

COMMUNITY JUSTICE CONFERENCE MERITS CLOSER OBSERVATION

by Ron Claassen

As I explain the VORP Community Justice Conference (CJC) process to various groups and individuals, I am more and more convinced personally that it is essential that the CJC process be given a significant opportunity to be implemented and evaluated. That means that it will need enough cases to be statistically significant; enough financial support to be run in a careful, competent, and thorough manner; and enough time (three years minimum) to work through the problems that will undoubtedly arise.

Below are two descriptions to help illustrate the CJC process as it has been agreed to by the Juvenile Court, Probation, Public Defender, District Attorney, and VORP. This is followed by several observations.

The process. Instead of an adversarial process as in the court, the participants enter the CJC process with the intention of (1) recognizing the injustices and violations of the offense, and its impact on the victims, the offender's family, and others; (2) searching for how to restore all those damaged by the offense as much as possible; and (3) discussing future intentions and making agreements about how to prevent a reoccurrence and how accountability and support for keeping the agreement can be arranged to give the agreement the greatest likelihood of successful completion.

Instead of the main actors being the judge, district attorney, and public defender, with the judge making the decision, the main actors in the CJC process are the victim and the offender and all

VORP's new CJC process brings together victim and offender, their families, and community representatives to reach unanimous agreement on a 'restorative sentence.'

others present who wish to contribute. Those present in a CJC include offender, parents, generally one to five extended family members, teacher or other school support person, faith community representative chosen by offender and family, victim, victim family members or other support people, faith community representative chosen by victim, probation officer, police officer, and other agency or community representatives as appropriate and agreed to by victim and offender. The final agreement (restorative sentence recommended to the court) requires the agreement of all present.

The referral point. Traditionally VORP has received cases where the probation department has deemed that the case should be handled informally and was not of a serious enough nature to be sent to court. The offender in this case agrees to an informal probation order and if restitution was appropriate the case might be referred to VORP. The other primary referral point was after the court process when the offender had pled guilty or been judged guilty and the court ordered restitution as one of the conditions of probation.

In the CJC process, the case has been deemed serious enough to be sent to court. But, instead of saying not guilty in

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PRINCIPAL INVITES VANDALISM OFFENDER TO 'MAKE HERSELF AT HOME' IN SCHOOL

by Philip Bender
 with Ron Claassen

Our VORP story this month is written by Philip Bender. Philip and his wife Julie have served as volunteers with VORP for the last five months. They are pastors between churches. From here they will be moving to Hamilton, Ontario, Canada. We have been blessed by their presence and service. The names and some details have been changed to protect identities.

This is the story of a victim-offender agreement that almost wasn't.

In late 1996, Beth was walking with her friends through the campus of an elementary school, when some older youth on the roof of the school began pelting them with stones.

Beth decided to reply in kind. She picked up a stone, and hurled it in the direction of the stone-throwers. Instead of hitting them, the stone crashed through a classroom window.

Beth and her parents agreed to a charge of vandalism and an informal probation. She was to do several weeks of community service and make things right with the victim with the help of VORP.

The original VORP mediator had trouble contacting Beth. There was no phone listing, and the family did not live at the address indicated on the file. Finally the mediator returned the case to the VORP office, where it was added to the folder labeled "Returns."

In June, my wife Julie, who was trying to revive old "returned" cases, tried once more to contact Beth. She visited Beth's last-known address to see whether neighbors might know of Beth's whereabouts (they did not).

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!

VOLUNTEERS 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.

Offender goes to school to 'make things right'

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completed her community service, she and her mother were willing to meet with the school officials. The family had no car, but Beth's mother promised they would take the bus to the meeting place if a suitable time could be arranged.

The school principal whom I next visited also was willing to meet Beth. She also thought that Beth might work several days with the school custodian washing walls, cutting grass, etc., as restitution for the loss of the window.

In the joint meeting, a positive spirit prevailed. Beth explained the circumstances surrounding her breaking the window, and answered the principal's questions. The principal told Beth how the breakage had hurt both teacher and students, since that classroom was like a "home" to them.

When it came time to talk about restitution, the principal—without mentioning her earlier manual work idea—made a proposal to Beth. She suggested that Beth spend several mornings in the classroom as an aid to the teacher and pupils affected by her rock...perhaps even playing basketball with the children (which Beth is good at). That way, the principal said, Beth could make her restitution more directly to the persons who had been violated.

Beth's eyes lit up at this offer, and she immediately agreed.

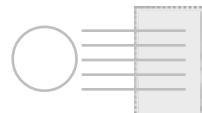
"You can see how much a 'home' that classroom is," the principal said. And then she added, "Maybe this will even make you want to become a teacher someday."

The agreement was written and signed by everyone and is now in the implementation phase.

Thanks Philip!

Blessed are the Peacemakers!

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OCTOBER 17-18, 1997



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'Restorative sentences' result of victim, offender, community teamwork

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order to get a trial or to get to a conference where the public defender and district attorney would bargain over the charge, the offender agreed to participate in a Community Justice Conference (CJC) and accept responsibility for what they did.

The CJC process can replace the arraignment hearing, a plea bargain conference, and the adjudication hearing, and most of the disposition hearing.

The agreement of the CJC participants is presented to the court and unless there are special circumstances overlooked by the CJC process, the court accepts the agreement of the CJC as the disposition, a restorative sentence.

Observation. The CJC process saves substantial court time. The CJC process could save the county substantial money in reduced court costs.

Observation. The CJC process starts with the offender telling what they did that was a violation of the victim(s) instead of denying a legal charge that is most likely overcharged to leave room for plea bargaining.

Observation. In the CJC process, the offender's parents and other support persons and the victim's support and the criminal justice officials present become a team (instead of adversaries) working for a common purpose, to decide on the best way to "make things as right as possible."

Observation. In the CJC process, the immediate and primary supervision is assigned to a family member or friend instead of VORP and the Probation Department. So, the natural support community, rather than being disempowered by having the government or VORP become the primary supervisor, are empowered and supported as necessary to reassume their natural role.

Observation. In the cases I have worked on using the CJC process, the faith community representatives chosen by the victim and offender have been very active and helpful participants in the process as well as the follow-up.

Observation. When CJC participants think about who they want the offender to be surrounded by and therefore influenced by, they don't choose other offenders. The CJC agreements have not included incarceration or other expensive and punitive sanctions that put a person with groups of other offenders.

Observation. The CJC process saves the county substantial money by making accountability agreements that do not include incarceration or other measures. Instead, the agreements have called for substantial accountability and responsibility and repair work plus a significant amount of attention to reintegration of those alienated by the offense.

Observation. The CJC process will not replace the courts and other coercive measures because the process works only when the participants are willing.

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VICTIM OFFENDER RECONCILIATION PROGRAM
2529 Willow Avenue • Clovis, CA 93612 • (209) 291-1120

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