

# Restorative Justice News

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## Restorative Justice Offers More than Just Reduced Recidivism

*Written by Charles Kaspari*

Restorative justice programs operate with philosophies that are different from conventional criminal justice programs. Harms, creation of obligations by offenders, and engagement incorporate the basis of what restorative justice is about (Zehr, 2002). The variation in philosophies require researchers to take a unique stance on evaluating the success of restorative justice programs. Much of the research focuses only on recidivism rates as a benchmark for evaluating these programs. The problem is evaluating restorative justice program solely based on recidivism rates does not focus on the successes of restorative justice in other areas. We will take a moment to compare restorative justice and the conventional criminal justice philosophies and look at some of the different dimensions and outcomes of justice offered by restorative justice.



Much of the conventional system of criminal justice is retributive in focus. Typically crime is seen as a violation committed against the state. The state in these cases takes the responsibility of dealing with the offender and the causes of these crimes. Communities and victims in these cases have a very small role in the outcome of the process. In the conventional system, harm is created by an offender and, the state is focused on the harm that should be done to the offender because of it (Lemley, 2001). In contrast, restorative justice lets the community and victim play a more important role in the outcome of criminal proceedings. In the case of restorative justice, harm is created by the offender and the victim, community, and offender focus on the processes involved in restoring the harm created (Zehr, 2002).

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## Offender Learns that Cars are Easily Fixed but Broken Trust is Difficult to Repair

### The Incident

Tony (11 yrs) was accompanying his mother, Mary, while she ran errands. While she was inside a business office, Tony leaned over and shifted the car into drive. The car lurched forward; side-swiped a car, jumped the curb, and almost hit the building. It was stopped short by a flood light which was embedded in the ground. Upon witnessing the damage, Mary immediately called the police. An

officer with the police department interviewed Tony, Mary, and the victims. After the interviews, the officer decided to refer Tony to the Restorative Justice Program as an alternative to court.

### The Process

Tony and Mary met with the building manager and car owner in a Restorative Group Conference. Tony explained that he felt really bad for what he did. He

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### Restorative Justice Program

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## Restorative Justice Offers More Than Just Reduced Recidivism

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The conventional criminal justice system has attempted for some time to address the causes of crime and reduce it. Understanding re-offending in criminal justice literature is a topic of much debate. Both the conventional justice system and restorative justice work to reduce re-offending. Some literature suggests that restorative justice is more successful at accomplishing this goal (De Beus & Rodriguez, 2007). Even if restorative justice is successful at reducing recidivism, is it the only factor to consider? Restorative justice programs offer many other dimensions to the overall application of justice than the ones offered by the conventional system. Dimensions such as remedies for victims, reintegration of victims and offenders to the community, victim and community input, victim and community satisfaction with the justice system and others can be used to determine success of a restorative justice program (De Beus & Rodriguez, 2007; Lemley, 2001).

**“Even if restorative justice is successful at reducing recidivism, is it the only factor to consider?”**

Ellen C. Lemley (2001) has looked at designing restorative justice policy and has defined some of the outcomes preferred in research done on restorative justice. These outcomes include: lower rates of offending by members of the community, lower rates of recidivism by community members, less harm that has not been repaired and unbiased difference in the treatment of offenders based on age, race, gender or religion. Outcomes at this level are ones that we would presume to see at a community level. Lemley suggests that at an individual level we could see higher levels of satisfaction in the criminal justice system with all participants, an increase in restitution to victims, lower rates of recidivism among restorative justice program participants, and increased knowledge by offenders and victims alike, of community resources and assistance (Lemley, 2001). These theorized outcomes can help us identify what we intend to see as a result of the research and allows us to identify some of the information that should be considered when comparing the success of a restorative justice program to that of a conventional program.

Many of the outcomes expected in restorative justice have a focus on the community and victim. This idea is in contrast to the conventional system. While the conventional system should not be discounted for its contribution to the victim and the community, the victim in most cases has a greater means of participation in the

overall process and community involvement can be focus much more precisely than what we see with the conventional system. The outcomes associated with restorative justice have the potential to benefit more individuals than the conventional criminal justice system.

While Lemley (2001) has looked at some of the possible outcomes, there are short falls associated with restorative justice that she believes remains unresolved. Some of these short falls include definitional problem in restorative justice terms, the idea that mediation

favors the oppression of women and that juvenile participants may be inadvertently marginalized during victim offender meetings. Furthermore, Lemley (2001) admits that in order for the change that can be brought about by restorative justice, the current criminal justice system demands evidence that shows this alternative theory is comparatively sound. These

problems need to be the subject of research in criminal justice so that they can be addressed in a fashion that will allow restorative justice practices to benefit from additional research and policy implementation.

In the end, restorative justice has the potential to offer several results. More research on restorative justice needs to be done in order to examine these results and address some of the concerns and short falls that come with it. Restorative justice should be looked at and examined by more than just recidivism and as the research develops to study the outcomes and the short falls, restorative justice will hopefully have a larger place in the justice system.

### Bibliography

- De Beus, Kimberly, & Rodriguez, Nancy (2007). Restorative justice practice: An examination of program completion and recidivism. *Journal of Criminal Justice*. 35, 337-347.
- Lemley, Ellen C. (2001). Designing Restorative Justice Policy: An Analytical Perspective. *Criminal Justice Policy Review*. 12, 43-65.
- Zehr, H. (2002). *The Little Book of Restorative Justice*.

### ABOUT THE AUTHOR

Charles Kaspari has been an intern with the Clay County Restorative Justice program since May 2008.

## Broken Trust is Difficult to Repair

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couldn't fully explain why he did it other than he was curious. He expected the car to move forward, but he thought the curb would stop it. He had no idea the car would move forward so quickly and result in all the damage. Tony apologized and stated that he wanted to do whatever he could to make it right with the victims.

Mary was visibly upset by the incident and was very apologetic. She stated that the insurance company was handling the repairs to the damaged car and flood light. She went on to explain that their family's van will go without repairs because they do not have enough money to fix their vehicle. The incident caused a lot of extra stress for Mary and she was very worried about how their insurance rates would be affected.

The building manager, Anna, emphasized the importance of always thinking things through. She asked whether Tony understood just how much he had affected Mary and the other members of their family. Tony agreed that their family already had a lot of worries about money and that this incident made things a lot worse. Anna explained that possessions like cars and lights can be fixed, but that Tony should work at fixing his relationship with Mary and mend her broken trust.

The car owner, Jim, encouraged Tony to use this incident as a lesson and remember that every decision he makes will affect him, affect his family, and affect those around him – either positively or negatively. Jim

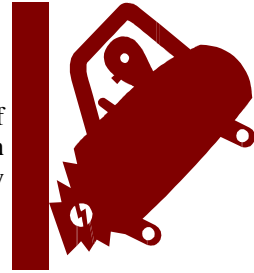
thought that it took a lot of courage for Tony to meet with everyone face-to-face, especially given Tony's age.

### The Outcome

The group discussed ways in which Tony could begin to "make things right" with those affected by his actions. Anna stated that Tony's apology was all she needed. She felt it was genuine and she appreciated that he offered it without being asked or prompted by his mother. Jim explained that insurance would assist in repairing his vehicle, but that he was actively looking for used parts to use in the repair instead of buying new. Tony agreed to contact several salvage yards in the area to see if they had parts that would match Jim's vehicle.

Anna and Jim suggested that Tony do some things at home to help out his mother. Tony agreed to do at least one extra chore each day through the end of the summer and set up a lemonade stand in the neighborhood at least one time a week to earn some extra money that would help out the whole family.

Tony fully completed the agreement and was able to earn over \$50 during the summer selling lemonade which went toward family expenses. In the months that followed the meeting, Mary often repeated how appreciative she was that the victims supported her as a parent. She felt it was the perfect venue for Tony to learn from his mistake, and he did earn back her trust.



## Coordinator's Corner

As you probably know, I have been the Coordinator for the Restorative Justice Program since its inception in 2000. Along the way, I've had the good fortune to add several part-time staff members who join me in facilitating cases for the program. I'd like to briefly introduce you to these staff members. Without them, the program wouldn't be able to serve nearly the amount of cases that it does each year.

*- Jill Wenger*

**BRENDA KOPPY**, our veteran facilitator, came to us with a wealth of facilitation experience even before she took on her first case with Clay County. Brenda is the former Director of the Restorative Justice Program housed at Lutheran Social Services of ND. After leaving that position, Brenda wanted to continue to stay connected with restorative practices. Brenda also assists in training in new facilitators to the program.

**JOEL FRIESZ** has extensive experience working with community volunteers and involving them in restorative processes. Joel will be the lead facilitator on all Community Conferencing cases beginning in 2009.

**AFTON BRASETH**, formerly known as Afton Moher, has been with the program the longest. Afton kept the program afloat in 2006 during my maternity leave. Afton lives in Ulen and usually takes on cases originating from the Hawley / Ulen area of the County.

**CHARLIE KASPARI**, a recent North Dakota State University graduate, is the newest staff member to join our team. Charlie interned with the program from May to December 2008. He also authored the featured article in this newsletter.

## OUR FUNDERS

The Restorative Justice Program is funded by grants from the MN Dept of Corrections, MN Dept of Public Safety, and the Clay County Collaborative.

## Restorative Justice In the News

**“As a budget deficit forces state lawmakers to become more creative with proposals, Kubly looks at YMC example”**

Excerpt taken from West Central Tribune—December 31, 2008

GRANITE FALLS—Facing the prospect of a massive budget deficit, state legislators have already been advised not to bring new spending proposals to St. Paul this January.

“We’ve actually been asked not to bring legislation that will cost a nickel.” Sen. Gary Kubly, DFL-Granite Falls, told the Yellow Medicine County Board of Commissioners at its meeting Tuesday.

Kubly instead plans to offer legislation aimed at saving the state money by reversing the decades-long trend toward incarcerating ever larger numbers of offenders.

Kubly told the commissioners that he will be proposing a restorative justice program for non-violent adult offenders. It will be modeled after the program successfully being used in Yellow Medicine County for some juvenile offenders.

The program puts young offenders together with community members and their victims.

The experience with the restorative justice program in Yellow Medicine County shows that it saves taxpayer dollars, he said.

A full copy of this article can be found at: <http://www.wctrib.com/>

## People Are Saying...

“It was nice to have the thoughts from the parents and being able to discuss what the offenders should do to pay back. I believe this is a learning experience for all.” (Victim)

“I like to see the critical thought process the young people go through. They have to think and reflect.” (Community Volunteer)

“I think the county should consider expanding this program with more staff and support. I think it also saves money by not using the entire criminal justice system, which ties up a lot of resources.” (Parent)

**“Thank you for the opportunity to participate in this program. I am impressed with how the program works and think it is a great alternative for some of these kids. The offender did seem sorry for what he had done and I am glad there was something he could do to fix his mistake and avoid court proceedings. Keep up the great work!”**

**(Moorhead Parks and Recreation Rep)**

“This process was beneficial for my son to gain experience in handling situations in a way that can be a good resolution for all.” (Parent)

“The most satisfying part of the process was that meeting participants had a willingness to address core issues!” (Church Pastor)



## Show Me Results!

These charts reflect statistics compiled between 2003 to 2008.

