

Restorative Justice News

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INSIDE THIS ISSUE:

The ABC's of RJ <i>(Continued)</i>	2
Coordinator's Corner	3
People Are Saying...	4
Show Me Results!	4

The ABC's of Restorative Justice

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Going Far Beyond the Criminal Justice System

Do a Google search for the phrase "restorative justice" and you will get over a million "hits"—and this for a term that was virtually non-existent 25 years ago. Ask what "restorative justice" means and you may get a variety of answers.

For many, it implies a meeting between victims of crime and those who have committed those crimes. A family meets with the teenagers who burglarized their home, expressing their feelings and negotiating a plan for repayment. Parents meet with the man who murdered their daughter to tell him the impact and get answers to their questions. A school principal and his family meet with the boys who exploded a pipe bomb in their front yard, narrowly missing the principal and his infant child. The family's and the

neighbors' fears of a recurrence are put to rest and the boys for the first time understand the enormity of what they have done. Restorative justice does include encounter programs for victims and offenders; today there are thousands of such programs all over the world.

Restorative Justice as a Movement

But restorative justice is more than an encounter, and its scope reaches far beyond the criminal justice system.

Increasingly schools are implementing restorative disciplinary processes, religious bodies are using restorative approaches to deal with wrongdoing—including clergy abuse—and whole societies are considering restorative approaches to address wrongs done on a mass scale. Of growing popularity are restorative

conferences or circle processes that bring

(Continued on page 2)



Restorative Group Conferencing Case Study: Harassing Phone Call



The Incident

High School student, Jenny, reported to law enforcement that she received an offensive phone message. The caller used profane language, insulting and degrading names and threatened to hurt her. This phone call, which lasted only about 60 seconds, ended up affecting and changing the lives of three families.

After interviews with potential suspects, subpoena requests to the cell phone company, and months of further

investigation by law enforcement the caller was finally determined.

Lora admitted making the obscene call in the presence of her friend, Andrea. Lora stated she made the call because Jenny previously made offensive comments to Andrea through a text message. Lora wanted to "be a friend" and stick up for Andrea. She admitted that she had definitely gone overboard with the call.

(Continued on page 3)



Restorative Justice Program

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The ABC's of Restorative Justice

(Continued from page 1)

groups of people together to share perspectives and concerns and collaboratively find solutions to the problems facing their families and communities.

Restorative justice emerged in the 1970's as an effort to correct some of the weaknesses of the western legal system while building on its strengths. An area of special concern has been the neglect of victims and their needs; legal justice is largely about what to do with offenders. Restorative justice has also been driven by a desire to hold offenders truly accountable.

Recognizing that punishment is often ineffective, restorative justice aims at helping offenders to recognize the harm they have caused and encourages them to repair the harm, to the extent it is possible. Rather than obsessing about whether offenders get what they deserve, restorative justice focuses on repairing the harm of crime and engaging individuals and community members in the process.

Restorative Justice Is Common Sense

It is basically common sense—the kind of lessons our parents and foreparents taught. This has led some to call it a way of life. When a wrong has been done, it needs to be named and acknowledged. Those who have been harmed need to be able to grieve their losses, to be able to tell their stories, to have their questions answered—that is, to have the harms and needs caused by the offense addressed. They—and we—need to have those who have done wrong accept their responsibility and take steps to repair the harm to the extent it is possible.

As you might imagine with so many Google references, the usage of the term varies widely. Sometimes it is used in ways that are rather far removed from what those in the field have intended. So when you see the term, you might ask yourself these questions: Are the wrongs being acknowledged? Are the needs of those who were harmed being addressed? Is the one who committed the harm being encouraged to understand the damage and accept his or her obligation to make right the wrong? Are those involved in or affected by this being invited to be part of the “solution”? Is concern being shown for everyone involved? If the answers to these questions are “no,” then even though it may have restorative elements, it isn't restorative justice.

Examples of Restorative Justice Programs

Many forms of restorative justice programs have emerged around the world. In New Zealand, in fact, the juvenile justice system has been re-oriented so that restorative approaches are intended to be the “default” approach for serious crime, with courts serving as a backup.

The best known of these programs within the justice system involve processes that bring victims and offenders together. Led by a trained facilitator, they allow participants to tell their stories and express their feelings, to get answers to questions and, in many cases, to develop agreements for restitution. They take a variety of forms—one-on-one mediations, conferences, circles. Although initially used for so-called minor crimes, today 19 states (of the 52 in the U.S.) have official protocols for meetings between victims and

offenders in the most serious kinds of cases including murder.

A study of such programs in England and other countries, recently released, is very positive. It found reduced trauma and fear by victims, reduced repeat offending, high satisfaction rates by participants, and reduced costs as compared to the usual criminal justice process. Surprisingly, perhaps, the study found that these effects tended to be greater with more serious crime. The study concludes, “The evidence on RJ is far more extensive, and positive, than it has been for many other policies that have been rolled out nationally” and calls for its adoption on a wider scale.

Written by Howard Zehr, Peacebuilder (Summer 2007)

Produced by the Center for Justice and Peacebuilding

Website: <http://www.emu.edu/cjp/>

Reference: “Restorative Justice: The Evidence” By Lawrence M. Sherman and Heather Strong—Smith Institute, 2007

Study of restorative justice programs found:

- Reduced trauma and fear by victims,
- Reduced repeat offending,
- High satisfaction rates by participants, and
- Reduced costs

As compared to the usual criminal justice process.

Howard Zehr has been Co-Director of the Center for Justice and Peacebuilding for a number of years and is Professor of Restorative Justice at Eastern Mennonite University. Dr. Zehr lectures and consults internationally on topics related to restorative justice including victim offender conferencing, which he helped pioneer. He has also worked professionally as a photographer and photojournalist; a current involvement, with Lorraine Stutzman Amstutz, is photo/interview project, “When a parent is in prison.”

ABOUT THE AUTHOR

Case Study: Harassing Phone Call

(Continued from page 1)

The officer approached Jenny and her family and offered them the opportunity to meet with the caller and her friend to talk about the incident through the Restorative Justice Program instead of the Court system.

The Process

Following individual preparation meetings with each of the participants, the facilitator brought together all 3 girls and their parents.

During the meeting Jenny described the hurt and fear she felt after receiving the message. She was nervous that the caller was out to get her and the degrading and obscene names started to affect her self-esteem. Her preoccupation with the incident started to affect her grades and she seriously considered switching to a different school. Jenny's parents further described their concern for their daughter during the months that followed the phone call and up until the meeting.

Lora and Andrea talked about stewing over Jenny's text message. That evening Lora made the call to "get even with her." Lora expressed her true remorse for the phone call. She wished that it had never happened and was sorry. Andrea further apologized for not attempting to stop Lora from making the call and admitted that there would have been a far different result to all of this had

she made the choice to simply talk to Jenny about her hurt feelings. After hearing the serious impact of the incident on Jenny, Lora and Andrea finally seemed fully understand the pain they caused.

Lora's mother talked about the shock and embarrassment of listening to her daughter's obscene words in front of the officer. Andrea's

mother expressed her alarm and concern after learning about the incident. Neither girl had been in trouble before. This behavior went against everything their families had strived to teach them.

These 3 students want others to know their story:

- How it affected them and their families
- How texting can result in unintended consequences
- The importance of talking face-to-face when it is a difficult subject or conflict
- How words can affect ones self-esteem



The Outcome

The girls apologized to each other and their families during the meeting and Lora and Andrea agreed to write a letter of apology to law enforcement acknowledging the numerous hours spent investigating the matter.

This case represents a number of incidents referred to the RJ Program that involve hurtful phone calls, text messages, and emails that result in harassment charges or lead to an assault. The families affected by this incident hope this story will prevent others from using technology to spread hurt to others and encourage people to talk face-to-face when conflict arises.

Coordinator's Corner

The Clay County RJ Program offers Restorative Group Conferencing—an opportunity for offenders to meet face-to-face with their direct victim and other affected parties. The program has also implemented a process where offenders meet with a panel of community members when a direct victim chooses not to meet with the offender or in "victimless crimes" such as disorderly conduct and traffic violations?

The Community Restorative Justice Council process was implemented to acknowledge the community as a victim of crime and promote meaningful accountability for offenders. It brings together juvenile offenders, their parents or other supporters, and a panel of community volunteers to address criminal or other harmful incidents. The purpose of the Council is to hold offenders accountable for harms caused to the community and decide ways to repair this harm in a safe, constructive and dignified manner.

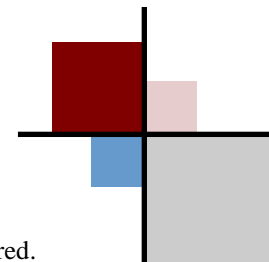
Participants explore:

- ⇒ What happened
- ⇒ Who was impacted
- ⇒ How they were impacted
- ⇒ How the harm can be repaired.

The Council is comprised of a diverse group of individuals representative of the community. Council members have no formal authority but work with offenders and their supporters to attend to the needs of victims and communities affected by crime and wrongdoing. The Council process affords community members the opportunity to become involved and do something about crime in their community.

If you are interested in becoming a Council member, please contact me at 218-299-5213 or jill.wenger@co.clay.mn.us.

Jill Wenger, Program Coordinator



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Dick Nelson, Johnson Design Office

Restorative Justice Logo

The Circle is the symbol of life, constantly evolving, constantly changing, but always interconnected. The circle in this case is broken into halves – one positive, one negative. The scars which can be seen on the top and bottom of the circle suggest that some type of healing has taken place. The two broken halves coming together also reinforce the completion of the hand in the middle, which can be seen only when the two halves are put together.

The Hand symbolizes healing, the human aspect of the program. It says that compassion is a key element in the process of healing.

The Heart symbolizes that the healing process needs to go deep – it must go to the center of the problem, and it must go to the soul of the person.

The Typeface for the written name is called City. It was selected because it has an authoritative feel, suggesting that it can withstand much. It says, THIS IS Restorative Justice.

People Are Saying...

“I am really appreciative that I had this program available to me.”

“It’s a good learning process for young people”

“I’m glad there is a program like this.”

“When there is a problem it’s nice to be able to work it out without a court appearance.”

“Thank you for what you are doing!”

“I think it was an educational and positive experience.”

“I have to admit, I was a little skeptical of the meeting. I guess with my busy schedule I saw it as an inconvenience. My entire outlook changed after the meeting. I was very pleased to meet [the offenders], hear their side of the incident and give them my thoughts and feelings. This will make a much deeper and longer lasting impact on them than a simple fine. What a great program you have!!!”

“The volunteers meeting with my son really showed him how much Moorhead cares about our youth.”

“I think this was a very good experience for my son.”

“Great program for young kids to know people are behind them and care.”



Show Me Results!

Top 10 Referred Offenses

- Damage to Property (22.4%)
- Theft (19.7%)
- Disorderly Conduct (14.8%)
- Assault (10.0%)
- Traffic Violations (8.9%)
- Shoplifting (5.4%)
- Burglary (4.9%)
- Arson (2.4%)
- Reporting False Crime (1.6%)
- Harassment (1.3%)

Participant Evaluations

- 96% satisfied with the process
- 97% believed agreement was fair and reasonable
- 98% satisfied with the facilitator
- 95% would recommend the process to someone in a similar situation

Reference: RJ Program data compiled since 2003

Cost of Treating Juvenile Crime

The Clay County Restorative Justice Program—aimed at rehabilitating juvenile offenders by involving community members, the victim and the perpetrator in the process—saves money and reduces recidivism rates among offenders.

Per Case Cost

⇒ RJ Program	\$112.05
⇒ Juvenile Court	\$393.24

Recidivism Rates

⇒ RJ Program	20%
⇒ Juvenile Court	36%
⇒ Difference in rates	16%
⇒ Number of reduced cases	26
⇒ Cost savings to County	\$10,319

Reference: Minnesota Department of Corrections, 2006