount of time that the defendant must serve in jail),
- any agreement the defendant and the state made regarding the conviction,
- whether the court's referral is formal or informal (see the first paragraph at the top of this page for more information about the difference), and
- the deadline for your tribe or organization to notify the court, the prosecution, the defendant, and the victim (if any) of your restorative justice proceeding.

7. Tribe or Organization Notifies Parties of Restorative Justice Proceeding.

Once you receive the court's *Notice of Referral to Restorative Justice Proceeding* (form CR-815), send form [CR-820](#), *Notice of Restorative Justice Proceeding*, to the court, the prosecution, and the defendant, with the date, time, and location of your proceeding. You must send this notice within the time period stated in the court's *Notice of Referral to Restorative Justice Proceeding* (form CR-815).

8. Sentencing Recommendation.

Send form [CR-825](#), *Sentencing Recommendation Pursuant to Restorative Justice Program*, with your written sentencing recommendation report attached to the court, the prosecution, and the defendant by the time specified in your Agreement. The court will carefully and respectfully consider your tribe's or organization's recommendation. However, the court is not bound by your recommendation.