

Principles of Restorative Justice...

Official actions should be reasonable, restorative, respectful

by Ron Claassen
RJ Principles (Part 4)

Restorative Justice has become a popular phrase in many circles. My concern is that Restorative Justice not become a meaningless term that is used to "baptize" anything that someone wants to do. I have written 11 principles to help me better understand Restorative Justice. In the last three months I have discussed Principles #1-5.

PRINCIPLE #6. Restorative Justice prefers responding to the crime at the earliest point possible and with the maximum amount of voluntary cooperation and minimum coercion since healing in relationships and new learning are voluntary and cooperative processes.

PRINCIPLE #7. Restorative Justice prefers that most crimes are handled using a cooperative structure including those most impacted by the offense as a community to provide support and accountability. This might include primary and secondary victims and family (or substitutes if they choose not to participate), the offender and family, community representatives, government representatives, faith community representatives, school representatives, etc.

PRINCIPLE #8. Restorative Justice recognizes that not all offenders will choose to be cooperative. Therefore there is a need for outside authority to make decisions for the offender who is not cooperative. The actions of the Restorative Justice authorities and the consequences imposed should be tested by whether they are reasonable, restorative, and respectful (for victim(s), offender, and the community).

PRINCIPLE #9. Restorative Justice prefers that offenders who are not yet cooperative be placed in settings where the emphasis is on

safety, values, ethics, responsibility, accountability, and civility. They should be exposed to the impact of crime on victims, invited to learn empathy for victim, and offered learning opportunities to become equipped with skills to be a productive member of society. They should be continually invited (not coerced) to become cooperative with society and given the opportunity to demonstrate this in appropriate settings as soon as possible.

PRINCIPLE #10. Restorative Justice requires follow-up and accountability structures utilizing the natural community as much as possible since keeping agreements is the key to building a trusting community.

The Restorative Justice System diagram helps me to visualize how the Restorative Justice Principles might be implemented.

DEFINITIONS:

Coercion is where one party has the ability to force their way or to cause an action to happen unilaterally. The other party, if asked, would say, "I had no choice."

Outside Authority is where some authority outside the parties makes a decision for them.

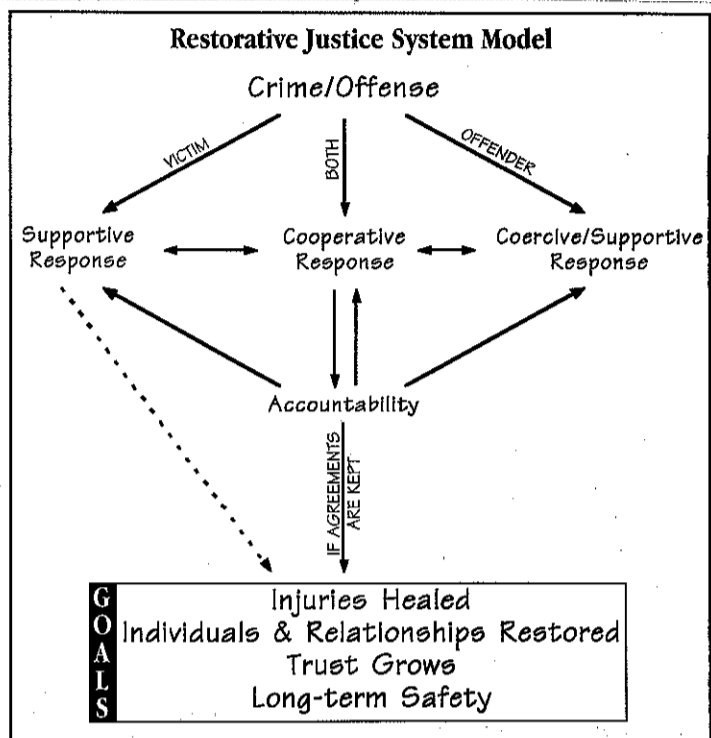
Cooperation is where all involved parties come to a decision they think is good or at least that they can accept and support.

Please refer to the diagram and principles as you read the next several paragraphs. Principle #6 says that Restorative Justice (RJ) prefers using the cooperative response as much as possible and #2 and #7 help decide who needs to be involved in the cooperative response. Since a cooperative response has to be voluntary #8 recognizes that not all parties will, at least initially, voluntarily choose to be cooperative. One of the sup-

portive responses for a victim is to offer them the choice of participating in a cooperative response. If they choose not to participate that is respected and the supportive response continues. If the offender chooses not to cooperate (#8) there needs to be a coercive/supportive backup. The coercive/supportive response is designed to

its outcome. If the outcome is one that leads in the direction of the goal, then it is restorative.

Accountability is essential. Trust grows if agreements are made and kept. Therefore it is essential that the cooperative agreements be clearly understood. The follow-up accountability process is intended



let the offender know that the offense was wrong and unacceptable to society and to encourage, educate, and invite (not coerce) the offender to become cooperative (#9). Participation in a cooperative response for the offender is important since we recognize that the goals cannot be achieved through coercion.

All actions should be tested by whether they are reasonable, respectful and restorative. This is especially important in the coercive response area since the difference between abuse and supportive coercion is if it meets the criteria of being reasonable, respectful, and restorative. We can test it by

to encourage all parties to keep the agreements and to keep everyone informed. If there are minor infractions everyone might agree to again use a cooperative process to clarify or renegotiate the agreement to build in additional support and/or consequences. The criteria to decide if the cooperative process should be utilized again is if all of the parties are still willing to search for how to make things as right as possible and be accountable for the agreements. If agreements are made in this cooperative process to "get you off my back" but not kept there is new violation and trust will deteriorate even further. If the offender does not keep agreements and is not willing to be cooperative then they are returned to the coercive/supportive response.

I have attempted in a very brief form to introduce how I envision a restorative justice system. I am not suggesting that this is a finished product but one in process and one that needs to be tried. I think that there are many things that are already done that fit into this Restorative Justice System. I also think that many things that are done would have to change.

Volunteers

The next volunteer training events are: October 19, 26 & November 2, and November 17 & 18.

The cost is just \$20 for those who work with at least three cases and \$100 for those who choose not to work with VORP cases.

Call the VORP Office at 291-1120
to register or receive additional information.

VORP provides cooperative process for dealing with schoolhouse injury

by Le Jon Howard
with Ron Claassen

VORP fits into the diagram at the point of a cooperative process and accountability. In this case the actual victim decided not to participate directly in the process but to be represented by his parents. Le Jon Howard is the VORP mediator who wrote his experience for this newsletter.

The incident happened at High School in late Spring '95 between classes. Daniel had brought a knife to school and was showing his friends. He had been "showing off" his knife to his friends. He saw Peter coming down the hall. He waved the knife at Peter. One of Peter's fingers was cut quite badly. Peter went to the Nurse's office, where he was told he would need to get stitches. Peter's parents were called, and they went to the hospital. The bill for the emergency visit to the hospital totaled \$204.00. Daniel was handled by campus security and police.

Later the case was referred to VORP to see if there might be a way of resolving it using a cooperative process.

At the individual meeting Peter told how upset he was by the whole ordeal. He felt very scared that day when Daniel was waving the knife at him, he didn't know why it happened. He didn't really know Daniel, but was very scared of him. Peter's parents were upset also, the medical bills were high and the expenses would have to be paid fully by them. They also had to miss an afternoon of work because of the incident which meant lost wages.

The individual meeting with Daniel and his mom went well. They were surprised that the medical bills were so high. They asked if they would be able to see the copies medical bills for themselves. Daniel and his mother were assured that the medical bills would be brought to the joint meeting. Both Daniel and his mother agreed that they would be willing to pay the medical bills back to Peter and his parents

to help make things right. Daniel said that he got a weekly allowance, and that could be used to pay the restitution bill.

The individual meeting with Peter and his parents also went well. Peter told how upset he was by the whole ordeal. He felt very scared that day when Daniel was waving the knife at him, he didn't know why it happened. He didn't really know Daniel, but was very scared of him. Peter's parents were upset also, the medical bills were high and the expenses would have to be paid fully by them. They also had to miss an afternoon of work because of the incident which meant lost wages. They all agreed that it would be nice to get the medical bills paid, but they did not know if they wanted to meet in a face to face meeting. For the next several weeks, many phone calls were made, but no they weren't yet ready to make a decision on a joint meeting. Peter was very scared, and not ready to risk a joint meeting. Finally, a decision was made to have a joint meeting, but Peter would not attend, only his parents would be present.

At the meeting, Daniel told what he did and how he was only trying to impress his friends, he hadn't tried to hurt Peter. He waved the knife at Peter because he was the nearest to him at the time. Peter's parents explained how

scared Peter had been, and how upset he was because he didn't know why the knife had been aimed at him. Daniel summarized how Peter and his parents felt about the incident. Peter's parents were relieved that Daniel hadn't intentionally picked their son to wave the knife at. After they had listened to one another they agreed that the injustice had been recognized.

Then they discussed the Medical expenses and an agreement was reached. It was decided that Daniel would pay \$10.00 per month until the total bill of \$204.00 was paid. Daniel said that he would be paying the money out of his allowance from doing chores around the house, and that his mom would send the checks to VORP. Peter's parents decided not to ask for reimbursement for the time away from work.

Daniel reassured Peter's parents that an incident like this would never happen again, and apologized to them and asked them to relay the apology to Peter. Both parties left the meeting feeling good about the agreement.

AN ACCOUNTABILITY NOTE:

Since making the agreement Daniel made all of his regular \$10 per month payments and this month, out of some extra summer earnings, he paid the full remaining balance.

Thanks Le Jon!!!

Finances

At the time of this writing the \$60,000 grant from the City of Fresno has been changed to \$45,000 but still has not been received. No new or extra expenses have been incurred in anticipation of the grant but regular contributions have not covered the current expenses. This is a serious matter.

VORP needs your help now!! It wouldn't take a lot from any one of you but we do need some from a lot of you. YOU HAVE AN OPPORTUNITY TO PARTICIPATE IN HELPING PEOPLE LIKE PETER AND DANIEL COOPERATIVELY RESOLVE WHAT OTHERWISE COULD ESCALATE INTO SOMETHING MUCH WORSE. Without your contributions VORP cannot operate. If you haven't been contributing please send an amount that is appropriate for you, we suggest \$20 - \$50, this month to help VORP cover the \$5,000 in overdue expenses.

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Victim Offender Reconciliation Program
2529 Willow Avenue • Clovis, CA 93612
(209) 291-1120

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