

HARRISONBURG RESTORATIVE JUSTICE

Meeting Victims' Needs, Holding Offenders Accountable

What is Restorative Justice?

In brief, Restorative Justice is an alternative approach to dealing with crime and wrongdoing that focuses on the often-ignored needs of victims, offenders and the community as a whole.

The criminal justice system traditionally focuses on offenders: What law has been broken and what punishment is appropriate. The state punishes offenders, there is little, if any, involvement of victims in the process, and the reasons for offenses are not addressed.

The Restorative Justice process approaches wrongdoings as offenses against individuals, the community and society, and through a variety of techniques seeks outcomes that include victims being involved and satisfied, offenders understanding how their behaviors have affected others and taking responsibility for their actions, root causes of the harmful behavior being addressed, reparation for harm done, and both offenders and victims are satisfied with the process. Successful outcomes in these areas tend to reduce the likelihood of future offenses.

Not all wrongdoings can be dealt with by employing Restorative Justice principles; the approach is just one of several available in the community's toolbox. But when implemented, a Restorative Justice approach can be highly effective.

How do we know that Restorative Justice Programs are effective?

Studies have documented the efficacy of Restorative Justice programs and processes in a variety of locations. Here in Harrisonburg, the James Madison University Office of Accountability has employed Restorative Justice Techniques over the past four years to manage a variety of on-campus issues with impressive success, as has the City's Fairfield Center in its work with the local court system. The "grandfather" of the concept itself is Dr. Howard Zehr of Eastern Mennonite University's Center for Justice and Peace building, who over four decades has seen the successful implementation of the concept in a number of countries.

Why involve the Harrisonburg Police Department in the Restorative Justice process?

Most often, the police department is the first responder to complaints by citizens of crimes or nuisances. Data suggest that certain types of calls for service could be managed successfully without resorting to arrests and court procedures, if offenders and victims could find agreement on the accountability of the offender and appropriate restitution to the victim that also would satisfy the interests of the community at large. In addition, the results of Restorative Justice practices in the United States and other countries suggest they have a positive effect on

recidivism. Thus, in cases appropriate to resolution through a Restorative Justice program, potential benefits include reduced caseloads in the court system, a reduction in crimes in the future, a safer community, and restoration of offenders to productive status in the community, all of which enhance the police department's ability to effectively provide crime detection and prevention services.

Who decides what cases might be dealt with through the Restorative Justice process rather than the courts?

The Harrisonburg program is being overseen by a Steering Committee that comprises representatives of the Commonwealth Attorney, the Fairfield Center, the Office of Student Accountability and Restorative Practices at James Madison University, the Zehr Institute for Restorative Justice at Eastern Mennonite University, experts in the fields of psychology and criminal law, and the Harrisonburg Police Department. Cases will be referred to the Steering Committee to be reviewed for suitability and those selected will be referred to an expert facilitator to initiate the process. At the outset, the Steering Committee will provide critical review of each case at its conclusion to judge its success and evaluate the process with an eye to identifying areas for improvement.

Can you provide examples of how the process will work?

Suppose a local business experiences inventory shrinkage which it suspects is the result of theft and asks the police department to investigate. Ultimately, the son of the owner's next-door neighbor is identified as the culprit. The customary next step is the filing of criminal charges against the youth, who would face a trial, and possibly conviction, and perhaps even incarceration. It is the youth's first offense and the business owner does not want to pursue a path that could result in a criminal record, so he requests that the problem be considered for resolution by the Restorative Justice program. The offender is willing to go this route.

If the case is found to be a candidate for Restorative Justice, a facilitator is involved. Over a period of time the facilitator works to develop in the offender an understanding of the harm caused the victim, a willingness to accept responsibility and be held accountable, and a formal agreement between offender and victim for a satisfactory form of restitution.

Issues addressed through Restorative Justice could be physical, financial or relational. Consider another scenario: Residents in a neighborhood adjoining a fraternity house are frequently annoyed by noise in the early hours of the morning and inebriated students loitering on their property. The residents approach a member of the Steering Committee and seek to initiate a process involving neighborhood residents, members of the fraternity, and university representatives, with an eye to educating students about the harm they are imposing on their neighbors, identifying what steps can be taken to resolve the issues, and arriving at a formal agreement to pursue remedial action.

Is Restorative Justice a way to let offenders off-the-hook for their offenses?

Not at all. Key elements of the approach are holding miscreants accountable for their actions, making certain that they understand the harm they have caused others, and strong emphasis on altering their behavior with the goal of preventing similar conduct in the future.

Is this Restorative Justice initiative a response to recent discussions in the community about jail overcrowding and construction of new facilities?

No. Consideration of a Restorative Justice program involving the Harrisonburg Police Department began more than two years ago and has been in the planning phase since then. Over time and with significant success, the program could be expected to keep some offenders from incarceration, but in its early stages the number will be relatively small. This is another tool and resource for the community.

Who will train police officers and others involved in the program?

James Madison University and Eastern Mennonite University have developed a training program to familiarize police officers and others with the principles and implementation of the Restorative Justice initiative. JMU will host the instructional efforts using trainers from EMU, Fairfield Center and JMU.

Bottom line, what are the benefits of a Restorative Justice Program for Harrisonburg?

The benefits to the community can be stated in a number of ways:

- Victims have a much greater opportunity to express their side of the issue than in the typical courtroom setting...how they feel about what has happened to them, what they would like to see happen to repair the harm caused.
- Offenders have a greater opportunity to express their reasons for committing the offense, perhaps mitigating circumstances that should be weighed. And together in dialogue with the victims, offenders gain insights into the nature of their actions, both the harm they have caused others and themselves, and cooperatively develop a plan of restitution.
- Wrongdoings that are addressed through a Restorative Justice program don't end up in court, thereby reducing the demand on court services, including incarceration facilities, probation officials, and related entities. Police officers spend less time in court, which frees them to conduct other law enforcement and community safety activities.

- The entire process, which has behavior modification as one of its goals, has been shown to reduce the rate of recidivism among offenders which means future crimes avoided along with the attendant benefits listed above.

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