

## ALASKA COURT RULES OF CRIMINAL PROCEDURE RULE 11

### (i) Restorative Justice Programs.

- (1) With the consent of the victim(s), the prosecutor, and the defendant(s), the judge may refer a case to a restorative justice program. The parties must inform the restorative justice program about any applicable mandatory sentencing provisions at the time the matter is submitted to the program. The parties may propose to the court the sentence recommended by the participants in proceedings convened by that program.
- (2) The parties may include the recommendations of the restorative justice program in a sentencing agreement subject to the provisions of subsection (e).
- (3) The term “restorative justice program” means a program using a process in which persons having an interest in a specific offense collectively resolve how to respond to the offense, its aftermath, and its implications for the future. Restorative justice programs include, but are not limited to, circle sentencing, family group conferencing, reparative boards, and victim/offender mediation. For purposes of this rule, the term “restorative justice program” does not include the Alaska Court System’s therapeutic courts.
- (4) Except as provided below, the sentencing judge shall not participate directly in any restorative justice program to which a case is referred for sentencing recommendations.
  - (A) The judge may be present during the proceedings of the program provided that:
    - (i) the proceedings are conducted on the record; or
    - (ii) minutes of the proceedings are kept in a manner that the parties agree fairly and accurately represent what is said at those proceedings.
  - (B) The judge may speak at these proceedings provided that the judge’s comments do not detract or appear to detract from the judge’s neutrality.