

VORP's Community Justice Conferencing expands Restorative Justice in Fresno County

by Ron Claassen

The first VORP Community Justice Conference was convened on April 28, in a pilot program developed collaboratively by the Court, District Attorney, Public Defender, Probation, and VORP.

The Community Justice Conference (CJC) is similar to our usual VORP case, but there are two important differences.

The first difference is in the number and mix of people present in the meeting. Although there are exceptions, the joint meeting in most VORP cases includes the offender, offender's parent(s), victim, and mediator(s). In a CJC case, however, we invite offender, parent(s), extended family members, teacher, pastor or other faith representative, victim and support people, police officer, pro-

bation officer, and some general community representatives.

The second difference is the referral point and authority of the group. The usual VORP case is referred by probation in lieu of a formal court process or by the court as part of a formal probation order, usually to help work on restitution issues. In the CJC pilot program it was agreed that 10 non-violent felony cases per month would be referred to VORP to convene a Community Justice Conference (CJC) in lieu of the traditional adjudication and disposition hearings. If a consensus agreement is reached by the convened group, a presentation of the agreement is made to the court and unless there are special circumstances, the agreement is accepted by the court as a restorative justice "sentence."

CJC 'gets at the heart' of crime

by Ron Claassen

The mediators in this CJC case were Julius Lockett and Ron Claassen. Julius is case manager and Ron is program director. Ron, Julius, and Elaine Enns are facilitating the first cases to gain experience and prepare for training volunteer mediators. Some details have been changed to protect identities.

The case, from a small community in Fresno County, involved a stolen purse containing more than \$500, which was immediately spent by the three offenders. One of the offenders was charged with a non-violent felony and referred to VORP for a Community Justice Conference (CJC). The other two were also charged with the offense but took different routes in the criminal justice system.

Jesse, the 16-year-old offender, was first told about the CJC option by his public defender. When VORP contacted Jesse and his family, they indicated a willingness to participate. They decided to invite a favorite uncle, their priest and a teacher. Mary, the victim, was also contacted and decided that the only additional person she would like to invite to the CJC would be her husband.

The police appreciated an invitation and indicated that they would send an officer to the meeting. Unfortunately, the probation officer who had planned to come was unavailable on the date that suited the victim, offender, and mediators.

teacher, victim, husband, police officer, and mediators arrived for the CJC at the school, a place chosen by the victim and agreed to by offender and family.

After introductions we explained that the court had granted this group the ability to make a decision about the best way to handle the situation by coming to a unanimous agreement and then presenting the agreement and rationale to the court. Unless there were special circumstances, the court would accept the decision of this CJC. We discussed the ground rules and process and all agreed to both. The police officer informed us that since this was a new process, the chief had instructed him to be primarily an observer and not enter into the agreement. We agreed that this would be fine and he would be free to participate in any way he thought would be constructive.

We congratulated everyone on taking this first constructive step by coming together for the CJC. The process called for Jesse to start by describing his experience; then Mary would be asked to summarize. If she preferred not to summarize, she could designate someone else. Next, we would ask Mary to describe her experience and ask Jesse to summarize.

Jesse said that he and a friend went to where Mary worked. He stayed outside and waited. When his friend came out, he obviously had something under his shirt. They went to the park, opened the purse and found \$550. They tossed the purse. They got another friend and

The process of a CJC meeting is similar to our usual VORP process. It differs in that more are present, more contribute to the discussion, and more get involved in the follow-up accountability. After introductions and agreement to process and groundrules, the three major steps are: (1) recognize the injustice and accept appropriate responsibility for the offense; (2) decide on constructive steps to repair the damages as much as possible; and (3) enter into an agreement outlining behavior changes, commitments, and intentions for a better future.

While primary responsibility is placed on the offender accepting responsibility for his/her actions, it is recognized that the offender lives within a family, community, and other social structures that have influenced what happened and have the potential to encourage and assist constructive change. Part of the CJC agenda is to examine what "community" support and changes might be appropriate to gain maximum constructive changes, safety, and repair of injuries to individuals and relationships.

Authority is transferred to the group only if it arrives at a consensus. Authority is not transferred to a few persons in the group who in turn have authority over others. The group includes a large mix of people all searching for a constructive resolution. Anyone in the group could prevent the group from arriving at an agreement. If it does not arrive at a consensus agreement, the group finally has no authority and the case is returned to the court.

A CJC is not intended to replace the court or other systems entrusted with authority and coercive power. In a Restorative Justice System, those officials encourage people to consider using the CJC option. They also serve as a backup when people are unwilling or unable to reach a fair cooperative agreement. We recognize that a delicate balance must be maintained so that those who participate in a CJC do so voluntarily and in a spirit of seeking a constructive resolution for all who have been negatively impacted by the crime, including victim, community, and offender.

The process is never soft on crime and does not mean overlooking offenses. It means facing them directly, with a depth that has the potential to facilitate healing and create longer term solutions that contribute to the development of safe, just, and peaceful communities. VORP has been moving in this direction for years. The usual VORP referrals and process will continue to increase. Restoration and reconciliation are still the goals.

Offender, mom, dad, uncle, priest,

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Skeptic embraces Restorative Justice after witnessing Community Justice Conference success

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divided the money. The three of them immediately went to a large department store and spent the money. Soon after Jesse got home he was questioned by police and confessed. Mary summarized part of Jesse's story, and several others added to her summary. Jesse said they had heard what he had said.

It was now Mary's turn to describe her experience. She said she had gone to the bank at noon that day to draw out money to pay the bills. She was doing this because her husband had recently lost his job. They were trying to save money, and this would save stamps. Instead it cost them a lot of money and heartache. Mary finally got the purse back with everything in it but the money but only after canceling all credit cards and getting a new drivers license. It was with some anger and significant frustration in her voice and some tears that she told this part...

Then she went back to when the purse was taken. Jesse's friend had come into where she worked and had acted like a friend. He had talked nicely to her and asked for some water. This was when she

had given him permission to go behind a counter where he found her purse. Mary said with great emotion and with flowing tears, "I was violated."

Now it was Jesse's turn to summarize what she had said. He had listened well. He started to direct his summary to the mediators, but we encouraged him to direct it to Mary. Jesse began his summary to Mary, "You said that you went to the bank to draw out money to pay the bills and you did this to save money...." As he continued this part of the summary a few tears began to develop. When he reached the part about "I was violated," tears were flowing. When he had finished this part of the summary, Mary got up to get some tissues. It was an important time when she shared her tissues with Jesse.

We then checked with the rest of the group, "Do you all think that the injustice has been recognized?" After a few clarifying comments, everyone agreed that the injustice had been recognized, at least by Jesse and the others in this room. But a major concern was expressed that it was unfortunate that the other two boys were not here to do the same thing.

We then moved to the next part of repairing the damage and restoring equity. The police officer said that Mary had asked for an apology, and he still hadn't heard one. Jesse asked if this was a good time. Again with significant tears flowing, Jesse said he was really sorry for the pain he had caused her.

We then talked about the financial losses. After some discussion, the priest suggested that considering additional expenses, a fair amount for Jesse to pay might be \$200. Mary agreed. Jesse's dad said that he preferred paying the full amount right away so that Mary and her husband would not have to wait. But he asked the group to discuss the best way for Jesse to "earn" it. Since Jesse did not have a job, he suggested working at the parish as community service. The teacher suggested that it might mean more if Jesse actually earned the

money and then gave it up. Finally it was decided that the teacher would work with Jesse to help him prepare for and apply for jobs. Since everyone agreed that it is difficult for people Jesse's age to find jobs, work at the parish would be a back up if a job couldn't be found.

When discussing the future it was suggested that Jesse meet at least three times with the priest to discuss his thoughts and feelings surrounding this incident as well as his plans for the future. Everyone also agreed to meet again in August to discuss how the plan has worked. The agreement was written and signed by everyone except the police officer, as per prior agreement.

The officer said he would report to his chief that this had been a very good process for the situation. The teacher said he initially thought the CJC sounded like a feel-good, ignore-the-issues program, but he now saw that it really gets at the heart of the problem and really calls for responsibility. He even offered to help coordinate a VORP group in his community.

There were handshakes and some hugs as people left.

Blessed are the Peacemakers!

VORP relies on You!

Please don't wait. VORP can only grow if financial support grows. If you aren't actively supporting VORP with volunteer time, prayer, or financial support, we are praying that you will begin this month.

The need is great!

Volunteer Mediators Needed!

VORP mediators learn and practice peacemaking skills they can use in the home, workplace, and congregation.

The next trainings are scheduled on September 12 & 13; September 18, 25 & October 2; and November 7 & 8.

Call 291-1120 for details.

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