Restorative Justice not soft on crime

by Ron Claassen

Restorative Justice is not soft on crime. I am more frequently having the opportunity these days of being invited to provide training seminars on the topics of Restorative Justice (RJ) — or in schools and families I call it Discipline that Restores (DTR).

As you may recall from the newsletters this fall, a primary part of RJ/DTR is to encourage and utilize cooperation to handle misbehavior (crime) as much as possible and to utilize coercion as little as possible. The model I utilize to help us visualize what we are doing is shown in Figure A. In the model the I's represent those in conflict and the X's are those who are outside but are in a helping role. The circle is around those who make the decision. In #1, one has the ability to make the decision and the other has no choice, or at least feels like they have no choice. In #2, the X is the one who makes the decision for those in the conflict. In #3 and #4, there is no decision until they agree.

I label #1 the Coercive Power option, #2 the Outside Authority option, and #3 & #4 the Cooperative Options. RJ/DTR recommends utilizing #3 or #4 as much as possible, #1 as little as possible, and #2 as needed for a backup when one of the parties is not willing to use #3 or #4. In all cases the outcome is more effective if agreements or imposed consequences are tested by whether they are respectful, reasonable, and restorative

The problem (challenge) that I almost always face is that at least one or often several in a group

see #3 and #4 as permissive. But that is not true. Permissiveness would be #1, but where the teacher/parent/criminal justice official would exchange places with the one misbehaving (doing crime) and allow them to control the decision and place themselves in the position where they don't have any control. In number #3 and #4 they are

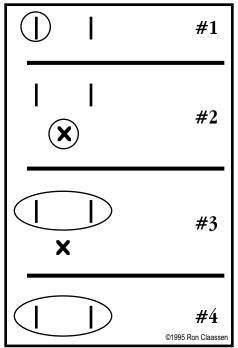


Figure A

both in the circle. It means that through discussion, reason, looking at options, and consideration of wise counsel or past experience, they arrive at an agreement they all (there can be as many as appropriate in the circle) think is good.

Offender calls VORP toughest (and best) response to crime

by Elaine Enns with Ron Claassen

Our VORP story this month is from Elaine Enns and Jay Griffith. Elaine has been on the VORP staff for over six years now and is also an Associate Director of the Center for Peacemaking and Conflict Studies at Fresno Pacific College. Jay is a senior at the Mennonite Brethren Biblical Seminary.

One night three young men went on a vandalism spree, smashing windows of over 15 homes and businesses. Jay and I were co-mediating this case. We met with Sam and his parents first. Jay and I described the VORP process and asked Sam to tell his story. Sam did not have much to say. He said he had not thought about that night or about why he had done it. But Sam did say that he wanted to meet with the victims to make things right with them. Both Jay and I were concerned about how Sam would appear to the victims. Even though Sam said he wanted to meet, he appeared indifferent toward the offense and somewhat hard and cold.

Rather than meeting with each victim individually, Jay and I invited all of the victims to come to one of two scheduled meeting times. At these meetings, we heard their stories and explained the VORP process.

Because there were so many people involved, not all of the victims and offenders could meet at the same time. Last week we began the mediations.

(See 'Talking to Victim," page 2)

To arrive at this type of decision requires listening to each other, consideration of what is important to each, and if a mutual decision is achieved, it then needs to be followed up, because it is in keeping agreements that a safe and trusting community can grow. Working with #3 and #4 is a significant experience of civility.

Isn't this what we want from people who have been misbehaving. We want them to consider how what they have been doing is inappropriate, to make amends as needed, and to change and be accountable for that change. This is hard work and is not soft on misbehavior/crime.

It is wishful thinking to assume that all misbehaving persons will choose to be cooperative. For those who are not willing to be cooperative there are still the options of utilizing the coercive (#1) or authority (#2) options. The problem with those options is that they do not require the misbehaving persons to recognize with the persons they violated, what they did as wrong or to do anything to make amends or to make any constructive changes for the future. In fact, in our fear of misbehavior/crime, we get confused in our thinking.

It is common to hear that we will make them accountable by imposing a significant punishment, and even more accountable by imposing a more harsh punishment. We begin thinking that the harsher the punishment the more accountable they are. *This is simply wishful and wrong thinking*. The only thing we know will happen is that they will have to endure the pain imposed.

I believe there is a role for coercion and outside authority. It should be utilized to bring the attention of those misbehaving, when they are unwilling to be cooperative, to the realization that there is a problem. It should be used to provide safety.

How it is used is a very critical issue. I believe that when it is used it should always meet the criteria of being restorative, respectful, and reasonable. These criteria are extremely important because if the response does not meet these criteria then we are (without wanting to) teaching the misbehaving person that revenge, disrespect, and being unreasonable is appropriate. It is so important that it meet these criteria because it is at the coercive and authority levels where abuse and violence occur. They do not happen when cooperation is the mode.

To summarize, RJ/DTR is not soft on crime/misbehavior. RJ/DTR recommend that cooperation be utilized as much as possible and coercion as little as possible. And that all actions should be tested by whether they are respectful, restorative, and reasonable.

The VORP story this month illustrates what I have been talking about.

Talking to victims has most powerful impact on vandalism offender

(Continued from page 1)

The offense happened almost a year ago. Sam, having turned 18, wanted to take responsibility for himself, so he met the victims without his parents. It was the second mediation of the day for Sam, this time the victims were a family of four. After confirming the purpose and intent of the meeting, we asked Sam to begin by telling how he experienced the offense. Sam described the many vandalisms that happened that night and how the vandalism spree began. The victims also told of the fear, anger and frustration they experienced because of the offense. Both Sam and the victims summarized each other and then found restitution options to restore the equity.

When we were discussing future intentions the victims told Sam that they hoped this meeting would influence him and help him turn his life

around. Sam then told the victims about going to juvenile hall, having an electronic monitor strapped to his ankle for months, and being on probation. Sam said none of these were hard enough "punishment." For him the most difficult thing to do was to talk to the victims. And Sam said it was only when Jay and I went to meet with him and talk about VORP that Sam first thought about how the victims may have felt. Sam said VORP had done something for him none of the other programs had. VORP helped him think about the victims for the first time. He said VORP was the best thing that had happened to him and was convinced he had done the right thing by meeting with the victims.

It was a hope-filled meeting. We signed the agreement form which summarized the meeting. As we got up to leave Sam said, "I am really sorry.

I can imagine how frightened you must have been." The victims shook Sam's hands warmly and thanked him for coming, for taking responsibility, and for making things right with them.

Thank you Elaine and Jay!

"Blessed are the Peacemakers."

There is an urgent need for more mediators now!

VORP has been asked to handle more cases. To do this will mean that more mediators will be have to be actively taking cases. There are two ways to accomplish this.

- 1. Some who have been trained in the past haven't taken a case recently. We will gladly provide a refresher course (individual or group). Even if you only think you could work with a few cases it would be helpful while more mediators are being trained.
- 2. If you haven't attended the training yet, you are missing a significant learning experience. What you learn will equip you to serve your communities in a very significant way and if you try it you will find that it can have a very positive impact on your relationships in your family, church.

The cost for the VORP MEDIATOR TRAINING (9 hours class plus on-the-job as needed) is just \$20 if you take three or more cases (approximately 6-8 hours each spread over a 2-4 week period) and \$100 if you just want to receive the training. The dates for the next training events are: April 16, 23 & 30; and May 23, 30 & June 6.

YOU CAN HELP BY PASSING THIS INFORMATION ON AND ENCOURAGING YOUR FRIENDS. OUR COMMUNITY NEEDS YOUR HELP NOW!

100 New Contributors Urgently Needed

A project that has been planned and approved cannot move forward because of funding.

The project called for an additional probation officer and an additional VORP case manager to work on a special case load with property offenders who otherwise would be sent to the California Youth Authority. The cost would be approximately \$30,000 and would work with more than 100 offenders potentially saving hundreds of thousands of dollars.

As our story reminds us, when an offender personally faces the people they have violated, they begin to understand from a deep and internal level why they should not repeat it. *Your contributions make this possible*.

Please don't allow this opportunity to slip by. You can make a difference! If 100 pledged \$25 per month this project could proceed. If you need more information, please call 291-1120 and ask for Duane.

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