

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. Additionally, the second judicial district does not have tribal or organization agreements and instead follows the procedure outlined in Presiding Judge Administrative Order No. 19-02.

1. Restorative Justice Program Agreements.

A copy of your Agreement¹ is available at <http://courts.alaska.gov/trialcourts/rjp.htm>. The Agreement is designed to help all involved understand a way that a tribe or other organization can use restorative practices to help develop sentencing recommendations. The Agreement sets timelines to follow to ensure that the process works smoothly.

2. Monitor Court Report of Criminal Cases Filed.

Identify criminal cases that involve a tribal or community member by monitoring 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 receive a copy of the charging document, any bail orders and orders establishing conditions of release for the defendant, file the "[CR-805 Request for Documents Pursuant to Restorative Justice Program](#)" form with the court.

4. Court Sends Case Documents to Tribe or Organization.

Upon receipt of your request for case documents, the court will send you a copy of the charging document and if applicable, any bail orders and orders establishing conditions of the defendant's release from custody.

¹ If your case is in the second judicial district, the details of your restorative justice program are outlined in Presiding Judge Administrative Order 19-02.

5. Notify the Court of Your Intent to Develop Sentencing Recommendations through a Restorative Justice Proceeding.

If your tribe or organization intends to conduct a restorative justice proceeding, file the "[CR-810 Notice to Court of Intent to Conduct Restorative Justice Proceeding](#)" form with the court within the agreed upon time period in your Agreement.

Once the court receives form CR-810, the court will notify all parties of your intent to conduct restorative justice proceeding. Parties must object to the restorative justice proceeding in writing within 10 days. The court will formally refer this matter to the above tribe or organization to conduct a restorative justice proceeding and recommend a sentence to the court unless the prosecutor, defendant, or any victim objects. If a 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's consideration. 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 impacted 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 impacted parties, inform them of the purpose of the restorative proceeding and your desire to hold one, and invite their participation.

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 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 of which the defendant was convicted,
- any mandatory sentencing requirements (such as the presumptive or minimum term that the defendant must serve in jail),
- any agreement the defendant and the state made regarding the conviction,
- an indication of whether the court's referral is formal or informal. The court will formally refer the case to a restorative justice proceeding if there was no objection. The court will informally refer the case to a restorative justice proceeding if a timely objection is received. An informal referral will still allow the tribe or organization to present a sentencing recommendation at the court's sentencing hearing.
- the time by which your tribe or organization must notify the court, prosecution, defendant, and victim (if any) of your restorative justice proceeding.

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

Once you receive the court's "CR-815 *Notice of Referral to Restorative Justice Proceeding*," send a "[CR-820 *Notice of Restorative Justice Proceeding*](#)" to the court, prosecution, and defendant indicating the date and time of your restorative proceeding. This notice must be sent within the time period stated in the court's "CR-815 *Notice of Referral to Restorative Justice Proceeding*."

8. Sentencing Recommendation.

Send a "[CR-825 *Sentencing Recommendation Pursuant to Restorative Justice Program*](#)" with your written sentencing recommendation report attached to the court, prosecution, and 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.