

VORP

NEWS

of the Central Valley, Inc.

April 1998

Community Justice Conference process involves people who 'need to know'

by Ron Claassen

Names of Juveniles who are involved in crime are carefully protected. The reason for this is to give the juvenile a chance to start over without the stigmatization of everyone knowing that they have been involved in a criminal activity.

My experience with VORP Community Justice Conference (CJC) cases has caused me to question whether our concern for confidentiality is always helpful. I'm beginning to think the confidentiality pendulum has swung too far. I want to emphasize that I am beginning my journey into this question and I don't know where it will lead. I have not done a literature search and so I don't know what others are saying. Generally in the restorative justice literature I have read recently, the usual confidentiality assumptions are not questioned. In spite of having mediated hundreds of VORP cases I did not pursue the question until working with cases utilizing our CJC process.

The VORP CJC process is similar to our regular VORP process in many ways and yet there are differences.

One obvious difference is that there are more people brought into the central or joint meeting in the CJC process. Additional people include extended family of offender, more support for victim, probation officer, police officer, school representation and faith community representation (chosen by victim and/or offender).

Just as in our regular VORP process, we start by meeting with the offender (plus at least one parent) and then meet with the victim. In the preliminary meetings with the offender and their parent(s), we describe the VORP process, listen to their experience, and invite voluntary participation. A significant difference in the VORP CJC process is when we ask them to think of at least three family members, and at least one adult person from their school and one from their faith community to invite to the joint meeting. The thinking and discussion that follows this request, "Who will join us for the meeting?" has been very interesting and contributed to my thought about this topic.

If both victim and offender, after understanding the process, choose to move ahead, a joint meeting is arranged. In that meeting, after all agree to the purpose and groundrules, we follow our Peacemaking Model which has three basic steps: (1) Recognize the Injustices/Violations; (2) Restore Equity as much as possible; and (3) Clarify the Future, including how ongoing support and accountability will be handled. In spite of these basic similarities, there are some differences in both process and dynamics that have caused me to look at confidentiality in a new way.

I will share two experiences, at different points in the process, that have caused

me to raise the idea and wonder if, to some extent, confidentiality is destructive rather than constructive in that it is enabling "keeping the secret."

Example

In one meeting with an offender and his mother, when the offender was asked to think of at least three others from his family who he would like to invite as support and help in decision making, he immediately said, "not Grandma." Then what followed was a conversation that started something like this:

Mother: "Why not Grandma? You know she loves you."

Offender: "That's exactly why I don't want her to know."

Mother: "But you know Grandma would still love you even if she knew you did this."

By the end of the conversation the offender had decided that it would be a

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HELP VORP KICK OFF NEW BOOT CAMP PROGRAM

VORP has been invited to work with all the offenders, and their victims, who are assigned to the new juvenile boot camp.

That would nearly double our case load. It means we need to add two staff persons to coordinate and train the volunteers to work with these cases.

If everyone not yet contributing to VORP who receives this newsletter would contribute only \$45.00, we could do it. That averages out to about \$3.50 per month for each of you.

Please use the enclosed envelope to send your contribution to help make this possible. We invite you to send your contribution today!

OFFENDER MAKES ABOUT FACE AFTER VORP COMMUNITY JUSTICE CONFERENCE, BOOT CAMP

by Jay Griffith
with Ron Claassen

Our story this month is from Jay Griffith. Jay is employed full time by VORP with responsibilities primarily for case management and training. Jay is coordinating our CJC cases and is helping pioneer new types of case referrals. The following story is from a pilot project working with those who complete their boot camp incarceration. Some names and details have been changed to protect the identity of the participants.

Recently, Sam, who had committed several residential burglaries with two other co-participants, finished his time at our local boot camp. The other offenders went other directions in the criminal justice system and were not referred to VORP.

In our individual meeting with Sam and his family, we learned that while he was at the boot camp his hard work and leadership on assignments led to him being rewarded with privileged roles and responsibilities. He seemed proud and humble about these accomplishments. While telling us what happened, it seemed he had a genuine sense of regret and shame about what he had done. Together with his parents they expressed a desire to meet with the victims. They wished to express their regret for what happened and to do something tangible to repay them for related losses.

With these things in mind, I and a co-me-

diator met with the victims separately in their homes. After listening to their experiences we discussed the purpose, process and groundrules for a possible joint meeting with the offender and his family. They agreed to meet.

The joint meeting was at a nearby church.

Everyone patiently worked through all three steps in our process. We spent a considerable amount of time on the first step of "Recognizing the Injustice." Sam described his role and responsibility in the burglaries. After the victims summarized him, they described their experience. They shared many details about what had been taken, their feelings of embarrassment and anger, frustration in attempting to recover their things, and the sense of shock, suspicion and fear they still carry with them. They also talked about feeling trapped by their mortgage and unable to move out of a neighborhood which seems to be deteriorating because of crime.

I've been coached that, if conversation is going well, to be hardly noticed as a mediator is a good thing. I try to remember I'm not to be the center of what's going on. Since they were making respectful eye contact, not talking over one another, and responding well to inquiries, my input was limited. I stepped in a few times to emphasize certain admissions, apologies or comments

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Whatever our conclusions, Restorative Justice demands that we rethink how justice is done

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good idea to tell Grandma and to invite her to the meeting. At the meeting, Grandma didn't say much until near the end of the meeting and when she did, we all went back to work again because she had identified a problem that had been overlooked by everyone else.

Example

Another place in the process where there has been conversation that has caused me to question how valuable it is to help keep the secret, is in the joint meeting. At one meeting, an uncle, who had been invited by the offender, spoke up when I asked if the injustices had been

recognized. Uncle said he had an injustice he wanted to address. He turned to the offender and said, "I regard myself as your favorite uncle. We go fishing a lot together. We have been fishing several times since this offense. I suspect that if it hadn't been for this meeting, I may never have been told." What I observed was a caring uncle who was probably in the best position of anyone there to be a support to the offender, had been excluded and may have never known. One of the persons best equipped to support and hold accountable would not even know. Instead, the "secret" might have even damaged the relationship.

I'm not suggesting that we immediately broadcast the offense to everyone but I am suggesting that it might be time to re-evaluate who should know. It just might be that in order to make any real difference, more significant adults in a juvenile offender's life need to know.

Some systems theorists say the actions of an individual and their impact on a community are determined 10% by the individual and 90% by how the system around them responds. I think we need to take a good look at who in the communities of the victim and offender need to know in order to bring about healing and constructive change.

RECENT CASE SHOWS VORP, BOOT CAMP CAN WORK FOR OFFENDERS, VICTIMS

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which seemed important to make sure everyone heard and understood. I also occasionally invited the more silent members of this group to describe their thoughts, feelings and ideas.

In the second part of our meeting, "Restoring Equity," we arrived at some tangible agreements for what would "make things right" for the victims. Sam agreed to pay \$250.00 to each party by the end of the summer out of his own pocket. This amount was his share of the out of pocket expenses of each victim. The delay until summer was made because Sam was currently participating in drug & alcohol counseling four days a week and in school full-time.

One of the men who seemed most reluctant stated his willingness to forego all payment if Sam stayed out of trouble over his entire probation time (until spring of 1999). As the group discussed this idea, they clarified for themselves how they wanted Sam to experience earning money and paying back a portion of the damages he caused.

As we entered into the third part of our meeting, "Future Intentions," it became clear that the victims had some unad-

ressed needs and concerns. The victims still had missing property. Since Sam knew what had been taken and what the police had carried away, the victims asked for possible assistance by Sam's probation officer in recovering more of their possessions. Sam also shared that he believed that one of the co-participant's family members may still have some of the stolen property in their home. The victims asked if his probation officer might follow-up on this as well. These things were incorporated into our agreement. Sam's parents said they would monitor his progress.

We all decided to have two follow-up meetings. The first one in early June, at the same church, to verify that Sam has gotten summer employment and otherwise keeping his agreement to not get in trouble. The second would be to hopefully celebrate the completion of the agreement.

As I was writing things down, Sam said he had started reading the Bible during his time at the boot camp. The victims encouraged him to continue and talked about the value of their faith. They suggested closing the meeting in prayer to thank God for permitting us this opportunity to give reconciliation a chance.

ANNOUNCEMENT

Victims Memorial Quilt Unveiling Ceremony

April 20, 1998 • 6:30 p.m.

County Plaza
2220 Tulare Avenue
Fresno, California

LEARN TO BE A PEACEMAKER

VORP has set its volunteer mediator training schedule for the remainder of 1998.

By taking the 9-hour seminar, you can gain valuable skills for serving the community and for strengthening relationships in your home, congregation, and work place.

- April 17 & 18
- May 7, 14 & 21
- September 10, 17 & 24
- September 18 & 19
- October 19, 26 & November 2
- November 13 & 14

If you agree to mediate three VORP cases, the cost is only \$20; otherwise, the cost is \$100.

Call the VORP office at 209-291-1120 for information or to register.

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