

Article -Restorative Justice - Implementation: The FRESNO MODEL
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Written by Ron Claassen
Co-Director - Fresno Pacific University Center for Peacemaking and Conflict Studies
Director - Fresno County VORP

The Fresno Model of Restorative Justice is emerging. At the 1997 Restorative Justice Conference in Fresno, the Courts, Probation Department, Department of Social Services, City and County Schools, Police, Boys and Girls Clubs, Valley Teen Ranch (a Group Home), and the Victim Offender Reconciliation Program (VORP) will all be reporting on their vision and progress toward implementing restorative justice in their sphere of influence.

VORP has been a leader and is one significant incarnation of Restorative Justice. In Fresno County, VORP has been operating since 1982. This history of 15 years has been an important factor preparing the way for Restorative Justice in Fresno County.

Since 1990, Restorative Justice leadership in Fresno has been a joint effort of VORP and the Fresno Pacific University Center for Peacemaking and Conflict Studies (PACS). Restorative Justice Fundamental Principles and Measuring Restorative Justice Continuums (which can be found on the internet at www.restorativejusticediscipline.com) provide the foundation and guiding principles. Both of these foundational documents include two major assumptions: 1. justice is measured not by good intentions but by outcomes. 2. the entire response to crime, crime prevention, and crime control could be based on Restorative Justice. We do not envision a punitive system along side a restorative system. Rather we envision a coordinated effort of government and community (including the faith communities) guided by common principles and always subject to evaluation on the three R's: Is what we are doing respectful, reasonable, and restorative for everyone?

VORP has provided a demonstration plot and an educational tool creating the idea and vision that restorative justice is possible. In the last 15 years VORP has trained more than 1000 mediators and worked with more than 7,500 referrals involving more than 37,500 people. All of this has been made possible by individuals and churches who have contributed their financial resources providing staff to train, coordinate and support the efforts of volunteers. None of this would have been possible without the cooperation of the people in charge of the government systems who have increasingly seen the value of Restorative Justice.

Our annual Restorative Justice Conference (planned and facilitated by PACS) alternates between a local and a national/international focus. The purpose of the local focus conference is to give visibility and definition to what is happening locally in Restorative Justice and to decide what we could do to push the Restorative Justice envelope. What is emerging is a Fresno Model that has visibility and interest nationally and internationally.

The purpose of the national/international focus conference is to hear what is happening in restorative justice in other places that will bring greater quality and expanded vision to the Fresno Model.

At the 1995 Restorative Justice Conference one of our guests was Judge McElrea from New Zealand. In addition to speaking at our conference, we arranged for him to speak at a special meeting of the Fresno County Interagency Task Force on Children and Families, attended by major government and community agency CEO's. At both the Interagency meeting and the Conference, participants completed a survey asking about their interest in further training in Restorative Justice for either themselves or some personnel in their department. The overwhelming response to the survey was to invite further training.

In response to this request and in consultation with several department heads, what finally developed was an 8 day training (led by VORP and PACS). The first four days (successive Tuesdays) of the training were input and practice around Restorative Justice Principles and cooperative strategies for problem solving and dealing constructively with injustices. The second four days (monthly) focused on participant planning and advanced training. Participants strategized on how to best facilitate Restorative Justice implementation in their departments or sphere of influence and then reported their progress and frustrations..

The 8 day training was the result of significant effort. We met individually with each department head twice. The first meeting we carried with us the form they had completed indicating their desire for further training for people from their department. We discussed the scope of the training and how it should be financed. The consensus was that each department should pay a fair share and that the training should be long enough to help initiate change. The second meeting confirmed the length and finances for the training and asked for their commitment to send someone from their department.

The training finally included persons from Probation Department, Police Department, Department of Social Services, Public Defenders Office, City Schools, County Schools, Boys and Girls Clubs, Metro Ministries, While it did not include everyone we hoped for, it was a great start.

In the second part of the training, each agency or department completed a short evaluation of how they rate themselves on the Measuring Restorative Justice Continuums (available on internet at www.fresno.edu/pacs/docs) and then developed a plan for implementing RJ in their sphere of influence. The final two sessions of the 8 day training were devoted primarily to reporting progress and encouraging each other.

At the end of the eight scheduled sessions, the group decided to continue meeting on a bi-monthly basis. In addition, the group decided to utilize the 1997 Restorative Justice Conference to share what they are doing with the larger community.

One of the proposals was from the Department of Social Services and specifically in the Child Protective Services Department. They decided to utilize a Restorative Justice

approach in a Family Group Conference model to help work with cases that fell in the gray area regarding whether a child needed to be removed from the home. At our last bi-monthly meeting we heard a report on the first case. The report indicated that the cooperative and restorative process empowered the family to assume much more responsibility and greater openness to accountability. In addition, the report added that the helping agencies are being utilized in a more efficient and effective manner.

Another proposal coordinated by the probation department brought together the court, probation, district attorney, public defender, and VORP. The final proposal called for a Community Justice Conference (CJC) in place of the usual court sentencing in certain non-violent felony cases. To be referred to a CJC the defense and district attorney must first agree that the case will be tried as a felony. Then the offender must accept responsibility for what he did. If the case meets these requirements, it is referred to VORP which convenes the CJC.

The VORP CJC facilitator meets with the offender and parents and together decide on who they would like to invite. They are encouraged to invite at least 2-4 extended family members, plus someone from school, work, faith community, and/or neighborhood. In addition VORP invites a police officer, a probation officer and other helping agencies as appropriate. VORP then meets with the victim(s) and after telling them who has already been invited, encourages them to invite who they would like in order to feel it would be a fair meeting. The CJC meeting process follows the VORP Peacemaking Model steps:

1. Recognizing the injustice. The offender tells what they did and someone summarizes until the offender says, "yes, that is what I said." Then the victim tells how they experienced the offense. The offender then summarizes what the victim said until the victim says, "yes, that is what I said." Then the question is put to the entire group, "has the injustice been recognized?" If all agree, we on to move the next two parts.

2. Restore Equity (with victim, community, offender's family, etc.). This might include apologies, restitution, community service, or other things needed to restore equity as much as possible.

3. Decide on future plans. The future focuses on safety or how to prevent the offense from happening again (includes referrals as necessary to attend to needs that contributed to why the offense happened). It includes deciding on how ongoing accountability for completing the agreement will work (usually includes a family member or person from the offenders community who assumes a primary supportive/supervision role). It includes how victim/offender intend to treat each other if/when they see each other in the future.

If agreements are made and the entire group agrees that this plan is respectful, restorative, and reasonable for everyone, then it is submitted to the court as a restorative justice sentence. Unless the court has significant concerns that are not addressed in the agreement, the agreement becomes the restorative justice sentence.

Several cases have been completed and the reports to date are very encouraging. It is hoped that a three year study will be funded soon to measure the results.

A proposal for schools includes looking at the entire school discipline and conflict management system and reworking it to reflect Fundamental Restorative Justice Principles. A proposal for police is still being developed. Boys and Girls clubs are including Restorative Justice Principles in operation of clubs and training for leaders. In addition to the CJC cases, VORP is continuing to work with approximately 500 other cases per year.

We expect that this training is just the start of an ongoing process toward the goal that all of our systems will reflect Restorative Justice Principles.

From Oct 1997, Fresno VORP Newsletter

Our story this month is written by Ron Claassen. Ron, as VORP Director, is helping to design the process and train VORP's most experienced volunteers to lead VORP's Community Justice Conference (CJC) cases. Jay Griffith, VORP case manager, and Ron have been working together to coordinate and facilitate the first experimental cases. Names and some details have been changed.

The case involved two offenders and two victims. The one offender was an adult (19 yrs old). After this offense he was involved in another offense and has been sentenced to 15 years in prison.

The offender referred to VORP, Tom (17 yrs old) admitted that he was driving a stolen car when stopped by police and he admitted that he was with the other offender when he broke a window in a pickup and attempted to steal items from the pickup.

When Jay met with Tom and his parents, they discussed what had happened and how a CJC process would work. They were asked to identify some extended family members or friends or other advocates from school or church to be present. They decided that in addition to his parents he would invite his grandmother and a mentor/friend from a church he had recently begun attending. Tom said he was willing to accept responsibility and work constructively with the group.

In addition to Tom's invitations, as called for in our CJC process agreement, Jay invited a probation officer, police officer (who had to cancel at the last minute), some other community representatives, (in this case two) and then the victims and their support persons. (We do it in this order so that the victims know who is coming to the meeting and they are then encouraged to invite support people as they feel appropriate.)

Jay met with each of the victims. Pete, the owner of the stolen car, was upset because it had caused him a lot of grief and he wasn't sure he wanted to put this kind of energy into what he feared might lead nowhere. Alex and Mary, owners of the pickup, were anxious to participate. They had gone to court on several occasions to participate in the justice process with the offender but the hearings had always been postponed and when the

actual sentencing took place, they had not been informed. The idea of participating actively in a constructive process sounded good to them.

The victims, after hearing who was invited to the meeting already decided not to invite additional people.

Just before the meeting Jay and Tom talked on the telephone. Tom said he had the flu and was feeling really bad. He said he thought the meeting should be postponed. They talked about who was coming and after some discussion decided to go ahead with the meeting.

Everyone arrived on time. It felt tense as everyone decided where to sit. After introductions, we talked about and agreed to the purpose and ground rules. We agreed that our process would be to recognize the violations (what happened and its impact), and then to search for ways to make things as right as possible with victims, community, and offender and family.

We started by reminding everyone about the value of very accurate communication. We invited someone to summarize Tom. We then invited Tom to start by describing what he had done. In each case, the victim he was addressing did the summarizing. Then each victim was invited to describe how they experienced the offense and its ongoing impact.

Pete described his experience first. We reminded Tom that he would be asked to summarize for each of the victims. When Tom was unable to summarize Pete, his father briefly demonstrated for him how to do it.

Then Pete repeated the most important parts. Tom listened carefully and really caught the seriousness of the impact of the offense on Pete and his family. It was especially difficult for Tom to summarize when Pete said that because of the offense, he had sold the car, replaced it two years earlier than he had wanted to, and now the extra payment was placing a significant burden on his entire family. So every month, when making out the check for the car payment, the pain of the offense is felt again.

The main concern expressed by Mary and Alex was that they were somewhat fearful, even now, because they were afraid that their truck had been singled out because of something they had done to someone, and that maybe more would be coming. Tom clarified first that they hadn't been singled out and then summarized both the fact and their feelings.

A very significant moment came when Alex said that he didn't want to ask for any restitution because he thought Tom seemed like a pretty good guy and he didn't want to burden him. At that point, Tom, without hesitation, said that he felt he needed to pay at least his fair share. Grandmother, who owns a business, offered enough employment for Tom to earn the funds for restitution.

The probation officer was asked how he thought the restitution should be handled. He said he thought what was important was that they decided what would seem appropriate and fair to them. They soon came to agreement.

After deciding that Tom should pay 1/2 of the out of pocket costs for each victim, the discussion turned to community service, for the purpose of making things right with the community. At the discussion continued, it was suggested by the community representatives that of the hours being considered, they should be divided 1/3 to each victim and 1/3 to the community at large. The consensus that emerged was that the service to the victims was a recognition of the intangible losses. And, in addition the desire of the entire group was that the ongoing contact would encourage development of a positive relationship. The adult mentor/friend and one of the community representatives agreed to be the primary support/accountability persons in working with Tom on the community/victim service.

The quiet tension at the beginning of the meeting changed into very friendly conversation. We all signed the agreement. We decided to meet again in six months to assess and hopefully celebrate the progress. The group decided that an appropriate way to end the meeting would be with a prayer. The community person who had arranged for the meeting at his church, closed the formal meeting in prayer. Everyone expressed appreciation to VORP, the Court, and all others who made it possible for them to have the opportunity to work it out this way. When I left, victims, parents, community representatives, and offender were still talking. Tom said he was feeling a lot better.