

# Why Restorative Justice Should Replace Incarceration for Nonviolent Offenders

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## Introduction

Restorative justice programs should replace incarceration as the default response to nonviolent offenses because they produce lower recidivism rates, reduce costs to the justice system, and address the needs of victims more directly than imprisonment does. A 2019 meta analysis published in the Journal of Criminal Law and Criminology found that restorative justice interventions reduced reoffending by an average of 25 percent compared to traditional court processing for nonviolent cases. Despite this evidence, incarceration remains the dominant response to nonviolent crime in the United States, a policy choice that this essay argues is not supported by outcomes.

## The Recidivism Evidence

The recidivism evidence is the strongest argument for policy change. The same 2019 meta analysis reviewed 69 studies across multiple countries and found consistent reductions in reoffending across diverse restorative programs including victim-offender mediation, community conferencing, and circle sentencing. The mechanism appears to be accountability: restorative programs require offenders to face the direct consequences of their actions on real people rather than abstract legal codes, which research suggests creates stronger internalized motivation to change behavior than deterrence through incarceration. Sherman and Strang (2007), in their decade-long evaluation of restorative justice programs in the United Kingdom and Australia, found that participants committed significantly fewer offenses in the five years following program completion compared to matched control groups processed through traditional courts.

## The Cost Argument

The cost argument reinforces the recidivism case. The average annual cost of incarcerating one person in the United States is approximately \$35,000, and the cost rises above \$60,000 in states like California and New York. Community-based restorative justice programs average \$3,000 to \$8,000 per participant, including supervision costs. If the recidivism rates associated with restorative programs are applied to the current nonviolent offender prison population, the projected savings run into billions of dollars annually. Critics

who argue that community-based alternatives are lenient on crime rarely account for the fact that lower recidivism means fewer future victims, which is the most concrete measure of public safety outcomes.

### **Victim Satisfaction**

Victims consistently report higher satisfaction with restorative processes than with traditional criminal proceedings. In a 2001 study by Umbreit and colleagues involving 527 crime victims in the United States and United Kingdom, 79 percent of restorative justice participants reported satisfaction with the outcome, compared to 57 percent of those who went through traditional court processes. Victims in restorative settings reported that being able to ask questions, express the impact of the crime, and receive direct acknowledgment from the offender were more meaningful than the verdict delivered in court. This dimension of restorative justice is routinely overlooked in policy debates that focus exclusively on punishment.

### **Conclusion**

The case for replacing incarceration with restorative justice for nonviolent offenders rests on three lines of evidence: lower recidivism, reduced system costs, and improved victim satisfaction. Critics who argue that restorative justice is too lenient misread the research; the goal of restorative programs is not to reduce consequences but to produce consequences that actually change behavior and repair harm. Policymakers who continue to rely on incarceration for nonviolent offenses are choosing a more expensive, less effective option. The evidence supports change, and the persuasive case for restorative justice grows stronger with each longitudinal study that tracks outcomes.