

# OFFENSE ILLUSTRATES NEED FOR RESTORATIVE JUSTICE SYSTEM

by Ron Claassen

Victims are often left out of the formal response to crime, or if included, given a very minimal role. That seems wrong and unfair. They are the ones who were impacted by the offense. Shutting them out causes another victimization. Fortunately, that has been changing. The victims movement has brought about some significant changes and now Restorative Justice is encouraging our Criminal Justice leaders to rethink how the system should respond to victims.

## VORP RELIES ON YOUR CONTRIBUTIONS!

VORP relies on your contributions! VORP could double or triple its case load if we had the finances to employ the necessary support staff. While we probably wouldn't turn down a real large contribution, we think that VORP is most stable when hundreds of churches and individuals contribute in varying amounts. VORP has the potential to influence how justice is done.

If you are supportive of Restorative Justice, please give what is appropriate for you. \$120 per year (\$10 per month) per individual receiving this newsletter would allow VORP to triple its case load. If you are not already contributing, please start this month.

A victim, as I am using the word, is that person who is most impacted by an offense. There are also secondary victims, those others who were also impacted by the offense. A victim is a victim because the offense happened without their having any say. They were not in a position to participate in deciding what happened and its impact was negative or hurtful in some way.

If the response to the crime does not give victims an opportunity to ask the questions they need to ask, to have the wrong that was done to them acknowledged, or have any participation in deciding what happens, they are victims again. They are victims again because once again they are not in a position to participate in deciding what happens and its impact is negative and sometimes very hurtful.

A goal of our Justice System should be to help the victim(s), as need is determined by them, to regain a sense of safety and normal control over what is happening in their lives and to deal with the offense(s) they experienced in a way that helps them heal and move on.

Restorative Justice has emerged in part as a response to this need to care about victims. Restorative Justice provides guiding principles for responding to crime in a way that includes responding to the victim's needs.

I'd like to share an example of a crime in which my son, Ryan, was a victim. Then I will compare what happened with Restorative Justice Principles.

Ryan, age 23 at the time, had graduated from college and was working as an admissions counselor for his alma mater. He had just parked his car in front of his apartment when a bullet entered his back window and

exited through the front window, shattering both. Fortunately, he had just reached over to get something out of his briefcase and the bullet grazed his hair but did no physical damage to him. He stayed down until the offender(s) drove away, probably a minute or less but it seemed like an eternity to him. He ran into his apartment, got his cordless phone, locked himself in the bathroom, and called 911. He then called Roxanne and me. It was about 2:00 a.m. our time and we were 2,000 miles away. He was very, very frightened. We talked until the police arrived, about 5 minutes later. We stayed on the line until he was sure that those at the door were the police. They were a welcome sight. While the police were there, we called our other son, Kevin, who was living about 30 miles away and arranged for him to go to the apartment and take Ryan to a safe place. He called us back as the police left. He again locked himself up in the bathroom and we talked about 45 minutes until Kevin and Jennette, his future sister-in-law, arrived. Ryan wanted to go to a nice motel for the rest of the night so Kevin took him there and stayed with him. The next day, some good friends, the Gundens, invited him to live with them until he felt ready to again live in an apartment alone. His pastor met with him as needed. His church helped him move into another apartment. The offender(s) were never identified. The offense has left a scar but it has basically healed, thanks to his ability to deal with it and thanks to those who helped him as he had needs.

Restorative Justice cares about victims. A 911 number was provided and the police responded quickly. This part of the police response was very helpful. Unfortunately, the police did not ask him about his safety needs. It felt to him like they didn't care. They left him alone until his brother came, almost 3/4 hour later because of the distance. That was a very long 3/4 hour for him, and us too. Restorative Justice Principles would have guided the police to ask about his safety needs and perhaps to offer to call a chaplain or someone who would have come immediately to be with him until his brother arrived.

A Restorative Justice response is very concerned about recognizing the violation and empowering the victim, as needed, to regain safety, a reasonable sense of control over their life, and to do those things that help them heal. Instead, Ryan's first response to us after they left was, "they think it's my fault, that somehow I did something to cause this." If guided by Restorative Justice principles the police would have seen their job as both getting information and caring for the victim, including recognizing that what happened to him was wrong.

A Restorative Justice response would have kept him informed. Ryan never heard again from anyone in the formal system about the case or to see if his needs were being met. Restorative Justice keeps victims informed on what is happening in regard to their case in the formal system and offers them a significant level of participation. Restorative Justice officials guide the process while empow-

## Offender credits VORP for 'new outlook on life'

by Ron Claassen

Our story this month demonstrates how VORP is one significant way to maximize the opportunities and minimize the dangers in our response to crime.

Our story this month is a follow-up on the story written for the October 1997 newsletter. In that story I told about one of our first VORP Community Justice Conferences. The case is part of a pilot program designed by the court, probation, district attorney, public defender, and VORP. The referrals are non-violent felony cases. The Community Justice Conference is convened by VORP and may include Victim and support people (whoever they choose), Offender and support people (we aim for parents, 3-5 extended family members, teacher, neighbor, person(s) from faith community, etc.), police officer, probation officer, and service agency representation as appropriate. If the participants agree that the injustice has been recognized, and on a plan how to restore equity as much as possible and a plan

to create a better future which will also prevent reoccurrence of the offense, that plan is submitted to the court and becomes the core of the sentence, unless the judge determines that something has been overlooked.

The story was about two victims and an offender (we called him Jesse) and their community justice conference. The offenses were a stolen auto and stealing items from a second auto. In Community Justice Conference, it was agreed that the violation and injustice was recognized and agreements were made addressing equity and the future. These were submitted to the court and accepted by the court.

Because not all of the agreement was being kept, there were several extra follow-up meetings with Jesse and his family. Victims choose not to participate in the follow-up meetings but encouraged that they continue. The focus of each follow-up meeting was on

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# Offender thanks VORP for Community Justice Conference

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reviewing the agreement and asking Jesse if he intended to keep his agreement. He continued to say he intended to keep it. The court agreed to extend the time for completion. There were more follow-up meetings and finally everything was completed. (Jay Griffith led the follow-up efforts for VORP.)

School was a topic of discussion in the Community Justice Conference and each follow-up meeting. Jesse had dropped out of High School. While it was decided not to include any specific item in the agreement, the whole group encouraged Jesse to get back school or in some way finish high school. In the last

meeting, Jesse reported he is enrolled in Adult School to finish his high school work.

Following is a letter written by Jesse describing his experience with the VORP CJC process. It is unedited except to change his name at the end.

## The V.O.R.P. Program

"To start with I would like to say thank you to Jay Griffith.

"The V.O.R.P. is a wonderful program. This program gives offenders a second chance. First there are two meetings. Me and Jay and the victims and Jay. After that we have one big meeting with everyone. In this meeting

we decide what is the best way to make a wrong write. We all decide what is the best punishment.

"I think that alone is the best part you are able to talk to the victims and see the anger and pain that they are going through.

"This was my first and last crime after this program and after the meeting I had a whole new outlook on life respecting other peoples property. I am sorry for what I did.

"I really wish that I had never done it. But the V.O.R.P. has helped me very much. As a citizen and as a human being."

Jesse

## 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.

- 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.

Family Update: Roxanne and I celebrated our 30th anniversary on June 15. Ryan is now 26, married Amy Gingerich on Aug. 1, 1998, and living in Goshen, IN. Kevin is now 24, married Jennette Badgett on June 14, 1997, and they left on Aug. 19, 1998, from Fresno, for a three year voluntary service assignment with Mennonite Central Committee in Cambodia.

## FRESNO TO DEVELOP RESTORATIVE JUSTICE PLAN

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ering and encouraging victims and offenders to assume as much responsibility and control as possible in repairing the damage and creating a safer and more cooperative community in the future. Restorative Justice officials insure that all responses are respectful, reasonable, and restorative.

Restorative Justice prefers that as soon as the immediate safety needs are met, the natural community provide as much assistance as possible and that other service agencies help out as needed. We were on the telephone and from the point that Kevin and Jennette arrived, family, friends and church community provided care as needed. His needs were met and the lack of formal system follow-up or back up was not serious for him. If he had not had a caring community to meet his needs, then the lack of response from the formal system would have had a much larger negative impact. Some will need more outside assistance than others. Our son had a community that could provide almost all of the help he needed. Some victims need much more help from community service agencies, public or private, religious and secular.

Restorative Justice recognizes that crime is wrong and should not occur. It also recognizes that after it does, there are dangers and opportunities. The danger is that those impacted by the offense (community, victims and offenders) emerge from the Justice Response feeling alienated, damaged, disre-

spected, disempowered, and feeling less safe and less cooperative with the larger community. The opportunity is that the response leads in the direction of recognizing the violation and injustice, doing what is needed to repair the damage and heal the wounds as much as possible, and making the changes as necessary to create a safer and more cooperative community.

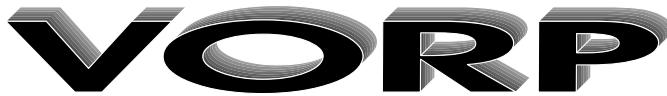
Restorative Justice requires that all of those who respond to crime think about minimizing the dangers and maximizing the opportunities.

To have a Justice System that includes caring for the needs of the victim, we need the whole community to work together and not leave dealing with crime to just the police, courts, and probation or what we currently refer to as the Criminal Justice System (the name itself is a problem). I think the faith community should also be very involved since hurting, being hurt, and healing are spiritual matters.

On November 19, 1998 the community of Fresno will be having a forum to begin developing a community Restorative Justice plan. On July 24, 1998 a focus group of 20 community leaders (CEO's of most major community public agencies) met and gave their support and blessing to the Nov. 19 meeting which will invite both public and private, secular and religious agencies.

Restorative Justice also cares for the offender(s) and the larger community. (Care for offenders and the larger community will be addressed in other newsletters.)

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