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Restorative Justice and the Courts

In the U.S. court system, crimes are considered to be committed against the state rather than the individual. But criminals owe a debt to their victims as well as to society. Restorative justice is an effort to achieve reconciliation between offender, victim, and the community. Restorative justice focuses on restitution rather than punishment—offenders work to repair the damage they have done both to their victims and to their communities. Restorative justice

SIGNPOSTS OF RESTORATIVE JUSTICE

Harry Mika and Howard Zehr described restorative justice in *Conciliation Quarterly*, the publication of the Mennonite Central Committee.

We are working toward restorative justice when we...

- Focus on the harms of wrongdoing more than the rules that have been broken
- Show equal concern and commitment to victims and offenders, involving both in the process of justice
- Work toward the restoration of victims, empowering them and responding to their needs as they see them
- Support offenders while encouraging them to understand, accept and carry out their obligations
- Recognize that while obligations may be difficult for offenders, they should not be intended as harms and they must be achievable
- Provide opportunities for dialogue, direct or indirect, between victims and offenders as appropriate
- Involve and empower the affected community through the justice process, and increase its capacity to recognize and respond to community bases of crime
- Encourage collaboration and reintegration rather than coercion and isolation
- Give attention to the unintended consequences of our actions and programs
- Show respect to all parties including victims, offenders and justice colleagues

Crime wounds . . . justice heals.²

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may involve enabling the offender to make restitution to the victim rather than serving time. For example, the offender may perform a certain amount of community service or, in the case of property damage, work to make money to pay for repair or restoration. The offenders benefit also when they are able to repair damaged relationships with their families and community.

Restorative justice is an approach that many faith groups find compatible with their teachings because it provides a bridge between faith and action, between belief in the value of every person and a ministry to both victims and perpetrators of crimes.

Intervening Early With Shoplifters

Faith-based mentors intervene early with shoplifters

PROBLEM Shoplifting is often a young person's first crime and may lead to more serious criminal activity.

PROGRAM The Shoplifter Education Program was started in 1986 in Newton, KS, by Offender Victim Ministries (OVM), a faith-based nonprofit organization. In cooperation with the Harvey County, KS, court system, OVM created the three-month Shoplifter Education Program to provide an alternative to prosecution for juvenile offenders. Most participants in the program are young (eight to 17), but adults are referred to the program as well. Funding comes from the United Way, chamber of commerce, merchants' associations, churches, grants, and county agencies. Local schools help with referrals. Participants are matched with a volunteer mentor who is often from a local congregation. The volunteer meets with the juvenile approximately five times to discuss values, goals, and other issues. The young person signs a contract requiring him or her to do well in school and follow rules at home. Most important, he or she must write an apology to the store where the shoplifting occurred and deliver it in person. Community retail managers and county attorneys explain that shoplifting will have serious consequences.

ROLE OF FAITH Offender Victim Ministries is a nonprofit organization that was formed within a Mennonite congregation. It began with a traditional Mennonite prison ministry and evolved into a nondenominational Christian social ministry focusing on restorative justice. Staff, volunteers, and service recipients are welcome to participate regardless of their beliefs. Many of the program's mentors come from local congregations.

POTENTIAL OBSTACLES Finding volunteers and funding can be difficult. Educating neighborhood congregations about the success of programs that employ this strategy can bring support from volunteers as well as donors.

SIGNS OF SUCCESS According to a 1996 evaluation by the Harvey County Attorney, from 1991 through 1995, 89 percent (166) of the 187 juveniles re-

ferred to the program, successfully completed it. Of those 166, only 18 were rearrested, a 10.8 percent recidivism rate. But the recidivism rate was almost twice as high—21.4 percent—for the youth who were already on probation when they participated in the program, which indicates that the earlier inter-

vention works best. The cost is minimal, \$300 per juvenile.³ Parents of participants report that the program improved their communication with their children. The program has now expanded to a nearby community.

PRISON FELLOWSHIP MINISTRIES

Chuck Colson was an aide to President Richard Nixon when the Watergate burglary took place in 1972. Colson entered a plea of guilty to Watergate-related charges and was sentenced to one to three years in prison. He served seven months in Alabama's Maxwell Prison. Shortly before his incarceration, Colson converted to Christianity. After his release, he founded Prison Fellowship Ministries, an organization that partners with local churches across the country to minister to prisoners and ex-prisoners and their families. In 1983 he established Justice Fellowship, a nonprofit online community of Christians advocating biblically based principles of restorative justice. One strategy is to host large-scale forums for states that have requested them; at the forums, staff present examples of the use of restorative justice to heal victims, reform offenders, and restore peace to communities. For more information, visit www.pfm.org or www.justicefellowship.org.

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Prehearing Conference Facilitation

Mediators facilitate prehearing conferences in Family Court, bringing together families, attorneys, social workers, and others involved in child protection cases.

PROBLEM The courts are not always the best place to resolve child protection disputes. Families often have less than ten minutes to present their case, and without proper follow-up services, children may remain in foster homes for years.

PROGRAM The Good Shepherd Mediation Program (GSMP) is a neighborhood, faith-based justice center with the mission to “empower Philadelphia community residents to creatively search for meaningful and lasting solutions to their conflicts without resorting to crime or violence.”⁴ GSMP is based on the philosophy of the Sisters of Good Shepherd, an international order of Catholic sisters. The mission of the Sisters of Good Shepherd is reconciliation, its philosophy, “Each person is of more value than a world.”

Prehearing conferences were implemented in 1997 in one “Model Court” as part of the Pennsylvania Court Improvement Project to streamline the overcrowded court system. GSMP provided the mediators, who were either staff or contracted professionals. The Model Court was found to be effective after a formal evaluation, and the prehearing conferences were implemented in all Philadelphia courtrooms.

The mediators work with the court's Dependency Unit, which processes petitions filed in Family Court against parents accused of child abuse, neglect, or abandonment. Before the adjudicatory hearing, cases go to a prehearing conference, which takes a collaborative rather than adversarial approach. GSMP mediators facilitate dialog in this informal meeting, and family members play an active part in the process. The goal is to protect the child and prevent further abuse and neglect but also to encourage the maintenance of the family unit whenever possible.

ROLE OF FAITH GSMP mediators are dedicated to peacemaking, and the services are available to everyone, regardless of religion.

POTENTIAL OBSTACLES Courts may be resistant to a process that seems informal and difficult to control. To add such a process to the court system requires the cooperation of faith-based and justice representatives. In some cases, the prehearing conference will not be successful because the parties cannot reach an agreement. Parents may spend the time arguing about responsibility for the situation, or they may refuse to make any of the changes necessary to retain or regain custody of the child.

SIGNS OF SUCCESS Since 1997, GSMP has facilitated more than 11,000 prehearing conferences in Family Court, serving more than 89,000 participants (an average of eight per session). Ninety-two percent of the prehearing conferences have resulted in recommendations that the participants agreed upon, which were sent to the judge for his or her consideration in rendering the court order.

The National Center for Juvenile Justice reported, "The prehearing conference was generally viewed by Model Court participants as the tangible centerpiece of the pilot effort—the innovation that front-loads the process. . . . [C]ourt participants suggested that by bringing people to the table, the conference helped to open communication and defuse hostilities. . . . Some participants suggested the conference empowers parents and provided examples where parents had been accompanied by a support network of family, friends, and/or service providers at the prehearing conference."⁵

The Model Court project (with prehearing conferences) was fully institutionalized throughout the Philadelphia Dependency Court system and is now a model for other jurisdictions.

SENTENCED TO TAI CHI

In 2003 a New Mexico judge came up with an alternative sentencing program for violent offenders. Collaborating with local Taoist practitioners, the judge diverts offenders to a therapeutic rehabilitation program of Tai Chi, an ancient Chinese form of meditation combined with movement. A psychologist for the New Mexico State Corrections Department and a spiritual leader and practitioner of Oriental medicine worked together to develop this program, which teaches violent offenders techniques for impulse control.

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Alternative Sentencing for Drug Offenders

The faith community establishes a spiritually based residential drug treatment program as an alternative to incarceration.

PROBLEM There is little evidence to show that incarceration effectively treats substance abuse in convicted offenders.

PROGRAM Beit T'Shuvah, a Jewish congregation, provides a wide range of drug treatment and recovery services for the Jewish community in Southern California. The faith-based model of residential treatment emphasizes meditation, prayer, and discussions based on shared Jewish heritage. Its primary care program has 20 licensed clinical therapists from the faith community, staff therapists with expertise in addiction counseling, and rabbinic staff. Residents who have been in recovery for more than four months may participate in the Sober Living program, resuming work and outside activities while continuing to live in the facility. Eventually they graduate to a fully independent living situation.

The congregation also sponsors an aftercare program that connects graduates to the support services of the community through activities and services:

- Alumni groups
- Torah study
- Individual and spiritual counseling
- Training for alumni who want to volunteer as paraprofessional counselors
- Social, recreational, and spiritual events

ROLE OF FAITH Beit T'Shuvah is an inclusive Jewish worship community of all ages that includes addicts and nonaddicts. Staff believe the strength of the recovery program and the success of treatment can be attributed to the faith-based nature of the program. Residents are supported and nurtured through the faith community as they participate in study, meditation, prayer, and discussion. They develop or reestablish a connection to their Jewish heritage and community of faith. Beit T'Shuvah is funded by grants from the Jewish Federation Council and contributions from private charitable organizations and individuals.

POTENTIAL OBSTACLES A good relationship with the courts and the judges is essential. It may be difficult to find funding, staff, and therapists for the residence. Spiritual leaders must be committed to the program and to finding resources for it.

SIGNS OF SUCCESS Addicts who participate in high-quality treatment programs are less likely to relapse or resort to violence and more likely to reunite with their families. Of the 140 alumni who participated in the program for at

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least 30 days, according to the program's evaluation, 78 percent remained out of jail and employed, and 64 percent maintained their connection to Judaism and the Jewish community.

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