



August 30, 2009

Volume 9, Issue 1

Restorative Justice: Where are we now and where are we going?

ACR EVENTS:

ACR 9th Annual Conference

Convening "Whole of Community": Integrating Approaches and Practices to Address Conflicts in a Chaotic World

Atlanta, Georgia
October 7 - 10, 2009

Sections Festival Reception - Thursday, October 8th 6:00 - 8:00 pm

Restorative Justice Section Meeting and Elections - Friday, October 9th 12:30 - 1:45 pm

Inside this issue:

Getting Real **1**

Summary of ACR Conference Presentations **2**

Events **2**

Editorial **3**

Getting Real

By Christa Pierpont, Director of the Restorative Community Foundation in Charlottesville, Virginia.

www.restorativecommunity.org

With the March 3 release of *One in 31: The Long Reach of American Corrections* in the wake of our current economic woes, many of those who work in our community's trenches are relishing the bittersweet moment as we utter, "I told you so". Thirty years of struggling to control the impacts of rapid social migration, challenges to family structures, and the media's overriding influence, our nation has supported increasingly invasive punishments or wildly permissive privileges and excuses. And it should come as no surprise that the punishments have been disproportionately visited upon our most challenged populations.

As we look at the potential inherent in restorative justice to bring people to their senses in actively responsible ways—will this be done while also taking the time to address the structural harms we've incurred through unprecedented levels of social exclusion? Social exclusions that begin at pre-school, follow up through failure to graduate from school with marketable skills, into our courts and prisons, then aggravated by the continual lack of support for re-entry strategies that bring people back into the community pre-

pared to support themselves and others in meaningful ways. While across town in an up-scale neighborhood another person undermines their colleagues' ability to support themselves and their family but is not held to account because they can afford to get away with it. Our current investment in justice leaves many of us cynical and frustrated. We are weary of adding new layers of unfunded mandates and increasing penalties to increase our neighbor's chances of having their daily lives better protected. A recent statement at our state's General Assembly session brought waves of self-conscious laughter when one representative commented that they were not aware that there were any misdemeanors left but they were all now classified as felonies.

We must take the time to ask ourselves why a great nation can find itself in the position of having one out of every thirty-one adults in some form of court ordered supervision (which predictably fails to improve the lives most everyone involved).

We need to find more socially responsible means to help us see that justice is served. It is going to take community organizing and dedicated funding to work in neighborhoods along side community policing efforts to address the preservation of social order. It is going to take humility and vision to

try to set aside long held prejudices and get on with the business of the day. To this end, here are three models for us to consider working from:

1. RJ City www.rjcity.org
2. Martin Wright's Justice for Victims and Offenders http://www.watersidepress.co.uk/acatalog/info_9781906534318.html
3. Baltimore's Community Conferencing Center www.communityconferencing.org

Believing that restorative justice is a more responsible way to correct corrections, it is imperative that we not to undersell what it is going to take to bring about the needed paradigm shift. Restorative justice is not a white-wash over the places where our system consistently fails. It is not about getting a grant to put in place a court associated diversion program only to have to struggle every three years to find sustainable funding. It is a dynamic and responsible change to how we are doing business which will begin to address the fundamental responsibilities we have for one another's welfare.

It is going to take the availability of **infrastructure development funding** over time and the commitment of community leaders to listen carefully to their constituents (even those who are reluctant to speak honestly for fear of further shaming or retaliation). A **systematic analysis** must be done to evaluate



The ABA
Section of
Dispute
Resolution

12th Annual
Spring
Conference

Hyatt Regency
San Francisco
California
April 8-11,
2010

www.abanet.org/dispute

Getting Real, cont. from page 1

where the strongest support and need is in the community to better secure community justice. **Best practices** need to be established for those particular community service sectors along with a **coordinated memo of understanding between service sectors**.

If community planners do not sit down across service sector lines we will continue to feed the crazy-making silo policies while also giving our critics more than enough room to discredit our efforts. And decisions will need to be made to **share funding with both governmental service providers and non-government or non-profit service providers** who work closely with citizens who have little confidence in or trust of state operated systems. Because social change can be daunting in the face of so much popular cynicism and hopelessness, it is going to be imperative that those who take on the challenge be given the **resources to create the media and message** of their journey so that they can be more intentional about

inspiring others to do the same. We know from Sherman and Strang's review of research that restorative justice can improve community members' overall satisfaction that justice as been served. We are also aware that when full school restorative practices are implemented to address the need to educate youth in both academics and social/emotional learning work better over time to fulfill our responsibilities to the future. There is a significant body of research on the efficacy of restorative justice and restorative practices such that it raises questions why more is not being done to bring these approaches into standard operational policy. Yet, it has been our experience that the first problem seems to be one of educating the public and policy makers

about what restorative justice is and the second obstacle is providing operational models where people could go and see for themselves that the process works. We have learned that the power of giving people something they can actually see in operation magnifies its credibility in the eyes of a public that is awash with too much information. And restorative justice requires the skills of people who can develop truly representative sound-bites of information in order to champion its sound reasoning. Marketing restorative justice and restorative practices is going to take a dedicated commitment from both privately funded organizations and the government--as well as solid success stories coming from model demonstration programs. This means strengthening current leadership efforts in the field while making sure that each state has several organized boards working to network with those who are 'friendly' to restorative justice

about what restorative justice is and the second obstacle is providing operational models where people could go and see for themselves that the process works. We have learned that the power of giving people something they can actually see in operation magnifies its credibility in the eyes of a public that is awash with too much information. And restorative justice requires the skills of people who can develop truly representative sound-bites of information in order to champion its sound reasoning. Marketing restorative justice and restorative practices is going to take a dedicated commitment from both privately funded organizations and the government--as well as solid success stories coming from model demonstration programs. This means strengthening current leadership efforts in the field while making sure that each state has several organized boards working to network with those who are 'friendly' to restorative justice

about what restorative justice is and the second obstacle is providing operational models where people could go and see for themselves that the process works. We have learned that the power of giving people something they can actually see in operation magnifies its credibility in the eyes of a public that is awash with too much information. And restorative justice requires the skills of people who can develop truly representative sound-bites of information in order to champion its sound reasoning. Marketing restorative justice and restorative practices is going to take a dedicated commitment from both privately funded organizations and the government--as well as solid success stories coming from model demonstration programs. This means strengthening current leadership efforts in the field while making sure that each state has several organized boards working to network with those who are 'friendly' to restorative justice

about what restorative justice is and the second obstacle is providing operational models where people could go and see for themselves that the process works. We have learned that the power of giving people something they can actually see in operation magnifies its credibility in the eyes of a public that is awash with too much information. And restorative justice requires the skills of people who can develop truly representative sound-bites of information in order to champion its sound reasoning. Marketing restorative justice and restorative practices is going to take a dedicated commitment from both privately funded organizations and the government--as well as solid success stories coming from model demonstration programs. This means strengthening current leadership efforts in the field while making sure that each state has several organized boards working to network with those who are 'friendly' to restorative justice

about what restorative justice is and the second obstacle is providing operational models where people could go and see for themselves that the process works. We have learned that the power of giving people something they can actually see in operation magnifies its credibility in the eyes of a public that is awash with too much information. And restorative justice requires the skills of people who can develop truly representative sound-bites of information in order to champion its sound reasoning. Marketing restorative justice and restorative practices is going to take a dedicated commitment from both privately funded organizations and the government--as well as solid success stories coming from model demonstration programs. This means strengthening current leadership efforts in the field while making sure that each state has several organized boards working to network with those who are 'friendly' to restorative justice

ACR Conference Restorative Justice Seminars:

Mini-Plenary: *Hearing and Healing: The Power of Truth and Reconciliation*

Pre-Conference Institutes: *Southern Truth & Racial Reconciliation*

Restorative Justice Workshops:

- "Critical Issues" in Restorative Justice
- *Circle it up! Using Circles to Connect Students to Restorative Justice and Conflict Resolution*
- *Restorative Justice: Turning Ideas into Reality in Juvenile Justice System*
- *Children and Adults: A Joint Venture to Build Peace Education with Restorative Discipline: A Critical Analysis*
- *Designing, Marketing and Implementing a School-Based Restorative Justice Program: Lessons Learned in Fairfax County, Virginia*

Getting Real, cont. from page 2

tice.

Last year, Sandra Pavelka O'Brien published a national assessment of restorative juvenile justice legislation and policy. And while states are more likely to be open to considering restorative justice policies in addressing juvenile wrong-doing, advocates need not limit themselves to doing just that work while not continuing to find support for its uses in the adult population.

Summary: Decades of over reliance on exclusionary public policies when addressing social harms has created increasingly unstable communities that act like a self-fulfilling drama of poverty and hopelessness. Given cur-

rent economic conditions, this vortex of anti-social behaviors is likely to increase the likelihood of greater harms as people find fewer avenues for getting their basic needs met. Resentment over the disparity between those who can get their needs met and those who can not will make securing basic safety challenging. Credible research and models of community justice already exist; as well as the positive effects of whole school adoptions of restorative practices to improve school climate and reduce reliance on exclusionary disciplinary policies. What is lacking are the infrastructure development funds to allow already stretched community resources to strategically develop how agen-

cies and non-profits can coordinate with one another to better serve their community through the coordinated adoption of restorative justice's best practices. As this funding and leadership is available to establish broad range models, there needs to be an intentional effort to promote restorative justice from the experiences of multi-cultural voices who represent their community's interests and not just the images of those who have traditionally maintained government sponsored controls over others.



Bibliography:

Pew Center on the States. Public Safety Performance. *One in 31: The Long Reach of American Corrections*. March 2, 2009. http://www.pewcenteronthestates.org/report_detail.aspx?id=49382.

Lawrence W. Sherman, Heather Strang, *restorative justice: the evidence* (London: The Smith Institute, 2007)

International Institute of Restorative Practices on-line library <http://www.iirp.org/library.php>

Sandra Pavelka O'Brien, (2008). *Restorative Juvenile Justice Legislation and Policy: A National Assessment*. International Journal of Restorative Justice. 4(2):100-118.

Editorial

By Jason Ekk, co-chair, Restorative and Criminal Justice Committee

I have been a restorative justice practitioner for four years now and one of the issues that I have found in this lifestyle/line of work is there is an inherent problem in the term "restorative justice." By using the word restorative in front of justice we are creating a category of justice. What we need is to change and move people's view of the term and idea of justice to be that of restorative justice.

This is not to say that we should not call what we believe something different, because the reality is that we do believe something different than what is usually defined as justice. The reason

we have to call what we believe in *restorative* justice is because we feel that the term justice by itself has been used to mean things that we do not agree with: a prison system that is out of control, a judicial system that is marginalizing, inefficient and expensive, and a way of looking at crime that misses the needs of the victim, offender and the community. Restorative justice is what justice should be. Justice is not simply about finding out what laws were broken and meting out punishments but rather looking at the needs that are created by the crime and focusing on fixing those needs. We want to delineate between what is called justice and what we believe justice to be by adding the term "restorative."

This is important and necessary but also creates a set of problems.

Whenever I would get excited about a new process or idea, my boss, would ask me, "Now, Jason, what do you think the unintended consequences of this could be?" My ideas might be great (or many times not) but there are always unintended consequences, some good and some bad. The term restorative has some very good and some bad consequences. On the good side, it marks a different way of looking at justice. On the bad side, it can be sidelined as simply a program and not the "real" justice.

I am suggesting that we should not get too attached to the term. Because, if we keep calling it restorative justice it



12th World International Conference of the International Institute for Restorative Practices

Bethlehem, PA

October 21-23, 2009

Restorative and Criminal Justice Section

The Restorative and Criminal Justice Section serves conflict resolution specialists who work within the criminal justice system and/or those who work through the system to introduce restorative practices. The Section seeks to provide networking, resources, and information about the field to its members and the community at large.

Please join us also on our yahoo group: http://groups.yahoo.com/group/ACR_RJCJSection

We are on the web:

<http://www.mediate.com/acrcriminaljustice/index.cfm>

Editorial policy:

The views expressed in this newsletter are those of the various authors for the purpose of encouraging discussion. Unless expressly noted, they do not reflect the formal policy, nor necessarily the views, of the Association for Conflict Resolution.

Legal disclaimer:

This publication (or website) is designed to provide accurate and authoritative information in regard to the subject matters covered. It is provided with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the service of a competent professional person should be sought.

Editorial, cont. from page 3

will always be relegated to a side program or outside theory and not what the norm is. Why? Because, to the uninformed listener it is not justice, it is a form or type of justice.

That is why I am proposing that in some situations we should drop the term "restorative" and practice simply calling what we believe "justice." Use the terms interchangeably. So, when we are helping victims cope with trauma, mediate victim and offender, do circles between rival gangs we are not doing a

side program we are doing justice! We are at the center of what justice is and not the fringe. So, when the uninformed listener hears that we are doing justice, it will cause them to pause, and, hopefully start up a conversation on what justice is.

The reality is that the restorative justice movement/field is far from being where it needs to be. We will need to use the term restorative to delineate from other definitions of justice for a while. But, let us not shy away from calling what

we do justice and challenging those who say that it is not.

We will know when we have succeeded as a movement/field when we can say the word "justice" and the random listener would assume you are talking about the various restorative principles. Justice as restorative justice will not be assumed until someone begins to assume it.

